

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANTHONY PAPARO,**

**Plaintiff,**

**v.**

**BOROUGH OF YEADON, SHARON  
COUNCIL-HARRIS, Individually and as  
PRESIDENT OF YEADON BOROUGH  
COUNCIL; LEARIN JOHNSON,  
Individually and as VICE PRESIDENT  
OF YEADON BOROUGH COUNCIL;  
TOMEKA JONES-WATERS,  
Individually and as PRESIDENT PRO  
TEMPORE OF YEADON BOROUGH  
COUNCIL, and CARLETTE BROOKS,  
Individually and as a Member of  
YEADON BOROUGH COUNCIL,**

**Defendants.**

**CIVIL ACTION  
No. 2:22-CV-00841**

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT**

“We cannot accept the view that the terms of § 1981 exclude its application to racial discrimination against white persons. On the contrary, the statute explicitly applies to ‘all persons’, including white persons.”

*McDonald v. Santa Fe Trail Transportation Co.*, 427 U.S. 273, 287 (1976) (Marshall, J.)

1. Until the defendants named here unlawfully fired him on account of his race and without the required due process hearing, plaintiff Anthony Paparo had had a fulfilling, distinguished, and unblemished career as a law enforcement officer.

2. From June 1985 until December 2017, he was employed as a police officer by Upper Darby Township. There, he rose to the rank of Captain, a position in which he displayed management and leadership abilities that drew widespread praise not just for his performance but as well for his integrity and dedication.

3. For the last four years, from January 2, 2018 until February 17, 2022 plaintiff Paparo was the Chief of Police of defendant Borough of Yeadon -- a period during which he and his department annually reduced the rate of crime in the Borough, developed close working relationships with the community, and made the residents of Yeadon safe and secure in their homes and businesses. For that and much more, he became a beloved member of the Yeadon community.

4. Plaintiff Paparo is White. Nearly 90% of Yeadon's residents are African-American. But his race was irrelevant to them; it was his achievements, dedication, concern, and integrity that mattered and, for those qualities, he and the officers who served under him earned the community's trust and respect.

5. All that changed after a new group of Borough Council Members took office and control of the Borough on January 3, 2022. To them plaintiff's race *did* matter. To them, Yeadon was a Black town, and they wanted a Black Chief of Police to replace plaintiff Paparo. And they plotted and conspired to achieve that result even before they took office on January 3, 2022.

6. And so, on February 17, 2022, at a public meeting of the Yeadon Borough Council allegedly designed to give him "a due process hearing," they achieved that result by a vote of 4-3.

7. The four Members of Council who voted to fire plaintiff Paparo that day (all of whom are Black) were: Sharon Council-Harris, the Council President; Learin Johnson, the Council Vice President; Tomeka Jones-Waters, the Council's President Pro Tempore; and Carlette Brooks, a Member of Council.

8. The three Members of Council who dissented from that vote (all of whom are also Black) were: LaToya Monroe; Liana Roadcloud; and Nicole Beaty. They dissented on grounds that firing Chief Paparo for racial reasons was unlawful.

9. Nor was Chief Paparo's firing the result of a fair, impartial due process hearing. Quite the contrary. It was a sham proceeding, the votes to fire him already cast and known beforehand. Moreover, it occurred among false and defamatory charges that Chief Paparo was guilty of money mismanagement and wage theft in connection with the Borough's Collective Bargaining Agreement with the Fraternal Order of Police ("FOP").

10. Yet, at the February 17, 2022 "hearing," the vote occurred (a) *without* a single witness offered against the Chief; (b) *without* a single document being offered to support the charges against him; (c) *without* a single question put to the Chief; (d) *without* any discussion by the four members in the majority to explain their vote; and (e) *without* the rendering of any findings of fact or conclusions of law to support their vote.

11. Not only that. Despite a motion by the Chief's counsel at the February 17, 2022 "hearing" to disqualify defendants Sharon Council-Harris, Learin Johnson, Tomeka Jones-Waters and Carlette Brooks on grounds of race bias and prejudgment, they

ignored the motion and refused to discuss, dispute, or even bring the disqualification motion up for a vote.

12. Based on these facts, plaintiff Paparo filed this lawsuit on March 7, 2022 against the named defendants seeking redress for the violations of his right to equal employment opportunity as protected by the following post-Civil War federal civil rights statutes, 42 U.S.C. §§ 1981, 1983 and 1985(3), and for the defendants' blatant refusal to provide him with a bias-free "name clearing hearing" as required by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Now, by this Amended Complaint, plaintiff Paparo also seeks damages against the defendants for the following actions they have taken against him since his original lawsuit was filed: a claim for retaliation in violation of federal law; a state law claim for defamation; a state law claim for false light privacy; and a state law claim for the defendants' violation of Pennsylvania's Wage Payment and Collection Law ("WPCL").

13. To remedy these violations of his rights, plaintiff Paparo seeks legal and equitable relief against defendant Borough of Yeadon and compensatory and punitive damages against defendants Council-Harris, Johnson, Jones-Waters, and Brooks in their individual capacities

## **PARTIES**

14. **Plaintiff Anthony Paparo** was appointed as Yeadon's Chief of Police effective January 2, 2018. He was employed in that capacity until February 17, 2022 when he was fired as a result of the previously-described 4-3 vote of Borough Council.

15. **Defendant Borough of Yeadon** is located in Delaware County, Pennsylvania. It maintains its official headquarters at 600 Church Lane, Yeadon, Pennsylvania 19050.

16. **Defendant Sharon Council-Harris**, sued in her individual capacity, is President of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

17. **Defendant Learin Johnson**, sued in her individual capacity, is the Vice President of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

18. **Defendant Tomeka Jones-Waters**, sued in her individual capacity, is the President Pro Tempore of Yeadon's Borough Council. Her term of office runs from 2020 to 2024.

19. **Defendant Carlette Brooks**, sued in her individual capacity, is a Member of Yeadon's Borough Council. Her term of office runs from 2022 to 2026.

## **JURISDICTION AND VENUE**

20. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(1)-(3) in that plaintiff Paparo's claims for relief are brought pursuant to the provisions of 42 U.S.C. §§ 1981, 1983 and 1985(3). Supplemental

jurisdiction over plaintiff Paparo's defamation, false light privacy, and WPCL claims is conferred on the Court by 28 U.S.C. §1367(a).

21. The Court has personal jurisdiction over all the parties to this action since they work and reside in this judicial district and because plaintiff's claims for relief occurred here as well. For the same reasons, venue is properly laid in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2).

### **ADDITIONAL FACTS**

#### **The Borough's Form of Government**

22. Under Pennsylvania's Borough Code, 8 Pa.C.S.A. § 101 *et seq.*, the Yeadon Borough Council is comprised of seven elected members, each of whom serves four-year terms on a staggered basis.

23. The primary responsibilities of Yeadon's Borough Council include supervising Borough operations, adopting an annual budget, levying taxes, approving contracts, and enacting ordinances. In addition, Yeadon's Borough Council has the final authority to appoint officials, including as here the appointment and termination of the Borough's Chief of Police. *See* 8 Pa.C.S.A. § 1005.

24. In exercising the latter power, Yeadon's Borough Council is required to comply with all governing non-discrimination laws and policies, including but not limited to, 42 U.S.C. §§ 1981, 1983 and 1985(3). Likewise, Council is required to comply with the Fourteenth Amendment's Equal Protection and Due Process of Law provisions.

**Yeadon's Mayor**

25. Under Pennsylvania's Borough Code, Yeadon's Mayor is elected to a four year term and has the responsibility of overseeing and supervising the Borough's police force. 8 Pa.C.S.A. § 1123.1.

26. Yeadon's current Mayor is Rohan K. Hepkins. At all times relevant to this action, Mayor Hepkins has overseen and been responsible for plaintiff Paparo and the Police Department he headed. Mayor Hepkins' current term of office runs from 2022 to 2026.

27. Mayor Hepkins, who is African-American, has fully and consistently supported and praised plaintiff Paparo's performance, dedication, and integrity as Yeadon's Police Chief. In addition, he has knowledge that the individually-named defendants intended to fire Chief Paparo on account of his race and to replace him with a Black Chief of Police.

**Chief Paparo's Accomplishments**

28. During his four years as Yeadon's Chief of Police, plaintiff Paparo achieved a number of notable successes for the Borough's residents. Among them, he implemented policies and procedures that resulted in the reduction of the crime rate each year he was in office. He also developed a plethora of police-community relations programs that fostered and achieved a bond between them at a time when police-community relations elsewhere were at a low point. He also hired new full and part-time police officers and added a 10-week training program for them, achieved significant

annual savings in the Police Department's budget, created a Youth Citizen Academy, a Major Crimes Response Team, a "Good Morning Yeadon" talk show, a Police Chaplain program and, in May 2021, he and others broke ground on a first in the Nation police-community garden project where the police and Yeadon residents could interact in a friendly communal setting.

29. Not content with staying in his office at Borough Hall, Chief Paparo was also seen and known for making house and business calls throughout the Yeadon community as a visible sign that he and the Police Department were always there for them.

### **Things Begin to Change**

30. In the May 2021 primary election, three new Democratic candidates emerged as virtually certain to become members of Yeadon's Borough Council. They were defendants Sharon Council-Harris, Learin Johnson and Carlette Brooks.<sup>1</sup>

31. Since the Borough of Yeadon, with about 11,500 residents, is and has been a Democratic stronghold, these three easily prevailed as new Members of Borough Council in the general election held in November 2021.

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<sup>1</sup> Also on the ballot was Nicole Beaty. She too was successful in both the May and November 2021 primary and general elections. Her term of office as a Member of the Borough Council runs from 2022 to 2026. She is not and has not been aligned with the four defendants who voted to terminate Chief Paparo's employment. *See* ¶ 8, *supra*.



32. To ensure they had a majority lock on key issues that would come before Borough Council, including the appointment of a Police Chief, these three defendants enlisted the support and were joined as a bloc of four on those issues by incumbent Council Member Tomeka Jones-Waters.

33. The formal reorganization of the new Yeadon Borough Council and their swearing into office took place on January 3, 2022.

34. Before they were sworn in, the four individual defendants had already decided that because Yeadon was “a Black town,” they would terminate the employment of Chief Paparo and replace him with a Black Chief of Police.

35. Indeed, well before January 3, 2022, defendant Learin Johnson, after winning the May 2021 primary and November 2021 general election, openly informed Mayor Rohan Hepkins, who was in charge of the Police Department, as well as incumbent Council Member Liana Roadcloud and Borough Finance Director and Treasurer, Nafis Nichols, that, once sworn in, she intended to fire Chief Paparo and replace him with a Black Chief of Police.

**Sunday, January 2, 2022**

36. In the morning of January 2, 2022, incumbent Council Member Liana Roadcloud and Council Member Elect Nicole Beaty met with Council-Elect Members

Learin Johnson and Carlette Brooks at the Springfield Diner to discuss leadership roles in Yeadon Borough.

37. During their discussion, defendant Learin Johnson again stated her intention to replace Chief Paparo with a Black Chief of Police.

38. Council Member Liana Roadcloud and Council Member Elect Nicole Beaty made it clear that doing so was racist and unlawful.

39. Immediately following that meeting, the four of them met with defendants Sharon Council-Harris and Tomeka Jones-Waters at the Illusions Sports Bar in Clifton Heights, Pennsylvania.

40. Illusions Sports Bar is owned by defendant Carlette Brooks and her husband.

41. At that meeting, defendants Council-Harris, Jones-Waters, Johnson and Brooks discussed their plan to terminate the employment of Chief Paparo and replace him with a Black Chief of Police.

42. For her part, defendant Jones-Waters informed the group that she knew and would contact a Black Philadelphia police officer, Jonathan Josey, to see if he would accept the job.

43. Again, Council Member Roadcloud and Council Member Elect Beaty voiced their objections to the planned termination of Chief Paparo since doing so was racist and unlawful.

**Monday, January 3, 2022**

44. At approximately 9:15 a.m. on January 3, 2022, defendant Learin Johnson called and spoke with Yeadon Police Detective Ferdie Ingram.

45. Detective Ingram is African-American. He is not and was not the next in command to Chief Paparo. Lieutenant Shawn Burns, who is White, was next in line to the Chief.

46. Defendant Learin Johnson called Detective Ingram at the Borough's main telephone number, 610-623-1500. She first spoke with a secretary, identified herself, and then was transferred to him.

47. In her call, defendant Johnson told Detective Ingram that the new Borough Council, once it was sworn in later that day, intended to fire Chief Paparo and offered him the position and a contract whose length was his to propose if he accepted the offer.

48. Detective Ingram declined the offer. He informed defendant Learin Johnson that the department already had a Chief and he fully intended to support Chief Paparo in response to Council's effort to fire him.

49. Immediately following that call, Detective Ingram informed his superior, Lieutenant Shawn Burns, of his conversation with defendant Learin Johnson. He then also reported it to Chief Paparo.

50. For his part, Lieutenant Burns prepared a memo which he sent to Chief Paparo describing his conversation that morning with Detective Ingram. A true and correct copy of that memo is attached hereto and marked Exhibit A.

51. Also in the morning of January 3, 2022, before her call with Detective Ingram, defendant Johnson informed Mayor Hepkins that, once sworn in, the new, reorganized Borough Council intended to fire Chief Paparo and replace him with a Black Chief of Police. Specifically, she mentioned Detective Ingram by name as his replacement.

52. Mayor Hepkins made it crystal clear to defendant Johnson that not only was Chief Paparo the ideal person to continue leading the Police Department, firing him for racial reasons was unlawful.

53. Mayor Hepkins later learned from Chief Paparo about defendant Johnson's January 3, 2022 telephone call with and offer to Detective Ingram.

54. As a result and as the person by law in charge of the Police Department, 8 Pa.C.S.A. § 1123.1, Mayor Hepkins met with Detective Ingram on January 6, 2022 and confirmed from him the substance of defendant Johnson's offer to make him Yeadon's Chief of Police.

55. Following that meeting with Detective Ingram, Mayor Hepkins prepared and forwarded to the Fraternal Order of Police's representative, Sergeant Thomas Reynolds, a Special Report documenting his meeting with Detective Ingram. A true and correct copy of that report is attached hereto and marked Exhibit B.

56. In the late afternoon and early evening of January 3, 2022, the newly organized Borough Council was sworn into office. As a result of a vote taken in Executive Session, defendant Council-Harris became the Council's President, defendant

Johnson became its Vice President and defendant Jones-Waters became its President Pro Tempore.

**The New Council's Efforts to Oust Chief Paparo Take Shape**

57. The new majority of Borough Council intended to relieve Chief Paparo of his duties after they were sworn into office in the evening of January 3, 2022.

58. But rumors of the Chief's possible ouster had been circulating for some time among the Borough's residents and the members of the Police Department that temporarily forestalled their plans.

59. Consequently, that evening, after emerging from an Executive Session, the new Council returned for a public session. In the lobby on their way in, they were greeted by a dozen or so Yeadon police officers who were there in uniform in support of the Chief. Also present were a number of Yeadon residents who spoke out in the Chief's favor.

60. As a result, Borough Council did not bring up a vote that evening to terminate the Chief's employment.

61. Nonetheless, defendants Johnson and Brooks were critical of Chief Paparo and threatened to have him disciplined for having notified his officers and others to appear in his support before Borough Council.

62. There was no basis for that criticism or threat. Chief Paparo did not ask anyone to appear before Borough Council on his behalf. Those who did so appeared there on their own accord and volition.

63. Nor were they alone in their support of the Chief.

64. Over the course of January and into February 2022, more than a thousand Yeadon residents signed a petition to keep him on the job. The signers pointed to Chief Paparo's stellar law enforcement record and his dedication to the Yeadon community, and they voiced their opposition to his being targeted by Council because of the color of his skin.

**The New Council Majority Gives Chief Paparo  
a Hobson's Choice: Either Quit or Be Fired.**

65. On Saturday, February 5, 2022, five members of Borough Council attended a conference in Swarthmore held by the Pennsylvania State Association of Boroughs ("PSAB"). Those present included defendant Council-Harris, defendant Johnson, defendant Jones-Waters, defendant Brooks, and Council Member Beaty.

66. When they met separately during the PSAB conference, defendant Council-Harris told Council Member Beaty that Council had decided to offer Chief Paparo three months salary if he resigned, and if he declined, Council would fire him.

67. This decision surprised Council Member Beaty. No vote of Council had been proposed or taken to support that "offer," nor had Council Members Roadcloud, Monroe or Beaty been notified of it.

68. Despite not having been proposed, much less voted on by Council, on February 7, 2022 defendant Council-Harris met with Chief Paparo, Mayor Hepkins and Borough Manager Isaac Dotson and offered the Chief two choices: either resign with

three months salary or be fired. She falsely added that she had polled the Council and they were all in favor of the offer.

69. The Chief declined the offer to resign, to which defendant Council-Harris called him “insubordinate.”

70. This, then, set in motion the new Council majority’s premeditated decision to fire the Chief Paparo.

#### **The Pretext of the FOP’s Overtime Grievance**

71. Aware they had no lawful or valid basis to terminate Chief Paparo’s employment, the four named defendants devised a pretext, a ruse, to justify their decision.

72. They did so by relying on a grievance that the FOP had filed in 2019 and again in 2020 regarding overtime hours that the union claimed should have been given to full-time rather than part-time police officers.

73. There was no basis for their consideration of that grievance or its outcome.

74. For one thing, all the at-issue hours were approved by Mayor Hepkins as necessary to keep Yeadon’s residents safe during the civil unrest following George Floyd’s murder and the toll that the COVID-19 pandemic was having on the Yeadon community and its adjacent towns and boroughs.

75. Moreover, several full-time police officers were out of work in that timeframe due to on-duty injuries and other disabilities.

76. Other full-time officers, already overworked, declined overtime.

77. This led Chief Paparo, with the Mayor's approval, to hire additional part-time Police Officers who had to undergo a rigorous 10-week training period before they could be placed on assignment with the Borough's full-time officers.

78. In the end, the decision to hire these part-time officers had a positive effect: crime was reduced, community relations were improved, and residents remained safe in their homes and places of business.

79. Without Chief Paparo's knowledge and without any evidence presented to a labor Arbitrator for decision, in August 2021 the FOP and the Borough, acting through their respective counsel, agreed to a Consent Award under which the Borough agreed to pay 16 full-time officers the sum of \$387,000.00 in consideration of the FOP's grievance.

80. No one ever provided Chief Paparo with a copy of that Consent Award until February 17, 2022, the day he was fired.

81. Moreover, the Members of Borough Council in office in August 2021 not only did not take, nor did they even contemplate taking, *any* discipline against Chief Paparo as a result of the Consent Award. Indeed, paragraph 8 of the Award states:

This Consent Award does not constitute an admission of any wrongdoing on the part of the Borough or any of its officers, agents, employees and/or representatives.

82. Not having taken any action against Chief Paparo by the Council in office in August 2021 is clear evidence that the Council that took office in January 2022, acting through its new four member majority, used the FOP's grievance and Consent Award as a pretext to justify their decision to fire Chief Paparo in February 2022 because he was White.



**The February 10, 2022 Session of Borough Council**

83. In the evening of February 10, 2022 Borough Council held a public session at which the four individual defendants intended to fire Chief Paparo.

84. To support their decision Council President Council-Harris and President Pro Tempore Jones-Waters placed two posters on easel stands that directly faced the more than 100 Yeadon residents who attended the session in support of Chief Paparo.

85. One poster, clear for all to see, was specially prepared by Council President Council-Harris, with the approval of the other three individual defendants, to make it appear that Chief Paparo was a thief. It deliberately and falsely portrayed a made-up check in the amount of \$387,000.00 payable to “16 Full-Time Yeadon Police Officers Disregarded by Chief Chachi.” In the memo section, the “check” states it was for “Mismanaged Overtime.” The payors were listed as the “Yeadon Taxpayers.” In full, the poster, as presented to the roomful of residents and assembled media members, is reproduced below:



86. The other poster, also specially prepared at the direction of defendant Council-Harris, portrayed an out-of-context and incomplete portion of an article that

appeared in the February 8, 2022 issue of *The Philadelphia Inquirer*. The poster, as positioned in front of the residents and members of the media, is reproduced below:

**Chief Paparo Was "Repeatedly Warned,"**  
**The Philadelphia Inquirer**  
*Michael Neilon, a spokesperson for the FOP's Lodge 27 in Delaware County, said the Union repeatedly warned Paparo that he was at risk of violating the contract, but he did not make any adjustments.*  
*... Continuing to balance the sheet with part-timers is unacceptable to the union and unfair to the rank-and-file officers who may want to work the extra shifts and get overtime."*  
**The Philadelphia Inquirer**  
**February 8, 2022**

87. Defendant Council-Harris, with the knowledge and consent of Defendants Johnson, Jones-Waters and Brooks, deliberately altered the caption of *The Philadelphia Inquirer* article to serve her and their own personal nefarious purposes. The actual caption as published in the *Inquirer* reads as follow: "A Delaware County Police Chief Might be Fired. His Supporters Say it's Because he's White."

88. The altered, incomplete article put on display for public consumption by the four individual defendants, instead reads: "Chief Paparo Was 'Repeatedly Warned' ". A true and correct copy of the full article as actually published in *The Philadelphia Inquirer* is attached hereto and marked Exhibit C. Notable among the many omissions that the defendants failed to include in their poster is the following sentence in paragraph two of the actual article: "Council President Sharon Council Harris said in an interview Tuesday that . . .she's confident she has the support of a majority of the seven-member council in a move to oust the chief."

89. Because the four individual defendants were not only racially-biased against Chief Paparo and had already made up their minds to terminate his employment, his lawyer moved to disqualify all four of them from voting on the Chief's fate or taking part in that decision.

90. In addition and for a separate reason, Chief Paparo's lawyer moved to disqualify defendant Council Member Carlette Brooks because, as the business owners of Carlette's Hideaway, she and her husband had voiced complaints to the Chief and the Mayor about the Police Department's ticketing of unlawfully parked cars at the Hideaway and other law enforcement actions it took in response to residents' complaints about unruly patrons. Neither the Chief nor Mayor Hepkins would curtail proper policing practices to abate defendant Brooks's complaints, a position that annoyed and upset her and her husband.

91. Rather than taking a vote on these disqualification motions, Borough Council went into Executive Session. When the Members returned, Council adjourned with the statement from President Council-Harris that another session would be scheduled in order to provide Chief Paparo with "a due process hearing" to consider whether or not he should be fired.

**The February 17, 2022 Session of Borough Council**

92. The re-scheduled session of Borough Council took place in the evening of February 17, 2022.

93. However, even before then, Council President Council-Harris publicly stated that she had the support of a majority of Borough Council Members to oust Chief Paparo. *See* Exh. C at ¶ 2.

94. And so it came to pass, albeit without any due process at all.

95. By vote of 4-3, with each of the individual defendants in the majority, Borough Council voted to terminate the employment of Chief Paparo and replace him on an interim basis with Lieutenant Shawn Burns.

96. In doing so, not a single witness testified against Chief Paparo. Not a single document was introduced to support the majority's decision. Indeed, not a single question was put to Chief Paparo in response to his lengthy, detailed account of his accomplishments, his dedication to the town of Yeadon, and the reasons why he, with the Mayor's approval, hired part-time officers to help keep Yeadon safe during periods of significant staff shortages and during the civil unrest that followed George Floyd's murder and the COVID-19 epidemic that roiled Yeadon and its adjacent communities.

97. Of equal significance were the motions again made by Chief Paparo's lawyer to disqualify the four individual defendants from voting on grounds of their clear bias and partiality. Despite all the evidence demonstrating they could not be impartial and could not and would not provide the Chief with the name-clearing due process hearing to which he was entitled, President Council-Harris refused to even bring the motions up for vote, much less did she or the three other individual defendants even make an effort to dispute the evidence of bias and partiality made against them.

98. Nor did the defendants question or dispute any of the many Yeadon residents who appeared at the February 17, 2022 session in unanimous support of Chief Paparo and his many accomplishments in and for the Borough. It was as if they were speaking to automatons incapable or unwilling to respond to their pleas and the praise they heaped on Chief Paparo.

**Post-Litigation Retaliation and Other Unlawful Action  
Taken Against Plaintiff by the Defendants**

99. Defendants' unlawful conduct against plaintiff Paparo did not end with the termination of his employment on February 17, 2022.

100. As set out in the paragraphs below, the defendants have engaged in ongoing retaliatory and unlawful conduct against plaintiff Paparo since and as a result of his having filed this lawsuit against them.

**A. Unpaid Wages**

101. Just days after his termination from employment, plaintiff Paparo notified the defendants that the Borough was legally obligated to pay him all the wages and benefits to which he accrued and was guaranteed pursuant to the following contracts: (i) his Employment Agreement with the Borough executed December 20, 2017; (ii) the 2014-2017 Consolidated Agreement between the Fraternal Order of Police, Delaware County Lodge No. 27, on behalf of the Members of the Police Force of the Borough of Yeadon Police and the Yeadon Borough Council; and (iii) the 2018-2022 Yeadon Borough Police Contract.

102. Collectively, these contracts require the Borough to pay plaintiff: (i) 320 hours of vacation pay; (ii) 120 hours of compensation time; and (iii) 336 sick leave hours.

103. To date, despite plaintiff's repeated requests, the defendants have refused to pay him any of the 776 hours of wages to which he is contractually guaranteed -- even though they have had access to all the records needed to make those payments to him.

104. The defendants have not made these wage payments to plaintiff out of spite in a retaliatory effort to make him suffer financially for having brought this lawsuit against them.

105. Moreover, on March 5, 2022, plaintiff Paparo e-mailed Borough Manager Isaac Dotson and requested information regarding his own contributions to his pension account -- an account that he paid into from his own funds during his tenure with the Borough.

106. Plaintiff did so because he needed to withdraw those funds because of his termination from employment and the Borough's refusal to pay him any of the 776 hours of unpaid wages that he was due.

107. Neither Mr. Dotson nor any of the defendants have responded to plaintiff's inquiries regarding his pension and his ability to withdraw his own contributions from the Yeadon pension fund -- another retaliatory act intended to make him suffer for having brought this lawsuit against them.

**B. Defamation and False Light Privacy**

108. On March 7, 2022, the four individual defendants -- Sharon Council-Harris, Learin Johnson, Tomeka Jones-Waters, and Carlette Brooks -- authored and published at the Borough's expense a flier that they titled "Truth Matters Fact Sheet."

109. That flier was distributed at a public meeting of Borough Council during the evening of March 7, 2022 just hours after the four individual defendants received notice that plaintiff Paparo had commenced this lawsuit.

110. Two days later, on March 9, 2022, the four individual defendants, also at the Borough's expense, had copies of this flier sent to each resident of the Borough.

111. The four individual defendants also authorized the Borough to post this flier on the Borough's website and on the Borough's Twitter and Facebook accounts.

112. The flier set out "Ten Fast Facts Yeadon Residents Want to Know." A true and correct copy of the flier is attached hereto and marked Exhibit D.

113. On page 2, the flier includes a photograph of the four individual defendants that was taken for the purpose of identifying each of them as the authors of the "Ten Fast Facts." *See* Exh. D, at 2.

114. These "Ten Fast Facts" contain intentionally false, misleading, and highly offensive information about plaintiff Paparo and his separation from employment.

115. Illustrative of the false, misleading, and highly offensive nature of the "Ten Fast Facts" are the following:

- The false assertion that plaintiff was "removed" because he violated the Borough's Collective Bargaining Agreement ("CBA") by

assigning part-time police officers the work that should have been assigned to full-time police officers. *See* Fast Fact No. 1. That is no more than a *post-hoc* pretext designed to conceal their true motive: the racist decision they earlier made to replace the plaintiff with a Black Police Chief because, as they put it, Yeadon was “a Black town.” *See* Am. Compl. ¶¶ 34-35, 36-56, and 71-82.

- The false assertion that Mayor Hopkins was “sleeping on the job while Mr. Paparo was breaking the rules or turning a blind eye to Mr. Paparo’s actions.” *See* Fast Fact No. 4. In fact, Mayor Hopkins approved the use of part-time officers as a necessary step to keep Yeadon’s residents safe during the civil unrest following George Floyd’s murder, the toll that COVID-19 was taken on the community, the shortage of full-time officers due to on-the-job injuries, and other disabilities, and the decision by some full-time officers to decline overtime work. *See* Am. Compl. ¶¶ 74-82.
- The false assertion that Council Member Latoya Monroe enabled plaintiff’s violation of the CBA in the 2019-2020 period when she was President of Borough Council. *See* Fast Fact No. 5. That too is a pretext. Council Member Monroe sent an e-mail to the Borough Solicitor on March 7, 2022 stating that the distribution of the flier with its “Ten Phony Facts” risked exposing the Borough to claims of retaliation and defamation that “could further harm the Borough.” A true and correct copy of Council Member Monroe’s e-mail is attached hereto and marked Exhibit E.
- The false assertion that plaintiff Paparo was “repeatedly warned” by the FOP that he was violating the CBA. *See* Fast Fact No. 3. That assertion is based on the cropped, mis-captioned, and out-of-context *Philadelphia Inquirer* article that the four individual defendants previously placed on display at the February 10, 2022 public session of Borough Council. *See* Am. Compl. ¶¶ 86-88.
- The misleading assertion that Council appointed a White male to replace plaintiff Paparo. *See* Fast Fact No. 6. Omitted entirely from the flier is the undisputed fact that on January 3, 2022 -- before the new Borough Council was even sworn in -- defendant Learin



Johnson called Yeadon Police Detective Ingram, a Black male, and told him that the incoming Council intended to fire plaintiff Paparo and, in his place, offered Ingram the job as Police Chief. Detective Ingram rejected the offer and informed his supervisor, Lt. Shawn Burns of his conversation with defendant Johnson. In turn, Lt. Burns then notified plaintiff Paparo of the Johnson-Ingram conversation and prepared a memo concerning it. Moreover, Defendant Johnson also called Mayor Hepkins in the morning of January 3, 2022 and told him the incoming Council intended to fire plaintiff Paparo and replace him with a Black Police Chief. Mayor Hepkins responded by telling defendant Johnson that doing so was racist and unlawful. Subsequently, Mayor Hepkins met with Detective Ingram and sent a memo to the FOP about his meeting with him. *See* Am. Compl. ¶¶ 44-55 and Exhibit A and B attached hereto.

- The false assertion that the petition signed by more than 1,000 Borough residents in support of plaintiff Paparo was “based on an outrageous claim of racism.” *See* Fast Fact No. 7. To the contrary, the signers pointed to Chief Paparo’s stellar law enforcement record and his dedication to the Yeadon community. And they voiced their opposition to his being targeted because of the color of his skin. *See* Am. Compl. ¶ 64.
- The false assertion that Borough Council provided plaintiff Paparo with a fair due process hearing on February 17, 2022. *See* Fast Fact No. 8. That assertion is farcical. The “hearing” that day was a sham and the votes cast by the four individual defendants were known and had been made in advance. Moreover, their decision was rendered *without* a single witness being called, *without* a single document being produced to support any wrongdoing by the plaintiff; *without* a single question being asked of the plaintiff; *without* vote or a response to the plaintiff’s motion to disqualify the four individual defendants due to their bias, and *without* any findings of fact or conclusions of law being made. *See* Am. Compl. ¶¶ 9-10 and 92-98.

116. The four individual defendants authorized the distribution and transmission of this flier knowing of its falsity, aware that it would portray plaintiff Paparo in a false

light, and without notice to the three other members of Borough Council, *i.e.*, Latoya Monroe, Liana Roadcloud, and Nicole Beaty.

117. The four individual defendants and the Borough's solicitor were notified of and made aware that that the flier contained false and defamatory statements that harmed plaintiff's reputation, integrity, and leadership abilities as a law enforcement officer.

118. Despite that notice, the defendants refused to retract, remove, or take any action to delete the false and defamatory statements in the flier. Indeed, the "Ten Fast Facts" remain prominently posted on the Borough's website:

<https://yeadonborough.org/10-facts-yeadon-residents-want-to-know/>.

**C. False Allegations of Theft**

119. On March 25, 2022, the defendants falsely accused plaintiff Paparo of unlawfully removing files from the Borough upon his departure.

120. That is untrue. Plaintiff did not take *any* files from the Borough. All of his files were left and remained in his former office and on his former office computer.

121. Moreover, plaintiff provided the login and password for his former office computer to Lt. Burns for the Borough to have access to all his files.

**Damages**

122. As a direct and proximate result of the defendants' decision to terminate plaintiff Paparo's employment as Yeadon's Chief of Police and to retaliate against him for having brought this lawsuit, he has suffered and will continue to suffer a loss of wages, benefits and pension credits to which he otherwise would be entitled.

123. In addition to the loss of his job and the wages he would have earned as Yeadon's Chief of Police, plaintiff Paparo has suffered irreparable harm to his unblemished reputation for honesty and integrity, a reputation built over the 37 years he has served as a law enforcement officer. That reputation was flushed because of a 4-3 vote based on the false premise, lacking in any due process, that he was guilty of money mismanagement and wage theft, a scar made worse as a result of the defendants' recent acts of retaliation by publicly branding him as a thief and mismanager of the Yeadon Police Department.

124. Nor are these the only injuries to which plaintiff Paparo has been subjected. In addition, the defendants' cries for his termination and their unjustified decision to end his career as Yeadon's Chief of Police, coupled with their acts of retaliation against him, have caused him significant physical pain and suffering. This includes, but is not limited to, sleeplessness, headaches, chest pains, irritability, depression, anxiety and the loss of enjoyment of life's pleasures.

125. The actions taken against plaintiff Paparo by the four individual defendants were taken intentionally, willfully and / or in reckless or callous disregard of his right to equal employment opportunity and his right to an impartial, unbiased name-clearing hearing.

126. For these violations of his rights, plaintiff Paparo is entitled to recover punitive damages against each of the individual defendants in their personal capacities. *Smith v. Wade*, 461 U.S. 30, 56 (1983).

**PLAINTIFF'S CLAIMS FOR RELIEF**

**COUNT I**

**VIOLATION OF PLAINTIFF PAPARO'S RIGHT TO EQUAL EMPLOYMENT  
OPPORTUNITY UNDER 42 U.S.C. § 1981 AND 42 U.S.C. § 1983**

**PLAINTIFF PAPARO v. BOROUGH OF YEADON**

127. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 126 of his Amended Complaint.

128. Acting by and through its Borough Council, defendant Borough of Yeadon terminated plaintiff Paparo's employment as Chief of Police on account of his race, White, in violation of his right to equal employment opportunity as protected by 42 U.S.C. § 1981, as amended in 1991 by 42 U.S.C. § 1981(a), and as made actionable against the Borough by 42 U.S.C. § 1983.

129. By virtue of its 4-3 vote to fire plaintiff Paparo, the Yeadon Borough Council was acting at all times under color of state law and as the sole and final authority to take that action on behalf of the defendant Borough against plaintiff Paparo.

130. The decision of defendant Borough of Yeadon to terminate plaintiff Paparo's employment on account of his race was not taken obliquely or subtly; it was, rather, taken intentionally, wantonly and with reckless and callous disregard of his right to equal employment opportunity.

131. As a local governmental municipality, the Borough has no immunity from suit in a case such as this. *Owen v. City of Independence*, 445 U.S. 622, 651 (1980).

132. Indeed, as the Supreme Court emphasized 52 years ago:

. . . denials of equal treatment, and particularly denials on account of race or color, are singularly grave when the government has or shares responsibility for them. Government is the social organ to which all in our society look for the promotion of liberty, justice, fair and equal treatment, and the setting of worthy norms and goals for social conduct. Therefore something is uniquely amiss in a society where the government, the authoritative oracle of community values, involves itself in racial discrimination.

*Adickes v. Kress & Co.*, 398 U.S. 144, 191 (1970) (Brennan, J. concurring in part and dissenting in part) (emphasis added). *Accord Owen*, 445 U.S. at 651: “A damages remedy against the offending party . . . is only accentuated when the wrongdoer is the institution that has been established to protect the very rights it has transgressed.”

## **COUNT II**

### **VIOLATION OF PLAINTIFF PAPARO’S RIGHT TO EQUAL EMPLOYMENT OPPORTUNITY UNDER 42 U.S.C. § 1981 AND 42 U.S.C. § 1983**

#### **PLAINTIFF PAPARO v. DEFENDANTS SHARON COUNCIL-HARRIS, LEARIN JOHNSON, TOMEKA JONES-WATERS AND CARLETTE BROOKS IN THEIR INDIVIDUAL CAPACITIES**

133. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 132 of his Amended Complaint.

134. Acting under color of state law and as the final decisionmakers for the Borough of Yeadon, each of the individually-named defendants was responsible for the decision to terminate the employment of plaintiff Paparo.

135. In doing so, each of these four defendants violated plaintiff Paparo's right to equal employment opportunity as protected by 42 U.S.C. § 1981(a) and as made actionable against them by 42 U.S.C. § 1983.

136. By firing plaintiff Paparo, each of these defendants acted out of a personal racial animus against him and did so intentionally, wantonly, and with reckless and callous disregard of his right to equal employment opportunity as protected by federal law, *i.e.*, 42 U.S.C. § 1981 and § 1981 (a).

137. As a result of their actions, each of these four defendants is liable to plaintiff Paparo in her individual capacity for both compensatory and punitive damages.

### **COUNT III**

#### **VIOLATION OF PLAINTIFF PAPARO'S RIGHTS UNDER 42 U.S.C. § 1985(3)**

#### **PLAINTIFF PAPARO v. DEFENDANTS SHARON COUNCIL-HARRIS, LEARIN JOHNSON, TOMEKA JONES-WATERS AND CARLETTE BROOKS IN THEIR INDIVIDUAL CAPACITIES**

138. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 137 of his Amended Complaint.

139. Enacted as part of the 1871 Civil Rights Act, 42 U.S.C. § 1985(3) prohibits conspiracies to deprive a "person or class of persons of the equal protection of the laws . . . ."

140. Here, each of the individual defendants agreed and conspired with one another to terminate plaintiff Paparo's employment as Chief of Police of Yeadon Borough on account of his race, White, and in order to hire a Black Chief to replace him.

141. Acting out of that racial animus, each of the individual defendants deprived plaintiff Paparo of the equal protection of the laws by their vote on February 17, 2022 to terminate his employment as the Chief of Police of defendant Borough of Yeadon.

142. As a direct and proximate result of their conspiracy to violate his rights under 42 U.S.C. § 1985(3), plaintiff Paparo has been irreparably injured by his loss of employment, the harm done to his reputation, and the pain and suffering he has been forced to endure.

143. Each of the individual defendants is liable in her individual capacity for all the injuries that plaintiff Paparo has suffered and for the compensatory and punitive damages that may be awarded against them.

#### **COUNT IV**

#### **VIOLATION OF PLAINTIFF PAPARO'S RIGHT TO A FAIR AND IMPARTIAL DUE PROCESS HEARING**

#### **PLAINTIFF PAPARO v. ALL DEFENDANTS**

144. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 143 of his Amended Complaint.

145. As the Supreme Court ruled many years ago, "[w]here a person's good name, reputation, honor, or integrity is at stake because of what the government is doing

to him, notice and an opportunity to be heard are essential.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

146. When the government terminates an employee under those circumstances, it deprives him of the ‘liberty’ interest that is protected against invasion by the Fourteenth Amendment’s Due Process Clause. *Bd. of Regents v. Roth*, 408 U.S. 564, 573 (1972).

147. Accordingly, this gives rise to what is referred to as a “stigma plus” claim which, as to municipalities and those acting under color of state law, must result in a fair, impartial, non-biased name clearing hearing for the victim. *Paul v. Davis*, 424 U.S. 693, 701 (1976).

148. Here, defendant Borough of Yeadon and each of the individually-named defendants not only failed to provide plaintiff Paparo with a fair, impartial, non-biased name clearing hearing, they emasculated his right to one in what can only be described as a star chamber proceeding in which they acted as prosecutor, judge and jury all at once.

149. The commingling of those functions, combined with the individually-named defendants’ prejudgment of the case, their bias, their use of phony props and false accusations of money mismanagement and wage theft to malign and defame plaintiff Paparo, and their refusal to rule upon his twice-made motions to disqualify all four individually-named defendants, renders null, void and unconstitutional the “hearing” held on February 17, 2022 at which they fired him.



150. Having violated his due process rights, defendant Borough of Yeadon and the four individually-named defendants are liable to plaintiff Paparo for all the equitable and legal remedies to which he is entitled under the Fourteenth Amendment.

151. Each of the four individual defendants acted under color of state law and as the final decisionmakers for the Borough of Yeadon when, on February 17, 2022, they fired plaintiff Paparo.

152. They did so in violation of his right to a fair, impartial hearing as guaranteed to him by the Due Process Clause of the Fourteenth Amendment.

### **COUNT V**

#### **PLAINTIFF PAPARO'S CLAIMS FOR RETALIATION UNDER FEDERAL LAW IN REPRISAL FOR FILING THIS LAWSUIT**

#### **PLAINTIFF PAPARO v. ALL DEFENDANTS**

153. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 152 of his Amended Complaint.

154. Plaintiff Paparo engaged in protected activity under federal law by filing this lawsuit against the defendants on March 7, 2022.

155. As described in paragraphs 99-121, *supra*, the defendants retaliated against plaintiff for having brought this lawsuit against them by taking the following adverse actions against him: (i) refusing to pay him for any of the accrued leave time to which he is contractually entitled; (ii) failing to respond to his inquiries regarding his pension rights and ability to withdraw his own contributions to the pension fund; (iii) publicizing

and distributing to every resident of the Borough the intentionally false and misleading statements set out in the “Ten Fast Facts;” and (iv) accusing him falsely of theft.

156. Defendants took these adverse actions against plaintiff Paparo intentionally, willfully, and / or in reckless disregard of his federal right not to be the victim of retaliation in reprisal for having brought this lawsuit against them.

157. As a result of these retaliatory actions, the defendant Borough is liable to plaintiff for compensatory damages for all the injuries that he has suffered.

158. As a result of their retaliatory actions, the four individual defendants are liable to plaintiff Paparo in their individual capacities for both compensatory and punitive damages.

## **COUNT VI**

### **DEFAMATION**

#### **PLAINTIFF PAPARO v. ALL DEFENDANTS**

159. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 158 of his Amended Complaint.

160. As set forth in paragraphs 108-118, *supra*, the defendants defamed plaintiff Paparo by publicizing on the Borough’s website and its Twitter and Facebook accounts and distributing to every resident of the Borough the intentionally false and misleading statements set out in the “Ten Fast Facts.”

161. Moreover, as described in paragraphs 119-121, *supra*, the defendants falsely accused plaintiff Paparo of unlawfully removing files from the Borough upon his termination from employment.

162. As a direct and proximate cause of these defamatory statements, plaintiff Paparo's unblemished reputation for integrity, honesty, and leadership as a law enforcement officer has been irreparably tarnished and impaired.

163. The Borough is liable to plaintiff Paparo for all the compensatory damages he has suffered because of the intentionally false and misleading statements set out in the "Ten Fast Facts" and the false accusation that he removed files after he was terminated as Police Chief.

164. The four individual defendants are liable to plaintiff Paparo in their individual capacities for all the compensatory and punitive damages to which he is entitled as the result of the intentionally false and misleading statements set out in the "Ten Fast Facts" and the false accusation that he removed files after he was terminated as Police Chief.

## **COUNT VII**

### **FALSE LIGHT PRIVACY**

#### **PLAINTIFF PAPARO v. ALL DEFENDANTS**

165. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 164 of his Amended Complaint.

166. As set forth in paragraphs 108-118, *supra*, the defendants' publication of the intentionally false and misleading statements set out in the "Ten Fast Facts" were highly offensive to plaintiff Paparo -- and would be highly offensive to a reasonable person.

167. Furthermore, the defendants publicized and distributed the statements set out in the "Ten Fast Facts" knowing and / or acting in disregard that they were false and misleading and would place plaintiff Paparo in a false light.

168. Moreover, as described in paragraphs 119-121, *supra*, the defendants falsely accused plaintiff Paparo of unlawfully removing files from the Borough upon his termination from employment -- an accusation that was highly offensive and was made in disregard that plaintiff Paparo would be portrayed as a thief.

169. As a direct and proximate cause of the defendants publicizing these false and misleading statements, plaintiff Paparo's reputation was placed in a false light because his unblemished record for integrity, honesty, and leadership as a law enforcement officer has been irreparably tarnished and impaired.

170. The Borough is liable to plaintiff Paparo for all the compensatory damages he has suffered because of the intentionally false and misleading statements set out in the "Ten Fast Facts" and the false accusation that he removed files after he was terminated as Police Chief.

171. The four individual defendants are liable to plaintiff Paparo in their individual capacities for all the compensatory and punitive damages to which he is entitled because of the intentionally false and misleading statements set out in the "Ten

Fast Facts” and the false accusation that he removed files after he was terminated as Police Chief.

**COUNT VIII**

**VIOLATION OF THE PENNSYLVANIA WAGE PAYMENT AND  
COLLECTION LAW**

**PLAINTIFF PAPARO v. ALL DEFENDANTS**

172. Plaintiff Paparo repeats and incorporates by reference the averments of paragraphs 1 through 171 of his Amended Complaint.

173. Under the WPCL, the term “wages” is broadly defined to include “fringe benefits or wage supplements,” which, in turn are defined to include “*separation, vacation, holiday, or guaranteed pay...and any other amount to be paid pursuant to an agreement to the employee.*” 43 Pa. Stat. Ann. § 260.2a (emphasis added).

174. As set forth in paragraphs 101-104, *supra*, the Borough was notified by plaintiff Paparo that it is legally obligated to pay him all the wages and benefits to which he accrued and was guaranteed pursuant to: (i) his Employment Agreement executed December 20, 2017; (ii) the 2014-2017 Consolidated Agreement between the Fraternal Order of Police, Delaware County Lodge No. 27, on behalf of the Members of the Police Force of the Borough of Yeadon Police and the Yeadon Borough Council; and (iii) the 2018-2022 Yeadon Borough Police Contract.

175. Read together, these contracts entitle plaintiff to 320 hours of vacation pay, 120 hours of compensation time, and 336 sick leave hours.

176. The defendants, however, have refused to provide plaintiff Paparo with any of the 776 hours of unpaid wages to which he is contractually guaranteed.

177. Nor have the defendants provided any good faith basis to dispute or contest plaintiff Paparo's right to the 776 hours of unpaid wages to which he is entitled.

178. The defendants' refusal to pay plaintiff Paparo the accrued vacation hours, compensation time hours, and sick leave hours he is contractually guaranteed is in violation of the WPCL.

179. As a result of the defendants' refusal to pay plaintiff Paparo the accrued leave time to which he is contractually guaranteed, he is entitled to liquidated damages under Section 10 of the WPCL, 43 P.S. § 260.10, as well as recovery of his reasonable counsel fees and costs under Section 9a(f), 43 P.S. § 260.9(a)(f).

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Anthony Paparo respectfully requests the Court to enter judgment against the Defendants, jointly and severally, and to include in it the following relief:

- a. An award of back pay;
- b. Reinstatement as Yeadon's Chief of Police;
- c. An award of front pay if reinstatement is not feasible;
- d. An award of compensatory damages against Defendant Borough of Yeadon;

- e. An award of compensatory damages in their personal capacities against each of the four individually-named Defendants;
- f. An award of punitive damages in their personal capacities against each of the four individually-named Defendants;
- g. An award of liquidated damages under the WPCL;
- h. An award of reasonable counsel fees and costs;
- i. Such other legal and equitable relief that may be just and proper under the circumstances.

**JURY DEMAND**

Plaintiff Anthony Paparo demands a trial by jury on all the legal claims asserted in his Complaint.

**RAYNES & LAWN**

By: 

Harold I. Goodman, Esquire  
Daniel Bencivenga, Esquire  
Noah J. Goodman, Esquire  
1845 Walnut Street, 20th Floor  
Philadelphia, PA 19103  
215-568-6190

Counsel for Plaintiff Anthony Paparo

Dated: April 21, 2022

**CERTIFICATE OF SERVICE**

I, Harold I. Goodman, Esquire, hereby certify that on April 21, 2022 a true and correct copy of the foregoing Amended Complaint has been electronically filed with the United States District Court for the Eastern District of Pennsylvania's ECF system. I certify that the following counsel is registered as an ECF Filer and that they will be served by the EM/CEF system:

Scott C. Gottel, Esquire  
Robert P. DiDomenicis, Esquire  
Holsten Associates, P.C.  
115 North Jackson Street  
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**Counsel for All Defendants**

A handwritten signature in blue ink that reads "Harold I. Goodman". The signature is written in a cursive style and is positioned above a horizontal line.

Harold I. Goodman, Esquire



## **Exhibit A**

## **Exhibit A**

Yeadon Borough Police Department  
Patrol Division

Memorandum

TO: Chief Anthony Paparo #4601 Date: 01/04/2022  
FROM: Lt. Shawn Burns #4602  
RE: Conversation with Det. Ferdie Ingram #4652

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Chief,

On Monday 01/03/2022 at approx. 0915 hours Det. Ingram came to my office requesting to speak with me about a phone call which he had received from an incoming council member. Det. Ingram informed me that Learin Johnson had called him and asked if he would be interested in the position of Chief of Police with the department. Det. Ingram informed me he told Ms. Johnson that the department already had a Chief and that he had planned on going to the council meeting tonight in support of you. Det. Ingram informed me that Ms. Johnson told him they were terminating your contract and would offer him whatever he wanted in terms of length of contract. Det. Ingram told Ms. Johnson that he had never thought of taking over the position and would not be able to give her an answer during their phone call.

Det. Ingram informed me that he wanted to make you aware of this phone call as he did not want it to appear he was attempting to take your position. Det. Ingram requested I accompany him to your office when he spoke with you. This meeting was delayed due to other duties and meetings however took place at approx. 1100 hours where he informed you of the above.

  
Signature of Officer/Investigator

## **Exhibit B**

## **Exhibit B**



## Mayor's Special Report

Thursday, January 6, 2022

Re: Incident Between Councilor-to-be Learin Johnson and Detective Ferdie Ingram

Dear Sgt. Reynolds,

As the FOP Section Officer for the Yeadon Police Department, I am writing to document an interview that I had with Det. Ferdie Ingram on Thursday, January 6, 2022.

Around 11:00 am this morning, I asked to speak to Detective Ingram in my borough office about an unusual and unprecedented incident that allegedly occurred between him and incoming Councilor Learin Johnson.

I asked him if Councilor Johnson had recently reached out to him as I had been informed prior. He acknowledged that she had. I asked him when and how that had occurred. He stated it was this past Monday (January 3, 2022) at 9:17 am. I asked if it was via his personal cell or through the borough phone. He stated that the contact was via the borough phone (610-623-1500); that she had called and asked the secretary to be connected to him.

He then said she asked him that if the Chief of Police job ever became available, would he be interested? He said he informed her that we already have a police chief. According to Det. Ingram, she was undeterred and kept pressing him. He then responded to her again in like manner.

I then informed him that I believe he should write a police report, but that I would not mandate such a report, due to the sensitive nature of the situation. I did inform Det. Ingram that this is an unnecessary intrusion into the police department affairs, as she was not even sworn in on Council at that time, neither is this her job, and that she had just created a volatile situation in the police department as it unwittingly pits the relationship of he and the chief of police at odds. He did state that he immediately let Lt. Burns be aware, and then Chief Paparo himself – as soon as he got into the office that same morning.

Page 2

He stated that he was reluctant to write a police report as he did not want to get involved in the incident. I informed him that he is already involved in that a complaint has been filed and he would probably have to testify at some point in the future.

I did say that even if that were not the case, a report would protect both he and the department, as one doesn't know what she would say, as she had texted me on my cell phone – out of the blue (the previous day) denying that she had spoken to any police officers. So God only knows what she would say actually occurred between he and her. I did not respond to her text.

Nevertheless, in light of the foregoing, I advised Det. Ingram that it would be prudent, and in his best interest to document the conversation and approach, so as to protect himself, if not the department. But I steadfastly underscored the fact that I am not forcing him to do so; that this is of his own free will, I just wanted an opportunity to try to reach him to see if he understood the circumstances he was being placed in by this inappropriate interloping action by then Councilor-to-be Learin Johnson.

Det. Ingram then stated he would think about it and get back to me with his answer within 24 hours. I then thanked him for his time and for listening.

I wanted to document this incident, while apprising his union of this unprecedented act that jeopardizes the morale, inner-working chain of command, and independence of the Yeadon Police Department.

Sincerely,

Rohan K. Hepkins, Mayor  
Borough of Yeadon

## **Exhibit C**

## **Exhibit C**



2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

## A Delaware County police chief might be fired. His supporters say it's because he's white

 [inquirer.com/news/yeaddon-chief-anthony-paparo-borough-council-fight-20220208.html](https://www.inquirer.com/news/yeaddon-chief-anthony-paparo-borough-council-fight-20220208.html)



Yeadon Police Chief, Anthony Paparo believes the push to have him removed from his position is fueled by racial tensions. His critics on Yeadon's Borough Council adamantly deny that, and attribute it to their frustrations over a grievance filed against the borough by the police union. Read more [JESSICA GRIFFIN / Staff Photographer](#)

by Vinny Vella

Published

Feb 8, 2022

After weeks of controversy and a 1,000-signature petition, Yeadon's borough council is poised to vote in coming days on whether to fire Police Chief Anthony Paparo.

Council President Sharon Council-Harris said in an interview Tuesday that the vote could come as soon as this week, and she's confident she has the support of a majority of the seven-member council in a move to oust the chief.

She and other detractors say Paparo has been a poor steward of borough resources, costing the town \$387,000 to settle a union grievance that he hired too many part-time officers to supplement the force during the height of COVID-19 and civil unrest in 2020. His supporters, including hundreds of people who signed a petition to keep him on the job, say he's a stellar law enforcement official with a solid record who's being targeted because of the color of his skin.

2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

The uncertainty over the chief's future has divided the town and stoked racial tensions in the 11,500-resident community that borders Southwest Philadelphia.

#### Advertisement

On Monday, Council-Harris offered Paparo, who's led Yeadon's 21-member police force since 2018, a chance to resign with three months' salary. He declined, setting the stage for a vote to remove him.

"I've worked hard to build a good connection with the community, and these people are literally trying to destroy me," Paparo said in an interview. "If I didn't love this community as much as I do, I'd quit from stress. But I'm not going to let this community down, and I'm very humbled by their outpouring of love and support."

Dozens of residents crowded into the borough hall Monday night to voice their support for Paparo, who goes by the nickname Chachi, during a council caucus meeting.

That sentiment echoes the online "Keep Chief Chachi" petition, which has gathered about 1,000 signers complimenting his work ethic, demeanor, and presence in the community.

The controversy began in January after Council-Harris and three colleagues took control of council after winning the November election. Councilmember Larian Johnson called one of Paparo's subordinates, who is Black, and asked if he'd be interested in taking over as chief. Paparo's supporters interpreted the move as racially motivated.

Yeadon Mayor Rohan Hepkins and Councilmember Liana Roadcloud told The Inquirer that Johnson specifically mentioned Paparo's race in conversations about the plan to oust him.

"They're wrong, dead wrong, and no one deserves to go through this, regardless of race, creed, or nationality," Roadcloud said. "That is a good man, a hardworking man, so there is no reason for this type of behavior."

Since taking over Yeadon's police department after 32 years as an officer in Upper Darby, Paparo has worked to build trust between police and residents of the predominantly Black Delaware County borough.

He holds monthly coffee meetings with residents to discuss neighborhood issues and hosts an online radio show providing regular updates about what his officers are doing. In 2020, he started a "love garden" in the borough to serve as a gathering space and screened a movie for both officers and the residents they serve about racial profiling and how to improve community relations.

Hepkins said he has been an asset to the community.

"If you could clone Anthony Paparo, he would be the prototypical chief you'd want to run your police department," Hepkins said. "Most mayors would love him, because he was able to deliver for us what every municipality wants during the pandemic. Those are the facts; they're incontrovertible."

Not everyone shares that view. Council-Harris said Paparo has trouble "staying in his lane" and has overstepped his boundaries by taking on responsibilities beyond the traditional role of a police chief. Some residents, she said, have told her the chief was unresponsive to their complaints about crime on their blocks. . And she said Paparo's refusal to resign after councilmembers made clear their displeasure with him was "the height of irresponsibility and insubordination."

As for the suggestion that race played a role in the move to replace him, she noted that Paparo was chosen as chief from a field of qualified candidates that included Black applicants.

Her main objection to keeping him, she said, involves a \$387,000 payment the borough must make to settle a grievance filed by the Fraternal Order of Police, the union representing its officers. In 2019 and 2020, Paparo hired part-time officers to supplement the force and exceeded the number of hours he was allowed to use for



2/9/22, 10:11 AM

Yeadon Police Chief Anthony Paparo's potential firing sparks racial concerns

such extra help, violating a provision in the collective bargaining agreement with the union. The FOP filed a grievance and won.

The resulting penalty, Council-Harris said, represents about a quarter of the borough's property-tax revenue, and put a strain on the town's budget. And she said it led her and others to question Paparo's management of the department.

"We have a fiduciary responsibility to manage this town, and it's not racist or biased. We have to make a selection of the best people," Council-Harris said. "Decisions have to be made out of accurate data, not conjectures based on people's personal or political preferences."

Michael Neilon, a spokesperson for the FOP's Lodge 27 in Delaware County, said the union repeatedly warned Paparo that he was at risk of violating the contract, but he did not make any adjustments.

"All we want to see is that there's a path to hire full timers and find a way to get out of this staffing crisis," Neilon said. "But continuing to balance the sheet with part-timers is unacceptable to the union and unfair to the rank-and-file officers who may want to work the extra shifts and get overtime."

Paparo defended the use of part-time officers, saying the department was short staffed in those years because of COVID-19 and had to ensure that the borough was protected during periods of civil unrest.

"At end of the day, tell me your life or your business isn't worth \$387,000," said Paparo, who noted that Yeadon suffered no damage during demonstrations in 2020, while a mile away, Upper Darby's business corridor was seriously vandalized.

"I did the right thing protecting people," he said. "You want to fire me for doing the right thing? Fire me."

Published  
Feb. 8, 2022



Vinny Vella



I cover how law enforcement investigates crime in Philly's collar counties: Bucks, Chester, Delaware, and Montgomery.

## **Exhibit D**

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# 10 Fast Facts Yeadon Residents Want to Know

1

## **Why did Yeadon Borough Council Remove Anthony "Chachi" Paparo from his position as Chief of Police?**

We cannot allow our top law enforcement official to enforce the rules while breaking the rules. Mr. Paparo violated the Police Collective Bargaining Agreement by continually scheduling part-time officers to work more hours than the Agreement permitted. Mr. Paparo exceeded the number of hours the Agreement permitted him to schedule part-time officers to work by a whopping 6,200 hours and he did this over an extended period of time during two consecutive calendar years: 2019 and 2020. As a result of Mr. Paparo's violation of the Police Collective Bargaining Agreement, the Borough of Yeadon must pay \$387,000 to the 16 full-time police officers whose rights under the Agreement were violated due to Mr. Paparo's repeated breaking of the rules.

2

## **Mr. Paparo has said publicly that he *had* to schedule part-time officers to work more hours than the Police Collective Bargaining Agreement permitted because he was short-staffed and because of protests in response to the killing of George Floyd. Do these excuses justify his actions?**

When confronted with a staffing shortage, the appropriate response from a Chief of Police is not to violate the Police Collective Bargaining Agreement by giving part-time officers more hours than the Agreement permits. If Mr. Paparo was truly short-staffed, all he had to do was contact the Fraternal Order of Police, explain that he was short on officers and ask for staffing support. The FOP would have been happy to work with him just as they have worked with many other police departments to help resolve staffing shortages. Regarding protests in response to the killing of George Floyd, Mr. Paparo used a substantial number of the 6,200 hours in question *in 2019 before* George Floyd was killed on May 25, 2020.

3

## **Was Mr. Paparo ever issued a warning before his actions escalated to the point of costing the Borough nearly \$400,000?**

The Philadelphia Inquirer reported on February 8, 2022 that the Fraternal Order of Police said their union "repeatedly warned" Mr. Paparo "but he did not make any adjustments."

4

## **The Yeadon Borough Code stipulates that Mayor Rohan K. Hepkins is responsible for overseeing the police department. How does something like this happen under the oversight of the Mayor?**

Unfortunately, Mayor Hepkins has not provided Council or this community with a clear and direct answer as to how this happened under his watch. And while Council does not speak for the Mayor, he appears — to many — to have either been sleeping on the job while Mr. Paparo was breaking the rules or turning a blind eye to Mr. Paparo's actions.

5

## **While it was Mr. Paparo who kept assigning part-time officers to work more hours than permitted under the Police Collective Bargaining Agreement, who within Yeadon Borough government kept authorizing the ballooning payments part-time officers were receiving for hours the Agreement never permitted them to work?**

The Council President during that entire period of time was Latoya Monroe, a current member of Council. The more Mr. Paparo kept scheduling part-time officers to work hours not permitted by the Police Collective Bargaining Agreement, the more Ms. Monroe kept authorizing payments for those prohibited hours.



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POSTAL CUSTOMER  
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# 10 Fast Facts Yeadon Residents Want to Know

6

**Did Mr. Paparo's race play a role in Council's decision to remove him from his position as alleged by Mr. Paparo, Mayor Hopkins, Councilwoman Latoya Monroe and Councilwoman Liana Roadcloud?**

Race played no role whatsoever and all accusations of racism have been categorically denied. The same black Councilwomen they are accusing of removing Mr. Paparo because he is white are the same black Councilwomen who "hired" Mr. Paparo — choosing him for the Chief of Police position over three qualified black candidates. Additionally, the person Council appointed to lead the police department after removing Mr. Paparo is a white male just like Mr. Paparo. It is widely believed that those who are "playing the race card" are only doing so to distract this community from their own culpability in Mr. Paparo's violation of the Police Collective Bargaining Agreement, which cost the Borough \$387,000.

7

**What about the petition to "Keep Chief Chachi" that collected more than 1,000 signatures?**

We encourage everyone to exercise their right to peacefully protest via petition. It is, however, important to note that this petition misleads people into signing it based on an outrageous claim of racism. It is also worth noting that the number of Yeadon residents who signed the petition has not been verified. And many residents in this community have reported having their "signatures" added to the petition without their consent.

8

**Did Council provide Mr. Paparo with due process before removing him from his position?**

Yes. Council President Sharon Council-Harris has consistently and publicly said that in January 2022, she requested three times that Mr. Paparo meet with her to discuss his actions, which put the Borough in a \$387,000 predicament. But he declined each time. Yeadon Borough Council also provided Mr. Paparo with an opportunity to address his actions before Council on February 17, 2022.

9

**Did Mr. Paparo provide Council President Sharon Council-Harris, Council Vice President Learin Johnson, Councilwoman Carlette Brooks and Councilwoman Taliah Jones-Waters with any kind of "due process" before telling numerous media outlets these women wanted to oust him because of the color of his skin?**

No. Instead of letting these four Councilwomen know he was allegedly hearing "rumors" that they wanted to oust him because of his race, he went straight to the press and blasted his allegations to numerous media outlets creating a media firestorm for Yeadon along with Mayor Hopkins, Councilwoman Monroe and Councilwoman Roadcloud. At no point did Mr. Paparo even ask the four Councilwomen in question if the "rumors" he was allegedly hearing were true. Let the record show that these four Councilwomen provided Mr. Paparo with due process while being denied due process themselves.

10

**Who is leading the Yeadon Police Department now?**

Leadership of the Police Department is in the capable hands of Police Lieutenant Shawn Burns. Council appointed Lieutenant Burns as Officer-in-Charge on February 17, 2022. Lieutenant Burns has been with the Yeadon Borough Police Department for 20 years.



Left to Right: Yeadon Borough Councilwomen Taliah Jones-Waters, Learin Johnson, Sharon Council-Harris and Carlette Brooks.

**Message from Councilwomen Jones-Waters, Johnson, Council-Harris, and Brooks:**

*While there are seven women on Yeadon Borough Council, pictured are the four of us who were thrust into a media firestorm and labeled racists, an allegation we unequivocally deny. As we look ahead and work together to move Yeadon forward, we hope these 10 fast facts will help you cut through some of the noise that remains after the storm. Truth matters. And with so much misinformation circulating throughout the community, it is our responsibility to provide you with factual information that can easily be substantiated.*

**TRUTH MATTERS**

## **Exhibit E**

## **Exhibit E**



## Paparo Federal Lawsuit

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**From:** LaToya Monroe lmonroe@yeaddonborough.com

**To:** markpmuch@verizon.net

**Cc:** Sharon Council Harris scouncilharris@yeaddonborough.com, Learin Johnson ljohnson@yeaddonborough.com, Carlette Brooks cbrooks@yeaddonborough.com, Taliah Jones-Waters tjoneswaters@yeaddonborough.com, Nicole Beaty nbeaty@yeaddonborough.com, Liana Roadcloud lroadcloud@yeaddonborough.com, Rohan Hepkins rhepkins@yeaddonborough.com

**Date:** Mon, Mar 7, 2022, 3:52 PM

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Dear Mr Much,

A federal lawsuit has been filed against the Borough and four councilors individually. Please advise your clients that distributing the attached flyer with 10 Phony Facts could be considered retaliation and defamation and could further harm the borough. As your client is the Borough of Yeadon, I would expect you to support this position.

Sincerely,

LaToya Monroe  
Yeadon Borough Council



Truth Matters - Fact Sh...



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When confronted with a staffing shortage, the appropriate response from a Chief of Police is not to violate the Police Collective Bargaining Agreement by giving part-time officers more hours than the Agreement permits. If Mr. Paparo was truly short-staffed, all he had to do was contact the Fraternal Order of Police, explain that he was short on officers and ask for staffing support. The FOP would have been happy to work with him just as they have worked with many other police departments to help resolve staffing shortages. Regarding protests in response to the killing of George Floyd, Mr. Paparo used a substantial number of the 6,200 hours in question *in 2019 before* George Floyd was killed on May 25, 2020.

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**TRUTH MATTERS**



**CERTIFICATE OF SERVICE**

I, Harold I. Goodman, Esquire, hereby certify that on April 21, 2022 a true and correct copy of the foregoing Amended Complaint has been electronically filed with the United States District Court for the Eastern District of Pennsylvania's ECF system. I certify that the following counsel is registered as an ECF Filer and that they will be served by the EM/CEF system:

Scott C. Gottel, Esquire  
Robert P. DiDomenicis, Esquire  
Holsten Associates, P.C.  
115 North Jackson Street  
Media, PA 19063  
610-566-8802

E-mail: sgottel@holstenassoc.com; rdidomenicis@holstenassoc.com

**Counsel for All Defendants**

A handwritten signature in blue ink that reads "Harold I. Goodman". The signature is written in a cursive style and is positioned above a horizontal line.

Harold I. Goodman, Esquire