



2. Pursuant to 42 U.S.C. § 1983, Plaintiff seeks damages against the Defendant for injuries resulting from their violations of Mr. Strader's civil rights and injunctive relief to prohibit the above named Defendants from retaliating against him for exercising his First Amendment Free Speech and Free Press Rights; to prohibit the above named Defendants from attaching unconstitutional conditions to his receipt of benefits; to prohibit the above named Defendants from singling him out for disparate treatment in violation of his right to equal protection under the law; and to prohibit Defendants' interference with Plaintiff's constitutionally protected property and liberty interests as guaranteed by the Due Process clause of Fourteenth Amendment.

3. Pursuant to 42 U.S.C. §1988, Plaintiff also seeks all reasonable attorneys fees incurred in bringing claims against the above named Defendants for violating his civil rights.

4. The Plaintiff also brings pendent state law claims of defamation and intentional interference with current and prospective contractual relations.

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over the parties and subject matter of this dispute pursuant to 28 U.S.C. § 1331 because Plaintiff's federal claims under 42 U.S.C. § 1983 are based upon Defendants' violations of the First Amendment and Fourteenth Amendment of the United States Constitution.

6. Jurisdiction in this Court is proper over Plaintiff's state-law claims pursuant to 28 U.S.C. § 1367.

7. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b) in that this is the judicial district in which a substantial part of the events giving rise to this action occurred.

## **PARTIES**

8. Plaintiff James N. Strader ("Mr. Strader") is a citizen of the Commonwealth of Kentucky.

9. Defendant Kentucky Department of Fish and Wildlife Resources ("KDFWR") is a government agency of the Commonwealth of Kentucky.

10. Defendant Jonathan W. Gassett is the current Commissioner of the Kentucky Department of Fish and Wildlife Resources ("Commissioner Gassett"). Defendant is sued in both his individual and official capacity.

11. All actions taken by Commissioner Gassett detailed in this Complaint were undertaken under color of law while he was acting as the Commissioner of the Kentucky Department of Fish and Wildlife Resources.

12. Defendants John Doe 1 - 10 are employees, officers and agents of the Kentucky Department of Fish and Wildlife Resources whose identities are currently unknown but can be ascertained through discovery ("John Doe Defendants").

13. The John Doe Defendants are sued in their individual and official capacities.

14. All actions taken by the John Doe Defendants detailed in this Complaint were undertaken under color of law while they were acting as employees, officers and agents of the Kentucky Department of Fish and Wildlife Resources.

## **FACTUAL ALLEGATIONS SUPPORTING PLAINTIFF'S CLAIMS AGAINST DEFENDANTS**

15. Mr. Strader is a well-known journalist who reports extensively on outdoors issues of interest to hunting and fishing enthusiasts in Kentucky.

16. For over twenty-five years, Mr. Strader has been heavily involved with outdoor reporting, protecting and preserving wildlife resources, and outdoor education efforts in Kentucky.

17. Mr. Strader has received numerous honors from the Commonwealth of Kentucky and wildlife organizations for his outdoors reporting including two Governor's Awards for Conservation Achievements, a proclamation from the Kentucky State Senate commending his previous work with the Kentucky Department of Fish and Wildlife Resources and the League of Kentucky Sportsmen and an award from the National Wildlife Federation.

18. For eighteen years, Mr. Strader was a columnist at the Louisville Courier-Journal. In this role, he received two "Excellence" awards from the Southeastern Outdoor Press Association.

19. Mr. Strader also hosted his own television program, "Jim Strader Outdoors," which was syndicated through Insight Cable.

20. Mr. Strader earned two national "Telly" awards during the four year run of this show.

21. For the past twenty years, Mr. Strader has hosted a well-known weekly radio show - "Outdoors with Jim Strader."

22. For the past sixteen years, Mr. Strader's radio show has aired on Sunday evenings from 6-8 p.m. on the Clear Channel Louisville radio station 840 WHAS-AM.

23. For the past sixteen years, Mr. Strader has also produced the annual Jim Strader Hunting and Fishing Expo (the "Strader Expo") which is held each February at the Kentucky International Convention Center in Louisville, Kentucky.

24. Prior to the events detailed in this Complaint, the Strader Expo typically drew between 8,000 to 10,000 attendees.

25. Mr. Strader's livelihood is primarily based upon the income generated by the Strader Expo and his radio show.

26. During the two decades preceding Defendant John Gasset being appointed KDFWR Commissioner, Mr. Strader enjoyed a cordial professional relationship with the agency and its commissioners.

27. Up until the events at issue in this Complaint, KDFWR officials and employees were frequent guests on Mr. Strader's radio show and were welcome to discuss any issues that they felt were of importance to hunting and fishing enthusiasts in Kentucky.

28. Mr. Strader also provided KDFWR with **free** booth space at the Strader Expo, where the agency sold hunting and fishing licenses and permits to attendees, distributed promotional literature and answered the public's questions regarding outdoor issues.

29. KDFWR regularly issued more hunting and fishing licenses at the Strader Expo than at any other similar venue in the State and regularly generated substantial revenue for the agency through its participation in the Strader Expo.

30. Although Mr. Strader was at times critical of certain KDFWR policies during the years preceding Defendant John Gasset being appointed KDFWR Commissioner and took positions opposed by KDFWR - such as advocating increased penalties for poaching and opposing hunting season changes for squirrels, muzzle loaders, etc. - Mr. Strader was nonetheless able to maintain a good working relationship with the agency and its officials.

31. In other words, prior to the events at issue in this Complaint, it was not KDFWR's practice to discriminate and harass journalists that questioned the agency's policies or otherwise portrayed the agency in a less than purely flattering manner.

32. This decades long professional relationship, however, soured after Defendant Jonathan Gasset was appointed KDFWR Commissioner.

33. In the years following Commissioner Gasset's appointment, Mr. Strader began investigating numerous questionable practices and policies allegedly occurring at KDFWR including alleged influence peddling and lobbying violations associated with the proposed expansion of cross-bow hunting season, alleged budget improprieties, funding of the elk restoration program, alleged improprieties surrounding wetlands reclamation and mitigation, the propriety of Commissioner Gasset's business relationship with the Greenwood Land Company, alleged misuse of federal grants and funds, etc.

34. In keeping with his responsibilities as a journalist, Mr. Strader did his best to investigate these news stories and report them to the public despite Defendants' harassment, threats and retaliation against him for investigating and reporting these news stories.

35. Mr. Strader's original concerns regarding questionable practices and cronyism at KDFWR arose from the agency's promotion of the "Elk Restoration Project," a program designed to import elk into Kentucky.

36. Based upon Mr. Strader's research and conversations with wildlife experts, he became concerned that the importation elk into Kentucky could lead to a large-scale outbreak of Chronic Wasting Disease – a deadly disease that affects cervid species such as deer and elk – that would decimate Kentucky's wild deer population (which is why other states had banned elk importation).

37. Mr. Strader also began investigating rumors that the primary proponents of the Elk Restoration Project on the Kentucky Fish and Wildlife Commission were investors in elk hunting land parcels and stood to personally profit from the program.

38. During Mr. Strader's investigation into irregularities occurring at KDFWR, he discovered that prior to his appointment as KDFWR Commissioner, Defendant Gasset (then working as KDFWR Wildlife Director/Biologist) had issued cervid permits to select individuals in contravention of then-Governor Patton's Executive Order temporarily prohibiting elk and deer permits to control the spread of Chronic Wasting Disease.

39. Mr. Strader's concerns regarding improperly issued cervid permits in violation of Governor Patton's Executive Order were later independently confirmed by the Commonwealth's Office of Policy and Audit, after it formally investigated the matter and found that 19 cervid permits had been issued in violation of Governor Patton's Executive Order.

40. Similarly, following the nomination of Taylor Orr for Ninth District Representative of the Fish and Wildlife Commission, Mr. Strader began investigating reports that Mr. Orr had history of violating wildlife regulations and statutes.

41. During his investigation, Mr. Strader learned that Mr. Orr's family owned approximately 15,000 acres of elk habitat land.

42. Upon further investigation, Mr. Strader also discovered that Mr. Orr had plead guilty to hunting elk out of season, had received preferential treatment from the KDFWR and its employees in a manner allowing him to retain his hunting and fishing licenses, and was the recipient of an elk hunting permit which had been issued in his father's name and illegally transferred to him.

43. Mr. Strader believes that if the law had been properly followed and Mr. Orr's hunting license was revoked, he would not have been appointed to serve on Kentucky's Fish and Wildlife Commission.

44. Understandably concerned that Mr. Orr's appointment would be equivalent to letting the fox guard the hen house, Mr. Strader publicly reported his findings regarding Mr. Orr on his radio show and expressed his opinion that Mr. Orr's history of violating wildlife regulations should disqualify him from serving on Kentucky's Fish and Wildlife Commission.

45. During this broadcast, Mr. Strader's guests included Chuck Warren - a retired, highly-decorated veteran of KDFWR whom had formerly supervised the agency's law enforcement division for the Fourth District – who opined that Mr. Orr had improperly received preferential treatment from KDFWR and its employees.

46. During this broadcast, Commissioner Gassett telephoned into Mr. Strader's radio show to defend Mr. Orr and lobby for his appointment to Kentucky's Fish and Wildlife Commission.

47. Following this broadcast, Commissioner Gassett demanded a private meeting with Mr. Strader to discuss his "relationship" with KDFWR.

48. During this private meeting at a restaurant in Frankfort, Kentucky, Defendant Commissioner Gassett warned Mr. Strader that KDFWR would not continue to "support" Mr. Strader's Expo or radio show if Plaintiff continued criticizing KDFWR.

49. In keeping with his responsibilities as an independent journalist, Mr. Strader refused to submit to Commissioner Gassett's threats and demands and continued investigating questionable practices at KDFWR and reporting issues of importance to hunting and fishing enthusiasts in Kentucky.

50. A continuing source of acrimony between Commissioner Gasset and Mr. Strader was the replacement of physical hunter check-in stations with a telephonic self-reporting system known as "Telecheck."

51. Commissioner Gasset and other KDFWR officials in his inner-circle are well-known proponents of the Telecheck self-reporting system. They claim that it is a more modern and efficient means for hunters reporting animal harvests.

52. Mr. Strader has been an outspoken critic of the Telecheck system due to his belief that it allows game poachers to easily circumvent game limit laws and evade detection.

53. In 2007, KDFWR's Telecheck system was modified to provide additional identifying information including the name of the hunter harvesting a particular animal, the location of harvest, the animal's gender, etc.

54. In theory, KDFWR's modifications of the Telecheck system were intended to increase the system's verifiability and transparency. In practice, however, KDFWR's modifications of the Telecheck system actually confirmed Mr. Strader's long-standing concern that poachers were utilizing the Telecheck system to circumvent game limit laws.

55. Based upon the data provided by the modifications to the Telecheck system, Mr. Strader discovered over 20,000 Telecheck entries appearing to contain false information.

56. Following Mr. Strader discovering wide-spread abuse of the Telecheck system, he began publicly questioning the reliability and efficacy of the Telecheck system; and expressing his concern that it was allowing poaching and over harvesting of Kentucky's wild deer and turkey populations.

57. Consistent with Commissioner Gasset's previous threats against Mr. Strader, after Mr. Strader began reporting the results of his investigation of the Telecheck reporting system,

Commissioner Gasset began publicly maligning him and using KDFWR's resources and personnel to retaliate against Mr. Strader for his criticism of the Telecheck system and KDFWR's policies and practices.

58. In March 2008, at Commissioner Gasset's direction, KDFWR began funding and promoting a competing radio show - airing on the same day and at same time as Mr. Strader's radio program – in an effort to steal Mr. Strader's listening audience and punish him for reporting KDFWR's questionable policies and practices.

59. Upon information and belief, Commissioner Gasset and other unknown KDFWR officials expressly and implicitly prohibited KDFWR employees from appearing on his radio show.

60. As a result of this retaliation against Mr. Strader for investigating and reporting questionable practices and policies occurring at KDFWR, Mr. Strader's radio show was economically harmed and Mr. Strader's reputation was damaged.

61. In late 2008, in response to questioning about KDFWR attending the Strader Expo, Commissioner Gasset publicly bragged about his efforts to retaliate against Mr. Strader and announced that “Not only will we [KDFWR] not be at his expo, but I have been tempted to go to WHAS to buy Strader out and get rid of him once and for all, I've got \$100,000 to do it.”

62. Among those present when Commissioner Gasset made these statements and admissions were Third District KDFWR Commissioner Tony Brown and Second District KDFWR Commissioner and Chairperson Dale Franklin.

63. In keeping with Commissioner Gasset's previous threat to economically ruin Mr. Strader if he continued to investigate and report upon questionable practices and policies at KDFWR, the agency did not participate in the 2009 Strader Expo.

64. Upon information and belief, as of yet unidentified employees, officers and agents of KDFWR, acting at Commissioner Gasset's direction, instructed KDFWR employees that they were prohibited from attending Mr. Strader's Expo.

65. Instead of participating in the 2009 Strader Expo, as the agency had always done in the past, KDFWR subsequently began sponsoring, advertising, promoting and participating in a competing hunting and fishing exposition.

66. Tellingly this competing expo was organized in part by Matt Orr, the son of Ninth District representative Taylor Orr whose political appointment Commissioner Gasset had previously championed.

67. As a result of this retaliation against Mr. Strader, the Plaintiff was economically harmed through the loss of revenue at the 2009 Strader Expo.

68. As a result of this continuing retaliation against Mr. Strader, the Plaintiff is continuing to experience economic harm and it is now economically infeasible for Mr. Strader to continue hosting the Strader Expo.

69. In response to complaints from Kentucky hunting and fishing enthusiasts regarding KDFWR's failure to attend the 2009 Strader Expo, Commissioner Gasset publicly admitted in the February 2009 Kentucky Fish & Wildlife Commissioner's Newsletter that he had directed KDFWR and its employees not to attend the 2009 Strader Expo in retaliation against Mr. Strader for reporting questionable policies and practices at the agency and not characterizing the agency in a flattering manner. A copy of the pertinent portions of the February 2009 Kentucky Fish & Wildlife Commissioner's Newsletter containing Commissioner Gasset's admissions is attached hereto as **Exhibit A**.

70. As is evidenced by Commissioner Gasset's statements in the February 2009 Kentucky Fish & Wildlife Commissioner's Newsletter and his prior comments, Defendant Gasset has falsely and maliciously defamed Mr. Strader in an effort to undermine Plaintiff's credibility and reputation as a journalist for purposes of causing him economic harm.

71. Upon information and belief, the Defendants also began using unidentified officers, employees and/or agents of KDFWR to harass and humiliate Mr. Strader via arbitrarily targeting Mr. Strader and his Expo participants for inspections and/or investigations without probable cause.

72. Upon information and belief, the Defendants' actions against Mr. Strader were meant to deter Plaintiff from investigating questionable policies and practices allegedly occurring at KDFWR including alleged influence peddling and lobbying violations associated with the proposed expansion of cross-bow hunting season, alleged budget improprieties, funding of the elk restoration program, alleged improprieties surrounding wetlands reclamation and mitigation, the propriety of Commissioner Gasset's business relationship with the Greenwood Land Company, a real estate company focusing on recreational/wildlife land development and investment, alleged misuse of federal grants and funds, etc.

73. Because of Defendants past and continuing actions against Mr. Strader in violation of Plaintiff's civil rights and liberty and property interests, Plaintiff has and will continue to incur irreparable injury to his reputation and livelihood.

**THE DEFENDANTS ARE NOT  
ENTITLED TO QUALIFIED IMMUNITY**

74. In anticipation that Commissioner Gasset and the John Doe Defendants will assert that they are entitled to qualified immunity and shielded from personal liability in this case, Plaintiff peremptorily notes that neither Commissioner Gasset nor the John Doe

Defendants are entitled to qualified immunity from Mr. Strader's claims against them in their individual and official capacities.

75. During the time when the events set forth in this Complaint occurred, the decisional law in this circuit and throughout the United States clearly established that retaliating against a journalist for reporting upon or disagreeing with the policies or practices of the government, its officials or agencies constituted a violation of fundamental First Amendment rights. *McBride v. Village of Michiana*, 100 F.3d 457 (6<sup>th</sup> Cir. 1996).

76. During the time when the events set forth in this Complaint occurred, a reasonable governmental officer or official in the Defendants' positions should have reasonably known that retaliating against Mr. Strader for exercising his free speech and free press rights constituted a violation of Mr. Strader's constitutionally protected civil rights.

77. During the time when the events set forth in this Complaint occurred, the decisional law in this circuit and throughout the United States clearly established that attempting to precondition the continued enjoyment of benefits provided by a government agency upon an individual forfeiting his free speech and free press rights constituted a clear violation of the Plaintiff's civil rights.

78. During the time when the events set forth in this Complaint occurred, a reasonable governmental officer or official in the Defendants' positions should have reasonably known that attempting to precondition the continued enjoyment of benefits provided by a government agency upon Mr. Strader agreeing to only portray KDFWR in a positive manner constituted a violation of the Plaintiff's constitutionally protected civil rights.

79. During the time when the events set forth in this Complaint occurred, the decisional law in this circuit and throughout the United States clearly established that singling

out an individual for disparate treatment from all other similarly situated individuals for the purpose of causing him economic harm constituted a clear violation of the Plaintiff's Equal Protection guarantee.

80. During the time when the events set forth in this Complaint occurred, a reasonable governmental officer or official in the Defendants' positions should have reasonably known that singling out an individual for disparate treatment from all other similarly situated individuals for the purpose of causing him economic harm constituted a clear violation of the Plaintiff's Equal Protection guarantee.

81. During the time when the events set forth in this Complaint occurred, the decisional law in this circuit and throughout the United States clearly established that depriving Mr. Strader of his constitutionally protected property and liberty interests through maligning his reputation without affording him a fair opportunity to clear his name constituted a clear violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

82. Because of Defendants past and continuing actions against Mr. Strader in violation of his civil rights and liberty and property interests, Plaintiff has and will continue to incur irreparable injury to his reputation and livelihood; and accordingly he now files the below described claims against the Defendants.

## **PLAINTIFF'S CLAIMS AGAINST DEFENDANTS**

### **COUNT ONE**

#### **Defendants' Violations of Mr. Strader's First Amendment Free Speech and Free Press Rights and Request for Injunctive Relief**

83. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 82.

84. Pursuant to the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution, Mr. Strader possesses a constitutionally protected right to express disagreement with policies and practices of the government, its agencies and officials without fear of retaliation.

85. Pursuant to the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution, Mr. Strader possesses the constitutionally protected right to publicly report upon questionable policies and practices of the government, its agencies and officials without fear of retaliation.

86. In violation of 42 U.S.C. § 1983, the Defendants acting under color of law individually and collectively violated Plaintiff's civil rights by retaliating against Mr. Strader for reporting upon KDFWR's questionable policies and practices by funding and promoting a competing radio show in an effort to deprive Mr. Strader of his livelihood.

87. In violation of 42 U.S.C. § 1983, the Defendants acting under color of law individually and collectively violated Plaintiff's civil rights by retaliating against Mr. Strader for reporting upon KDFWR's questionable policies and practices by sponsoring, advertising, promoting and participating in a competing hunting and fishing expo in an effort to deprive Mr. Strader of his livelihood.

88. In violation of 42 U.S.C. § 1983, the Defendants acting under color of law individually and collectively violated Plaintiff's civil rights by retaliating against Mr. Strader for reporting upon KDFWR's questionable policies and practices by ordering KDFWR and its employees not to participate in or attend the 2009 Strader Expo.

89. In violation of 42 U.S.C. § 1983, the Defendants acting under color of law individually and collectively violated Plaintiff's civil rights by retaliating against Mr. Strader for

reporting upon KDFWR's questionable policies and practices by orchestrating a continuing campaign to harass and disparage Mr. Strader.

90. In violation of 42 U.S.C. § 1983, the Defendants acting under color of law individually and collectively sought to impose unconstitutional conditions upon their participation in Expo or appearing on Mr. Strader's radio show by refusing to do so unless his reporting of KDFWR only featured KDFWR's policies, practices, officials and employees in a flattering light.

91. Defendants' violations of Mr. Strader's free speech and free press rights took place while the Defendants were acting under the color of state law.

92. Pursuant to 42 U.S.C. § 1983, Defendants are collectively and individually liable - jointly and severally - for their actions depriving Mr. Strader of his civil rights under the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution and the emotional and economic injuries to Mr. Strader resulting there from.

93. As a result of these violations of Mr. Strader's free speech and free press rights under the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution, Mr. Strader has suffered and continues to suffer emotional and economic damages in amount to be determined by a jury at trial.

94. In addition to damages awarded by a jury at trial, Mr. Strader also seeks injunctive relief in the form of a Court order prohibiting the Defendants from harassing Mr. Strader by arbitrarily targeting him for inspections and investigations without probable cause.

95. In addition to damages awarded by the jury at trial, Mr. Strader also seeks injunctive relief in the form of a Court order prohibiting the Defendants from instructing KDFWR employees not to appear on Mr. Strader's radio show or at his Expo.

96. In addition to damages awarded by the jury at trial, Mr. Strader also seeks injunctive relief in the form of a Court order prohibiting the Defendants from continuing to fund, sponsor or promote competing radio shows and/or outdoors expositions.

**COUNT TWO**  
**Defendants' Imposition of**  
**Unconstitutional Conditions upon Mr. Strader**  
**and Request for Injunctive Relief**

97. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 97.

98. Pursuant to the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution, Mr. Strader possesses a constitutionally protected right to express disagreement with policies and practices of the government, its agencies and officials.

99. Pursuant to the First Amendment of the United States Constitution and Sections 1 and 8 of the Kentucky Constitution, Mr. Strader possesses the constitutionally protected right to investigate and publicly report upon questionable policies and practices of the government, its agencies and officials.

100. In violation of 42 U.S.C. § 1983, the United States Constitution, the Kentucky Constitution and the doctrine of unconstitutional conditions, the Defendants violated Plaintiff's civil rights by preconditioning Mr. Strader's ability to interview KDFWR employees on his radio show upon Plaintiff relinquishing his right to express disagreement with KDFWR's policies and practices.

101. In violation of 42 U.S.C. § 1983, the United States Constitution, the Kentucky Constitution and the doctrine of unconstitutional conditions, the Defendants violated Plaintiff's civil rights by preconditioning Mr. Strader's ability to interview KDFWR employees on his radio

show upon Plaintiff relinquishing his right to investigate and report questionable policies and practices occurring at KDFWR.

102. In violation of 42 U.S.C. § 1983, the United States Constitution, the Kentucky Constitution and the doctrine of unconstitutional conditions, the Defendants violated Plaintiff's civil rights by preconditioning KDFWR's continued participation in the Strader Expo upon Plaintiff relinquishing his right to express disagreement with KDFWR's policies and practices.

103. In violation of 42 U.S.C. § 1983, the United States Constitution, the Kentucky Constitution and the doctrine of unconstitutional conditions, the Defendants violated Plaintiff's civil rights by preconditioning KDFWR's continued participation in the Strader Expo upon Plaintiff relinquishing his right to express disagreement with KDFWR's policies and practices.

104. In violation of 42 U.S.C. § 1983, the United States Constitution, the Kentucky Constitution and the doctrine of unconstitutional conditions, the Defendants violated Plaintiff's civil rights by preconditioning the continuation of benefits that Mr. Strader had previously enjoyed during his relationship with KDFWR upon him agreeing to only portray the agency and its officials in a positive manner.

105. Defendants' violations Plaintiff's civil rights of the doctrine of unconstitutional conditions took place while the Defendants were acting under the color of state law.

106. Pursuant to 42 U.S.C. § 1983, Defendants are collectively and individually liable - jointly and severally - for their actions imposing unconstitutional conditions upon Mr. Strader's continued enjoyment of benefits previously provided by KDFWR and the emotional and economic injuries to Mr. Strader resulting there from.

107. As a result of these violations of Mr. Strader has suffered and continues to suffer emotional and economic damages in amount to be determined by a jury at trial.

108. In addition to damages awarded by a jury at trial, Mr. Strader also seeks injunctive relief in the form of a Court order prohibiting the Defendants from preconditioning KDFWR's officials and employees participation in Mr. Strader's Expo or radio show upon Plaintiff's agreement to only portray the agency in a flattering/laudatory manner.

**COUNT THREE**  
**Defendants' Violations of Mr. Strader's Right to Equal Protection**  
**and Request for Injunctive Relief**

109. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 108.

110. Pursuant to the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, Mr. Strader possesses a constitutionally protected right to equal treatment under the law and may not be arbitrarily or wrongfully singled out for disparate treatment by the government, its officials or agencies.

111. KDFWR and its officials encourage and allow KDFWR employees to appear as guests on similarly situated radio and television broadcasts. **Exhibit A.**

112. KDFWR and its officials encourage and allow KDFWR employees to attend and participate in similarly situated outdoors expositions. *Id.*

113. In violation of 42 U.S.C. § 1983 and Mr. Strader's right to equal protection under the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, the Defendants have impermissibly singled out Plaintiff for adverse disparate treatment by KDFWR, its officials and employees by prohibiting KDFWR employees from participating as guests upon Mr. Strader's radio show.

114. Upon information and belief, no such prohibition exists regarding any other radio or television show.

115. In violation of 42 U.S.C. § 1983 and Mr. Strader's right to equal protection under the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, the Defendants have impermissibly singled out Mr. Strader for adverse disparate treatment by KDFWR, its officials and employees by prohibiting KDFWR employees from participating in and attending Mr. Strader's expo

116. Upon information and belief, no such prohibition exists regarding any other outdoors exposition.

117. In violation of 42 U.S.C. § 1983 and Mr. Strader's right to equal protection under the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, the Defendants have singled out Mr. Strader for adverse disparate treatment for the impermissible purpose of harming him economically by placing him at a commercial disadvantage from other similarly situated radio shows and outdoors expositions. **Exhibit A.**

118. Defendants' disparate treatment of Mr. Strader violates Mr. Strader's constitutionally protected right to equal protection under the law as guaranteed by the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution, the Kentucky Constitution and 42 U.S.C. § 1983.

119. Defendants' violations of Mr. Strader's constitutionally protected right to equal protection under the law as guaranteed by the Equal Protection Clause of the Fourteenth Amendment of the United States' Constitution and the Kentucky Constitution took place while the Defendants were acting under the color of state law.

120. Pursuant to 42 U.S.C. § 1983, Defendants are collectively and individually liable - jointly and severally - for their actions violating Mr. Strader's right to equal protection and the emotional and economic injuries to Mr. Strader resulting there from.

121. As a result of these violations of Mr. Strader has suffered and continues to suffer emotional and economic damages in amount to be determined by a jury at trial.

122. In addition to damages awarded by the jury at trial, Mr. Strader also seeks injunctive relief in the form of a Court order prohibiting the Defendants from treating Mr. Strader differently from other similarly situation radio shows and outdoors expositions.

**COUNT FOUR**  
**Defendants' violations of Mr. Strader's**  
**Procedural Due Process Rights-Property Interests**  
**and Request for Injunctive Relief**

123. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 122.

124. Pursuant to the Due Process Clause of the 14<sup>th</sup> Amendment of the United States Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, Mr. Strader holds a constitutionally protected property interest in his continued right to contract free from governmental interference and in his means of livelihood and continued employment.

125. In violation of 42 U.S.C. § 1983, Defendants acted under the color of law to deprive Mr. Strader of his constitutionally protected property interests by deliberately boycotting the 2009 Strader Expo, maliciously organizing, promoting and supporting a competing expo and encouraging KDFWR's employees and sportsmen of the Commonwealth not to support Mr. Strader's expo.

126. In violation of 42 U.S.C. § 1983, Defendants acted under the color of law to deprive Mr. Strader of his constitutionally protected property interests by instituting, funding, patronizing and promoting a directly competing radio show designed to deprive Mr. Strader's means of livelihood.

127. Defendants deprived Mr. Strader of his constitutionally protected property interests without providing a constitutionally adequate predeprivation or postdeprivation hearing.

128. Defendant deprived Mr. Strader of his constitutionally protected property interests by attaching an unconstitutional precondition to his continuing enjoyment of those property interests.

129. Based upon the irreparable injury which will result from the Defendants' deprivation of Mr. Strader's property interests, Mr. Strader has no adequate remedy at law. Mr. Strader also has no adequate state forum or remedy available to redress his constitutional injuries, because of Defendants' bias and prejudice against him and/or because Defendant has acted maliciously and without good faith.

130. Defendants' deprivations of Mr. Strader's property rights without due process of law have caused him substantial injuries including, but not limited to, deprivation of his means of livelihood, the loss of income and benefits, and emotional distress and humiliation, in violation of his rights under the Due Process clause of the Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1983, and the Kentucky Constitution.

131. Defendants should be preliminarily and permanently enjoined from continuing to engage in this campaign to deprive Mr. Strader of his constitutionally protected property rights.

132. Pursuant to 42 U.S.C. § 1983, Defendant Commissioner Gasset and the John Doe Defendants are collectively and individually liable - jointly and severally - for their actions

depriving Mr. Strader of his Fourteenth Amendment Procedural Due Process Rights and protected Property Interests and the emotional and economic injuries to Mr. Strader resulting there from.

**COUNT FIVE**  
**Defendants' violations of Mr. Strader's**  
**Procedural Due Process-Liberty Interests**  
**and Request for Injunctive Relief**

133. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 132.

134. Pursuant to the Due Process Clause of the 14<sup>th</sup> Amendment to the United States Constitution and Sections 1, 2 and 3 of the Kentucky Constitution, Mr. Strader holds a constitutionally protected liberty interest in maintaining his means of livelihood, continued employment, his good name and reputation free from false, stigmatizing, and defamatory statements or statements causing him professional and/or personal harm.

135. In violation of 42 U.S.C. § 1983, Defendants acted under color of law to make defamatory statements about Mr. Strader and stigmatize his reputation in order to deprive him of his right to maintain his means of livelihood and make a living free from government interference.

136. Based upon the irreparable injury which will result from the Defendants' deprivation of Mr. Strader's property interests, Mr. Strader has no adequate remedy at law. Mr. Strader also has no adequate state forum or remedy available to redress his constitutional injuries, because of Defendant's bias and prejudice against him and/or because Defendant has acted maliciously and without good faith.

137. Defendant's deprivation of Mr. Strader's liberty rights without due process of law has caused him substantial injuries including, but not limited to, deprivation of his means of

livelihood, the loss of income and benefits, and emotional distress and humiliation, in violation of his rights under the Due Process clause of the Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1983, and the Kentucky Constitution.

138. Defendants should be preliminarily and permanently enjoined from continuing to engage in a campaign to deprive Mr. Strader of his constitutionally protected liberty rights.

139. Pursuant to 42 U.S.C. § 1983, Defendant Commissioner Gassett and John Doe Defendants are collectively and individually liable - jointly and severally - for their actions depriving Mr. Strader of his Fourteenth Amendment Procedural Due Process Rights and protected Property Interests and the emotional and economic injuries to Mr. Strader resulting there from.

### **COUNT SIX Defamation**

140. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 139.

141. Defendants' statements in the February 2009 Kentucky Fish & Wildlife Commissioner's Newsletter were intended to cause injury to Mr. Strader's business and personal reputation and did adversely affect his reputation.

142. Defendants knew or should have known that such statements in the February 2009 Kentucky Fish & Wildlife Commissioner's Newsletter were false. Defendant acted with actual malice in connection with the publication of the Newsletter.

143. As a result of Defendants' conduct, Plaintiff has suffered substantial damages injury to his reputation as a reporter on outdoors issues and sponsor hunting and fishing activities, programs and events, as well as the loss of income and benefits, emotional distress and humiliation, and special damages.

**COUNT SEVEN**  
**Intentional Interference with Prospective Contractual Relations**

144. Plaintiff restates and incorporates herein by reference the allegations contained in paragraphs 1 through 143.

145. Defendants have improperly and with malice encouraged and supported rival hunting and fishing expositions in an attempt to harm the financial viability of the Strader Expo.

146. Defendants have improperly and with malice encouraged and supported rival radio shows in an attempt to harm the financial viability of Mr. Strader's radio show

147. Defendants have improperly and with malice cast statewide dispersions regarding Mr. Strader's character in an attempt to harm the financial viability of both Mr. Strader's radio show and his annual Expo.

148. As a result of Defendants' wrongful and improper and intentional acts, Defendants have intentionally and improperly interfered with Plaintiff's prospective contractual relations with both potential vendors and attendees of the Strader Expo and with sponsors of Outdoors with Jim Strader radio program.

149. As a direct and proximate result of Defendant's intentional and improper interference with Mr. Strader's prospective contractual relations, Mr. Strader has suffered damages for which he has a right to be compensated in an amount to be decided at trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff James N. Strader respectfully requests the following relief:

- (A) Trial by jury on all claims triable by jury;
- (B) Judgment on Counts One through Five of Plaintiff's Verified Complaint that Defendants have violated Plaintiff's federal and state constitutional rights; and a preliminary and

permanent injunction prohibiting the Defendants from further violating the Plaintiff's constitutional rights in the form of an Order that:

(1) prohibits the Defendants from instructing KDFWR employees not to participate in Mr. Strader's Expo;

(2) prohibits the Defendants from instructing KDFWR employees not to participate in Mr. Strader's radio show;

(3) prohibits the Defendants from funding, sponsoring or promoting competing outdoors expositions;

(4) prohibits the Defendants from funding, sponsoring or promoting competing radio shows;

(5) prohibits the Defendants from preconditioning KDFWR and its employees involvement/participation in the Strader Expo or radio show upon Mr. Strader's agreement to only portray KDFWR, its officials or employees in a positive manner;

(6) prohibits the Defendants from treating Mr. Strader, the Strader Expo or Mr. Strader's radio show in a manner differently from other similarly situated individuals, outdoors expositions or radio shows; and

(7) prohibits the Defendants from further harassing Mr. Strader by arbitrarily targeting him for inspections or investigations without probable cause;

(B) Judgment on Counts Six and Seven of Plaintiff's Verified Complaint that Defendants have intentionally harmed Plaintiff in violation of Kentucky common law;

(C) Compensatory, consequential and incidental damages in amount to be proven at trial;

(D) Punitive damages in an amount to be proven at trial;

- (E) Reasonable costs including attorneys' fees pursuant to 42 U.S.C. § 1988;
- (F) Any and all other relief to which the Plaintiff may be entitled and justice or equity demands; and
- (G) Leave to freely amend in conformity with discovery of additional facts.

Respectfully submitted,

/s/ Kevan M. Doran

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**VERIFICATION**

I have read the foregoing Verified Complaint against the Defendants set forth herein and verify that the allegations are true as I verily believe.

\_\_\_\_\_  
James N. Strader

STATE OF KENTUCKY            )  
  ) SS:  
COUNTY OF JEFFERSON        )

Subscribed and sworn to before me by James N. Strader on this 7th day of December, 2009.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_