

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CURTIS LARRICK,

Plaintiff,

v.

THE SHERIFF OF BEAVER COUNTY,  
PENNSYLVANIA, BEAVER COUNTY,  
PENNSYLVANIA and ANTHONY GUY,  
Sheriff of Beaver County in his individual  
capacity,

Defendants.

Civil Action No. 2:16-cv-282-CRE

MAGISTRATE JUDGE CYNTHIA REED EDDY

*Electronically Filed*

JURY TRIAL DEMANDED

**DEFENDANTS' CONCISE STATEMENT OF UNDISPUTED MATERIAL FACTS**

AND NOW, come Defendants, THE SHERIFF OF BEAVER COUNTY, PENNSYLVANIA, BEAVER COUNTY, PENNSYLVANIA and ANTHONY GUY, Sheriff of Beaver County in his individual capacity, by and through their undersigned counsel, JonesPassodelis, PLLC, and files the within Concise Statement of Undisputed Material Facts as follows:

1. The Beaver County Sheriff is vested with the power to hire, discharge, fire, maintain and supervise any and all employees of the Beaver County Sheriff's Office pursuant to County Code Section 1620.

RR: Appendix, Ex. A (Guy Depo. at pp. 130-131).

2. The position of Sheriff of Beaver County is an elected position.

RR: Appendix, Ex. B (Plaintiff Depo at pp. 29-30).

3. Plaintiff, Curtis Larrick, began working as a deputy sheriff for Beaver County in 1991.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 21).

4. Democrat George David served as Sheriff from 1996-1997 and 2007-2016.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 27).

5. Jay Alstadt served as Chief Deputy Sheriff under former Sheriff George David. As Chief Deputy, Alstadt was responsible for handling the day to day in the office.

RR: Appendix, Ex. C (Alstadt Depo. at p. 8).

6. Larrick was promoted to Sergeant in 2008 under former Sheriff George David.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 22-23).

7. Larrick confided in Alstadt with his problems, both personal and work related.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 66-67, 117-118); Ex. C (Alstadt Depo. at pp. 14, 16, 18-19, 25-25, 31).

8. Larrick was demoted from Sergeant to deputy Sheriff in 2012 under former Sheriff David, because Sheriff David felt that “[Larrick’s] divorce was affecting [Larrick’s] performance and [Sheriff David] said if [Larrick] ever got back on [his] feet, that the position would still be there, but it never happened.” Larrick remained a deputy sheriff for Beaver County from 2012 until 2016.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 22-23); Ex. C (Alstadt Depo. at pp. 12-13).

9. Larrick separated from his wife around 2010.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 102).

10. Immediately after Larrick and his wife separated, his wife called the police on him and accused him cutting up her clothing.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 102).

11. Larrick and his wife were also involved in a custody dispute relating to their son at his school, to which the police department responded and called Alstadt at the Sheriff's Office.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 103-105); Ex. D (Baden Police Report).

12. In 2011, Deputy Michael Hurst was texting Larrick's wife. Larrick saw the texts and brought this issue to the attention of Alstadt.

RR: Appendix, Ex. B (Plaintiff Depo at pp. 61-62).

13. Alstadt approached Hurst regarding the interaction and attempted to handle the situation.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 69-70); Ex. C Alstadt Depo. at pp. 12-15).

14. At one point, Larrick confronted Hurst and made threats against Hurst. Based on the threat, Larrick was enrolled in an Employee Assistance Program.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 69-70).

15. In 2011, Larrick's ex-wife's new husband sent the Sheriff's Office a letter detailing harassment by Larrick.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 89-98); Ex. E (Letter Dated 9/11/11).

16. Larrick's ex-wife and her new husband filed a PFA against Larrick. Chief Alstadt and Sheriff David were aware of this PFA. When the PFA was obtained, Larrick had to relinquish his guns and pistol permit.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 88, 99).

17. Larrick's divorce was finalized in 2011, but his personal problems continued after the divorce.

RR: Appendix, Ex. C (Alstadt Depo. at p. 19).

18. When Larrick's divorce was finalized, he failed to remove his ex-wife from his health insurance and benefits. He notified County Human Resources a year after his divorce was finalized and notified Alstadt about the problems he was experiencing in attempting to remedy the issue.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 118-123); Ex. F (Insurance Documents).

19. Larrick believed that Deputy Kristen Chapes was sharing information about him with his ex-wife. He also believed that Sergeant McGeehan was attempting to contact his wife over Facebook. Larrick told Alstadt about these issues with Chapes and McGeehan and Alstadt approached them about their interactions.

RR: Appendix, Ex. C (Alstadt Depo. at pp. 13-18); Ex. B (Plaintiff Depo. at p. 77).

20. When Plaintiff's ex-wife got remarried, somebody put the wedding announcement in Larrick's work mailbox. Larrick approached Alstadt to handle the issue.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 73-75).

21. Sheriff David and Alstadt received a complaint regarding Larrick saying inappropriate things to Deputy Kayla Stevenson. Alstadt took the issue to Human Resources to investigate.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 123); Ex. G (Darbut Depo. at pp. 26-27); Ex. H (Darbut Memo re: Sexual Harassment).

22. Alstadt learned that Judge Kwidis complained about Larrick bothering his female law clerk by trying to communicate with her in a way which she wanted to stop.

RR: Appendix, Ex. C (Alstadt Depo. at pp. 23-25); Ex. I (Incident Report); Ex. B (Plaintiff Depo. at p. 127).

23. Deputy David Hunter approached Alstadt regarding Larrick texting with Hunter's girlfriend and that Hunter was upset about such communications. Alstadt addressed the issue with Larrick.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 112).

24. Larrick went to Alstadt with his problems, both personal and work related. Alstadt spoke with Larrick on a daily basis either at work or outside of work. Larrick also stopped by Alstadt's home to discuss issues.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 66-67, 117-118); Ex. C (Alstadt Depo. at pp. 14, 16, 18-19, 25-26, 31); Ex. J (Complaint Report).

25. Larrick had an incident with the police in Ocean City Maryland while vacationing with a former Deputy and his family, when his wife called the police after Larrick's son complained to her by phone of a physical altercation between Larrick and his son. Larrick told Alstadt about the incident.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 105-108); Ex. K (OCMD Police Report); Ex. G (Darbut Depo. at p. 31).

26. Larrick complained to Alstadt that deputies were making fun of the fact that he vacationed with another deputy.

RR: Appendix, Ex. L (Memo dated 10/29/14).

27. In October 2014, Larrick indicated that he believed that Sheriff David was attempting to have Larrick fired.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 26); Ex. G (Darbut Depo. at pp. 49-50).

28. Sheriff David complained to Human Resources regarding Larrick's personal problems interfering with his work and indicated that Alstadt has had to address the issues on numerous occasions.

RR: Appendix, Ex. M (David Memo Re: Larrick).

29. Larrick acknowledged that the events or issues he raised with Alstadt occurred before Sheriff Guy came into office and that Sheriff Guy had no knowledge of these events.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 117-118).

30. In 2015, Sheriff Guy decided to run for Beaver County Sheriff, because at that time, "there were a lot of problems in the Sheriff's Office. . . , a lack of professionalism, lack of organization." Then-Sheriff George David "had been arrested. . . . there was a lot of turmoil involved in that," in that the conduct underlying the arrest occurred while acting in the capacity as Sheriff.

RR: Appendix, Ex. A (Guy Depo. at p. 12).

31. Following his initial arrest, Sheriff David was accused of a violating the terms of his release. Larrick offered testimony against Sheriff David regarding this violation.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 130-132); Ex. G (Dabut Depo. at pp. 43-44).

32. Sheriff Guy ran as a Republican candidate in the primary election and won the Republican nomination.

RR: Appendix, Ex. A (Guy Depo. at pp. 14-15).

33. Then Sheriff George David lost the Democrat primary election to Democrat Wayne Kress.

RR: Appendix, Ex. A (Guy Depo. at pp. 17-18).

34. Larrick supported Democrat Wayne Kress in the primary election and the general election.

RR: Appendix, Ex. B (Plaintiff Depo. at p. 36).

35. Republican Sheriff Guy won the general election for Beaver County Sheriff in November 2015 against Democrat Wayne Kress.

RR: Appendix, Ex. A (Guy Depo. at pp. 10-11).

36. About a week before the election, Sheriff Guy heard that Larrick was spreading information about him that was not true. Specifically, Larrick was reporting that Sheriff Guy was going to make certain personnel determinations once in office.

RR: Appendix, Ex. A (Guy Depo. at pp. 28, 46-47).

37. On the day of the election, Larrick approached Sheriff Guy at a poll while campaigning for Wayne Kress. Larrick shared a story with Sheriff Guy about an older man approaching him and yelling at him, thinking he was Sheriff Guy. Sheriff Guy described this story as "fantastic."

RR: Appendix, Ex. A (Guy Depo. at pp. 44-48); Ex. B (Plaintiff Depo. at pp. 137-142).

38. At the poll, Sheriff Guy stated that he wished Larrick would have spoken to him instead of spreading things which were not true. Larrick responded that he heard those things, so that is what he was going to say anyway despite being told otherwise.

RR: Appendix, Ex. A (Guy Depo. pp. 46-47).

39. Both Kress and Sheriff Guy ran campaigned on the idea that change was needed in the Sheriff's Office in light of former Sheriff David's arrest and trial, and the turmoil such incidents caused in the office.

RR: Appendix, Ex. B (Plaintiff Depo. at pp. 52-53).



40. Upon winning the election, Sheriff Guy conducted an evaluation of every member of the Sheriff's Office.

RR: Appendix, Ex. A (Guy Depo. at pp. 107-108).

41. Sheriff Guy believed every member had to be evaluated because of the turmoil and lack of leadership in in the office and because previously "decisions were made to hire people not based on qualifications or character, but for reasons more associated with who someone was associated with, who they were friends with." However, Sheriff Guy thought everyone needed to be evaluated because "just because people were possibly not chosen for the right reasons doesn't mean that they weren't good deputies and could do their job well."

RR: Appendix, Ex. A (Guy Depo. at pp. 65-66, 107-08).

42. In the evaluation process, Sheriff Guy was looking to employ deputies with "strong character, good charter, and positive character. . . ," including "honesty, trustworthiness, [and] reliability."

RR: Appendix, Ex. A (Guy Depo. at pp. 107-108).

43. The evaluation process included speaking with two State Police Officers and a lawyer at the Attorney General's Office who were involved in the investigation, arrest and prosecution of Sheriff David.

RR: Appendix, Ex. A (Guy Depo. at p. 60); Ex. N (Guy Notes from Deputies).

44. The evaluation process included meeting with Chief Deputy Sheriff Jay Alstadt to evaluate personnel and structural problems in the office.

RR: Appendix, Ex. A (Guy Depo. at p. 83).

45. Sheriff Guy believed that Alstadt has experience in his position of authority and held the office together during tumultuous times.

RR: Appendix, Ex. A (Guy Depo. at pp. 55-56).

46. During the meeting between Alstadt and Sheriff Guy, they discussed all of the employees in the office.

RR: Appendix, Ex. N (Guy Notes from Deputies).

47. Larrick was the first employee Alstadt identified during his meeting with Sheriff Guy. Alstadt told Sheriff Guy that Larrick “needs to be gone,” because he would not be part of the vision for the office.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. C (Alstadt Depo. at p. 52); Ex. N (Guy Notes from Deputies).

48. Alstadt relayed to Sheriff Guy that Larrick always had issues. He was high maintenance and ate up a lot of management’s time. He had an attitude toward others that was very disruptive and something that Alstadt had to deal with every single day.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. C (Alstadt Depo. at pp. 52-53, 56).

49. Alstadt relayed to Sheriff Guy that Larrick had problems with truthfulness and that the other deputies do not believe him. Larrick was referred to by other deputies as “Lying Larrick.”

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. N (Guy Notes from Deputies).

50. Alstadt relayed to Sheriff Guy that Larrick always portrayed incidents to be much more minor to minimize his involvement.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. N (Guy Notes from Deputies).

51. Alstadt relayed to Sheriff Guy that there were a complaint of harassment against Larrick by a Judge's Secretary.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. N (Guy Notes from Deputies).

52. Alstadt relayed to Sheriff Guy that Larrick had been making phone calls and contacting another deputy's girlfriend.

RR: Appendix, Ex. A (Guy Depo. at p. 84).

53. The evaluation process of personnel included interviewing all personnel of the Sheriff's Office. In December 2015, Sheriff Guy set up a schedule to meet with each employee and met with each employee.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. O (Michael Depo. at pp. 12-13); Ex. P (Interview Schedule).

54. He asked Dean Michael to sit in on the interviews of the Sheriff's Office personnel due to his experience in law enforcement. Dean Michael and Sheriff Guy came up with a list of questions to ask each employee and that format was followed throughout each interview.

RR: Appendix, Ex. A (Guy Depo. at p. 84); Ex. O (Michael Depo. at pp. 18, 37-38); Ex. Q (Interview Outlines).

55. The interview involved asking about problems that needed fixed within the office as a whole and problems with individual employees.

RR: Appendix, Ex. A (Guy Depo. at p. 95); Ex. O (Michael Depo. at p. 17).

56. During the interviews, others, including Hunter, Mike Kress, Jim McGeehan, Kristen Chapes, Fratangeli and Jim Brown, brought up Larrick's sexual harassment allegations.

RR: Appendix, Ex. A (Guy Depo. at p. 95); Ex. N (Guy Notes from Deputies).

57. During the interviews with other deputies, most of them said that Larrick was a liar, his nickname was Lying Larrick and he could not be trusted.

RR: Appendix, Ex. A (Guy Depo. at pp. 113, 120); Ex. O (Michael Depo. at pp. 16-20).

58. During the interviews with other deputies, it was reported that Larrick said he was attending multiple funerals and lied about attending. Others indicated that Larrick claimed to have a relationship with a news reporter, but the news reporter denied knowing Larrick.

RR: Appendix, Ex. A (Guy Depo. at pp. 85, 118-119); Ex. O (Michael Depo. at p. 19).

59. During the interviews with other deputies, Sheriff Guy was told that Larrick stated that he told the truth one time and he ended up getting in trouble for it, when he was disciplined for his involvement in an automobile crash.

RR: Appendix, Ex. A (Guy Depo. at pp. 119-20).

60. During the interviews with other deputies, they indicated that Larrick would spin events differently than what really happened.

RR: Appendix, Ex. A (Guy Depo. at pp. 119-20).

61. Sheriff Guy found the lack of trust for Larrick to be “nearly universal” to those in the Sheriff’s Office.

RR: Appendix, Ex. A (Guy Depo. at pp. 133-34).

62. During Larrick’s interview, Dean Michael asked Larrick about what others had said regarding his inability to tell the truth. Larrick denied having such an issue. Plaintiff could not provide specifics to rebut allegations of being known as a liar.

RR: Appendix, Ex. A (Guy Depo. at pp. 133-34); Ex. O (Michael Depo. at pp. 16).

63. During Larrick’s interview, without being asked about it, Plaintiff immediately wanted to discuss the issue with Deputy Hurst texting his wife. Larrick brought in phone records to show phone calls or text messages to tell his side of the story.

RR: Appendix, Ex. A (Guy Depo. at pp. 133-34); Ex. O (Michael Depo. at pp. 15-16).

64. Sheriff Guy was sworn into office as the Beaver County Sheriff on January 4, 2016.

RR: Appendix, Ex. R (Termination Letter).

65. On January 4, 2016, Sheriff Guy discharged the following employees pursuant to County Code §1620:

Lieutenant Thomas Ochs  
Lieutenant John J. Fratangeli  
Deputy Paul Clark

Plaintiff, Deputy Curtis Larrick  
Deputy Tanya Kuhlber  
Deputy Kayla D. Stevenson  
Sergeant Michael Tibolet

RR: Appendix, Ex. R (Termination Letter).

66. On January 4, 2016, Sheriff Guy revoked the commission of Chief Deputy Jay Alstadt and demoted him to the position of Captain and revoked the commission of Captain James McGeehan and demoted him to the position of Lieutenant. Dean Michael was made Chief Deputy.

RR: Appendix, Ex. R (Termination Letter).

67. Sheriff Guy discussed all the personnel decisions with Dean Michael and Jay Alstadt.

RR: Appendix, Ex. A (Guy Depo. at p. 127).

68. Sheriff Guy terminated Larrick because of Larrick's "character issues," which included honesty, integrity, trustworthiness, ability to work well as a member of the team and instances of inappropriate conduct with females, which he learned from the interviews he conducted.

RR: Appendix, Ex. A (Guy Depo. at pp. 131-136).

69. Sheriff Guy also based his decision to terminate Larrick on the interactions he had with Larrick to the extent that he relayed verified stories based upon what others had told him and exaggerated situations.

RR: Appendix, Ex. A (Guy Depo. at pp. 131-136).

70. Sheriff Guy also terminated Larrick because it seemed “that he always had something going on, whether it was this deputy said something about him or another deputy said something or there is some kind of conflict that frankly should have be dealt with at a much lower level than the Chief Deputy [Alstadt].” Sheriff Guy though such behavior is disruptive.

RR: Appendix, Ex. A (Guy Depo. at p. 136).

71. Lieutenant Thomas Ochs and Sergeant Michael Tibolet were terminated because they lied when in the initial investigation of Sheriff David’s criminal investigation, and this caused a lot of negative issues in the Sheriff’s Office that could have been remedied with an earlier truthful statement by either. This information was relayed to Sheriff Guy from the State Police and Alstadt.

RR: Appendix, Ex. A (Guy Depo. at pp. 98-99).

72. Lieutenant John J. Fratangeli was terminated because he was involved in a “multitude of . . . substantial. . . negative issues,” including that he did not tell the truth and he falsified an affidavit, which Sheriff Guy learned during the interviews and meetings.

RR: Appendix, Ex. A (Guy Depo. at pp. 97-98).

73. Deputy Tanya Kuhlber was terminated for character issues and that she brought “a lot of drama in the Sheriff’s Office” in that she had “personal issues” which were related by other deputies and Alstadt which were disruptive.

RR: Appendix, Ex. A (Guy Depo. at pp. 100-102).

74. Deputy Kayla D. Stevenson was terminated due to character issues as demonstrated by her involvement in harboring her brother, who was a fugitive.

RR: Appendix, Ex. A (Guy Depo. at pp. 99-100).

75. Deputy Paul Clark was terminated on the basis that Sheriff Guy believed he was not a team player to the extent that other deputies relayed that Clark did as little work as he could possibly do.

RR: Appendix, Ex. A (Guy Depo. at pp. 98-99).

76. James McGeehan supported Tony Guy in the general election for Sheriff. He voiced his support to Tony Guy after the election and attended a campaign dinner.

RR: Appendix, Ex. A (Guy Depo. at p. 52).

77. John J. Fratangeli supported Tony Guy in the general election for Sheriff. He told Sheriff Guy of his support.

RR: Appendix, Ex. A (Guy Depo. at p. 19).

78. Deputy Sheriff Jen Bredemeir supported Kress in the election for Sheriff and was active in the Democratic party.

RR: Appendix, Ex. A (Guy Depo. at pp. 35, 107).

79. Sheriff Guy promoted Jen Bredemeir from a part time deputy sheriff to a full time deputy sheriff.

RR: Appendix, Ex. A (Guy Depo. at p. 35).



80. Sheriff Guy knew that Jen Bredemeir was active in politics before she was promoted to a full time position.

RR: Appendix, Ex. A (Guy Depo. at pp. 37, 38, 107).

81. Deputy Sheriff Dave Mangerie supported Paul Kress in the general election.

RR: Appendix, Ex. A (Guy Depo. at p. 35).

82. Sheriff Guy promoted Dave Mangerie from a part time deputy sheriff to a full time deputy sheriff.

RR: Appendix, Ex. A (Guy Depo. at p. 35).

83. Sheriff Guy knew that Deputy Sheriff Dave Mangerie supported Paul Kress when he was promoted to a full time position.

RR: Appendix, Ex. A (Guy Depo. at pp. 38-39).

84. Former Chief Deputy Jay Alstadt told Sheriff Guy that he supported him in the election.

RR: Appendix, Ex. A (Guy Depo. at p. 19).

85. Sheriff Guy did not know who Stevenson, Kuhlber, Tibolet or Ochs supported in the election.

RR: Appendix, Ex. A (Guy Depo. at pp. 40, 50-51).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

- U.S. First Class Mail, Postage Paid
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s/Marie Milie Jones  
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