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6 **IN THE COURT OF COMMON PLEAS**
7 **FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**
8 **PHILADELPHIA COUNTY – CIVIL TRIAL DIVISION**

9 James Deacon,) Case No.: CP-51-CV-379276-2025
10)
11 Plaintiff(s),) **CIVIL COMPLAINT**
12 vs.) **FOR VIOLATION OF CIVIL RIGHTS**
13)
14 Ryan Waters, individually and in his capacity as)
Lieutenant Colonel for the state of)
15 Pennsylvania,)
16 Dylan Rivers, individually and in his capacity as)
Colonel for the state of Pennsylvania,)
17 Defendant(s).)
18)

19 **PRELIMINARY STATEMENT**

20 This complaint arises from the retaliatory suspension of James Deacon, a public employee who
21 exercised his First Amendment right to speak on a matter of public concern: the persistent
22 inactivity of Colonel Dylan Rivers. Rather than address the issue raised, Defendants responded
23 by suspending Mr. Deacon and offering shifting, inconsistent justifications before ultimately
24 admitting the true motive was his protected speech. Another department confirmed that such a
25 statement would not warrant discipline, making the punishment both retaliatory and selectively
26 enforced. This incident reflects a broader pattern of suppression by the department's HICOM, as
27 previously challenged in Bubbleton v. Waters et al. Plaintiff has standing to bring this action as
28 the subject of the retaliatory discipline, and plans to hold Defendants accountable, restore his
rights, and prevent further retaliation against public employees who speak out in good faith.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter because the events giving rise to this complaint occurred within Philadelphia County, where the Philadelphia Roleplay (PRP) community is based and operates its moderation infrastructure.
2. Venue is proper under the jurisdiction of this Court because all acts, communications, and moderation actions occurred within the operational scope of PRP, which is headquartered in and governed from Philadelphia County.

PARTIES

3. Plaintiff James Deacon is an adult individual and resident of Philadelphia County, Pennsylvania, and was a Trooper for Pennsylvania State Police.
4. Defendant Ryan Waters is the current Lieutenant Colonel for Pennsylvania State Police, and is sued individually and in his official capacity.
5. Defendant Dylan Rivers is the current Colonel for Pennsylvania State Police, and is sued individually and in his official capacity.

FACTUAL ALLEGATIONS

6. On or about May 11, 2025, Plaintiff James Deacon, speaking in his capacity as a private citizen, expressed concern regarding Colonel Dylan Rivers' ongoing failure to perform essential duties. The comment, made in a public channel, stated: "hes [colonel] inactive, how would i" (see Attachment A).
7. The comment was made outside of Plaintiff's job responsibilities and pertained to the public's interest in effective government leadership, consistent with the principles mentioned in *Pickering v. Board of Education*, 391 U.S. 563 (1968).
8. A day after making the comment, Plaintiff was notified of his suspension.
9. Defendants initially offered inconsistent and unrelated reasons for the suspension.
10. Eventually, Defendants admitted the actual reason for the suspension was Plaintiff's statement regarding Colonel Rivers.
11. Another department with comparable authority confirmed that Plaintiff's comment did not constitute grounds for disciplinary action. (see Attachment A)
12. Plaintiff was subject to a higher standard of discipline and scrutiny than other similarly situated employees.

1 13. Defendant Waters, a key decision-maker in the disciplinary action against Plaintiff, has
2 previously retaliated against individuals for engaging in protected speech, as seen in
3 Bubbleton v. Waters et al.

4 14. Defendants' actions chilled Plaintiff's exercise of his constitutional rights and set a
5 precedent of retaliation within the department.

6 **CLAIMS FOR RELIEF**

7 **Count I – First Amendment Retaliation**

8 15. Plaintiff seeks a declaration that his suspension was retaliatory, unsupported by lawful
9 cause, and issued in violation of his right to speak on matters of public concern.

10 **Count II – Selective Enforcement**

11 16. Plaintiff alleges that Defendants selectively enforced disciplinary rules against him for
12 protected speech while allowing similarly situated employees to speak without penalty,
13 constituting unequal treatment in violation of the Fourteenth Amendment.

14 **PRAYER FOR RELIEF**

15
16 WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- 17 a. Declare that Defendants' actions violated Plaintiff's rights under the First and Fourteenth
- 18 Amendments to the United States Constitution;
- 19 b. Order the immediate reinstatement of Plaintiff to his prior role and expungement of the
- 20 disciplinary suspension from his official record;
- 21 c. Award punitive damages against Defendants Waters and Rivers in their individual
- 22 capacities for acting with knowing disregard of Plaintiff's constitutional rights;
- 23 d. Direct the issuance of a formal written apology from the department's leadership
- 24 acknowledging the improper nature of the suspension and its retaliatory motivation;
- 25 e. Order an investigation into Plaintiff's suspension and recommend internal consequences,
- 26 including reassignment, demotion, or reprimand of those responsible;
- 27 f. Require the implementation of policy changes, including court-ordered First Amendment
- 28 and retaliation-prevention training for department leadership, and revision of disciplinary
- procedures governing speech and "disrespect" claims;
- g. Grant such other and further relief as the Court deems just and proper.

1 DATED: May 12, 2025

2 /s/ Bryce B. Bubbleton

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Attachment A

