



Curt Varone  
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 401 527-9111

Fire Litigation Database

As of July 1, 2019  
 9455 cases  
 Includes 145 international cases  
 TOTAL US CASES: 9310

Administrative – 4436  
 Criminal – 1187  
 Civil – 3686

**ADMINISTRATIVE CASES**

<b>Administrative</b>	<b>Volunteer</b>		<b>Career</b>			<b>Combination</b>	
Total	942		2848			624	
FD Administrative	826	88%	2126	75%		468	75%
Discipline	794	84%	2038	72%		456	73%
State Administrative	65	7%	300	11%		82	13%
Civil Service		0%	90	3%		11	2%
Federal Admin.	20	2%	70	2%		16	3%
Grievance arbitration			194	7%		24	4%
Ethics	20	2%	15	0.5%		9	1%

**DISCIPLINE**

Sexual misconduct	434	11.8%
Alcohol involved	296	8.0% (was 10%)
Social media	264	7.2% (was 4%)
Sexual harassment	204	5.5% (was 3%)
Drugs	191	5.2%
Photo/imagery	168	4.6% (was 3%)



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**CRIMINAL**

	Volunteer		Career		Combination	
Criminal Total	671		381		132	
Theft	277	41%	123	32%	50	38%
THEFT FROM FD	256	38%		0%	12	9%
THEFT FROM UNION		0%	15	4%	7	5%
Arson	216	32%	32	8%	26	20%
Reporting False Alarm	11	2%	9	2%	1	8%
Assault	65	10%	65	17%	25	19%
Assault w deadly weapon	5	1%	4	1%	1	1%
Battery	7	1%	7	2%	3	2%
Rape	6	0.9%	8	2%	1	1%
Sexual Assault	41	6%	35	9%	14	11%
Sex Assault Minor	32	5%	11	3%	9	7%
Voyeurism	3	0%	7	2%	0	0%
Child Porn	8	1.2%	9	2%	5	4%
DWI	28	4%	9	2%	5	4%
Disorderly	20	3%	9	2%	5	4%
Drug Charges	9	1.3%	42	11%	8	6%
Murder	4	0.6%	6	2%	1	1%
Manslaughter/Negl homicide	10	1.5%	23	6%	3	2%
Vehicular Homicide	5	0.7%	6	1.6%	3	2%
Filing False document	5	0.7%	7	2%	4	3%
Filing False report	4	0.6%	5	1.3%	1	1%



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	Volunteer			Career			Combination	
THEFT	277	% of Theft		123	% of Theft		50	% of Theft
Embezzlement	167	60.29%		31	25.20%		22	44%
Larceny	203	73.29%		85	69.11%		42	84%
Forgery	31	11.19%		13	10.57%		5	10%
Fraud	82	29.60%		51	41.46%		14	28%
Robbery	3	1.08%		1	0.81%		1	2%
Mail Fraud	1	0.36%		2	1.63%		1	2%
Wire Fraud	4	1.44%		2	1.63%		0	0%

**CIVIL SUITS 3686**

2179	Employment related	59.1%
1155	Include a tort allegation	31.3%
904	Include negligence allegation	24.5%
894	Incident related	24.3%
613	Termination challenge	16.6%
530	Retaliation	14.4%
280	Collective Bargaining	7.6%
109	Fire prevention related	3.0%
72	Training	1.9%

**Termination Challenge Suits**

Discipline related termination	347
Constructive termination	141
Medically related termination	62
Competency based termination	34
Fitness for duty	29



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### **Employment Related Issue**

Work conditions	609 (hostile)
Compensation	268
Benefits	249
Overtime	243
Promotion	219
Pensions	148
Hiring	135
Demotion	114
Transfer	70
Layoff	35

### **Discrimination cases**

449 Gender Discrimination	
Sex discrimination	384
Sexual Harassment	323
Reverse Gender	22
Pregnancy	21
Sexual Orientation	18
368 Race	
Race by minority	274
Race – reverse race	94
143 Disability	
89 Age	
43 Political retaliation	
35 Religion	
22 Military service (USERRA)	
21 Pregnancy	

### **Other Employment issues**

Due Process	302
FLSA	243
1st Amendment	230
Whistleblower	155
Union affiliation discrim.	28
FMLA	26



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**EMPLOYMENT SUITS**

		Percent of Civil	Percent of Employment
Total	3686		2179
Wrongful termination	425	11.53%	19.50%
GENDER TOTAL	449	12.18%	20.61%
Sex discrimination	384		
Sexual harassment	323		
GENDER REVERSE	22		
Sexual Orientation	18		
Retaliation	530	14.38%	24.32%
Due Process	302	8.19%	13.86%
Whistleblower	155	4.21%	7.11%
1st Amendment	230	6.24%	10.56%
Sexual misconduct	147	3.99%	6.75%
Age	89	2.41%	4.08%
Breach of employment agreement	168	4.56%	7.71%
Workers comp	11	0.30%	0.50%
FLSA	243	6.59%	11.15%
Political Retaliation	43	1.17%	1.97%
Race discrim total	368	9.98%	16.89%
Reverse race discrimination	91		
Race discrimination - Minority	277		
Voting issue	8	0.22%	0.37%
Civil service	189	5.13%	8.67%
Privacy Violation	20	0.54%	0.92%
Disability	143	3.88%	6.56%
Collective Bargaining	280	7.60%	12.85%
FMLA	26	0.71%	1.19%
Religious discrimination	35	0.95%	1.61%
National Origin Discrim	45	1.22%	2.07%
Pregnancy Discrimination	21	0.57%	0.96%
HIPAA violation	2	0.05%	0.09%



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	Volunteer			Career			Combination		
		% Civil	% Empl.		% Civil	% Empl		% Civil	% Empl
Total	592		192	2636		1701	432		269
Wrongful termination	65	10.98	34	261	9.90	15	96	22.22	35.69
GENDER TOTAL	59	9.97	31	321	12.18	19	63	14.58	23.42
Sex discrim.	42			278			53	12.27	19.70
Sex harassment	36			232			43	9.95	15.99
GENDER REVERSE	1			20			1	0.23	0.37
Retaliation	52	8.78	27	389	14.76	23	83	19.21	30.86
Due Process	34	5.74	18	225	8.54	13	41	9.49	15.24
Whistleblowr	33	5.57	17	96	3.64	6	28	6.48	10.41
1st Amend	33	5.57	17	149	5.65	9	48	11.11	17.84
Sexual misconduct	29	4.90	15	79	3.00	5	21	4.86	7.81
Age	13	2.20	7	64	2.43	4	12	2.78	4.46
Breach of employment agreement	14	2.36	7	124	4.70	7	29	6.71	10.78
Workers comp	11	1.86	6	84	3.19	5	8	1.85	2.97
FLSA	7	1.18	4	201	7.63	12	28	6.48	10.41
Political Retaliation	7	1.18	4	23	0.87	1.4	0	0.00	0.00
Race discrim total	6	1.01	3	344	13.05	20	17	3.94	6.32
Reverse race	0			93			1	0.23	0.37
Race discrim - Minority	6			254			16	3.70	5.95
Voting issue	8	1.35	4	0	0.00	0.0	0	0.00	0.00
Civil service	4	0.68	2	170	6.45	10	15	3.47	5.58



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Privacy Violation	3	0.51	2		16	0.61	0.9		1	0.23	0.37
Disability	3	0.51	1.6		125	4.74	7		15	3.47	5.58
Collective Bargaining	1	0.17	0.5		253	9.60	15		26	6.02	9.67
FMLA	1	0.17	0.5		20	0.76	1.2		5	1.16	1.86
Religious Discrim	1	0.17	0.5		29	1.10	1.7		3	0.69	1.12
National Origin Discrm	1	0.17	0.5		39	1.48	2.3		5	1.16	1.86
Pregnancy Discrimin	1	0.17	0.5		18	0.68	1.1		2	0.46	0.74
HIPAA violation	0	0.00	0.0		2	0.08	0.1		0	0.00	0.00



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## TORT SUITS

	Volunteer		Career		Combination	
Total	237		798		105	
<b>Negligence</b>	185	78.06%	639	80%	73	69.52%
Gross negligence	59	24.89%	250	31%	24	22.86%
Recklessness	48	20.25%	171	21%	14	13.33%
Willful Wanton	43	18.14%	165	21%	12	11.43%
Int Infliction SED	33	13.92%	121	15%	19	18.10%
Defamation	31	13.08%	73	9%	23	21.90%
Battery	24	10.13%	58	7%	5	4.76%
Assault	22	9.28%	62	8%	6	5.71%
Civil Rights - Deliberate Indifference	17	7.17%	80	10%	9	8.57%
Civil Rights - Intent to cause harm	14	5.91%	53	7%	5	4.76%
Product Liability	12	5.06%	85	11%	6	5.71%
False Arrest	6	2.53%	42	5%	2	1.90%
Negligent Infliction of SED	7	2.95%	50	6%	7	6.67%
Invasion of Privacy	6	2.53%	33	4%	4	3.81%
Strict Liability	3	1.27%	37	5%	3	2.86%
Fraud	8	3.38%	25	3%	5	4.76%
Conspiracy	5	2.11%	17	2%	3	2.86%
Bad Faith	3	1.27%	16	2%	5	4.76%
Abandonment	0	0.00%	13	2%	1	0.95%
Toxic Torts (ie. AFFF Foam)	4	1.69%	11	1%	1	0.95%
Public Nuisance	5	2.11%	10	1%	2	1.90%
Trespass	6	2.53%	10	1%	2	1.90%
Intentional interference w/a contract	5	2.11%	12	2%	3	2.86%
Malicious prosecution	5	2.11%	9	1%	2	1.90%
Conversion	8	3.38%	3	0%	0	0.00%
Private Nuisance	5	2.11%	3	0%	5	4.76%





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**894 Incident Related Suits**

Structure fires	368	41.2%
EMS	252	28.2%
Apparatus accidents	126	14.1%
Wildland	61	6.8%
Vehicle accident	57	6.4%
Dispatch	46	5.1%

**109 Fire Prevention Related Suits**

Inspection	67
Code enforcement	54
Investigation	26
Wrongful conviction	10

**1155 Civil Tort Suits**

Negligence	904
Gross negligence	334
Recklessness	234
Int Infl Emotional Distress	170
Defamation	127

<u>Who is Sued</u>	<u>Total</u>	<u>FF</u>	<u>Mrs. Smith</u>
Fire Department	3105	1987	366
Fire Chief	434	325	56
Chief Officer	188	138	26
Company Officer	139	86	33
Firefighter	233	65	125
	105	52	28

	<u>Sued by a Firefighter</u>	<u>Sued By Mrs. Smith</u>
FD	5.4	1
Fire Chief	5.8	1
Chief Officer	5.3	1
Company Officer	2.6	1
Firefighter	1	1.9