

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CIVIL ACTION NO. 3:17-CV-000041

JOHN COTTRELL

PLAINTIFF

vs.

BULLITT COUNTY, KENTUCKY AND
DAVE GREENWELL, Bullitt County Sheriff in his
Individual and Official Capacities

DEFENDANTS

AFFIDAVIT OF JOHN COTTRELL

Comes the Affiant, John Cottrell, after having been duly sworn, states and deposes as follows:

1. My name is John Cottrell, and I was employed as the Chief Deputy Sheriff for Bullitt County, Kentucky from on or about January 3, 2011 until approximately October of 2016.

2. During my tenure as the Chief Deputy in Bullitt County, Kentucky, Sheriff Dave Greenwell was my immediate supervisor. Sheriff Greenwell was not very hands on. Therefore, I ran the day-to-day operations of the Bullitt County Sheriff's Office.

3. In August of 2016, I injured my left knee while on the job and trying to arrest an individual.

4. In May of 2014, a man from Shepherdsville was stopped in Riverside, California with \$420,000.00 cash in hidden compartment/panels of a used vehicle that was registered to the Mattinglys' used car dealership, which is owned by Chris and Leonard Mattingly.

5. Upon information and belief, the DEA was investigating the Mexican cartel and drug trafficking and trying to determine who the subject was who was referred to as the "Chicken Man."

6. After the vehicle in question was found to be registered to the Mattinglys' used car dealership, Bullitt County DEA agents called Mike Halbleib (my subordinate), the Captain of the drug task force. Chris Mattingly was determined to be the "Chicken Man" as referred by the Mexican cartel. Captain Halbleib informed me that Mr. Mattingly and his father were good friends with Sheriff Dave Greenwell.

7. Captain Halbleib approached me and asked me how to proceed because of the close relationship with the Sheriff.

8. I told Captain Halbleib to investigate and if the Sheriff was involved, we would just have to deal with that.

9. Shortly after Halbleib, Detective Tim Murphy and I discussed the proximity of the Mattinglys' used car dealership being right next door to the Sheriff's personal residence, we decided to place a pole camera in the vicinity.

10. The day after the pole camera went up, Chris Mattingly brought a confidential informant outside and pointed out the pole camera and told him what it was. The CI asked Mr. Mattingly how he knew and he replied that the Sheriff had told him.

11. Upon information and belief, the CI reported back to Tim Murphy or Mike Halbleib that Chris Mattingly said that the Sheriff had tipped him off regarding the pole camera

and the investigation. Captain Halbleib reported to me the information he had learned from the CI.

12. The next day, Captain Halbleib and I confronted the Sheriff and asked him if he had tipped off Chris Mattingly regarding the pole camera. The sheriff told us many different stories that led Captain Halbleib and myself to believe that the Sheriff was lying and that he was somehow involved with the drug traffickers.

13. I instructed Captain Halbleib to investigate the connection between the Mattinglys and the Sheriff. I also instructed Captain Halbleib to lie to the Sheriff if he ever asked if he was part of the investigation. I told Captain Halbleib that I would back up his statements.

14. Frequently, sometimes more than once a week, Halbleib, Murphy and I would meet to talk regarding any updates in the investigation.

15. Sheriff Greenwell was growing suspicious and was confronting Halbleib and myself demanding to know what was going on with the Mattingly investigation.

16. During the investigation, I directed Halbleib and Murphy to disclose the results of the investigation and the communications they were having with Sheriff Greenwell to Assistant United States Attorney Larry Fentress and the drug task force.

17. After every paranoid conversation that I had with Sheriff Greenwell, I reported it directly to Halbleib with the directives to notify Larry Fentress and the drug task force.

18. Once it became obvious the Sheriff was involved with drug traffickers, I instructed Halbleib and Murphy not to tell Greenwell anything else about the investigation.

19. Sheriff Greenwell told me that he had proof that Halbleib's wife worked for the DEA, which was not true.

20. Sheriff Greenwell accused Halbleib of being fired from Louisville Metro for sexual harassment, which was not true.

21. Sheriff Greenwell attempted to direct me to fire Mike Halbleib and Tim Murphy because they were "harassing" the suspected drug trafficker, Chris Mattingly.

22. Sheriff Greenwell told me that Chris Mattingly had told him that Halbleib and Murphy had followed him to a restaurant.

23. After every conversation, I reported the conversation to Mike Halbleib to relay the information to US Attorney Larry Fentress and the drug task force.

24. Sheriff Greenwell tried to direct me to remove Tim Murphy from narcotics and put him on "the road." I refused, and once again, told Captain Halbleib about the Sheriff's demands.

25. One day, Sheriff Greenwell wanted to meet me at Cracker Barrel, not the office, to talk.

26. Right before we met, Sheriff Greenwell said "Let's go to Burger King, not Cracker Barrel."

27. As soon as Sheriff Greenwell got in the truck, he asked for my phone.

28. Sheriff Greenwell said, "I think Mike Halbleib and Tim Murphy are doing an investigation on me."

29. I, once again, ran interference and told Sheriff Greenwell not to fire Halbleib and Murphy. Sheriff Greenwell was very paranoid and erratic during the conversation.

30. Sheriff Greenwell asked whether or not Halbleib and Murphy could bring charges against him if he fired them. He told me that he was going to fire them on Monday after he thought about it over the weekend.

31. Over that weekend, I called Sheriff Greenwell to run interference to make sure he did not fire Halbleib and Murphy.

32. That Monday, I told Halbleib and Murphy that the investigation needed to move forward fast and to arrest Mattingly because Sheriff Greenwell was going to fire the narcotics detectives.

33. Sheriff Greenwell then told me that Halbleib has not been providing him a weekly report as to what he was investigating.

34. I instructed Halbleib not to include the Mattinglys and the Sheriff in his report. The identities of the persons being investigated were all given aliases so the Sheriff could not identify anyone.

35. After Chris Mattingly's arrest, through communications from jail conversations, the Mattinglys mentioned the possibility of bribing Halbleib, Murphy and I or perhaps just getting rid of us.

36. Right after the Mattinglys' conversation, the Sheriff directed me to pull Murphy from narcotics and put him on the road again.

37. Murphy was concerned about his safety and informed me he would quit before being ambushed out on the road.

38. I refused Sheriff Greenwell's request and told him I would take care of the road.

39. Approximately a week or two later, Sheriff Greenwell gave me a direct order to put Tim Murphy on the road. I refused.

40. Two days later, Sheriff Greenwell came into my office angry that I had not moved Murphy to the road.

41. During this period of time Murphy, Halbleib and I were waiting every day for the FBI to come in and arrest the Sheriff.

42. Halbleib then informed me that a CI had told a State Trooper that Leonard Mattingly was going to have the Sheriff killed. The threat turned out to be credible and the Sheriff had someone posted at his home.

43. The day we told him of the threat on his life, Sheriff Greenwell told me that he thought that Halbleib and I were coming to his home to arrest him.

44. At the request of Assistant US Attorney Larry Fentress, Tim Murphy and I flew to San Diego, California to interview a CI who reported delivering thousands of pounds of marijuana to Chris Mattingly's farm in Breckinridge County, Kentucky. The next day we met with two DEA agents in Riverside, California. The agents said that based on phone transcripts that it looked like we had a "serious problem," referring to the Sheriff. The Sheriff's involvement in the investigation was discussed. Murphy reiterated that I was aware of the situation and that I

had Halbleib and Murphy's back. All the information learned from the interviews was reported back to Assistant US Attorney Larry Fentress.

45. Initially upon my return from Riverside, California, questions regarding the Bullitt County Sheriff's Department's budget came up. The Sheriff and the Fiscal Court were at loggerheads over the spending and/or waste of the Sheriff's Department's budget. The Sheriff gave me a direct order not to talk to the Fiscal Court or the investigators about his budget or I would be fired.

46. Sheriff Greenwell desired to disband the drug task force, shut the department down and blame it on the Fiscal Court. This would have led to 30 to 40 people losing their jobs.

47. Sometime around February or March of 2016, Sheriff Greenwell quit coming to the office. He just stayed gone.

48. Upon information and belief, Deputy John Miller advised Sheriff Greenwell that he was under investigation in or about May 2016.

49. After several weeks passed, Sheriff Greenwell showed up one day. He then berated me and told me he needed to teach the county a lesson and shut down the Sheriff's office. He said that was the only way he could do what he needed to do – shut down the drug task force, get rid of Halbleib and get rid of Murphy.

50. Sheriff Greenwell accused me of insubordination for not getting rid of Halbleib and Murphy. The Sheriff told me he was putting me on the night shift. I worked the night shift from that date forward until I was terminated.

51. Other than Command Staff Meetings, which I ran for the most part, I would not see the Sheriff at all. I would only communicate with him over the phone.

52. I have also personally been interviewed by the FBI. I was interviewed by Larry Fentress in Louisville regarding criminal wrongdoing of the Sheriff.

53. The last day that I physically performed work for the Bullitt County Sheriff's Department, for which I was paid, was on September 17, 2016, on the 6:00 p.m. to 6:00 a.m. shift.

54. On September 18, 2016, I was unable to work due to the pain in my left knee progressing and making it impossible for me to walk. I contacted Deputy Jeff Bell and he covered my shift.

55. On September 18, 2016, I contacted Sheriff Greenwell, via text, and informed him that Deputy Bell would be covering my shift due to the fact that I was unable to walk from my left knee being injured. Sheriff Greenwell never responded to this text.

56. On September 19, 2016, at 10:00 a.m., I attended the Command Staff Meeting led that day by Sheriff Greenwell.

57. In addition to Sheriff Dave Greenwell, Office Manager, Myrtle French was also in attendance for the September 19, 2016 Command Staff Meeting.

58. At the September 19, 2016 Command Staff Meeting, I wore a knee brace and Sheriff Greenwell inquired as to why, to which I replied that I had injured my left knee, and that I would be trying to get in to see my doctor that day. I did, in fact, see my primary care physician, Paul McKee, the following day, September 20, 2016.

59. On September 20, 2016, I spoke with the Office Manager, Myrtle French, and informed her that I had been placed off work due to my injury and that I had an MRI scheduled for September 23, 2016. I let Ms. French know that once I had my MRI I would follow up with her to keep her updated as to when I would be able to return to work.

60. On or about September 27, 2016, I had my follow up visit with my doctor to discuss the results of my MRI. I was informed that when I went down on my knee while arresting an individual, two bones had struck each other causing inflammation to my knee. At this time I was restricted to desk duty only, which were my normal duties as Chief Deputy. I still made Sheriff Greenwell aware of my restrictions.

61. On or about September 27, 2016, I spoke with Office Manager, Myrtle French, who requested medical information regarding my injury. I informed her that I had a follow up visit on October 6, 2016, and asked if it would be okay to provide that information to her after the visit. She replied "Yes. That will be fine."

62. In the years that I have been employed as the Chief Deputy Sheriff for Bullitt County, Kentucky, I have never been required to provide a doctor's note to anyone when I have been absent due to medical reasons.

63. After my doctor placed me on work restrictions, I told Sheriff Greenwell on or about September 28, 2016, that I could return to the office and my normal duties, but that I would not be able to work the road until I was released by my doctor. I inquired as to whether he would like me to return and work in the office or if he would like me to just take that time off since I had plenty of sick time accrued, to which he replied "Fine. You can just take off." I had

Sheriff Greenwell on speaker phone during this conversation and his comments were also witnessed by my wife Natasha.

64. Completely out of the blue on October 5, 2016, three deputies delivered a letter to my house stating that I had been terminated for abandoning my job even though I was not on the schedule.

65. I sent a text to Sheriff Greenwell to ask why I had received this letter, and to this day, I have never received a response from Sheriff Greenwell to that text. I also called the office to ask about the letter and was told that no one was to have any communication with me.

66. On my follow up visit with my doctor on or about October 6, 2016, my knee was drained and I was given a Cortisone shot and told that “should take care of it.” At this time, my restrictions were not lifted and I was still on desk duty.


67. On October 6, 2016, after my doctor’s appointment, I went to the Sheriff’s office to turn in the medical information that had been requested of me to Myrtle French. At that time Myrtle French told me that she could not take the paperwork from me. She then began to cry and asked that I please don’t put her in this situation. I left the paperwork with her anyways because that is what had been asked of me.

68. Despite following all the protocols known to me, notifying all the appropriate parties, and the fact that the entire Sheriff’s office, including Sheriff Greenwell, knew that I was off due to medical reasons, I was terminated for allegedly abandoning my job.

69. Upon my termination, I was paid approximately \$9,300.00 which represented all of the time – vacation, holiday and comp time – that I had accrued. To the best of my

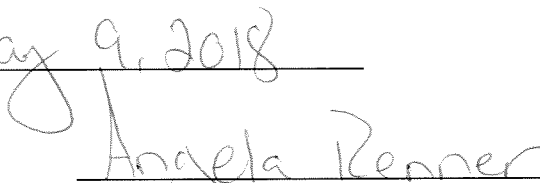
recollection, I had approximately 30 days of sick time accrued, as well. I was not paid for the sick time which I had available to use for my injury.

Further the Affiant sayeth naught.



JOHN COTTRELL

Subscribed and sworn to before me by John Cottrell on this 11th day of January, 2018, to be his free act and voluntary deed.

My commission expires: May 9, 2018


NOTARY PUBLIC, KY STATE AT LARGE