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**VIA ELECTRONIC MAIL & PRIORITY
TRACKEDMAIL**

Honorable Andrew Greenberg – Mayor City of Fate
1900 CD Boren Pkwy
Rockwall, TX 75087

Re: Claims under Texas Government Code § 614.022 and violations of the First and Fourteenth Amendments to the United States Constitution under 42 U.S.C. § 1983

**THIS LETTER IS SENT AS A CONFIDENTIAL COMMUNICATION OF AN OFFER TO
COMPROMISE PROTECTED BY TEXAS AND FEDERAL RULES OF EVIDENCE 408**

Dear Mayor Greenberg:

This law firm has been retained to represent Lyle Lombard in a legal action against the City of Fate and Texas in regard to the unlawful acts by in violation of Under Texas Government Code § 614.022 and violations of the First and Fourteenth Amendments to the United States Constitution under 42 U.S.C. § 1983.

FACTS

Lyle Lombard started employment with the City of Fate on April 16, 2018. During his tenure as Director of Public Safety the City of Fate received awards for its low crime rate including the Safe City Award from Safewise. He also received excellent reviews each year.

During this same time Lombard's spouse was vocal on social media about civic matters, where she frequently commented on City of Fate governance. This included commenting on a possible unlawful quorum/meeting of the City Council. She was also critical of the marketing attempts for the Department of Public Safety stating once that "If you see any goofy posts on the Fate DPS Facebook page it isn't the Chief it is from an overpaid PIO – Biggest waste of money yet..."

On October 30, 2025, after Lyle Lombard's wife's social media posts concerning the City of Fate, Plaintiff received a review stating that he 'needs improvement' in some areas of governance. On November

12, 2025, he was notified in the City Manager's office that he would be discussed as an executive session item at an upcoming City Council meeting. During the same meeting with the City Manager, he was offered a separation agreement with two months of severance so he could "avoid a fight" with the City Council.

At the City Council meeting Lombard was invited into Executive session. During that meeting Council Woman Codi Chinn related that she received anonymous letters containing complaints within the Department of Public Safety about Lombard.

On November 18, 2025, the day after the City Council meeting, Michael Kovacs served on Lombard a written complaint reciting the contents of the anonymous complaints which had been received by members of the City Council. That day Lombard was informed that he had to turn over his identity card, city credit card, door access card, badge and his sidearm. On November 20, 2025, Lombard was given the opportunity to appeal his termination and on November 21, 2025, Lombard was terminated.

Lyle Lombard's First Amendment Claim

Under 42 U.S.C. § 1983, it is a violation of the First and Fourteenth Amendments for a public employer to retaliate against an employee based on the protected speech or political associations of their family members. The U.S. Supreme Court and various Circuit Courts have long recognized the right of "intimate association."

Punishing an employee to "get to" their spouse is a blatant violation of this right. The timing and nature of the discipline demonstrate that Lombard's spouse's speech on matters of public concern was a "substantial or motivating factor" in the adverse action. Furthermore, there is no evidence that this speech disrupted the operations of the City of Fate or interfered with Lombard's job performance.

Violation of Lyle Lombard's Fourteenth Amendment Right to Due Process of Law (42 U.S.C. § 1983)

Under Texas Government Code § 614.022, a complaint against a peace officer must be in writing and signed by the complainant. Likewise, Section 614.023 explicitly states that "disciplinary action may not be taken" unless a copy of the signed complaint is provided to the officer within a reasonable time. In November 2025 anonymous complaints were made to members of the City of Fate City Council regarding Lyle Lombard. In late November, in executive session several council members related to the City Manager the substance and content of the anonymous complaint.

On November 18, 2025 Michael Kovacs served on Lombard a written complaint reciting the content of the anonymous complaints which had been received by members of the City Council. Michael Kovacs

and the City of Fate's reliance on anonymous, unsigned complaints to justify the wrongful termination of Lyle Lombard is a direct violation of these due process and procedural safeguards. Specifically, Texas courts have consistently held that while a department may *investigate* anonymous tips; but it cannot impose *discipline* based on them unless a formal, signed complaint is ultimately secured and provided to the officer.

REQUEST FOR PRESERVATION OF EVIDENCE

We hereby request and demand that the City of Fate and Michael Kovacs are not to destroy, conceal or alter any document, paper or electronic files and other data generated by and/or stored on your computers and storage media (e.g., hard disks, floppy disks, backup tapes), or any other electronic data, such as voice mail that is related to Lyle Lombard's employment with the City of Fate. This is to include all digital or analog electronic files, including "deleted" files and file fragments, stored in machine- readable format on magnetic, optical or other storage media, including the hard drives or floppy disks used by the City of Fate or computers and their backup media (e.g., other hard drives, backup tapes, floppies, Jaz cartridges, CD-ROMs) or otherwise, whether such files have been reduced to paper printouts or not. More specifically, The City of Fate is to preserve all of the e-mails, both sent and received, whether internally or externally; all word-processed files, including drafts and revisions; all spreadsheets, including drafts and revisions; all databases; all CAD (computer-aided design) files, including drafts and revisions; all presentation data or slide shows produced by presentation software (such as Microsoft PowerPoint); all graphs, charts and other data produced by project management software (such as Microsoft Project); all data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook or Lotus Notes); all data created with the use of personal data assistants (PDAs or Cell Phones); all data created with the use of document management software; all data created with the use of paper and electronic mail logging and routing software; all Internet and Web-browser-generated history files, caches and "cookies" files generated at the workstation of each employee involved with the termination of Lyle Lombard at the City of Fate; and any and all other files generated by those

users through the use of computers and/or telecommunications, including but not limited to voice mail.

Further, Michael Kovacs and the City of Fate are to preserve any log or logs of network use by employees or otherwise, whether kept in paper or electronic form, and to preserve all copies of your backup tapes and the software necessary to reconstruct the data on those tapes, so that there can be made a complete, bit-by-bit “mirror” evidentiary image copy of the storage media of each and every personal computer (and/or workstation) and network server in your control and custody, as well as image copies of all hard drives retained by you and no longer in service, but in use at anytime from April 2024 to the present. The City of Fate is also not to pack, compress, purge or otherwise dispose of files and parts of files unless a true and correct copy of such files is made.

Your duty to preserve evidence is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data, and tangible things reasonably anticipated to be subject to discovery under the Texas and Federal Rules of Civil Procedure. Preservation includes taking reasonable steps to prevent the partial relocation or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such aforementioned materials, as well as negligent or intentional handling that would make material incomplete or inaccessible.

SETTLEMENT DEMAND

We are sending this letter to you in the belief that it is in your best interest to resolve this matter before the enclosed lawsuit is filed. My client has authorized me to make a demand on the City of Fate in the amount of \$440,000. Should this matter proceed to litigation, this amount will not be sufficient to compensate my client for his damages.

DEADLINE FOR RESPONSE TO SETTLEMENT DEMAND

If you wish to resolve these matters short of the filing of the enclosed lawsuit, contact my office within fourteen (14) days. If you are represented by counsel in Texas, please forward this correspondence to that attorney for further handling.

Very truly yours,

Hugh Coleman

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Enclosure:
Proposed Lawsuit