

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
JAMES BONINI
CLERK

EASTERN DIVISION

2011 JUL 27 AM 11:38

NICOLE S. CRABTREE, DONNA J. DURBIN
LESLIE R. ORR, LISA D. PAY, LISA L. SMITH,
AND PATRICIA L. STEWARD

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Plaintiffs

JUDGE WELSON

vs.

MAGISTRATE JUDGE ABEL
CASE NO.

2:11 cv 674

BRIAN HESS, an individual, DAVID B. BARBER,
Sheriff of Knox County, Ohio, and member of 911 Board, TERESA BEMILLER,
Commissioner, Knox County, Ohio, and 911 Board Chairwoman, ALLEN
STOCKBERGER, Commissioner, Knox County, Ohio, and member of EMA Board,
ROBERT "BOB" WISE, Commissioner, Knox County, Ohio, CLAUDE GATES, member,
Knox County, Ohio EMA Board, ROBERT SHIPLEY, member, Knox County, Ohio EMA
Board, ROGER HITE, member, Knox County, Ohio EMA Board, BARRY BOWDEN,
member, Knox County, Ohio EMA Board, ROGER REED, member, Knox County, Ohio
EMA Board, RICHARD "DICK" MAVIS, Mayor of City of Mount Vernon, Knox County,
Ohio, and member of EMA Board and 911 Board, ALAN KITNER, member, Knox
County, Ohio 911 Board, SHAWN CHRISTY, member, Knox County, Ohio 911
Board, RICK LANUZZA, member, Knox County, Ohio, 911 Board, JIM HUGHES,
member, Knox County, Ohio 911 Board, LARRY STIMPERT, member, Knox County,
Ohio 911 Board, KELLY BRENNEMAN, member, Knox County, Ohio 911 Board,
ISAAC, BRANT, LEDMAN & TEETOR, LLP, an Ohio limited liability
partnership, KNOX COUNTY, OHIO, a political subdivision of the
State of Ohio, BRANDI L. DORGAN, an individual, JEFFERY
STANKUNAS, an individual

Defendants

VERIFIED COMPLAINT
JURY TRIAL DEMANDED

Plaintiffs, by and through their undersigned attorneys, hereby sue Defendants and allege as follows:

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JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. 1331 and 1343(a)(3), 42 U.S.C. 2000e-5, 42 U.S.C. 1983, 42 U.S.C. 1985(3) and 42 U.S.C. 1988 in order to enforce rights granted by Title VII of the Civil Rights Act of 1964 as amended in 1991, 42 U.S.C. 2000e-2 and 3. This court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. 1367(a).
2. Venue is proper in this Court pursuant to 28 U.S.C. 1391(b) because at least one Defendant resides in this District and all Defendants reside in the State of Ohio and all of the events giving rise to the claims occurred in this District.

PARTIES

3. Plaintiffs timely filed a charge against Defendants Brian Hess, Sheriff Barber of Knox County, Knox County Commissioners, Knox County EMA Board and Knox County 911 Board and have received a right to sue letter. This Complaint is being filed within 90 days of receipt of the right to sue letter.
4. At all times relevant to this Complaint, Plaintiffs were United States citizens, residents of the State of Ohio and female employees of the Knox County, Ohio Office of Homeland Security and Emergency Management (hereinafter referred to as "EMA") in what is commonly referred to as the 911 Emergency Call Center.
5. At all times relevant to this Complaint, Defendant Brian Hess (Hess) was named Deputy Director in 2008 and then became the Director of the 911 Emergency Call Center and the Supervisor of the Plaintiffs in May 2009.
6. Plaintiffs were "employees" within the definition of Chapter 4112 of the Ohio Revised Code.

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7. At all times relevant to this lawsuit, Defendants Hess, Barber, Bemiller, Stockberger, Wise, Lanuzza, Gates, Shipley, Hite, Bowden, Reed, Mavis, Kitner, Christy, Hughes, Stimpert, and Brenneman were an “employer” and “persons” within the meaning of Chapter 4112 of the Ohio Revised Code.

8. At all times relevant to this lawsuit, Defendants Isaac, Brant, Ledman & Teetor (Isaac Brant), Dorgan and Stankunas for purposes of federal law, were “state actors” acting under the color of state law.

9. Defendant Knox County, Ohio is a political subdivision of the State of Ohio and was an “employer” and a “person” within the meaning of Chapter 4112 of the Ohio Revised Code.

10. At all times relevant to this lawsuit, for purposes of federal law, Defendants Isaac Brant, Dorgan and Stankunas were “state actors” in that they conspired with public officials, and/or because they acted as agents of a political subdivision of the State, and/or because they acted jointly with public officials, and/or because public officials coerced or participated in their actions and decisions, and/or because there is a pervasive entwinement between them and the State.

11. All Defendants are residents of the State of Ohio.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Defendant Knox County at all times relevant to this Complaint did not have conspicuously posted in the Plaintiffs’ work area a poster advising Employees of their rights under Title VII of the Civil Rights Act and the Ohio Civil Rights Act.

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13. Defendant Knox County at all times relevant to this Complaint did not have an effective policy prohibiting sexual harassment in the workplace that advised Employees to whom they could report and complain of incidents of sexual harassment.

14. Defendant did not have policy posted in a conspicuous place advising employees prohibiting sexual harassment in the workplace.

15. Defendant Hess during the scope and course of his employment by Defendant Knox County engaged in the following sexually harassing activities. This is not an exhaustive list and additional actions of Defendant Hess may be proved at trial based on information obtained during discovery. All of these activities occurred in the presence of some or all of the female Plaintiffs:

- a) Defendant Hess would often, in the work area, rub his genital area;
- b) Defendant Hess would frequently rub his nipples with both his hands;
- c) Defendant Hess would often go through the purses of the female Plaintiffs;
- d) Defendant Hess would thrust his buttocks out and lean himself over the desk on several occasions;
- e) Defendant Hess would rub up and down against the door frame simulating a sexual act as if he were “humping” the door frame;
- f) Defendant Hess either himself displayed or allowed others to display in the work area lewd photos of men including some naked photos of men;
- g) Defendant Hess came up behind at least one of the Plaintiffs while she was seated at her work station in the 911 Call Center and rubbed his penis through his clothes against her arm;
- h) Defendant Hess touched the breast of at least one of the Plaintiffs;

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- i) Defendant Hess struck the buttock of at least one of the Plaintiffs;
- j) Defendant Hess forcibly struck or pushed at least one of the Plaintiffs in the back;
- k) When one of the Plaintiffs would enter his office, Defendant Hess would push his chair back from his desk, spread his legs and grab the top of the zipper of his pants and act like he was going to pull his zipper down;
- l) Defendant Hess would approach the Plaintiffs work area where they were seated and place one of his legs on their desk work area and position himself so that his genital area would be in their face;
- m) Defendant Hess would make inappropriate comments about the size and/or shape of female employees' anatomy;
- n) Defendant Hess would ask the Plaintiffs to notice the butt and crotch area of other male employees of the County if and when Defendant Hess thought their pants were too tight;
- o) Defendant Hess would show inappropriate photos of half naked men to the Plaintiffs telling the Plaintiffs they were photos of other male employees' boy friends;
- p) Defendant Hess would use profane and obscene language during work hours within hearing of the Plaintiffs.

16. The inappropriate activities of Defendant Hess described in paragraph 15 above began in at least the early part of 2009 and were and are continuing in nature to the present.

17. The conduct of Defendant Hess described in paragraph 15 was unwelcome and offensive to Plaintiffs and were done to Plaintiffs on account of their sex, female. Defendant Hess' conduct was intentional and malicious and with wrongful disregard for the rights of the Plaintiffs.

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18. Being subjected to Defendant Hess' sexual comments and gestures and actions were a term and condition of Plaintiffs' employment.

19. Defendant Hess created a hostile work environment in which the Plaintiffs had to work.

20. The activities of Defendant Hess described in paragraph 15 were flagrant, pervasive and continuous and altered the terms and conditions of Plaintiffs' employment.

21. Plaintiffs as early as at least March 2010 complained to Defendant Sheriff Barber of the inappropriate sexual harassing activities of Defendant Hess.

22. In addition to bringing these matters to the attention of Defendant Sheriff Barber, also in at least as early as March 2010, Plaintiffs brought their complaints to the attention of Defendants Bemiller and Stockberger in their respective roles as Commissioners of Knox County, Ohio and members of the EMA and 911 Boards.

23. Defendants Sheriff Barber, Commissioners and the EMA and 911 Boards failed and refused to take prompt remedial action or to otherwise protect the rights afforded Plaintiffs under State and Federal law.

24. It was not until January 2011 that Defendants Knox County, Ohio Commissioners, and the 911 Board took any action on Plaintiffs complaints by instituting a discriminatory harassment policy. That action however failed to prevent the sexual harassment complained of by Plaintiffs or otherwise constitute prompt remedial action.

25. Following the action of the Defendants as described in paragraph 24 above, Defendant Hess began to retaliate against Plaintiffs by threatening and intimidating them and putting them in fear of their safety and their employment, in that Defendant Hess made jokes about the action of the Commissioners and Board and in essence "laughed it off".

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26. Upon information and belief, Defendants Dorgan and Stankunas are Attorneys employed by Defendant Isaac Brant at all times relevant to this Complaint.

27. On or about December, 2010, Defendants Dorgan and Stankunas approached the individual Plaintiffs and advised each Plaintiff that they, Defendants Dorgan and Stankunas, were “there for them” (meaning Plaintiffs) and were outside investigators and that they were “not here for [Defendant] Hess”. Plaintiffs understood and believed that Attorneys Dorgan and Stankunas were there to finally represent them and to take their complaints of sexual harassment to the EMA and 911 Boards and the Knox County Commissioners. Defendants Dorgan and Stankunas did nothing to dissuade Plaintiffs in their belief that Dorgan and Stankunas were there representing them (the Plaintiffs). Defendants Dorgan and Stankunas were very reassuring and further assured Plaintiffs that the information they provided would be confidential and that they were there to help them (the Plaintiffs) and if they (the Plaintiffs) had any further problems they were to immediately advise them. Defendants Dorgan Stankunas knew the representations they made to Plaintiffs were false and were made as an inducement to get the Plaintiffs to sign Affidavits that Defendants Dorgan and Stankunas prepared. Defendants Dorgan and Stankunas assured Plaintiffs that the language and words used in the Affidavits Defendants Dorgan and Stankunas prepared were what was necessary to sustain the Plaintiffs’ complaints of sexual harassment. Defendants Dorgan and Stankunas knew their statements to Plaintiffs were false and that Plaintiffs would rely on the false statements in signing the Affidavits. At no time did Defendants Dorgan and Stankunas advise Plaintiffs they were employed by the Defendants Hess, Sheriff Barber, Commissioners, and the EMA and 911 Boards. Indeed, Defendant Stankunas responded on behalf of Defendants Hess, Sheriff Barber, Commissioners, and the EMA and 911

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Boards to the EEOC and represented to the EEOC that he was the Attorney for the Defendants.

None of the Plaintiffs who were otherwise unrepresented by even their Union, would have signed the Affidavits had they known Defendants Dorgan and Stankunas were there representing the other Defendants.

28. Defendant Isaac Brant is variously liable for the actions of its employee Defendants Dorgan and Stankunas.

29. Upon information and belief, Defendant Hess had previously been discharged from employment or resigned in lieu of discharge from the Mohican, Ohio Youth Center for inappropriate sexual contact with a minor.

30. One of the Plaintiffs informed Defendant Dorgan about the incident described in paragraph 29 above.

31. Defendant Gates advised Plaintiffs that prior to Hess' employment by the County, the EMA Board knew of questionable action in Hess' past, but decided to give him the benefit of the doubt by hiring him. Nonetheless, knowing of the Plaintiffs' complaints of sexual harassment, Defendants failed to take any action.

FIRST CLAIM FOR RELIEF 42 USC 1983

(Against all Defendants)

32. Paragraphs 1 – 31 of this Complaint are hereby incorporated as if fully rewritten herein.

33. Defendant Hess sexually harassed Plaintiffs by subjecting them to unwelcome sexual conduct and touching that unreasonably interfered with their ability to do their jobs and created a hostile work environment.

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34. Defendant Hess also sexually harassed Plaintiffs by making submission to his sexual conduct an actual or implicit term and/or condition of employment.

35. Defendant Hess' sexual harassment of Plaintiffs violated their rights under the Fourteenth Amendment to the United States Constitution.

36. Defendant Hess acted under color of state law when he sexually harassed Plaintiffs in violation of their Fourteenth Amendment rights.

37. At all times relevant to this lawsuit, Defendant Hess was a final policymaker for Knox County, Ohio.

38. As a final policymaker, Defendant Hess' actions can be attributed to Defendant Knox County for purposes of 42 U.S.C. 1983.

39. Through Defendant Hess' actions, Knox County has or had a policy or custom of permitting, encouraging, or engaging in sexual harassment of individuals on County property, in violation of the Fourteenth Amendment.

40. At all times relevant to this lawsuit, Sheriff Barber, Commissioners and the EMA and 911 Boards had supervisory authority or appointing authority over Hess.

41. Upon information and belief, neither Sheriff Barber, Commissioners nor the EMA or 911 Boards provided Hess with sufficient, if any, sexual harassment training.

42. By their failure to train, supervise, or discipline Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards have ratified and/or aided and/or participated in Hess' actions.

43. Any discipline of Hess was ineffective since he laughed and made fun of the Commissioners and the EMA and 911 Boards actions in January 2011 in finally implementing a discriminatory harassment policy. In addition to ineffective discipline, the Commissioners and the EMA and

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911 Boards had Hess report to Sheriff Barber for “professional mentoring”, the very person to whom Plaintiffs brought their complaints of sexual harassment in at least March of 2010 and who took no action.

44. The Sheriff, Commissioners and the EMA and 911 Board were aware of Hess' actions and sexual harassment of Plaintiffs because they had previously complained to them.

45. Through the failure of the Sheriff Barber, Commissioners and the EMA and 911 Boards to discipline Hess for his sexual harassment of Plaintiffs, Sheriff Barber, Commissioners and the EMA and 911 Boards acquiesced in his actions, thereby creating a custom of allowing or encouraging sexual harassment on County property, in violation of the Fourteenth Amendment.

46. At all times relevant to this lawsuit, Sheriff Barber, Commissioners and the EMA and 911 Boards were acting under color of state law.

47. Defendants Isaac Brant, Dorgan and Stankunas participated in, allowed, encouraged, acquiesced in, and/or ratified Hess' sexual harassment of Plaintiffs.

48. At all times relevant to this lawsuit, Defendants Isaac Brant, Dorgan and Stankunas acted under color of state law because they conspired with the Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards, public officials, and/or acted as agents and/or acted jointly with them and/or because they coerced or participated in their actions and decisions, and/or because there was a pervasive entanglement between them and the other Defendants.

49. The EMA and 911 Boards and the individual Board members themselves participated in, allowed, encouraged, acquiesced in, and/or ratified Hess' sexual harassment of Plaintiffs.

50. At all times relevant to this lawsuit, Sheriff Barber, Commissioners and the EMA and 911 Boards acted under the color of state law because they conspired with Hess, a public official,

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and/or acted as his agent, and/or acted jointly with him, and/or because he coerced or participated in their actions and decisions, and/or because there was a pervasive entanglement between them and Hess.

51. As a direct and proximate result of all of the Defendants' actions, Plaintiffs have suffered compensatory damages and as to some of them, lost wages, emotional distress and incurred attorneys' fees and costs of this suit. Some or all of Plaintiff's damages are ongoing and will continue in the future.

52. All Defendants are therefore liable to Plaintiffs under 42 U.S.C. 1983 for violating their Fourteenth Amendment rights.

SECOND CLAIM FOR RELIEF – SEXUAL HARASSMENT

(Against Defendants Hess, Sheriff Barber,

Commissioners and the individuals of the EMA and 911 Boards)

53. Paragraphs 1 – 31 of this Complaint are hereby incorporated as if fully rewritten herein.

54. Plaintiffs are members of a protected class under Title VII of the Civil Rights Act and the Ohio Civil Rights Act.

55. Plaintiffs were subjected to unwelcome sexual harassment in the form of sexual touching, advances and/or conduct in their employment with Defendants.

56. The harassment was based on sex and/or gender.

57. Plaintiffs exposure to Hess' unwelcome sexual conduct, touching and advances were made an expressed or implied condition for their receipt of job benefits.

58. Hess' actions were sufficiently severe or pervasive to affect the terms, conditions, or privileges of Plaintiffs' employment.

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59. Hess' actions were both subjectively and objectively offensive.

60. Upon learning of Hess' sexual harassment, Sheriff Barber, Commissioners and the EMA and 911 Boards failed to take prompt remedial action.

61. At all times relevant to this action, Hess was a supervisory and/or management employee with actual or apparent authority over hiring, firing, discipline, advancement and other terms and conditions of Plaintiffs' employment.

62. Sheriff Barber, Commissioners and the EMA and 911 Boards are liable for the actions of Hess, their supervisory and/or managerial employee.

63. Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards are liable to Plaintiff for sexual harassment and hostile work environment sexual harassment pursuant to Title VII of the Civil Rights Act and Ohio Revised Code Sections 4112.02(A) and 4112.99 and Ohio common law.

64. As a direct and proximate result of Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards actions, Plaintiffs have suffered compensatory and other damages including attorney fees and costs of this suit.

65. As a direct and proximate result of the conduct of Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards, described above, Plaintiffs have suffered severe emotional distress which is ongoing.

66. Hess, Sheriff Barber, Commissioners and the EMA and 911 Boards conduct, as described above, was done: maliciously or with conscious disregard of the rights of Plaintiffs and with a great probability of causing harm, and/or was done maliciously and/or by aggravated or egregious fraud by agents or servants of the County; Hess, Sheriff Barber, Commissioners and

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the EMA and 911 Boards who as principal or master, knowingly authorized, participated in, or ratified those actions and/or omissions, for which they are liable for punitive damages.

THIRD CLAIM FOR RELIEF – ASSAULT AND BATTERY

(as to Defendants Hess and Knox County)

67. Paragraphs 1,2,4,5,6,9,11,15g, h, i and j, 16, 21, 22, and 23 are re-alleged and incorporated herein.

68. Hess by committing the acts complained of in paragraphs 15 g, h, i and j, assaulted and battered Plaintiffs causing them damage for which Hess and the County are liable.

FOURTH CLAIM FOR RELIEF – RETALIATION

(as to Defendants Hess, Sheriff Barber,

Commissioners and the EMA and 911 Boards)

69. Paragraphs 1 – 66 are hereby incorporated as if fully rewritten herein.

70. Plaintiffs complaints of sexual harassment was protected activity.

71. Defendant Hess intimidated the Plaintiffs by indicating he knew all their financial information, had been in the CIA and counter terrorism activity. Hess also denied the Plaintiffs training pay, denied them the opportunity for additional training, denied them job recognition, therefore placing Plaintiffs in fear, being that complaints brought forward as early as March 2010 and no attempts were made to remedy the situation by the Defendants.

72. Defendants Sheriff Barber, Commissioners and the EMA and 911 Boards are vicariously liable for Hess' retaliatory actions.

73. As a direct and proximate result of Defendants' unlawful and retaliatory discriminatory misconduct, Plaintiffs suffered emotional distress and humiliation, lost wages and benefits,

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incurred attorneys' fees and cost of litigation, and have been otherwise injured and damaged. Some or all of their damages will continue to accrue indefinitely into the future.

74. Hess, Sheriff Barber, Commissioners and the EMA and 911 Board are each liable to Plaintiffs for retaliation pursuant to Title VII of the Civil Rights Act and Ohio Revised Code Sections 4112.02(1) and 4112.99

75. The conduct of these Defendants as described herein was done maliciously or with conscious disregard of the rights of the Plaintiffs and with a great probability of causing harm, and/or was done maliciously and/or by aggravated egregious fraud by agents or servants of these Defendants who as principal or master, knowingly authorized, participated in, or ratified those actions and/or omissions, for which they are liable for punitive damages.

FIFTH CLAIM FOR RELIEF – AIDING AND ABETTING DISCRIMINATION

(against all Defendants)

76. Paragraphs 1 – 75 of this Complaint are hereby incorporated as if fully rewritten herein.

77. By engaging in the practices described above, Defendants aided, abetted, incited, compelled another person in committing unlawful discriminatory practices, obstructed and prevented another person from complying with Ohio laws against discrimination, and/or attempted directly or indirectly to commit an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112.

78. As a direct and proximate result of Defendants' unlawful discriminatory misconduct, described above, Plaintiffs suffered emotional distress and humiliation, lost wages and benefits, incurred attorneys' fees and costs of litigation, and have otherwise been injured. Some or all of their damages will continue to accrue indefinitely into the future.

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79. Defendants are liable to Plaintiffs pursuant to Ohio Revised Code Sections 4112.02(J) and 4112.99.

80. The conduct of Defendants as described above, was done maliciously or with conscious disregard of the rights of Plaintiffs and with a great probability of causing harm and/or was done maliciously and/or by aggravated or egregious fraud by agents or servants of Defendants, who, as principal or master, knowingly authorized, participated in, or ratified those actions and/or omissions, for which the Defendants are liable for punitive damages.

SIXTH CLAIM FOR RELIEF – NEGLIGENCE HIRING

(against Defendants Sheriff Barber,

Commissioners and the EMA and 911 Boards)

81. Paragraphs 1,2,4,5,6,9,11,15,16,21,22,23,24,26,28,29,30 and 31 are hereby incorporated as if fully rewritten herein.

82. Defendants knew or should have known that Hess had previously been discharged or otherwise resigned from the Mohican Youth Center for inappropriate sexual misconduct with a minor.

83. Defendants owed a duty of care to the public in general and the employees of Knox County in particular, to investigate the background of individuals hired for positions of public trust and safety.

84. Plaintiffs are within the class of individuals to whom the Defendants owed a duty of care.

85. Defendants breached their duty of care by failing or refusing to investigate the background of Hess' prior employment or were otherwise negligent in hiring Hess knowing of his background and prior employment history with the Mohican Youth Center.

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86. Plaintiffs have been damaged and injured as a direct and proximate cause of Defendants' negligence and are entitled to damages in an amount to be proven at trial.

SEVENTH CLAIM FOR RELIEF – NEGLIGENT TRAINING, RETENTION AND SUPERVISION

(against Defendants Sheriff Barber,

Commissioners and the EMA and 911 Boards)

87. Paragraphs 1 – 86 of this Complaint are hereby incorporated as if fully rewritten herein.

88. At all times relevant to this lawsuit, Hess was a supervisory and/or management employee for Knox County.

89. Upon information and belief, Sheriff Barber, Commissioners and the EMA and 911 Boards, provided Hess with no, or insufficient training on the application of equal employment opportunity laws in the workplace.

90. Through his sexual harassment of Plaintiffs and his unlawful actions towards Plaintiffs, Hess was incompetent and/or acted incompetently in the duties of his employment with the County and the EMA and 911 Boards.

91. Sheriff Barber, Commissioners and the EMA and 911 Board took no or ineffective disciplinary or remedial action against Hess for his unlawful behavior towards Plaintiffs.

92. Sheriff Barber, Commissioners and the EMA and 911 Boards failed to exercise due and reasonable care in retaining, training, and/or supervising Hess while he was a managerial employee with supervisory authority over Plaintiffs and others.

93. The Defendants knew or should have known of Hess' incompetence.

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94. Plaintiffs were in a class of persons to whom the Defendants owed a duty of care in the supervision, training and retention of Hess.

95. Defendants breached their duty of care and were otherwise negligent in the supervision, training and retention of Hess causing damage and injury to the Plaintiffs.

96. Defendants conduct as described herein was done maliciously or with conscious disregard of the rights of the Plaintiffs and with a great probability of causing harm, and/or was done maliciously and/or by aggravated or egregious fraud by agents or servants of Defendant, who, as principal or master, knowingly authorized, participated in, or ratified those actions and/or omissions, for which the Defendants are liable for punitive damages.

EIGHTH CLAIM FOR RELIEF – FRAUD IN THE INDUCEMENT

(against Defendants Isaac Brant, Dorgan and Stankunas)

97. Paragraphs 1,2,4,5,6,7,8,9,10,15,16,21,23,26,27,28,29,30 of this Complaint are hereby incorporated as if fully rewritten herein.

98. Defendants Dorgan and Stankunas knowing made a material false statement to Plaintiffs intending to cause Plaintiffs to rely on such false statement to induce Plaintiffs to sign Affidavits on behalf of Knox County.

99. Plaintiffs did rely on the intentionally, materially false and misleading statements of Defendants Dorgan and Stankunas in signing the Affidavits prepared by Defendants Dorgan and Stankunas.

100. Defendants' Dorgan and Stankunas actions, and vicariously Defendant Isaac Brant, were so outrageous and extreme as to subject them to punitive damages to Plaintiffs in an amount to be established at trial.

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NINTH CLAIM FOR RELIEF – VIOLATION OF 42 U.S.C 1985(3)

(against all Defendants)

101. Paragraphs 1 – 100 of this Complaint are hereby incorporated as if fully rewritten herein.

102. The actions described herein constitute a conspiracy in violation of 42 U.S.C. 1985(3).

103. The conspiracy described above, was done by Defendants with the purpose to deprive Plaintiffs of the equal protection of the laws and the acts described above and furtherance of this conspiracy resulted in the deprivation of rights and privileges of Plaintiffs as citizens of the United States entitling Plaintiffs to damages in an amount to be established at trial including Attorney fees and cost of this action.

TENTH CLAIM FOR RELIEF – WRONGFUL DISCHARGE IN VIOLATION OF

PUBLIC POLICY AS TO PLAINTIFF LESLIE R. ORR

(against Defendants Hess, Sheriff Barber,

Commissioners and the EMA and 911 Boards)

104. Paragraphs 1 – 103 of this Complaint are hereby incorporated as if fully rewritten herein.

105. There are clear public policies in Ohio against employees being sexually harassed in the workplace and/or being fired for engaging in protected activity.

106. Permitting or allowing employees to be fired for engaging in protected activity would jeopardize those public policies.

107. Plaintiff Orr was forced to resign or be terminated from her position in the 911 Emergency Call Center for supporting her co workers or otherwise complaining of the activities described in this Complaint.

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108. Plaintiff Orr's being forced to resign was motivated by conduct related to these clear public policies.

109. Defendants lacked any overriding legitimate business justification for forcing Plaintiff Orr to resign.

110. The Defendants are liable to Orr under Ohio common law for wrongful discharge in violation of public policy.

111. As a direct and proximate cause of Defendant's conduct herein Plaintiff Orr is entitled to damages in the form of lost wages, front pay, attorney fees and costs of this lawsuit, compensatory and punitive damages in an amount to be established at trial.

**ELEVENTH CLAIM FOR RELIEF – INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS**

(against Defendant Hess)

112. Paragraphs 1 – 111 of this Complaint are hereby incorporated as is fully rewritten herein.

113. Through his actions towards Plaintiffs, as described above, Hess intended to cause emotional distress or knew or should have known that his actions and conduct would result in serious emotional distress to Plaintiffs.

114. Hess' actions and conduct towards Plaintiffs as described above, were extreme and outrageous, went beyond all possible bounds of decency, and can be considered as utterly intolerable in a civilized community.

115. Hess' actions and conduct as described above were the proximate cause of serious emotional harm suffered by Plaintiffs.

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116. Plaintiffs' emotional harm is serious and of a nature that no reasonable person could be expected to endure.

117. Hess is therefore liable to Plaintiffs for intentional infliction of emotional distress.

118. The conduct and actions of Hess as described above, were done maliciously or with a conscious disregard of the rights of Plaintiffs and with a great probability of causing harm, and/or was done maliciously for which Hess is liable for punitive damages..

TWELFTH CLAIM FOR RELIEF UNDER THE AMERICANS WITH DISABILITIES

ACT

(against Defendant Knox County)

119. The allegations of paragraph 1,2,4,6,7,9 and 11 are incorporated herein.

120. Plaintiffs Orr and Smith are persons with a disability or were considered persons with a disability or had a history of a disability.

121. Defendant Knox County was the employer of Plaintiffs Orr and Smith.

122. Plaintiffs Orr and Smith timely filed a charge of discrimination under the Americans with Disabilities Act and received a right to sue letter. This complaint is being filed within the 90 day limitation period.

123. Plaintiff Orr was discriminated against because of her disability under the ADA by Defendant Knox County in that she was forced to resign or be terminated from her position with the County.

124. Plaintiff Smith was discriminated against because of her disability under the ADA by Defendant Knox County resulting in a loss of job benefits.

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125. Plaintiffs are entitled to damages under the ADA including attorney fees and cost of this action.

PRAYER FOR RELIEF

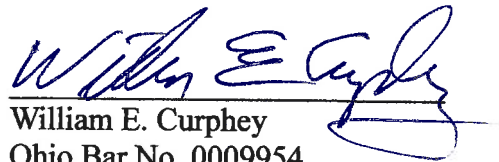
WHEREFORE, Plaintiffs demand judgment and relief against Defendants as follows:

1. Compensatory damages against all Defendants in excess of \$75,000 to be proven at trial in order to fully compensate Plaintiffs for injuries caused by Defendants;
2. Punitive damages against Defendants Hess, Sheriff Barber, Commissioners, EMA and 911 Boards, Isaac Brant, Dorgan, Stankunas, all in their individual capacities;
3. Equitable relief including front pay were appropriate;
4. Back pay for any lost wages and benefits and recovery of all lost benefits;
5. Reasonable Attorneys fees and costs pursuant to 42 U.S.C 1988 and all other applicable federal or Ohio laws to the extent permitted by those laws;
6. Such other and further relief and the Court deems just and equitable.

JURY DEMAND

A trial by jury is hereby demanded.

Respectfully Submitted,



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MOTION for pro hoc
VICE PENDING for
MS. Wendling

Anne Channon Wendling

Anne Channon Wendling,
Ohio Bar No. 0043541
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Tel: 419 589 5291
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Attorneys for Plaintiffs

VERIFICATION

We, the undersigned Plaintiffs in this action hereby declare that the foregoing is true and correct based on our information and belief.

Nicole Crabtree

Nicole S. Crabtree

Donna J. Durbin

Donna J. Durbin

Leslie R. Orr

Leslie R. Orr

Lisa D. Pay

Lisa D. Pay

Lisa L. Smith

Lisa L. Smith

Patricia L. Steward

Patricia L. Steward