

FEB 04 2014

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK

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SUPERIOR COURT, STATE OF WASHINGTON, SPOKANE COUNTY

JONATHAN J. SPRAGUE, a married man,

Plaintiff,

vs.

SPOKANE VALLEY FIRE DEPARTMENT,  
a fire district; MIKE THOMPSON and LINDA  
THOMPSON, husband and wife, and the  
marital community composed thereof,

Defendants.

No.

14200407-3

COMPLAINT

Plaintiff Jonathan Sprague alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Jonathan J. Sprague, a married man, resides in Spokane County, Washington. Plaintiff Jonathan J. Sprague will hereinafter be referred to as "Sprague."

2. Defendant Spokane Valley Fire Department, also known as Spokane Valley Fire District No. 1, is a fire district located in Spokane County, Washington. Defendant Spokane Valley Fire Department will hereinafter be referred to as "SVFD".

3. At all times relevant to this lawsuit, Defendants Mike Thompson and Linda Thompson were residents of Spokane County, Washington.

4. Venue is proper in Spokane County based on all parties residing in Spokane County, Washington and the events creating liability having taken place in Spokane County.

No.

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16 Basin St. SW  
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(509) 764-9000 \* (509) 464-6290 Fax



1           16.     After receiving responses from fellow employees Sprague created an email  
2 group of those interested in Fellowship activities.

3           17.     He also began issuing a monthly newsletter that he announced via email to this  
4 specific list of individuals. He never sent the actual newsletter via these emails—only a link to  
5 the newsletter so that anyone interested would be able to follow the link and download the  
6 newsletter from a dropbox account.

7           18.     In October 2010 Defendant Mike Thompson complained about the use of the  
8 SVFD email system to communicate with other employees regarding the Fellowship.

9           19.     In November 2010 Defendant Mike Thompson sent an email to all SVFD  
10 employees (“ALL-EVERYONE”) requesting that they stop using SVFD’s email system to send  
11 out personal invitations to parties or special events unrelated to SVFD business.

12          20.     Between November 2010 and March 2012 more than 100 emails were sent by  
13 SVFD employees to “ALL-EVERYONE” concerning invitations to parties or special events  
14 unrelated to SVFD business. To Sprague’s knowledge, none of these emails resulted in  
15 discipline, except to Sprague, who is believed to be the only person who made a formal  
16 complaint that SVFD was illegally focusing speech restrictions only on speech made with  
17 reference to religious beliefs.

18          21.     In December 2010 Sprague sent his normal email announcement of the latest  
19 newsletter to the list of employees he believed were interested in receiving further emails. One  
20 employee responded “Not Interested” and his name was removed.

21          22.     The employee listed in the previous paragraph was higher in seniority than  
22 Sprague.

23          23.     Prior to Sprague’s termination, no other employee requested that his or her name  
24 be removed from the email list that Sprague had compiled.

25          24.     In October 2011 Defendant Mike Thompson sent an email regarding suicide  
26 prevention (“suicide prevention email”).  
27  
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1           25.     In October 2011 Sprague replied to the suicide prevention email by notifying  
2 recipients of the availability of resources from the Fellowship, along with a link to a flyer  
3 announcing a retreat planned by the Fellowship.

4           26.     In response to Sprague's email concerning suicide prevention, Defendant Mike  
5 Thompson instructed Sprague that his email was inappropriate because Sprague was not  
6 allowed to announce religious events via email.

7           27.     In October 2011 Sprague lodged a formal complaint, consistent with department  
8 policy, alleging religious discrimination.

9           28.     In January 2012 the Board of Fire Commissioners rejected Sprague's complaint,  
10 and instructed him that in sending emails or posting messages on the Classifieds page no  
11 religious content of any kind was permissible.

12          29.     In January 2012 Sprague posted on the Classifieds page a link to the  
13 Fellowship's February newsletter along with an announcement of February activities, including  
14 photos, one of which contained the quotation "Save others, snatching them out of the fire," and  
15 cited the biblical source, Jude, chapter 1, verse 23.

16          30.     In February 2012 SVFD told Sprague that the quotation in the Classified posting  
17 was acceptable as long as the reference to the Bible was omitted.

18          31.     In April 2012 Spokane Valley Firefighters Local No. 876 circulated to all Local  
19 No. 876 members a new logo for the Union.

20          32.     In April 2012 SVFD sent Sprague a formal letter of counseling based upon his  
21 allegedly improper "use of language and written content that was of a religious nature."  
22 Nonetheless, SVFD advised Sprague that use of scriptural quotations would be allowed so long  
23 as Sprague did not identify the biblical source of the quoted language.

24          33.     In April 2012 Sprague circulated to Fellowship members a proposed logo  
25 containing the quotation "Save others, snatching them out of the fire."  
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1 34. In May 2012 SVFD presented Sprague with another formal Letter of Reprimand  
2 based upon his claimed use of "written content that was of a religious nature, including  
3 religious symbols."

4 35. In June 2012 Defendant Mike Thompson presented Sprague with a letter  
5 proposing a two-day suspension based upon "inappropriate and prohibited behavior involving  
6 content that was of a religious nature."

7 36. In August 2012 the Board of Fire Commissioners approved the two-day  
8 suspension. The suspension was imposed in consultation with Michael J. McMahon, attorney  
9 for the Board of Commissioners, as part of the decision-making process.

10 37. In October 2012 at a meeting of the Board of Fire Commissioners for SVFD  
11 Sprague's employment was terminated, also in consultation with Michael J. McMahon as part  
12 of this decision-making process.

13  
14 **FIRST CAUSE OF ACTION**  
15 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. § 1983, FIRST AMENDMENT**

16 38. At all times material hereto Sprague was protected by the first amendment's  
17 protection from establishment of religion and the right to free exercise of religion.

18 39. At all times material hereto Sprague was protected by the first amendment's  
19 guarantee of the right of free speech.

20 40. At all times material hereto Defendant SVFD and its agents were acting under  
21 color of state law in its treatment of Sprague.

22 41. At all times material hereto Defendant SVFD and its agents were aware of the  
23 requirements under the first amendment to afford Sprague his civil rights.

24 42. At all times material hereto Defendant SVFD and its agents were acting in a  
25 policymaking capacity in adopting rules that governed Sprague's communication with fellow  
26 employees at SVFD

27 43. At all times material hereto Defendant Mike Thompson was acting under color  
28 of state law in his treatment of Sprague.

1 44. In denying Sprague the opportunity to engage in communication protected by  
2 the first amendment, defendants SVFD and Mike Thompson denied Sprague's civil rights.

3 45. In retaliating against Sprague as a result of his exercise of first amendment  
4 rights defendants SVFD and Mike Thompson denied Sprague's civil rights.

5 46. The violation of Sprague's civil rights proximately caused Sprague both  
6 financial and emotional damages.

7  
8 **SECOND CAUSE OF ACTION**  
9 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. § 1983, EQUAL PROTECTION**

10 47. At all times material hereto Sprague was entitled to equal protection of the law  
11 pursuant to the 14<sup>th</sup> amendment of the United States Constitution.

12 48. At all times material hereto Defendant SVFD was acting under color of state law  
13 in its treatment of Sprague.

14 49. At all times material hereto Defendant SVFD was aware of the requirements  
15 under the 14<sup>th</sup> amendment to afford Sprague equal protection of the law.

16 50. At all times material hereto Defendant SVFD was acting in a policymaking  
17 capacity in adopting rules that governed their treatment of Sprague.

18 51. At all times material hereto Defendant Mike Thompson was acting under color  
19 of state law in his treatment of Sprague.

20 52. Defendants SVFD and Mike Thompson discriminated against Sprague based  
21 upon his religion, in violation of 42 U.S.C. § 1983.

22 53. The violation of Sprague's right to equal protection of the law proximately  
23 caused damages, both financial and emotional, to Sprague.

24 **THIRD CAUSE OF ACTION**  
25 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §§ 1981, 2000e et seq**

26 54. At all times material hereto Sprague was protected by the protection against  
27 discrimination afforded by Title VII of the Civil Rights Act, 42 U.S.C. §§ 1981, 2000e et seq.

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1 55. Defendants SVFD and Mike Thompson discriminated against Sprague based on  
2 his religion in violation of Title VII of the Civil Rights Act.

3 56. Defendants SVFD and Mike Thompson discriminated against Sprague based  
4 upon his exercise of first amendment rights to free speech in violation of Title VII of the Civil  
5 Rights Act.

6 57. Sprague made a request to defendants SVFD and Mike Thompson that Sprague  
7 be permitted to practice his religion by communicating with fellow employees and others who  
8 had common interests.

9 58. The accommodation requested by Sprague did not pose undue hardship either to  
10 defendant SVFD or defendant Mike Thompson.

11 59. Defendants SVFD and Mike Thompson failed to make accommodation for  
12 Sprague's religious practice despite knowledge that it would pose no undue hardship to either  
13 defendant, in violation of Title VII of the Civil Rights Act.

14 60. Defendants SVFD and Mike Thompson also retaliated against Sprague as a  
15 result of Sprague's complaints that SVFD's policies and acts amounted to unlawful violations  
16 of civil rights and unlawful discrimination against religious viewpoints and expression.

17  
18 **PRAYER FOR RELIEF**

19 Wherefore, Plaintiff prays for the following relief:

20 61. For reinstatement of Plaintiff Jon Sprague to his employment with defendant  
21 SVFD.

22 62. For injunctive relief and declaratory judgment invalidating SVFD's policies that  
23 unlawfully violate the civil rights of its employees and prohibiting SVFD from implementing  
24 or enforcing such policies.

25 63. For special damages for lost wages and benefits in an amount to be established  
26 at time of trial.

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