

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

DEPT. OF THE SUPERIOR COURT  
CIVIL ACTION NO.

2017CV01109C

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TRACY BLANCHETTE,  
Plaintiff

v.

**COMPLAINT AND JURY DEMAND**

CITY OF METHUEN and  
JOHN T. SHEEHY,  
Defendants.

INTRODUCTION

This complaint alleges gender discrimination in the City of Methuen Fire Department. When the City wanted to evaluate best candidates for promotion to Captain in 2018, it hired an independent, outside consulting firm, staffed by several independent Fire Chiefs, to conduct a comprehensive assessment center and evaluate all of the candidates anonymously. Despite being the top-ranked candidate, with the most seniority and an impeccable service record, Tracy Blanchette - a female - was passed over for a lower-ranked male candidate.

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Plaintiff, Tracy Blanchette, is a lifelong resident of Methuen, where for more than 27 years she has worked as a firefighter/EMT. Plaintiff has multiple college degrees, including in Fire Science, and has been honored as Firefighter of the Year from both the Methuen Rotary Club and the Massachusetts State Firefighting Academy in recognition of her life saving efforts at the historic Malden Mills Fire. Those efforts were recognized nationally as setting the standard for EMT response during a catastrophic event. For several years Blanchette had served as an instructor at the State Firefighting Academy, and she has received accolades from the Commonwealth for her service. She has obtained many advanced certifications and has never been disciplined in her career.

Plaintiff was hired as the City's very first female firefighter. While almost all of her male peers with similar time on the job have been promoted to higher ranks, Tracy Blanchette remains, after 27 years, a Private, the lowest rank in the department. The Methuen Fire Department employs about 100 firefighters. Only

3 are women. No female has ever been promoted to Captain. Until very recently, 100% of the female firefighters were Privates. In fact, only after Plaintiff filed a gender discrimination complaint did the City of Methuen take action to promote 1 female officer. The female they did promote was also passed-over for promotion in the past, not once but twice. Not surprisingly, the City admittedly makes no efforts to recruit female firefighters.

As a reason for passing over Blanchette, Plaintiff was told that the lower-ranked male - a friend of the Fire Chief's, and a member of the City's "boy's club" - performed better than Plaintiff during a 20-minute City Hall interview. Not only was judgment of interview performance wholly subjective, it was admittedly conducted without impartiality.

The City's disparate treatment of Plaintiff and its stated reasons therefor stand in marked contrast to its handling of a male candidate's promotion to the same position, and based on the same assessment center process. When it made the first Captain's promotion from the assessment center list, to promote a male candidate, the City's only stated reason for its choice was that he was the top-ranked candidate on the Civil Service list. When it came time to make a second promotion, a female was in the top-ranked position. At that point, in order to reach this discriminatory and unjust result, as the City conceded, it did not factor into its decision at all the fact that Plaintiff held the highest rank, as it had for the male candidate first promoted. To the contrary, rather than credit or consider Plaintiff's record of accomplishments, the Fire Chief openly belittled her qualifications, and patronized Plaintiff telling her she could cry if she wants to over not getting the promotion.

The Defendants' asserted justification for Plaintiff's bypass are pretextual and discriminatory. The City and Fire Chief's discriminatory animus and intent are clear. One need look no further than Defendants' response to Plaintiff's complaints of discrimination to solidify the point. Complaints filed by Plaintiff fell on deaf ears - in fact, nobody cared. Neither the Chief, nor the City Council, nor the Mayor, nor her Union nor even the City's designated Equal Opportunity Officer investigated. Instead, they circled the wagons, and openly advocated for the lower-ranked male candidate in order to justify their disparate treatment of this decorated, veteran, female firefighter.

### THE PARTIES

1. Plaintiff, Tracy Blanchette, is a female individual residing in Methuen, Essex County, Massachusetts.
2. Defendant, City of Methuen (hereinafter "City"), is a Massachusetts corporation with a principal place of business at 41 Pleasant Street, Methuen, Essex County, Commonwealth of Massachusetts.
3. Defendant, John T. Sheehy (hereinafter "Sheehy") is the Fire Chief of the City of Methuen, and is designated the City's policy maker for the Fire Department, and resides in Salem, New Hampshire.

### JURISDICTION

4. The City has at all times mentioned in this complaint employed more than six persons, and as such, is an employer within the meaning of GL c. 151B.
5. On October 11, 2019, Plaintiff filed a Charge of Discrimination with the Massachusetts Commission Against Discrimination ("MCAD") alleging gender discrimination in violation of GL c. 151B. *A true copy of said charge is attached as Exhibit A hereto and is herein incorporated by reference.*
6. Defendant Sheehy had notice of the potential charges against him and participated in the MCAD matter including potential conciliation. Defendant Sheehy, for example, verified the City's Position Statement under the pains and penalties of perjury before the MCAD.
7. Ninety (90) days having passed since her filing with the MCAD, the Plaintiff, of right pursuant to GL c. 151B, § 9, has filed this action and has notified the MCAD of same. *A true copy of the letter to the MCAD is attached as Exhibit B to this complaint and is herein incorporated by reference.*

### FACTUAL ALLEGATIONS

8. Tracy Blanchette (hereinafter "Blanchette" or "Plaintiff"), a Private in the Methuen Fire Department who has lived in Methuen her entire life, comes from a firefighting family - her husband is veteran firefighter in the neighboring city

of Lawrence, and her father is a retired Methuen firefighter.

9. The City employs in its Fire Department approximately 101 fire employees, including the following 99 unionized positions: 77 Privates, 16 Lieutenants, 2 Captains, 4 Deputy Chiefs; in addition, there is a currently vacant Assistant Fire Chief's position, and a Fire Chief. Private is the lowest rank.
10. Plaintiff, appointed in 1993, was the City's first-ever female firefighter, a milestone reported on by the Eagle Tribune newspaper. Subsequently, in 2003, she was the first (and remains the only) female firefighter in the City ever to give birth, another milestone reported in the same newspaper
11. Plaintiff has college degrees in both Liberal Arts and Fire Science.
12. Plaintiff has never received discipline in her career with the City.
13. Blanchette's service has brought significant credit to the City - earlier in her career, she was personally recruited to become an instructor at the State Fire Academy in Stowe, MA, where, after a lengthy training and certification process, she taught for 5 years. She is the only certified fire instructor in the Methuen Fire Department.
14. Blanchette was previously named Firefighter of the Year by state and local organizations for her role in the historic Malden Mills fire in Methuen, the largest fire event ever to occur in that area.
15. Blanchette's efforts in rendering aid to dozens of severely burned victims were recognized by the United States Fire Administration as a new national model for responding to mass casualty events, which efforts resulted in Blanchette being invited to speak at the State Fire Academy commencement and other accolades.
16. Blanchette maintains many advanced fire certifications, many of which were obtained on her own volition, and on her own time, above and beyond the mandatory trainings required by the City. Among such

certifications is that of Fire Officer I, a supervisory/management certification.

17. Blanchette's contributions to the Methuen Fire Department go beyond her traditional duties, and include: coordinating the children's and adult's holiday parties for several years, speaking on behalf of the Fire Department at Girl Scouts events, Brownie events and Women's Church events, participating in High School career days, and making herself available for interviews by media, high school and college students relative to her unique perspective as a woman working in the fire service. She also volunteered to serve as the Fire Department's liaison to the City's Health and Wellness committee.
18. Despite being a city of 50,000 people, the City has had only had 4 female firefighters in its entire history.
19. During the current Fire Chief, Defendant Sheehy's, tenure, the City has hired some 34 new firefighters, and promoted 6 veteran firefighters.
20. Only 1 of the 34 new hires was female, bringing the total number of women in the department to 3.
21. Prior to Plaintiff's complaint of gender discrimination, none of the promoted officers were female.
22. To date, the City has never appointed a female to the rank of Captain or higher.
23. The City's Fire Chief, Defendant Sheehy, does not believe that women are underrepresented in the Methuen Fire Department.
24. Defendant Sheehy testified in a Civil Service hearing, "I don't think we're lacking in the numbers," and when asked if he ever considered requesting an all-female civil service list, he stated, "I didn't even know there was an all-female list where I could grab a few."
25. Defendant Sheehy was hired at the same time as Plaintiff.
26. Prior to being Chief for the past four plus years, Defendant Sheehy served as both Captain and Lieutenant, and was also president of the Methuen Firefighters union from

2004-2015, and district vice president of the statewide firefighter's association (IAFF Dist. 4) from 2012-2015.

27. During his tenure as an executive in charge of the Fire Department, Sheehy has never sought to increase the number of women in the fire service.
28. Defendant Sheehy confirmed this, testifying under oath: "I'm not looking to recruit women."
29. Defendant Sheehy has never called for an all-female Civil Service list, has never done community outreach to promote female applicants, has never promoted the fire service to female applicants at local schools, and has never tried to find out how he could bring in more women.
30. The Department's governing documents are 100% male oriented, as its official rules and regulations only refer to firefighters as men, he, him, or his, and have no reference to the female gender. Defendant Sheehy reviews these rules annually, and has never sought to update the rules.
31. During the time period when Defendant Sheehy was union president and until in or around 2013, women were prohibited from permanent assignment to night shifts in different City fire stations, including for example the East End station, due to a lack of bedrooms. Such permanent assignment was reserved for men only.
32. During his tenure as union president, Sheehy never filed a grievance or any other action to remedy this disparate treatment of female firefighters.
33. The City, in the past, has not adhered to Civil Service requirements when bypassing female firefighters for promotion.
34. For example, Firefighter Susan Vallera, a very good firefighter with no history of discipline, despite topping the Civil Service list, was bypassed for promotion twice in 2012. The City, in violation of Civil Service law, never even informed Vallera (in writing or otherwise) of the reasons for her promotional bypass, and moreover, never even told her that she was in fact bypassed, either time.

35. Defendant Sheehy admitted to Vallera that she "got a raw deal" regarding her bypass and also assured her that if she passed the test in the future, she would be promoted exactly in order of her place on the list, without the need for an employment interview.
36. Defendant Sheehy, under oath, has provided shifting explanations for Vallera's bypass.
37. Blanchette and Sheehy were part of a larger group of fire recruits hired as Privates in 1993. That group of recruits was made of up 6 men and 1 woman (Plaintiff). While 5 of the 6 males have been promoted, Plaintiff, the only female, remains a Private.
38. The lone male candidate not promoted, referenced in the previous paragraph, appears to have not sought promotion, as his name has never been on a promotion list.
39. The culture at the Methuen Fire Department has been described as a "boy's club." For example, when asked if she had to tell her daughter that she would not be welcome at a retirement party for plaintiff because, with some exceptions, only firefighters and their male relatives are welcomed at retirement parties, plaintiff replied, under oath, "It was a difficult conversation that I had with her, not one that I had a very good explanation for, but yes I told her that my husband, my father and my brother could go, and her brother could go, but she could not."
40. Many of the male firefighters have outside businesses and invite other Fire Department employees to work for their businesses. For example, Matthew Tulley has an electrical business where many City firefighters work, including Defendant Sheehy.
41. No female firefighters have been employed by Tulley - the lower-ranked firefighter for whom Plaintiff was bypassed. Female firefighters are excluded from Tulley's and other male firefighter's outside businesses and from the Fire Department's "boy's club."
42. The exclusion of women from Methuen firefighters' outside businesses has the impact of keeping female firefighters at arm's length from their male peers and supervisors, based on their gender.

43. Until 2017, the promotion process in Methuen was very traditional. Candidates took the Civil Service written exam and sometimes, but not always, also had a brief interview consisting of non-substantive questions (i.e. "tell me about your strengths and weaknesses").
44. In 2017, the City sought to promote individuals to both the rank of Deputy Chief and the rank of Captain. In doing so, Chief Sheehy advocated to change the past practice of using the standard Civil Service test to an independent assessment center process.
45. In order to make this significant change to the promotion process, Defendant Sheehy sought agreement from the union. After debate and significant pressure from Sheehy, including threats of reprisal, the union agreed that for a 3-year period promotions, including for the position of Captain, would be determined by an independent assessment center process. Separate interviews were never discussed or agreed to.
46. Chief Sheehy hired Integrity Testing Company of Tewksbury, Massachusetts to perform the assessment center.
47. The position of Fire Captain is largely administrative and requires firefighters to give up their 24-hour schedule.
48. Because of the lack of interest in the captain's promotion by current Lieutenants, the assessment center was opened up to the rank of Private. Among the Privates participating were Plaintiff and Tulley.
49. The assessment center process was a daylong examination. Candidates were identified by randomly assigned numbers and not names to ensure objectivity, and assessors were public safety executives from other communities.
50. The assessment exam included 5 exercises: a 50-question written test based on Methuen specific policies and rules; an in-basket exercise, a structured interview, a critical incident response exercise, and role-play exercise.
51. The oral interview process within the assessment center was video recorded and addressed such issues as



long-term Methuen Fire Departmental goals, leadership questions, and the opioid crisis.

52. The assessment center process was set out in great detail in an orientation package distributed to the candidates, which included explicit written grading criteria, as well as detailed explanations of how criteria would be applied to candidates' responses.
53. The process had a specific grading scale, together with explanations as to what performance correlated with certain grades and how particular criteria were to be weighed.
54. The assessment center was not limited to general supervisory subject matter.
55. Assistant Chief William Barry worked with Integrity Testing Company, including providing Methuen's regulations, policies and procedures, so that the examiners could develop a 50-question written examination on Methuen standard operating guidelines. Assistant Chief Barry also provided physical Methuen locations for the assessors to incorporate into digital fire scenarios.
56. Following completion of the assessment center, Integrity Testing Company produced a list of ranked candidates, the top four of which were as follows: (1) Lieutenant Michael Fluet, (2) Private Tracy Blanchette, and tie (3) Lieutenant Timothy Smith and Private Matthew Tulley.
57. Immediately after the assessment center rankings became known within the department, Plaintiff began to receive comments and criticisms from her fellow firefighters, including supervisory personnel.
58. Many male colleagues told plaintiff that she would not get the promotion and that Defendant Sheehy had predetermined Tulley for the position.
59. One colleague even said: "let's be real, if we called every single other person into this kitchen, everyone would say they want to see Matt [Tulley] get appointed."
60. During that same time, Plaintiff received a text message from another firefighter, "Hey great job, too bad

you're not going to get the position. The chief wants Matt in the position. It's his best friend. It's going to be easier to promote Matt to Assistant Chief from Captain than from private."

61. At that same time, Plaintiff was told by a Lieutenant, "as long as Matt made it into the top 3, he would be made because he is the Chief's best friend," and "these appointments were known ahead of time."
62. Following the establishment of the assessment center list of candidates, Defendant Sheehy decided to have a second set of interviews to take place at City Hall.
63. For the first time in the City's history for the position of Captain - despite the fact that the City hired and paid a private company to assess and objectively rank the candidates - Defendants decided to also perform subjective interviews consisting of technical, substantive fire-based questions and lasting 20-30 minutes each.
64. Four separate panel members, including Chief Sheehy, Assistant Chief Barry, Human Resources Director Anne Randazzo, and Mayoral Aide Phillip DeCologero, would score Chief Sheehy's new interviews.
65. Chief Sheehy instructed Assistant Chief Barry to create the interview questions.
66. The questions created by Assistant Chief Barry were Fire Department specific, often subjective, and at times required professional firefighting knowledge or at least a working technical knowledge of the Methuen Fire Department.
67. Randazzo, one of the panelists, has no experience or knowledge in professional firefighting. She admitted to having no way of judging candidates' responses without input by Defendant Sheehy.
68. Randazzo also admitted, in testimony under oath, that she did not see the need to be independent in her evaluation of the candidates. She testified: "I guess I don't understand what the importance is of being independent."
69. DeCologero similarly had no knowledge or experience in fire service, and had no personal knowledge as how to

evaluate or rank a candidate's response to the questions posed. This was DeCologero's first ever fire interview.

70. The City Hall interview process was a sham in order to implement Defendant Sheehy's predetermined promotional pick.
71. Despite its capability to do so, the City's interviews were neither video-recorded nor audio-recorded.
72. Randazzo was well aware of the Civil Service procedural requirements related to promotional interviews, including that all such interviews should be recorded, and knowingly decided not to record them in this case.
73. Unlike the independent assessment center process, the City Hall interview questions were often subjective, had no established grading criteria, no written examples of model answers, and one half of the panelists were told by Defendant Sheehy what answers would be acceptable, even to the non-fire specific subjective questions.
74. The candidates were never notified that their interviews would be the determining or sole consideration for the promotional decision.
75. Chief Sheehy testified under oath that he did not advise or influence DeCologero or Randazzo regarding what would be appropriate responses to interview questions.
76. Both Randazzo and DeCologero contradicted Sheehy, stating under oath that in fact it was Chief Sheehy that advised them directly as to what constituted acceptable responses by the candidates.
77. When asked under oath if weight was given to the candidates' personnel records, Sheehy replied, "I wouldn't put a number on it...I think some files were similar."
78. When asked under oath if he actually looked at the candidates' personnel files, Sheehy replied, "We did look at some, yes." Asked if anything stood out in the files of the promoted candidates, Sheehy stated no.
79. Plaintiff's interview was only 20 minutes long.

80. In Plaintiff's interview, other than introductions, no panelists spoke other than to take turns reading interview questions verbatim off the list. No panelist asked any follow-up questions.
81. Following the interviews, the candidates received no notice of the results; in fact, Plaintiff was unaware that the interviews were being scored, or how she fared, until more than a year later when she was formally bypassed.
82. During Plaintiff's Civil Service hearing, the City claimed that Tulley performed the best of all the candidates during the 20 minute City Hall interviews.
83. Shortly after the conclusion of the City Hall interviews, Chief Sheehy's office sent an email dated November 20, 2017 to Human Resources agent Jill Stackelin asking to hire one Captain, and providing only one detail: "Lt. Michael Fluet scored the highest on the Captain's exam." No mention of the City Hall interviews was made.
84. Because it intended to promote Fluet, the City notified the other candidates ranked by the Assessment Center, including Plaintiff, and provided their reason for doing so.
85. Plaintiff received such notice in the form of an email dated November 16, 2017, from HR Director Randazzo, stating, "I do want to say that the interview committee was impressed with your background and your service to date."
86. In explaining Plaintiff's non-selection, Randazzo - also a member of the interview panel and an Assistant City Solicitor - gave only one reason for the City's selection of Fluet: "Lt. Fluet was in the top position on the civil service list. As such, he was selected to fill the opening."
87. The fact that Tulley allegedly performed best on the Chief Sheehy's interviews was not used as a reason to bypass Fluet, who is a male. According to Randazzo's notice, Fluet was promoted simply because he was in the top position on the Civil Service list.

88. The Civil Service list and resulting ranking of the candidates referenced by Randazzo was created as a result of the independent, objective assessment center process.
89. About a year later, another spot opened up for a second Captain's promotion. Plaintiff was then the top-ranked candidate on the Civil Service list, as determined by the independent assessment center.
90. Private Tulley, a male, was selected over Plaintiff.
91. Unlike the promotion of Fluet, a male candidate, the City now used the interview scores as a reason to bypass the new top-ranked candidate, the Plaintiff, a female.
92. Defendants' criteria for this selection were biased and subjective.
93. Defendants gave no weight at all to the assessment center results - despite having done so for prior promotions and despite having paid an outside company to perform the assessment.
94. Defendants also did not consistently weigh, if at all, the candidates' experience or employment records. Indeed, Defendant Sheehy admitted that he only looked at "some" of the candidates' files.
95. On information and belief, Tulley has not been issued any awards or been otherwise formally recognized for his service in the Fire Department.
96. At the time of promotion, unlike Plaintiff, Tulley was not Fire Instructor Certified or Fire Officer I certified.
97. Plaintiff was called into Defendant Sheehy's office in January 2019, to inform her that she was being bypassed for the Captain position.
98. When Blanchette explained her disappointment with the decision, particularly in light of her experience and top-ranked position on the Civil Service list, Defendant Sheehy was dismissive and said "You can yell at me, you can be mad, you can even cry if you want."
99. Sheehy, under oath, described Plaintiff's response in a derogatory manner, stating "she was just barking at me,"

and also stating that Deputy Donahue "felt some of it. She was barking at him too."

100. In the meeting, Defendant Sheehy tried to deflect blame from him and told Plaintiff that both he and Assistant Chief Barry thought she did well on several questions and suggested that it was the City Hall employees who were responsible for her low score on the City Hall interview.
101. Plaintiff expressed further disappointment during that meeting that her work experience including her years as an academy instructor carried no weight in the promotional process. Sheehy was again dismissive, replying, "how many years ago was that?"
102. Following the meeting, Blanchette and Deputy Chief Daniel Donahue, who had been present for parts of the meeting, walked upstairs to Donahue's office, where Plaintiff requested he provide her with a union grievance form.
103. When Donahue expressed sympathy for Blanchette, she responded skeptically, stating that Donahue wanted Tulley to get the appointment over her. Donahue agreed, stating, "what did you expect, he's one of my best friends."
104. The City sent Plaintiff written notice of bypass, which she received shortly after her meeting with Sheehy and Donahue.
105. Promotions in Methuen must be approved by the City Council before becoming permanent.
106. Tulley's appointment was scheduled to go before the Council on February 4, 2019.
107. On January 18, 2019, Plaintiff wrote a formal letter of complaint to the full City Council and its Chief Executive, Mayor James Jajuga, stating that issues of gender inequity played a role in her promotional bypass, and requesting that the City remedy the injustice.
108. The Mayor's office sent Chief Sheehy a copy of Plaintiff's complaint prior to the appointment of Tulley by the Council.

109. Defendant Sheehy did nothing to investigate or respond to Plaintiff's complaint.
110. Randazzo was at all relevant times the City's designated discrimination in employment and equal opportunity official. Sheehy never discussed or explored Blanchette's complaint with Randazzo.
111. Sheehy, however, did share Plaintiff's complaint with his chosen male candidate, Tulley.
112. Prior to the appointment of Tulley by the City Council, and subsequent to Plaintiff's complaint, Sheehy personally called City Councilors on February 4, 2019, by telephone, to advocate for Tulley's promotion.
113. Sheehy stated under oath that he called every councilor with the exception of Councilor James McCarty, to whom Tulley is related by marriage, claiming that he did not have McCarty's phone number.
114. Randazzo, the City's designated point person to investigate employment discrimination, was made aware of the Plaintiff's discrimination prior to Tulley's formal appointment by the City Council but did nothing to investigate it.
115. Randazzo, despite being given notice of Plaintiff's complaint, admitted she never asked for a copy of the complaint and never discussed it with anyone, including the Mayor, the Chief, or anyone else.
116. Chief Sheehy appeared before the City Council on February 4, 2019 to advocate for the promotion of Tulley. Neither the entire council nor the Mayor asked a single question of Chief Sheehy about Plaintiff's complaint during the meeting, nor did the Chief mention it.
117. Plaintiff filed a grievance pursuant to the Methuen Fire Department firefighter's union collective bargaining agreement (CBA).
118. The CBA has a specific provision prohibiting discrimination based on sex.
119. Plaintiff's claim of gender discrimination is within the scope of the CBA's grievance procedure.

120. Despite suggestions to her by both her union and the City that she could not avail herself of the grievance process, the union acquiesced to Plaintiff's demands and filed a grievance on Plaintiff's behalf.
121. The City, through Assistant City Solicitor Randazzo wrongly suggested to the union that Plaintiff's grievance was barred by the CBA, a position that Randazzo would later admit was wrong.
122. Almost two years since filing it, the City has still yet to hear plaintiff's grievance, and the union has neither prosecuted the grievance nor demanded arbitration.
123. Plaintiff also challenged her bypass through Civil Service Commission's appeal process, pursuant to GL c. 31.
124. During the Civil Service hearing, the City presented witnesses to support its claim that female firefighters are treated no differently than male firefighters in Methuen, including firefighter Susan Vallera and Deputy Fire Chief Daniel Donahue.
125. Donahue is a male firefighter who started in Methuen 2 years after Blanchette. Donahue was promoted to Lieutenant 7 years later and is now a Deputy Chief.
126. According to Donahue, the position of fire captain is more or less an office job and a "paper pusher."
127. Donahue recounted a conversation at which he was present between Sheehy and Private Vallera, a female who had been bypassed twice in the past, and who was frustrated and considering giving up trying to be promoted.
128. Donahue agreed that Vallera is a 16-year veteran and very good firefighter, with no history of discipline, who was bypassed twice for the position of lieutenant, a rank he, a male, was awarded within 7-years of being hired.
129. Vallera stated that many men on the department are promoted with less than 10-years of experience, and that the same was not true for the 3 female firefighters.
130. Vallera testified under oath that the Chief suggested that she "got a raw deal" when she was bypassed.



131. Vallera was ultimately promoted - but not until after Blanchette filed her discrimination complaint and Civil Service appeal. In fact, it was only during the latter stages of plaintiff's Civil Service hearing that the City made its move to promote Vallera.
132. Defendants' justification for bypassing Plaintiff based on the subjective and partial evaluation of her City Hall interview are untrue and a pretext for discrimination.
133. Defendants have never before decided a Captain promotion based on such an interview.
134. Defendant Sheehy himself was promoted to Captain without even being interviewed.
135. Defendant Sheehy and the City recently made at least 3 promotions without conducting a single interview.
136. With the promotion of Fluet and Tulley to the only two Captains' positions, it is unlikely that Plaintiff will ever have an opportunity to achieve promotion to the position, which will impact her wages and her pension income for the rest of her life.
137. Following Plaintiff's complaint of discrimination, her male Firehouse coworkers and supervisors treated her disparately and harshly.
138. For example, Plaintiff's colleagues, including supervisors, stopped talking to her, refused to associate with her, treated her differently, and excluded her from daily work customs.
139. Plaintiff's Firehouse supervisor, a Lieutenant and shift commander, encouraged her to transfer from her assigned Firehouse to West End Group 3, where an opening came up.
140. Due to her supervisor's suggestion, Plaintiff spoke to a Group 3 Firefighter to determine whether that Firehouse would have a problem with her transferring, and the person to whom she spoke indicated that people there felt they would have to "tip-toe" around her.

141. Also, that same Group 3 Firefighter warned plaintiff that the House Lieutenant, the officer in charge of Group 3, had made it known that if Plaintiff transferred to West End Group 3, he would then transfer to another firehouse.
142. Because of the negative information she received, including that she would not be welcome and that she would cause the Firehouse Supervisor to transfer, Plaintiff was left with no choice but to stay at her current assignment.
143. When it became known that Plaintiff was not pursuing the transfer, her present Lieutenant and Shift Commander, the same person who encouraged Blanchette to transfer to Group 3, himself transferred from the Plaintiff's Firehouse - where he had been assigned for approximately 10 years.
144. The Lieutenant referred to in the previous paragraph transferred from Plaintiff's Firehouse on or about October 1, 2019.
145. Plaintiff's other long-time co-worker, also a Private, refused to speak to Plaintiff after she filed her complaint of discrimination, and, like the Shift Commander, also transferred from Plaintiff's Firehouse on or about October 7, 2019 when it was learned that Plaintiff decided to stay.

**COUNT I - AGAINST ALL DEFENDANTS**  
**UNLAWFUL DISCRIMINATION IN VIOLATION OF GL c. 151B**

146. Plaintiff repeats and incorporates herein the preceding paragraphs above as if fully set forth herein.
147. Plaintiff, a woman, is a member of a protected class as defined under GL c. 151B.
148. At all times relevant, Plaintiff performed her duties at an acceptable level and was qualified for the position of Captain.
149. By failing to promote Plaintiff to Captain, in favor of a lower-ranking male, Defendants discriminated against Plaintiff on the basis of her gender and/or sex.
150. Defendants as alleged herein used discriminatory employment practices, policies, and rules in violation of GL c. 151B, which practices, policies and rules, serve to

discriminate against a disproportionate number of persons of plaintiff's gender.

151. Defendants as alleged herein, through its policy makers, including but not limited to the Chief of the Fire Department, created a hostile work environment through their discriminatory words and actions towards plaintiff because of plaintiff's gender. This conduct was so severe that it altered the terms and conditions of plaintiff's employment.

152. Defendants are liable to Plaintiff for the violations of law stated herein.

153. As a direct, foreseeable, and proximate result of Defendants' discriminatory acts, Plaintiff has suffered and continues to suffer substantial losses in earnings and job benefits, impairment of future earnings including retirement earnings, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort.

154. Defendants' violations of the law as stated herein were willful, knowing, and intentional.

155. Defendants' violations of the law as stated herein were egregious and/or outrageous.

**COUNT II - AGAINST ALL DEFENDANTS**

**UNLAWFUL RETALIATION IN VIOLATION OF GL c. 151B, s. 4(4)**

156. Plaintiff repeats and incorporates herein the preceding paragraphs above as if fully set forth herein.

157. Defendants discriminated and retaliated against Plaintiff for exercising rights protected under GL c. 151B including, but not limited to making internal and external complaints of discrimination.

158. Defendants knew of Plaintiff's exercise of rights protected under GL c. 151B and took adverse employment actions against her because of her engagement in legally protected activity, including creating a hostile working environment.

159. Defendants are liable to Plaintiff for the violations of law stated herein.

160. As a direct, foreseeable, and proximate result of Defendants' retaliatory acts, Plaintiff has suffered and continues to suffer substantial losses in earnings and job benefits, impairment of future earnings including retirement earnings, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort.

161. Defendants' violations of the law as stated herein were willful, knowing, and intentional.

162. Defendants' violations of the law as stated herein were egregious and/or outrageous.

**COUNT III AGAINST DEFENDANT SHEEHY**  
**INTERFERENCE AND AIDING AND ABETTING DISCRIMINATION AND**  
**RETALIATION IN VIOLATION OF GL C. 151B, S. 4(4A) & 4(5)**

163. Plaintiff repeats and incorporates herein the preceding paragraphs above as if fully set forth herein.

164. Defendant Sheehy interfered with Plaintiff's enjoyment of the right to be free from unlawful discrimination and retaliation, acted in deliberate disregard for Plaintiff's rights, and aided and abetted the City in its discrimination and retaliation of Plaintiff.

165. Defendant Sheehy is liable to Plaintiff for the violations of law stated herein.

166. As a direct, foreseeable, and proximate result of Defendant Sheehy's unlawful acts, Plaintiff has suffered and continues to suffer substantial losses in earnings and job benefits, impairment of future earnings including retirement earnings, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort.

167. Defendant Sheehy's violations of the law as stated herein were willful, knowing, and intentional.

168. Defendant Sheehy's violations of the law as stated herein were egregious and/or outrageous.

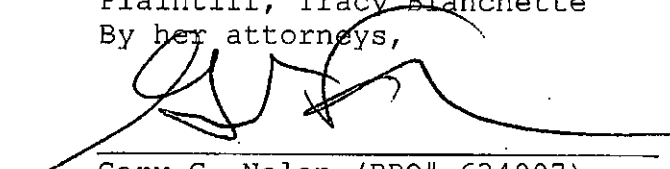
**COUNT IV AGAINST DEFENDANT SHEEHY**  
**TORTIOUS INTERFERENCE**

169. Plaintiff repeats and incorporates herein the preceding paragraphs above as if fully set forth herein.
170. Plaintiff had an advantageous and/or contractual relationship with the City.
171. Defendant Sheehy was aware of Plaintiff's advantageous and/or contractual relationship with the City.
172. Defendant Sheehy, with actual malice and through improper motive and/or means, intentionally interfered with Plaintiff's advantageous and/or contractual relationship with the City.
173. As a direct and proximate result of Defendant Sheehy's interference, Plaintiff suffered and continues to suffer loss of income, loss of benefits, loss of personal and professional reputation, loss of professional opportunities and other losses including emotional distress and mental suffering.

WHEREFORE, Plaintiff demands judgment against Defendants for:  
(a) compensatory damages, including back pay/lost wages and benefits, front pay including wages and loss of pension benefits, and emotional distress damages; (b) punitive damages; (c) attorneys' fees and costs; (d) post and pre-judgment interest on all amounts claimed; and (e) such other and further relief as the court deems proper.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS**

Plaintiff, Tracy Blanchette  
By her attorneys,

  
\_\_\_\_\_  
Gary G. Nolan (BBO# 634907)  
Peter J. Perroni (BBO# 634716)  
Nolan | Perroni, PC  
73 Princeton Street, Suite 306  
N. Chelmsford, MA 01863  
(978) 454-3800  
Gary@nolanperroni.com  
Peter@nolanperroni.com

Dated: 11/3/2020

# Exhibit A

**CHARGE OF DISCRIMINATION**

ENTER CHARGE NUMBER

This form is affected by the Privacy Act of 1974; see Privacy Act Statement before completing this form.

- FEPA
- EEOC

**Massachusetts Commission Against Discrimination** and EEOC

State or Local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

TRACY BLANCHETTE

978-681-1996

STREET ADDRESS

CITY, STATE AND ZIP CODE

56 HARRIS STREET, METHUEN MA 01844

01-03-1970

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (if more than one list below.)

City of Methuen and Methuen Fire Department

NUMBER OF EMPLOYEES, MEMBERS

100+

978-983-8505

41 Pleasant Street, Suite 306, Methuen, MA 01844

Essex County

NAME

TELEPHONE (Indicate Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- RETALIATION
- AGE
- DISABILITY
- OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

JANUARY 9, 2019

CONTINUING ACTION

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

SEE ATTACHED EXHIBIT A

I want this charge filed with both the EEOC and the State or Local Agency, if any, I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

10/10/19



GARY G. NOLAN  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2024

## EXHIBIT A

My name is Tracy Blanchette. I am a lifelong resident of Methuen, where for more than 26 years I have worked as a firefighter/EMT. I have a college degree in Fire Science, and am very proud of my service to the City, having been honored as Firefighter-of-the-Year from both the Methuen Rotary Club & the Massachusetts State Firefighting Academy in recognition of my life saving efforts at the historic Malden Mills Fire, which efforts were recognized nationally as setting the standard for EMT response during a catastrophic event. I have served as an instructor at the State Firefighting Academy, and have received accolades from the Commonwealth for my service. I have many advanced certifications, and have never been disciplined in my career.

More than 26 years ago, I was hired as the City's first female firefighter ever. While almost all of my male peers with similar time on the job have been promoted to higher ranks, I remain, after 26 years, a private, the lowest rank in the department. The Methuen Fire Department employs about 100 firefighters. Only three (3) are women. No female has ever been promoted to Captain. Until very recently, 100% of the female firefighters were privates.<sup>1</sup> The City makes no efforts to recruit female firefighters.

I was recently bypassed for promotion to Captain in favor of a lower ranked, male candidate, despite the fact that I was the highest-ranking firefighter as determined by an independent assessment center panel hired by the City to create a promotional list for the position of Captain.

In order to conduct the recent fire service promotions, the City spent considerable time and money to hire an independent consulting firm, which conducted a comprehensive promotional assessment center for the position of Fire Captain. This assessment center thoroughly vetted candidates after a day-long battery of Methuen based testing, which testing included a substantive interview. Candidates were assessed by independent Fire Chiefs and then ranked in order of their performance, establishing an ordered list for promotions. I was initially the second ranked candidate. After the first appointment was awarded to the top ranked candidate, a male, I received a letter stating that the interview committee was impressed with my background, experience, & service to date, but that the promotion was going to someone ranked higher on the promotional list, thus making me the top ranked candidate. Despite then being the top ranked candidate, with the most seniority, when it came time to make another promotion off of the list, I was informed that I was being skipped-over, and that the promotion was being instead given to a lower ranked, male candidate. As a reason, I was told that the lower ranked male performed better than me during a 20-30 minute City Hall interview, and that the City did not factor into its decision at all the fact that I performed better 8 hour comprehensive assessment center exam. The Fire Chief belittled my accomplishments, and was condescending in his notice to me, even telling me that I could cry if I want to. The City's asserted for bypass reasons are pretextual.

---

<sup>1</sup> I appealed my bypass to the Massachusetts Civil Service Commission. Only after I filed my appeal and hearings had taken place did the City promote one of the 3 female firefighters to the position of Lieutenant. That same female had been bypassed twice in the past -- and neither time did the City even bother giving her notice of the bypasses. According to her sworn testimony, the current Fire Chief suggested to her that her past bypasses were a "raw deal."





GARY G. NOLAN, ESQ.  
PETER J. PERRONI, ESQ. † ‡

† ALSO ADMITTED IN NEW HAMPSHIRE  
‡ ALSO ADMITTED IN MAINE



NOLAN | PERRONI, P.C.  
73 PRINCETON STREET  
THE MILL, SUITE 306  
NORTH CHELMSFORD, MA 01863

PHONE: 978-454-3800  
FAX: 978-454-2767

NEW HAMPSHIRE OFFICE: 603-921-9132

March 3, 2020

**Via Facsimile Transmission**  
**617-994-6024**

Massachusetts Commission Against Discrimination  
One Ashburton Place  
Boston, MA 02108

**Re: Tracy Blanchette v. City of Methuen and Methuen Fire Dept.**  
**MCAD Docket No. 19BEM03067; EEOC No. 16C-2020-00180**

Dear Sir/Madam:

Attached please find a Notice of Withdrawal and intent to file a private right of action in Superior Court. The Complaint with this Commission being filed more than 90 days ago, on October 11, 2019. Thank you.

Sincerely,

  
Gary G. Nolan

GGN/gl  
Encl.

cc: William P. Breen, Esq.  
(via email)

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

From: Gary G. Nolan, Counsel for the Complainant

To:

Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
FAX: 617-994-6024

Re:

Tracy Blanchette v. City of Methuen  
MCAD Docket Number 19BEM-03067; EEOC No: 16C-2020-00180

Dear Commissioner:

I hereby request permission to withdraw my complaint filed with this Commission and if applicable, from the Equal Employment Opportunity Commission, for the following reason:

- I wish to file a private right of action in civil court.  
 I have reached a satisfactory settlement with the Respondent.  
 I no longer intend to pursue this matter at the Commission.

Authorization for this request is indicated by the following Certification of Withdrawal by Complainant, OR Certification of Authorization to Withdraw by Counsel.

Certification of Withdrawal by Complainant

I have been advised that it is unlawful for any person or persons to threaten, intimidate, or harass me because I filed a complaint. I have not been coerced into requesting this withdrawal.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's signature

\_\_\_\_\_  
Print Name

Certification of Authorization to Withdraw by Counsel

I have been authorized as Counsel of Record for the Complainant and have the authority and permission to sign for the Complainant in this matter. I have advised the Complainant that it is unlawful for any person or persons to threaten, intimidate, or harass him/her because s/he filed a complaint. Complainant has represented that s/he has not been coerced into requesting this withdrawal.

March 3, 2020  
Date

[Signature]  
Attorney signature

Gary G. Nolan  
Print Name

CIVIL ACTION COVER SHEET

DOCKET NUMBER

2017CV01109

Trial Court of Massachusetts  
The Superior Court



PLAINTIFF(S): TRACY BLANCHETTE  
ADDRESS: 58 HARRIS STREET, METHUEN MA 01844

COUNTY Essex

DEFENDANT(S): City of Methuen and John T. Sheehy, Its Fire Chief

ATTORNEY: GARY G. NOLAN AND PETER J. PERRONI  
ADDRESS: NOLAN | PERRONI PC  
73 PRINCETON STREET, SUITE 308, NORTH CHELMSFORD, MA 01863

ADDRESS: 41 Pleasant Street, Methuen MA 01844

BBO: 634907 (Nolan) & 634716 (Perroni)

TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)

CODE NO. B22 and B99 TYPE OF ACTION (specify) Employment Discrimination TRACK F HAS A JURY CLAIM BEEN MADE? [X] YES [ ] NO

\*If "Other" please describe: OTHER TORTIOUS ACTIONS

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double- or treble damage claims; indicate single damages only.

TORT CLAIMS (attach additional sheets as necessary)

A. Documented medical expenses to date:

- 1. Total hospital expenses
2. Total doctor expenses
3. Total chiropractic expenses
4. Total physical therapy expenses
5. Total other expenses (describe below)

Subtotal (A):

B. Documented lost wages and compensation to date 50,000

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages 200,000

F. Other documented items of damages (describe below) 2,500,000

\*Permanent and ongoing loss of Pension Benefits, Emotional Distress Damages, and damages as set forth in the complaint.\*

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

GENERAL AND SPECIAL DAMAGES AS DESCRIBED IN THE COMPLAINT, INCLUDING PAST AND FUTURE LOST WAGES, AND FUTURE LOSS OF PENSION BENEFITS, AND EMOTIONAL DISTRESS DAMAGES.

FILED ESSEX SUPERIOR COURT 2020 NOV -6 AM 11:06 TOTAL: \$ 2,750,000

CONTRACT CLAIMS

(attach additional sheets as necessary)

Provide a detailed description of claim(s):

Signature of Attorney/Pro Se Plaintiff: X

Date: 11/03/2020

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

CERTIFICATION PURSUANT TO SJC RULE 1:18

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney of Record: X

Date: 11/03/2020