

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Joseph Tiedeman,

Plaintiff,

vs.

City of Brooklyn Park,

Defendant.

Court File No. \_\_\_\_\_

Judge: The Hon. \_\_\_\_\_

Case Type: Employment

**COMPLAINT  
JURY TRIAL DEMANDED**

Plaintiff, by his attorneys, HKM Employment Attorneys, LLP, brings this action for damages and other legal and equitable relief resulting from Defendant's violations of law. Plaintiff states the following as his claims against Defendant:

**PARTIES**

1. Plaintiff Joseph Tiedeman (hereinafter "Plaintiff" or "Tiedeman") is an individual who resides in the City of Otsego, County of Wright, State of Minnesota.

2. Defendant City of Brooklyn Park (hereinafter "Defendant" or "the City") is a Minnesota Municipal Corporation, with its principal office address located at 5200 85<sup>th</sup> Ave. N., Brooklyn Park, MN 55443, County of Hennepin, State of Minnesota.

**JURISDICTION AND VENUE**

3. Plaintiff invokes the jurisdiction of this Court as the violations of law described herein occurred in the State of Minnesota.

4. Jurisdiction is appropriate in this Court pursuant to Minn. Stat. § 542.09, because Defendant's principal office address is in Hennepin County, and the events described herein occurred in Hennepin County.

### FACTS COMMON TO ALL COUNTS

5. Tiedeman began employment in June 2013, as a Firefighter at Defendant.
6. Tiedeman was promoted to Fire Captain with the City in August 2020.
7. Throughout his career with the City, Tiedeman experienced many traumatic events, which caused him to develop Post-Traumatic Stress Disorder (“PTSD”). When active, Tiedeman’s PTSD causes him to be materially limited in his major life activities of, including, but not limited to, thinking, communicating, concentrating, interacting with others, and caring for himself.
8. On September 11, 2021, due to his PTSD, Tiedeman attempted suicide with a gun while in his backyard. Following this attempt, he called the Minnesota Firefighter Hotline and disclosed his suicide attempt. In response, the City’s Fire Chief, T. John Cunningham (“Cunningham”), called him, and at that time Tiedeman disclosed to him that he had been struggling mentally and emotionally because of the extremely traumatic incidents that had occurred at work.
9. On September 17, 2021, Tiedeman was evaluated by Norma DiLorenzo, Psy.D., to determine his ability to perform his duties. This evaluation determined that he was, “. . . not currently fit to return to duty[.]” because he has “. . . experienced a number of extremely traumatic incidents throughout the course of his public safety career, and these events have led to symptoms that are intruding on his ability to function in a maximally effective and safe way at the present time . . . [this] led him to attempt to take his life on September 11, 2021.” The evaluation recommended, “. . . he not be returned to duty before six months and that, prior to his return to work in his capacity as a firefighter, another fitness for duty evaluation [should] be conducted[.]”

10. After this evaluation, Tiedeman went on medical leave to appropriately handle his emotional and mental struggles. During his time away, Tiedeman sadly succumbed once again to his suicidal ideation, the result of which was a second suicide attempt October 23, 2021, resulting in a partial hospitalization for a few days near the end of October 2021.

11. While on leave, Tiedeman attended regular mental health treatment, as well as the Center of Excellence, which was above and beyond his recommended treatment plan. In addition, he also joined the State of Minnesota's Health Professionals Service Program ("HPSP"), which was also above and beyond his recommended treatment plan.

12. In February 2022, Tiedeman's mental health provider at Rogers Behavioral Health confirmed a diagnosis of PTSD and determined that his ". . . PTSD symptoms have decreased after completing our program and [he] can return to work pending his department's policy of return-to-work fitness-for-duty test."

13. On March 21, 2022, Tiedeman was reevaluated by Dr. DiLorenzo, who determined that Tiedeman was not fit to return at that time, but should be reevaluated in six months to assess his ability to return to work, which would have been in approximately September 2022.

14. Tiedeman did not think this would spell the end of his employment with the City, because it was quite common for firefighters with non-PTSD medical conditions, to take extended disability/medical leave, but not lose their jobs. For example, upon information and belief, Firefighter Jeff Dedrick ("Dedrick") remains out on medical leave from the City since January 2021 for a head injury, but has not been terminated. As another example, Firefighter Taylor Anderson ("Anderson") received approximately one-year medical leave due to a back injury. And, Firefighter Brad Stene ("Stene") received approximately 2 ½ years of medical leave

due to a shoulder injury, prior to ultimately being terminated for not being able to return to work. Upon information and belief, none of these individuals' medical leave was related to PTSD.

15. On April 26, 2022, Dr. DiLorenzo provided the results of her March 21, 2022 evaluation to the City, recommending Tiedeman remain on medical leave through September 2022 due to his PTSD, at which time he should be reevaluated for his fitness for duty.

16. On May 6, 2022, Tiedeman received a letter of termination stating the reason for termination was that he continued to be "unfit" to work and "[his] absence has had a significant adverse impact on the day-to-day operations of the department." It further explained that "[t]he city is unable to accommodate an indefinite leave of absence, in addition to the 7 ½ months already granted." Unlike Dedrick, Stene, and Anderson, who, upon information and belief, do not have PTSD, Tiedeman, who has PTSD, was given only 7 ½ months of leave before being terminated, even though the examiner recommended he be re-evaluated in September 2022 to determine his return-to-work status at that time.

17. Since Tiedeman's termination, he has continued to receive treatment and has had no relapses or incidents. Tiedeman plans to be re-evaluated for his ability to return to work in September 2022 as planned, and foresees no obstacles towards being cleared to return to work at that time.

### **CAUSES OF ACTION**

#### **COUNT I**

#### **Disability Discrimination in Violation of the Minnesota Human Rights Act, Minn. Stat. § 363A.01, *et seq.***

18. By reference hereto, Plaintiff incorporates the above paragraphs.

19. During all relevant times herein, Plaintiff and the City were "employee" and "employer" respectively as defined in Minn. Stat. § 363A.03, subd. 15 and 16.

20. Plaintiff is a “qualified disabled person” as defined in Minn. Stat. § 363A.03, subd. 36.

21. Plaintiff has a “disability” as defined in Minn. Stat. § 363A.03, subd. 12.

22. The Minnesota Human Rights Act (“MHRA”) states in relevant part: “[I]t is an unfair employment practice for an employer, because of . . . disability . . . to . . . discharge an employee; or . . . discriminate against a person with respect to hiring, tenure, compensation, terms upgrading, conditions, facilities, or privileges of employment.” Minn. Stat. § 363A.08, subd. 2. It is also an unfair employment practice for an employer “not to make reasonable accommodation to the known disability of a qualified disabled person.” *Id.* at subd. 6.

23. Defendant, by its conduct, violated Minn. Stat. § 363A.01, *et seq.* by discriminating against Tiedeman on the basis of his disability, and by failing to accommodate his disability.

24. As a direct and proximate result of Defendant’s conduct, Plaintiff has suffered, and will continue to suffer, loss of income, mental anguish, emotional distress, and other damages.

## COUNT II

### **Reprisal in Violation of the Minnesota Human Rights Act, Minn. Stat. § 363A.15**

25. By reference hereto, Plaintiff incorporates the above paragraphs.

26. The Minnesota Human Rights Act provides that it is an “unfair discriminatory practice for any individual . . . to intentionally engage in any reprisal against any person because that person . . . (1) opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter . . .” Minn. Stat. § 363A. 15.

27. By requesting reasonable accommodation of his disability, in the form of additional medical leave, Tiedeman engaged in conduct protected by the MHRA.

28. By its conduct as laid out above, the City engaged in reprisal in violation of Minn. Stat. § 363A.15 by retaliating against Tiedeman for engaging in protected activity.

29. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered, and continues to suffer, loss of income, emotional distress, and other damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Joseph Tiedeman prays for judgment against Defendant City of Brooklyn Park, and for the following relief:

- A. For compensatory damages, including damages for past and future loss of income, mental anguish, emotional distress and other financial and emotional loss;
- B. For all relief available for Defendant's violations of the Minnesota Human Rights Act, Minn. Stat. § 363A.01, *et seq.*; and
- C. For costs, disbursements, and attorneys' fees; and

Dated: August 25, 2022

**HKM EMPLOYMENT ATTORNEYS**

/s/ Emma R. Denny

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**ACKNOWLEDGMENT REQUIRED BY  
MINN. STAT. § 549.211, SUBD. 2**

The undersigned hereby acknowledges that, pursuant to Minn. Stat. § 549.211, subd. 2, costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: August 25, 2022

**HKM EMPLOYMENT ATTORNEYS**

/s/ Emma R. Denny

Emma R. Denny, #395334

MINNESOTA  
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BRANCH