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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
8 **IN AND FOR THE COUNTY OF BENTON**

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10 **SAMANTHA WARD**

11 **Plaintiff,**

12 **vs.**

13 **BENTON COUNTY FIRE**  
14 **DISTRICT #1,**

15 **Defendant.**

Case No.: 23 2 00465 03

2<sup>nd</sup> AMENDED  
COMPLAINT

- 16
- 17 1. Plaintiff Samantha Ward is an adult female residing in Benton County, Washington.
  - 18 2. Defendant Benton County Fire District #1 is a fire district formed under RCW Title 52  
19 and is located in and operates in Benton County, Washington.
  - 20 3. Plaintiff became employed by Defendant on February 3rd, 2020, as a  
21 Firefighter/Paramedic. Plaintiff was the first female Firefighter/Paramedic to be hired by  
22 the Defendant, as well as its first career Firefighter/Paramedic.

23 *2<sup>nd</sup> Amended Complaint – 1*

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1 4. During Plaintiff's employment with Defendant her superiors made statements to her to  
2 the effect of women cannot be promoted on the same basis as men, that they are  
3 perceived as too abrasive, and no one would listen to a young female. The ranking  
4 officer stated that men need to be signed off on Type 1 fire apparatus before the females,  
5 which is needed to complete probation. The ranking officer told Plaintiff he was not  
6 signing her off on the fire apparatus as she was too hard on the brakes and that women  
7 are too hard on the brakes. The ranking officer also told Captain Bibe that Bibe should  
8 not have signed Plaintiff off to operate the Ladder truck before the other career female  
9 firefighter as all females have to be treated the same.  
10

11 5. A male co-worker of Plaintiff's made statements on the job to Plaintiff objecting to  
12 women in the workplace, that the Bible does not support women being in the workplace  
13 with men, and questioning whether her child caregiver would bathe her child. This same  
14 co-worker convinced other employees to make unfounded complaints about Plaintiff.  
15

16 6. Plaintiff made a written complaint about the discriminatory and harassing statements  
17 being made to her on the basis of her gender and attempted to turn the complaint in to  
18 Fire Chief Lonnie Click, who is the Secretary of the Defendant. He refused to take the  
19 complaint, but told Plaintiff to give it to the Deputy Fire Chief, who stated it would not  
20 be kept on file. The Chief and Deputy Chief held a meeting at which everyone was told  
21 to get along, but said they were not going to act on Plaintiff's documentation. Six months  
22 later Plaintiff again attempted to turn in a complaint about discriminatory behavior and  
23

1 only a portion of said complaint was allowed to be turned in. Captain Bibe also attempted  
2 to turn in documentation of discrimination against Plaintiff, which was refused by  
3 Defendant.

4 7. Fire Chief Lonnie Click repeatedly invited Plaintiff to have drinks with him at a cabin  
5 in Montana, at a bar, and at his home. Plaintiff went to his home on one occasion after  
6 asking him to discuss issues in the workplace and he requested they meet at his home.  
7 Click advised Plaintiff to conceal from other employees that he communicated with  
8 Plaintiff via his personal phone. Click referred to Plaintiff multiple times as “pretty”  
9 when she smiles. Click subjected Plaintiff to unwanted hugs. Plaintiff declined or ignored  
10 Click’s personal invitations. Click told Plaintiff women need to navigate promotion  
11 differently than men. Click told Plaintiff she did not need counseling for the Badger  
12 Canyon fire incident, as recommended by a peer support group, she just needed to drink  
13 with him.  
14

15 8. On March 19<sup>th</sup> of 2022, Plaintiff attended a training session at which a male volunteer  
16 Captain and Acting Battalion Chief, Kevin Sells, was present. In discussing a  
17 hypothetical firefighting problem, Plaintiff voiced her opinion that certain equipment  
18 could not be used for certain purposes. Sells angrily threw a packet of written materials in  
19 the direction of the Plaintiff, striking the table near her. Sells left the room in anger and  
20 others present were alarmed at his conduct.  
21

22 9. Plaintiff turned in a complaint to the Defendant regarding the conduct of Sells towards  
23

1 her. Plaintiff reasonably believed the conduct constituted an assault of her by Sells or  
2 disorderly conduct, and under District Policy, constituted an “altercation.”

3  
4 10. Within hours of Plaintiff turning in her complaint about Sells, Plaintiff was  
5 approached by Deputy Chief LoParco and interrogated, without union representation,  
6 regarding an unrelated allegation. LoParco’s actions violated the warning from  
7 Plaintiff’s Union representative that Deputy Chief LoParco must follow the collective  
8 bargaining agreement procedures for any investigation or discipline of Plaintiff.

9 LoParco’s sudden interrogation of the Plaintiff without notice in violation of her union  
10 rights was in retaliation for her complaint about Sells and her prior report to the  
11 Defendant of gender discrimination and sexual harassment and violated her *Loudermill*  
12 rights to due process regarding disciplinary matters.

13 11. Defendant did not ever inform Plaintiff, as the alleged victim of the Sells incident, of  
14 the outcome of her complaint. Plaintiff learned from attending a District Board of  
15 Commissioners meeting on July 5<sup>th</sup>, 2022, that the District paid for attorney fees for Sells,  
16 when neither the Collective Bargaining Agreement nor District policies provided for  
17 award of attorney fees to males who throw things at females for voicing their professional  
18 opinions. Defendant’s actions condone the behavior of Sells and would dissuade a  
19 woman in the position of Plaintiff from complaining of his behavior, and from voicing  
20 their opinion at trainings. The male offender was treated more favorably than the female  
21 recipient of his behavior.  
22

1 12. On March 22<sup>nd</sup>, 2022, an attorney for Plaintiff sent a letter to the Defendant regarding  
2 the unwanted personal invitations to the Plaintiff from Chief Click and about the fact that  
3 the Defendant appeared to be pursuing a purported disciplinary matter against the  
4 Plaintiff in violation of proper procedures and in retaliation for her complaint of  
5 discrimination/harassment including the Sells altercation.  
6

7 13. The Defendant never pursued the purported disciplinary matter against Plaintiff that  
8 LoParco interrogated Plaintiff about in retaliation for the Sells complaint and her prior  
9 complaint of discrimination/harassment. LoParco had pressured a resident to make a  
10 complaint about the Plaintiff.

11 14. In response to the letter of Plaintiff's attorney asking to cease and desist the conduct  
12 of the Defendant and of the Chief in asking Plaintiff for drinks at private locations and to  
13 cease and desist such activity as stating women cannot be promoted on the same basis as  
14 men, an attorney for the District stated that there was no conduct to cease and desist,  
15 indicating Plaintiff can reasonably expect such behavior to continue and that the District  
16 condones all of the conduct complained of.  
17

18 15. When Plaintiff attended testing required to be eligible for the position of Lieutenant,  
19 at the direction of the Defendant, she was escorted to the test by Kevin Sells. Her  
20 evaluators for the test included Captain Darrin Henderson, who had been removed as  
21 chair of CQI as a result of Plaintiff's QI complaint.

22 16. Plaintiff placed No. 1 among career District staff on the testing for eligibility for the  
23

1 position of Lieutenant. The Defendant consistently discourages Plaintiff and placed  
2 roadblocks in her way to becoming Lieutenant and denies her training opportunities.

3  
4 17. The District has implemented a job description that a firefighter must complete the  
5 NWCG engine boss task book in be eligible for career Lieutenant. No existing Lieutenant  
6 for the Defendant ever previously was subject to the NWCG requirement, which mainly  
7 applies to wildland firefighting. Many of the tasks cannot be practically completed  
8 without a forest fire, which are not typically found within Benton County. To complete  
9 the NWCG task book can require a 14-21 day out-of-state camp, with little privacy for  
10 females, so the requirement has a disparate or discriminatory impact on females.

11 Defendant does not consistently enforce job descriptions, to do so against Plaintiff to  
12 deny her promotion is discriminatory and retaliatory.

13 18. Chief Click has specifically instructed other employees to not allow Plaintiff to go on  
14 runs that would result in tasks completed or has said if she must go on the run, to not sign  
15 off on her task book. On the one occasion Plaintiff was assigned to an out-of-town run  
16 that would permit her to complete the task book, the Chief specifically directed that  
17 Plaintiff not serve as engine boss trainee, preventing her task book completion.

18  
19 19. The Defendant's policies by their terms state employees should further their skills and  
20 gain experience from various opportunities, but Defendant consistently thwarts Plaintiff  
21 from doing so. As an example, a male firefighter/paramedic, Jake Simpson, who began  
22 his employment a week after the Plaintiff has been effectively allowed to serve as Acting

1 Lieutenant on a full-time basis, with an upgrade in pay. Plaintiff is allowed to do so only  
2 in rotation with another male employee at the station and shift to which she is assigned.  
3 Defendant changed Plaintiff from a 12-hour shift to a 24 hour shift after she placed No. 1  
4 on the Lieutenant's test. Simpson was allowed TRT training denied to Plaintiff. Simpson  
5 was appointed to the TRT team with an upgrade in pay.  
6

7 20. Plaintiff received delayed, inaccurate, and unfair evaluations from Defendant and was  
8 told by Captain Darrin Henderson that she could not have a better evaluation than her  
9 male counterpart Jake Simpson. All of her evaluations by Defendant have been delayed,  
10 the last one by about one year. The delay and negative information in evaluations is in  
11 retaliation for Plaintiff's complaints of discrimination.

12 21. Defendant has taken retaliatory action against an employee for being supportive of  
13 Plaintiff's claims.

14 22. Plaintiff was assigned by Defendant to a role of quality assurance. The Defendant  
15 tolerates retaliation against Plaintiff by a male employee who does not like Plaintiff's  
16 good faith reports on quality assurance. Plaintiff was removed from her QA/QI position  
17 after raising her concerns of discrimination, through later returned, but only after Jake  
18 Simpson was allowed to do QA/QI as well. Plaintiff was later permanently removed from  
19 QA/QI in retaliation for her discrimination complaints set forth in the letter from her  
20 attorney in March of 2022 and her complaint to the State of Washington DOH, and those  
21 duties were removed in a direct reduction from her job description.  
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FIRST CAUSE OF ACTION DISCRIMINATION/HARASSMENT

23. The preceding paragraphs are hereby realleged. Defendant tolerates its employees' discrimination against Plaintiff on the basis that women cannot be promoted on the same basis as men, cannot operate the same equipment as men and will not be permitted the same opportunities as men such as serving as Acting Lieutenant.

24. The actions of Defendant and its employees within the scope of their employment is the direct and proximate cause of lost income and emotional distress to Plaintiff.

SECOND CAUSE OF ACTION DISPARATE TREATMENT ON THE  
BASIS OF GENDER

25. The preceding paragraphs are hereby realleged. The NWCG engine boss requirement has a disparate impact on female employees. It has not been required of any existing male Lieutenants.

26. It is more difficult for a female than a male to complete the NWCG engine boss task book as out-of-area camps are available to train to complete the task book. These camps do not provide adequate privacy for a female attending with mostly males and are more difficult to attend for a female who is also the caregiver for her young children.

27. The imposition of the NWCG task book requirement has caused damages to the Plaintiff in terms of lost opportunity for promotion to Lieutenant, and emotional distress.



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THIRD CAUSE OF ACTION RETALATION/HOSTILE WORK  
ENVIRONMENT

28. The preceding paragraphs are hereby realleged. As a result of Plaintiff having raised her concerns about the comments by superiors about women not being promoted on the same basis as men and not being able to operate equipment as well as men, and the disorderly conduct towards her by Kevin Sells, and Fire Chief Click's personal invitations for drinks, the Defendant has engaged in and tolerates by its employees a hostile work environment towards the Plaintiff.

29. Said actions by the Defendant and its employees are the direct and proximate cause of damages to Plaintiff in the form of emotional distress, and attorney fees incurred pre-filing of this suit.

FOURTH CAUSE OF ACTION – WHISTLEBLOWER RETALATION FOR  
QUALITY ASSURANCE COMPLAINTS

30. The preceding paragraphs are re-alleged. Defendant has condoned retaliatory actions by its employees that are because of Plaintiff having reported her quality assurance concerns to the proper authorities.

31. Said actions by the Defendant and its employees are the direct and proximate cause of damages to Plaintiff in the form of emotional distress and lost income.

1 FIFTH CAUSE OF ACTION – DISCRIMINATION IN VIOLATION OF  
2 TITLE VII of the Civil Rights Act, 42 U.S.C. §2000e *et seq*  
3

4 32. All preceding paragraphs are hereby re-alleged.

5 33. Plaintiff has not been promoted by Defendant because of her sex, or her sex has been  
6 a motivating factor in Defendant’s failure to promote Plaintiff to lieutenant, or full-time  
7 acting lieutenant, and failure to provide Plaintiff with equal opportunity for trainings and  
8 certifications which would result in higher pay for Plaintiff, and failure to provide  
9 Plaintiff with equal opportunity for overtime assignments and eligibility for promotion  
10 and fair evaluations on the same basis as her male counterparts.

11 34. Plaintiff is qualified for the position of lieutenant or acting lieutenant, and for  
12 opportunity for trainings, certifications, overtime, and for evaluations on the same basis  
13 as males.

14 35. Similarly situated individual(s) including but not limited to Jake Simpson, outside of  
15 the Plaintiff’s sex, have been treated more favorably than Plaintiff.

16 36. Said actions are the cause of lost income/opportunity for promotion and emotional  
17 distress to Plaintiff in violation of Title VII of the Civil Rights Act.  
18

19 SIXTH CAUSE OF ACTION – DISCRIMINATION/DISPARATE IMPACT IN  
20 VIOLATION OF TITLE VII of the Civil Rights Act, 42 U.S.C. §2000e *et seq*

21 37. All preceding paragraphs are hereby re-alleged.

22 38. Even if the NWCG engine boss requirement appears facially neutral, it has a  
23

1 discriminatory impact against the Plaintiff on the basis of her sex, in that as a practical  
2 matter it is more difficult for a female to attend a training camp for firefighting of forest  
3 fires without separate hygiene/privacy facilities for females.

4  
5 39. Regardless of disparate impact, the NWCG engine boss requirement in this case is  
6 applied against Plaintiff by Defendant on the basis of her sex as it was never previously  
7 required or enforced for male employees to advance to lieutenant.

8 40. Said actions by Defendant are the cause of lost income/opportunity for promotion,  
9 and emotional distress to Plaintiff and are in violation of Title VII of the Civil Rights Act.

10 SEVENTH CAUSE OF ACTION – HOSTILE WORK ENVIRONMENT ON THE  
11 BASIS OF SEX IN VIOLATION OF TITLE VII of the Civil Rights Act, 42 U.S.C.

12 §2000e *et seq*

13 41. All preceding paragraphs are hereby re-alleged.

14 42. The comments to Plaintiff about women in the workplace being contrary to the Bible,  
15 questioning if the Plaintiff's children would be bathed by a caretaker, that women are  
16 harder on brakes, that females are seen as too abrasive, that no one would listen to a  
17 young female, that women can only be signed off on fire apparatus after men were, that  
18 Plaintiff should not be signed off on use of equipment before other females so all females  
19 are treated the same, the conduct of Kevin Sells towards Plaintiff, and repeated  
20 invitations for drinks and hugs from Chief Click were all reported to Plaintiff's superiors  
21 or were committed by her superiors, and Defendant responded that there is no conduct

1 that Defendant needs to cease.

2  
3 43. Said conduct was unwelcome, pervasive, and severe and altered the conditions of  
4 Plaintiff's workplace to create a working environment which was, and is, and was and is  
5 perceived by Plaintiff to be, a sexually abusive or hostile work environment, and would  
6 be considered by a reasonable person in the Plaintiff's circumstances to be sexually  
7 abusive or hostile.

8 44. Defendant's conduct was and is the cause of emotional distress to Plaintiff, and  
9 violates Title VII of the Civil Rights Act.

10 EIGHTH CAUSE OF ACTION – RETALIATION IN VIOLATION OF TITLE VII  
11 of the Civil Rights Act, 42 U.S.C. §2000e *et seq*

12 45. All preceding paragraphs are hereby re-alleged.

13 46. The Plaintiff complained to Defendant, via her supervisors, of harassment and  
14 discrimination based on her sex.

15 47. In retaliation for Plaintiff's complaints, Defendant changed Plaintiff's shift and work  
16 location to make it less likely she can serve as acting Lieutenant, gave her undeserved  
17 negative and delayed evaluations, removed her from Quality Assurance duties. and  
18 continued to block her opportunities to train and achieve certifications that would result  
19 in pay upgrades or promotion.  
20

21 48. Defendant's actions have caused Plaintiff lost income and emotional distress, and  
22 violate Title VII of the Civil Rights Act.

1                   SATISFACTION OF PREREQUISITE FOR ACTION UNDER TITLE VII

2  
3                   49. Plaintiff filed a complaint with the United States Equal Employment Opportunity  
4                   Commission (EEOC), within the period required by law, regarding the actions alleged  
5                   herein. The EEOC issued a letter entitling Plaintiff to now bring her claims under Title  
6                   VII of the Civil Rights Act with the Court.

7                   Wherefore Plaintiff prays for the following relief:

- 8                   1. Judgment for damages for lost income, past and future.
- 9                   2. Judgment for damages of emotional distress.
- 10                  3. Injunctive relief for the District to cease the hostile work environment to which  
11                  Plaintiff is subjected by Defendant and its employees.
- 12                  4. Injunctive relief for re-assignment of Defendant's employees that have harassed and  
13                  discriminated against Plaintiff such as they are not in close contact with or in a  
14                  supervisory role over Plaintiff.
- 15                  5. Judgment for Plaintiff's attorney fees and costs pursuant to RCW 49.60.030, and 42  
16                  U.S.C. § 2000e-5(k).
- 17                  6. Judgment for Plaintiff's pre-filing attorney fees as a damage on the basis that  
18                  Defendant pays for attorney fees for males regarding their employment issues that do not  
19                  go to Court.
- 20                  7. Declaratory relief that Defendant's practice are discriminatory including that the  
21                  NWCG engine boss requirement has discriminatory impact.
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8. Punitive damages against Defendant pursuant to 42 USC 1981 (a) (1).

Dated this 23rd day of June, 2023

*William Edelblute*

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William Edelblute WSBA 13808  
Attorney for Plaintiff