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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CLATSOP COUNTY

<p>AMY LENZ, an individual,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KNAPPA FIRE DISTRICT, a public entity, PAUL OLHEISER, an individual, KURT DONALDSON, an individual, and SUSAN STUNKARD, an individual,</p> <p style="text-align: center;">Defendants.</p>	}	<p style="text-align: right;">23CV48351</p> <p>Case No.:</p> <p>COMPLAINT</p> <p>Sex Discrimination – ORS 659A.030(1)(a),(b), and (f); Whistleblower Retaliation and/or Discrimination – ORS 659A.199; Whistleblower Retaliation and/or Discrimination – ORS 659A.203; Wrongful Termination</p> <p>NOT SUBJECT TO MANDATORY ARBITRATION</p> <p>JURY TRIAL DEMANDED</p> <p>PRAYER: \$5,025,000 (ORS 21.160(1)(d))</p>
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PARTIES & JURISDICTION

1.

Plaintiff Amy Lenz (“Plaintiff”) is a resident of Astoria, Clatsop County, Oregon and was at all material times an employee of Knappa Fire District. Plaintiff is a woman.

2.

Defendant Knappa Fire District (“Defendant Knappa”) is a public entity that was formed in 1955 to protect 100 square miles of Clatsop County. Defendant Knappa conducts regular, sustained business in Clatsop County, Oregon.

3.

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2 Defendant Paul Olheiser (“Defendant Olheiser”) is an individual who, on information and
3 belief, currently resides in Burbank, Washington. At all relevant times he was employed by
4 Defendant Knappa Fire District as the Fire Chief.

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6 4.

7 Defendant Kurt Donaldson (“Defendant Donaldson”) is an individual who, on
8 information and belief, resides in Astoria, Oregon. At all relevant times he was employed by
9 Defendant Knappa Fire District as the Fire Chief.

10 5.

11 Defendant Susan Stunkard (“Defendant Stunkard”) is an individual who, on information
12 and belief, resides in Astoria, Oregon. At all relevant times she was Board Chair of Defendant
13 Knappa’s Board of Directors.

14 6.

15 Venue is proper in Clatsop County, Oregon pursuant to ORS 14.080(1) and (2) because
16 Defendants Olheiser and Stunkard reside in Astoria, Oregon, Defendant Knappa conducts
17 regular and sustained business in Clatsop County, Oregon, and because the acts alleged herein
18 occurred in the County.
19

20 **NATURE OF THE ACTION**

21 7.

22 This is an action for employment discrimination based on sex; for a hostile work
23 environment based on sex; for discrimination/retaliation based on good faith reporting of
24 violations of law; and for wrongful termination.

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2 **PROCEDURAL REQUIREMENTS**

3 8.

4 On September 29, 2021, Plaintiff presented Defendant Knappa with a formal Oregon Tort
5 Claims Notice to pursuant to ORS 30.275. Plaintiff’s Notice was timely made, as are her claims,
6 pursuant to House Bill 4212 and Senate Bill 813, and agreement by the Parties.

7 **GENERAL ALLEGATIONS**

8 9.

9 Plaintiff was hired by Defendant Knappa as a Volunteer Paramedic Firefighter in
10 approximately March 2003. During all relevant times, Plaintiff performed her job satisfactorily.

11 10.

12 During all relevant times, Scott Wheldon was Plaintiff’s supervisor.

13 11.

14 In approximately the Spring of 2005, Plaintiff was promoted to Emergency Medical
15 Services (“EMS”) Officer and Paramedic Firefighter. However, Plaintiff was not promoted in the
16 accompanying rank to lieutenant. All other EMS officers are men and all were given lieutenant
17 rank, but Plaintiff was not. However, the job description for EMS Officer indicated that Plaintiff
18 would have the necessary supervisory experience to be a lieutenant at the time of her promotion
19 in 2005.

20 12.

21 From her promotion in 2005 until the time of her termination, Plaintiff’s classification
22 was an EMS Officer/Firefighter Paramedic, without an officer rank.

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13.

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2 From the time Plaintiff began working for Defendant Knappa, Mr. Wheldon subjected
3 her to constant harassment on the basis of her gender. This occurred on every single call where
4 they both responded, which happened on at least a weekly basis. Mr. Wheldon harassed Plaintiff
5 in front of Defendant Knappa's cadets, volunteers, and other officers. None of the witnesses ever
6 intervened. Plaintiff reported Mr. Wheldon's behavior to Defendant Olheiser at least once a
7 month during this time. Every time she reported this to him, Defendant Olheiser would tell her
8 that he would "take care of it" and talk to Mr. Wheldon. However, Mr. Wheldon's behavior
9 never changed and, instead, he continued referring to her in a derogatory and offensive manner,
10 calling her for example a "fat bitch," "stupid bitch," and a "fucking cunt."
11

12 14.

13 On or around October 19, 2018, Plaintiff met with Chief Defendant Olheiser because she
14 was reaching her breaking point about Mr. Wheldon's treatment of her. During the meeting,
15 Plaintiff brought many things to Defendant Olheiser's attention, including Mr. Wheldon's
16 behavior towards her and her female colleague, Misty Lindstrom. Plaintiff told Defendant
17 Olheiser about Mr. Wheldon's offensive name calling, that Mr. Wheldon constantly told her and
18 Ms. Lindstrom that females do not belong in the fire service, that women are too stupid, and that
19 women cannot do the job like men can.
20

21 15.

22 On or around October 24, 2018, Defendant Knappa's Board of Directors asked Defendant
23 Olheiser to hire an attorney to speak with Mr. Wheldon, the Chief, the Board of Directors, and
24 Volunteers regarding harassment, sexual harassment, reporting and retaliation. The Board of
25 Directors did not attend this meeting.
26

16.

1
2 On or around November 9, 2018, Plaintiff was dispatched to the Camp Fire in Paradise,
3 California.

17.

4
5 That same day, Plaintiff noticed a noise coming from the fire engine. Additionally, she
6 noted the breaks were soft and it had a bad steering pump. She was the assigned driver and was
7 concerned for her and everyone else's safety, so she brought this concern with Mr. Wheldon,
8 who brushed her off and said it was fine. Plaintiff asked if she could repair the vehicle, but he
9 refused to let her repair it and refused to let her take it to ground support. Because Mr. Wheldon
10 was her superior, she could have been accused of insubordination if she did not abide by his
11 refusal to fix the engine. Plaintiff believed this was in retaliation for earlier reports she made to
12 Defendant Olheiser regarding Mr. Wheldon's discriminatory treatment of her based on her
13 gender.
14

18.

15
16 From approximately November 9 through November 16, 2018, Mr. Wheldon refused to
17 give Plaintiff the safety briefing regarding the Camp Fire.
18

19.

19
20 On or around November 13, 2018, after becoming increasingly worried about her safety,
21 Plaintiff reported Mr. Wheldon's behavior. She texted Defendant Olheiser to notify him and
22 reported the incidents to Defendant Stunkard via Facebook Messenger. Defendant Olheiser
23 immediately directed Mr. Wheldon to take the fire engine to ground support for repairs, but he
24 took no further action regarding Plaintiff's complaints. It was later determined that the fire
25 engine needed a new steering pump as the old one was affecting steering and braking.
26

20.

1
2 On or around November 15, 2018, Plaintiff observed Mr. Wheldon drinking a 33 oz. beer
3 while on duty. Mr. Wheldon was going to drive the brush engine back to the fire after drinking
4 his beer. Plaintiff was concerned for her safety and the safety of others, so she asked Mr.
5 Wheldon if she could drive the engine back. He initially refused, but eventually agreed that
6 Plaintiff could drive.

21.

7
8 While fighting the Camp Fire, on November 16, 2018, Mr. Wheldon drove off in
9 Defendant Knappa's brush engine, leaving Plaintiff alone at the fireground. Mr. Wheldon did not
10 inform Plaintiff that he would be leaving that location. After Mr. Wheldon departed the area,
11 Plaintiff was without resources and was forced to walk over a quarter of a mile to find Mr.
12 Wheldon and the brush engine. Plaintiff was concerned for her safety during this event. Plaintiff
13 believed this was in further retaliation for reports she made to Defendant Olheiser regarding Mr.
14 Wheldon's discriminatory treatment of her based on her gender.

22.

15
16
17 On or around December 12, 2018, Plaintiff followed up with Defendant Olheiser via
18 email regarding her complaints about Mr. Wheldon and his inappropriate behavior during the
19 Camp Fire and during her shifts in Oregon.

23.

20
21
22 Approximately two days later, on or around December 15, 2018, Defendant Olheiser
23 responded to Plaintiff's email, but did not provide any information addressing her concerns or
24 offer to meet with her.

25
26 ///

24.

1
2 On or around December 30, 2018, Plaintiff met with Defendant Stunkard to discuss her
3 concerns regarding Mr. Wheldon, Defendant Olheiser, and the discriminatory behavior she faced
4 on a near daily basis.

25.

5
6 On or around January 24, 2019, Plaintiff and Ms. Lindstrom met with Defendant
7 Knappa's Board of Directors regarding Mr. Wheldon's treatment of female employees, the
8 incidents from November 2018, and Defendant Olheiser playing favorites. Plaintiff provided a
9 copy of her communications with Defendant Olheiser and offered the photo she had taken of Mr.
10 Wheldon drinking on the job. Plaintiff and Ms. Lindstrom explained that they had reported Mr.
11 Wheldon's inappropriate behavior on several occasions, but Defendant Olheiser had not taken
12 any action.
13

26.

14
15 During the same meeting with the Board of Directors, Plaintiff also brought up the fact
16 that Defendant Olheiser refused to promote her to a lieutenant despite written policy from
17 Defendant Knappa indicating that Plaintiff should have been a lieutenant by reason of holding
18 the EMS officer position. The Board indicated they had no idea why Defendant Olheiser was not
19 following Defendant Knappa's policy. Defendant Stunkard did not have an explanation of
20 Defendant Olheiser's discriminatory behavior. Instead, Defendant Stunkard told Plaintiff that
21 there was a "good old boy system" and expressed hope that "things will change with the new
22 Chief."
23

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27.

1
2 On or around February 6, 2019, Plaintiff followed up with Defendant Stunkard via
3 Facebook Messenger regarding her complaints from their meeting in January. Defendant
4 Stunkard did not respond.

28.

5
6 On or around March 8, 2019, Plaintiff contacted Defendant Stunkard again via Facebook
7 Messenger. Defendant Stunkard replied that Defendant Olheiser was supposed to have met with
8 Plaintiff and that “[Defendant Olheiser] really doesn’t like that you went to the Board while he is
9 still researching the issue.”
10

29.

11
12 The Board of Directors held a formal meeting on or around March 16, 2019. During the
13 meeting, Plaintiff requested an executive session with Defendant Olheiser and the Board of
14 Directors to address her complaints regarding safety issues, hostile work environment, and her
15 previous reports regarding those issues. Defendant Olheiser was visibly angry that Plaintiff
16 requested a meeting. Defendant Olheiser defended his inaction and Plaintiff pointed out that he
17 never once called her to discuss her side of the incident. Defendant Olheiser responded, “you
18 texted me about it.” Plaintiff responded, “I texted you the highlights of what happened, not the
19 whole story.” Defendant Olheiser denied Mr. Wheldon drank while working but did not
20 otherwise respond to the complaints she made. Plaintiff told him he was wrong and offered to
21 give him the photo she had taken of Mr. Wheldon, which included the time/date/location stamp.
22 Defendant Olheiser appeared stunned and said he needed to re-evaluate his understanding of the
23 event.
24

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30.

1
2 During the same Board of Directors meeting, Defendant Olheiser informed Plaintiff that
3 she would be “punished” for her behavior in November 2018. Plaintiff pushed back with
4 Defendant Olheiser and said, “I am the recipient and reporter of the safety incidents and violation
5 of state law.” Defendant Olheiser disregarded her statement and said she would be punished
6 anyway. Plaintiff told Defendant Olheiser that it was illegal for him to punish her. He told her,
7 “I’m the Chief, I can do what I want.” During this interaction, none of the members of the Board
8 of Directors intervened on Plaintiff’s behalf.
9

31.

10
11 On or around April 8, 2019, Plaintiff contacted Defendant Stunkard to inquire about the
12 result of the meeting on March 16, 2019. Defendant Stunkard did not respond.

32.

13
14 On or around April 23, 2019, Defendant Olheiser sent Plaintiff a disciplinary letter
15 stating she was no longer allowed to attend any conflagrations during fire season, from May
16 2019 through April 2020. According to the letter, this discipline was “a result of [Plaintiff’s]
17 actions during deployment to the Camp Fire.” The letter also stated that Plaintiff and Mr.
18 Wheldon had “shook hands” and “agreed to get along” during their deployment to the Camp
19 Fire, but “that did not happen.”
20

33.

21
22 Defendant Olheiser claimed that Mr. Wheldon was also banned from conflagration fires
23 for his behavior at the Camp Fire. However, he continued to show up, so he either violated his
24 “punishment” or was not actually suspended.
25

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34.

1
2 In or around July 2019, Defendant Donaldson became the new Fire Chief for Defendant
3 Knappa.

4 35.

5 From approximately the spring of 2019 through November 2019, Plaintiff tried to keep
6 her head down at work. However, Mr. Wheldon continued to be harass her relentlessly. For
7 example, he continued calling her a “fucking bitch,” and a “fucking cunt.” This behavior also
8 continued to occur in front of other people who worked or volunteered for Defendant Knappa.
9 Plaintiff also faced continued hostility from Defendant Olheiser and the Board because of her
10 ongoing reports regarding how she was being mistreated. The hostility based on her sex resulted
11 in her responding to fewer calls because she was worried about her safety. During this time
12 period Defendant Olheiser and his successor Defendant Donaldson refused to purchase Plaintiff
13 new turn outs (fire suits) despite Plaintiff’s turns outs being at least four years past their
14 expiration, and despite her repeated requests for new turn outs.
15

16 36.

17
18 On November 13, 2019, Plaintiff reported to the Board of Directors that she had heard
19 that they may be replacing her. Defendant Stunkard informed Plaintiff that she should have
20 applied for a Lieutenant position. Plaintiff responded that according to her job description, she
21 should have been recognized as holding the rank of Lieutenant 15 years ago when she was
22 placed in the EMS officer position. Plaintiff also brought up the fact that none of the other
23 current officers, all of whom held positions of either Lieutenant or Captain, all of whom were
24 male, had to reapply to remain officers with Defendant Knappa. Defendant Stunkard told
25 Plaintiff it was not her (Defendant Stunkard’s) job to correct the problem.
26

37.

Throughout her employment as EMS Officer with Defendant Knappa, Plaintiff was continuously denied training opportunities to get certifications to obtain a higher officer ranking.

38.

On November 19, 2019, Defendant Knappa terminated Plaintiff's employment.

39.

On approximately December 26, 2019, Plaintiff filed a complaint with the Oregon Bureau of Labor & Industries ("BOLI") alleging gender discrimination. On December 24, 2020, BOLI issued a Notice of Right to File a Civil Suit.

FIRST CLAIM FOR RELIEF

Sex Discrimination – ORS 659A.030(1)(b) (Terms, Conditions or Privileges of Employment)

(Against Defendant Knappa)

40.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

41.

It is an unlawful employment practice for any employer to discriminate against the individual in compensation or in terms, conditions or privileges of employment because of their sex.

42.

Defendant Knappa discriminated against Plaintiff in compensation or in terms, conditions or privileges of employment because of her sex, as described herein.

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5 43.

6 As a result of Defendant Knappa's discrimination, Plaintiff suffered economic damages
7 during her employment in the form of lost wages and is entitled to recover such lost wages in an
8 amount to be determined at trial.

9
10 44.

11 As a result of Defendant Knappa's discrimination, Plaintiff has suffered emotional
12 distress and is entitled to recover non-economic damages in an amount to be proven at trial, but
13 which is not to exceed \$1,000,000.

14
15 45.

16 Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the
17 amount of 9% per annum, and reasonable attorney fees incurred herein.

18
19 **SECOND CLAIMS FOR RELIEF**

20 **Aiding and Abetting Sex Discrimination – ORS 659A.030(1)(b); ORS 659A(1)(g) (Terms,
21 Conditions or Privileges of Employment)**

22 **(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)**

23
24 46.

25 Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1
26 through 39.

47.

Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person,
whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of
the acts forbidden under ORS 659A or attempt to do so.

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48.

Defendants Olheiser, Donaldson, and Stunkard each aided and abetted Defendant Knappa by discriminating against Plaintiff in compensation or in terms, conditions or privileges of employment because of her sex as described herein.

49.

As a direct result of Defendants' Olheiser, Donaldson, and Stunkard unlawful conduct, Plaintiff suffered economic damages during her employment in the form of lost wages and is entitled to recover such lost wages in an amount to be determined at trial.

50.

As a direct result of Defendants' Olheiser, Donaldson, and Stunkard unlawful conduct, Plaintiff has suffered emotional distress and is entitled to recover non-economic damages in an amount to be proven at trial, but which is not to exceed \$225,000 against each individual Defendant.

51.

Plaintiff is entitled to her reasonable attorney fees, costs, disbursements, and pre- and post-judgment in the amount of 9% per annum pursuant to ORS 659A.885 and ORS 82.010.

THIRD CLAIM FOR RELIEF

Sex Discrimination – ORS 659A.030(1) *et seq* (Hostile Work Environment)

(Against Defendant Knappa)

52.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

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53.

Defendant Knappa subjected Plaintiff to a pattern of gender-based harassment because of her sex that was sufficiently severe and/or pervasive to have the purpose or effect of unreasonably interfering with Plaintiff's work performance and/or creating an intimidating hostile and/or offensive work environment as described herein.

54.

Defendant Knappa knew or should have known of the unlawful and inappropriate conduct. Defendant Knappa, its employees and/or agents failed to make a reasonably diligent inquiry to take other immediate and appropriate corrective action.

55.

As a result of Defendant Knappa's unlawful actions, Plaintiff has suffered non-economic damages in the form of emotional distress. Plaintiff is entitled to recover non-economic damages in an amount to be determined at trial, but which is alleged to be not less than \$1,000,000.

56.

Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the amount of 9% per annum, and reasonable attorney fees incurred herein.

FOURTH CLAIMS FOR RELIEF

**Aiding and Abetting Sex Discrimination – ORS 659A.030 *et seq*; ORS 659A.030(1)(g)
(Hostile Work Environment)**

(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)

57.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

///

58.

Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person, whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under ORS 659A or attempt to do so.

59.

Defendants Olheiser, Donaldson, and Stunkard each aided and abetted Defendant Knappa by discriminating against Plaintiff in subjecting Plaintiff to a pattern of gender-based harassment because of her sex that was sufficiently severe and/or pervasive to have the purpose or effect of unreasonably interfering with Plaintiff's work performance and/or creating an intimidating hostile and/or offensive work environment as described herein.

60.

As a result of Defendants' Olheiser, Donaldson, and Stunkard actions, Plaintiff has suffered non-economic damages in the form of emotional distress. Plaintiff is entitled to recover non-economic damages in an amount to be determined at trial, but which is alleged to be not less than \$225,000 against each individual Defendant.

61.

Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the amount of 9% per annum, and reasonable attorney fees incurred herein.

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FIFTH CLAIM FOR RELIEF

Sex Discrimination – ORS 659A.030(1)(a) (Discriminatory Discharge)

(Against Defendant Knappa)

62.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

63.

Plaintiff was discharged because of her sex, as described herein.

64.

As a result of Plaintiff’s unlawful discharge by Defendant Knappa, she has suffered and will continue to suffer economic damages in the form of lost wages, including back pay, front pay in lieu of reinstatement, and is entitled to recover such lost wages in an amount to be determined at trial.

65.

As a result of Plaintiff’s unlawful discharge by Defendant Knappa, Plaintiff has suffered non-economic damages in the form of emotional distress. Plaintiff is entitled to recover non-economic damages in an amount to be determined at trial, but which is alleged to be not less than \$1,000,000.

66.

Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the amount of 9% per annum, and reasonable attorney fees incurred herein.

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SIXTH CLAIMS FOR RELIEF

**Aiding and Abetting Sex Discrimination – ORS 659A.030(1)(a); ORS 659A(1)(g)
(Discriminatory Discharge)**

(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

67.

Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person, whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under ORS 659A or attempt to do so.

68.

Defendants Olheiser, Donaldson, and Stunkard each aided and abetted Defendant Knappa’s discriminatory discharge of Plaintiff because of her sex, as described herein.

69.

As a result of Plaintiff’s unlawful discharge by Defendants Olheiser, Donaldson, and Stunkard, she has suffered and will continue to suffer economic damages in the form of lost wages, including back pay, front pay in lieu of reinstatement, and is entitled to recover such lost wages in an amount to be determined at trial.

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70.

As a result of Plaintiff's unlawful discharge, Plaintiff has suffered non-economic damages in the form of emotional distress. Plaintiff is entitled to recover non-economic damages in an amount to be determined at trial, but which is alleged to be not less than \$225,000 against each individual Defendant.

71.

Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the amount of 9% per annum, and reasonable attorney fees incurred herein.

SEVENTH CLAIM FOR RELIEF

Sex Discrimination – ORS 659A.030(1)(f) (Retaliation)

(Against Defendant Knappa)

72.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

73.

It is an unlawful employment practice for any employer to discharge, expel or otherwise discriminate against any other person because that other person has opposed any unlawful practice.

74.

Defendant Knappa retaliated against Plaintiff because she opposed sex discrimination, culminating in the decision to terminate her employment, as described herein.

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75.

As a result of Defendant Knappa’s retaliation, Plaintiff suffered economic damages during her employment in the form of lost wages and is entitled to recover such lost wages in an amount to be determined at trial.

76.

As a result of Defendant Knappa’s retaliation, Plaintiff has suffered emotional distress and is entitled to recover non-economic damages in an amount to be proven at trial, but which is not to exceed \$1,000,000.

77.

Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the amount of 9% per annum, and reasonable attorney fees incurred herein.

EIGHTH CLAIMS FOR RELIEF

**Aiding and Abetting Sex Discrimination – ORS 659A.030(1)(f); ORS 659A.030(1)(g)
(Retaliation)**

(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)

78.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

79.

It is an unlawful employment practice for any employer to discharge, expel or otherwise discriminate against any other person because that other person has opposed any unlawful practice.

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80.

Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person, whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under ORS 659A or attempt to do so.

81.

Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard aided and abetted Defendant Knappa by retaliating against Plaintiff because she opposed sex discrimination, culminating in the decision to terminate her employment, as described herein.

82.

As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard retaliation, Plaintiff suffered economic damages during her employment in the form of lost wages and is entitled to recover such lost wages in an amount to be determined at trial.

83.

As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard retaliation, Plaintiff has suffered emotional distress and is entitled to recover non-economic damages in an amount to be proven at trial, but which is not to exceed \$225,000 against each individual Defendant.

84.

Plaintiff is entitled to her reasonable attorney fees, costs, disbursements, and pre- and post-judgment in the amount of 9% per annum pursuant to ORS 659A.885 and ORS 82.010.

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NINTH CLAIM FOR RELIEF

Whistleblower Retaliation and/or Discrimination – ORS 659A.199

(Against Defendant Knappa)

85.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

86.

Pursuant to ORS 659A.199, it is an unlawful employment practice for an employer to retaliate against an employee for the reason that the employee has in good faith reported information that the employee believes is evidence of a violation of state or federal law, rule or regulation.

87.

Plaintiff reported to Defendant Knappa in good faith what she believed was evidence of violations of federal, state or local law, rule or regulations regarding sex discrimination, gender-based harassment, and safety concerns as described herein.

88.

By making such reports, Plaintiff engaged in protected activity.

89.

Defendant Knappa discriminated against Plaintiff throughout her employment in retaliation for making protected reports, culminating in the decision to terminate Plaintiff's employment.

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90.

1
2 Plaintiff's reports were a substantial factor motivating Defendant Knappa's
3 discrimination against Plaintiff.

4 91.

5 As a result of Defendant Knappa's unlawful actions, Plaintiff has suffered and will
6 continue to suffer economic damages in the form of lost wages, including back pay, front pay in
7 lieu of reinstatement, and is entitled to recover such lost wages in an amount to be determined at
8 trial.

9 92.

10 As a result of Defendant Knappa's unlawful actions, Plaintiff has suffered non-economic
11 damages. Plaintiff is entitled to recover non-economic damages in an amount to be determined at
12 trial, but which is alleged to be not less than \$1,000,000.

13 93.

14 Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the
15 amount of 9% per annum, and reasonable attorney fees incurred herein.

16 94.

17 The remedies provided by ORS 659A.199 are in addition to any common law remedy or
18 other remedy that may be available to an employee for the conduct constituting a violation of
19 659A.199.

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TENTH CLAIMS FOR RELIEF

**Aiding and Abetting Whistleblower Retaliation and/or Discrimination – ORS 659A.199;
659A(1)(g)**

(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)

95.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 39.

96.

Pursuant to ORS 659A.199, it is an unlawful employment practice for an employer to retaliate against an employee for the reason that the employee has in good faith reported information that the employee believes is evidence of a violation of state or federal law, rule or regulation.

97.

Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person, whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under ORS 659A or attempt to do so.

98.

Plaintiff reported to Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard in good faith what she believed was evidence of violations of federal, state or local law, rule or regulations regarding sex discrimination, gender-based harassment, and safety concerns as described herein.

99.

By making such reports, Plaintiff engaged in protected activity.

///

100.

1
2 Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard discriminated against
3 Plaintiff throughout her employment in retaliation for making protected reports, culminating in
4 the decision to terminate Plaintiff's employment.

5
6 101.

7 Plaintiff's reports were a substantial factor motivating Defendants' Paul Olheiser, Kurt
8 Donaldson, and Susan Stunkard discrimination against Plaintiff.

9
10 102.

11 As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard unlawful
12 actions, Plaintiff has suffered and will continue to suffer economic damages in the form of lost
13 wages, including back pay, front pay in lieu of reinstatement, and is entitled to recover such lost
14 wages in an amount to be determined at trial.

15
16 103.

17 As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard unlawful
18 actions, Plaintiff has suffered non-economic damages. Plaintiff is entitled to recover non-
19 economic damages in an amount to be determined at trial, but which is alleged to be not less than
20 \$225,000 against each individual Defendant.

21
22 104.

23 Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the
24 amount of 9% per annum, and reasonable attorney fees incurred herein.

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105.

1
2 The remedies provided by ORS 659A.199 are in addition to any common law remedy or
3 other remedy that may be available to an employee for the conduct constituting a violation of
4 659A.199.

5 **ELEVENTH CLAIM FOR RELIEF**

6 **Whistleblower Retaliation and/or Discrimination – ORS 659A.203**

7 **(Against Defendant Knappa)**

8
9 106.

10 Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1
11 through 39.

12 107.

13 Pursuant to ORS 659A.203, it is an unlawful employment practice for a public employer
14 to take or threaten to take disciplinary action against an employee for the disclosure of any
15 information that the employee reasonably believes is evidence of a violation of any federal, state
16 or local law, rule or regulation, to discourage, restrain, dissuade, coerce, prevent or otherwise
17 interfere with an employee's disclosure or discussions regarding concerns about dangers to
18 public health and safety, or to invoke or impose any disciplinary action against an employee for
19 employee such activity.

20
21 108.

22 Plaintiff reported to Defendant Knappa in good faith what she believed was evidence of
23 violations of federal, state or local law, rule or regulations regarding sex discrimination, gender-
24 based harassment, and safety concerns as described herein.

25 ///
26

109.

By making such reports, Plaintiff engaged in protected activity under ORS 659A.203.

110.

Defendant Knappa retaliated against Plaintiff for making these reports, culminating in the decision to terminate Plaintiff's employment.

111.

Plaintiff's reports were a substantial factor in Defendant Knappa's decision to terminate Plaintiff.

112.

As a result of Defendant Knappa's unlawful actions, Plaintiff has suffered and will continue to suffer economic damages in the form of lost wages, including back pay, front pay in lieu of reinstatement, and is entitled to recover such lost wages in an amount to be determined at trial.

113.

As a result of Defendant Knappa's unlawful actions, Plaintiff has suffered non-economic damages. Plaintiff is entitled to recover non-economic damages in an amount to be determined at trial, but which is alleged to be not less than \$1,000,000.

114.

The remedies provided by this section are in addition to any remedy provided to an employee under ORS 659A.203 or other remedy that may be available to an employee for the conduct alleged as a violation of 659A.203.

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115.

1
2 Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the
3 amount of 9% per annum, and reasonable attorney fees incurred herein.

4 **TWELFTH CLAIMS FOR RELIEF**

5 **Aiding and Abetting Whistleblower Retaliation and/or Discrimination – ORS 659A.203;**

6 **ORS 659A(1)(g)**

7 **(Against Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard)**

8
9 116.

10 Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1
11 through 35.

12 117.

13 Pursuant to ORS 659A.203, it is an unlawful employment practice for a public employer
14 to take or threaten to take disciplinary action against an employee for the disclosure of any
15 information that the employee reasonably believes is evidence of a violation of any federal, state
16 or local law, rule or regulation, to discourage, restrain, dissuade, coerce, prevent or otherwise
17 interfere with an employee's disclosure or discussions regarding concerns about dangers to
18 public health and safety, or to invoke or impose any disciplinary action against an employee for
19 employee such activity.
20

21 118.

22 Pursuant to ORS 659A.030(1)(g), it is unlawful employment practice for any person,
23 whether an employer or an employee to aid, abet, incite, compel, or coerce the doing of any of
24 the acts forbidden under ORS 659A or attempt to do so.

25 ///
26

119.

1
2 Plaintiff reported to Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard in
3 good faith what she believed was evidence of violations of federal, state or local law, rule or
4 regulations regarding sex discrimination, gender-based harassment, and safety concerns as
5 described herein.

6
7 120.

8 By making such reports, Plaintiff engaged in protected activity under ORS 659A.203.

9
10 121.

11 Defendants Paul Olheiser, Kurt Donaldson, and Susan Stunkard retaliated against
12 Plaintiff for making these reports, culminating in the decision to terminate Plaintiff's
13 employment.

14
15 122.

16 Plaintiff's reports were a substantial factor in Defendants' Paul Olheiser, Kurt
17 Donaldson, and Susan Stunkard decision to terminate Plaintiff.

18
19 123.

20 As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard unlawful
21 actions, Plaintiff has suffered and will continue to suffer economic damages in the form of lost
22 wages, including back pay, front pay in lieu of reinstatement, and is entitled to recover such lost
23 wages in an amount to be determined at trial.

24
25 124.

26 As a result of Defendants' Paul Olheiser, Kurt Donaldson, and Susan Stunkard actions,
27 Plaintiff has suffered non-economic damages. Plaintiff is entitled to recover non-economic

1 damages in an amount to be determined at trial, but which is alleged to be not less than \$225,000
2 against each individual Defendant.

3 125.

4 The remedies provided by this section are in addition to any remedy provided to an
5 employee under ORS 659A.199 or other remedy that may be available to an employee for the
6 conduct alleged as a violation of 659A.203.

7 126.

8 Plaintiff is entitled to her costs, disbursements, pre- and post-judgment interest in the
9 amount of 9% per annum, and reasonable attorney fees incurred herein.
10

11 **THIRTEENTH CLAIM FOR RELIEF**

12 **Wrongful Termination**

13 **(Against Defendant Knappa)**

14 127.

15 Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1
16 through 39 above.

17 128.

18 Employees who are discharged for whistleblowing activities have a claim for wrongful
19 termination in addition to any claim for Whistleblower Retaliation.

20 129.

21 Plaintiff made numerous reports to Defendant Knappa regarding sex discrimination,
22 retaliation, and safety concerns as described herein.
23

24 130.

25 Plaintiff was trying to keep herself and the public safe in reporting this behavior.

26 131.

1 Defendant Knappa terminated Plaintiff's employment as a result of her reports.

2 132.

3 As a direct result of Defendant Knappa's conduct, Plaintiff suffered economic damages
4 in the form of back pay, front pay in lieu of reinstatement, and any other economic damages the
5 court deems appropriate in an amount to be determined at trial.

6 133.

7 As a direct result of Knappa's conduct, Plaintiff suffered emotional distress and is
8 entitled to recover non-economic damages in an amount to be determined at trial, but which is
9 alleged to be not less than \$1,000,000.

10 134.

11 Plaintiff is entitled to her costs, disbursements, pre and post-judgment interest in the
12 amount of 9% per annum, and reasonable attorney fees incurred herein.

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JURY DEMAND

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Plaintiff demands a jury trial on all questions of fact or combined questions of law and fact raised in this Complaint.

WHEREFORE, Plaintiff prays for the relief as set forth in this Complaint, together with such other relief that the Court finds just and equitable.

DATED this 28th day of November, 2023.

DOLAN LAW GROUP PC

By: /s/ S. Caitlin Dolan
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