

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JESSICA DAWN SHREWSBURY,)	
Plaintiff,)	Case No. _____
)	
v.)	DEMAND FOR JURY TRIAL
)	
BOARD OF COUNTY COMMISSIONERS)	
OF SHAWNEE COUNTY, KANSAS, and)	
SHAWNEE HEIGHTS FIRE DISTRICT,)	
Defendants.)	

COMPLAINT

COMES NOW, the Plaintiff, Jessica Dawn Shrewsbury (hereinafter “Plaintiff”), by and through her undersigned counsel, Bruce Alan Brumley and Chloe Elizabeth Davis and for her causes of action against Defendants, Board of County Commissioners of Shawnee County, Kansas, and Shawnee Heights Fire District, states the following:

PARTIES, JURISDICTION, AND VENUE

1. At all times pertinent to this matter, Plaintiff has been and remains an individual residing in Shawnee County, Kansas.
2. Defendant, Board of County Commissioners of Shawnee County, Kansas (hereinafter “Defendant Shawnee County”), is a local governmental agency in Kansas responsible for implementing, promulgating, and establishing policies, customs, and usages within the boundaries of Shawnee County, Kansas. Defendant Shawnee County may be served with process pursuant to statutory requirements in Shawnee County, Kansas.
3. Defendant, Shawnee Heights Fire District (hereinafter “Defendant SHFD”), is a fire district organized pursuant to K.S.A. § 19-3601 responsible for providing fire and emergency services to the Shawnee Heights Fire District, an area of approximately 144 square miles located within the

bounds of Shawnee County, Kansas. Defendant SHFD may be served with process pursuant to statutory requirements in Shawnee County, Kansas.

4. This action arises under Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination related to various sections including employment, discrimination, retaliation, harassment, attorney's fees, and compensatory and punitive damages.

5. For the claims enumerated herein that arise under federal law, this Court has jurisdiction pursuant to 28 U.S.C. § 1331.

6. For the claims enumerated herein that arise under state law, this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as Defendants are subject to the Court's personal jurisdiction within this District.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #7 as if fully set forth herein.

9. Plaintiff dually filed separate Charges of Discrimination with the Kansas Human Rights Commission (hereinafter "KHRC") against the Defendants on or about September 2, 2021. The complaints were dual filed with the Equal Employment Opportunity Commission (hereinafter "EEOC").

10. Plaintiff was issued her Notice of Right to Sue letter by the United States Department of Justice, Civil Rights Division (hereinafter "US DOJ"), on or about July 18, 2024.

11. Plaintiff's claims herein were subject to the KHRC/EEOC/US DOJ investigation referenced above.

12. Plaintiff has exhausted her administrative remedies pursuant to 29 C.F.R. 1601, *et. seq.* or any other rule, law, statute, or regulation.

13. Plaintiff has fully complied with any and all administrative and jurisdictional prerequisites to the institution of this action in this Court.

ALLEGATIONS COMMON TO ALL COUNTS

14. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #13 as if fully set forth herein.

15. At all times pled herein, Plaintiff identified and presented as a female.

16. Plaintiff was hired by Defendants as a part-time firefighter in August 2017. In August 2018, Defendants hired Plaintiff as a full-time firefighter on “C shift.”

17. When Plaintiff was hired on as a full-time firefighter in August 2018, Plaintiff was placed under the direct supervision of male Battalion Chief Ken Balsmeier.

18. “C shift” consisted of Plaintiff, Mr. Balsmeier, and another male Defendant SHFD firefighter. Plaintiff and the other male Defendant SHFD firefighter were lateral co-workers that both fell subordinate to Mr. Balsmeier.

19. At that time, Defendant SHFD consisted of four separate fire stations located throughout Topeka, Tecumseh, and Berryton, Kansas. Plaintiff, Mr. Balsmeier, and the other male Defendant SHFD firefighter each manned a different station during “C shift.”

20. Shortly after Plaintiff began working under Mr. Balsmeier in August 2018, Plaintiff began to notice that Mr. Balsmeier treated Plaintiff differently than her male co-workers.

21. On numerous occasions between August 2018 and late March 2021, while under Mr. Balsmeier’s supervision, Mr. Balsmeier would exhibit demeaning and dismissive behavior toward

Plaintiff, both in private and in front of Plaintiff's male co-workers and/or in comparison to Plaintiff's male co-workers, such as the following examples:

- a. On several occasions between August 2018 and March 15, 2021, Plaintiff attempted to make numerous suggestions and/or contributions to the workplace that Mr. Balsmeier publicly denied or turned down. However, if Plaintiff's male co-workers made the same or similar suggestions or contributions, Mr. Balsmeier openly praised the suggestion/contribution as a good idea.
- b. Similarly, on several occasions between August 2018 and March 15, 2021 where Mr. Balsmeier denied or turned down Plaintiff's suggestions/contributions, Plaintiff's male co-workers stood up for or otherwise expressed support for Plaintiff's ideas and suddenly Mr. Balsmeier changed his opinion regarding Plaintiff's suggestion/contribution.
- c. On several occasions between August 2018 and March 15, 2021, Plaintiff worked in partnerships or groups with her male co-workers on projects. However, Mr. Balsmeier only expressed credit/praise to Plaintiff's male co-workers on the project(s).
- d. On several occasions between August 2018 and March 15, 2021, Plaintiff's co-workers informed Plaintiff that during meetings with Defendant SHFD leadership, that Mr. Balsmeier took credit for – or assigned credit to one of Plaintiff's male co-workers – accomplishments that were equally and/or fully owed to Plaintiff, even prompting Plaintiff's co-workers to speak up during said meetings to credit Plaintiff in front of Defendant SHFD leadership.
- e. On several occasions between August 2018 and March 15, 2021, Mr. Balsmeier referred to Plaintiff as "his" firefighter directly to Plaintiff and to other Defendant SHFD

employees. Plaintiff never witnessed Mr. Balsmeier refer to any of Plaintiff's male co-workers as "his" firefighters, either to Plaintiff or to any other Defendant SHFD employees.

f. On several occasions between August 2018 and March 15, 2021, Mr. Balsmeier attempted to exercise supervisory control over Plaintiff when said supervision would appropriately be exercised by another member of Plaintiff's leadership. Plaintiff never witnessed Mr. Balsmeier attempt to inappropriately exercise control/supervision over any of Plaintiff's male co-workers.

g. During a practice drill in approximately August 2020, Mr. Balsmeier interfered with Plaintiff's practice drill that involved heavy equipment by stepping in to "assist" Plaintiff with maneuvering said heavy equipment, despite Plaintiff expressly stating that she did not require Mr. Balsmeier's assistance. Mr. Balsmeier's "assistance" involved Mr. Balsmeier invading Plaintiff's personal space and making excessive physical contact with Plaintiff. Mr. Balsmeier did not offer this assistance to any of Plaintiff's male co-workers during the practice drill.

h. During a practice drill in approximately August 2020, Plaintiff and her co-workers were conducting a partnered drill that involved the use of harnesses and required that each partner check the integrity of the other partner's harness by physically touching the other partner's harness. During the practice drill, Plaintiff's partner checked Plaintiff's harness in accordance with standard procedure. Mr. Balsmeier then approached Plaintiff and proceeded to check Plaintiff's harness, whereupon Plaintiff's partner and male co-worker stated to Mr. Balsmeier that he had already checked Plaintiff's harness. Nonetheless, Mr. Balsmeier continued to check Plaintiff's harness excessively and make excessive physical

contact with Plaintiff. Mr. Balsmeier did not check nor offer to check the harnesses of any of Plaintiff's male co-workers during the practice drill.

i. On one occasion in October 2020, Plaintiff inadvertently double scheduled herself and another Defendant SHFD firefighter for the same time frame. Plaintiff immediately communicated the issue to Mr. Balsmeier and resolved the issue. However, several weeks later in November 2020, Mr. Balsmeier approached Plaintiff privately, grabbed Plaintiff's hand, physically slapped the back of Plaintiff's hand, and stated that would be Plaintiff's "punishment" for the October 2020 scheduling issue. Plaintiff never witnessed Mr. Balsmeier physically slap the hands of any of Plaintiff's male co-workers.

22. In October 2019, Plaintiff sent an email to Defendant SHFD's then Fire Chief, Rick Deibert, wherein Plaintiff requested to meet with Mr. Deibert to discuss issues she was experiencing with Mr. Balsmeier. As Fire Chief, Mr. Deibert was Defendant SHFD's highest ranking official at that time.

23. In October 2019, Plaintiff met with Mr. Deibert wherein Plaintiff informed Mr. Deibert of the ongoing instances of differential treatment she had been experiencing by Mr. Balsmeier and expressed her concern that reporting Mr. Balsmeier's behavior would only exacerbate Mr. Balsmeier's treatment toward her.

24. During the October 2019 meeting, Mr. Deibert stated that he "wanted to clarify" whether or not Plaintiff was making "a claim of workplace violence." Plaintiff responded to Mr. Deibert that she was not a lawyer and that she did not know what words to use, but that she felt that Mr. Balsmeier was treating her differently because she was a woman and that she wanted it to stop. At the conclusion of the meeting, Mr. Deibert stated he would look into the matter and follow up with Plaintiff.

25. Following Plaintiff's October 2019 complaint, Mr. Balsmeier's behavior intensified, and Plaintiff's co-workers informed Plaintiff that Mr. Balsmeier was making baseless negative statements to other Defendant SHFD employees regarding Plaintiff's performance, but Mr. Balsmeier did not communicate these alleged performance deficiencies to Plaintiff.

26. On or about December 4, 2019, Mr. Deibert and Plaintiff met again to discuss Plaintiff's concerns regarding Mr. Balsmeier and that Mr. Balsmeier's behavior had only worsened since Plaintiff's October 2019 complaint to Mr. Deibert. During this meeting, Plaintiff requested that she not be required to work alone with Mr. Balsmeier. Mr. Deibert became outwardly impatient with Plaintiff, asked Plaintiff "what exactly do you think [Mr. Balsmeier] will do to you?," and stated that Plaintiff should "learn to work with all personality types."

27. In December 2019 or January 2020, Plaintiff learned from her co-workers that her complaints to Mr. Deibert about Mr. Balsmeier were being openly discussed between Mr. Deibert and Mr. Balsmeier in front of other Defendant SHFD personnel.

28. In a January 2020 phone conversation, Plaintiff stated to Mr. Balsmeier that she would no longer tolerate his differential and retaliatory behavior. The following day, Mr. Deibert arrived at the fire station visibly upset and informed Plaintiff that he had been informed of the prior day's phone conversation between Plaintiff and Mr. Balsmeier. In response, Plaintiff again expressed that it was unacceptable that Mr. Balsmeier did not see or treat Plaintiff "as an equal" to her male counterparts, to which Mr. Deibert stated "you're not."

29. In late January 2020, Plaintiff requested that she be transferred to another shift that would remove her from Mr. Balsmeier's supervision and into a different chain of command.

30. Mr. Deibert approved Plaintiff's request but stated to Plaintiff that Defendant SHFD "could not continue to make changes for [Plaintiff]."

31. Although the January 2020 transfer removed Plaintiff from Mr. Balsmeier's line of supervision, the transfer also placed Plaintiff at the same physical fire station as Mr. Balsmeier for her shifts.

32. Additionally, shortly following Plaintiff's transfer, Mr. Deibert made a department-wide announcement that, moving forward, all battalion chiefs were in charge of all fire fighters assigned to their respective fire station, regardless of chain of command.

33. The change in supervisory structure referenced in paragraph #32 essentially placed Plaintiff directly back within Mr. Balsmeier's supervision, whereupon Plaintiff was again subject to Mr. Balsmeier's differential treatment.

34. Between January 2020 and May 2020, Plaintiff made efforts to limit her interactions with Mr. Balsmeier, ensure that any necessary interactions with Mr. Balsmeier occurred in the presence of other Defendant SHFD employees, and that any interactions with Mr. Balsmeier remained as professional as possible. Nonetheless, Plaintiff continued to experience the demeaning and dismissive behavior by Mr. Balsmeier referenced in paragraph #21(a)-(i).

35. In approximately May 2020, Mr. Deibert informed Plaintiff that "the board" would be coming to "discuss the Balsmeier situation" with Plaintiff on June 1, 2020.

36. Upon Plaintiff's arrival to the June 1, 2020 "board" meeting, Plaintiff observed that only a single board member, Mr. Chad Baldwin, was present, along with Defendant SHFD's counsel, Mr. Stephen Lanterman. Plaintiff quickly realized that this was not a "board" meeting, but instead an interrogation by Mr. Lanterman with a single board member present.

37. During the June 1, 2020 meeting, Mr. Lanterman informed Plaintiff that he was "on a fact-finding mission." Plaintiff was fully cooperative with the interview and provided as much detail

as possible, including a list of witnesses. Plaintiff later learned that of the witnesses she provided to Mr. Lanterman, not a single one was questioned related to Mr. Balsmeier's behavior.

38. Following the June 1, 2020 meeting, Plaintiff continued to experience discriminatory and retaliatory behavior from Mr. Balsmeier as described in paragraph #21(a)-(i) and Plaintiff was not contacted about the investigation until August 2020.

39. On or about August 7, 2020, Mr. Deibert approached Plaintiff and informed her that "the board found no evidence of sexual harassment or physical violence" and that "it was time to end all of this" because it had "cost him too much time and stress." Mr. Deibert proceeded to inform Plaintiff that she could either 1) continue to work under Mr. Balsmeier, or 2) be transferred to Station 25, which is a fire station with minimal activity in comparison to other fire stations, which would have negatively impacted Plaintiff's career opportunities and advancements.

40. Faced with the ultimatum referenced in paragraph #39, Plaintiff was constructively demoted in that she was forced to reduce her hours at Defendant SHFD. As a result, Plaintiff also began additional employment with the Lawrence, Kansas Fire Department in September 2020.

41. In November 2020, Plaintiff suffered an injury to her hand while working for the Lawrence, Kansas Fire Department.

42. Plaintiff informed Mr. Deibert about the injury within days of the occurrence. In response, Mr. Deibert instructed Plaintiff to not return to work at Defendant SHFD until her medical providers had completely released her.

43. However, Plaintiff had observed several of her male co-workers work for Defendant SHFD while under medical restrictions on several occasions throughout her years employed with Defendant SHFD. In fact, one of Plaintiff's male co-workers was permitted to work for Defendant

SHFD wearing a sling during the same time period that Plaintiff was prevented from returning to work at Defendant SHFD.

44. Plaintiff attempted to return to work at Defendant SHFD upon her release from medical restrictions in late November/early December 2020. However, Mr. Deibert informed Plaintiff that he would not permit her to return to work until they had an “in person meeting.”

45. Plaintiff expressed that she would like to have someone else present during this meeting and requested that the Defendant SHFD Chaplain also attend. Mr. Deibert refused to allow the Chaplain to attend, but did allow Mr. Brock Sheern, another Defendant SHFD fire fighter of equal rank to Plaintiff with zero familiarity with the situation, to attend.

46. Plaintiff met with Mr. Deibert, with Mr. Sheern in attendance, on or about December 4, 2020. During the December 4, 2020 meeting, Mr. Deibert stated that “it was found out that [Mr. Balsmeier] treats [Plaintiff] differently.” Still, Mr. Deibert was outwardly emotional, accusatory, and dismissive toward Plaintiff during this meeting. For example, Mr. Deibert stated “I wouldn’t do this to myself if I were you,” and “I would just go to Lawrence [Fire Department] and be happy,” and that if he were presented the chance, Mr. Deibert would terminate Plaintiff “over Balsmeier.”

47. In early March 2021, Plaintiff abruptly received notification from Mr. Deibert that she was being suspended and was not to be permitted on Defendants’ property. Mr. Deibert also requested a meeting with Plaintiff.

48. In response, Plaintiff informed Mr. Deibert that she was seeking counsel to assist in the upcoming meeting and she would send availability as soon as practical. The following Monday, Mr. Deibert emailed Plaintiff informing her that he had “waited for her all day” and that he would be “handling it by letter.”

49. On March 15, 2021, Plaintiff received a termination letter from Defendants. In said termination letter, Mr. Deibert falsely accuses Plaintiff of engaging in “rumors and gossip,” and writes that Plaintiff’s termination is based on Plaintiff electing “to simply pursue a campaign against Battalion Chief Balsmeier with the other members of this department, by sewing seeds of distrust and discord.” In other words, Defendants terminated Plaintiff in an act of retaliation for Plaintiff expressing her concerns and experiences regarding Mr. Balsmeier.

50. Plaintiff was not terminated for cause and the termination was in bad faith, based in discrimination and retaliation, as described throughout this complaint.

51. Defendants are both qualified covered entities under Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, as Defendants are both governmental entities that engage in commerce and have fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

52. Plaintiff was terminated after reporting multiple instances of ongoing sexual harassment and disparate treatment by a member of her supervisory staff, which occurred on the basis of Plaintiff’s sex.

53. Plaintiff complained to Defendant SHFD’s highest ranking official and persons with authority at Defendants’ workplace on multiple occasions, asking that such harassment, discrimination, and retaliation based on Plaintiff’s sex cease and stop.

54. Defendants took no action to intervene or prevent the harassment, discrimination, and retaliation taking place at Defendants’ workplace based on sex.

55. Defendants demoted, suspended, and ultimately terminated Plaintiff due to her complaints regarding the harassment and disparate treatment by her supervisor, which occurred on the basis of Plaintiff’s sex, an act of retaliation by Defendants.

56. The demotion, suspension, and ultimately termination described through this complaint were discriminatory and also in retaliation for reporting this aforementioned discrimination and harassment due to sex.

COUNT I – HARASSMENT ON THE BASIS OF SEX RESULTING IN A HOSTILE WORK ENVIRONMENT CONSTITUTING DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND THE KANSAS ACT AGAINST DISCRIMINATION

57. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #56 as if fully set forth herein.

58. Plaintiff was subject to unwanted harassment on the basis of her sex by her superior that was severe or pervasive enough to alter the conditions of Plaintiff's employment and created an abusive working environment.

59. Plaintiff began experiencing sexual harassment by her superior when the superior exhibited demeaning and dismissive behavior toward Plaintiff, both in private and in front of Plaintiff's male co-workers and/or in comparison to Plaintiff's male co-workers.

60. Plaintiff began experiencing sexual harassment by her superior when the superior would publicly deny or turn down Plaintiff's suggestions/contributions related to the workplace but would then praise Plaintiff's male co-workers for making the same or similar suggestions/contributions.

61. Plaintiff began experiencing sexual harassment by her superior when the superior would suddenly change his negative opinion about Plaintiff's workplace suggestions/contributions when a male co-worker of Plaintiff's would stand up for Plaintiff or express support for Plaintiff's ideas.

62. Plaintiff began experiencing sexual harassment by her superior when the superior would express credit/praise for a project(s) only to Plaintiff's male co-workers despite Plaintiff and her male co-workers all contributing to said project(s).

63. Plaintiff began experiencing sexual harassment by her superior when the superior would take credit for – or assign credit to one of Plaintiff’s male co-workers – accomplishments that were equally and/or fully owed to Plaintiff, even prompting Plaintiff’s co-workers to speak up during said meetings to credit Plaintiff in front of Defendant SHFD leadership.

64. Plaintiff began experiencing sexual harassment by her superior when the superior would refer to Plaintiff as “his” firefighter both directly to Plaintiff and to other Defendant SHFD employees, but never refer to any other Defendant SHFD employees as “his.”

65. Plaintiff began experiencing sexual harassment by her superior when the superior would attempt to exercise supervisory control over Plaintiff when said supervision would appropriately be exercised by another member of Plaintiff’s leadership, but would never make the same attempts with Plaintiff’s male co-workers.

66. Plaintiff began experiencing sexual harassment by her superior when the superior interfered with Plaintiff’s practice drills, invaded Plaintiff’s personal space, and made excessive physical contact with Plaintiff, but never did so with Plaintiff’s male co-workers.

67. Plaintiff began experiencing sexual harassment by her superior when the superior grabbed Plaintiff’s hand and physically slapped the back of Plaintiff’s hand, stating that would be Plaintiff’s “punishment” for a scheduling mix up.

68. Plaintiff began experiencing sexual harassment by her superior when the superior began requesting that Plaintiff’s accompany him to certain exercises, trainings, and events without requesting the same of her male co-workers.

69. Plaintiff began experiencing sexual harassment by her superior when the superior began making baseless negative statements to other Defendant SHFD employees about Plaintiff’s performance without making the same statements to Plaintiff.

70. Plaintiff began experiencing sexual harassment by her superior when the superior would openly discuss Plaintiff's complaints of sexual harassment with other Defendant SHFD employees and in front of other Defendant SHFD employees.

71. This treatment by Plaintiff's male superior was extremely unwelcome, made Plaintiff physically uncomfortable, embarrassing, humiliating, was ongoing in nature between August 2018 and March 2021, and due to Plaintiff's sex.

72. The sexual harassment by Plaintiff's superior took place at Defendants' workplace during Plaintiff's designated worktimes while both Plaintiff and the superior were under the control and direction of Defendants.

73. Plaintiff complained to appropriate members of her supervision about the harassment she was experiencing by the superior.

74. Defendant herein this case had knowledge of the sexual harassment toward Plaintiff, as evidenced by Plaintiff's multiple complaints to Defendants referencing the behavior.

75. Defendants failed to take any meaningful action to prevent or cease the sexual harassment by Plaintiff's superior and negligently and recklessly failed to recognize and deal with the harassment.

76. Instead of taking meaningful action to investigate and/or otherwise intervene, Defendants continued to permit Plaintiff to work in close vicinity to the superior, despite Plaintiff's protests.

77. Plaintiff requested that she be transferred to a different shift so as to be removed from the line of supervision under the superior. Defendants initially approved Plaintiff's request to be transferred, but made a negative comment to Plaintiff regarding the transfer, and ultimately made a department-wide policy change placing Plaintiff directly back into the superior's line of supervision.

78. Due to Defendants' failure to prohibit or otherwise prevent the sexual harassment by Plaintiff's superior, Plaintiff was constructively demoted in September 2020.

79. All of the actions of Plaintiff's superior occurring prior to November 6, 2020 may be considered under the continuing course of conduct doctrine recognized by this Court, as the various acts constitute a continuing pattern of discrimination and at least one of the various acts of discrimination occurred subsequent to November 6, 2020.

80. Defendants have failed to properly train their supervisors concerning their duties and obligations under civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination.

81. Defendants' discriminatory conduct herein this case maliciously or recklessly violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, and such a violation is sufficient to warrant an award of punitive damages.

82. As a direct and proximate result of all of Defendants' discriminatory actions herein this case, Plaintiff has suffered and will continue to suffer emotional distress, humiliation, a deprivation of income, as well as other monetary and non-monetary damages.

83. Plaintiff is entitled to attorney's fees as provided in Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination and for the fees and costs in bringing this action.

WHEREFORE, Plaintiff prays the Court enter judgment in her favor against Defendants on Count I of Plaintiff's Complaint, finding that she was subject to ongoing sexual harassment constituting a hostile work environment in violation of Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, for an award of back pay and benefits including interest, an award of front pay and benefits including interest, an award of compensatory and

punitive damages, the costs of this action, reasonable attorneys' fees, and for other such relief as the Court deems just and equitable.

COUNT II – DISPARATE TREATMENT ON THE BASIS OF SEX CONSTITUTING DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND THE KANSAS ACT AGAINST DISCRIMINATION

84. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #83 as if fully set forth herein.

85. Plaintiff was subject to disparate treatment on the basis of her sex by her superior when the superior treated Plaintiff's male co-workers more favorably under similar circumstances because of Plaintiff's sex.

86. Plaintiff experienced disparate treatment by her superior when the superior exhibited demeaning and dismissive behavior toward Plaintiff, both in private and in front of Plaintiff's male co-workers and/or in comparison to Plaintiff's male co-workers.

87. Plaintiff experienced disparate treatment by her superior when the superior would publicly deny or turn down Plaintiff's suggestions/contributions related to the workplace but would then praise Plaintiff's male co-workers for making the same or similar suggestions/contributions.

88. Plaintiff experienced disparate treatment by her superior when the superior would suddenly change his negative opinion about Plaintiff's workplace suggestions/contributions when a male co-worker of Plaintiff's would stand up for Plaintiff or express support for Plaintiff's ideas.

89. Plaintiff experienced disparate treatment by her superior when the superior would express credit/praise for a project(s) only to Plaintiff's male co-workers despite Plaintiff and her male co-workers all contributing to said project(s).

90. Plaintiff experienced disparate treatment by her superior when the superior would take credit for – or assign credit to one of Plaintiff's male co-workers – accomplishments that were

equally and/or fully owed to Plaintiff, even prompting Plaintiff's co-workers to speak up during said meetings to credit Plaintiff in front of Defendant SHFD leadership.

91. Plaintiff experienced disparate treatment by her superior when the superior would refer to Plaintiff as "his" firefighter both directly to Plaintiff and to other Defendant SHFD employees, but never refer to any other Defendant SHFD employees as "his."

92. Plaintiff experienced disparate treatment by her superior when the superior would attempt to exercise supervisory control over Plaintiff when said supervision would appropriately be exercised by another member of Plaintiff's leadership, but would never make the same attempts with Plaintiff's male co-workers.

93. Plaintiff experienced disparate treatment by her superior when the superior interfered with Plaintiff's practice drills, invaded Plaintiff's personal space, and made excessive physical contact with Plaintiff, but never did so with Plaintiff's male co-workers.

94. Plaintiff experienced disparate treatment by her superior when the superior grabbed Plaintiff's hand and physically slapped the back of Plaintiff's hand, stating that would be Plaintiff's "punishment" for a scheduling mix up, but never admonished Plaintiff's male co-workers in the same fashion.

95. Plaintiff experienced disparate treatment by her superior when the superior began requesting that Plaintiff accompany him to certain exercises, trainings, and events without requesting the same of her male co-workers.

96. Plaintiff experienced disparate treatment by her superior when the superior began making baseless negative statements to other Defendant SHFD employees about Plaintiff's performance without making the same statements to Plaintiff.

97. Plaintiff experienced disparate treatment by her superior when the superior would openly discuss Plaintiff's complaints of disparate treatment with other Defendant SHFD employees and in front of other Defendant SHFD employees.

98. Plaintiff experienced disparate treatment by another one of Plaintiff's superiors when said superior became upset with Plaintiff after Plaintiff expressed her complaints regarding the sexual harassment and discrimination that was taking place when the supervisor stated that Plaintiff was not an equal to her male co-workers.

99. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when in response to Plaintiff's request that she be transferred to a different shift, the superior warned Plaintiff that Defendants could not keep making changes for Plaintiff.

100. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when the superior did not take Plaintiff's complaints of sexual harassment/discrimination seriously, did not conduct a legitimate investigation into Plaintiff's complaints, did not interview witnesses about Plaintiff's complaints, and instead attempted to intimidate Plaintiff by interrogating Plaintiff before a board member.

101. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when the superior pressured Plaintiff to withdraw her complaints and stated "it was time to end all of this" because it had cost the superior "too much time and stress."

102. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when the superior gave Plaintiff an ultimatum to either keep working in an environment plagued with sexual harassment or to be transferred to a lesser performing fire station, effectively demoting Plaintiff.

103. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when the superior refused to permit Plaintiff to return to work with medical restrictions while permitting Plaintiff's male co-workers to do the same.

104. Plaintiff experienced disparate treatment by one of Plaintiff's superiors when the superior refused to permit Plaintiff to return to work following her release from medical restrictions without first having an in person meeting wherein the superior was outwardly emotional, accusatory, and dismissive toward Plaintiff despite admitting to Plaintiff that another superior had treated Plaintiff differently and harassed Plaintiff on the basis of her sex.

105. This disparate treatment by Plaintiff's male superior(s) was extremely unwelcome, made Plaintiff physically uncomfortable, embarrassing, humiliating, was ongoing in nature, and this treatment was not directed toward Plaintiff's similarly situated male co-workers.

106. The disparate treatment by Plaintiff's superior(s) took place at Defendants' workplace during Plaintiff's designated worktimes while both Plaintiff and the superior(s) were under the control and direction of Defendants.

107. Plaintiff complained to appropriate members of her supervision about the disparate treatment she was experiencing by the superior(s).

108. Defendant herein this case had knowledge of the disparate treatment toward Plaintiff, as evidenced by Plaintiff's multiple complaints to Defendants referencing the behavior.

109. Defendants failed to take any meaningful action to prevent or cease the disparate treatment by Plaintiff's superior and negligently and recklessly failed to recognize and deal with the harassment.

110. Instead of taking meaningful action to investigate and/or otherwise intervene, Defendants continued to permit Plaintiff to work in close vicinity to the superior(s), despite Plaintiff's protests.

111. Due to Defendants' failure to prohibit or otherwise prevent the disparate treatment by Plaintiff's superior, Plaintiff was constructively demoted in September 2020 and discriminately suspended and terminated in March 2021.

112. All of the actions of Plaintiff's superior(s) occurring prior to November 6, 2020 may be considered under the continuing course of conduct doctrine recognized by this Court, as the various acts constitute a continuing pattern of discrimination and at least one of the various acts of discrimination occurred subsequent to November 6, 2020.

113. Defendants have failed to properly train their supervisors concerning their duties and obligations under civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination.

114. Defendants' discriminatory conduct herein this case maliciously or recklessly violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, and such a violation is sufficient to warrant an award of punitive damages.

115. As a direct and proximate result of all of Defendants' discriminatory actions herein this case, Plaintiff has suffered and will continue to suffer emotional distress, humiliation, a deprivation of income, as well as other monetary and non-monetary damages.

116. Plaintiff is entitled to attorney's fees as provided in Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination and for the fees and costs in bringing this action.

WHEREFORE, Plaintiff prays the Court enter judgment in her favor against Defendants on Count II of Plaintiff's Complaint, finding that she was subject to ongoing disparate treatment on the basis of her sex in violation of Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, for an award of back pay and benefits including interest, an award of front pay and benefits including interest, an award of compensatory and punitive damages, the costs of

this action, reasonable attorneys' fees, and for other such relief as the Court deems just and equitable.

COUNT III – RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND THE KANSAS ACT AGAINST DISCRIMINATION

117. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #116 above as if fully set forth herein.

118. Plaintiff engaged in protected activity protected by Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination by opposing discrimination and bringing her complaints before Defendant SHFD's highest ranking officer, a member of the board, and Defendant SHFD's legal counsel.

119. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff began to experience retaliation when the discriminatory behavior of Plaintiff's superior intensified and became more frequent.

120. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superior began making baseless negative comments to other Defendant SHFD employees regarding Plaintiff's performance, but Mr. Balsmeier did not communicate these alleged performance deficiencies to Plaintiff.

121. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superior became outwardly impatient with Plaintiff regarding her complaints of sexual discrimination and refused to take Plaintiff's complaints seriously.

122. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superiors would openly discuss Plaintiff's complaints amongst themselves and in front of other Defendant SHFD employees.

123. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superior chastised Plaintiff for complaining about the discriminatory behavior of her superior by telling the superior she would no longer tolerate such behavior.

124. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superior stated that Plaintiff was not an equal to her male co-workers.

125. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation when Plaintiff's superior transferred Plaintiff's shifts but then made a department-wide policy change placing Plaintiff back within the supervision of the superior that was sexually harassing Plaintiff.

126. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior did not take Plaintiff's complaints of sexual harassment/discrimination seriously, did not conduct a legitimate investigation into Plaintiff's complaints, did not interview witnesses about Plaintiff's complaints, and instead attempted to intimidate Plaintiff by interrogating Plaintiff before a board member.

127. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior pressured Plaintiff to withdraw her complaints and stated "it was time to end all of this" because it had cost the superior "too much time and stress."

128. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior gave Plaintiff an ultimatum to either keep working in an environment plagued with sexual harassment or to be transferred to a lesser performing fire station, effectively demoting Plaintiff.

129. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior refused to permit Plaintiff to return to work with medical restrictions while permitting Plaintiff's male co-workers to do the same.

130. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior refused to permit Plaintiff to return to work following her release from medical restrictions without first having an in person meeting wherein the superior was outwardly emotional, accusatory, and dismissive toward Plaintiff despite admitting to Plaintiff that another superior had treated Plaintiff differently and harassed Plaintiff on the basis of her sex.

131. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior suspended Plaintiff's employment.

132. Subsequent to and as a result of Plaintiff engaging in protected activity, Plaintiff experienced retaliation by one of Plaintiff's superiors when the superior terminated Plaintiff's employment for expressing complaints about Defendants' workplace being riddled with harassment, discrimination, and retaliation based on Plaintiff's sex.

133. The retaliation by Plaintiff's superior(s) took place at Defendants' workplace during Plaintiff's designated worktimes while both Plaintiff and the superior(s) were under the control and direction of Defendants.

134. Defendants did not take Plaintiff's complaints in good faith, and instead retaliated against such complaints, discriminated against Plaintiff on the basis of her sex, including refusal to intervene in the hostile work environment and ultimately demoting, suspending, and terminating Plaintiff's employment.

135. Defendants demoted, suspended, and terminated Plaintiff in retaliation for Plaintiff exercising her legally protected opposition to a workplace ridden with discrimination against her sex.

136. Defendants demoted, suspended, and terminated Plaintiff in retaliation for Plaintiff objecting to a workplace dominated by harmful and incessant discrimination toward Plaintiff.

137. Defendants herein this case failed to take reasonable steps to protect Plaintiff from retaliation.

138. Defendants herein failed to properly train its supervisors concerning their duties and obligations under civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination.

139. Defendants' conduct herein maliciously or recklessly violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination and such a violation is sufficient to warrant an award of punitive damages.

140. As a direct and proximate result of Defendants' actions and retaliation herein, Plaintiff has suffered and will continue to suffer emotional distress, humiliation, a deprivation of income, as well as other monetary and non-monetary damages.

141. Plaintiff is entitled to attorney's fees for this retaliation, requiring the bringing of this claim as provided in Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, and for the fees and costs incurred in bringing this action.

WHEREFORE, Plaintiff prays the Court enter judgment in her favor against Defendants on Count III of her Complaint, finding that Plaintiff was demoted, suspended, and terminated in retaliation for opposing discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination, for an award of back pay and benefits including interest, an award of front pay and benefits including interest, an award of compensatory and punitive damages, the costs of this action, reasonable attorney's fees, and for other such relief as the Court deems just and equitable.

DAMAGES

142. Plaintiff incorporates by reference all aforementioned paragraphs #1 through #141 above as if fully set forth herein.

143. Defendants herein discriminated and retaliated against Plaintiff on the basis of her sex with malice and reckless indifference as to the legally protected rights of the Plaintiff.

144. As a result, Plaintiff has suffered monetary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, among other non-monetary damages.

145. Defendants have more than five hundred employees.

146. Plaintiff prays for compensatory and punitive damages in the amount of \$300,000.00, as Defendants employ five hundred or more employees.

147. Plaintiff prays for injunctive relief in the form of reinstatement with backpay including benefits and interest incurred.

148. Plaintiff alternatively prays for injunctive relief in the form of backpay including benefits with interest incurred, and front pay including benefits with interest incurred, in place of reinstatement.

149. Plaintiff prays for damages in the amount of reasonable attorney's fees.

150. Plaintiff prays for damages in the amount of court costs incurred in bringing this action.

151. Plaintiff prays for any other damages and relief as this Court may deem necessary, just, and equitable as allowed by Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination or any other relevant source of law related to these claims or within the power of the Court.

WHEREFORE, Plaintiff prays the Court enter judgment in her favor against Defendants on all Counts of her Complaint, finding that Plaintiff was subjected to discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 and the Kansas Act Against Discrimination. Plaintiff prays for an award of compensatory and punitive damages in the amount of \$300,000.00, an award of back pay and benefits including interest, an award of front pay and benefits including interest, an award of reasonable attorney's fees, an award of the costs of this action, and for other such relief as the Court deems just and equitable.

Respectfully submitted,

/s/Bruce Alan Brumley

/s/Chloe Elizabeth Davis

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