

JAN 22 2024

State of Minnesota

District Court

County of Olmsted

Third Judicial District

Molly L. Dennis,

Court File Number: 55-CV-24-488
Discrimination

Plaintiff,

vs.

Summons

City of Rochester, Patrick Keane,
and Kim Norton,

Defendants.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANTS:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

412 26th Street NW, Rochester, MN. 55901

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get

legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Plaintiff, *pro se*

22 January 2024

Dated

Molly L. Dennis, *pro se*
Print or type plaintiff's attorney's name

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA
COUNTY OF OLNSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT

Molly L. Dennis,

Court File No.:

Plaintiff,

vs.

City of Rochester, Patrick Keane,
and Kim Norton,

Defendants.

COMPLAINT

Plaintiff Molly Dennis (“Dennis”) for her civil action against the Defendants, and each of them, states and alleges as follows that:

FACTS

1. At all times relevant herein, Dennis was a member of the Rochester City Council and, in that capacity, was an employee within the meaning of state and federal statutes because Defendants, and each of them, as well as their employees and agents, treated her as an employee and not as an elected public official.

2. At all times relevant herein, Defendant Kim Norton (“Norton”) was the Mayor of the City of Rochester.

3. At all times relevant herein, Defendant Patrick Keane (“Keane”) was an elected member of the Rochester City Council.

4. At all times relevant herein, Dennis suffered from Attention Deficit Hyperactivity Disorder (“ADHD”), a recognized disability under state and federal law.

5. Defendants, together with their employees and agents, have intentionally discriminated against Dennis on account of her disability by, *inter alia*, reprimanding and punishing her for her difficulty focusing, short attention span, struggle linear processing, executive functioning deficit, hyperactivity, and other well-known characteristics of ADHD. A severe criticism of Dennis by Defendants and others is that “she wastes staff time” example given was Dennis asks too many questions. The requirement of needing additional time for processing, explaining, and clarifying information is a common consequence of people diagnosed with ADHD.

6. On or about 6 March 2023 Defendants censured Dennis for her actions and behaviors that were directly caused by and related to her ADHD disability as noted above. The March 6th censure writ-

ten and approved by Rochester city staff, was brought to City Council by Keane ambushing Dennis without her prior knowledge and without following due process. This clearly improper and probably illegal censure imposed harsh limitations and unprecedented restrictions that had the intended affect of demoting Dennis to employee status and which, in addition, has prevented Dennis from carrying out her constitutional and statutory duties as an elected public official. For example, Dennis, unlike all other council members, is prohibited from directly asking questions to over 900 city staff members. This is a critically important function of an elected public official and is normally done to understand complex city issues and respond to concerns from constituents. If Dennis has a question concerning a city legal matter, Dennis must, after writing a question on a sheet of paper, place the paper in an envelope in the mailbox of City Attorney Michael Spindler-Krage (“Spindler-Krage”) at the City Government Center. Another example, the City Administrator Alison Zelms (“Zelms”) sent an official email on 26 December 2023 to City Councilmembers and delivered it to city leadership staff which contained stringent rules that would place further restriction on how Dennis communicates information with staff, controlling Dennis’s freedom of speech, limiting

information, and restraining essential job functions indefinitely. In addition to dictating who Dennis can talk with in 2024, what topics are discussed, and lengths of staff interaction, Zelms' email also states: "2. *The meetings will occur virtually unless the designee or I approve an exception.*" Depending on the city concern/issue, it is often essential for councilmembers to meet in-person within the community with city staff thus this virtual restriction hindering Dennis ability to address constituents' concerns. This administrative order targeted Dennis along with harsh additional constraints that make it impossible for Dennis to effectively do her job in the future. Even though Spindler-Krage and Zelms are unelected city officials, they retain, by requiring this convoluted and humiliating process and regulations, sole authority over whether Dennis can ask a question of the city staff, what question or topics are allowed, and if Dennis is able to perform basic/essential tasks of her job. In this way, as well as many others, employees and agents of the City of Rochester have exercised and continue to exercise direct control over an elected city official, in effect negating the votes of the persons who voted for Dennis in the most recent city election.

7. Dennis has frequently and repeatedly complained to Defendants, as well as their employees and agents, about their intentional discrimination against her on account of her disability. None of the complaints have resulted in any retraction of discriminating behavior against Dennis or remedial action to accommodate Dennis's disability. The action Defendants have taken is to have hired a captive law firm to whitewash their discriminatory actions and Defendants' own bad behavior. And, as a result of said complaints, Defendants have repeatedly engaged in reprisals and retaliation against Dennis making it virtually impossible for her to discharge her duties as an elected public official. In one unusual and highly reprehensible form of retaliation, Spindler-Krage saw to it that unverified and defamatory averments made by Dennis's ex-spouse in a dissolution proceeding were widely published as though they were true.

8. In addition to having, both verbally and in writing, opposed the discrimination committed against her by Defendants, Dennis has often, frequently, and very publicly opposed discrimination against any protected party, both inside and outside of government. Defendants refuse to recognize that discrimination in any form exists

in Rochester, hoping not to sully in any way the City's reputation in the age of Destination Medical Center.

9. Defendants, their employees and agents, have maliciously, intentionally, and frequently furnished false information about Dennis to the Rochester Post-Bulletin and other media outlets sympathetic to city government. For example, Norton, in a brazen attempt to defame and injure Dennis, as well as to destroy her chances for reelection, told a lawyer from the City's captive law firm that Dennis "had fixed a ticket," a statement that was subsequently published in the Rochester Post-Bulletin distributed in print and on-line on or about 30 June 2023. Norton knew this denigrating statement was false or made it without knowledge of its truth or falsity.

9. As a direct result of Defendants' illegal and tortious conduct, Dennis has and continues to endure mental anguish and suffering as well as other extensive damages.

COUNT I.

10. Dennis re-alleges Paragraphs 1 – 9 in the within
COUNT.

11. Defendants, and each of them, have violated the provisions of the Americans with Disabilities Act ("ADA"), 42 U.S.C. Sec.

12101, *et seq.*, by intentionally discriminating against Dennis on account of her disability, all to her damages.

COUNT II.

12. Dennis re-alleges COUNT I in the within COUNT.

13. Defendants, and each of them, have violated the provisions of Minn. Stat. Sec. 363A.08 by intentionally discriminating against Dennis on account of her disability, all to Dennis's damages.

COUNT III.

14. Dennis re-alleges COUNTS I – II in the within COUNT.

15. Defendants, and each of them, by preventing Dennis from carrying out the duties of the office to which she was elected which prevents her from fully accessing public services, have violated the provisions of Minn. Stat. Sec. 363A.12, all to Dennis's damages.

COUNT IV.

16. Dennis re-alleges COUNTS I – III in the within COUNT.

17. Defendants, and each of them, by intentionally and without justification retaliating against Dennis because she has opposed discrimination, both of herself and others, have violated the provisions of Minn. Stat. Sec. 363A.15, all to Dennis's damages.

COUNT V.

18. Dennis re-alleges COUNTS I – IV in the within COUNT.

19. Defendants, and each of them, by refusing to make a reasonable accommodation for Dennis’s known disability, have violated Minn. Stat. Sec. 363.09, Subd. 6.

COUNT VI.

20. Dennis re-alleges COUNTS I – V in the within COUNT.

21. Defendants, and each of them, have , for the reasons noted above, violated the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, *et seq.*, as amended, the Civil Rights Act of 1991, the Lily Ledbetter Fair Pay Act of 2009, and 42 U.S.C. 1981, all to Dennis’s damages.

COUNT VII.

22. Dennis re-alleges COUNTS I – VI in the within COUNT.

23. Norton’s published statement that Dennis “fixed a ticket” was, as noted above, knowingly false when published or made without knowledge of its truth or falsity.

24. Norton’s published statement about Dennis’s fixing a ticket is an allegation that Dennis committed a criminal act under Minn. Stat. Sec. 609.43. As such, Dennis is entitled to recover damages from Norton without proof of special damages.

25. As a direct result of Norton's defamatory statement, made with actual malice, Dennis has been and continues to be damaged.

26. Because of Norton's deliberate disregard for her rights and safety, Dennis is entitled to move at the appropriate time to amend her Complaint to assert a claim of punitive damages against Norton pursuant to Minn. Stat. Secs. 549.191 and 549.20

COUNT VIII.

27. Dennis re-alleges COUNTS I – VII in the within COUNT.

28. By their actions as noted above, Defendants, and each of them, together with their employees and agents, by, *inter alia*, demoting Dennis to employee status without due process, have violated Minn. Stat. Secs. 205.07, 412.191, and Articles 1 and 8 of the Minnesota Constitution, all to Dennis's damages.

WHEREFORE, Plaintiff demands judgment against Defendants, and each of them, as follows:

1. For compensatory damages in an amount in excess of \$50,000 on each COUNT herein;
2. For injunctive relief under the state and federal laws cited above as the court deems appropriate;

3. For costs of investigation and attorney fees 29 U.S.C. Sec. 2617, Minn. Stat. Sec. 363.14, and 42 U.S.C. 1981a;
4. For pre-verdict interest as permitted by Minn. Stat. Sec. 549.09;
5. For her costs and disbursements incurred herein; and,
6. For such other and further relief as the court may deem just and equitable.

ACKNOWLEDGEMENT

The undersigned acknowledges, in accordance with Minn. Stat. Sec. 549.211(1), that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. Sec. 549.211(2).

DATE: 22 January 2024



Molly L. Dennis, *pro se*
412 26th Street NW
Rochester, MN. 55901
507-269-2916
mollydennis13@gmail.com