

IN THE IOWA DISTRICT COURT FOR MONTGOMERY COUNTY

<p>KYRA SMITH,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CITY OF RED OAK, SHAWNNA SILVIUS, TIM FRIDOLPH, and BRIAN BILLS,</p> <p>Defendants.</p>	<p>Case No. _____</p> <p>PETITION AND JURY DEMAND</p>
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COMES NOW the Plaintiff, Kyra Smith, and states the following for her cause of action against Defendants:

INTRODUCTION

1. This is an action under the Iowa Civil Rights Act, challenging Defendants' sex discrimination, wage discrimination, and retaliation against Plaintiff.
2. Plaintiff Kyra Smith is a resident of Johnson County, Kansas.
3. Defendant City of Red Oak is a municipal corporation under the constitution and laws of the State of Iowa, with its principal place of business in Montgomery County.
4. Defendant Shawna Silvius is a resident of Montgomery County.
5. Defendant Tim Fridolph is a resident of Montgomery County.
6. Defendant Brian Bills is a resident of Montgomery County.
7. The acts of which Plaintiff complains occurred in Montgomery County.

PROCEDURAL REQUIREMENTS

8. On November 8, 2024, within 300 days of the acts of which she complains, Plaintiff filed charges of sex and/or gender discrimination and retaliation against Defendants with the Iowa Civil Rights Commission.

9. On October 30, 2025, less than 90 days prior to the filing of this Petition, the Iowa Civil Rights Commission issued a right-to-sue letter with respect to Plaintiff's charges.

FACTUAL BACKGROUND

10. On May 1, 2023, Defendant City of Red Oak (the "City") hired Plaintiff Kyra Smith as its City Administrator.

11. Although she was living in Kansas at the time of her hire, Kyra grew up in Red Oak and relished the opportunity to serve the City.

12. The City required the City Administrator to live in Red Oak, so Kyra lived in her parents' home in Red Oak and had residency within the City throughout her employment.

13. Kyra's husband remained in Kansas to continue his career until he could find gainful paying employment with comparable wages.

14. As City Administrator, Kyra was responsible for overseeing City operations, managing City staff, and implementing the policies and vision of the City Council.

15. Kyra was successful in her job as City Administrator, identifying several ways to make the City operate more efficiently and effectively while preserving precious City resources.

16. In September 2023, Council Member Brian Bills told Kyra's husband she would never get a raise because she already made too much money "for a woman."

17. In reality, Kyra was paid less than male City Administrators in comparable Iowa communities.

18. In December 2023, the City conducted Kyra's first performance review.

19. City Council members Jeanice Lester, Tim Fridolph, Brian Bills, Scott Keith and Pete Wemhoff, City Mayor Shawna Silvius, and City Attorney Bri O'Hearn presided over the review.

20. Much to Kyra's dismay, the performance review focused excessively on her personal life rather than her job performance.

21. Defendants criticized the fact that Kyra's husband was not residing with her in Red Oak.

22. Defendants pressured Kyra to move her family to Red Oak.

23. Defendants suggested that Kyra's husband should "suck it up and take whatever job he can get" to support Kyra in Red Oak.

24. Defendants' concern about Kyra's family's living situation was motivated by Kyra's sex or sex-based stereotypes, as they were hyper focused on her living away from her husband.

25. The City's practice is to give employees a raise after six months of employment.

26. Following through on Council Member Bills' earlier statement that Kyra would never get a raise because she already made too much money "for a woman," Defendants did not give Kyra the six-month raise.

27. Defendants also denied Kyra a cost-of-living increase that was promised to her when she accepted employment with the City to go into effect in July 2023.

28. Mayor Silvius and Council Members Fridolph and Bills micromanaged Kyra's work and treated her like a personal secretary instead of a professional City Administrator.

29. Although Defendants apparently had a keen interest in Kyra's personal life and their views about how her family should operate, they also criticized her when she used personal time to attend her children's events.

30. Defendants did not criticize male City employees for using personal time to attend their children's events.

31. On March 3, 2024, Kyra received a meeting invitation from Joseph Cihacek with the Iowa Department of Transportation.

32. This invitation was for a preconstruction conference regarding a highway infrastructure project.

33. The invitation included instructions to forward the invitation to anyone who may have been missed.

34. On March 6, 2024, Kyra forwarded the email to Montgomery County Coordinator for Emergency Management Brian Hamman as he was not on it, and she asked to see if the staff could all meet at the Montgomery County Emergency Operations Center.

35. Mr. Hamman never responded to the invitation.

36. On March 21, 2024, Kyra joined the videoconference link for the meeting.

37. When she joined, Kyra was shocked to see the other invitees—all men—were gathered together at the Montgomery County Emergency Operations Center.

38. In response to being excluded from the in-person gathering, Kyra sent text messages and emails alleging that her exclusion was discriminatory.

39. Kyra said, “The lack of respect shown to me as the City Administrator stops now. **Had I been a man this wouldn’t be going on.**” (emphasis added).

40. The same afternoon, Mayor Silvius forwarded the email to City Attorney O’Hearn, stating, “Bri – This is the email strand that caused issues today.”

41. On March 22, 2024, Kyra was approached for an unscheduled and unannounced meeting with Deputy Clerk and Human Resources Generalist Susie McDonald, Mayor Silvius, and Council Member Fridolph.

42. Kyra told the meeting participants that she felt Defendants and other City staff were disrespecting her and refusing to communicate with her because she was a woman.

43. Kyra reported that she believed this mistreatment was an attempt to interfere with her ability to do her job as City Administrator.

44. Kyra reported that Wastewater Superintendent Chris Day told her early in her employment that he did not respect her as a woman and that he took issue with her authority; she verbally reported this to the Mayor, Christie Vanderholm, and Susie McDonald previously when it occurred.

45. Mayor Silvius acknowledged that she also experienced sexism at the City, but then she admonished Kyra for reporting it.

46. Mayor Silvius told Kyra that, because Kyra had opposed sex discrimination, there were now men who did not want to be in a room with her.

47. Council Member Fridolph berated Kyra for her complaint.

48. Defendants told Kyra that asking men to treat her with respect would have the opposite result and make things worse.

49. Defendants told Kyra that opposing discrimination and asking for it to stop was wrong.

50. McDonald, Silvius, and Fridolph ordered Kyra to apologize to the men she texted and emailed with her complaint of sex discrimination.

51. When Kyra resisted apologizing, Fridolph became even angrier with her.

52. Fridolph told Kyra she was not a leader.

53. Kyra pushed back, explaining that when she acts direct, she is labeled a “bitch.”

54. Instead of addressing the sex discrimination Kyra was reporting, Defendants told Kyra she cannot change others' perception.

55. Defendants asked Kyra if she was "embarrassed" after sending the email.

56. Kyra said no.

57. Council Member Fridolph told Kyra she had dug herself a deep hole by calling men sexist.

58. Defendants even said that calling the men who had excluded her from the in-person gathering "sexist" made her sexist.

59. On March 26, 2024, Mayor Silvius sent a follow up email regarding the new paid time off ("PTO") policy the City was wanting to implement and notifying employees of an upcoming staff meeting to discuss the policy.

60. City employees were very upset with the new policy.

61. Kyra responded to Mayor Silvius, copying Tim since he was part of the original meetings, explaining she was disappointed at not being consulted or included in any discussion about communicating the policy to City employees or any discussion about the upcoming staff meeting. Both the Mayor and Tim knew Kyra was out of town attending Certified Public Manager classes in Des Moines on the 26th and 27th and would be unable to attend.

62. As City Administrator, Kyra should have been included in discussions about the roll-out and implementation of the new PTO policy.

63. Even though Defendants had excluded Kyra from discussions about the policy and its implementation, Mayor Silvius put Kyra's name on the email announcing the policy change and blamed Kyra for the change.

64. Defendants then excluded Kyra from the staff meeting in which the policy would be discussed, undermining her role and authority as City Administrator.

65. Just three weeks later, on April 15, 2024, Defendants constructively discharged Kyra, by forcing her to resign in lieu of being terminated.

66. Of the five City Council members who hired Kyra, only two remained at the time of her forced resignation in lieu of termination.

67. On May 6, 2024, the City hired a male Wastewater/Water Superintendent and set his starting salary at \$20,000 more than Kyra's salary.

68. The Wastewater Superintendent reports to the City Administrator.

69. Defendant Shawwna Silvius was an employee and/or agent of the City of Red Oak and acted at all material times within the scope of her employment and/or agency.

70. Defendant Shawwna Silvius had the authority to effectuate the adverse employment actions described herein and personally participated in those actions as set forth herein.

71. Defendant Tim Fridolph was an employee and/or agent of the City of Red Oak and acted at all material times within the scope of his employment and/or agency.

72. Defendant Tim Fridolph had the authority to effectuate the adverse employment actions described herein and personally participated in those actions as set forth herein.

73. Defendant Brian Bills was an employee and/or agent of the City of Red Oak and acted at all material times within the scope of his employment and/or agency.

74. Defendant Brian Bills had the authority to effectuate the adverse employment actions described herein and personally participated in those actions as set forth herein.

COUNT I
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
SEX DISCRIMINATION

75. Plaintiff repleads paragraphs 1 through 74 as is fully set forth herein.

76. Plaintiff is a woman protected from discriminatory practices in employment by the Iowa Civil Rights Act.

77. Defendants discriminated against Plaintiff in employment as set forth above, including but not limited to denying her wage increases provided to male employees, paying her less than similarly situated male employees, and constructively discharging her.

78. Plaintiff's sex was a motivating factor in Defendants' discrimination.

79. As a result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including, but not limited to, lost wages, benefits, and other emoluments of employment, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will fully and fairly compensate her for her injuries and damages, for prejudgment and postjudgment interest, for attorneys' fees, for the costs and expenses of this action, for appropriate equitable and injunctive relief, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

COUNT II
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
WAGE DISCRIMINATION

80. Plaintiff repleads paragraphs 1 through 79 as if fully set forth herein.

81. Plaintiff is a woman.

82. As set forth above, Defendants paid Plaintiff less than they paid male employees for work that required equal skill, effort, and responsibility and which was performed in similar working conditions.

83. The pay differential was willful.

84. As a result of Defendants' acts and omissions, plaintiff has in the past and will in the future suffer injuries and damages, including but not limited to lost wages, benefits, and other emoluments of employment, and emotional distress

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will fully and fairly compensate her for her injuries and damages, for prejudgment and postjudgment interest, for attorneys' fees, for the costs and expenses of this action, for liquidated damages under Iowa Code § 216.15(9)(a)(9), *et seq.*, for appropriate equitable and injunctive relief, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

**COUNT III
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
RETALIATION**

85. Plaintiff repleads paragraphs 1 through 84 as if fully set forth herein.

86. Plaintiff engaged in activity protected by the Iowa Civil Rights Act, including but limited to when she complained of and otherwise opposed sex discrimination prohibited by the Iowa Civil Rights Act.

87. Defendants retaliated against Plaintiff by, among other acts, singling her out, undermining her authority, and constructively discharging her.

88. Plaintiff's protected activity was a motivating factor in Defendants' retaliation.

89. As a result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including, but not limited to, lost wages, benefits, and other emoluments of employment, and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will fully and fairly compensate her for her injuries and damages, for prejudgment and postjudgment interest, for attorneys' fees, for the costs and expenses of this action, for appropriate equitable and injunctive relief, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

JURY DEMAND

COMES NOW the Plaintiff and demands a trial by jury.

/s/ Brooke Timmer

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