

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI

ABIGAEAL ALMANDINGER,

% Keenan & Bhatia, LLC
4600 Madison Ave., Ste. 810
Kansas City, MO 64112

Plaintiff,

v.

Case No. _____

CITY OF CARTHAGE, MISSOURI,

Serve:
CITY CLERK OR MAYOR
326 Grant Street
Carthage, MO 64836

Defendant.

PETITION

Plaintiff Abigael Almandinger, by and through counsel, states the following, on personal knowledge as to her own acts and observations, and on information and belief following reasonable investigation as to all other matters.

INTRODUCTION

1. This case arises from the City of Carthage's unlawful retaliation against and wrongful termination of Abigael Almandinger after Ms. Almandinger reported the unlawful conduct of fellow employees and reported

violations of law to her employer, Defendant City of Carthage ("City of Carthage" or "the City"), and its City Council.

PARTIES

2. Ms. Almandinger is a resident of Jasper County, Missouri.

3. The City of Carthage, Missouri, is a municipal corporation located in Jasper County.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under Mo. Const. art. V, § 14, RSMo 478.070, RSMo. 105.055(2), and RSMo. 610.030.

5. This Court has personal jurisdiction because Carthage is a municipality located within the State of Missouri and the relevant acts occurred in Missouri.

6. Venue is proper because the City of Carthage is situated in Jasper County and the relevant events occurred in Jasper County.

FACTS

7. On December 28, 2022, the City of Carthage hired Ms. Almandinger as the Director of Parks and Recreation, making her the first woman department head in the City's history.

8. Ms. Almandinger has resided in the City of Carthage for many years and brought over ten years of experience in project and fiscal management to her position.

9. Before joining the City, Ms. Almandinger served as the Executive Director of Vision Carthage, where she managed capital improvement projects, secured grant funding, and led community revitalization efforts.

10. Ms. Almandinger frequently attended city council and committee meetings for approximately five years as a citizen on her own time, served on the Planning, Zoning, and Historic Preservation committee, and contributed heavily to developing the City's parks master plan.

11. Assistant City Administrator Traci Cox recruited Ms. Almandinger for the position because Ms. Almandinger possessed more knowledge about the City's operations and the Parks Department than any other candidate.

12. Ms. Almandinger replaced Mark Peterson as the Director of Parks and Recreation.

13. Around January 2023, Greg Dagnan, the City Administrator at the time, discovered accounting irregularities related to Mr. Peterson's operation of the City of Carthage's Parks Department. Mr. Dagnan reported his findings to the City Council and law enforcement.

14. Shortly after the investigation in January 2023, prosecutors charged Mr. Peterson with stealing and embezzling money from the Carthage Parks and Recreation Department.

15. Upon starting her position, Ms. Almandinger immediately discovered extensive corruption throughout the Parks Department, including kickbacks, impropriety, and systematic policy violations that her predecessor had left behind.

16. Ms. Almandinger took decisive action to address these problems. She placed Golf Superintendent Aaron Borland on administrative leave after police confirmed he admitted to taking vendor kickbacks.

17. Ms. Almandinger reformed the department, implemented proper procedures and accountability measures, and generated the first profit in the golf course's history during fiscal year 2022-2023.

18. In response to the City's efforts to identify corruption and graft within the City of Carthage, opponents formed a political action committee called Carthage Citizens United to oust Mr. Dagnan from his role as City Administrator.

19. Carthage Citizens United endorsed city council candidates and invested more than \$10,000 to ensure these candidates won their elections. In April 2024, the Carthage-Citizens-United-endorsed candidates won city council seats.

20. On April 17, 2024, Ms. Almandinger publicly supported Mr. Dagnan at a city council meeting. Carthage Citizens United had targeted Mr. Dagnan and had worked to elect council members specifically to remove him.

21. Ms. Almandinger stood up and stated that she had witnessed no impropriety in Mr. Dagnan's conduct and that she supported him.

22. On May 24, 2024, the City of Carthage terminated Mr. Dagnan's employment.

23. The City of Carthage replaced Mr. Dagnan with Ms. Cox.

24. In May 2024, severe storm damage forced Ms. Almandinger's department to temporarily move its office to Carthage Memorial Hall, where the American Legion also operated. The American Legion agreed to relocate to a different area within the building, allowing the Parks Department to use their space.

25. From July to October 2024, both organizations encountered no issues with this arrangement, and Ms. Almandinger's department and the American Legion maintained a cordial relationship.

26. On October 3, 2024, an unknown council member filed a complaint alleging that the Parks and Recreation Department had forced the American Legion out of their space.

27. On the morning of October 8, 2024, Ms. Almandinger met with Ms. Cox and representatives from the American Legion. During this meeting, Ms. Almandinger learned for the first time that the American Legion allegedly felt upset about the office arrangement. Ms. Cox informed Ms.

Almandinger that she would be discussed in a closed session later that evening as a matter of disciplinary action to be taken against her.

28. Also for the first time, Ms. Almandinger realized the City of Carthage was targeting her. On October 8, 2024, Ms. Almandinger reported to Ms. Cox and the city council that the City of Carthage was retaliating and discriminating against her.

From: Abi Almandinger
Sent: Tuesday, October 8, 2024 4:51 PM
To: Traci Cox <t.cox@carthagemo.gov>; Michael Miller <m.miller@carthagemo.gov>
Cc: Tiffany Cossey <t.cossey@carthagemo.gov>; Jana Schramm <j.schramm@carthagemo.gov>; Alan Snow <a.snow@carthagemo.gov>; Tom Barlow <t.barlow@carthagemo.gov>; Chris Taylor <c.taylor@carthagemo.gov>; Terri Heckmaster <t.heckmaster@carthagemo.gov>; Derek Peterson <d.peterson@carthagemo.gov>; Lori Leece <l.leece@carthagemo.gov>
Subject: Closed Session

Dear Ms. Cox and Council Members,

The City and Council actions to discipline me are an unlawful violation of RSMO 105.055 because I participated in the uncovering of unlawful conduct taking place at the City. Further, the City and Council's treatment of me is discriminatory under the Missouri Human Rights Act.

Any disciplinary action is also a violation of my due process rights.

Thank you,

Abi Almandinger
 Parks & Rec Director
 City of Carthage
 417.793.6589

29. Approximately one hour after Ms. Almandinger sent this email, she went to City Hall to speak with Mayor Dan Rife and Ms. Cox before a City Council meeting and closed session.

30. When Ms. Cox saw Ms. Almandinger coming down the hallway to her office, Ms. Cox swiftly entered her assistant's office, slammed the door in Ms. Almandinger's face, locked it, and yelled "NO!" at Ms. Almandinger. Mayor Rife witnessed this incident.

31. When Ms. Cox finally emerged, she yelled, "I would only speak to you with an attorney present." She continued, "You blindsided me. How dare you do this to me after everything I've done for you?"

32. Ms. Cox's statement was plainly referring to Ms. Almandinger's report of retaliation and discrimination.

33. Mayor Rife told Ms. Almandinger, "I will speak to the city attorney [regarding her protected complaint email] and see what he says."

34. The City Council then convened in closed session for approximately two hours.

35. On October 9, 2024, Ms. Cox requested to speak with Ms. Almandinger about the previous night's closed session. When Ms. Almandinger arrived at City Hall, she discovered that someone had deactivated her key fob. She had to ring the door buzzer for an employee to let her into the inner offices.

36. Ms. Almandinger spoke with IT Administrator Michael Keith about the deactivated key fob. Mr. Keith confirmed that he had deactivated it and stated, "I'm sorry. It's only temporary." When Ms. Almandinger asked if everyone in the City would turn on her, Mr. Keith responded, "You threatening a lawsuit really has a lot of people upset."

37. But Ms. Almandinger had not threatened a lawsuit. Ms. Almandinger had only reported unlawful retaliation and discrimination.

38. Later that day, Chief of Police Bill Hawkins, Ms. Cox, and Ms. Almandinger met regarding Ms. Almandinger's email. Ms. Almandinger reiterated that she sent the email to protect herself and not to target Ms. Cox.

39. Ms. Cox responded, "It was the exact same email that [Mr. Dagnan] sent when he filed his lawsuit. ***You sending that email changed everything.***" (emphasis added).

40. Less than two weeks later, on October 23, 2024, Mayor Dan Rife placed Ms. Almandinger on a Performance Improvement Plan ("PIP") without following any progressive discipline procedures that City policy required. The City had never given Ms. Almandinger a verbal warning, written warning, or any form of disciplinary action during her nearly two years of exemplary service.

41. The PIP contained false accusations about Ms. Almandinger removing the American Legion from their office space in Memorial Hall. These accusations lacked any factual basis, as Ms. Almandinger had never received any complaints or pushback about the plan to relocate the Parks and Recreation Department to Memorial Hall.

42. After issuing the PIP, the City never monitored Ms. Almandinger's progress or mentioned the PIP during its entire 90-day period.

43. Mayor Rife never contacted Ms. Almandinger about his conversation with the city attorney regarding her protected complaint email.

44. From October 2024 to February 2025, Ms. Almandinger experienced increasing hostility and isolation from other City employees and City Council members. In November 2024, during a Public Services committee meeting, Council members Jana Schramm and Tiffany Cossey acted aggressively toward Ms. Almandinger, challenging her on everything she said. When Ms. Almandinger asked if something was wrong, Ms. Schramm snapped that nothing was wrong.

45. Ms. Schramm and Ms. Cossey began isolating Ms. Almandinger and going directly to Ms. Cox. They started questioning Ms. Almandinger's authority and day-to-day tasks in inappropriate ways that had never occurred before.

46. On February 10, 2025, Interim Mayor Alan Snow called Ms. Almandinger into his office and suspended her without pay, effective immediately.

47. Mr. Snow provided no advance notice or explanation and stated, "This is not up for discussion." He confiscated Ms. Almandinger's keys and ordered the locks changed at the Parks and Recreation offices.

48. The next day, the Chief of Police delivered a notice to Ms. Almandinger's home containing 29 policy violations and allegations. The City fabricated these sweeping allegations and never investigated them.

49. Among the fabricated allegations, the City accused Ms. Almandinger of "going around the HR director" for authorizing an employee to work from home - an action within her authority as a department head according to City policy.

50. No one ever questioned or investigated the validity of any of these allegations. Ms. Almandinger remained suspended without pay for two weeks.

51. On February 25, 2025, the City Council met in closed session and dropped all purported 29 policy violations. In doing so, the City Council acknowledged these policy violations could not serve as a basis to fire Ms. Almandinger.

52. After the closed session meeting, Ms. Almandinger met with Ms. Cox, Mr. Snow, and Human Resources Director Michael Miller. They informed Ms. Almandinger that she would be placed on a second PIP, which would be based on the false 29 policy violations the City Council had just dropped.

53. On February 26, 2025, Ms. Almandinger returned to work.

54. Throughout this turbulent period, Ms. Almandinger maintained that the PIP was baseless.

55. Week after week, Ms. Almandinger met with Ms. Cox to discuss the purported 29 policy violations.

56. During these sessions, Ms. Almandinger showed Ms. Cox that the 29 policy violations were bogus.

57. Ms. Cox acknowledged that the 29 policy violations were bogus.

58. In late May 2025, Ms. Almandinger requested to take vacation from June 1 to June 15.

59. Before Ms. Almandinger's vacation, Ms. Cox agreed that Ms. Almandinger's PIP should be lifted. Ms. Cox promised she would recommend to the City Council that it drop the violations against her and declare her PIP completed.

60. But Ms. Cox never made this recommendation, nor did she disclose to City Council her conclusions about the baseless allegations against Ms. Almandinger.

61. Instead, on June 24, 2025, the City Council met in closed session for an hour and a half and voted to terminate Ms. Almandinger immediately, without advance notice.

62. The City Council did not explain or provide the reasons for why it fired Ms. Almandinger.

63. The City terminated Ms. Almandinger's employment because she is a 52-year-old woman with disabilities, in retaliation for reporting the City's unlawful conduct, and for supporting Mr. Dagnan's own whistleblowing efforts.

64. Ms. Almandinger has suffered damages including lost pay and benefits, emotional distress, and reputational harm.

COUNT I
VIOLATION OF
RSMo 105.055

65. Ms. Almandinger incorporates each and every foregoing paragraph of this Petition as if fully set forth herein.

66. Ms. Almandinger qualifies as a "public employee" within the meaning of RSMo. 105.055.

67. The City of Carthage qualifies as a "public employer" within the meaning of RSMo. 105.055.

68. Ms. Almandinger disclosed to the City Council, City Administrator, and other members of City administration information that she reasonably believed evidenced violations of law, rule, or regulation, and/or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

69. Specifically, Ms. Almandinger:

- a. Took decisive action to address extensive corruption in the Parks Department that she discovered upon assuming her position, including kickbacks, impropriety, and systematic policy violations that her predecessor left behind;
- b. Placed Golf Superintendent Aaron Borland on administrative leave after police confirmed he admitted to taking vendor kickbacks;
- c. Supported and corroborated Mr. Dagnan's findings regarding corruption and theft in City departments;
- d. Publicly supported Mr. Dagnan at the April 17, 2024, City Council meeting, stating that she had witnessed no impropriety in his conduct;

- e. Sent a written complaint on October 8, 2024, to Ms. Cox and the City Council reporting her concerns about the City violating her rights and engaging in potential retaliation.
70. The City of Carthage took "disciplinary action," as defined by RSMo. 105.055, against Ms. Almandinger because of Ms. Almandinger's disclosures and protected activities, including but not limited to:
- a. Deactivating Ms. Almandinger's key fob access on October 9, 2024;
 - b. Placing Ms. Almandinger on a Performance Improvement Plan on October 23, 2024;;
 - c. Creating a hostile work environment by isolating Ms. Almandinger and questioning her authority;
 - d. Suspending Ms. Almandinger without pay on February 10, 2025;
 - e. Fabricating 29 policy violations and allegations against Ms. Almandinger;
 - f. Placing Ms. Almandinger on a second Performance Improvement Plan on February 26, 2025, incorporating unfounded allegations;
 - g. Changing City Ordinance to allow charges to be brought against city "Officers"; and
 - h. Terminating Ms. Almandinger's employment on June 24, 2025.

71. Ms. Almandinger's disclosures and protected activities served as the legally sufficient causal factor in the City of Carthage's retaliation against her.

72. Ms. Almandinger has suffered damages, including lost pay and benefits, emotional distress, anxiety, depression, and reputational harm.

73. The City of Carthage intentionally harmed Ms. Almandinger without just cause, justifying punitive damages.

74. RSMo. 105.055(4) entitles Ms. Almandinger to recover reasonable attorney fees and costs.

75. Ms. Almandinger respectfully prays that this Court adjudge the City of Carthage liable for violating RSMo 105.055, and grant all relief allowed under the law, as set forth in the Prayer in this Petition.

JURY DEMAND

Mr. Almandinger respectfully demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

Ms. Almandinger respectfully prays that this Court enter judgment against Carthage, and grant the following relief, believed to be in excess of \$25,000:

1. Actual damages, including both economic and non-economic damages, including emotional distress damages;

2. Punitive/liquidated damages;
3. Pre-judgment and post-judgment interest at the maximum legal rate;
4. Equitable relief to correct for the tax consequences of receiving an award in a lump sum;
5. The costs of this action;
6. Reasonable attorney's fees; and
7. Any other and further legal and/or equitable relief that this Court deems just and proper.

Dated: December 23, 2025

Respectfully submitted,

KEENAN & BHATIA, LLC

/s/ Aaron Hadlow

Edward (E.E.) Keenan (Mo. #62993)

Sonal Bhatia (Mo. #67519)

JR Montgomery (Mo. #68281)

Aaron Hadlow (Mo. #70987)

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