

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

DANA L. MILLER)
v.)
Plaintiff,) Case No.
THE MISSOURI HOUSE OF)
REPRESENTATIVES)
JURY TRIAL REQUESTED
v.
Serve: Jay Ashcroft)
Missouri Secretary of State)
Mo. Sec. of State's Office)
600 West Main Street)
Jefferson City, Mo. 65101)
And)
DEAN PLOCHER, OFFICE OF SPEAKER OF)
THE HOUSE OF REPRESENTATIVES)
And)
RODNEY JETTON, CHIEF OF STAFF FOR)
DEAN PLOCHER, SPEAKER OF THE HOUSE)
OF REPRESENTATIVES)
Defendants.)

**PETITION FOR DAMAGES
(Under RSMo. § 105.055.7)**

I. PRELIMINARY STATEMENT

1. COMES NOW, Plaintiff, Dana Miller, by and through her attorneys of record, Kevin Baldwin, of Baldwin & Vernon, and Dennis Egan of the Popham Law Firm, and brings this cause of action against Defendant Missouri House of Representatives, Dean Plocher in his capacity

as Speaker of the House, and Rodney Jetton in his capacity as Chief of Staff for Dean Plocher as Speaker of the House, referred to as “Defendants.” This action seeks declaratory, injunctive and equitable relief, actual, and compensatory damages, and costs and attorneys’ fees in accordance with RSMo §105 *et. seq.*, for Defendants’ conduct and actions taken against Plaintiff with regard to her report and/or complaint of what she reasonably believed to be violations of Missouri House Ethics Rules, campaign laws and regulations, as well as mismanagement, abuse of authority, violations of policy, and/or a waste of public resources. As a result of those complaints, Defendants, by and through the Office of the Speaker of the House of Representatives (Defendant Plocher) and the actions of its Chief of Staff (Defendant Jetton) attempted to terminate the Plaintiff.

II. JURISDICTION

2. This action against the Missouri House of Representatives arises under §105.055.7, *et seq.*, R.S.MO., and Defendant Missouri House of Representatives is “*a political subdivision of the state, or any other instrumentality of the state*” and is therefore a “public employer” subject to §105.055 *et. seq.*

3. This action against Dean Plocher arises from his office as Speaker of the House for the Missouri House of Representatives and arises under §105.055.7, *et seq.*, R.S.MO., as Defendant Plocher, and his Office of the Speaker of the Missouri House of Representatives is “*a political subdivision of the state, or any other instrumentality of the state*” and is therefore a “public employer” subject to §105.055 *et. seq.*

4. This action against Rodney Jetton arises from his official position as “Chief of Staff” for the Office as Speaker of the House for the Missouri House of Representatives and arises under §105.055.7, *et seq.*, R.S.MO., as Defendant Jetton, and his position as “Chief of Staff” for the Office of the Speaker of the Missouri House of Representatives is “*a political subdivision of*

the state, or any other instrumentality of the state" and is therefore a "public employer" subject to §105.055 *et. seq.*

5. Jurisdiction is invoked pursuant to §105.055.7 *et seq.* R.S.MO. as the acts which constituted violations of the law were committed by Defendant occurred within one year of the filing of this Petition for Damages.

6. The Plaintiff, based upon reasonable belief at this time absent discovery, indicates that the amount of compensatory and/or special damages in controversy is in excess of \$25,000.00; in addition, Plaintiff seeks declaratory, injunctive and equitable relief, pursuant to §105.055.*et seq.* R.S.MO.

7. Costs and attorneys' fees may be awarded pursuant to §105.055.7, *et seq.* R.S.MO. and are hereby requested by Plaintiff.

III. VENUE & INDIVIDUAL LIABILITY

8. This action properly lies in the Circuit Court of Cole County, Missouri, pursuant to §§105.055.7(2), which states: "*A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. A person commencing such action may request a trial by jury.*" Plaintiff Miller chooses to bring his cause of action in Cole County, Missouri, where the primary violations occurred and hereby further requests a trial by jury on these matters.

IV. PARTIES

9. Plaintiff resides in Cole County, Missouri. Plaintiff is a resident of the State of Missouri and the United States respectively. Plaintiff was a "public employee" of the State within the meaning of RSMo., 105.055.1(2), in that Plaintiff was an "*individual performing work or*

services for a public employer” as Clerk of the Missouri House of Representatives and, therefore also working for the Office of the Speaker of the House and his Chief of Staff by association.

10. Defendant Missouri House of Representatives, hereinafter referred to as “Defendant House,” is “*a political subdivision of the state*,” and/or an instrumentality of the state as defined by RSMo. §105.055.1(3); the House of Representatives is established in Article III of the Missouri State Constitution and it, along with the Missouri Senate, comprises one-half of the General Assembly of the State of Missouri. Defendant House is the lower chamber of the legislative branch of the State of Missouri that is duly organized, established, and existing under and by virtue of the laws of the State of Missouri, with its principal place of business located at 201 West Capitol Avenue, Jefferson City, MO 65101. Service upon this defendant is proper pursuant to Missouri Rules of Civil Procedure 54.13 Defendant House is a public employer within the meaning of §105.055 *et seq.*, R.S.MO.

11. Defendant Dean Plocher, who is designated as the Speaker of the House for the Missouri House of Representatives, is hereinafter referred to as “Defendant Plocher,” and the Office of the Speaker is “*a political subdivision of the state*,” and/or an instrumentality of the state as defined by RSMo. §105.055.1(3); Defendant Plocher’s office of Speaker of the House is duly organized, established, and existing under and by virtue of the laws, regulations and/or policies of the State of Missouri, with the Speaker’s Office principal place of business being located at 201 West Capitol Avenue, Jefferson City, MO 65101. Service upon this defendant is proper pursuant to Missouri Rules of Civil Procedure 54.13 Defendant Speaker of the House is a public employer within the meaning of §105.055 *et seq.*, R.S.MO.

12. Defendant Rodney Jetton, who is designated as the “Chief of Staff” for the Speaker of the House for the Missouri House of Representatives, is hereinafter referred to as “Defendant

Jetton,” and the position of Chief of Staff for the Office of the Speaker is “*a political subdivision of the state*,” and/or an instrumentality of the state as defined by RSMo. §105.055.1(3); Defendant Jetton’s position as “Chief of Staff” for the office of Speaker of the House is duly organized, established, and existing under and by virtue of the laws, regulations and/or policies of the State of Missouri, with the Chief of Staff’s principal place of business being located at 201 West Capitol Avenue, Jefferson City, MO 65101. Service upon this defendant is proper pursuant to Missouri Rules of Civil Procedure 54.13. Defendant Chief of Staff for the Speaker of the House is a public employer within the meaning of §105.055 *et seq.*, R.S.MO.

V. FACTS COMMON TO ALL COUNTS

13. Plaintiff Miller has been employed by the Missouri House of Representatives for more than 23 years. Plaintiff has been subjected to retaliation based upon her reporting of possible campaign violations and/or ethics violations by Defendant Plocher and what she believed to be violations of law, regulations, policies and constituted mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, and/or breaches of professional ethical canons.

14. Prior to working for the House of Representatives, Plaintiff had performed an undergraduate internship with the Missouri State Senate in 2000, and maintained employment with the Missouri Consolidated Health Care Plan and the Missouri Department of Elementary and Secondary Education. Plaintiff has been a state employee since August 1993.

15. Plaintiff began working for the Defendant House of Representatives on March 29, 2001.

16. Plaintiff was hired as a Journal Clerk in the office of the Assistant Chief Clerk-Procedures. Plaintiff received consistent merit promotions while completing a graduate program

for a master of public affairs (MPA) at the University of Missouri-Columbia.

17. After her graduation, Plaintiff was promoted to a Senior Legislative Specialist-Procedures.

18. In January 2013, Miller was promoted to the position of Assistant Chief Clerk-Director of House Procedures, a role in which she oversaw House chamber procedure, House Journal production, and committee records and procedure. Plaintiff directly supervised eight employees and advised Representatives and their staff on parliamentary and legislative procedure.

19. In October 2018, Miller was appointed as acting Chief Clerk and Administrator and was officially confirmed on January 9, 2019, by a unanimous vote of the elected representatives.

20. Plaintiff was unanimously reconfirmed as Chief Clerk and Administrator on January 6, 2021, and January 4, 2023.

21. The Chief Clerk is a constitutional officer, serving as the custodian of legislative records for the House, certifying the membership of elected representatives, and submitting enrolled bills to the governor.

22. As the Chief Clerk and House Administrator, Plaintiff also serves as an Officer of the House and oversees day-to-day House operations, including the management of eight non-partisan administrative staff divisions and over a hundred full-time staff, all of whom report to the Chief Clerk.

23. In addition to Plaintiff's primary work as the Chief Clerk and Administrator, Plaintiff was appointed in 2011 to serve as a member of the Missouri State Capitol Commission, which oversees preservation and restoration efforts for the Missouri State Capitol. Plaintiff served as chair of the Commission from 2013-2019 and as a current member of the Commission, continues to coordinate efforts to renovate and restore the historic Missouri State Capitol Building.

24. Upon being elected as an officer of the House, Plaintiff subscribed to the following oath, which is administered in open session of the House: "*I do solemnly swear to support the Constitution of the United States and of this State and to faithfully demean myself in office and to keep the secrets of the House.*"

25. Despite the oath requiring the Chief Clerk to "*to keep the secrets of the House*" that does not include ignoring and/or engaging in unethical and/or illegal behaviors or violations of House rules, regulations and/or policies enacted by the House. Plaintiff's allegiance is to the House as an institution and the legislative body as a whole and not to individual Representatives of either political party.

26. An officer of the House of Representatives serves for a two-year term unless removed by a majority vote of the elected representatives.

27. Plaintiff's position also serves as a liaison to the Committee on Administration and Accounts, which oversees the financial and business affairs of the House. Plaintiff advises and at times takes direction from the committee in the administration of House policy and the \$22 million annual House operating budget.

28. During her 23 plus years of House service, Plaintiff has worked under the direction of eleven (11) House Speakers. During her 23-plus years of House service, Plaintiff never received a negative performance review. Plaintiff's performance was consistently rated as "exceeds expectations" and her work ethic was described as "conscientious" "outstanding," and "invaluable."

29. As Chief Clerk and Administrator, Plaintiff received bipartisan recognition from numerous Representatives and former House Leadership, who have referred to Plaintiff as a "dedicated public servant" whose "knowledge of House rules and procedures is unparalleled".

Plaintiff has also been referred to as providing “outstanding leadership for the Missouri House of Representatives.”

30. In 2020, Dean Plocher was elected by the Republican caucus to serve as the House Majority Floor Leader. On September 14, 2021, Plocher was designated by his caucus to serve Speaker-designee. The Republican party is currently the majority party that controls the Missouri House of Representatives, holding 111 of 163 seats. The caucus vote signaled that Plocher would in all likelihood be elected as Speaker of the House in January 2023.

31. At that time, Plaintiff’s relationship with Plocher was cordial, and Plocher said in the presence of his then-chief of staff Ryan Nonnemaker that given Plaintiff’s experience and institutional knowledge, he assumed that she would automatically stay in her position after Plocher became Speaker.

32. On or about May 5, 2022, Plaintiff privately counseled then Rep. Plocher, who had engaged in actions deemed as possible rule and ethical violations with regard to his treatment of some of the Republican female representatives. Plaintiff had received several complaints regarding then Rep. Plocher’s behavior, and one Republican woman had expressed to Plaintiff that she was considering filing an ethics complaint against then Rep. Plocher over his behavior towards her.

33. Plaintiff had also overheard Plocher refer to State Representative Sara Walsh as “stupid” in the House Chamber during a session of the House.

34. Since then Rep. Plocher was going to be the future Speaker, Plaintiff felt the need to address these concerns with him as part of her role and duties.

35. Then Rep. Plocher’s reaction to Plaintiff’s sharing of those concerns was to be dismissive. He replied, ***“They are like an invasive species.”*** When Plaintiff expressed her

confusion over that statement, then Rep. Plocher clarified, “***Stupid Republican women...they are an invasive species.***”

36. On January 4, 2023, Dean Plocher was elected Speaker of the Missouri House of Representatives. The Speaker, like the Chief Clerk, is defined as an officer of the House and a constitutional officer of the state. As a state representative, Plocher subscribed to an oath of office, swearing “*that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law.*”

37. Due to legislative term limits, Dean Plocher would serve his final term in the House ending in 2024. Plocher previously announced his intention to run for the office of Lieutenant Governor in the 2024 election. (On February 27, 2024, Plocher filed as a candidate for the office of Missouri Lieutenant Governor.)

38. On May 17, 2023, Plaintiff received a call from Representative Dale Wright, who serves as the chair of the Administration and Accounts Committee. Representative Wright was appointed to his chairmanship by Speaker Plocher.

39. Representative Wright asked the Plaintiff to attend a presentation of a constituent management application called “Fireside.” Representative Wright wanted Plaintiff to provide feedback as to whether the program would be beneficial for official (state) use. Wright thought that it might be better suited for campaign purposes but wanted Plaintiff’s thoughts. Due to past experience with third-party vendors in her various capacities and years of service to the House, Plaintiff was skeptical but agreed to sit through the presentation.

40. On May 19, 2023, Plaintiff was contacted by Chris Roepe, a lobbyist with John Bardgett & Associates. Roepe, along with John Bardgett, represented FiscalNote, a tech provider

that specializes in data management tools. Based upon information and belief, FiscalNote is the parent company of the Fireside constituent management application. A meeting was scheduled on June 5 for a Fireside demonstration.

41. On May 30, 2023, Speaker Plocher met with Plaintiff and his chief of staff Kenny Ross. The meeting took place in the Speaker's office. Plocher indicated that he believed that the House Constituent Management (CM) program was outmoded and he wanted to purchase a new constituent management software. Plocher stated that his assistant had been working directly with lobbyist John Bardgett, who was representing FiscalNote, the parent company of the Fireside application.

42. Plaintiff told Speaker Plocher that Rep. Wright had already asked her to attend a Fireside demo. **Plaintiff voiced concerns regarding outsourcing this service since the in-house House CM program was developed by House staff, was maintained internally using registered voter data obtained directly from the Missouri Secretary of State, and was recently revamped in late 2022 utilizing user-driven guidance.**

43. Speaker Plocher dismissed Plaintiff's remarks and instead responded, "We need to get this program [Fireside] up and going before the next campaign cycle kicks in."

44. Plaintiff was alarmed to hear the Speaker of the House connect the purchase of a CM program using state funds with any type of campaign activity. Both Kenny Ross and Plaintiff explained that programs purchased with state funds and data maintained for official state use could not be used for campaign purposes, which would likely be a violation of both state and federal campaign laws.

45. Speaker Plocher would not acknowledge those concerns, stating that "we need to get Jon Patterson on this." Representative Jon Patterson is the House majority floor leader and the

Republican caucus' speaker designee; he most likely will be sworn in as the next speaker of the House in 2025.

46. Following this meeting, Plaintiff's assistant told her that Rep. Wright had stopped by her office several times while she was meeting with Speaker Plocher. When Plaintiff called Rep. Wright, he stated that Speaker Plocher had talked to him earlier that day about moving forward with purchasing the program.

47. During their discussion, Rep. Wright told Plaintiff that he "*had concerns that Speaker Plocher's push to purchase Fireside was directly related to a large campaign donation*". He asked Plaintiff to attend the Fireside demo as a courtesy but to not make a commitment.

48. Speaker Plocher is known to be close to lobbyist John Bardgett. On August 17, 2022, the Blitz, Bardgett & Deutsch law firm announced that the firm had hired Dean Plocher.

49. Lobbyist John Bardgett's father, former Missouri Supreme Court judge John E. "Jack" Bardgett, was a founding member of the Blitz Bardgett & Deutsch law firm.

50. Plaintiff attended the Fireside demo on June 5, 2023. The meeting was facilitated by Chris Roepe (lobbyist). Danyale Bryant (Representative Wright's staff) and Matthew Ross (application developer for House Information Systems) were also present. Scott Crosby, a representative of FiscalNote, presented.

51. After learning that the Fireside program was cloud-based, Plaintiff expressed serious concerns about potential data breaches as well as the integrity of the voter data upload. Plaintiff was also concerned to hear Crosby say that "*the speaker and [House] leadership 'own' all of the data*" and that they have access to run 'reports.'" The speaker currently is not given access to "all" of the data in the existing in-house CM program. Rather, the registered voter data for each district is maintained separately and access is district-specific; granted only to the state

representative and their legislator assistant.

52. Plaintiff was also alarmed at the cost, which was \$388,000 ***biennially***, with a minimum two year commitment and an automatic renewal clause - a large expenditure that was not in the House budget and which given the cost effective nature of the current in-house system seemed to be a potential unnecessary waste of public funds and/or resources. Concerns Plaintiff shared with leadership.

53. Following the Fireside demonstration, a conference call was held with Dale Wright, Danyale Bryant, Matthew Ross, and Plaintiff. **The general consensus of the group was that the program was risky, expensive, and not needed.** Plaintiff also expressed privacy concerns and the potential legal ramifications involved with sharing voter data with a third party vendor.

54. Rep. Wright then asked that the staff to put together a comparison summary of the Fireside program and the in-house CM program. Rep. Wright indicated this comparison would be helpful information so that he could advise Speaker Plocher that the Fireside program was not needed.

55. Later that afternoon, Rep. Wright called Plaintiff on her cell phone. Rep. Wright said he wanted to speak to Plaintiff privately, and reiterated that Speaker Plocher “*wanted to get the program purchased.*” Rep. Wright told the Plaintiff that “*this just does not feel right*” and again stated he thought Speaker Plocher would receive a sizable campaign donation from John Bardgett in exchange for entering into the contract. Plaintiff and Representative Wright agreed that they would not move forward due to their shared concerns.

56. In a June 9, 2023 phone conversation, Speaker Plocher asked Plaintiff if she had attended the Fireside demo and wanted to know her opinion. Plaintiff indicated her concerns that the program was expensive and not needed and could potentially be a legal risk. Plaintiff clearly

stated her opposition to the program as both legally questionable and a waste of tax payer money. Plocher responded, “Ok” and abruptly ended the call.

57. On June 12, 2023, Plaintiff responded to Rep. Wright's request for a comparison of the two programs, detailing her concerns in a 12-page memo that she emailed to Rep. Wright.

58. In addition to the requested comparison summary, Plaintiff provided a 25-year history of House constituent management platforms, the security advantages of the current in-house software, and her concerns about outsourcing the program. Representative Wright responded to Plaintiff by complimenting her “*very detailed summary.*” He committed to review the memo in greater detail and said he would contact Plaintiff to discuss “next steps.”

59. On June 13, lobbyist Chris Roepe also sent Dale Wright and Danyale Bryant a comparison of the House CM program and Fireside. In an email entitled “MO House CRM comparison”, Roepe forwarded information from Scott Crosby with FiscalNote. Crosby asserted that the House CM application was a Microsoft Access database or other “legacy system”, which was inaccurate.

60. Mr. Crosby also stated that “*Fireside offers more than 150 advanced analytics and reports, providing insights into constituent behavior and messaging effectiveness.*” Plaintiff asked House Information Systems Staff to prepare a response. Application Developer Matthew Ross responded that Microsoft Access “*has not been a part of any iteration of the House CM system since its creation in 2006*” and hadn't been used in connection with constituent management since 2003. Ross further indicated the term “*messaging effectiveness*” was a “*red flag that is describing campaigning tools.*”

61. On June 14, Plaintiff forwarded Ross' remarks to Representative Wright and Danyale Bryant.

62. It was Plaintiff's belief at this time that Representative Wright was going to help convince Speaker Plocher to reverse course on the Fireside software. However, through the summer of 2023, the pressure to enter into a contract with FiscalNote for the Fireside program intensified. Rep. Wright told Plaintiff in a number of documented conversations in June, July, and August that Speaker Plocher was still determined to enter into a contract with FiscalNote, and he wanted the Fireside program "up and going" by mid-August.

63. During these conversations, Rep. Wright repeated to Plaintiff that he thought the push to enter into the contract was about "*money*" and "*large campaign donations*." Rep. Wright said Dean Plocher was "*motivated to raise money for his upcoming campaign for Lieutenant Governor*" and that his favorite expression was, "*Smile and dial*" [for donations.]

64. Rep. Wright also told Plaintiff that the Speaker was not happy that she was opposing the contract. In a July 10, 2023 voicemail, Rep. Wright relayed that "*Dean [Plocher] ... is really pushing to go forward with this CRM program...*" Wright repeated that "*Dean is saying we are going to go forward with this*" and "*Dean says you work for him and you will do what he says.*"

65. In another phone conversation, Wright also related that Plocher was "*furious*" that Plaintiff was not cooperating with the plan to purchase Fireside and that he (Plocher) was concerned about how things would go for the Plaintiff if she did not capitulate.

66. Plaintiff understood this to be an explicit threat due to her voicing her continued opposition to what she saw as a flawed project meant only to line the pockets of a political contributor to Plocher that would result in him receiving political contributions despite the fact that the House did not need or want this expensive program.

67. In response to these statements, on July 11, 2023, Plaintiff emailed Speaker Plocher and reiterated her concerns about the Fireside contract, calling the software "*cost prohibitive*,

redundant, and an unnecessary expense.” Plaintiff also asked for the Speaker’s assistance to stop the pressure from lobbyist Chris Roepe, who was “*aggressively promoting*” the program. Plaintiff attached the June 12 memo that was sent to Dale Wright. Speaker Plocher did not acknowledge or respond to Plaintiff’s email.

68. Two days after Plaintiff emailed her concerns to Speaker Plocher, several state representatives began to send letters to Representative Wright and Speaker Plocher. The letters were virtually identical and supported “*acquiring a modern constituent services software solution.*” The letters also stated that “*it is my understanding that members of your staff have conducted a thorough analysis and ...they have found one that...can train all 163 offices in less than eight weeks. Right now...is the best time to move forward and [I] strongly encourage you to do so.*” Plaintiff later received documentation indicating that this letter was authored by lobbyist Chris Roepe.

69. In an email dated July 19, 2023, Plaintiff informed Rep. Wright that out of the seven Representatives who had, as of that date, spoken in support to outsource constituent management services, only one had ever logged issues into the in-house constituent management program.

70. Besides Speaker Plocher, plaintiff is aware of eight other Representatives who expressed support to Representative Wright regarding Fireside. Most of these representatives are known to be close associates to Dean Plocher.

71. In late July, after learning that lobbyists were escalating outreach efforts to individual members regarding the Fireside application, Plaintiff began calling members of the Administration and Accounts Committee to report her concerns.

72. On July 26, Plaintiff learned that Scott Crosby (FiscalNote/Fireside) had emailed both Speaker Plocher and Representative Wright a contract for Fireside services. The contract

indicated an effective date of August 31, 2023, and Speaker Dean Plocher was listed as the principal contact for the House of Representatives.

73. In response, Plaintiff directed House General Counsel Bryan Scheiderer to reach out to Scott Crosby and remind him of the role of the Administration and Accounts committee. Scheiderer also informed Crosby that certain House procurement policies prohibited the speaker from signing off on a contract of this magnitude.

74. Also on July 26, Plaintiff documented her concerns about the Fireside program in an email to the nine members of the Administration and Accounts committee. Plaintiff attached the June 12, 2023 memo that was originally sent to Dale Wright, along with other supporting documentation.

75. On August 4, 2023, Representative Wright told Plaintiff that he had informed John Bardgett (lobbyist) that he didn't think the contract for Fireside would move forward, due in part to the issues that Plaintiff had expressed. In response, Bardgett explicitly stated, "***Dana needs to watch out; I don't always play by the rules.***" Representative Wright repeated this statement to Plaintiff and later relayed this statement to his staff, Danyale Bryant as well as his legislator assistant Angela Branstetter.

76. Plaintiff understood this to be an explicit threat to her job and to her well being.

77. Plaintiff continued to receive inquiries and complaints from Representatives and staff regarding the lobbying efforts to promote the purchase of Fireside. (Emails from legislative assistants and conversations with members) A number of individuals reported that FiscalNote representatives from Washington, D.C. were contacting member offices directly to set up demonstrations of the Fireside program.

78. On August 8, 2023, Plaintiff sent an email to all 163 House members and their staff,

again outlining her concerns about the program as well as concerns about the lobbying efforts. Plaintiff attached a copy of the June 12 memo to Wright, as well as a copy of the House Policy Handbook containing the procurement policies, the House financial control plan, as well as the fiscal year 2024 House budget request. All of which they were attempting to circumvent.

79. Despite Plaintiff's efforts, lobbyists and representatives of FiscalNote continued to aggressively push the program, even (paying) to appear as "sponsors" at the 2023 summer caucus meetings of both the Democrat and Republican parties to perform "classes" of the Fireside application.

80. Comments relayed by Representative Wright threatening Plaintiff's employment also continued to escalate. On August 18, 2023, Rep. Wright told Plaintiff that the Speaker had said he "would take it to a vote" to remove her as chief clerk based upon her opposition to Fireside.

81. Rep. Wright seemed to support Plaintiff's position, but he also made repeated statements that "*I work for Dean.*" Plaintiff felt that Wright wavered on the matter, perhaps out of concern for losing his chairmanship, or because of pressure from the lobbyists, or both.

82. Throughout this time, Plaintiff consulted with House Counsel Bryan Scheiderer as well as the Speaker's Chief of Staff Kenny Ross. Ross agreed with Plaintiff's concerns and he supported her position on the matter.

83. Plaintiff and Ross discussed various actions, and agreed on Plaintiff's reporting the concerns about the contract to the House Administration and Accounts committee, and later, to House Ethics Committee Chair, Representative Hannah Kelly.

84. On September 12, 2023, the Administration and Accounts committee held a hearing on the matter.

85. Although the committee ultimately voted to keep the current in-house system, prior

to the hearing Representative Wright continued to send mixed signals to Plaintiff as well as to his staff, even telling Danyale Bryant multiple times that he wanted to provide an opportunity for the lobbyists and officials from Fireside to do a presentation of their product at the hearing. Wright told Plaintiff that Scott Crosby planned to attend the committee meeting.

86. Because of these contradictions and given that Representative Wright had asked Plaintiff and House Information Systems staff to testify before the committee, Plaintiff sent Representative Wright an email before the hearing, again outlining her ongoing concerns and asking him to do the right thing as chairman and put a stop to the Fireside matter.

87. At the hearing, citizen opposition to outsourcing the constituent management program was strong. Although Representative Wright offered several opportunities for other individuals to "present" information to the committee, Scott Crosby and Chris Roepe, who were were in attendance, declined to speak.

88. Following the public hearing, the Capitol press corps started to sunshine documents relating to Fireside and FiscalNote.

89. After these events, Plaintiff also became aware of a campaign finance and ethical issue related to Dean Plocher.

90. In the midst of the constituent management matter, Plaintiff also became aware that Speaker Dean Plocher submitted expenditures for reimbursement using public funds through his state expense account that had already been reimbursed through one of his campaign accounts.

91. On June 22, Plaintiff received a phone call from Plocher. During the conversation, Plocher informed Plaintiff that he planned to attend several conferences and wanted to know if the House policy limiting members to a \$2,000 reimbursement cap per occurrence applied to him.

Plaintiff told him that as Speaker, he had discretion over the House budget. Plaintiff indicated that the Speaker could utilize “leadership funds” from the House general operating budget to pay for the travel as opposed to his member expense account, but she cautioned that the optics might not look good, and his travel expenses were subject to sunshine requests. Plaintiff told Plocher to speak to his campaign advisors or his chief of staff Kenny Ross before making any final decisions.

92. On July 5, 2023, Plocher’s assistant showed Plaintiff a hotel estimate (approximately \$3,500) and airfare receipt for a July 2023 trip to Hawaii to attend the Uniform Law Commission (ULC) annual meeting. Plaintiff noted that the airfare (Southwest Airlines; \$1,199.60) was purchased back on January 16?, 2023 and was therefore not eligible for reimbursements due to the House policy requiring expenditures to be reimbursed within 90 days of purchase.

93. Plaintiff later mentioned the travel expenses to Danyale Bryant. As a staffer for the Administration and Accounts committee, Bryant routinely approved member travel requests. Bryant indicated that she was uncomfortable with the speaker's request to relax the \$2,000 travel limit policy. Plaintiff and Bryant agreed that Speaker Plocher and Rep. Dale Wright would have to work through the matter because Plaintiff was already at odds with the Speaker over the constituent management matter and she couldn't fight him on all fronts.

94. Plaintiff also mentioned to Bryant that Plocher's airfare was purchased in January 2023 and that if he tried to be reimbursed for it, Plaintiff “would have another battle to fight.”

95. On July 13, 2023, Bryant informed Plaintiff that she had reason to believe that Plocher had already been reimbursed through his campaign for the \$1,199.60 Southwest Airlines ticket to Hawaii. Plaintiff subsequently pulled the April 16, 2023 “Plocher for Missouri” quarterly campaign finance report on file with the Missouri Ethics Commission (MEC) and confirmed that

a Southwest Airlines ticket for \$1,199.60 to Hawaii for a "ULC" conference had been paid by Plocher's campaign on January 17, 2023. However, the MEC report did not show itemized receipts.

96. Plaintiff questioned if Plocher had purchased a ticket for his wife using campaign funds.

97. State Representatives, like all state employees, are required to sign a statement on every expense account form that states: "*I hereby certify the above claim is correct; that these expenses were necessary to conduct public business of the state, and payment has been made from personal funds for which I have not been reimbursed, nor will I receive from any source any payment for these expenses.*"

98. On August 7, 2023, Plocher submitted a signed expense account form claiming reimbursement from "leadership funds" for expenses relating to his trip to Hawaii. In addition to claiming \$3,663.17 for hotel expenses, Plocher also submitted \$1,199.60 for the Southwest Airlines ticket to Hawaii.

99. On Friday, August 11, at 8:56 AM, the House Administration Division sent an email to Dean Plocher's assistant, denying the airfare reimbursement because it violated House Policy G1, (Representative Expense Accounts) regarding the 90-day deadline for reimbursement.

100. At 10:03 AM, Dean Plocher called the Plaintiff and demanded that the House reimburse him for the airfare. The phone call was very contentious. Plocher stated that he had "saved the state of Missouri" a substantial amount of money on the ticket by booking it early and told Plaintiff, "You need to pay attention when it's legitimate." Plocher restated several times that the ticket was a legitimate expense, and he should be reimbursed for it.

101. Plaintiff ultimately told Plocher that if he felt he deserved an additional exception to the House Member travel policy, he could put his justification on letterhead and re-submit the

claim.

102. Soon after this conversation, Plocher's assistant delivered a signed letter from the Speaker to Plaintiff's office. The letter requested reimbursement for the ticket and reiterated that "in an effort to save the Missouri House of Representatives an extremely large airfare expense, I purchased a one-time offer of airfare through Southwest Airlines to Hawaii at a substantially reduced rate in January 2023."

103. The airline ticket was subsequently processed for reimbursement, with a note stating that Plocher's August 7, 2023 letter and August 11, 2023 letter and telephone conversation with Plaintiff served as the final approval. Reimbursement was paid from "Leadership funds" (the general House operating budget) and not deducted from Plocher's expense account allotment.

104. In the following weeks, it was discovered through an internal audit that Dean Plocher had sought reimbursements for a number of items that had already been reimbursed through his campaign.

105. In addition to the airline ticket, there were seven additional reimbursement requests, totalling \$4,309.04 that were also reimbursed through the "Plocher for Missouri" campaign. Of that amount, due to House policy travel reimbursement limits, the total amount of state funds paid to Plocher that also appear as paid campaign expenditures \$3,529.94.

106. Additional reimbursements made to Plocher for certain mileage and rental car fees that also may have been paid with campaign funds are still under question.

107. Plocher's wife, Rebecca Plocher, serves as Plocher's campaign treasurer.

108. Plaintiff discussed with Kenny Ross various options to report this activity.

109. Plaintiff decided to report the matter to Representative Hannah Kelly, Chair of the House Ethics Committee. Plaintiff had several phone conversations with Representative Kelly,

and they agreed to meet on October 5 to discuss in full detail Plaintiff's concerns regarding the Fireside matter as well as Plocher's expense account issues.

110. On October 3, Plaintiff was asked to meet with chief of staff Kenny Ross. Ross informed Plaintiff that Dean Plocher's campaign consultants, David Barklage and Jon Ratliff, wanted Kenny Ross to deliver a message. They believed that Plaintiff was working with the press on another news story regarding Speaker Plocher's expense accounts and they wanted the Plaintiff to "back off." They were there to communicate an explicit threat.

111. Ross told Plaintiff that if she did as requested, Speaker Plocher would "let it go."

112. Ross also informed her that the consultants also stated that the Republican caucus "hated" Plaintiff, as well as Kenny Ross and other House staff who opposed the Fireside contract.

113. Plaintiff took this conversation to be yet another threat against her continued employment.

114. Although Plaintiff was **not working with any members of the press on a story** about Dean Plocher's expenses, a public employee who speaks to the news media regarding "mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources" is protected activity under Missouri state law. Plaintiff believed that she was being targeted as a "whistleblower."

115. On October 5, 2023, Jason Hancock with the Missouri Independent submitted a sunshine request asking for expense account reimbursements for Speaker of the House Dean Plocher and Representatives Jon Patterson and Crystal Quade.

116. On October 5, 2023, Plaintiff met with Representative Hannah Kelly, Chair of the House Ethics Committee. Plaintiff reported her concerns related to the Fireside issue as well as the "double-dipping" that had been discovered in his state expense account and his campaign.

117. Plaintiff was reporting what she believed to be policy violations, potential violations of campaign laws, abuse of authority, mismanagement and a waste of public funds.

118. On October 17, 2023, Dean Plocher began writing checks back to the House of Representatives. Among other items, Plocher reimbursed the House for the \$1,199.60 airline ticket to Hawaii for the ULC conference. Plocher ultimately reimbursed the House a total of \$3,998.24 for expenses wrongly submitted for reimbursement.

119. On October 23, 2023, the Missouri Independent published an article detailing Dean Plocher's expense account issues.

120. After this, Plaintiff was subjected to further employment retaliation due to the opening of the ethics investigation related to the complaints and information shared by Plaintiff.

121. On October 17, 2023, Dean Plocher fired Kenny Ross. Shortly after the termination, Mr. Ross was told by Dean Plocher's campaign consultant Jonathan Ratliff that Ross was fired because he "didn't stop 'Danagate'" (the Fireside matter).

122. Upon learning this information, Plaintiff voiced concerns to Lori Hughes, the Human Resources Officer and Director of House Administration, that Dean Plocher had violated several House policies, including the policy on progressive discipline and immediate termination. Plaintiff also expressed concerns that Ross was a potential whistleblower.

123. At 2:53 PM, Plaintiff called Representative Kelly and expressed her concerns that Ross was unlawfully terminated. Representative Kelly agreed with Plaintiff's intention to contest the termination.

124. At or around 3:15 PM, Plaintiff called Dean Plocher. HR officer Lori Hughes was present during the conversation. Plaintiff explained to Plocher that his actions had *placed a significant legal risk to the House and that to the extent that the situation could be mitigated,*

Kenny Ross would remain on the House payroll, on administrative leave, until a resignation was received or until the matter was otherwise settled.

125. In response to this, Speaker Plocher demanded a “legal analysis” from Plaintiff.

126. On October 18, Dean Plocher sent a letter to Lori Hughes accusing Ross of stealing files after he was terminated. Because Plocher did not involve Human Resources in the termination process, this claim could not be substantiated. Kenny Ross vehemently denies this charge.

127. On October 20, Plaintiff requested an advisory opinion from the House Ethics Committee regarding her decision to retain Mr. Ross on the House payroll.

128. Plaintiff first appeared before the House Ethics Committee on October 27, 2023. In her statement to the committee, Plaintiff noted that Speaker Dean Plocher had violated a number of House policies in the termination of Mr. Ross, including the House Policy on Progressive Discipline.

129. At that time, Plaintiff also stated her concerns of retaliation directed against other House staff in response to the Fireside matter.

130. The committee also reviewed a memo prepared by House General Counsel Bryan Scheiderer that outlined the events leading up to Ross’ termination. In this memo, Scheiderer detailed the events relating to the Fireside matter and also raised concerns about Plocher’s expense account reimbursements.

131. By this time, Mr. Ross had accepted a job with the Missouri Senate, so the payroll issue would be resolved in December 2023.

132. Also on October 27, Representative Chris Sander filed a formal ethics complaint against Dean Plocher. That complaint was referred to the House Ethics Committee on Monday, October 31, 2023.

133. Also on October 31, 2023, the publicly disgraced former House Speaker, Rod Jetton, reached out to Plaintiff. Jetton indicated that he had been offered the chief of staff position vacated by Kenny Ross and wanted to talk to Plaintiff to get her perspective on if he "could help."

134. Plaintiff agreed to meet with Jetton in General Counsel Bryan Scheiderer's office.

135. During the meeting with Jetton, Plaintiff expressed confusion as to why Jetton would be asked to fill this role given his scandal-ridden past and his admitted addiction to alcohol, which he had previously attributed to being fueled by his political career and the influence of lobbyists and the special interests that he described as the "capitol culture " in his book and past interviews on his time and departure from Missouri politics.

136. Jetton told plaintiff that he attended AA meetings and was not concerned about the influence of alcohol, but was concerned about the addiction to "power."

137. Jetton further stated that Dean Plocher was "seeing a lot of ghosts" and he felt that he could "get things calmed down" between Plaintiff and Speaker Plocher.

138. On November 2, Julie Baker emailed Lori Hughes, Dean Plocher, and Plaintiff a letter giving notice of her resignation as the Speaker's general counsel. Ms. Baker's letter noted that due to "recent events" her "departure [from the speaker's office] is now necessary." Baker indicated that she would provide at least two week's notice, making her resignation effective Friday, November 17, 2023.

139. That same day, Rod Jetton informed Plaintiff that he had decided to accept the Chief of Staff position to Dean Plocher. Jetton expressed that he was concerned about additional negative press against Dean Plocher if it became public that Julie Baker was resigning. Jetton was enthusiastic about Plaintiff's intention to transfer Baker to the nonpartisan position.

140. On November 3, Jetton called Plaintiff and said that Dean Plocher would only be

in favor of the internal transfer if Julie Baker would rescind her resignation letter. Plaintiff told Jetton that the resignation letter was a personnel record and was therefore a closed record, but she said she would speak to Baker about it. However, Ms. Baker was adamant that she would not rescind the letter. Plaintiff ultimately told Jetton to contact Baker directly to discuss the matter.

141. Also on November 3, Plaintiff was contacted by a former House employee who warned her that Rod Jetton's intentions were not good. Plaintiff was told that Jetton was being hired to "clean house" and to try to remove Plaintiff from her position.

142. Plaintiff had a conversation with Jetton later that afternoon and she asked him what his intentions were. Jetton denied the rumor and again expressed that he thought he could "get things calmed down" between Plaintiff and Dean Plocher.

143. On November 16, Jetton was officially hired as chief of staff to Dean Plocher.

144. On November 17, Plaintiff informed Jetton that Julie Baker's internal transfer was in process and the transfer would be effective the following Monday, November 20, 2023. Jetton stated to Plaintiff that the internal transfer was no longer possible and the "deal was off" because Baker did not rescind her resignation letter.

145. In connection with this statement, Jetton also stated that the damage was already done to Dean Plocher because the press had learned about Baker's intention to resign as general counsel to the speaker and that news articles had already been written about it.

146. Plaintiff requested a meeting with Speaker Plocher and House Administration Director and Human Resources officer Lori Hughes to discuss the matter. Jetton agreed that a meeting with Dean Plocher was needed. Jetton also again stated that Dean Plocher "was seeing ghosts."

147. Plaintiff later followed up to Jetton in a text message that "this is bigger than Julie"

and that Plaintiff would not be on the wrong side of the issue and she did not want him to be either.

148. Jetton replied back with “well that's scary” and wanted to know if Plaintiff could meet to discuss.

149. At approximately 8:30 AM on Monday, November 20, Plaintiff met with Jetton in her office. Plaintiff tried to explain to Jetton that they all would be held accountable for the issues that were taking place.

150. Plaintiff again reiterated to Jetton her concerns for the retaliation that was occurring in response to the Fireside matter and that transferring Julie Baker was necessary in order to remove her from a hostile work environment.

151. Plaintiff followed up on the request for a face-to-face meeting with Plocher and Lori Hughes. Jetton indicated that Speaker Plocher would be in the office that day and committed that he would try to arrange a meeting. The requested meeting did not occur.

152. Despite the opposition by Jetton and Plocher, on November 20, Julie Baker was transferred to the nonpartisan legislative counsel position.

153. On Monday, November 21, at 12:44 PM, Plaintiff sent an email to Ethics Chair Representative Hannah Kelly and Vice Chair Representative Robert Sauls. Plaintiff relayed her concerns regarding the personnel actions involving Julie Baker, Rod Jetton, and Dean Plocher.

154. At 5:36 PM, Jetton sent an email to the House HR officer Lori Hughes asking for a list of all vacant positions in the House. He also directed Hughes to “hold off on extending any offers to prospective new hires.” Jetton referenced that due to “reorganizing staffing”, “we want to wait before bringing anyone else on at this time.” Hughes followed up to verify if Jetton’s directive included administrative staff positions that reported to the Chief Clerk. Jetton confirmed that the hiring freeze extended to all positions.

155. On November 27, Plaintiff again reached out to Jetton and asked to meet. Jetton responded that the Speaker would be in the office that day. While Jetton did not offer to facilitate a meeting with the Speaker, he said “we do need to talk about ‘the Julie thing’.”

156. On November 28, 2023, Plaintiff met with Jetton in her office. The meeting grew contentious when Jetton brought up the Julie Baker transfer. Jetton admitted that the November 21st hiring freeze was in response to “the Julie thing.” Jetton further insisted that the Plaintiff did not have the authority to transfer Baker. Plaintiff disagreed and explained that internal transfers did not require the speaker’s approval. Plaintiff reiterated that due to a variety of factors, including Plaintiff’s concern for Baker’s health as well as potential legal concerns, Jetton and the Speaker needed to let the matter go.

157. In response, Jetton asked if Plaintiff “was trying to take the Speaker out”, at times raising his voice so much that following the meeting, Plaintiff’s assistant Romona Wilkinson expressed concerns about the exchange and said that the meeting did not sound productive.

158. On November 30, Julie Baker gave notice of her resignation from the nonpartisan legislative counsel position.

159. On December 6, 2023, Danyale Bryant informed Plaintiff that Dale Wright and Rod Jetton met to discuss the chief clerk’s authority. Bryant relayed that neither Jetton or Wright knew enough about the House Rules or policies for the meeting to be productive. Dale Wright relayed that Jetton waved the House rule book back and forth and repeated, “Where does it say where she [Plaintiff] has the power?”

160. On December 6, the House Ethics Committee met. The committee voted to retain special outside counsel to conduct a complete investigation into all of the matters raised in the complaint filed by Representative Sander, including the concerns of retaliation against House staff.

161. The committee selected Beth Boggs (Boggs, Avellino, Lach & Boggs, LLC) to conduct the investigation.

162. On December 20, Danyale Bryant told Plaintiff that Dale Wright, Dean Plocher and Rod Jetton were scheduled to meet. The purpose of the meeting was to have another discussion regarding the Chief Clerk's authority. Danyale Bryant was asked to put reference material together for the meeting.

163. At 7:58 PM, Jetton emailed Kristal Hall, a Human Resource Analyst with House Administration who reports to Director Lori Hughes, and asked her to "get a job posting up for the House council [sic] position Julie just left." Kristal forwarded the email to her supervisor Lori Hughes.

164. On December 21, Plaintiff and Lori Hughes requested a meeting with Jetton to discuss his directive to post the Legislative Counsel position as well as the "hiring freeze" that Jetton had imposed on November 21. Hughes also expressed concerns about the Speaker's involvement in the selection and hiring of **nonpartisan employees** who would report to the chief clerk.

165. Jetton said that the Plaintiff had "*disobeyed a direct order*" by transferring Julie Baker into a nonpartisan job and that the Speaker "had lost all confidence in her" and would henceforth be "micromanaging" Plaintiff.

166. In support of his argument, Jetton misquoted certain House rules in citing the speaker's authority and dismissed Plaintiff's counter argument regarding rules and policies that established the Chief Clerk's authority and responsibilities. Jetton stated that Rep. Dale Wright would henceforth be making employment decisions for all House staff.

167. Also on December 21, Danyale Bryant related to Plaintiff and House General

Counsel Bryan Scheiderer that she was asked to attend the December 20 meeting with Dale Wright, Dean Plocher, and Rod Jetton. Ms. Bryant confirmed that the meeting was in fact centered around removing the Chief Clerk's authority and the conversation was very disturbing. Ms. Bryant said that Plocher and Jetton both spoke at length about ways to "restrict" Plaintiff's authority, and that Dean Plocher said that Plaintiff had extremely abused her authority. Bryant also relayed that Dean Plocher told Dale Wright that "everyone works for Dale [Wright]" and that between the Speaker and Wright, nothing would get past them. Ms. Bryant said that Dale Wright and Dean Plocher "fist-bumped" as Plocher made this statement.

168. Bryant further stated that Speaker Dean Plocher said, "The way to get to Dana is through Lori [Hughes]."

169. Bryant also related that at this same meeting, Rod Jetton said to her that they needed to "choke" the Chief Clerk's authority. Bryant said Jetton made a physical choking gesture with both hands as he made this statement. This event particularly concerned Plaintiff given the prior allegations against Jetton for his alleged physical assault on a woman.

170. After conferring with Plaintiff, at 10:13 AM on December 21, 2023, Lori Hughes sent an email to the HR staff that outlined Jetton's directive to remove the chief clerk's authority to approve hiring decisions.

171. In mid-December 2023, rumors began circulating about a number of staff directors being fired. Jessie Eiler, Director of House Research reported to Plaintiff that she had been told by a lobbyist that Jetton was making remarks lobbyists about staff changes. The lobbyist said that according to Jetton, "those who were assisting the Ethics Committee [specifically Jessie Eiler, Bryan Scheiderer, and Lori Hughes] were targets."

172. Plaintiff asked Eiler to document the information and share with Human Resources.

Ms. Eiler did so in an email to Lori Hughes on December 27, 2023, at 4:56 PM.

173. Also on December 27, at 5:28 PM, Rod Jetton sent Lori Hughes a revised job description for the Legislative Counsel position. The updated job description added references to the Speaker's "control" over all House employees. The position description was also changed to show that the counsel would report jointly to the chief clerk and the speaker. The updated job description was subsequently posted.

174. Jetton also informed Lori Hughes that the Plaintiff might not be involved in the interview process for the Legislative Counsel position, even though the position reported jointly to the Chief Clerk.

175. Also on December 27, Plaintiff heard for the first time that House Communications Director Ben Peters' job was being targeted as well.

176. On January 4, Plaintiff met with Kenny Ross. Ross also had heard that House Communications Director Ben Peters was being targeted because Peters "wasn't partisan enough." Ross shared an office with a Republican Senate caucus staffer who told Ross that Jetton planned to hire him to replace Peters.

177. Ross also expressed concerns about the ability of the House Ethics Committee to complete an investigation given the overarching power of the Speaker. Because of Plocher's authority, Ross felt that some members of the Ethics Committee might be compromised and that Dean Plocher would not be held accountable.

178. On January 4, at Rod Jetton's request, Danyale Bryant completed a 17-page document that cited every reference of the Chief Clerk's authority under the Missouri Constitution, the Missouri Revised Statutes, the Rules of the House of Representatives, as well as the House Policy Handbook and the House internal financial control plan. The document was titled, "Chief

Clerk Authority.” Bryant emailed the document to Dale Wright and to Jetton, who responded with, “Excellent work! This is very helpful!”

179. On January 5, Dean Plocher appointed the Special Committee on Policy Review. Although the letter creating the five-member committee did not establish the committee’s purpose, subsequent committee hearing notices have referenced discussions on “House Human Resource policies”, “Administration and Accounts Chair policies”, and “conflict in [House] rules and [House] policy.”

180. Later, on January 5, Plaintiff met with HR officer Lori Hughes. She was distraught and was sobbing. Hughes told Plaintiff that Rod Jetton had just met with her and told her “terrible things” and he said she could not share with Plaintiff, even though Plaintiff is Hughes’ direct supervisor. Hughes said she believed Jetton and Dean Plocher were giving her a “loyalty test” and if she told Plaintiff what Jetton said, she would be fired. Hughes was visibly shaking.

181. Fearing for Hughes, Plaintiff told her that she need not provide the information.

182. While Plaintiff was in Hughes’ office, she received a call from Ryan Clearwater (chief of staff to majority floor leader/speaker designee Jon Patterson). Mr. Clearwater told Plaintiff that he, too, had heard the rumor about Dean Plocher/Rod Jetton’s plans to fire Ben Peters.

183. When Plaintiff repeated this statement aloud, Hughes began nodding “yes.”

184. After the conversation with Clearwater, Plaintiff reassured Hughes that she didn’t reveal anything Jetton had said. During this meeting, Hughes also stated to Plaintiff that Jetton had plans to fire Erica Choinka (the speaker’s legislative director).

185. Plaintiff subsequently met with Representative Jon Patterson and his staff on January 8, 2024. Plaintiff requested Patterson’s help to stop the retaliatory threats and bullying that Rod Jetton and Dean Plocher were perpetuating against House nonpartisan administrative

staff.

186. On January 9, 2024, Administration and Accounts Vice Chair Representative Peggy McGaugh gave General Counsel Bryan Scheiderer a copy of a proposed change to the House progressive discipline policy (House Policy B-7) that Representative Wright's office had prepared. The proposal removed all references to the "Chief Clerk" and replaced it with the words "Chairman of Administration and Accounts", which would remove the Plaintiff's authority to discipline or terminate staff.

187. Representative McGaugh was very concerned about the proposal and stated that it was clearly retaliation aimed against the Plaintiff.

188. This policy is the same progressive discipline policy that Dean Plocher violated when he terminated Kenny Ross on October 17, 2023, and to which Plaintiff referenced in her statement before the Ethics Committee at its first hearing in October of 2023.

189. Later on January 9, Plaintiff met with Danyale Bryant, who confirmed that she had been asked by Plocher's staff Rod Jetton and the new majority caucus counsel William Hampton Williams to prepare the proposed changes to the progressive discipline policy. She also said that she was aware that the Speaker wanted the Administration and Accounts Committee to adopt the changes and then have Representative Wright fire certain staff.

190. Danyale Bryant specifically mentioned that she knew that Communications Director Ben Peters was a target.

191. Plaintiff subsequently met with Representative McGaugh, Representative (and Speaker designee) Jon Patterson, and Representative Dave Griffith, who is also a member of the Administration and Accounts committee. Plaintiff again asked Representative Patterson and the other members to help the administrative staff and to stop the mounting retaliation.

192. On January 10, Plaintiff formally documented the Jetton “choking” statement and emailed it to Lori Hughes. Plaintiff discussed this action privately with Danyale Bryant before doing so and Bryant reaffirmed that Jetton made the statement and the gesture. Plaintiff also informed Hughes and Scheiderer that she would no longer meet with Jetton alone and advised other female staff also not to meet with him alone.

193. On January 17, Danyale Bryant requested a meeting with Plaintiff. Bryant indicated that Rod Jetton had asked her to provide the reference where the chief clerk “supervised” the procurement officer. He said that they were “having the lawyers” look at it later in the day. Bryant emailed the reference in the financial and administrative control plan that indicates that the procurement officer “serves under the general direction of the chief clerk.” Bryant indicated that Rod Jetton and Hampton Williams (Plocher’s new attorney that replaced Julie Baker) had previously questioned Rademan’s role along with “nepotism.”

194. On January 23, the policy review committee met and questioned House Administration director Lori Hughes on HR policies for over an hour and a half. Again, by request this meeting was held in House Hearing Room 4 (which does not have livestream capabilities).

195. On January 29, Plaintiff received a call from Representative Scott Cupps, a member of the Administration and Accounts Committee. Representative Cupps wanted to let Plaintiff know that efforts were still being made to amend the progressive discipline plan. Representative Cupps indicated that Rod Jetton had reached out to him asking for his support to amend the policy to remove the chief clerk’s authority. **Representative Cupps indicated that Rod Jetton was “all in to take you [Plaintiff] out.”**

196. On January 30, the policy review committee again met. The committee questioned Danyale Bryant for an hour and a half on a number of House policies. Once again, the Committee

met in House Hearing Room 4 so that the hearing would not be live-streamed to the public.

197. On January 31, Plaintiff received a call from Lori Hughes informing her that Rod Jetton announced to her that Erica Choinka was being fired and they wanted “someone from HR” to conduct the termination.

198. At 12:00 PM, Ms. Hughes performed the termination in the speaker's office and Erica Choinka was escorted out of the building.

199. On February 5, 2024, Dean Plocher sent a letter to all House members regarding retention of documents, “even upon dismissal.” Plocher referenced the immediate termination clause of the progressive discipline policy and stated that “destruction of company or employee property” was grounds for immediate termination.

200. On February 9, Rod Jetton informed Lori Hughes via email that Dean Plocher and Dale Wright had decided to hire David Linton as Legislative Counsel. This was the position that was discussed in December 2023, where Jetton changed the job description so that it reported jointly to the Chief Clerk and speaker. The interview and selection process took place without Plaintiff's knowledge, even though Plaintiff would ostensibly be responsible for jointly supervising this employee.

201. On February 12, Plaintiff responded to Jetton's email and indicated that she had not been part of the interview or selection process so therefore did not feel comfortable hiring Linton. **Plaintiff further did not feel it was appropriate to spend additional state resources filling the position since the speaker's office budget had grown over \$200,000 annually since November 2023.**

202. Plaintiff suggested that if the Speaker still wished to proceed, that Lori Hughes should process Linton as a direct report to Speaker Plocher. Jetton did not respond to Plaintiff's

email but instead physically appeared in Lori Hughes' office soon after Plaintiff sent the response.

203. Hughes had told her staff that she would no longer meet with Jetton alone, so the HR staff called General Counsel Bryan Scheiderer to come to Hughes' office for the meeting.

204. The meeting was contentious, with Jetton ultimately referencing "the Rule of 82" which was an implied threat concerning a vote of the House members to remove the Plaintiff from the office of Chief Clerk. Ms. Hughes demanded a written response from Jetton, which he committed to do. However, to date, Jetton has not responded to Hughes in writing.

205. Further, on February 19, the day that Linton had planned to "onboard", Rod Jetton emailed Lori Hughes and said that Linton had a doctor's appointment and would not be able to start.

206.]To this date, Linton has never actually reported to work.

207. On March 4, 2024, the House Ethics Committee met at noon. The committee deliberated for three hours. Plaintiff later received a copy of a preliminary report prepared for the Ethics Committee by special counsel Beth Boggs. The preliminary report stated that Rep. Dale Wright has told a number of witnesses that "Dean [Plocher] hates Dana Miller and is going to go after her however he can." The report also states that "it would not be difficult for her [Miller] to establish her status as a whistleblower."

208. Although Boggs made repeated attempts to interview Dean Plocher, Plocher was able to dodge an interview and his counsel did not return calls at the time that the report was submitted.

209. The report recommends that further investigation into the misuse of Plocher's expense account is warranted. The report also recommends further investigation into the Fireside matter but would require the cooperation of Speaker Plocher.

210. Boggs noted in the concluding paragraph in the report that “**The level of fear expressed by a number of potential witnesses is a daunting factor in completing this investigation.**”

211. On March 1, 2024, renewed rumors began circulating that Rod Jetton and Dean Plocher were planning to fire Administration Director Lori Hughes. Plaintiff was also made aware of a four-page “report” that Jetton was circulating to Republican members laying out a case against Plaintiff and Hughes regarding the David Linton matter.

212. On Tuesday, March 5, 2024, because of the continued rumors relating to staff terminations, Lori Hughes, in her capacity as the House HR officer, sent an email to House Ethics Chair Rep. Hannah Kelly laying out her concerns of retaliation by Dean Plocher and Rod Jetton against House staff.

213. In the memo, Hughes mentions receiving “**numerous emails...from employees documenting their fear of being retaliated against or even wrongfully terminated**”.

214. Hughes further stated that she had told Rod Jetton that it was clear that “**Dean [Plocher] couldn't fire Dana because he would have to take a vote on the floor and that they didn't have the votes so the only way to get back at her was to start firing non-partisan staff that reported to her.**”

215. Hughes further spoke of an employee who reported to her that their supervisor said that if they cooperated with the Ethics investigation into Plocher's actions, “it would be the end of their career.”

216. Hughes finished by stating that "In my over 21 years of state government service, I have never witnessed or even been involved in such a hostile work environment that is so horrible that I am living in fear every day of losing my job."

217. The House Ethics committee met on Wednesday, March 6 to review the preliminary report prepared by the special counsel. The committee also reviewed the March 5 email that Lori Hughes sent to Chair Rep. Hannah Kelly. Plaintiff has been told that Representative Kelly attempted to take a committee vote to make a public statement that retaliation against House staff would not be tolerated. However, the committee did not act on that motion.

218. On March 8, Plaintiff was informed that Representative Kelly had prepared a number of subpoenas and had them delivered to Dean Plocher's office for signature. The requested subpoenas were for Dean Plocher, Dale Wright, Rod Jetton, Danyale Bryant, and the Plaintiff. Under House Rules and Missouri law, subpoenas issued on behalf of a member or a House committee "shall be issued under the hand of the Speaker and attested by the Chief Clerk" (House Rule 12, 104)

219. On March 9, General Counsel Bryan Scheiderer sent a memorandum to Ethics Chair Hannah Kelly, Vice Chair Robert Sauls, and Plaintiff. Scheiderer stated that "retaliation to the Chief Clerk and other administrative staff due to the 'Fireside Fallout' continues, putting the House and state funds at legal risk."

220. With regards to Rod Jetton, Scheiderer stated in the memo that "As further background, you need to be aware of the following events which occurred almost 15 years ago, as they are common knowledge to employees in the House: Rodney Allen Jetton was charged in 2009 with the Class C felony of assault in the second degree. The felony complaint alleges that Mr. Jetton "recklessly caused serious physical injury to [redacted] by hitting her on the head, and choking her resulting in unconsciousness and the loss of the function of a part of her body." The case was transferred to another county on a change of venue, and the final disposition is not a public record on Case.net. A May 2011 news article reports that Jetton "pledged guilty Thursday

to a reduced charge of misdemeanor assault, in exchange for his admission that he struck a woman and choked her during a sexual encounter at her home.” The article further reports that the defendant received a suspended imposition of sentence (which is consistent with the closed Case.net record), was placed on probation and ordered to pay \$950 in restitution to the victim.”

221. Regarding the December 20, 2023 “choking” statement and gesture made by Rod Jetton, Scheiderer further stated: “By itself, the use of the word “choke” and the hand gesture associated with a woman would be considered highly inappropriate and inflammatory workplace conduct. Given the history of [Jetton] pleading guilty to choking a woman as part of sexual encounter, the statement is inexcusable and places the House in an untenable legal position.”

222. Scheiderer privately admitted to Plaintiff that he felt “the worst kind of helpless” because he felt he could no longer do his job to protect his client [the House of Representatives].

223. On March 11, Plaintiff was informed that Dean Plocher denied the issuance of the subpoenas to compel testimony of certain witnesses. Representative Kelly followed up with email requests to Jetton, Plocher, Wright, and Bryant.

224. On March 13, when asked if the Ethics Committee’s investigation is politically motivated, Representative Dale Wright was quoted in the Kansas City Star as saying “I think we are getting there.”

225. Plaintiff testified before the Ethics Committee on Wednesday, March 13. Plaintiff was under oath and provided testimony on the record for over three hours. Plaintiff supplemented her testimony with over 400 pages of exhibits.

226. Plocher and Jetton have circulated the memo, purportedly addressed to Plaintiff but which she was never sent and/or received, which outlined their complaints and accusations against her. The memorandum has been shared in an attempt to garner support to launch a vote to remove

Plaintiff from her position as Chief Clerk of the Missouri House of Representatives.

227. Another representative who was sent a copy of the memorandum provided a copy of it to Plaintiff.

228. Subsequently, Defendant Jetton was circulating a letter to certain members of the House of Representatives which was addressed to Dana Miller, from Dean Plocher, and was related to the matters to which she had publicly objected and/or opposed. Including Defendant Plocher's desire to hire a party loyalist in the position of Legislative Counsel – which is supposed to be a non-partisan position. Based upon his recent history, David Linton, who was Defendant Plocher's pick, was anything but non-partisan. The letter is attached hereto as Exhibit A. It should be noted that although Exhibit A is addressed to Plaintiff and was circulated by Defendants, they lacked the courage to actually send it to her or make it public but instead attempted to use it to gain support to violate House Rules and/or garner support to seek to remove Plaintiff from her office.

229. Despite their concerted efforts, Plaintiff remain employed and steadfastly maintained her opposition to the abuse of authority, violations of policies, rules and laws, mismanagement and wasteful program to which Defendant Plocher and Jetton pursued to the detriment of good Missouri government.

230. These actions taken by Defendants were done in response to Plaintiff questioning the legitimacy of a purchase that far exceeded the proper use of public dollars, violation of campaign laws and regulations, violations of House rules and policies and in opposition to Defendants' abuse of power and authority and mismanagement.

231. As such, these actions were undertaken based on retaliation for whistleblowing.

232. As a result of the actions of Defendants, Plaintiff has suffered and will continue to suffer into the future emotional distress related to her having to endure these retaliatory actions

directed against her.

VI. Legal Claims

DANA MILLER'S WHISTLEBLOWER CLAIM UNDER §105.055.7, ET SEQ., R.S.MO.

233. Plaintiff Miller hereby incorporates by reference all prior paragraphs of this Petition.

234. Under R.S.Mo. § 105.055, “the employee must disclose information he or she reasonably believes evidences (a) A violation of any law, rule or regulation; or (b) Mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, breaches of professional ethical canons” See also, *Hudson v. O'Brien*, 449 S.W.3d 87 (Mo. W.D. Ct. App. 2014).

235. Plaintiff reported what she reasonably believed to be violations of purchasing policies, as well as mismanagement, a gross waste of funds, an abuse of authority, violations of policy, and/or a waste of public resources.

236. After Plaintiff Miller complained of what she reasonably believed were violations the law, rule and/or regulations; mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, and/or breaches of professional ethical canons, Plaintiff was subjected to acts of retaliation and threats of disciplinary actions directed against her by Defendants.

237. Disciplinary action under R.S.Mo. § 105.055.1(1), is defined as: “*any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee's compensation.*”

238. Defendants engaged in retaliatory and/or disciplinary actions took disciplinary

actions against Plaintiff in violation of §105.055 and her reporting and complaints (as alleged herein) were the motivating factor in Defendants' decision to target her for retaliation and/or discipline and to threaten her employment as alleged herein.

239. Plaintiff has been damaged by Defendant's actions, including, but not limited to, suffering emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to Plaintiff's damage and detriment.

240. Pursuant to §105.055(7), RSMo., Plaintiff has the right to bring a civil action for damages for the actions undertaken against her by the Defendants, which she is doing herein.

VII. Prayer for Relief

240. Wherefore, Plaintiff prays that this Court:

- a. declare the conduct engaged in by Defendants to be in violation of Plaintiff's rights;
- b. enjoin Defendants from engaging in such conduct;
- c. award Plaintiff compensatory and liquidated damages;
- d. award Plaintiff damages for emotional pain and suffering;
- e. award Plaintiff costs and attorneys' fees as allowed as a measure of damage and/or equity under R.S.Mo. § 105.055 *et. seq.*, and
- f. grant such other relief as it may deem just and proper for Defendant District's violations of R.S.Mo. § 105.055

DEMAND FOR A JURY TRIAL

Plaintiff demands trial by jury on all issues triable by a jury in this complaint.

Respectfully submitted,

By: /s/ Kevin Baldwin

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