

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Lisa J. Petricka,)	Case type: Civil
)	
Plaintiff,)	SUMMONS
)	
vs.)	
)	Civil Action No.:
The City of Faribault,)	
)	
Defendant.)	

TO: THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT:

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

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Villaume & Schiek, P.A., 2051 Killebrew Drive, Suite 611, Bloomington, MN 55425.

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

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

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

Dated: January 26, 2016

Respectfully submitted,

VILLAUME & SCHIEK, P.A.

A handwritten signature in blue ink, appearing to read "Philip G. Villaume", is written over a horizontal line.

Philip G. Villaume (#112859)

Jeffrey D. Schiek (#0305455)

Thomas H. Priebe (#0395187)

Attorneys for Plaintiff

BLN Office Park

2051 Killebrew Drive, Suite 611

Bloomington, MN 55425

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Lisa J. Petricka,)	Case type: Civil
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
)	Civil Action No.:
The City of Faribault,)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorneys Philip G. Villaume, Jeffrey D. Schiek, and Thomas H. Priebe for a Complaint against the Defendant, states and alleges as follows:

PARTIES

1. The Plaintiff, Lisa J. Petricka (“Ms. Petricka” or “Plaintiff”), at all times relevant to the actions complained of here, was a resident of the City of Faribault, County of Rice, State of Minnesota, and was a Police Officer for the City of Faribault.
2. The Defendant, the City of Faribault (“Faribault” or “Defendant”), is a political subdivision with its principal place of business located at 208 1st Avenue N.W., Faribault, MN 55021. When referring to “Defendant” or “Faribault” the Plaintiff expressly incorporates all of Defendant’s affiliates, departments, extensions, employees, and agencies including, but not limited to, the Faribault Police Department.

JURISDICTION

3. That the District Court has jurisdiction over this matter because the acts discussed below occurred in the City of Faribault, County of Rice, State of Minnesota.

FACTS

4. In approximately February of 2002, the Plaintiff, began her employment relationship with the Defendant in the Patrol Division and worked as an employee of the Defendant in different positions until her illegal termination on March 24, 2015.
5. Throughout her employment, the Plaintiff met applicable job qualifications, was qualified for the positions which she held, and performed her job in a manner which fully met the Defendant's legitimate expectations and the law.
6. The Defendant is an "employer" as defined by Minn. Stat. § 176.011 et al., the Worker's Compensation Act ("WCA").
7. The Plaintiff was an "employee" of the Defendant as defined by the WCA.
8. The Plaintiff's employment with the Defendant was within the scope of the WCA.
9. As a result of the Plaintiff's work-related injuries described in this Complaint, the Plaintiff is entitled to her rights protected and afforded under the WCA.
10. At all relevant times, the Plaintiff was a "peace officer" as defined by Minn. Stat. § 626.84, et al.
11. Prior to the Plaintiff's protected conduct, the Defendant gave the Plaintiff excellent performance reviews reflecting her superior job performance and qualifications for the job.

12. In approximately September of 2012, while at work and performing the duties of employment, the Plaintiff was injured.
13. In approximately September of 2012 the Plaintiff incurred a work-related injury and filed for workers' compensation.
14. On approximately September 4, 2013, while at work and performing the duties of employment, the Plaintiff was injured.
15. On approximately September 4, 2013, the Plaintiff incurred a work-related injury and filed for workers' compensation.
16. Pursuant to the Defendant's policy in place at the time of the Plaintiff's injury, the Plaintiff was to be paid through workers' compensation and her regular wage, in an amount that would total the Plaintiff's regular pay.
17. The Defendant's Policy 9.4, in place at the time of the Plaintiff's injury reads, in part:

Once qualifying for benefits, the employee will receive approximately 2/3 of his/her gross earnings from the worker's compensation carrier, subject to an amount established by Minnesota Statute.

It is the intent of this policy that the city will make up the difference between worker's compensation and **approximate** net pay that the employee earns. Employees will continue to accrue vacation and sick leave as if they were working their normal schedule.
18. Due to the injury, the Plaintiff was in severe pain and was housebound for a period of time.
19. The Plaintiff's paychecks following the injury did not reflect the Defendant's policy that she would be paid wages in addition to the workers' compensation pay. The Plaintiff was not paid her wages in an amount that, when combined with workers' compensation benefits, equaled her normal rate of pay.

20. Following the Plaintiff's injury, as a result of the Plaintiff's workers' compensation claims and pursuit of related benefits, on approximately November 12, 2013, the Defendant introduced a new policy that would require an injured employee to use his or her accrued paid time off to supplement workers' compensation.
21. In approximately November of 2013, the Defendant subjected the Plaintiff to pretextual discipline because of her good faith reports of violations of the law or rules, pursuit of workers' compensation rights, and other statutorily protected conduct.
22. On approximately December 23, 2013, the Plaintiff, in good faith, reported that the actions of the Defendant, in failing to pay her wages, pursuant to policy and the law, was illegal and against policy or rules.
23. After the Plaintiff's injury and the Defendant's failure to pay the Plaintiff pursuant to the policy in place at the time of her injury, the Plaintiff made multiple good faith reports regarding the Defendant's illegal action of failing to pay the Plaintiff pursuant to the policy in place at the time of the Plaintiff's injury.
24. On approximately January 7, 2014, through an email sent to the Defendant's HR department, the Plaintiff reported in good faith that the Defendant violated the law, policy, and rules related to workers' compensation.
25. On approximately January 17, 2014, the Plaintiff reported that the Defendant "intentionally and maliciously interfered" with her rights by failing to pay her pursuant to policy for the work-related injury.

26. An employee of the Defendant in the Human Resources (“HR”) department told the Plaintiff that she would be paid pursuant to the policy in place at the time of her injury and that she would not need to use accrued paid time off to supplement the workers’ compensation payments. The Plaintiff was not paid pursuant to the policy in place at the time of her injury. This was an adverse employment action taken because of the Plaintiff’s good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers’ compensation and related benefits.
27. Following the Plaintiff’s good faith reports, the Defendant stopped sending the Plaintiff’s payments to her employee mailbox. The Defendant required that the Plaintiff pick up her checks in person at a different location. When the Plaintiff picked up her checks in person from the Defendant’s employee, the envelope was opened and the Plaintiff was told that HR directed the employee to open the envelope to check the amount that the Plaintiff was being paid. These were adverse employment actions taken because of the Plaintiff’s good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers’ compensation and related benefits.
28. Following the Plaintiff’s good faith reports, she received a letter from the Defendant stating that the Plaintiff was no longer an employee of the Defendant. The Plaintiff reported this letter to the Defendant’s Administrator, Brian Anderson (“Mr. Anderson”). Mr. Anderson eventually informed the Plaintiff that she was still an employee of the Defendant. This was an adverse employment action taken because of the Plaintiff’s good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers’ compensation and related benefits.

29. The Defendant required the Plaintiff to attend and testify at court hearings but refused to pay the Plaintiff for attending those hearings. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
30. The Defendant repeatedly told the Plaintiff that she was not an employee while on leave due to her injury and could not wear her uniform. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
31. Based on, among other things, the actions of the Defendant explained throughout this Complaint, the Defendant treated other employees who were out on leave more favorably than the Plaintiff. The Defendant subjected the Plaintiff to disparate treatment in an effort to obstruct the Plaintiff's right to workers' compensation and because of her good faith reports and because she pursued her right to workers' compensation.
32. In approximately February of 2014, after the Plaintiff returned to work from her injury, the Police Chief, Andy Bohlen ("Chief Bohlen") told the Plaintiff that she needed to stop complaining about the workers' compensation policies. This was an adverse employment action taken to obstruct the Plaintiff from receiving workers' compensation benefits and because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.

33. Chief Bohlen further harassed, intimidated, and mocked the Plaintiff for her injury because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
34. In approximately June of 2014, the Defendant gave the Plaintiff an unfounded poor performance review. During the performance review, the Plaintiff was specifically asked about her workers' compensation claim. This is direct evidence of retaliation and was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
35. On approximately August 4, 2014, the Defendant gave the Plaintiff a "coaching log" for pretextual reasons. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
36. In approximately December of 2014, the Plaintiff's superiors had a meeting with the Plaintiff. During this meeting, the Plaintiff again reported, in good faith, violations of the law or rules. The Plaintiff specifically reported that she was subjected to sexual harassment and discrimination. The sexual harassment and discrimination included, but was not limited to: male police officers describing or commenting on female breasts; and being told that "women cannot do the jobs of men." In response, the Plaintiff's supervisors told the Plaintiff that none of the other female officers would come in and make complaints like the Plaintiff.

37. The Defendant's statements during the December 2014 meeting constitute violations of discrimination statutes.
38. Following the Plaintiff's workers' compensation claims, in addition to the incidents explained above, the Defendant subjected the Plaintiff to adverse employment actions including, but not limited to, failure to promote, and poor performance reviews which referenced false and retaliatory allegations.
39. The Plaintiff eventually resolved her workers' compensation claim with the Defendant, but was harassed, intimidated, and obstructed from pursuing her workers' compensation benefits. Such actions included, but were not limited to, the Defendant threatening the Plaintiff that, if she pursued her rights, the Defendant would take back benefit money that it had already paid.
40. The Defendant, its employees, and agents, intentionally obstructed the Plaintiff from seeking workers' compensation benefits by subjecting the Plaintiff to adverse employment actions and by creating a hostile and intimidating work environment.
41. The Plaintiff was obstructed from pursuing her rights to workers' compensation because the Defendant, its employees, and agents illegally and intentionally obstructed the Plaintiff from seeking and pursuing workers' compensation benefits.
42. On approximately January 5, 2015, the Defendant imposed a five-day suspension against the Plaintiff. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.

43. On approximately January 26, 2015, the Defendant placed the Plaintiff on paid administrative leave. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
44. On approximately March 16, 2015, for the first time, the Plaintiff received a "Recommendation for Termination of Employment" from the Defendant. This was an adverse employment action taken because of the Plaintiff's good faith reports of violations of the law or policy, statutorily protected conduct, and because the Plaintiff sought workers' compensation and related benefits.
45. On approximately March 16, 2015, Chief Bohlen met with the Plaintiff and gave her an ultimatum; either resign from her job as a police officer or be fired. The Plaintiff refused to resign.
46. On approximately March 24, 2015, the Plaintiff was terminated from her employment at a city council meeting. This was the final adverse action taken against the Plaintiff because of her good faith reports of violations of the law or rules, pursuit or workers' compensation, intended to seek workers' compensation benefits in the future, and because she engaged in statutorily protected conduct.
47. Prior to the Plaintiff's termination, the Defendant did not provide the Plaintiff with her rights enumerated under the Minnesota Peace Officer Discipline Procedures Act ("PODPA"), which is Minnesota Statute § 626.89, et al, and the Defendant did not provide the Plaintiff with her rights enumerated under the Defendant's own Policy and Operation Manual, stating, in part, that the Defendant must comply with the procedures

of Minnesota Statute § 626.89.

48. The reasons given for the Plaintiff's termination were purely pretextual.
49. As a result of the Plaintiff's pursuit of workers' compensation benefits, good faith reports of violations of the law, and statutorily protected conduct, the Defendant subjected the Plaintiff to numerous adverse employment actions.
50. Following the Plaintiff's workplace injuries, good faith reports of violations of the law, and statutorily protected conduct, the Defendant subjected the Plaintiff to repeated and ongoing retaliation, harassment, intimidation, and adverse employment actions creating a hostile work environment.
51. The Defendant's adverse employment actions taken against the Plaintiff, including, but not limited to, the actions explained above, constituted intentional obstruction of the Plaintiff's right to pursue workers' compensation benefits.
52. As a direct result of Defendant's illegal actions, Plaintiff has suffered lost wages, future lost wages, anxiety, humiliation, pain and suffering, mental anguish, loss of fringe benefits, attorneys' fees, and other out of pocket expenses.

COUNT I
DEFENDANT, THE CITY OF FARIBAULT AND ITS EMPLOYEES,
VIOLATION OF PEACE OFFICER DISCIPLINE PROCEDURES ACT, MINNESOTA
STATUTE § 626.89 ET. AL.

Plaintiff, for her first cause of action against the Defendant and its employees, alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth above this count and further alleges that:

53. On approximately January 5, 2015, the Defendant imposed a five-day suspension against the Plaintiff.
54. On approximately January 26, 2015, the Defendant placed the Plaintiff on paid administrative leave.
55. On approximately March 16, 2015, for the first time, the Plaintiff received a “Recommendation for Termination of Employment” from the Defendant.
56. On approximately March 16, 2015, Chief Bohlen met with the Plaintiff and gave her an ultimatum; either resign from her job as a police officer or be fired.
57. On approximately March 24, 2015, the Plaintiff was terminated from her employment at a city council meeting.
58. Prior to the Plaintiff’s termination, the Defendant did not provide the Plaintiff with her rights enumerated under PODPA, which is Minnesota Statute § 626.89, et al, and the Defendant did not provide the Plaintiff with her rights enumerated under the Defendant’s own Policy and Operation Manual, stating, in part, that the Defendant must comply with the procedures of Minnesota Statute § 626.89.

59. The reasons given for the Plaintiff's termination were purely pretextual.
60. The Defendant is liable for the acts of its employees and agents under the doctrines of vicarious liability and respondeat superior.
61. Pursuant to Minn. Stat. § 626.89, subd. 16, a political subdivision that violates Minn. Stat. § 626.89, et. al. is liable to the officer for actual damages resulting from the violations, plus costs and reasonable attorney fees. The political subdivision is also deemed to have waived any immunity to a cause of action brought under Minn. Stat. § 626.89 et. al.
62. As a direct and proximate result of Defendant's violations of the Peace Officer Discipline Procedures Act, Plaintiff has been deprived of financial and non-financial benefits of employment, including, but not limited to, lost wages, future lost wages, anxiety, humiliation, pain and suffering, mental anguish, and loss of fringe benefits, and attorneys' fees.

COUNT II
DEFENDANT AND ITS EMPLOYEES
RETALIATORY DISCHARGE
VIOLATION OF WORKERS' COMPENSATION ACT

Plaintiff, for her second cause of action against the Defendant and its employees, alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

63. From approximately February of 2002 until approximately March 24, 2015, the Plaintiff was employed by the Defendant as a police officer. The Plaintiff's employment was within the scope of the WCA; specifically, the Plaintiff's employment was within the scope of Minn. Stat. § 176.82.
64. In approximately September of 2012 and September of 2013, the Plaintiff was injured at work while performing the duties of her employment. The injuries occurred while the Plaintiff was at work, within the scope of her employment, and while the Plaintiff was performing the duties of her employment.
65. As a result of the injuries, the Plaintiff is entitled to her rights protected and afforded under the WCA.
66. Following the injuries and because of the Plaintiff's inquiries about workers' compensation and because the Plaintiff sought worker's compensation benefits, the Plaintiff was repeatedly subjected to disparate treatment, adverse employment actions, and was also subjected to harassing, hostile, and intimidating behavior while at work. As a result of the illegal and intentional actions of the Defendant, the Plaintiff's rights to seek workers' compensation were obstructed and the Plaintiff feared for her job.

67. As a result of the Plaintiff's pursuit of workers' compensation benefits, the Defendant subjected the Plaintiff to false discipline, provided incorrect information about the Plaintiff, and otherwise harassed and intimidated the Plaintiff.
68. The illegal, harassing, hostile, and intimidating actions of the Defendant, its employees, and agents towards the Plaintiff were intentional obstructions to the Plaintiff seeking workers' compensation benefits and were made in an effort to create pretextual reasons to terminate the Plaintiff because she pursued workers' compensation benefits.
69. The Defendant, its employees, and agents illegally and intentionally obstructed the Plaintiff from seeking workers' compensation benefits.
70. The actions of the Defendant, its employees, and agents constituted a violation of Minn. Stat. § 176.82.
71. Prior to her illegal termination on approximately March 24, 2015, the Plaintiff pursued workers' compensation and otherwise made the Defendant aware of her intent to seek workers' compensation benefits as a result of her injuries.
72. The Defendant illegally terminated the Plaintiff's employment on approximately March 24, 2015 because the Plaintiff inquired about workers' compensation and because she pursued worker's compensation benefits.
73. The Plaintiff's termination was a violation of Minn. Stat. § 176.82.
74. The actions and conduct of the Defendant, its employees, and agents were intentional, willful, and wanton and denied her rights protected under the WCA.

75. There is a causal connection between the Defendant's adverse employment actions taken against the Plaintiff and the Plaintiff seeking workers' compensation and related benefits and the Plaintiff's statutorily protected activity under the WCA.
76. The Defendant is liable for the acts of its employees and agents under the doctrines of vicarious liability and respondeat superior.
77. As direct and proximate result of the Defendant's violations of the WCA, the Plaintiff has been deprived of financial and non-financial benefits of employment, including, but not limited to, lost wages, future lost wages, anxiety, humiliation, pain and suffering, mental anguish, and loss of fringe benefits, and attorneys' fees.

COUNT III
THE DEFENDANT AND ITS EMPLOYEES
OBSTRUCTING WORKERS' COMPENSATION BENEFITS
VIOLATION OF WORKERS' COMPENSATION ACT

Plaintiff, for her third cause of action against the Defendant and its employees alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

78. From approximately February of 2002 until approximately March 24, 2015, the Plaintiff was employed by the Defendant as a police officer. The Plaintiff's employment was within the scope of the WCA; specifically, the Plaintiff's employment was within the scope of Minn. Stat. § 176.82.

79. In approximately September of 2012 and September of 2013, the Plaintiff was injured at work while performing the duties of her employment. The injuries occurred while the Plaintiff was at work, within the scope of her employment, and while the Plaintiff was performing the duties of her employment.
80. As a result of the injuries, the Plaintiff is entitled to her rights protected and afforded under the WCA.
81. Following the injuries and because of the Plaintiff's inquiries about workers' compensation and because the Plaintiff sought worker's compensation benefits, the Plaintiff was repeatedly subjected to disparate treatment, adverse employment actions, and was also subjected to harassing, hostile, and intimidating behavior while at work. As a result of the illegal and intentional actions of the Defendant, the Plaintiff's rights to seek workers' compensation were obstructed and the Plaintiff feared for her job.
82. As a result of the Plaintiff's pursuit of workers' compensation benefits, the Defendant subjected the Plaintiff to false discipline, provided incorrect information about the Plaintiff, and otherwise harassed and intimidated the Plaintiff.
83. The illegal, harassing, hostile, and intimidating actions of the Defendant, its employees, and agents towards the Plaintiff were intentional obstructions to the Plaintiff seeking workers' compensation benefits and were made in an effort to create pretextual reasons to terminate the Plaintiff because she pursued workers' compensation benefits.
84. The Defendant, its employees, and agents illegally and intentionally obstructed the Plaintiff from seeking workers' compensation benefits.

85. The actions of the Defendant, its employees, and agents constituted a violation of Minn. Stat. § 176.82.
86. Prior to her illegal termination on approximately March 24, 2015, the Plaintiff pursued workers' compensation and otherwise made the Defendant aware of her intent to seek workers' compensation benefits as a result of her injuries.
87. The Defendant illegally terminated the Plaintiff's employment on approximately March 24, 2015 because the Plaintiff inquired about workers' compensation and because she pursued worker's compensation benefits.
88. The Plaintiff's termination was a violation of Minn. Stat. § 176.82.
89. The actions and conduct of the Defendant, its employees, and agents were intentional, willful, and wanton and denied her rights protected under the WCA.
90. There is a causal connection between the Defendant's adverse employment actions taken against the Plaintiff, obstructing the Plaintiff's rights to seek workers' compensation, the Plaintiff seeking workers' compensation and related benefits, and the Plaintiff's statutorily protected activity under the WCA.
91. The Defendant is liable for the acts of its employees and agents under the doctrines of vicarious liability and respondeat superior.
92. As direct and proximate result of the Defendant's violations of the WCA, the Plaintiff has been deprived of financial and non-financial benefits of employment, including, but not limited to, lost wages, future lost wages, anxiety, humiliation, pain and suffering, mental anguish, and loss of fringe benefits, and attorneys' fees.

COUNT IV
DEFENDANT AND ITS EMPLOYEES
RETALIATION/REPRISAL/WHISTLEBLOWER VIOLATIONS

Plaintiff, for her fourth cause of action against Defendant and its employees alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth above this count and further alleges that:

93. Throughout the Plaintiff's employment, she met applicable job qualifications, was qualified for the position which she held, and performed her job in a manner which fully met the Defendant's legitimate expectations.
94. The Plaintiff is a member of a protected class as defined under Minn. Stat. § 181.932, et. al. (a/k/a "Minnesota Whistle Blower Statute").
95. The Plaintiff engaged in statutorily protected conduct when she reported violations of the laws and when she sought workers' compensation and related benefits pursuant to law and policy. Specifically, the Plaintiff engaged in statutorily protected conduct when she sought workers' compensation benefits, related benefits pursuant to law and policy, and when she reported the Defendant for sexual harassment and discrimination on approximately December of 2014, when the Plaintiff's superiors had a meeting with the Plaintiff. During this meeting, the Plaintiff reported, in good faith, violations of the law or rules. The Plaintiff specifically reported that she was subjected to sexual harassment and discrimination. The sexual harassment and discrimination included, but was not limited to: male police officers describing or commenting on female breasts; and being told that "women cannot do the jobs of men. In response, the Plaintiff's supervisors told

the Plaintiff that none of the other female officers would come in and make complaints like the Plaintiff.

96. There is a causal connection between the Defendant's adverse employment actions taken against the Plaintiff and the Plaintiff's good faith reports of violations of the law or policy and the Plaintiff's statutorily protected activity.
97. On or about March 24, 2015, the Defendant terminated the Plaintiff's employment because of her good faith reports and because she engaged in statutorily protected activity.
98. The Defendant discharged the Plaintiff for an illegal reason.
99. The Defendant's actions listed above in this claim and throughout this entire Complaint, resulted in adverse employment actions to Plaintiff, including, but not limited to, the Plaintiff's termination on or about March 24, 2015.
100. That the actions of Defendant resulted in adverse employment actions to Plaintiff.
101. Defendant's decision to terminate the Plaintiff was in retaliation for the Plaintiff reporting violations of the law during her employment with the Defendant.
102. Defendant's actions constitute a violation of Minn. Stat. § 181.932, the Whistleblower Statute.
103. The Defendant's actions or inactions of not properly addressing violations of the laws, regulations, and rules constitute reprisal under the Whistle Blower Statute.
104. Defendant's actions were willful and wanton and constitute a violation of law.

105. As a direct and proximate result of Defendant's illegal actions, the Plaintiff has been deprived of financial and non-financial benefits of employment, including, but not limited to, lost wages, future lost wages, anxiety, humiliation, pain and suffering, mental anguish, and loss of fringe benefits, and attorneys' fees.

WHEREFORE, the Plaintiff prays for judgment against the Defendant for a reasonable amount, together with costs, disbursements, reasonable attorneys' fees, all damages enumerated under the PODPA, the WCA, Minnesota Statute §§ 181.932, statutory prejudgment interest herein, punitive damages including reinstatement to her employment with the Defendant, any other relief allowed by the common law or statute, and any relief deemed necessary to make the Plaintiff whole and allowed by law.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL COUNTS SO TRIABLE.
PLAINTIFF RESERVES THE RIGHT TO AMEND HER COMPLAINT TO ALLEGE PUNITIVE DAMAGES.

Dated: January 26, 2016

Respectfully submitted,

VILLAUME & SCHIEK, P.A.



Philip G. Villaume (#112859)
Jeffrey D. Schiek (#0305455)
Thomas H. Priebe (#0395187)
Attorneys for Plaintiff
BLN Office Park
2051 Killebrew Drive, Suite 611
Bloomington, MN 55425
(952) 851-9500

ACKNOWLEDGMENT

IT IS HEREBY ACKNOWLEDGED that the allegations of this Complaint are well-grounded in fact and are warranted by existing law or good faith argument for its extensions modification reversal. Plaintiff brings this Complaint in good faith and not for any improper purposes. The Plaintiff, acknowledge that costs, disbursements and reasonable attorney and witness fees may be awarded to Defendant.

Dated: Dated: January 26, 2016

VILLAUME & SCHIEK, P.A.



Philip G. Villaume (#112859)
Jeffrey D. Schiek (#0305455)
Thomas H. Priebe (#0395187)
Attorneys for Plaintiff
BLN Office Park
2051 Killebrew Drive, Suite 611
Bloomington, MN 55425
(952) 851-9500