

AMANDA P. ZATORSKI)
(formerly AMANDA P. RYAN),)
) Cause No.:
Plaintiff,)
) Division:
v.)
) JURY TRIAL REQUESTED
ST. LOUIS COUNTY, MISSOURI,)
)
Please Hold for Service,)
)
Defendant.)

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respected by the public, media, and the animal welfare community. In fact, Defendant St. Louis County itself heralded Ms. Ryan's hiring, her skills, and abilities through media interviews, press releases, and publicity. However, while Ms. Ryan believed she was hired to bring order to the "chaos" and reform to ACC, she quickly learned that this was not Defendant St. Louis County's true intention. Instead, Ms. Ryan's efforts to perform her duties and effect positive change were thwarted and opposed at nearly every turn. She was repeatedly told to "stay in her lane;" to "stop rocking the boat," and to ignore the numerous and routine violations of law, rules, regulation and policies and abuses of authority that she witnessed. Refusing to be intimidated into silence, Ms. Ryan refused to violate laws, rules, and policies or to stand quietly by while others did so and reported these violations to her supervisors. But, Ms. Ryan's commitment to her job and the animals for whom she was responsible came at a high price. In response to Ms. Ryan's refusals and reports, St. Louis County and certain ACC supervisor launched a pervasive and ongoing campaign of retaliation and reprisals against Ms. Ryan, including but not limited to unwarranted discipline, threats of future discipline, harassment, mockery, and humiliation. Then, when Ms. Ryan still would not simply shut up and instead continued to pushback against the "chaos," Ms. Ryan was simply and summarily terminated. Accordingly, Plaintiff Ryan herein brings claims for unlawfully prohibiting her from discussing the operation of a public employer and retaliation, in violation of MO. REV. STAT. § 105.055.

PARTIES

1. Plaintiff Amanda Zatorski, n   Ryan, (hereinafter "Ms. Ryan") is and was, at all times relevant hereto, a resident of the State of Missouri with her principal place of residence located within the geographical boundaries of St. Louis County, Missouri.

2. Defendant St. Louis County, Missouri (herein “Defendant St. Louis County”) is a body politic and political subdivision, organized and existing pursuant to Missouri law. Further, Defendant St. Louis County is a “public employer,” as defined in MO. REV. STAT. § 105.055.1(3).

JURISDICTION AND VENUE

3. Jurisdiction is proper to this Court as this Court has personal jurisdiction over the parties to this action.

4. Venue is proper to this Court, pursuant to Mo. Rev. Stat. § 105.055, which provides that “[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” and the violations alleged herein occurred within, and Ms. Ryan resides within, the geographical boundaries of St. Louis County, Missouri.

FACTUAL ALLEGATION

St. Louis County Animal Care and Control

5. Defendant St. Louis County’s Department of Public Health (“DPH”) is a political department and/or division of the St. Louis County government.

6. Defendant St. Louis County’s Animal Care and Control (“ACC”) is a political sub-department and/or division of St. Louis County’s DPH.

7. Defendant St. Louis County, through DPH and ACC, operates a municipal “pound,” as defined in 2 CSR. 30-9.010, to house and care for St. Louis County’s lost, stray, and impounded animals, located at 10521 Baur Boulevard, Olivette, Missouri, 63132.

8. Defendant St. Louis County’s ACC and pound are subject to municipal ordinances, rules, and regulations, including St. Louis County Revised Ordinances (“STLCRO”), Chapter 611,

and state laws, rules, and regulations including the Animal Care Facilities Act, as codified in MO. REV. STAT., Chapter 273 and supporting regulations promulgated by the Missouri Department of Agriculture.

9. Defendant St. Louis County's ACC and its municipal pound have long been an ongoing source of public interest, concern, and controversy in the St. Louis area and for St. Louis County residents, including allegations of gross mismanagement, inhumane animal care, and a controversial owner-requested-euthanasia ("ORE") policy that resulted in concealing and underreporting euthanasia numbers to overly inflate key ACC statistics and make ACC appear to be more successful in adopting, rehoming, and reuniting animals than it actually was.

10. In February 2019, Defendant St. Louis County retained the services of Citygate Associates, LLC to conduct a comprehensive audit of ACC, its operations and management, and its pound at a taxpayer cost of more than \$80,000.00.

11. In April 2019, a separate investigation and report prepared by the executive staff of St. Louis County Councilmembers Lisa Clancy and Mark Harder discovered that ACC was suffering from "systemic and structural deficiencies . . . at all levels of the organization."

12. In July 2019, Defendant St. Louis County released the approximately 268-page results of the Citygate audit, which found and detailed numerous deficiencies and concerns regarding ACC management, operations, and animal care.

13. Following the release of the Citygate audit, Spring Schmidt, Co-Director of DPH, publicly admitted that ACC and its pound were and had been in a state of "chaos."

14. Following the release of the Citygate audit, ACC, its operations, its management, and its supervisory staff came under increasing public scrutiny, including numerous critical media

reports and increasing public criticism from animal welfare advocates and concerned citizens during the public comment portion of St. Louis County Council meetings.

15. At all times relevant hereto, Spring Schmidt (hereinafter “Director Schmidt”) and Carole Baskin (hereinafter “Director Baskin”) were acting Co-Directors of DPH and held final supervisory authority over ACC and its employees, including Ms. Ryan.

16. In approximately December 2019, Vanessa Duris (hereinafter “ACC Director Duris”) was named ACC director, the highest supervisory position in ACC, and held supervisory authority over ACC and its employees, including Ms. Ryan.

17. At all times relevant hereto, Leanderas Jackson (hereinafter “Mr. Jackson”) held the title of ACC operations manager, the second highest supervisory position in ACC, and held supervisory authority over ACC and its employees, including Ms. Ryan.

Mandy Ryan and her Hiring

18. On or about December 16, 2019, Amanda Ryan started her employment with Defendant St. Louis County and ACC, as animal population manager, the third-highest ranking supervisory position in ACC.

19. Prior to her hiring, Ms. Ryan was well-known to, and highly regarded by, St. Louis County’s animal welfare community, as founder of Missouri K9 Friends, a prominent, local, not-for-profit animal rescue; as a dedicated advocate for animal welfare issues; for her frequent media appearances advocating for animal rescue and welfare; and as a highly skilled dog trainer operating her own training business.

20. In hiring Ms. Ryan, Defendant St. Louis County took steps to ensure that her hiring was highly publicized in the St. Louis area, scheduling her for multiple media interviews to promote her and her employment with ACC.

21. On information and belief, Defendant St. Louis County's hiring and media promotion of Ms. Ryan and her employment with ACC were designed to improve conditions at the pound, to improve the pound's poor reputation, foster improved relationships with local animal welfare advocates and not-for-profit animal rescues, and to reduce the levels of public criticism and controversy surrounding ACC.

22. During her tenure at ACC, Ms. Ryan was well-respected and well-regarded by the majority of her subordinates.

23. During her tenure at ACC, Ms. Ryan was successful in her position, including reducing the shelter population through increased adoptions, improving animal care, and reducing the levels of "chaos" at the pound through positive leadership, management, and accountability.

24. Ms. Ryan's success in her position can be objectively documented through ACC statistics, including but not limited to statistics showing fewer animals housed in the pound and an increase in animal adoptions.

Prohibiting Ms. Ryan for Speaking to the St. Louis County Council, the Public, and the Media

25. Shortly after her hiring, in December 2019, Ms. Ryan learned that Defendant St. Louis County was planning to release a Request for Proposal ("RFP") to privatize ACC operations and pound management to an outside organization.

26. As a St. Louis County resident and taxpayer and as an animal welfare advocate, Ms. Ryan opposed, and continues to oppose, privatization of ACC operations and the pound.

27. On or about January 17, 2021, a representative of a large not-for-profit animal rescue organization, who had previously enjoyed a long-standing affiliation with Defendant St. Louis County, spoke with Ms. Ryan by telephone to discuss the fact that her organization was concerned about Defendant St. Louis County's RFP process and plans to privatize ACC and the

pound, including concerns that Defendant St. Louis County was improperly allowing certain preferred potential bidders to have undue influence in drafting the RFP so as to give them a competitive advantage in the process.

28. During this conversation, this representative informed Ms. Ryan that, after expressing these concerns to officials of Defendant St. Louis County and indicating her organization's opposition to the RFP process and proposed privatization, certain St. Louis County officials had retaliated against her organization by banning, and/or threatening to ban, her and the organization from access to the pound as well threatening any future relationships between St. Louis County and the organization.

29. Ms. Ryan documented her conversation with the aforementioned organization and the organization's expressed concerns to DPH Director Schmidt.

30. On or about January 21, 2020, during a meeting of DPH and ACC supervisors, DPH Director Schmidt instructed the supervisors that they needed to be publicly supportive of the privatization plan because "political commitments had been made."

31. During this aforementioned meeting, DPH Directors Schmidt and Baskin informed Ms. Ryan that they would be willing to consider changing her job title and description to ensure that she kept her position in the event that the pound was privatized.

32. Ms. Ryan understood this to represent an offer of a *quid pro quo* in the form of a new title, position, and possible promotion if she were willing to publicly support the privatization plan and encourage her friends in the animal welfare and not-for-profit rescue communities to do the same, including but not limited to the organization which had contacted her just days before, on or about January 17, 2020.

33. On or about January 29, 2020, the representative from the organization who had previously contacted Ms. Ryan, documented her and her organization's concerns in an email to DPH Director Schmidt and included Ms. Ryan as a copied recipient.

34. On or about January 29, 2020, DPH Director Schmidt issued a directive which expressly prohibited ACC staff and Ms. Ryan from having any further communications with the aforementioned organization or its representatives regarding ACC operations, including the proposed privatization.

35. In approximately late-January 2020 to early-February 2020, Ms. Ryan sought the opinion and advice of Mr. Jackson, her immediate supervisor, about her speaking at a St. Louis County Council meeting, as a taxpayer and resident, regarding her opposition to the potential privatization of ACC and the pound.

36. Mr. Jackson responded that, while Ms. Ryan was technically allowed to do speak publicly and to the St. Louis County Council, she needed to be aware that DPH Co-Director Spring Schmidt did not approve of DPH and ACC employees speaking to the St. Louis County Council, the public, and/or the media and had previously made threats against such employees and their continued employment if they did so.

37. On or about February 18, 2020 and based on Mr. Jackson's opinion and advice that there was nothing to legally prohibit Ms. Ryan from speaking publicly and/or to the St. Louis County Council on a matter of public importance, Ms. Ryan spoke publicly to the St. Louis County Council in opposition to privatization during a public meeting of the St. Louis County Council.

38. On or about February 19, 2020, an executive aide from St. Louis County Councilmember Mark Harder's office, requested a meeting and met with Ryan at the ACC offices

to discuss the privatization of ACC and her and other staff's concerns regarding the operations of ACC and its potential privatization.

39. Within just a few days after Ms. Ryan had spoken before the St. Louis County Council and to Councilmember Harder's aide, ACC Director Duris summoned Ms. Ryan into a private meeting.

40. During this meeting, ACC Director Duris instructed Ms. Ryan that she needed to "stop rocking the boat" and to stop criticizing the Department of Public Health.

41. During this meeting, ACC Director Duris reminded Ms. Ryan that she was still in her probationary period and could be terminated at any time.

42. Ms. Ryan understood ACC Director Duris' statements to be a warning and direct threat against her and her employment if she were to again speak publicly or to the St. Louis County regarding ACC operations or her opposition to privatization of the pound.

43. In subsequent meetings, ACC Director Duris and/or Mr. Jackson warned Ms. Ryan, on multiple occasions, that she should not the email St. Louis County Executive Sam Page regarding any concerns about ACC and/or its operations or else she would be "in trouble," or words to that effect, with DPH Co-Director Spring Schmidt.

44. In subsequent meetings, ACC Director Duris and/or Mr. Jackson warned Ms. Ryan, on multiple occasions, that she needed to "stay in her lane," "stop rocking the boat," and to refrain from making any statements of which DPH Director Schmidt would not approve.

45. As the result of Director Duris' and Mr. Jackson's admonishments, Ms. Ryan felt prohibited from speaking any further to the St. Louis Council, Executive Page, the public, and/or the media regarding the operations of ACC, either specifically or generally.

Ms. Ryan's Reporting of Violations of Laws, Rules, and Regulations, Mismanagement, Abuses of Authority, and/or Violations of Policy

46. During her tenure, Ms. Ryan made multiple reports and disclosures regarding violations of law, rules, and regulations; mismanagement, abuses of authority, and/or violations of policy by ACC Director Duris, ACC staff (including Rebecca Rainwater and Maryanne Willis), and other St. Louis County and ACC employees and/or officials.

47. Pursuant to St. Louis County Revised Ordinance, § 611.090, when an animal is impounded by ACC, including animals who are lost and/or running at large, the Director of Public Health or his/her designees “**shall make** all reasonable attempts to notify the person responsible for the animal within forty-eight (48) hours of the impoundment” and provide such person with “information concerning the reason for the impoundment; the location where the impounded animal is kept; and how the person responsible may contact the impoundment facility and the Director.”

48. Pursuant to St. Louis County and ACC policies, all dogs and cats brought into the pound were to be scanned for microchips (a common form of electronic tagging used to identify the dog or cat’s owner).

49. If the microchip scan identified an animal’s possible owner, St. Louis County ordinance and ACC policy dictated that efforts should be made to contact, by telephone and/or mail, within forty-eight (48) hours.

50. The scanning of microchips and notification of possible owners is and was an important measure to manage the animal population at the pound (Ms. Ryan’s job and title) and to reduce overcrowding.

51. When Ms. Ryan began her employment, the St. Louis County pound was overcrowded and overcapacity, in that it was housing more animals than it had space and staff to manage.

52. Shortly after the start of her employment with St. Louis County, Ms. Ryan realized that ACC staff had not been properly scanning dogs and cats for microchips or notifying possible owners and were, in fact, months behind on performing these duties.

53. Rebecca Rainwater, a subordinate of Ms. Ryan, was responsible for performing, and/or the ensuring performance of, the microchip scans and notifications of possible owners.

54. Ms. Ryan spoke with Ms. Rainwater about the need to perform the microchip scans and notifications.

55. On information and belief, Ms. Rainwater complained about Ms. Ryan and her requests that ACC start performing these microchip scans and notifications to Mr. Jackson and/or ACC Director Duris.

56. As the result of Ms. Rainwater's complaints, Mr. Jackson told Ms. Ryan that she needed to overlook these violations and not raise the matter again with Ms. Rainwater.

57. Following Mr. Jackson's admonishments, Ms. Ryan began to perform the task of notifying possible owners herself and was able to identify and reunite several lost animals with their owners.

58. After Ms. Ryan began to perform the task of notifying owners herself, Ms. Rainwater again complained to Mr. Jackson and/or ACC Director Duris about Ms. Ryan.

59. Following Ms. Rainwater's renewed complaints, Mr. Jackson instructed Ms. Ryan that she needed to "stay in her lane" and to stop discussing ACC and Ms. Rainwater's failures to conduct microchip scans and timely notifications of potential animal owners.

60. Ms. Ryan would eventually realize, after additional admonishments from Mr. Jackson and others to "stay in her lane," that this phrase was a commonly used ACC euphemism for "don't make complaints and ignore any problems you see."

61. Pursuant to St. Louis County Revised Ordinance, § 611.190(4), the “court may order [a] dangerous animal euthanized upon a showing by a preponderance of the evidence of facts demonstrating that the animal is within the definition of a dangerous animal and that it has not been confined as required in [§ 611.190(1)] . . .”

62. On or about October 27, 2020, ACC Director Duris and/or Mr. Jackson requested that Ms. Ryan approve and authorize by her signature a euthanasia order for a dog being having been deemed dangerous pursuant STLCRO, § 611.190(4).

63. An ACC staff member warned Ms. Ryan not to sign than order and that “they are trying to set you up” (or words to that effect).

64. Ms. Ryan refused to approve and sign the euthanasia order as such order could only issue from a court and not from her or ACC.

65. During a supervisors meeting, Ms. Ryan expressly stated euthanizing a dog who had been deemed dangerous without a court order would be in violation of STLCRO, § 611.190(4) and presented Mr. Jackson and ACC Director Duris with a copy of the ordinance.

66. In response, Mr. Jackson and/or ACC Director Duris agreed with Ms. Ryan *but* then stated that “this [i.e., not obtaining a proper court order] is how Spring [Director Schmidt] wants it done,” or words to that effect.

67. When Ms. Ryan continued to refuse to sign the unlawful euthanasia order, ACC Director Duris and/or Mr. Jackson indicated that she would have to seek the intervention of DPH Director Schmidt and have her sign the order and reminded Ms. Ryan that she needed to “stay in her lane.”

68. The dog was euthanized by ACC without a court order authorizing such action and in violation of STLCRO, § 611.190(4).

69. Pursuant to STLCRO, § 611.190(4), any animal impounded by ACC, including but not limited to stray animals, shall be held for a period of at least six (6) days and cannot be disposed of by St. Louis County prior to the expiration of this period (known as a “stray hold”).

70. In refusing to approve and sign these aforementioned euthanasia orders, Ms. Ryan notified her supervisors that such euthanasia were unauthorized by law and that she would not participate in such unlawful actions.

71. Pursuant to STLCRO, § 611.050(3), the DPH Director and/or his/her designees “**shall prepare** certificates in electronic form or paper forms in triplicate, and numbered tags for distribution to veterinarians to accomplish the vaccination-registration program described in this chapter.”

72. In the months after Ms. Ryan began her employment at ACC, she received multiple telephone calls and messages from St. Louis County veterinary offices stating that they had not received their requested numbered rabies tags from ACC and been unable to obtain such tags for months.

73. Rebecca Rainwater was responsible for processing such requests and furnishing the numbered tags, as required by STLCRO, § 611.050(3).

74. Ms. Ryan reported these complaints and concerns to Mr. Jackson and ACC Director Duris.

75. In response to her reports, Mr. Jackson again reminded Ms. Ryan that she needed to “stay in her lane” but failed to take any sufficient actions to discipline Ms. Rainwater or remedy the ongoing violations of STLCRO, § 611.050(3).

76. Pursuant to state law, local ordinance, and St. Louis County policies, it is unlawful for a governmental employee to misdirect, misappropriate, or take for private use, any funds of and/or intended for use of the governmental body.

77. In May 2020, Ms. Ryan and Paige Lucas, ACC's rescue coordinator had a discussion with ACC Director Duris regarding payment of veterinary costs for a dog in ACC's care.

78. During that discussion, ACC Director Duris informed Ms. Ryan and Ms. Lucas that she had been receiving money into her personal PayPal account from a well-meaning citizen who wished and intended to make donations to ACC for purposes of helping the animals being housed in the pound.

79. During this same aforementioned conversation, ACC Director Duris stated to Ms. Ryan and Ms. Lucas that she had directed this donor to send her contributions directly to her personal and private PayPal account rather than by direct donations to ACC.

80. With respect to the payment for the veterinary treatments under discussion, ACC Director Duris stated to Ms. Ryan and Ms. Lucas that: "Oh, I can just pay for it. That woman just sent me a bunch of money to my PayPal, so we have the money," or words to that effect.

81. On or about June 15, 2020, ACC Director Duris informed Ms. Ryan and Ms. Lucas that she intended to start sending feral cats and kittens to her husband's veterinary clinic for spay and neuter procedures.

82. ACC Director Duris suggested to Ms. Ryan and Ms. Lucas that they should encourage a not-for-profit organization to pay for these procedures and/or indicate in any written records that such procedures were paid for by this not-for-profit because it would look "shady" or

“sketchy” for payments to be made directly from ACC Director Duris’ department to her husband’s private veterinary business.

83. Ms. Ryan and Ms. Lucas refused to follow ACC Director Duris’ instructions and Ms. Ryan reported her concerns regarding this proposal to her supervisors.

84. Pursuant to state rules and regulations and St. Louis County policies, ACC was required to keep certain records and notes regarding the animals in its care and control, including but not limited to running daily census logs and population counts, walking and exercise logs, progress notes, and other notes relating to individual animals and their care.

85. On or about July 17, 2020, ACC staff reported to Ms. Ryan that a dog was missing during the daily population count in that this dog was not found in his kennel.

86. As the result of this report, ACC staff conducted a frantic and near total search of the entire ACC facility in efforts to locate this missing dog.

87. Ms. Ryan subsequently learned that ACC Director Duris and/or Ms. Rainwater had transferred this dog to a local veterinary clinic for care without completing the requisite or necessary documentation.

88. After Ms. Ryan reported and discussed this “missing” dog and failures to keep proper records and documentation to ACC Director Duris, Ms. Rainwater entered backdated documentation and notes into the computer system to give the impression that this requisite documentation had been properly entered at the time of the transfer.

89. On several prior and subsequent occasions, Ms. Ryan discussed missing notes and reports, including daily walking logs, with ACC Director Duris and Mr. Jackson.

90. Such notes and records were to be kept current and in the normal course of business for purposes of, *inter alia*, showing compliance with state laws and regulations during regulatory

inspections, for use as potential evidence in administrative and court proceedings, and to document that ACC was providing proper and humane care and treatment to the animals housed in the pound.

91. Following these reports, ACC employees, including Ms. Rainwater, would attempt to conceal such failures to keep such records, notes, and logs, by recreating and backdating such records.

92. Following these reports, Ms. Ryan was admonished by Mr. Jackson to “stay in your lane.”

93. By recreating and backdating such records, notes, and logs, ACC was engaging in the falsification of records and potentially hiding its failures to comply with laws, rules, regulations, and policies from state regulatory agents, potential respondents and/or defendants in administrative and/or legal proceedings, and/or from the public seeking information through open records requests.

94. Pursuant to St. Louis County policies, St. Louis County employees are prohibited from misuse, take, or appropriate St. Louis County property for personal use.

95. In late-May 2020, ACC Director Duris took and/or appropriated impounded animals being housed in the St. Louis County pound for her personal use, in that she took stray kittens home for her children to play with and kept them for weeks prior to returning them to the pound.

96. Ms. Ryan became aware of this when a subordinate informed Ms. Ryan that she had been contacted by a not-for-profit animal rescue inquired about taking these animals into their possession for potential permanent adoptions (a routine practice known as “pulling” in the rescue community).

97. After taking these kittens home for her personal use, ACC Director Duris sent an email to Ms. Ryan and certain other staff stating that ACC employees should be able to enjoy the “perks” of working in animal control and should have “first dibs” on deciding whether or not they may want a particular animal, even if an individual adopter or rescue was willing and able to provide such animal with care and permanent home placement.

98. With respect to the foregoing, Ms. Ryan refused to comply with unlawful directives and/or reported (orally, in writing, and through a formal written grievance) violations of, and/or evidence of, violations of, laws, rules, and regulations, mismanagement, abuses of authority, and/or violations of policy to, *inter alia*, Defendant St. Louis County, its human resources department, DPH Director Schmidt, DPH Director Baskin, ACC Director Duris, Mr. Jackson, and Sharon Gardner.

99. As a result of her reporting violations of laws, rules, and regulations, mismanagement, abuses of authority, and/or violations of policy, Ms. Ryan was subjected to an ongoing and worsening series and pattern of reprisals and retaliation, including but not limited to threats of unwarranted discipline and termination; reprimand and actual discipline; an unwarranted extension of her probationary period; diminishment of her job duties; verbal abuse, mockery, ridicule, and humiliation; threats against her friends and family; and actual termination of her employment.

Retaliation Against Ms. Ryan

100. From approximately late-January, 2020, and continuing through her termination, on December 10, 2020, Defendant St. Louis County subjected Ms. Ryan to an ever increasing pattern of reprisals and retaliation for: (1) speaking to members of the St. Louis County Council, the public, and the media; and (2) reporting and disclosing violations of law, rules, and regulations;

mismanagement, abuses of authority, and/or violations of policy by ACC Director Duris, ACC staff (including Rebecca Rainwater and Maryanne Willis), and other St. Louis County and ACC employees and/or officials.

101. In retaliating against Ms. Ryan, Defendant St. Louis County and its employees subjected her to, *inter alia*, threats of unwarranted discipline and termination; reprimand and actual discipline; an unwarranted extension of her probationary period; diminishment of her job duties; verbal abuse, mockery, ridicule, and humiliation; threats against her friends and family; and actual termination of her employment.

102. Beginning in approximately February, 2020, after Ms. Ryan spoke to the St. Louis County Council and escalating after Ms. Ryan made reports regarding violations of law, rules, regulations, and policy, gross mismanagement, and abuses of authority, Mr. Jackson had numerous meetings with Ms. Ryan in which he threatened her with unwarranted discipline, including but not limited to telling her to “stay in her lane,” to “stop rocking the boat,” to “watch her back,” things would be better if she would “play nice” and that she was a “target” and/or “being targeted.”

103. Beginning in approximately February, 2020, after Ms. Ryan spoke to the St. Louis County Council and escalating after Ms. Ryan made reports regarding violations of law, rules, regulations, and policy, gross mismanagement, and abuses of authority, ACC Director Duris had numerous meetings with Ms. Ryan in which she criticized Ms. Ryan’s performance and threatened her with reprimand and discipline, including but not limited to telling Ms. Ryan that “the only reason you are successful around here is because I f*cking let you be successful.”

104. In approximately February 2020, Ms. Ryan was excluded from ACC and DPH supervisory meetings, from which she had previously and routinely attended and to which other ACC and DPH supervisors, often including her subordinates, continued to attend.

105. On or about May 11, 2020, Mr. Jackson informed Ms. Ryan that her probationary employment period was being extended.

106. The extension of Ms. Ryan's probationary period was not supported by any allegations of poor performance on the part of Ms. Ryan.

107. While Defendant St. Louis County scored Ms. Ryan as "unsuccessful" on her May 11, 2020, performance evaluation, Mr. Jackson (her immediate supervisor) scored her as successful with respect to fifteen (15) of her eighteen (18) of her "job specific expectations" and four (4) of her five (5) of her "organization wide expectations."

108. While Defendant St. Louis County scored Ms. Ryan as "unsuccessful" on her May 11, 2020, performance evaluation, Mr. Jackson praised Ms. Ryan for having "done an excellent job working with the Rescue Coordinator."

109. In scoring Ms. Ryan as "unsuccessful," Defendant St. Louis County noted that one area of criticism was Ms. Ryan's purported failures to complete timely staff evaluations.

110. Due to COVID and extended periods of absence on the part of Mr. Jackson, staff evaluations were routinely not being completed on schedule.

111. Due to COVID and extended periods of absence on the part of Mr. Jackson, Mr. Jackson had expressly instructed Ms. Ryan that she was to delay and not to perform staff evaluations until he was back on-site to train her and be present to do her first evaluations of her subordinates and staff with her.

112. In informing Ms. Ryan that her probation was being extended, Mr. Jackson stated that the decision was made by his supervisors and not him personally.

113. In informing Ms. Ryan that her probation was being extended, Mr. Jackson stated that his supervisors were extending Ms. Ryan's probation by six (6) months, but he would "shoot

to get her off [probation] in four (4) months” if she would “play nice” with certain other ACC staff members, whom Ms. Ryan understood to be Rebecca Rainwater and Maryanne Willis.

114. In early June 2020, Paige Lucas, Ms. Ryan’s subordinate, reported to Ms. Ryan that she had been instructed to conduct a background check and to start gathering records about Missouri K9 Friends, a not-for-profit organization of which Ms. Ryan’s mother was president.

115. While Ms. Ryan had founded Missouri K9 Friends and previously served as its president, she had resigned as president and as a voting board member when she accepted her position with St. Louis County.

116. On or about June 3, 2020, Mr. Jackson, with approval of ACC Director Duris, sent an email to Ms. Ryan stating that Missouri Department of Agriculture records indicated that Ms. Ryan was still president of Missouri K9 Friends and suggested that either Ms. Ryan was in violation of her terms of employment, with respect to conflict-of-interest policies, and/or Missouri K9 Friends was in violation of state law, rules, and regulations.

117. On information and belief, Missouri K9 Friends was not in violation of any state law, rule, or regulation as it was only required to disclose its officers once annually, at the time of its annual license renewal, but had no obligation to update its filings any time there was a change in a board member.

118. Ms. Ryan considered this to be a threat by Mr. Jackson and/or ACC Director Duris against her and/or her mother and her mother’s not-for-profit organization.

119. On or about June 5, 2020, Mr. Jackson summoned Ms. Ryan into a private meeting and told her that she if stopped saying too much, stopped pushing for too much, and to “started playing nice,” then “this could all go away.”

120. On or about August 14, 2020, Mr. Jackson summoned Ms. Ryan into a private meeting and told her that DPH Director Schmidt and Pamela Walker, a consultant hired by Executive Page, had a private meeting in which they discussed, *inter alia*, the RFP, privatization, and Ms. Ryan.

121. Mr. Jackson stated to Ms. Ryan that DPH Director Schmidt and Ms. Walker had a “plan” for her; that she needed to “watch your back” because “Spring [Schmidt] does not have good intentions for you;” and she needed to “stop rocking the boat because they are looking for a reason [to fire you].”

122. On or about September 17, 2020, Sharon Gardner, department of human resources, canceled a scheduled meeting with Ms. Ryan to discuss her grievance and cross-grievances which had been filed against her.

123. After Ms. Gardner cancelled the aforementioned meeting, Mr. Jackson again warned Ms. Ryan that she needed to be “careful” and “not give them a reason.”

124. On repeated occasions, Mr. Jackson stated to Ms. Ryan, on several occasions, that “*they*” thought she was “rocking the boat too much” and “*they*” were targeting her for termination.

125. Ms. Ryan understood Mr. Jackson’s references to the “*they*” who were targeting her to include DPH Director Schmidt, DPH Director Baskin, ACC Director Duris, Rebecca Rainwater, and Maryanne Willis.

126. On December 10, 2020, DPH Director Schmidt responded to Ms. Ryan’s grievance declaring it to be unfounded.

127. On December 10, 2020, before Ms. Ryan could exercise her appellate rights regarding DPH Director Schmidt’s determination by requesting further action by the civil labor

union and/or St. Louis County Council, Sharon Gardner contacts Ms. Ryan to terminate her employment by telephone and only later formally terminates Ms. Ryan in writing.

LEGAL CLAIMS

Count I – Unlawful Prohibiting a Public Employee from Discussing the Operations of a Public Employer with the St. Louis County Council, Other Elected Officials, the Public, and/or the Media, in Violation of MO. REV. STAT. § 105.055.2

128. Plaintiff Amanda Ryan hereby incorporates the preceding paragraphs, by reference and as if set forth fully herein.

129. Defendant St. Louis County is a “public employer,” as defined in MO. REV. STAT. § 105.055.1(3).

130. Plaintiff Amanda Ryan is a “public employee,” as defined in MO. REV. STAT. § 105.055.1(2).

131. Pursuant to Mo. Rev. Stat. § 105.055.2: “No supervisor or appointing authority of any public employer shall prohibit any employee of the public employer from discussing the operations of the public employer, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating any alleged misconduct described in this section.”

132. Defendant St. Louis County prohibited Plaintiff Ryan from discussing the operations of the public employer, either specifically or generally, with the St. Louis County Council (as the legislative body of Defendant St. Louis County), the public, and/or the media, including but not limited to through direct order from DPH Director Spring Schmidt and threatening Plaintiff Ryan with disciplinary action for engaging in such discussions.

133. As the result of Defendant St. Louis County's unlawful actions, Plaintiff Ryan has suffered actual damages, including but not limited to loss of employment, income, and benefits, emotional distress, and other damages.

134. As the result of Defendant St. Louis County's unlawful actions, Plaintiff Ryan has and will incur costs and expenses of litigation, including attorneys' fees, and is entitled to recovery of damages for such costs and expenses of litigation, including attorneys' fees, pursuant to Mo. Rev. Stat. § 105.055.7(4).

WHEREFORE, Plaintiff Amanda Ryan respectfully prays that this Honorable Court grant her judgment in her favor and against Defendant St. Louis County; award her actual damages, including but not limited to damages for her loss of employment, income, and benefits and her emotional distress; award her damages in the form of her reasonable costs of litigation, including but not limited to attorneys' fees; and award her any and all such further damages and relief to which she may be entitled and this Court deems just and appropriate.

Count II – Unlawful Retaliation Against a Public Employee, in Violation of MO. REV. STAT. § 105.055.3

135. Plaintiff Amanda Ryan hereby incorporates the preceding paragraphs, by reference and as if set forth fully herein.

136. Defendant St. Louis County is a "public employer," as defined in MO. REV. STAT. § 105.055.1(3).

137. Plaintiff Amanda Ryan is a "public employee," as defined in MO. REV. STAT. § 105.055.1(2).

138. Pursuant to Mo. Rev. Stat. § 105.055.3, in pertinent part: "No supervisor or appointing authority of any public employer shall: "Prohibit a public employee from or take any disciplinary action whatsoever against a public employee for the disclosure of any alleged

prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences: (a) [a] violation of any law, rule or regulation; or (b) [m]ismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law.”

139. As described herein, Plaintiff Ryan reported and/or disclosed alleged prohibited activities and/or information which Ms. Ryan reasonably believed to evidence violations of law, rules, and regulations, mismanagement, abuses of authority, and violations of policy.

140. As described herein, Defendant St. Louis County and its supervisors took disciplinary action against Ms. Ryan for her reports and disclosures, including but not limited to dismissal, reprimand, warning of possible dismissal, reductions of job duties and responsibilities, and withholding of work through such reductions of duties and responsibilities.

141. As the result of Defendant St. Louis County’s unlawful actions, Plaintiff Ryan has suffered actual damages, including but not limited to loss of employment, income, and benefits, emotional distress, and other damages.

142. As the result of Defendant St. Louis County’s unlawful actions, Plaintiff Ryan has and will incur costs and expenses of litigation, including attorneys’ fees, and is entitled to recovery of damages for such costs and expenses of litigation, including attorneys’ fees, pursuant to Mo. Rev. Stat. § 105.055.7(4).

WHEREFORE, Plaintiff Amanda Ryan respectfully prays that this Honorable Court grant her judgment in her favor and against Defendant St. Louis County; award her actual damages, including but not limited to damages for her loss of employment, income, and benefits and her

emotional distress; award her damages in the form of her reasonable costs of litigation, including but not limited to attorneys' fees; and award her any and all such further damages and relief to which she may be entitled and this Court deems just and appropriate.

Respectfully submitted,

/s/ Mark J. Pedroli

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