

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

SUSAN PETERSEN,

Plaintiff,

v.

ST. LOUIS COUNTY, MISSOURI,

Serve:

Genevieve Frank

County Clerk

41 S. Central Ave, 1st Floor

Clayton, MO 63105

Defendant.

Cause No.:

Division No.:

JURY TRIAL REQUESTED

PETITION FOR DAMAGES

**SEX DISCRIMINATION, AGE DISCRIMINATION, RACE DISCRIMINATION AND
RETALIATION IN VIOLATION OF THE MISSOUR HUMAN RIGHTS ACT**

COMES NOW Plaintiff Susan Petersen ("Plaintiff"), by and through her attorneys, and for her Petition for Damages against Defendant St. Louis County ("Defendant"), Missouri, states as follows:

1. Plaintiff is a Caucasian female Missouri citizen who resides in St. Louis County, Missouri.

2. At all relevant times herein, Plaintiff was over the age of 40 but less than 70-years-old.

3. Defendant is a county in the State of Missouri, with the authority and powers of government delegated to it by the State of Missouri and promulgated pursuant to the Missouri Constitution, which include the right to establish and maintain departments of government for law enforcement, taxation, and other matters. As such, Defendant is a political sub-division of the State of Missouri.

4. Venue in this Court is proper pursuant to Mo. Rev. Stat. § 508.010 and/or Mo. Rev. Stat. § 213.111.1.

5. Plaintiff brings this action pursuant to the Missouri Human Rights Act (“MHRA”), Mo. Rev. Stat. § 213.010 *et seq.*

6. At all times relevant herein, Defendant St. Louis County, Missouri is an employer, as defined by the MHRA, Mo. Rev. Stat. § 213.010(8), in that it is an industry affecting commerce and employs (6) or more persons for each working day in each of twenty or more calendar weeks of the year.

7. Plaintiff began her employment as an attorney in the St. Louis County Prosecutor’s Office in 1998. Plaintiff worked for St. Louis County Prosecutor Robert McCulloch (“McCulloch”) for most of her career. In or about 2013, McCulloch promoted Plaintiff from an Attorney II to an Attorney III position. Attorney III is the third highest classification of attorneys that work in the St. Louis County Prosecutor’s Office.

8. At all relevant times herein, Plaintiff performed the duties and responsibilities of an attorney in the St. Louis County Prosecutor’s Office and as an Attorney III in a satisfactory or more than satisfactory manner.

9. Wesley Bell (“Bell”) was elected as the St. Louis County Prosecuting Attorney and replaced McCulloch in January 2019. Bell is a male African-American.

10. At all relevant times herein, Bell acted on behalf of and with the authority of Defendant.

11. Bell favored hiring and promoting male employees and prosecuting attorneys. In or around January 2019, Bell hired and/or promoted Sam Alton (“Alton”) as his Chief of Staff; Robert Steel (“Steel”) as Chief Trial Attorney; and Tim Swope (“Swope”) as Chief of

Operations. He also hired and/or promoted eight other male prosecuting attorneys in or around 2019. In contrast, he only hired and/or promoted four female prosecuting attorneys in or around that same time period.

12. Steel is an African-American.

13. Alton, Steel, and Swope served on Bell's Executive Staff at all relevant times herein. For most of 2019, Bell's Executive Staff was made up of only male members.

14. Swope has addressed Plaintiff as "honey."

15. In early February 2019, Brothel George ("George"), an African-American male, entered into a plea agreement with the St. Louis County Prosecutor. Plaintiff was the prosecutor assigned to the George case. In 2017, Plaintiff had filed an amended indictment charging George with four counts of First-Degree Assault on Law Enforcement Officers and four counts of Armed Criminal Action among other charges. George shot at four police officers during an undercover drug operation after the officers tried to arrest him. The police officers were Caucasian. Bell disagreed with Plaintiff's recommendation in the range of 20 years in prison. Instead, Bell agreed to arrange for George to plead guilty to the lesser charge of Second-Degree Assault and for George to serve a 15-year sentence. This had the effect of reducing the percentage of time George would have to serve on his sentence from 85% to 50%. This plea deal was made without consulting with Plaintiff or reviewing all the facts and evidence of the case. When Plaintiff was advised of the agreement Defendant reached with George's attorney, she told Defendant she opposed the deal. Bell reached this plea deal with George's attorney on the Friday before a Monday scheduled trial. Plaintiff was prepared and ready to proceed to trial.

16. The sentencing judge in the George case openly expressed confusion and reluctance regarding the plea agreement.

17. In July 2019, Donyyia Duncan (“Duncan”), an African-American female, entered into a plea agreement with the St. Louis County Prosecutor. Plaintiff was the prosecutor assigned to the Duncan case. In November 2019, Plaintiff filed an indictment charging Duncan with Murder in the Second Degree. Duncan fatally stabbed a male Caucasian victim. Bell and/or Steel disagreed with Plaintiff’s charging decision and plea offer recommendation. Instead, Defendant agreed to reduce the charge from Murder in the Second Degree to Voluntary Manslaughter. This had the effect of reducing the percentage of time Duncan would have to serve on her sentence. Steel relied, at least in part, on a statement by Duncan that the victim called her a “nigger” and on information provided by Duncan’s attorney. Neither Bell nor Steel consulted with Plaintiff prior to the decision and they did not review all of the facts and evidence of the case. When Plaintiff was advised of the agreement Defendant reached with Duncan’s attorney, she told Defendant she opposed the deal. This plea offer was made with Duncan’s attorney two weeks before the scheduled trial. Plaintiff was prepared and ready to proceed to trial.

18. Plaintiff had a good faith belief that Bell’s interference and recommendations in the George and Duncan cases were unwarranted and improper based on her years of experience as a prosecutor and the evidence. Plaintiff also had a good faith belief that Bell and/or Steel’s recommendations in those cases were based on the race of the victims, who were Caucasian, and the race of the offenders, who were African-American.

19. When Bell and Steel discussed cases with Plaintiff and other prosecutors in the St. Louis County Prosecutor’s office, they often inquired as to the race of the victim and the race of the defendant. Such an inquiry was contrary to the custom and practice of the office prior to their arrival.

20. Plaintiff complained to her superiors up the chain of command about Bell and Steel's interference and recommendations in the George and Duncan cases which she believed were based on and/or motivated by the race of the offenders in comparison with the race of the victim.

21. On September 5, 2019, Bell placed Plaintiff on investigatory suspension for conduct allegedly undermining the welfare of St. Louis County, including publicly impugning the integrity of the Prosecuting Attorney.

22. On September 5, 2019, Bell told Plaintiff that a decision regarding the future of her employment would be made by October 5, 2019. However, Bell knew on or about September 5, 2019, that he had no intention of bringing Plaintiff back to work.

23. On or about September 5, 2019, Bell required Plaintiff to clean out her office when he placed her on investigatory suspension and she was escorted out of the office by an armed investigator. On or about that date, Plaintiff's name was removed from the Prosecuting Office's check-in board and computer system. Bell also made arrangements to cover for Plaintiff's warrant office duties scheduled for December 2019.

24. On October 4, 2019, Bell sent Plaintiff a written reprimand in which Bell told Plaintiff that he "no longer [has] faith in [her] ability to handle criminal cases and work with police officers on criminal cases [in] an honest, ethical and professional manner." Bell also demoted Plaintiff from an Attorney III to an Attorney II. Such a demotion included a salary pay scale decrease as well as a significant decrease in reputation and responsibilities, as well as a likely diminution of Plaintiff's pension.

25. Plaintiff was constructively discharged on October 7, 2019.

26. Plaintiff was 46-years-old on the date of her discharge. At the time of her discharge, Plaintiff was one of the oldest attorneys working in the Prosecutor's Office. Upon information and belief, Defendant replaced her with a younger and less-experienced prosecutor

27. Bell also terminated a Caucasian female over the age of 40 with over 20 years of experience in the Prosecutor's Office. Bell terminated a Caucasian male over the age of 40 with over 20 years of experience in the Prosecutor's Office. Bell terminated a Caucasian female over the age of 40 with 7 years of experience in the Prosecutor's Office. Bell also created a hostile work environment for a Caucasian female over the age of 40 with close to 20 years' experience in the Prosecuting Attorney's Office, causing her to tender her resignation. Several other female attorneys in the Prosecutor's Office have been passed over for promotions by Bell for male attorneys. The male attorneys at the level of Attorney III and Attorney IV make more money than the female attorneys at the same levels under Bell's administration.

28. On February 19, 2020, Plaintiff timely filed a charge of discrimination with the Missouri Commission on Human Rights ("MCHR") against Defendant. The MCHR docketed Plaintiff's charge as Charge Number 560-2020-01170.

29. On August 11, 2020, the MCHR issued a Notice of Right to Sue for the above charge number. A copy of this Notice is attached hereto as Exhibit 1.

30. Plaintiff has filed this action within (90) days from the date on the Notice and within two (2) years of the last act of discrimination.

Count I – Sex Discrimination in Violation of the MHRA

31. Plaintiff hereby incorporates paragraphs 1 through 30 as if fully set forth herein.

32. Plaintiff's sex, female, was a motivating factor in Defendant's decisions to reprimand, demote, suspend and discharge her. Bell and/or other members of the Prosecutor's Office preferred to hire and promote male employees.

33. Defendant's conduct and actions violated Mo. Rev. Stat. § 213.055.

34. As a result of Defendant's conduct and actions, Plaintiff has suffered, and will continue to suffer lost wages and benefits of employment.

35. As a result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

36. As a result of Defendant's conduct and actions, Plaintiff has incurred attorney's fees and costs of litigation, and will continue to incur such fees and costs.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's lost wages and benefits of employment; for prejudgment interest on same; for future lost wages and benefits; for damages for Plaintiff's past and future emotional distress and mental anguish; for punitive damages; for attorney's fees and costs of litigation, and for such other relief that this Court deems just and proper.

Count II – Age Discrimination in Violation of the MHRA

37. Plaintiff hereby fully incorporates paragraphs 1 through 36 as if fully set forth herein.

38. Plaintiff's age, 46, was a motivating factor in Defendant's decisions to reprimand, suspend, demote and discharge her.

39. Defendant's conduct and actions violated Mo. Rev. Stat. § 213.055.

40. As a result of Defendant's conduct and actions, Plaintiff has suffered, and will continue to suffer lost wages and benefits of employment.

41. As a result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

42. As a result of Defendant's conduct and actions, Plaintiff has incurred attorney's fees and costs of litigation, and will continue to incur such fees and costs.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's lost wages and benefits of employment; for prejudgment interest on same; for future lost wages and benefits; for damages for Plaintiff's past and future emotional distress and mental anguish; for attorney's fees and costs of litigation, and for such other relief that this Court deems just and proper.

Count III – Race Discrimination in Violation of the MHRA

43. Plaintiff hereby fully incorporates paragraphs 1 through 42 as if fully set forth herein.

44. Plaintiff's race, Caucasian, was a motivating factor in Defendant's decisions to reprimand, suspend, demote and discharge her.

45. Defendant's conduct and actions violated Mo. Rev. Stat. § 213.055.

46. As a result of Defendant's conduct and actions, Plaintiff has suffered, and will continue to suffer lost wages and benefits of employment.

47. As a result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

48. As a result of Defendant's conduct and actions, Plaintiff has incurred attorney's fees and costs of litigation, and will continue to incur such fees and costs.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's lost wages and benefits of employment; for prejudgment interest on same; for future lost wages and benefits; for damages for Plaintiff's past and future emotional distress and mental anguish; for attorney's fees and costs of litigation, and for such other relief that this Court deems just and proper.

Count IV – Retaliation in Violation of the MHRA

49. Plaintiff hereby incorporates paragraphs 1 through 48 as if fully set forth herein.

50. Plaintiff's opposition to Bell's interference and recommendations in the George case and the Duncan case was protected activity under the MHRA.

51. Defendant retaliated against Plaintiff for opposing conduct by Defendant which she believed was discriminatory.

52. Defendant's conduct and actions violated Mo. Rev. Stat. § 213.070.

53. As a result of Defendant's conduct and actions, Plaintiff has suffered, and will continue to suffer lost wages and benefits of employment.

54. As a result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

55. As a result of Defendant's conduct and actions, Plaintiff has incurred attorney's fees and costs of litigation, and will continue to incur such fees and costs.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's lost wages and benefits of employment; for prejudgment interest on same; for future lost wages and benefits; for damages for Plaintiff's past and future emotional distress and mental anguish; for attorney's fees and costs of litigation, and for such other relief that this Court deems just and proper.

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