

**AMENDED COMPLAINT FOR
DECLARATORY, EQUITABLE AND MONETARY RELIEF
Jury Trial Demanded**

Plaintiff, Mary Gausman (hereinafter “Ms. Gausman”), claims damages upon a cause of action against the above-captioned Defendants, collectively and individually, whereof the following is a statement:

JURISDICTION

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331, as a case arising under the laws of the United States. Jurisdiction is invoked pursuant to the Civil Rights Act, 42 U.S.C. §1983 and § 1985, and the Family and Medical Leave Act, 29 U.S.C. §2601 *et seq.*, and Title VII of the Civil Rights Act, 42 U.S.C. §2000e *et seq.* which provide for original jurisdiction of Ms. Gausman’s claims arising under the laws the United States and over actions to recover damages and to secure equitable and other relief under the appropriate governing statutes.

2. On or about May 3, 2011, Plaintiff received her Right to Sue letter from the U.S. EEOC/U.S. Department of Justice. Therefore, Plaintiff has exhausted her administrative remedies and taken all other steps necessary to bring this action in Court.

VENUE

3. Paragraphs 1 through 2 are incorporated herein by reference as though set forth in full.

4. The actions complained of herein occurred within the jurisdiction of this Court and involve a Defendant who resides within its jurisdictional limits.

5. Venue is accordingly invoked pursuant to the dictates of 28 U.S.C. § 1391(b) and 1391(c) because one or more of the defendants reside in the Middle District of Pennsylvania and events or omissions giving rise to Plaintiff's claims have occurred in the Middle District of Pennsylvania, and because one or more Defendants can be found in this District.

PARTIES

6. Paragraphs 1 through 5 are incorporated herein by reference as though set forth in full.

7. Plaintiff, Mary Gausman, (hereinafter "Ms. Gausman") is an adult woman currently employed with the Pennsylvania State Police as a Trooper.

8. Defendant Pennsylvania State Police ("PSP"), a paramilitary organization, is an agency of the Commonwealth of Pennsylvania, employees in excess of 15 employees, and receives state and federal funding, with its principal place of business at 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110 and is an "employer" pursuant to Title VII of the Civil Rights Act.

9. Defendant Frank E. Pawlowski (hereinafter "Defendant Pawlowski") is an adult male employed with PSP as Commissioner of the Pennsylvania State Police. Defendant Pawlowski exercised control over the terms, conditions, and privileges of

Ms. Gausman's employment with the PSP. He is being sued in his individual capacity for retaliating against Ms. Gausman for exercising her First Amendment Rights and denying her equal protection of the laws because on the basis of her in contravention of the Fourteenth Amendment as enforced through Section 1983 and Section 1985 of the Civil Rights Act. Defendant Pawlowski is named as a defendant in his individual capacity under the FMLA. An "employer" for purposes of the FMLA includes "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." According to the FMLA's regulations, "[a]n 'employer' includes any person who acts directly or indirectly in the interest of an employer to any of the employer's employees Individuals 'acting in the interest of an employer' are individually liable for any violations of the requirements of FMLA". Because Defendant Pawlowski acts and acted, directly or indirectly, on behalf of PSP to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff's damages.

10. Defendant John R. Brown (hereinafter "Defendant Brown") is an adult male employed with PSP as Deputy Commissioner of the Pennsylvania State Police. Defendant Brown is in charge of the PSP's EEO office, its Bureau of Internal Affairs, and its Disciplinary Office and exercised control over the terms, conditions, and privileges of Ms. Gausman's employment with the PSP. He is being sued in his individual capacity for retaliating against Ms. Gausman for exercising her First

Amendment Rights and denying her equal protection of the laws on the basis of her gender in contravention of the Fourteenth Amendment as enforced through Section 1983 and Section 1985 of the Civil Rights Act.

11. Defendant Kenneth Hill (hereinafter “Defendant Hill”) is an adult male employed with PSP as a Major and was Captain for Troop F, Montoursville during Ms. Gausman’s employment. Defendant Hill was a Captain for Ms. Gausman’s Troop when he issued a Disciplinary Action Report against Ms. Gausman and therefore exercised control over the terms, conditions, and privileges of Ms. Gausman’s employment. Defendant Hill had supervisory authority over Ms. Gausman, and exercised control over the terms, conditions, and privileges of Ms. Gausman’s employment with the PSP. He is being sued in his individual capacity for retaliating against Ms. Gausman for exercising her First Amendment Rights and denying her equal protection of the laws on the basis of her gender in contravention of the Fourteenth Amendment as enforced through Section 1983 and Section 1985 of the Civil Rights Act.

12. Defendant Byron Locke (hereinafter “Defendant Locke”) is an adult male employed with PSP as a Seargeant. Defendant Locke issued a Court Martial to Ms. Gausman and therefore exercised control over the terms, conditions, and privileges of Ms. Gausman’s employment. He is being sued in his individual capacity for retaliating against Ms. Gausman for exercising her First Amendment Rights and

denying her equal protection of the laws on the basis of her gender in contravention of the Fourteenth Amendment as enforced through Section 1983 and Section 1985 of the Civil Rights Act. Defendant Locke is named as a defendant in his individual capacity under the FMLA. An “employer” for purposes of the FMLA includes “any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer.” According to the FMLA’s regulations, “[a]n ‘employer’ includes any person who acts directly or indirectly in the interest of an employer to any of the employer’s employees Individuals ‘acting in the interest of an employer’ are individually liable for any violations of the requirements of FMLA”. Because Defendant Locke acts and acted, directly or indirectly, on behalf of PSP to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff’s damages.

13. Defendant Theron Binford (hereinafter “Defendant Binford”) is an adult male employed with PSP as a Sergeant and was a supervisor during Ms. Gausman’s employment. Defendant Binford had supervisory authority over Ms. Gausman exercised control over the terms, conditions, and privileges of Ms. Gausman’s employment with the PSP. He is being sued in his individual capacity for retaliating against Ms. Gausman for exercising her First Amendment Rights and denying her equal protection of the laws on the basis of her gender in contravention of the Fourteenth Amendment as enforced through Section 1983 and Section 1985 of the

Civil Rights Act. Defendant Binford is named as a defendant in his individual capacity under the FMLA. An “employer” for purposes of the FMLA includes “any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer.” According to the FMLA’s regulations, “[a]n ‘employer’ includes any person who acts directly or indirectly in the interest of an employer to any of the employer's employees Individuals ‘acting in the interest of an employer’ are individually liable for any violations of the requirements of FMLA”. Because Defendant Binford acts and acted, directly or indirectly, on behalf of PSP to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff’s damages.

FACTUAL ALLEGATIONS

14. Paragraphs 1 through 13 are incorporated herein by reference as though set forth in full.
15. Mary Gausman (hereinafter “Ms. Gausman”) entered the Pennsylvania State Police Academy on November 2, 2003 and graduated from the Pennsylvania State Police Academy on April 23, 2004.
16. Upon her graduation from the Academy, Ms. Gausman was assigned to Troop F, Montoursville, for her Coach/Pupil training period prior to transferring to Coudersport.
17. Ms. Gausman was transferred to the Coudersport barracks on July 17, 2004.

18. During the majority of her time at Troop F, and at the Coudersport barracks, Ms. Gausman the only female trooper assigned to the barracks.
19. Despite being the only female in a predominately male environment, Ms. Gausman displayed a positive and professional attitude, worked well with little or no supervision, investigated misdemeanor and felony crimes, which resulted in prosecution and convictions, obtained search warrants, and testified numerous times in court.
20. Ms. Gausman established an excellent rapport with the people in the communities she served, as well as an excellent working relationship with the District Justices, District Attorney's office, courthouse staff and County Agencies of Potter County.
21. From January 1, 2006 until April 2, 2006, Ms. Gausman successfully completed a temporary assignment as a Criminal Investigator at PSP Coudersport.
22. During that assignment, she completed several investigations for the Austin Borough Police Department, a death investigation, and a major sex crime case involving a 28 year old Defendant from New York City and a 15 year old victim from Potter County.
23. Ms. Gausman's investigation resulting in the Defendant's arrest on six felony charges, including Involuntary Deviate Sexual Intercourse, Statutory Sexual Assault, and Aggravated Indecent Assault.

24. On or about April of 2006, a Specialized Vacancy was announced for a Criminal Investigator position with the Criminal Investigation Section.
25. On April 19, 2006, Ms. Gausman applied for the Criminal Investigator position.
26. Being the most qualified for the position, on June 7, 2006, Ms. Gausman was selected be a Criminal Investigator with the Criminal Investigation Unit of Troop F at the Coudersport Station.
27. Ms. Gausman was the only female in the Criminal Investigation Unit; all of the rest of the members were male.
28. Ms. Gausman performed very well in her position; however, it was becoming clear that she was not wanted there by Trooper Glen Drake, who was also an Crime Unit Investigator, because of her sex (female).
29. In August of 2008, Trooper Drake, who was emasculated and intimidated by Ms. Gausman`s superior performance, reported an allegation to their direct supervisor, Sergeant Binford, that Ms. Gausman removed a refrigerator magnet from a crime scene.
30. Via a phone call from Sergeant Binford, Ms. Gausman was notified she was immediately being removed from her position in the Crime Unit and put on patrol pending an SP-101.

31. At that time, Trooper Davis—a similarly situated male--was not removed from his position on patrol, despite Sergeant Binford and the PSP having enough knowledge that he was being investigated as well as Ms. Gausman.
32. On August 15, 2008, Captain Hill placed Ms. Gausman on restricted duty status.
33. Per her restricted duty status, Ms. Gausman was not permitted to identify herself as a member of the PSP except while on duty, not permitted to carry a firearm except while on duty, or carry a PSP identification card.
34. She was also removed from her position in the Crime Unit and placed on “desk duty,” which is a position reserved typically for civilian employees and consists of mostly secretarial and administrative work.
35. At that time, Captain Hill and the PSP had knowledge that Trooper Davis—a similarly situated male--allegedly received stolen property and allegedly destroyed evidence and should have been placed on restricted duty status for those allegations like Ms. Gausman was.
36. However, Captain Hill failed to place Trooper Davis, a similarly situated male, on restricted duty status, instead keeping him in his patrol position, with no changes in the terms, conditions, and privileges of his employment.

37. When Ms. Gausman was transferred to a desk position beginning August 15, 2008, she was relegated to working the midnight shift, which is 11 p.m. to 7 a.m.
38. She was required to work midnights through May of 2009.
39. No other similarly situated male troopers or civilian employees were required to work only midnights.
40. For instance, Trooper Baird, who was on limited duty as of December 19, 2008 was permitted to work mostly daylight, while Ms. Gausman had the majority of the midnight shifts.
41. Typically, there are three shifts for the desk duty position: two are covered by PCO's (Police Communication Officer), which is a civilian position, the other shift is covered by a trooper, and all the troopers are supposed to rotate through on the desk duty position to provide coverage.
42. Despite being unfairly placed on restricted duty status, and relegated to working mostly midnights, Ms. Gausman continued to perform her duties in a professional and respectful manner and received numerous supervisor notations.
43. On September 29, 2008, Ms. Gausman received a supervisor notation for her excellent work as a Trooper, which stated in part: "You also placed school plans of the Potter County schools, special order on active shoot, a fugitive search plan, as well as crime scene related forms in the vehicles. You took this

upon yourself to do this when no one else did. I want to thank you for your efforts. Your actions will benefit the troopers who operate those cars in a time of crisis.”

44. In October 2008, it was announced that Ms. Gausman’s position as Criminal Investigator at Troop F Couderport would be filled.
45. Defendants then filled Ms. Gausman’s position with a male in November of 2008.
46. In other situations, where a similarly situated male Trooper was the subject of an investigation, his position was held until the discipline was issued; however, Ms. Gausman’s position was filled almost immediately and prior to any discipline being issued to her.
47. On October 30, 2008, the PSP Bureau of Integrity and Professional Standards Internal Affairs Division (hereinafter “IAD”) issued a General Investigation Report (IAD 2008-0561) naming Trooper Gauman as the subject.
48. According to that report, it was alleged that Ms. Gausman removed a magnet from a refrigerator from a scene and gave the magnet to Trooper Michael J. Davis, who was assigned to Troop F in the Patrol Unit.
49. IAD interviewed the victim’s wife, who stated she was not upset about the alleged removal of the magnet, that the “item was only a magnet and had no

value to her”, and that she did not wish to seek a criminal prosecution as a result of the allegation.

50. On or about September 17, 2008, IAD also sought a prosecutorial decision from Dawn Fink, the district attorney with the Potter County District Attorney’s office.

51. On September 22, 2008, district attorney Fink issued a written prosecutorial decision, which states in pertinent part:

I have reviewed the facts set forth in your E-mail which is consistent with our phone conversation of last week. Though I certainly appreciate the seriousness of the ethical breach which you described, I believe that this matter is best handled inter-departmentally. If the offense had been committed by a non-law enforcement individual, I would likewise decline prosecution as the act is arguably “de minimus” and the victim is not interested in prosecution.

On a personal note, please allow me to share my experience with Ms. Gausman (since our barracks employs just one female state trooper, I can assume that the suspect is Ms. Gausman). Without diminishing the seriousness of the allegations, allow me to say that Ms. Gausman has been a great asset to our office since I assumed the role of DA approx. three years ago. She has been especially helpful as a crime room trooper in the investigation of sexual offenses against children. She has helped us obtain a number of convictions due in large part to her ability to effectively interview child victims.

52. On November 13, 2008, Captain Kenneth F. Hill issued a SP-101 to Ms. Gausman, which is a pre-discipline summary report.

53. The SP-101 alleged that Ms. Gausman engaged in Criminal Conduct and Improper Conduct on Duty because she allegedly removed a refrigerator

magnet from a residence without the permission of the owner, while on duty. The SP-101 also alleges that while being interviewed by the IAD investigator, Ms. Gausman lied about material facts in the investigation.

54. On November 17, 2008, Ms. Gausman received a Disciplinary Action Report (hereinafter "DAR") by Captain Kenneth F. Hill.
55. The DAR alleges that on May 26, 2008, Ms. Gausman "intentionally removed a refrigerator magnet from the residence without permission" while conducting a Non-Traffic Death Investigation at the residence of the deceased.
56. The DAR alleges that Ms. Gausman was interviewed on September 30, 2008 and said that she "inadvertently" removed the magnet from the residence.
57. The DAR alleges that on October 27, 2008, Ms. Gausman was reinterviewed and then admitted that she intentionally removed the magnet from the residence.
58. Thus, the DAR alleges that Ms. Gausman lied about a material fact in the investigation.
59. The DAR also alleges that Ms. Gausman stated she hand delivered the magnet to Trooper Michael Davis in the garage of the Coudersport station.
60. This, according to the DAR, was contradicted by Trooper Davis, PCO Beaver, and Clerk Stimaker. Thus, the DAR also alleges that Ms. Gausman lied about additional facts in the investigation.

61. In other situations involving male Troopers for similar allegations of similar violations, these male troopers were not placed on restricted duty status, let alone for over 600 days as Ms. Gausman was.
62. For instance, a male member was given a DAR for workplace violence and was never placed on restricted duty status.
63. In other recent situations, male troopers admitted to lying to IAD and conspiring to lie to IAD and were never placed on restricted duty status or subject to court-martial.
64. A male trooper who was arrested for DUI was on restricted duty for a month and then immediately returned to his position.
65. In the meantime, unlike most of the similarly situated males who are under investigation, Ms. Gausman was removed from her position and remained on restricted duty, performing little or no tasks as a State Trooper. Rather the bulk of the work to which she was assigned was meaningless secretarial work.
66. On December 24, 2008, Ms. Gausman received another supervisor notation, which stated in part: "This effort denotes a great sense of teamwork and an attitude of service."
67. On or about May 6, 2009, Corporal Ott went to Sergeant Binford and complained that keeping Ms. Gausman on midnights "looks punitive."

68. On or about May 7, 2009, Ms. Gausman's supervisors went to Sergeant Binford and again complained about Ms. Gausman being placed on midnights even though she was on restricted duty.
69. On or about June 4, 2009, Ms. Gausman was finally taken off the bulk of the midnight shifts.
70. On June 9, 2009, Ms. Gausman received another supervisor notation, noting that her "efforts are not only a direct benefit to me, but also to all members of this Station. You are to be applauded for your initiative which is demonstrative of sense of teamplay and commitment to your colleagues, WELL DONE!"
71. On August 21, 2009, Ms. Gausman received yet another supervisor notation thanking her for her "assistance and team-oriented attitude."
72. In August of 2009, Ms. Gausman learned that a male co-worker, Trooper Glen Drake, who was the only other person in the Crime Unit, was making sexist comments about her.
73. Trooper Drake stated to Ms. Gausman's co-workers, "She didn't pay her dues to get back there [the Crime Room] because she slept with Trooper Havern and Corporal."
74. On December 27, 2009, Ms. Gausman received a supervisor notation for cleaning the station and "completing a number of distasteful station duties".

The notation stated “When factoring in that you were not responsible for these problems I can’t help but take the time to recognize your efforts.”

75. At the end of 2009, Ms. Gausman complained that she was being subjected to sex discrimination and a hostile work environment.
76. Defendants failed to take any prompt or effective remedial action concerning Ms. Gausman’s complaint, nor did they initiate any investigation.
77. For instance, Ms. Gausman provided information about a male trooper who was having sex with a female civilian employee at the barracks during working hours.
78. Nothing was done to discipline either employee; rather, the female civilian employee received special status in the terms, conditions, and privileges in her employment, directly resulting from her having sex with a trooper at the workplace.
79. The two employees, constantly used work equipment to engage in inappropriate sexual activity, such as sending pictures of her naked through the work computers and inappropriately staying overnight together in the barracks’ basement.
80. One day, this civilian employee, Lisa Beaver, was giving a sensual massage to the male trooper, which clearly made the rest of the staff very uncomfortable.

81. Ms. Beaver said, “I don’t care what you guys think, no body’s going to ruin our last month together.”
82. As a result of this sexual favoritism and the sexual favors she provided to male Troopers, Ms. Beaver was given preferential treatment than Ms. Gausman as they were both assigned to desk duty. For instance, Ms. Beaver was given daylight shifts, was permitted to leave during working hours, permitted to travel to Montoursville to get supplies at the PSP headquarters, is never given any written or other warnings regarding her unprofessional behavior.
83. This created a concerted pattern of harassment sufficiently pervasive to have altered the terms, conditions, and privileges of Ms. Gausman’s employment on the basis of sex and denied her equal protection of the laws in violation of the 14th Amendment.
84. It was clear that the PSP and its supervisory employees would do nothing to rectify the situation; as a result of the hostile environment and the continuing, on-going sex discrimination and denial of equal protection of the laws, including being removed from her position in the Crime Unit and placed on restricted duty, for over 600 days, Ms. Gausman began experiencing a serious health condition.
85. As such, on April 9, 2010, Ms. Gausman contacted PSP regarding requesting an FMLA leave to care for her own serious health condition.

86. On April 14, 2010, Ms. Gausman, having received no response from her direct supervisors regarding her discrimination concerns, she contacted the PSP's Internal EEO Office.
87. That day, she sent an email to Lieutenant Hile, requesting a meeting anytime between 4/21/2010 and 4/23/2010.
88. Lieutenant Hile at the EEO Office responded to Ms. Gausman on April 20, 2010, by stating "send me an email with your concern." He did not set up a meeting with Ms. Gausman as she requested.
89. On April 20, 2010, Ms. Gausman requested FMLA leave to care for her own serious health condition.
90. The FMLA leave was scheduled to begin on April 26, 2010 and end on May 24, 2010.
91. Ms. Gausman followed PSP's policies in requesting FMLA leave, by sending her serious health condition certification to her direct supervisor, Sergeant Theron Binford and to Tammy Moon in Montoursville. The FMLA paperwork was then sent to the PSP's main headquarters in Harrisburg.
92. According to Ms. Gausman's serious health condition certification filled out by her physician on April 20, 2010, her serious health condition consists of depression "due to chronic stress of being on reduced assignment due to an investigation that has gone on over 1 yr. without resolution in sight, Ms.

Gausman has been losing sleep, experiencing feelings of helplessness despite her own personal efforts at trying to get the investigation resolved. She expresses much discouragement over not being able to do the state trooper job she was trained for. The longer this situation goes on without resolution in sight has caused increased depressive symptoms. She reports it has become more and more difficult for her to cope and to do the reduced assignment job that she has. Her emotional well being has been deteriorating over the past couple of months. She is having difficulty sleeping, crying frequently and having difficulties with concentration.”

93. After over 600 days of being on restricted duty—and within three days of Ms. Gausman being on protected FMLA leave to care for her own serious health condition—she was notified she was being court-martialed.
94. Selecting Ms. Gausman for a court martial only days after beginning an FMLA leave is a blatant, egregious violation of the Family and Medical Leave Act and in clear retaliation for her asserting her rights under federal and state law.
95. In fact, when Sergeant Binford gave Ms. Gausman the court-martial notice, he made a direct retaliatory statement to Ms. Gausman to the effect that her taking FMLA leave has put a strain on the barracks.
96. Ms. Gausman returned to work from her FMLA leave on June 16, 2010.

97. Immediately upon returning to work from her FMLA leave, Defendants terminated her employment.
98. Unbelievably, Defendants only gave a written reprimand to Trooper Michael Davis, a similarly situated male, despite him committing more egregious offenses by allegedly receiving stolen property and then destroying evidence.
99. Thus, Defendants treated a similarly situated male more favorably and therefore retaliated against Ms. Gausman for engaging in protected activity and discriminated against Ms. Gausman because of her sex (female).
100. As a result of Defendants' retaliatory and discriminatory actions against Ms. Gausman, she has suffered greatly, including but not limited to, loss of her employment, loss of her income and benefits, loss of her enjoyment of life, and loss of her reputation.
101. Thus, Defendants' individual and collective adverse actions against Ms. Gausman are on-going and are in violation of state and federal law.

COUNT I
Claim Under 42 U.S.C. § 1983 for
Violations of the First and Fourteenth Amendments

Against Defendants Pawlowski, Brown, Hill, Binford, and Locke
Collectively and Individually

102. Paragraphs 1 through 101 are incorporated herein by reference as though set forth in full.

103. Ms. Gausman is an adult citizen of the United States, holding certain rights, privileges, and immunities, pursuant to the First Amendment of the United States Constitution, among them, the right of free expressive association and the right to petition the Government for redress of grievances.

104. Ms. Gausman also has the right to equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution.

105. As more fully outlined herein, Ms. Gausman exercised her First Amendment Rights, including the right to complain of on-going sex discrimination, retaliation, hostile work environments, and engaged in protected union activity by filing grievances.

106. Defendants Pawlowski, Brown, Hill, Locke, and Binford acted under color of law and subjected Ms. Gausman to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.

107. Each and every of these Defendants were personally involved, by either person direction, actual knowledge and acquiescence, or direct discrimination in the denial of equal protection of the laws to Ms. Gausman in violation of the Fourteenth Amendment and the unlawful retaliation against Ms. Gausman in violation of the First Amendment.

108. Defendant Pawlowski, who was the Commissioner of the State Police at all times relevant hereto, was responsible for the adverse actions against Ms. Gausman by exercising personal direction, actual knowledge and acquiescence, and direct discrimination. Defendant Pawlowski allowed disparate discipline to be issued against Ms. Gausman in August of 2008 through August of 2010. This included Ms. Gausman being placed on restricted duty in August of 2008 and being transferred from her specialized position. Defendant Pawlowski also kept Ms. Gausman on restricted duty for over 600 days, working mostly midnights. Defendant Pawlowski sanctioned the court martial issued to Ms. Gausman in June of 2010, issued soon after Ms. Gausman took an FMLA leave.

109. Defendant Locke personally directed the disparate discipline of a court martial to be issued against Ms. Gausman in June of 2009, while at the same time giving only a written reprimand to a male member. Defendant Locke's actions against Ms. Gausman were approved by Defendant Pawlowski.

110. Defendant Brown, who was in charge of the EEO office and the Bureau of Internal Affairs, and the Department's Discipline Office, personally directed, had actual knowledge and acquiescence, and directly discriminated against Ms. Gausman from August of 2008 until he retired in the Spring of 2010. For instance, In May, June, and July of 2008, Defendant Brown was aware that Ms. Gausman was attempting to exercise her EEO rights and her union rights. Despite that knowledge,

Defendant Brown allowed disparate discipline to be issued against Ms. Gausman in August of 2008 through June of 2010. This included Ms. Gausman being placed on restricted duty in August of 2008 and being transferred from her specialized position in August of 2008. Defendant Brown also kept Ms. Gausman on restricted duty for over 600 days working mostly midnights, which led to her unfair court martial in June of 2010, right after requested FMLA leave.

111. In November of 2008, Defendant Hill ostensibly acting under the direction of Defendant Brown as the head of the Department's Discipline Office and Defendant Pawlowski, approved an admittedly tenuous and faulty investigation against Ms. Gausman, finding her guilty of administrative violations, causing the disparate discipline be issued to Ms. Gausman in June of 2010. At the same time, however, Defendant Hill found a similarly situated male employee guilty of only one violation, despite his actions being more severe than Ms. Gausman's alleged actions.

112. These Defendants violated Ms. Gausman's First Amendment and Fourteenth Amendment Rights to equal protection of the laws when they retaliated against her, placed her on restricted duty in August of 2008, transferred her from her specialized position, kept her on restricted duty for over 600 days, working mostly midnights, unfairly subjected her to a court martial in June of 2010 based on her exercise of rights under the First Amendment to the U.S. Constitution after she

complained of illegal discrimination and illegal activity occurring by members of the PSP.

113. Ms. Gausman's speech was protected by the First Amendment of the U.S. Constitution and was based on a matter of public concern, not only of personal interest.

114. Ms. Gausman, as a public employee, did not shed her First Amendment rights at the police station doors. She spoke out on subjects which the Defendants deemed inappropriate and subjected Ms. Gausman to a series of on-going, adverse actions, which continue to this day, in retaliation for her exercise of First Amendment Rights.

115. Defendants' conduct--including but not limited to naming her as a subject of an unfair and disparate investigation in November of 2008, issuing disparate disciplinary charges against her in November of 2008, placing her on restricted duty for over 600 days, and targeting her for a court martial in June of 2009--against Ms. Gausman was motivated or substantially caused by Ms. Gausman's exercise of free speech.

116. Defendants violated clearly established rights of which a reasonable person would have known.

117. Defendants had a custom of persistent and widespread discriminatory practices against members who exercise their First Amendment

Rights, have been accused of discriminating against women and minorities, with women only making up approximately 4% of the membership, and have a pattern and practice of denying equal protection of the laws to women and minorities.

118. Defendants should know or should have known that Ms. Gausman's speaking out about the PSP's discrimination, retaliation, and violations of state and federal law, and on-going sex discrimination, is a matter of public concern.

119. Defendants acted maliciously and were improperly motivated by Ms. Gausman's speech on matters of public concern which was a substantial or motivating factor in subjecting Ms. Gausman to on-going adverse actions as more fully outlined herein.

120. Defendants violated Ms. Gausman's constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution by failing to maintain the confidentiality of Ms. Gausman's private information, including matters relating to her medical conditions.

121. Defendants violated Ms. Gausman's constitutional and fundamental right to her reputation and deprivation of a present or future employment in violation of the Fourteenth Amendment to the U.S. Constitution.

122. Defendants created and disseminated a false and defamatory impression about Ms. Gausman in connection with her employment and reputation in the community.

123. Ms. Gausman's interest in her speech outweighs the state's countervailing interest as an employer in promoting workplace efficiency and avoiding workplace disruption.

124. Ms. Gausman's protected activity was a substantial or motivating factor in the retaliatory actions.

125. For instance, after Ms. Gausman engaged in protected activity, Defendants made stigmatizing statements about Ms. Gausman, including statements that call into question Ms. Gausman's good name, reputation, honor, or integrity, including falsely accusing her of incompetence and committing crimes of dishonesty.

126. Defendants' statements denigrated Ms. Gausman's competence as a professional and impugned Ms. Gausman's professional reputation to place a significant roadblock on Ms. Gausman's continued ability to practice her profession. For instance, Ms. Gausman's personnel file contains numerous false statements and charges against her that have and will affect her ability to perform the essential functions of her chosen profession. Defendants, despite being ordered to do so, have still refused to remove the negative information from Ms. Gausman's personnel file. This is the only forum available to Ms. Gausman to redress her grievances against Defendants.

127. Additionally, these Defendants, knowing that Ms. Gausman was attempting to complain of illegal sex discrimination, violated Ms. Gausman of her life, liberty, and or property without due process of law in violation of the Fourteenth Amendment to the U.S. Constitution; these actions were so ill-conceived or malicious that it shocks the conscious.

128. As a vested state employee, Ms. Gausman has a property interest in continued employment with the state, along with vested pension rights.

129. For instance, Ms. Gausman has been continually denied the right to complain about equal employment violations, which was never heard through arbitration, she has been denied the right to redress the false statements made by Defendants acting under color of state law, which cannot be grieved through arbitration, she has been denied the right to be restored to her specialized position.

130. Ms. Gausman has not been afforded procedural due process after defamatory statements were made about her, nor did she participate in a full arbitration regarding the defamatory statements made by Defendants.

131. As a result of Defendants' violations of Ms. Gausman's Constitutional Rights which are enforceable under 42 U.S.C. § 1983, Ms. Gausman has suffered damages. Defendants' retaliatory actions impaired Ms. Gausman's reputation, opportunities for advancement and earning potential, caused her to suffer

personal humiliation and mental anguish as result of Defendants' campaign of harassment and retaliation.

132. Retaliation against employees for the exercise of First Amendment rights and expressive association rights is willful misconduct, outside the course and scope of the duties of the Commissioner of the Pennsylvania State Police, the Deputy Commissioner of the Pennsylvania State Police, Major, Lieutenant, Sergeant, Corporal, of the Pennsylvania State Police.

133. Defendants' violations of Ms. Gausman's Constitutional Rights were wanton, willful and malicious.

134. As a result of Defendant's willful violations, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.

135. Defendants engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Ms. Gausman's statutory civil rights protected by federal law.

136. As a direct and proximate result of Defendants' actions and omissions, Ms. Gausman has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal

humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.

137. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Ms. Gausman's well being, thereby entitling her to punitive damages.

138. Thus, Defendants willfully violated Ms. Gausman's Constitutional Rights and Section 1983 of the Civil Rights Act when they retaliated against Ms. Gausman for exercising her First Amendment Rights and denied her equal protection of the laws as guaranteed under the Fourteenth Amendment and are liable to Ms. Gausman for compensatory and punitive damages, along with attorneys' fees and costs.

COUNT II
Claim Under 42 U.S.C. § 1985 for Conspiracy to
Deprive Ms. Gausman of Her Constitutional Rights
Against Defendants Pawlowski, Brown, Christie, Locke, Hill, and Binford
Collectively and Individually

139. Paragraphs 1 through 138 are incorporated herein by reference as though set forth in full.

140. Ms. Gausman is an adult citizen of the United States, holding certain rights, privileges, and immunities, pursuant to the First Amendment of the United States Constitution, among them, the right of free expressive association and the right to petition the Government for redress of grievances.

141. As more fully outlined herein, Ms. Gausman exercised her First Amendment Rights, including the right to complain of on-going sex discrimination, retaliation, hostile work environments, and engaged in protected union activity by filing grievances.

142. As more fully outlined herein, Defendants Pawlowski, Brown, Binford, Hill, and Locke acted under color of law and subjected Ms. Gausman to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.

143. As more fully outlined herein, Defendants Pawlowski, Brown, Binford, Hill, and Locke joined together to conspire for the purpose of depriving, directly or indirectly, Ms. Gausman of equal protection of the laws.

144. Defendants had a custom of persistent and widespread discriminatory practices against members who exercise their First Amendment Rights, have been accused of discriminating against women and minorities, with women only making up approximately 4% of the membership, and have a pattern and practice of denying equal protection of the laws to women and minorities.

145. Defendants should know or should have known that Ms. Gausman's speaking out about the PSP's discrimination, retaliation, and on-going sex discrimination, is a matter of public concern.

146. These Defendants were motivated by a class-based discriminatory animus against women.

147. Sex is an obvious protected class, can be an immutable characteristic, has no relationship to ability, and these Defendants' discrimination against Ms. Gausman because of her sex (female) is class-based and invidiously discriminatorily motivated.

148. These Defendants formed an agreement and acted in concert to inflict an unconstitutional injury upon Ms. Gausman. They took overt acts in furtherance of the goal, including having meetings concerning, engaging in email communications concerning her and how to oust her from her position, and caused harm to Ms. Gausman from November 2008 to the present.

149. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Ms. Gausman's constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution as more fully outlined herein.

150. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Ms. Gausman's First Amendment Rights when they retaliated against her based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of

Defendants' discrimination, retaliation, and violations of state and federal law as more fully outlined herein.

151. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Ms. Gausman of her life, liberty, and or property without due process of law in violation of the Fourteenth Amendment to the U.S. Constitution; these actions were so ill-conceived or malicious that it shocks the conscious as more fully outlined herein.

152. Ms. Gausman's interest in her speech outweighs the state's countervailing interest as an employer in promoting workplace efficiency and avoiding workplace disruption. In fact, the state cannot claim it has any interest in squelching speech relating to violations of state and federal law.

153. Ms. Gausman's protected activity was a substantial or motivating factor in the retaliatory actions. Defendants retaliated against her, placed her on restricted duty in August of 2008, transferred her from her specialized position, disciplined her from August of 2008 until June of 2010, falsely attacked Ms. Gausman's, unfairly subjected her to a court martial in June of 2009, and failed to restore her to her position based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of illegal discrimination and illegal activity occurring by members of the PSP.

154. For instance, after Ms. Gausman engaged in protected activity, Defendants made stigmatizing statements about Ms. Gausman, including statements that call into question Ms. Gausman's good name, reputation, honor, or integrity, including falsely accusing her of incompetence and committing crimes of dishonesty.

155. Defendants' statements and actions denigrated Ms. Gausman's competence as a professional and impugned Ms. Gausman's professional reputation to place a significant roadblock on Ms. Gausman's continued ability to practice her profession. For instance, Ms. Gausman's personnel file contains numerous false statements and charges against her that have and will affect her ability to perform the essential functions of her chosen profession. Defendants, despite being ordered to do so, have still refused to remove the negative information from Ms. Gausman's personnel file. This is the only forum available to Ms. Gausman to redress her grievances against Defendants.

156. As a vested state employee, Ms. Gausman has a property interest in continued employment with the state, along with vested pension rights.

157. For instance, Ms. Gausman has been continually denied the right to complain about equal employment violations, which was never heard through arbitration, she has been denied the right to redress the false statements made by

Defendants acting under color of state law, which cannot be grieved through arbitration, she has been denied the right to be restored to her specialized position.

158. As a result of Defendants' violations of 42 U.S.C. § 1985, Ms. Gausman has suffered damages, including loss of her reputation, loss of employment, loss of future income, and loss of happiness and well-being, as more fully outlined throughout this Complaint.

159. Defendants' violations of the Section 1985 of the Civil Rights Act were wanton, willful and malicious.

160. As a result of Defendant's willful violations of Section 1985, Ms. Gausman has suffered damages, including loss of reputation, lost pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.

161. Defendants engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.

162. As a direct and proximate result of Defendants' actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.

163. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to punitive damages.

164. Thus, Defendants willfully violated the Section 1985 of the Civil Rights Act when they retaliated against Ms. Gausman for exercising her First Amendment Rights and denied her equal protection of the laws as guaranteed by the Fourteenth Amendment and are liable to Ms. Gausman for compensatory and punitive damages, along with attorneys' fees and costs.

COUNT III

Willful Interference in Violation of the Family and Medical Leave Act

Against Defendants Pawlowski, Locke and Binford, Collectively and Individually

165. Paragraphs 1 through 164 are incorporated herein by reference as though set forth in full.

166. Defendants maintain and distribute a Family and Medical Leave Act policy for their employees and allow eligible employees to use FMLA leave for qualifying events. Furthermore, Defendants' FMLA policy guarantees job restoration to state employees who return from FMLA leave.

167. Defendant maintains, issues, and distributes FMLA notices to all state employees, reaffirming state employees' FMLA rights.

168. Defendants' employees, including Ms. Gausman, rely on Defendants' FMLA policies and rights contained therein.
169. Ms. Gausman was at all times relevant hereto an eligible employee as defined by the Family and Medical Leave Act.
170. Defendant Pawlowski was at all times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.
171. Defendant Binford was at all times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.
172. Defendant Locke at times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.
173. Ms. Gausman is protected under the Family and Medical Leave Act which makes it unlawful for an employer to interfere with and/or retaliate against employees for exercising their rights under the FMLA.
174. As more fully outlined throughout this Complaint, Defendants interfered with Ms. Gausman's FMLA rights by failing to provide Ms. Gausman with leave under the Family and Medical Leave Act, 29 U.S.C. § 2611 *et seq.*, to care for her own serious medical condition.
175. The sick leave requested by Ms. Gausman and approved by Defendants and their supervisory employees was medically necessary to care for Ms.

Gausman's own serious health conditions as defined by the Family and Medical Leave Act.

176. Defendants interfered with Ms. Gausman's rights under the FMLA by failing to restore Ms. Gausman to her employment at the conclusion of her FMLA leave and terminating Ms. Gausman's employment, as more fully outlined throughout the Complaint.

177. Defendants terminated Ms. Gausman's employment in retaliation for exercising and/or attempting to exercise her rights under the FMLA.

178. Defendants' violations of the FMLA were wanton, willful and malicious.

179. Thus, Defendants willfully violated the Family and Medical Leave Act when they interfered with Ms. Gausman's rights to take FMLA leave and retaliated against Ms. Gausman for taking leave for her own serious health condition.

180. As a result of Defendant's willful violations of the FMLA, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.

181. Defendants engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.

182. As a direct and proximate result of Defendant's actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
183. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to liquidated damages.
184. Thus, Defendants willfully violated the Family and Medical Leave Act when they interfered with and retaliated against Ms. Gausman for exercising her rights to receive FMLA leave to care for her own serious health condition.
185. Ms. Gausman is entitled to damages, including declaratory and equitable relief against the Defendants for their willful violations of the FMLA, including retroactive reinstatement to her position of an Accountant with the same or equivalent terms, conditions, and privileges of employment she had prior to Defendants' illegal termination of her employment.

COUNT IV

Retaliation in **Violation of the Family and Medical Leave Act**

*Against Defendants Pawlowski, Locke and Binford
Collectively and Individually*

186. Paragraphs 1 through 185 are incorporated herein by reference as though set forth in full.
187. Defendants maintain and distribute a Family and Medical Leave Act policy for their employees and allow eligible employees to use FMLA leave for qualifying events. Furthermore, Defendants' FMLA policy guarantees job restoration to state employees who return from FMLA leave.
188. Defendant maintains, issues, and distributes FMLA notices to all state employees, reaffirming state employees' FMLA rights.
189. Defendants' employees, including Ms. Gausman, rely on Defendants' FMLA policies and rights contained therein.
190. Ms. Gausman was at all times relevant hereto an eligible employee as defined by the Family and Medical Leave Act.
191. Defendant Pawlowski was at all times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.
192. Defendant Binford was at all times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.
193. Defendant Locke at times relevant hereto was an "employer" and a "person" as defined by the Family and Medical Leave Act.

194. Ms. Gausman is protected under the Family and Medical Leave Act which makes it unlawful for an employer to retaliate against employees for exercising their rights under the FMLA.
195. As more fully outlined throughout this Complaint Defendants failed to provide Ms. Gausman with leave under the Family and Medical Leave Act, 29 U.S.C. § 2611 *et seq.*, to care for her own serious medical condition.
196. The sick leave requested by Ms. Gausman and approved by Defendants and their supervisory employees was medically necessary to care for Ms. Gausman's own serious health conditions as defined by the Family and Medical Leave Act.
197. Defendants retaliated against Ms. Gausman for asserting her rights under the FMLA by failing to restore Ms. Gausman to her employment at the conclusion of her FMLA leave, and terminating Ms. Gausman's employment, as more fully outlined throughout the Complaint.
198. Defendants terminated Ms. Gausman's employment in retaliation for exercising and/or attempting to exercise her rights under the FMLA.
199. Defendants' violations of the FMLA were wanton, willful and malicious.
200. Thus, Defendants willfully violated the Family and Medical Leave Act when they interfered with Ms. Gausman's rights to take FMLA leave and retaliated against Ms. Gausman for taking leave for her own serious health condition.

201. As a result of Defendant's willful violations of the FMLA, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
202. Defendants engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.
203. As a direct and proximate result of Defendants' actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
204. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to liquidated damages.
205. Thus, Defendants willfully violated the Family and Medical Leave Act when they retaliated against Ms. Gausman for exercising her rights to receive FMLA leave to care for her own serious health condition.
206. Ms. Gausman is entitled to relief, including declaratory and equitable relief, against the Defendants for their willful violations of the FMLA, including retroactive reinstatement to her position with the same or equivalent terms,

conditions, and privileges of employment she had prior to Defendants' illegal termination of her employment.

COUNT V

**Sex Discrimination in Violation of Title VII of The Civil Rights Act, 42
U.S.C. Sections 2000e, *et. seq.***

Against Defendant Pennsylvania State Police

207. Paragraphs 1 through 206 are incorporated herein by reference as though set forth in full.
208. Ms. Gausman is a member of a protected class (female).
209. Ms. Gausman was qualified to perform her position as a Trooper.
210. Ms. Gausman was subject to adverse employment actions, including unwarranted investigation, unwarranted transfer, unwarranted disciplinary action, and unwarranted changes in the terms, conditions, and privileges of her employment, unwarranted placement on restricted duty for over 600 days, and subject to an unwarranted court martial.
211. Similarly situated male employees were treated differently and more favorably than Ms. Gausman.
212. Therefore, Defendant discriminated against Ms. Gausman on the basis of her sex in violation of Title VII of the Civil Rights Act, 42 U.S.C. 2000e *et seq.*

213. Defendant's violations of Title VII of the Civil Rights Act were wanton, willful and malicious.
214. As a result of Defendant's willful violations of Title VII of the Civil Rights Act, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
215. Defendant engaged in the discriminatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.
216. As a direct and proximate result of Defendant's actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
217. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to damages.
218. Thus, Defendant willfully violated the Title VII of the Civil Rights Act when it discriminated against Ms. Gausman on the basis of her sex and is liable to Ms. Gausman for damages, along with attorneys' fees and costs.

COUNT VI

Retaliation in Violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e, et seq.

Against Defendant Pennsylvania State Police

219. Paragraphs 1 through 218 are incorporated herein by reference as though set forth in full.
220. During her employment with the Defendants, Ms. Gausman has been asserting her rights under federal and state law to work with Defendants in a non-discriminatory, non-retaliatory environment.
221. When Ms. Gausman asserted her rights under federal and state law, Defendants had actual notice of her basis for a discrimination complaint.
222. After complaining to Defendants, Ms. Gausman suffered illegal retaliation by Defendants and its employees, more fully outlined above, which was materially adverse to a reasonable employee.
223. Ms. Gausman repeatedly warned Defendants that she was being subjected to discrimination in the form of unfair and disparate practices and being subjected to a hostile work environment by Defendants and her coworkers.
224. Defendant and its supervisory employees failed or refused to investigate, alleviate, or eliminate the discrimination being practiced against Ms. Gausman despite her complaints thereof.

225. The acts and omissions described herein were illegally motivated by Ms. Gausman engaging in protected activity and/or being a member of a protected class.
226. Additionally, the retaliation negatively affected the terms, conditions, and privileges of Ms. Gausman's employment with Defendants.
227. Defendant's actions against Ms. Gausman, as more fully outlined above, were harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination.
228. Defendant has violated Title VII of the Civil Rights Act in retaliating against Ms. Gausman for asserting her rights under federal and state law.
229. As a result of Defendants' willful violations of the Title VII, Ms. Gausman has suffered damages, including loss of reputation, loss of future income and growth opportunities, damage to her career, and loss of happiness and well-being.
230. By participating in and/or causing the negatively-changed working conditions and the above-described adverse workplace actions Defendant has violated Title VII of the Civil Rights Act, 42 U.S.C. 2000e, *et seq.*
231. Defendant's violations of Title VII of the Civil Rights Act were wanton, willful and malicious.

232. As a result of Defendant's willful violations of Title VII of the Civil Rights Act, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
233. Defendant engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.
234. As a direct and proximate result of Defendant's actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, severe stress and anxiety and loss of enjoyment of life.
235. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to damages.
236. Thus, Defendant willfully violated Title VII of the Civil Rights Act when it retaliated against Ms. Gausman is liable to Ms. Gausman for damages, along with attorneys' fees and costs.

COUNT VII

**Hostile Workplace Sex Discrimination in Violation of Title VII of The
Civil Rights Act, 42 U.S.C. § 2000e, et. seq.**

Against Defendant Pennsylvania State Police

237. Paragraphs 1 through 236 are incorporated herein by reference as though set forth in full.
238. By harassing Ms. Gausman on the basis of her sex and creating a hostile work environment, the Defendants intentionally discriminated against Ms. Gausman on the basis of her sex in violation of the Title VII of the Civil Rights Act.
239. Ms. Gausman suffered intentional discrimination because of her sex; the discrimination was severe or pervasive; the discrimination detrimentally affected her; the discrimination would have detrimentally affected a reasonable person in like circumstances; and Defendant is liable.
240. Defendant has harbored a hostile work environment based on the sexual harassment of Ms. Gausman due to its breach of duty to investigate Ms. Gausman's complaints and the hostile work environment Ms. Gausman was subjected to regularly.
241. Defendant harbored a hostile work environment based on its employee sexual harassment of Ms. Gausman due to their failure to take action to attempt to rectify the complaints of sexual harassment when she made Defendant PSP and its agents aware of it.

242. Defendant's workplace was permeated with discriminatory intimidation, ridicule, and insult, and is sufficiently severe or pervasive to alter the conditions of Ms. Gausman employment and create an abusive working environment.
243. Defendant failed to take prompt and adequate remedial measures to prevent and correct sexually harassing behavior of its employees.
244. The Defendant engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Ms. Gausman.
245. As a result of Defendant's unlawful discriminatory practices in violation of Title VII of the Civil Rights Act, Ms. Gausman suffered damages and injury.
246. By participating in and/or causing the negatively-changed working conditions and the above-described adverse workplace actions, Defendants have violated Title VII of the Civil Rights Act.
247. Defendant's violations of Title VII of the Civil Rights Act were wanton, willful and malicious.
248. As a result of Defendant's willful violations of Title VII of the Civil Rights Act, Ms. Gausman has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, severe stress and anxiety, loss of happiness and well-being, and other emotional distress and compensatory damages.

249. Defendant engaged in the conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Plaintiff's statutory civil rights protected by federal law.
250. As a direct and proximate result of Defendant's actions and omissions, Plaintiff has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
251. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Plaintiff's well being, thereby entitling her to damages.
252. Thus, Defendant willfully violated Title VII of the Civil Rights Act when it subjected Ms. Gausman to a severe and/or pervasive hostile work environment because of her sex and are liable to Ms. Gausman for damages, along with attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Ms. Gausman, respectfully requests that this Court enter judgment in her favor and against the Defendants and direct the following relief:

1. For a judgment declaring Defendants violated Sections 1983 and 1985 of the Civil Rights Act, the Family and Medical Leave Act, and Title VII of the Civil Rights Act;

2. For a money judgment representing nominal and compensatory damages, including lost wages, and all other sums of money, including retirement benefits and other employment benefits, together with interest thereon;
3. For a money judgment for compensatory damages for creating, permitting, and continuing retaliation and discrimination against Ms. Gausman, including compensation for the distress that arises from being the target and victim of unlawful discriminatory and retaliatory conduct;
4. For a money judgment representing nominal, compensatory, and liquidated and/or punitive damages to the extent available for the Defendants' willful violations of Ms. Gausman's First and Fourteenth Amendment Rights as enforceable through Section 1983 of the Civil Rights Act, Section 1985 of the Civil Rights Act, Family and Medical Leave Act, and Title VII of the Civil Rights Act;
5. For a money judgment representing prejudgment interest;
6. For an Order directing Defendants to restore Ms. Gausman and make her whole;
7. For an Order directing Defendants pay relief to Ms. Gausman in the form of front pay for those wages and benefits she would be receiving if she had not been improperly demoted and disciplined;

8. That the Court retain jurisdiction over this action until the Defendants have fully complied with the Orders of this Court and that the Court require Defendants to file such reports as may be necessary to supervise such compliance;
9. For the costs of suit, including an award of reasonable attorneys' fees;
10. Award to Ms. Gausman past and future damages for loss of income, past and future medical expenses, growth opportunities, and all benefits denied to her due to the improper and unlawful actions of the Defendants;
11. Fine Defendants for their violations of state and federal law;
12. For such other and further relief as may be just and proper, including all relief afforded to victims of discrimination and retaliation for being subject to workplace discrimination, harassment, retaliation, and a hostile work environment.

JURY TRIAL DEMANDED

Respectfully submitted,

/s/ Lisa Matukaitis

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Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2011, I caused to be served a true and correct copy of the foregoing document by electronic filing to the following:

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