

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DIANNE B. PRICE

Plaintiff,

v.

CARROLL TOWNSHIP
PENNSYLVANIA

and

NANCY LIVINGSTON,
Individually

and

PAUL WALTERS,
Individually

and

MARK MCCURDY,
Individually

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED
Electronically Filed

COMPLAINT FOR DECLARATORY, EQUITABLE AND
MONETARY RELIEF

Jury Trial Demanded

Plaintiff, Dianne B. Price (hereinafter “Ms. Price”), 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 Title VII of the Civil Rights Act, 42 U.S.C. §2000e *et seq.*, Section 1983 of the Civil Rights Act, 42 U.S.C. §1983, the Equal Pay Act/Fair Labor Standards Act, and the Age Discrimination in Employment Act, which provide for original jurisdiction of Ms. Price’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. This Court has supplemental jurisdiction over Ms. Price’s state law claims pursuant to 28 U.S.C. §1367.
3. On or about July 8, 2010, Ms. Price filed a claim of discrimination with the Pennsylvania Human Relations Commission/U.S. EEOC against the above-named defendants. Over a year has passed and on or about May 16, 2011, Ms. Price received her Right to Sue letter

from the U.S. EEOC. Therefore, Ms. Price has exhausted all administrative remedies and has taken all other steps necessary to bring this action before this Court.

VENUE

4. Paragraphs 1 through 3 are incorporated herein by reference as though set forth in full.
5. The actions complained of herein occurred within the jurisdiction of this Court and involve a Defendant who resides within its jurisdictional limits.
6. 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

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

8. Plaintiff, Dianne B. Price (hereinafter “Ms. Price”), is a 54 year old woman residing in the Middle District of Pennsylvania and is a member of a protected class (sex – female; age – over forty).
9. Defendant Carroll Township (hereinafter “Carroll Township”), is a Pennsylvania municipality engaged in commerce and is an employer with 15 or more employees operating at 555 Chestnut Grove Road, Dillsburg, PA 17019. Defendant Carroll Township exercised control over the work or working conditions of Ms. Price and their other employees and is an employer pursuant to Title VII of the Civil Rights Act and the Pennsylvania Human Relations Act.
10. Defendant Nancy Livingston (hereinafter “Defendant Livingston”) is an individual employed in a supervisory capacity with Defendant Carroll Township as a Supervisor. At all times relevant hereto, Defendant Livingston had supervisory authority over Plaintiff, including control of Ms. Price’s terms, conditions, and privileges of employment. She is being sued in her individual capacity for aiding and abetting in discrimination under the Pennsylvania Human Relations Act.
11. Defendant Paul Walters (hereinafter “Defendant Walters”) is an individual employed in a supervisory capacity with Defendant Carroll

Township as a Supervisor. At all times relevant hereto, Defendant Walters had supervisory authority over Plaintiff, including control of Ms. Price's terms, conditions, and privileges of employment. He is being sued in his individual capacity for aiding and abetting in discrimination under the Pennsylvania Human Relations Act.

12. Defendant Mark McCurdy (hereinafter "Defendant McCurdy") is an individual employed in a supervisory capacity with Defendant Carroll Township as a Supervisor. At all times relevant hereto, Defendant McCurdy had supervisory authority over Plaintiff, including control of Ms. Price's terms, conditions, and privileges of employment. He is being sued in his individual capacity for aiding and abetting in discrimination under the Pennsylvania Human Relations Act.

FACTUAL ALLEGATIONS

13. Paragraphs 1 through 12 are incorporated herein by reference as though set forth in full.
14. Ms. Price, a mother of four children, holds a B.A. in Business Administration and began her career in management in 1977.
15. On or about November 7, 2001, Ms. Price, who had over 20 years of experience in her field, was hired by Defendants for the Carroll

Township Manager Position, with an annual salary of \$45,000, along with benefits, including a retirement plan.

16. In her position as Township Manager, her duties included administering the day to day operations of the Township, delegating work to staff, developing and administering Township policies, supervising all Township staff (except for the police department), preparing agendas for the Board of Supervisors meetings, along with attending and providing advice at those meetings, applying for grant opportunities, resolving grievances, preparing budgets, paying debts and collecting revenues, and contracting.
17. For eight years until she was illegally terminated on January 11, 2010 without any disciplinary action and without any notice, Ms. Price performed her job duties as Township Manager successfully.
18. For instance, Ms. Price was responsible for the Township being awarded \$275,000 in a grant from the Department of Conservation and Natural Resources, a \$100,000 grant to install sewer laterals, a \$138,000 Conservation Works! Grant to upgrade the hearing and air conditioning to save on electrical costs to the Township. Furthermore, Ms. Price administered a \$2,598,050 annual budget and created a capital reserve fund.

19. Despite her many accomplishments for the Township, throughout her employment Ms. Price was paid significantly less than her similarly situated male counterpart, the Director of the Police Department. At the time of her termination, Ms. Price`s annual salary was approximately \$66,000, while the similarly situated male employee was earning significantly more.
20. In addition to being paid less because her sex (female), Ms. Price was repeatedly subject to sexist comments by her superiors and her comparator. The Township`s male police chief in charge of the all male police force, for instance, directly stated that he ``would never hire a woman`` for the police department.
21. In January of 2008, Defendant Paul Walters, who was a former Pennsylvania State Trooper, became a Township Supervisor for the Defendant Township. Defendant Walters immediately began engaging in inappropriate behavior in the workplace, including creating a sexually charged working environment for Township employees.
22. For instance, Defendant Walters regularly told stories about his sexual exploits involving young women. During one such story, he said he was going out to meet women in worked in a horse barn with a former township supervisor, Gary Reihart. Defendant Walters laughed and

remarked that Mr. Reihart was dressed up because it was the first time he was cheating on his wife and that why would he be dressed up because ``how much class can girls that work in a horse barn have``. Defendant Walters made these comments in the workplace which had a negative impact on the Township`s employees, including Ms. Price.

23. Defendant Walters, who had been a District Justice for the Magisterial District 19-3-10 of Pennsylvania before becoming a Township Supervisor. During his tenure as a District Justice, Defendant Walters, had been driving under the influence of alcohol, and his blood alcohol content was 0.19%. He also regularly reports income on his tax returns from gambling in Atlantic City casinos.
24. In January of 2009, Defendant Walters insisted on meeting with a female employee alone.
25. The female employee expressed her discomfort about meeting with Defendant Walters alone, particularly given his sexually harassing comments in the workplace.
26. Ms. Price, per her duties as the Township Manager, discussed her concerns with Defendant Walters about meeting with employees alone. At that time, Ms. Price again reiterated the best practices and policies would be to meet with employees with another supervisor present.

27. After that conversation, Defendant Walters was clearly angered with Ms. Price.
28. At the time of Ms. Price`s termination, Defendant Mark McCurdy had been a Township Supervisor for about one week.
29. Prior to the Township meeting on January 11, 2010, Ms. Price had discussed with Defendant McCurdy issues involving potential violations of the Election Law. For instance, Defendant McCurdy failed to file amended paper work regarding his use of digital billboards for his election campaign, which resulted in daily fines.
30. During her tenure on the Township Board of Supervisors, Defendant Nancy Livingston owned a septic company, which provides sewer services to township residents.
31. Prior to the January 11, 2010 Township Meeting, Ms. Price, per her job duties as the Township Manager, recommended an increase for the costs of septic permits.
32. It is believed, and therefore averred, that Defendant Livingston, concerned that her company`s profits would decrease if the septic permit costs were increased, wanted to terminate Ms. Price as the Township Manager because of her own self interest and self dealing.

33. On January 11, 2010, the Board of Supervisors held a meeting, which was televised. Present at that meeting were Dianne Price, Supervisor Bill Turner, Defendant Walters, Defendant Livingston, and Defendant McCurdy.
34. Ms. Price, along with other attendees, were shocked when Defendant Walters moved to terminate Ms. Price as Township Manager effective immediately.
35. Defendant Livingston seconded the motion.
36. Supervisor Bill Turner opposed the motion to terminate Ms. Price.
37. Ms. Price then asked what the reasons and causes were for the termination.
38. Defendant Walters refused to provide her with any reason or cause for her termination.
39. Attendees voiced their opposition to Ms. Price`s termination, including a statement that Ms. Price does an outstanding job in her position and that it would be a great disservice to the township to terminate Ms. Price.
40. Immediately after voting to terminate Ms. Price, Defendant Livingston moved to hire Norman Shelly, Jr. as Ms. Price`s replacement. The

motion was seconded by Defendant McCurdy, and Supervisor Turner opposed the motion.

41. Amazingly, the Defendant Township, immediately hired Norm Shelly, who is a less-qualified male to fill Ms. Price`s position as Township Manager.
42. Mr. Shelly had no experience as a township manager and did not submit a resume for the position, and did not apply for the position of Township Manager.
43. Then, to make matters worse and further publicly humiliate Ms. Price—who had performed her position as Township Manager ethically and successfully for eight years—Defendant Walters directed the police chief to immediately assist Ms. Price from removing her personal possessions from her office.
44. After publicly and illegally terminating Ms. Price from her eight year position—without any disciplinary action, without any advance notice, and without any cause—the news of Ms. Price`s termination was broadcast in the state and local press. This caused further damage to Ms. Price`s reputation and career.

45. For instance, the York Dispatch reported ``Carroll Township supervisors fire manager`` and the Patriot News reported ``Dismissal `shocking` to former manager.``
46. At the next Township meeting on January 22, 2010, attendees questioned the Defendants` termination of Ms. Price.
47. Specifically, it was questioned how the Board could terminate Ms. Price without the Chair of the Board being aware of the action, why the action had not been discussed in the personnel committee or executive session, whether Ms. Price`s replacement was qualified for the position.
48. It was also noted that Ms. Price`s replacement—Norm Shelly—had not even been to a township meeting in fifteen years. The Defendants were questioned as to who arranged for Mr. Shelly to be present at the January 11, 2010 meeting.
49. Defendants were also questioned as to Mr. Shelly`s resume, and Defendants admitted that they did not have his resume.
50. Furthermore, after terminating Ms. Price, Defendants contested her eligibility for unemployment compensation benefits.
51. Defendant Walters reported to Unemployment Compensation that Ms. Price was terminated due to ``non reconcilable differences`` and ``was

instructed to perform tasks that she failed to performed and constantly created conflict between employees.``

52. Defendant Walters also reported that the incidents causing Ms. Price`s termination dated from 1-4-08 to the present.
53. Defendant Walters only became a Township Supervisor on January 4, 2008.
54. Neither Defendant Walters, nor another other supervisor, ever gave Ms. Price any verbal or written disciplinary action prior to her immediate termination on January 11, 2010.
55. After a hearing, the unemployment compensation referee found Ms. Price eligible for benefits and found that she did not engage in any willful misconduct during her employment with Defendant.
56. After firing Ms. Price, Defendants then hired a significantly younger (24 years old), less qualified male to fulfill Ms. Price`s job duties.
57. Furthermore, after firing Ms. Price they denied her retirement insurance policy and kept her retirement funds.
58. Defendants have a pattern and practice of discriminating against female employees and employees over forty by failing to hire them and/or replacing them with significantly younger, less qualified employees.

59. As a result of Defendants' illegal actions, Ms. Price has suffered damages, including but not limited to, damage to her reputation, lost pay and benefits, diminished earning capacity.

COUNT I

Sex Discrimination – Termination and Compensation Discrimination- in Violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e *et seq.*

Against Defendant Carroll Township

60. Paragraphs 1 through 59 are incorporated herein by reference as though set forth in full.
61. Ms. Price is a member of a protected class (sex - female).
62. Ms. Price was qualified to perform the position as Township Manager as evidenced by her heretofore blemish-free career with Defendants.
63. Ms. Price was subject to adverse employment actions, including unwarranted termination and failure to pay her on an equal basis with similarly situated male employees.
64. Similarly situated male employees were treated differently and more favorably than Ms. Price was as more fully outlined herein.
65. Defendants paid Ms. Price significantly less than similarly situated male employees.
66. Ms. Price was subject to pay disparity because of her sex (female).

67. Defendant had no legitimate, non-discriminatory reason for paying Ms. Price significantly less than her similarly situated male counterparts, as more fully outlined herein.
68. Similarly situated male employees were treated differently and more favorably than Ms. Price, as more fully outlined herein.
69. Defendant had no legitimate business reason for compensating Ms. Price significantly less than her male counterparts.
70. Defendant terminated Ms. Price in violation of its own policies and procedures and immediately replaced her with a less qualified male.
71. Therefore, Defendant discriminated against Ms. Price on the basis of her sex in violation of Title VII of the Civil Rights Act, 42 U.S.C. 2000e *et seq.*
72. Defendant's violations of Title VII of the Civil Rights Act were wanton, willful and malicious.
73. As a result of Defendant's willful violations of Title VII of the Civil Rights Act, Ms. Price 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.

74. 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.
75. 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.
76. 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.
77. Thus, Defendant willfully violated the Title VII of the Civil Rights Act when it discriminated against Ms. Price on the basis of her sex and is liable to Ms. Price for compensatory and other damages, along with attorneys' fees and costs.

COUNT II

**Sex Discrimination – Termination and Compensation
Discrimination- in Violation of the Pennsylvania Human Relations
Act, 43 Pa.C.S.A. 951 *et seq.***

Against All Defendants, Collectively and Individually

78. Paragraphs 1 through 77 are incorporated herein by reference as though set forth in full.
79. Ms. Price is a member of a protected class (sex - female).
80. Ms. Price was qualified to perform the position as Township Manager as evidenced by her heretofore blemish-free career with Defendants.
81. Ms. Price was subject to adverse employment actions, including unwarranted termination and failure to pay her on an equal basis with similarly situated male employees.
82. Similarly situated male employees were treated differently and more favorably than Ms. Price was as more fully outlined herein.
83. Defendants paid Ms. Price significantly less than similarly situated male employees.
84. Ms. Price was subject to pay disparity because of her sex (female).
85. Defendants had no legitimate, non-discriminatory reason for paying Ms. Price significantly less than her similarly situated male counterparts, as more fully outlined herein.
86. Similarly situated male employees were treated differently and more favorably than Ms. Price, as more fully outlined herein.
87. Defendants had no legitimate business reason for compensating Ms. Price significantly less than her male counterparts.

88. Defendants terminated Ms. Price in violation of their own policies and procedures and immediately replaced her with a less qualified male.
89. Therefore, Defendants discriminated against Ms. Price on the basis of her sex in violation of the Pennsylvania Human Relations Act.
90. Defendants' violations of the PHRA were wanton, willful and malicious.
91. As a result of Defendants' willful violations of the PHRA, Ms. Price 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.
92. Defendants 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.
93. 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.

94. 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.
95. Thus, Defendants willfully violated the PHRA when they discriminated against Ms. Price on the basis of her sex and is liable to Ms. Price for compensatory and other damages, along with attorneys' fees and costs.

COUNT III

Termination - Age Discrimination in Violation of the Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.*

Against Defendant Carroll Township

96. Paragraphs 1 through 95 are incorporated herein by reference as though set forth in full.
97. Ms. Price is a member of a protected class – age (54) (DOB 3/3/57).
98. Ms. Price was qualified to perform her position as a Manager as evidenced by her three decades of experience and positive performance evaluations with Defendants.
99. Ms. Price was subject to an adverse employment action (termination) by Defendants on or about January 11, 2010.
100. Defendant replaced Ms. Price with a younger, less-qualified employee.

101. Defendant had no legitimate business reason for terminating Ms. Price's employment and replacing her with a younger, less qualified employee.
102. Therefore, Defendant has violated the Age Discrimination in Employment Act by discriminating against Ms. Price because of her age.
103. 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 and state law.
104. 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.
105. 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.

COUNT IV

**Age Discrimination – Termination - in
Violation of the Pennsylvania Human Relations Act,
43 Pa.C.S.A. §951 *et seq.***

Against All Defendants, Collectively and Individually

106. Paragraphs 1 through 105 are incorporated herein by reference as though set forth in full.

107. Ms. Price is a member of a protected class – age (54) (DOB 3/3/57).

108. Ms. Price was qualified to perform her position as a Manager as evidenced by her three decades of experience and positive performance evaluations with Defendants.

109. Ms. Price was subject to an adverse employment action (termination) by Defendants on or about January 11, 2010.

110. Defendants replaced Ms. Price with a younger, less-qualified employee.

111. Defendants had no legitimate business reason for terminating Ms. Price`s employment and replacing her with a younger, less qualified employee.

112. Therefore, Defendants have violated the Pennsylvania Human Relations Act by discriminating against Ms. Price because of her age.

113. Defendants 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 and state law.

114. 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.

115. 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.

COUNT V

Equal Pay Act/Fair Labor Standards Act Violations, 29 U.S.C. § 206(d) *et seq.*

Against Defendant Carroll Township

116. Paragraphs 1 through 115 are incorporated herein by reference as though set forth in full.

117. Ms. Price is a member of a protected class (female).

118. Ms. Price is and was qualified to perform her position as Township Manager.

119. Ms. Price was subject to pay disparity because of her sex (female).

120. Defendant Carroll Township had no legitimate, non-discriminatory reason Ms. Price significantly less than her similarly situated male counterparts, including but not limited to, Jack Francis, paying him nearly \$20,000 a year more than Ms. Price, as more fully outlined herein.

121. Similarly situated male employees were treated differently and more favorably than Ms. Price, as more fully outlined herein.

122. Ms. Price and the similarly situated male employees performed jobs that were substantially equal; however, Ms. Price received unequal pay for the substantially equal work. For instance:

- a. Ms. Price and the similarly situated males work in the same establishment.
- b. Ms. Price and the similarly situated males have same or similar skills to perform their respective positions.
- c. Ms. Price and the similarly situated males have the same or similar effort and responsibilities in performing their respective positions. Furthermore, Ms. Price performed additional duties and responsibilities than her similarly situated male counterparts do not perform, and she has

additionally accountability, yet she was paid significantly less as more fully outlined herein.

123. Defendant Carroll Township has no affirmative defense to justify the pay differential between Ms. Price and her similarly situated male counterparts.

- a. Defendant cannot justify the pay differential on the basis of seniority.
- b. Defendant cannot justify the pay differential on the basis of merit.
- c. Defendant cannot justify the pay differential on the basis of quantity or quality of production.
- d. Defendant cannot justify the pay differential on a factor other than sex.

124. Defendant had no legitimate business reason for compensating Ms. Price significantly less than her male counterparts.

125. Therefore, Defendant discriminated against Ms. Price on the basis of her sex in violation of the Equal Pay Act/Fair Labor Standards Act by compensating her less than similarly situated males for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

126. Defendant engaged in the discriminatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Ms. Price's statutory civil rights protected by federal and state law.
127. As a direct and proximate result of Defendant's actions and omissions, Ms. Price has suffered and will continue to suffer loss of employment, lost wages, mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
128. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Ms. Price's well being, thereby entitling her to damages.

COUNT VI

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

Against Defendants Livingston, Walters, and McCurdy Collectively and Individually

129. Paragraphs 1 through 128 are incorporated herein by reference as though set forth in full.
130. Ms. Price 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.

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

132. As more fully outlined herein, Ms. Price exercised her First Amendment Rights, including the right to complain of on-going sex discrimination, retaliation, hostile work environments, and engaged in protected first amendment activity.

133. Defendants Livingston, Walters, and McCurdy acted under color of law and subjected Ms. Price to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.

134. 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. Price in violation of the Fourteenth Amendment and the unlawful retaliation against Ms. Price in violation of the First Amendment.

135. Defendants Livingston, Walters, and McCurdy, all of whom were a Supervisor at all times relevant hereto, were responsible for the adverse

actions against Ms. Price by exercising personal direction, actual knowledge and acquiescence, and direct discrimination. Defendants Livingston, Walters, and McCurdy allowed disparate discipline, including termination, to be issued against Ms. Price and defamatory statements to be published about Ms. Price.

136. These Defendants violated Ms. Price's First Amendment and Fourteenth Amendment Rights to equal protection of the laws when they retaliated against her, including terminating her and publishing false statements against her based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of illegal discrimination and illegal activity. Ms. Price'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.
137. Ms. Price, 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. Price to a series of on-going, adverse actions, in retaliation for her exercise of First Amendment Rights.

138. Defendants' conduct--including but not limited to terminating Ms. Price--against Ms. Price was motivated or substantially caused by Ms. Price's exercise of free speech.
139. Defendants violated clearly established rights of which a reasonable person would have known.
140. Defendants should know or should have known that Ms. Price's speaking out about the township's discrimination, retaliation, and violations of state and federal law, and on-going sex discrimination, is a matter of public concern.
141. Defendants acted maliciously and were improperly motivated by Ms. Price's speech on matters of public concern which was a substantial or motivating factor in subjecting Ms. Price to on-going adverse actions as more fully outlined herein.
142. Defendants violated Ms. Price'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.
143. Defendants created and disseminated a false and defamatory impression about Ms. Price in connection with her employment and reputation in the community.

144. Ms. Price's interest in her speech outweighs the state's countervailing interest as an employer in promoting workplace efficiency and avoiding workplace disruption.
145. Ms. Price's protected activity was a substantial or motivating factor in the retaliatory actions.
146. For instance, after Ms. Price engaged in protected activity, Defendants made stigmatizing statements about Ms. Price, including statements that call into question Ms. Price's good name, reputation, honor, or integrity, including falsely accusing her of incompetence.
147. Defendants' statements denigrated Ms. Price's competence as a professional and impugned Ms. Price's professional reputation to place a significant roadblock on Ms. Price's continued ability to practice her profession.
148. Additionally, these Defendants, knowing that Ms. Price was attempting to complain of illegal sex discrimination, violated Ms. Price 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.
149. Ms. Price has a property interest in continued employment with the state.

150. Ms. Price has not been afforded procedural due process after defamatory statements were made about her

151. As a result of Defendants' violations of Ms. Price's First and Fourteenth Amendment Constitutional Rights which are enforceable under 42 U.S.C. § 1983, Ms. Price has suffered damages. Defendants' retaliatory actions impaired Ms. Price'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.

152. 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 Supervisors for the Township.

153. Defendants' violations of Ms. Price's Constitutional Rights were wanton, willful and malicious.

154. As a result of Defendant's willful violations, Ms. Price 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.

155. Defendants engaged in the retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Ms. Price's statutory civil rights protected by federal law.
156. As a direct and proximate result of Defendants' actions and omissions, Ms. Price 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.
157. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Ms. Price's well being, thereby entitling her to punitive damages.
158. Thus, Defendants willfully violated Ms. Price's Constitutional Rights and Section 1983 of the Civil Rights Act when they retaliated against Ms. Price 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. Price for compensatory and punitive damages, along with attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Ms. Price, 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 Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Equal Pay Act/Fair Labor Standards Act, Section 1983 of the Civil Rights Act, and the Pennsylvania Human Relations 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. Price, 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 other damages for the Defendants' willful violations of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the

- Equal Pay Act/Fair Labor Standards Act, and related statutes regulations, and rights;
5. For a money judgment representing prejudgment interest;
 6. For an Order directing Defendants to restore Ms. Price and make her whole;
 7. For an Order directing Defendants pay relief to Ms. Price in the form of front pay for those wages and benefits she would be receiving if she had not been improperly terminated;
 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. Price 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;

