

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

TRACY MILLER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civil Action No. _____
SILVER SPRING TOWNSHIP	:	
	:	
and	:	<i>Electronically Filed</i>
	:	
VINCENT DIFILIPPO,	:	
Individually	:	JURY TRIAL DEMANDED
	:	
and	:	
	:	
NANCY KONHAUSE GRIFFIE,	:	
Individually	:	
	:	
and	:	
	:	
MARY LOU PIERCE-MCLAIN,	:	
Individually	:	
	:	
and	:	
	:	
LEROY HIPPENSTEEL,	:	
Individually	:	
	:	
Defendants	:	

**COMPLAINT FOR DECLARATORY, INJUNCTIVE,
AND MONETARY RELIEF**

Jury Trial Demanded

Plaintiff, Tracy Miller, claims damages upon a cause of action against the above-captioned Defendants, collectively and individually, whereof the following is a statement:

PRELIMINARY STATEMENT

1. Plaintiff Tracy Miller (hereinafter “Officer Miller”) is a single mother of three children and employed as a Police Officer with Defendant Silver Spring Township.
2. In June of 2009, Officer Miller gave birth to her third child and was eager to return to work after giving birth, for financial reasons and also professional reasons. As such, she fully expected to return to work two weeks after giving birth and was physically capable of returning to work at that time.
3. However, despite having medical clearance to return to work light duty, Defendants refused to allow her to return to work. Similarly situated male and/or non-pregnant employees were permitted to return to work light duty after an injury, illness, or other disability.
4. After being denied the ability to return to work, Officer Miller engaged in protected activity of which Defendants were aware by contesting Defendants’ adverse action of failing to allow her to return to work, including filing a collective bargaining grievance and complaining to the

Pennsylvania Human Relations Commission of illegal discrimination based on sex and pregnancy.

5. Upon Officer Miller's return to work in August of 2009 after giving birth, she was subjected to further adverse actions, a continued hostile environment, and discrimination based on her sex, pregnancy, and in retaliation for complaining of discrimination.
6. On October 5, 2009, Officer Miller filed a formal complaint of sex and pregnancy discrimination/retaliation with the PHRC/EEOC, and provided Defendants with her complaint. After engaging in protected activity, Officer Miller was subject to adverse actions which have a causal relationship to engaging in the EEO process and exercising her First Amendment Rights. In fact, less than two weeks after filing a formal complaint with the PHRC/EEOC, Defendants terminated Officer Miller's employment.
7. On October 15, 2009, Defendant Hippensteel threatened Officer Miller's job, stating "That will be last time she [Officer Miller] does that [fills out her timesheet]." Again on October 15, 2009, Defendant Hippensteel removed all of the female applications from a stack of applications he was given to review for a new hire police officer position. Defendant Hippensteel admitted removing the female applications to another

employee, saying, “Maybe I shouldn’t have, but I removed all the female applications.” At that time, Defendants were aware of Defendant Hippensteel’s admitted sex discrimination against these female applicants. However, despite having direct knowledge that Defendant Hippensteel intentionally discriminated against numerous women, Defendants did nothing to correct his discriminatory actions. In fact, despite knowing that Defendant Hippensteel removed all the female applications for the new hire police officer position, they proceeded with the application and interview process, and hired a male for the position.

8. Also on October 15, 2009 – only 10 days after Officer Miller filed a formal PHRC/EEOC complaint of which Defendants were aware— Defendants issued a letter recommending her termination to Officer Miller, suspending her without pay immediately.
9. The Defendant Supervisors (Defendants DiFilippo, Konhaus Griffie, and Pierce-McLain) voted 3-2 to terminate Officer Miller’s employment. The decision to terminate Office Miller’s employment was made at a public meeting, at which the local press was present. Immediately thereafter, Officer Miller was subject to unwanted invasion of her privacy, including the press stalking her and negative statements being made about the

termination, which caused, and continues to cause, damage to her professional career, reputation, and family life.

10. Eventually, Officer Miller was restored to her position after being found not guilty in court.
11. However, Defendants failed to take any prompt or effective remedial action to prevent and/or remedy the on-going sex discrimination in its workplace, including failing to discipline Defendant Hippensteel, even after he admitted to removing female applicants for a position in October 2009.
12. Defendant Hippensteel remains in a supervisory capacity and received only one day off from work for his intentional sex discrimination against numerous female applicants, while Officer Miller was suspended without pay for weeks and terminated for a baseless, unsupported allegation made against her.
13. Furthermore, Defendants' public decision to fire Officer Miller was widely reported in the press and on local news stations. Segments were run on the unfounded allegations that Officer Miller passed a school bus with its red lights on. These unfounded allegations had, and continue to have, a negative impact on Officer Miller's reputation and ability to earn a living as a police officer.

14. For instance, despite being cleared of all charges and being reinstated to her position, oftentimes when Officer Miller pulls people over for traffic violations, she is met with hostile comments, such as “Why should I listen to you...you’re that cop that passed a school bus.”

JURISDICTION

15. Paragraphs 1 through 14 are incorporated herein by reference as though set forth in full.
16. 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 *et seq.* and 42 U.S.C. § 1985 *et seq.*, which provide for original jurisdiction of Officer Miller’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.
17. Officer Miller has exhausted all administrative remedies and has taken all other steps necessary to bring this action before this Court.

VENUE

18. Paragraphs 1 through 17 are incorporated herein by reference as though set forth in full.

19. The actions complained of herein occurred within the jurisdiction of this Court and involve a Defendant who resides within its jurisdictional limits.
20. 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 can be found in the Middle District of Pennsylvania and events or omissions giving rise to Plaintiff's claims have occurred in the Middle District of Pennsylvania.

PARTIES

21. Paragraphs 1 through 20 are incorporated herein by reference as though set forth in full.
22. Plaintiff, Tracy Miller (hereinafter "Officer Miller") is a 39-year old woman, single mother of three children, was recently pregnant, and engaged in protected activity, including filing a union grievance and filing a formal complaint of discrimination/retaliation on October 5, 2009 against her employer, Silver Spring Township, with the PHRC/EEOC, PHRC No. 200902567 and EEOC No. 17F201060391. Officer Miller resides in York County, Pennsylvania.
23. Defendant Silver Spring Township (hereinafter "Defendant Township"), is a Pennsylvania municipality and is engaged in commerce and is an employer with 50 or more employees. Its principal place of business is at

6475 Carlisle Pike, Mechanicsburg, Pennsylvania 17050 in Cumberland County Pennsylvania.

24. Defendant Vincent T. DiFilippo (hereinafter “Defendant DiFilippo”) is employed with Defendant Silver Spring Township as Chairman of the Board of Supervisors. In his position, Defendant DiFilippo had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller’s employment. He is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in his individual capacity under Section 1983 and Section 1985 of the Civil Rights Act.
25. Defendant Nancy Konhause Griffie (hereinafter “Defendant Konhause Griffie”) is employed with Defendant Silver Spring Township as Vice Chairman of the Board of Supervisors. In her position, Defendant Konhause Griffie had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller’s employment. She is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in her individual capacity under Section 1983 and Section 1985 of the Civil Rights Act.

26. Defendant Mary Lou Pierce-McLain (hereinafter “Defendant Pierce-McLain”) is employed with Defendant Silver Spring Township as Vice Chairman of the Board of Supervisors. In her position, Defendant Pierce-McLain had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller’s employment. She is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in her individual capacity under Section 1983 and Section 1985 of the Civil Rights Act.

27. Defendant Leroy Hippensteel (hereinafter “Defendant Hippensteel”) is employed with Defendant Silver Spring Township as a Sargeant. In his position, Defendant Hippensteel had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller’s employment. He is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in his individual capacity under Section 1983 and Section 1985 of the Civil Rights Act.

FACTUAL ALLEGATIONS

28. Paragraphs 1 through 27 are incorporated herein by reference as though set forth in full.

29. On October 5, 2009, Officer Miller filed a formal complaint of sex and pregnancy discrimination/retaliation with the PHRC/EEOC, docketed as PHRC No. 200902567; EEOC No. 17F201060391.
30. That same day, Officer Miller provided actual notice to Defendants of her discrimination/retaliation complaint and provided Defendants with a true and complete copy of her complaint.
31. As alleged in her complaint, in November of 2006, Tracy Miller, a then single mother of two children, proudly graduated from the Police Academy, was eager to begin her new career as a police officer, and conscientiously applied for her first position as a police officer, including an application to Silver Spring Township.
32. In November of 2006, Officer Miller was hired for her first police officer position and began working as a Patrol Officer for Defendants at the Silver Spring Township Police Department. This was a part-time position and Officer Miller earned approximately \$13.00 per hour.
33. Officer Miller was not pregnant at the time she began working for Defendants.
34. At all times relevant hereto, Officer Miller was directly supervised by James Sadler, Chief of Police, and Leroy Hippensteel, Sergeant.

35. Officer Miller is only one of two women employed in the Silver Spring Township Police Department. All the other Police Department employees are men.
36. Defendant Hippensteel, a white male in his 40's, was openly hostile toward women police officers, including Officer Miller who was only the second female police officer in the Department's history. Defendant Hippensteel regularly stated his sexist opinion that "women should not be cops."
37. During Officer Miller's tenure at the Police Department, she received at least one satisfactory performance evaluation.
38. In January of 2007, Officer Miller was promoted to a full-time position with Defendants as a Patrol Officer.
39. On or about October 6, 2008, Officer Miller suspected she was pregnant and her direct supervisor, Defendant Hippensteel was informed of Officer Miller's suspected pregnancy at that time.
40. Upon learning of Officer Miller's suspected pregnancy, Defendant Hippensteel stated "I hope she doesn't get rid of it."
41. Immediately after Defendant Hippensteel learned of Officer Miller's suspected pregnancy, Defendants subjected Officer Miller to a series of adverse actions taken because of her sex (female) and pregnancy.

42. For instance, on or about October 13, 2008, Defendant Hippensteel informed Chief Sadler that Officer Miller obtained and disseminated driver information.
43. The alleged incidents dated as far back from November 19, 2007 until July 14, 2008.
44. Defendant Hippensteel had this information regarding Officer Miller's alleged rule violations; however, he failed to report or otherwise mention these alleged violations until after he learned of Officer Miller's suspected pregnancy.
45. As a result, Chief Sadler issued a Notice of Discipline to Officer Miller on or about November 14, 2008 and she received a verbal reprimand and a five day suspension.
46. Similarly situated male employees and non-pregnant employees—including Defendant Hippensteel himself--regularly violate the rules on the use the computer system to obtain driver information.
47. However, no other male and/or non-pregnant employees were ever investigated or disciplined for allegedly violating the rule.
48. In November 2008, Officer Miller treated with her medical provider who confirmed Officer Miller's pregnancy and expected due date of June 15, 2009.

49. Thereafter, per Defendants' policies and the provisions of the Collective Bargaining Agreement, Officer Miller notified Defendants of her pregnancy in writing on or about November 23, 2008.
50. As a result of her pregnancy, on or about November 24, 2008, Defendants informed Officer Miller that she was immediately assigned to light duty and was not permitted to work uniform patrol.
51. Per the light duty reassignment, Defendants placed Officer Miller on a permanent 2:00 p.m. to 10:00 p.m. shift.
52. Officer Miller's light duty assignment included the following: making and answering routine phone calls, follow-up report writing, walk-in complaints, crime reports, follow-ups and charges of incoming school reports, and bad check cases.
53. Prior to being reassigned to light duty, Officer Miller had been on rotating shifts, working 6 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 p.m. to 6:00 a.m.
54. The change in shift from a rotating shift to a permanent 2:00 p.m. to 10:00 p.m. shift negatively interfered with Officer Miller's family responsibilities, including her responsibilities as a single mother to care for her two teenage children. For instance, Officer Miller was unable to attend

her children's after-school activities, help with her children's homework, and make and participate in evening meals with her children.

55. Furthermore, one of Officer Miller's primary responsibilities on light duty was to handle school reports. Because she was not permitted to work prior to 2:00 p.m. each day, Officer Miller was hampered in her ability to speak with school officials regarding following-up and charging school reports, particularly given that most schools closed for the day at approximately 3:00 p.m.
56. No other male or non-pregnant officers were required to work only 2:00 p.m. to 10:00 p.m., including those that were on light duty. Additionally, while Officer Miller was placed on light duty, all of the other police officers began working three, 12-hour shifts per week. Officer Miller, the only pregnant employee, was not permitted to switch to the three, 12-hour shift.
57. After approximately three months of working the permanent 2-10 p.m. shift, on or about February 25, 2009, Officer Miller requested in writing that she be permitted to adjust her schedule to work more daylight hours.
58. On February 26, 2009, Defendants "regretfully" informed Officer Miller that they would not permit her to work daylight shift during the week. Instead, they informed her that her weekend shifts would now be daylight

shifts from 8:00 a.m. to 4:00 p.m. Essentially, this meant that Officer Miller had very little time with her teenage children.

59. Defendants, and Defendant Hippensteel in particular, were openly hostile to Officer Miller because of her sex and pregnancy.
60. The hostility increased in April of 2009, after Chief Sadler took a leave of absence to attend the FBI training academy.
61. Per the terms of the Collective Bargaining Agreement, in the Chief of Police's absence, Defendant Hippensteel assumed the role of Chief of Police and had direct supervisory authority over Officer Miller from April of 2009 until she gave birth in June of 2009.
62. In this position, Defendant Hippensteel abused his power and used it to further harass and discriminate against Officer Miller because of her sex and pregnancy.
63. For instance, in April of 2009, Defendant Hippensteel falsely accused Officer Miller of wiretapping Brian Brooks, Officer Miller's fiancé and father of her baby. Importantly, Mr. Brooks did not accuse Officer Miller of wiretapping or violating any law or rule.
64. However, despite not having any evidence or probable cause, Defendant Hippensteel maliciously and falsely accused Officer Miller of said conduct

and instructed Les Freeling, a detective in Cumberland County, to investigate Officer Miller.

65. At that time, Defendant Hippensteel made disparaging and sexist comments about Officer Miller motivated by a gender-based discriminatory animus towards women and pregnant women.
66. Such malicious and discriminatory statements to Officer Miller's co-workers included falsely accusing Officer Miller of being a "crooked cop" and statements to the effect that "she can't be that good in bed." Defendant Hippensteel also alleged that Officer Miller was engaging in oral sex while on duty in her patrol car.
67. Additionally, on or about April 29, 2009, Defendant Hippensteel sent a mass email harshly objecting to the purchase of a baby swing for Officer Miller as a baby shower gift.
68. Despite the increasingly hostile environment Officer Miller was subjected to because of her sex and pregnancy, she continued to work light duty and perform her duties to the best of her ability. In fact, Officer Miller received a satisfactory performance evaluation in April of 2009.
69. Officer Miller continued working up until the day she gave birth on June 8, 2009 to a healthy baby boy.

70. As the sole economic supporter of her family, Officer Miller was eager to return to work after giving birth, for financial reasons and also professional reasons. As such, she fully expected to return to work two weeks after giving birth and was physically capable of returning to work at that time.
71. To that end, on June 22, 2009, Officer Miller's treating OB/GYN cleared Officer Miller to return to work light duty. Her release was effective June 23, 2009 and was provided to Defendants prior to Officer Miller's anticipated return to work.
72. However, despite having medical clearance to return to work light duty, Defendants refused to allow her to return to work light duty. At that time, Defendants specifically informed Officer Miller she was not permitted to return to work until she was released without restrictions.
73. Similarly situated male and/or non-pregnant employees were permitted to return to work light duty after an injury, illness, or other disability.
74. As a result of Defendants refusal to restore Officer Miller to her position, Officer Miller went without pay, which caused an economic hardship for her as a single mother of three children.
75. Thereafter, in June of 2009, Officer Miller engaged in protected activity of which Defendants were aware by contesting Defendants' adverse action of failing to allow her to return to work, including filing a collective

bargaining grievance and complaining to the Pennsylvania Human Relations Commission of illegal discrimination based on sex and pregnancy.

76. Because Defendants would not allow Officer Miller to return to work when she was cleared for light duty, Officer Miller had to wait until approximately July 23, 2009 to return to her position.
77. Upon Officer Miller's return to work in August of 2009 after giving birth, she was subjected to further adverse actions, a continued hostile environment, and discrimination based on her sex, pregnancy, and in retaliation for complaining of discrimination.
78. For instance, on or about August 19, 2009, Officer Miller met with Defendants, including the Defendant Township Supervisors regarding her grievance on the Defendants' failure to allow Officer Miller to return to work after giving birth.
79. During that meeting, Officer Miller was subjected to openly discriminatory remarks about women, pregnant women, and working mothers. For instance, Defendant Jan LeBlanc stated "If you would have had a c-section, then we might have let you return on light duty." They also questioned why Officer Miller could not return to work full duty immediately if she were breast feeding.

80. Again in August of 2009, Defendants, and Defendant Hippensteel in particular, excluded Officer Miller from qualifying on her shotgun and rifle, which she needed to do to perform her position as a Police Officer.
81. At that time, Defendants continued to treat similarly situated male and non-pregnant employees differently and more favorably than Officer Miller and in fact were given two days on the shooting range to qualify on their handguns, shotguns, and rifles.
82. Additionally, upon her return to work after giving birth, Defendant Hippensteel, who is responsible for making the schedule, did not assign another Officer to work with Officer Miller on her shifts. Essentially, Defendant Hippensteel denied back-up to Officer Miller.
83. Similarly situated male and non-pregnant employees were assigned back-up on their shifts.
84. After Officer Miller engaged in protected activity and exercised her First Amendment Rights, including engaging in protected union activity, Defendants falsely alleged that Officer Miller illegally passed a school bus on September 17, 2009.
85. Officer Miller denied passing the school bus; however, Defendants contacted the Pennsylvania State Police who issued a citation to Officer

Miller. Officer Miller did not plead guilty to the citation and is contesting its validity.

86. Subsequently, on September 25, 2009, Defendants placed Officer Miller on paid administrative leave pending their investigation into the citation.
87. Similarly situated male and/or non-pregnant employees were not investigated, cited, and/or disciplined for allegedly violating a traffic law as Officer Miller was.
88. After engaging in protected activity, including protected union activity and EEO activity, Officer Miller was subject to adverse actions which have a causal relationship to engaging in the EEO process.
89. Soon after filing a formal complaint with the PHRC/EEOC, Defendants terminated Officer Miller's employment.
90. On October 15, 2009, Defendant Hippensteel made a comment to Officer Miller's co-workers threatening her job. After Officer Miller filled out her timesheet, Defendant Hippensteel stated, "That will be last time she [Officer Miller] does that."
91. Again on October 15, 2009, Defendant Hippensteel removed all of the female applications from a stack of applications he was given to review for a new hire police officer position.

92. Defendant Hippensteel admitted removing the female applications to another employee, saying, “Maybe I shouldn’t have, but I removed all the female applications.”
93. At that time, Defendants were aware of Defendant Hippensteel’s admitted sex discrimination against these female applicants.
94. However, despite having direct knowledge that Defendant Hippensteel intentionally discriminated against numerous women, Defendants did nothing to correct his discriminatory actions.
95. In fact, despite knowing that Defendant Hippensteel removed all the female applications for the new hire police officer position, they proceeded with the application and interview process.
96. Defendants only interviewed males for the new hire police officer position and two months after having direct knowledge that Defendant Hippensteel discriminated against numerous female applicants, hired a male for the new hire police officer position, who was sworn into office by Defendants in December 2009.
97. Also on October 15, 2009 – only 10 days after Officer Miller filed a formal PHRC/EEOC complaint of which Defendants were aware— Defendants issued a letter recommending her termination to Officer Miller, suspending her without pay immediately.

98. On October 18, 2009, Officer Miller learned that Defendant Hippensteel had been recruiting a male police cadet for Officer Miller's position, stating that there was going to be another opening at Silver Spring because "Officer Miller is getting fired for making false reports."
99. On October 26, 2009, the Defendant Board of Supervisors (Defendants DiFilippo, Konhaus Griffie, and Pierce-McLain) voted 3-2 to terminate Officer Miller's employment.
100. Board members Jan LeBlanc and Jackie Eakin were the only members to cast a negative vote against terminating Officer Miller.
101. The decision to terminate Office Miller's employment was made at a public meeting, at which the local press was present.
102. Immediately thereafter, Officer Miller was subject to unwanted invasion of her privacy, including the press stalking her and negative statements being made about the termination, which caused, and continues to cause, damage to her professional career, reputation, and family life.
103. On November 12, 2009, a hearing was held on the citation issued to Officer Miller. After the evidence presented, Officer Miller was found not guilty.
104. On November 13, 2009, Officer Miller's Phase II Union Grievance based on her termination was held.

105. At that time, Officer Miller was notified that her termination was reversed after she was found not guilty to stop for red flashing school bus stop lights.
106. In October 2009, Defendants had actual notice of Officer Miller's discrimination/retaliation complaint and actual notice of Defendant Hippensteel's egregious sex discrimination against women, including removing all of the female applications for a new hire position.
107. However, Defendants failed to take any prompt or effective remedial action to prevent and/or remedy the on-going sex discrimination in its workplace.
108. Defendants failed to effectively discipline Defendant Hippensteel, even after he admitted to removing female applicants for a position in October 2009.
109. Instead, after they hired a male police officer for the new hire position and after knowing full well that Defendant Hippensteel admitted to removing all the female applicants, they gave him a meaningless slap on the wrist on or about December 15, 2009, which sends a message to Defendant Hippensteel that he can intentionally discriminate against women and he will suffer no adverse consequences at work.

110. Defendant Hippensteel remains in a supervisory capacity and received only one day off from work for his intentional sex discrimination against numerous female applicants, while Officer Miller was suspended without pay for weeks and terminated for a baseless, unsupported allegation made against her.
111. Furthermore, Defendants' public decision to fire Officer Miller was widely reported in the press and on local news stations.
112. Segments were run on the unfounded allegations that Officer Miller passed a school bus with its red lights on.
113. These unfounded allegations had, and continue to have, a negative impact on Officer Miller's reputation and ability to earn a living as a police officer.
114. For instance, despite being cleared of all charges and being reinstated to her position, oftentimes when Officer Miller pulls people over for traffic violations, she is met with hostile comments, such as "Why should I listen to you...you're that cop that passed a school bus."
115. Defendants' adverse actions against Officer Miller are continuing.
116. For instance, on March 5, 2010, Officer Miller requested to attend a training course necessary for her job. The course cost less than \$200, yet Defendants flatly denied her training request.

117. However, they regularly allow similarly situated male employees to attend training and pay for their training opportunities.

118. In fact, Defendants recently paid \$1,200 for Defendant Hippensteel to take an online course, yet they refused to allow Officer Miller with training opportunities to advance her professional skills.

119. Additionally, upon information and belief, Defendants recently fired William Cook from his position as Township Manager after he reinstated Officer Miller to her position.

120. As a direct and proximate result of Defendants' actions and omissions, ongoing discrimination, retaliation, and severe and pervasive hostile environment, Officer Miller 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, loss of reputation, and loss of enjoyment of life.

COUNT I

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

*Against all Defendants
Collectively and Individually*

121. Paragraphs 1 through 120 are incorporated herein by reference as though set forth in full.

122. Officer Miller 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.
123. As more fully outlined herein, Officer Miller 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.
124. Defendants acted under color of law and subjected Officer Miller to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.
125. Defendants violated Officer Miller's First Amendment Rights when they retaliated against her, placed her on restricted duty, transferred her, disciplined her, falsely attacked Officer Miller's integrity, unfairly subjected her to termination, based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of illegal discrimination and activity occurring by Defendants.

126. Officer Miller'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.
127. Officer Miller, 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 Officer Miller to a series of on-going, adverse actions, which continue to this day, in retaliation for her exercise of First Amendment Rights.
128. Defendants' conduct--including but not limited to issuing disciplinary charges, placing her on restricted duty, falsely testifying and attacking Officer Miller's integrity, targeting her for a termination, and calling her a liar--against Officer Miller was motivated or substantially caused by Officer Miller's exercise of free speech.
129. Defendants violated clearly established rights of which a reasonable person would have known.
130. Defendants had a custom of persistent and widespread discriminatory practices as more fully outlined throughout this Complaint.
131. Defendants should know or should have known that Officer Miller's speaking out about the Defendants' discrimination, retaliation, and their compliance with state and federal law is a matter of public concern.

132. Defendants acted maliciously and were improperly motivated by Officer Miller's speech on matters of public concern which was a substantial or motivating factor in subjecting Officer Miller to on-going adverse actions as more fully outlined herein.
133. Defendants violated Officer Miller's constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution by failing to maintain the confidentiality of Officer Miller's private information, including matters relating to her medical conditions.
134. Defendants violated Officer Miller'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.
135. Defendants created and disseminated a false and defamatory impression about Officer Miller in connection with her employment.
136. Shortly after Officer Miller spoke out on matters of public concern, Defendants made stigmatizing statements about Officer Miller, including statements that call into question Officer Miller's good name, reputation, honor, or integrity, including falsely accusing her of incompetence and committing crimes of dishonesty.
137. Defendants' statements denigrated Officer Miller's competence as a professional and impugned Officer Miller's professional reputation to

place a significant roadblock on Officer Miller's continued ability to practice her profession. For instance, Officer Miller'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.

138. Defendants deprived Officer Miller 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.
139. As a result of Defendants' violations of Officer Miller's Constitutional Rights which are enforceable under 42 U.S.C. § 1983, Officer Miller has suffered damages. Defendants' retaliatory actions impaired Officer Miller'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.
140. Retaliation against employees for the exercise of First Amendment rights and expressive association rights is willful misconduct, outside the course and scope of the Defendants' duties.

141. Defendants' violations of Officer Miller's Constitutional Rights as enforceable under Section 1983 of the Civil Rights Act were wanton, willful and malicious.
142. As a result of Defendant's willful violations, Officer Miller 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.
143. 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.
144. 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.
145. 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.

146. Thus, Defendants willfully violated Officer Miller's Constitutional Rights and Section 1983 of the Civil Rights Act when they retaliated against Officer Miller for exercising her First Amendment Rights and are liable to Officer Miller for compensatory and punitive damages, along with attorneys' fees and costs.

COUNT II

Claim Under 42 U.S.C. § 1985 for Conspiracy to Deprive Officer Miller of Her Constitutional Rights

Against All Defendants Collectively and Individually

147. Paragraphs 1 through 146 are incorporated herein by reference as though set forth in full.
148. Officer Miller 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.
149. As more fully outlined herein, Officer Miller 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.

150. Defendants acted under color of law and subjected Officer Miller to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.
151. Defendants joined together to conspire for the purpose of depriving, directly or indirectly, Officer Miller of equal protection of the laws.
152. Defendants had a custom of persistent and widespread discriminatory practices as more fully outlined throughout this Complaint.
153. These Defendants were motivated by a class-based discriminatory animus against women.
154. Sex is an obvious protected class, can be an immutable characteristic, has no relationship to ability, and these Defendants' discrimination against Officer Miller because of her sex (female) is class-based and invidiously discriminatorily motivated.
155. These Defendants formed an agreement and acted in concert to inflict an unconstitutional injury upon Officer Miller. They took overt acts in furtherance of the goal, including having meetings concerning her, engaging in email communications concerning her and how to oust her from her position, and caused harm to Officer Miller.
156. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Officer Miller's

constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution.

157. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Officer Miller'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 and retaliation.
158. These Defendants, motivated by class-based discriminatory animus against women, joined together to conspire to violate Officer Miller 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.
159. As a result of Defendants' violations of 42 U.S.C. § 1985, Officer Miller 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.
160. Defendants' violations of the Section 1985 of the Civil Rights Act were wanton, willful and malicious.
161. As a result of Defendant's willful violations of Section 1985, Officer Miller 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.

162. 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.
163. 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.
164. 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.
165. Thus, Defendants willfully violated the Section 1985 of the Civil Rights Act when they retaliated against Officer Miller for exercising her First Amendment Rights and are liable to Officer Miller for compensatory and punitive damages, along with attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Officer Miller, respectfully requests that this Court enter judgment in her favor against the Defendants and direct the following monetary, equitable, declaratory, and/or injunctive relief:

1. For the issuance of a declaratory judgment that Defendants violated Officer Miller's First and Fourteenth Amendment Rights under Sections 1983 and 1985 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 nominal and compensatory damages for creating, permitting, and continuing retaliation and discrimination against Officer Miller, including compensation for the distress that arises from being the target and victim of unlawful discriminatory and retaliatory conduct and being made unlawfully subject to a hostile work environment and retaliation for exercising the lawful rights afforded to her under federal laws;
4. For a money judgment representing prejudgment interest;

5. For an Order directing Defendants pay relief to Officer Miller in the form of front pay for those wages and benefits she would be receiving if she had been properly retained;
6. For an Order entering equitable relief for Officer Miller including directing Defendants to retroactively reinstate Officer Miller to her position with the same terms, conditions, and privileges of employment that she had before they illegally fired her;
7. For an Order entering injunctive relief for Officer Miller against the Defendants, including requiring Defendants to comply with the requirements of state and federal employment laws;
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 post notices and file such reports as may be necessary to supervise such compliance;
9. For the costs of suit, including an aware of reasonable attorneys' fees;
10. Award to Officer Miller past and future damages for loss of income, 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; and,

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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