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SUMMONS

Doc. No. 40824

IN THE DISTRICT COURT OF Dodge COUNTY, NEBRASKA
428 N Broad St.
Fremont

NE 68025 4962

Agenda Item # 27a
Date 6/17/20

Marti Sleister v. Dodge County

Case ID: CI 20 268

TO: Dodge County

You have been sued by the following plaintiff(s):

Marti Sleister

RECEIVED
2020 JUN -1 AM 11:47
FRED HYATT, COUNTY CLERK
DODGE COUNTY, NEBRASKA

Plaintiff's Attorney: Abby K Osborn
Address: 1002 G Street
Lincoln, NE 68508

Telephone: (402) 484-7700

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: MAY 29, 2020

BY THE COURT:

Linda Nelson
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Dodge County
c/o County Clerk
435 North Park Street
Fremont, NE 68025

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

IN THE DISTRICT COURT OF DODGE COUNTY, NEBRASKA

MARTI SLEISTER,
Plaintiff,
v.
DODGE COUNTY, NEBRASKA
Defendant.

CASE NO. *CI 20-268*
COMPLAINT AND REQUEST FOR A
JURY TRIAL

INTRODUCTION

COMES NOW the Plaintiff, Marti Sleister by and through her attorney, Abby Osborn and for her causes of action against the Defendant, Dodge County, Nebraska, pleads and alleges as follows:

1. This is an action for damages against the Defendant for acts in violation of Plaintiff's rights as guaranteed under the Nebraska Fair Employment Practice Act ("FEPA"), the Neb. Rev. Stat. § 48-1104; and for Attorney's fees pursuant to Neb. Rev. Stat. § 48-1119(4).

VENUE

2. Venue is appropriate in this court pursuant to Neb. Rev. Stat. 25-403.01 as all material facts occurred within Dodge County.

PARTIES

3. Plaintiff is a female with a known disability who is currently a resident of Fremont, Dodge County, Nebraska.

4. Defendant is a political subdivision of the State of Nebraska as defined by Neb. Rev. Stat. § 13-1612.
5. Plaintiff has met all administrative requirements to bring suit against the Defendant.

FACTS

6. Plaintiff is a female with disabilities and a record of disabilities. At all relevant times in this complaint Plaintiff was disabled.
7. Plaintiff was hired by the Defendant on or around May 25, 2017. Plaintiff was most recently employed by the Defendant as a Deputy County Attorney.
8. On or around November 2017, the Plaintiff made a request for accommodation to County Attorney Oliver Glass that her files be pulled on Wednesdays and that she be given an outbox to collect files for return, which was approved.
9. Despite this request being approved, the Plaintiff often had to pull and return her own files despite her request for a reasonable accommodation.
10. Plaintiff also requested a printer for her office as an accommodation, as her travelling from her office to the office's shared printer was a

difficult task for the Plaintiff due to her disability. This request was denied.

11. Due to the difficulty of having to travel to the shared printer, the Plaintiff then requested that she be able to bring her own printer to keep in her office.
12. This request was granted, and Defendant provided the Plaintiff with toner for her personal printer.
13. At some point shortly after the Plaintiff's employment began, Office Manager Connie Giesne began to harass her.
14. Giesne's harassment of the Plaintiff included failing to communicate with the Plaintiff about important matters and ignoring the Plaintiff's requests for assistance in scheduling matters which she would schedule for other non-disabled individuals in the office.
15. The Plaintiff also asked that Giesne to pull files related to the next week's Monday hearings by the Wednesday preceding those hearings. The Plaintiff made this request so that she would have adequate time to submit any changes to charging documents which were to be heard on Monday to the court by 3pm on the preceding Friday, as mandated by the court's rules.

16. Giesne deliberately ignored this request and instead waited until late in the day Thursdays or Fridays to pull the Plaintiff's files, leaving the Plaintiff unable to prepare for hearings on a weekly basis.
17. On or around November 2017, Plaintiff complained to Glass about Giesne's harassment and refusal to provide the Plaintiff with the previously agreed upon accommodation.
18. Nothing was done by Glass, or any other employee of the Defendant, to address Giesne's behavior towards the Plaintiff or to secure the accommodations.
19. On or around January 2018 the Plaintiff once again complained to Glass about Giesne's refusal to provide the Plaintiff with agreed upon accommodations and Giesne's harassment of the Plaintiff. The Plaintiff also requested that she receive assistance from a different support staff member because of Giesne's refusal to provide the Plaintiff with agreed upon accommodations and continued harassment.
20. Glass refused this request and told the Plaintiff that she needed to get along with Giesne. Giesne's refusal of the Plaintiff's accommodations and harassment of the Plaintiff continued.

21. On or around May 1, 2018, the Plaintiff submitted a written request to Glass for a new printer for her office because the personal printer she had provided was not working. This request was denied.
22. During her employment, Plaintiff requested additional accommodations due to ongoing construction. The Plaintiff requested parking accommodations in a written request. For the same reasons, the Plaintiff also inquired if there were any resources for monetary assistance in purchasing a wheelchair to assist her in getting from the car into the office.
23. Glass never responded to these requests.
24. On or around February 2018, the Plaintiff learned that the Defendant had promoted Deputy County Attorney Sara Sopinski to Chief Deputy County Attorney.
25. The Plaintiff had more experience than Sopinski not only in general legal practice but also in handling the prosecution of felonies, an essential function of the Chief Deputy County Attorney Position.
26. Not only did the Defendant fail to give the Plaintiff an opportunity to apply for the position, but it also promoted Sopinski to the position without requiring her to go through any sort of application process.

27. Throughout the Plaintiff's employment, she was harassed by Glass, Sopinski, Deputy County Attorneys Emily Bemis and Bree McCarty, and Giesne.
28. Additionally, the Plaintiff was purposefully excluded from weekly "Taco Tuesday" gatherings of all other attorneys who were employed by the Defendant.
29. While the Plaintiff had been invited to "Taco Tuesdays" around the time she began her employment, she was eventually uninvited from the gatherings after asking for assistance and accommodations.
30. Beginning on or around January 2018 Bemis and Sopinski would meet with the Plaintiff weekly to review her files and critique her work. No other similarly situated employee was subjected to this treatment.
31. On or around early March 2018 the Plaintiff complained to Sopinski about being purposefully excluded from Taco Tuesdays. Sopinski became angry with the Plaintiff and told her that they didn't have to invite her.
32. On or around March 23, 2018, Glass and Sopinski issued the Plaintiff a Performance Improvement Plan. In her Performance Improvement Plan they stated that the Plaintiff needed to improve her organization and improve upon her interpersonal skills.

33. Defendant gave an example of an interaction where the Plaintiff's interpersonal skills could be improved, describing an alleged incident where Plaintiff had been disrespectful in her interactions with opposing counsel, Jim Schulz, while discussing a plea deal.
34. Shortly after her conversation with Glass and Sopinski, the Plaintiff spoke with Schulz to apologize for the allegedly disrespectful interaction. Schulz indicated to the Plaintiff that he did not know what she was talking about.
35. This was the first time the Plaintiff had been made aware of any concerns regarding her employment.
36. Plaintiff was told that she would have two additional performance reviews, and her next performance review was scheduled for approximately one month later.
37. Despite being placed on a performance improvement plan, Plaintiff was allowed to work unsupervised from the time she was issued her performance improvement plan until the time she was terminated.
38. On or about April 19, 2019, prior to the next review, the Plaintiff presented Glass and Sopinski with a document that outlined her responses to the performance improvement plan which had been issued to her on or about March 23rd.

39. On or around April 20, 2018 the Plaintiff was subjected to different terms and conditions of employment than similarly situated employees when Glass and Sopinski met with the Plaintiff and presented her with a six-page long list of complaints about her performance.
40. This list of complaints included complaints about the work Plaintiff had been unable to complete after being sent home from work due to illness and asked not to return the next day on or around April 9, 2018.
41. When the Plaintiff attempted to discuss, explain, or ask for clarification regarding the complaints she had received with Glass and Sopinski, they indicated that they were unwilling to engage with the Plaintiff regarding the matter.
42. On or around May 3, 2018 the Plaintiff was called into another meeting with Glass and Sopinski. In this meeting, they told her that they could tell she was unhappy in her position and repeatedly asked for her resignation.
43. The Plaintiff then told Glass and Sopinski that while she had been searching for employment elsewhere but would like to remain in the position until she was able to secure a new position.
44. Glass and Sopinski then told the Plaintiff they needed to discuss the best course of action and sent the Plaintiff out of the meeting room.

45. At some point after this initial conversation, Glass and Sopinski asked the Plaintiff to rejoin them. They then told the Plaintiff that her employment with the Defendant was being terminated immediately.
46. Later that afternoon, the office manager for the Defendant sent an email stating that the Plaintiff had been terminated to all attorneys who were representing criminal defendants in cases brought by Dodge County.
47. On March 2, 2020 the Plaintiff was issued a final determination against the Defendant by the Nebraska Equal Employment Opportunity Commission.

FIRST CAUSE OF ACTION

48. Plaintiff incorporates herein as if fully set forth, the allegations contained in paragraphs one through 47.
49. The foregoing actions of Defendant constitute a willful violation of the Nebraska Fair Employment Practice Act (FEPA) §48-1104, et seq. Plaintiff was discriminated against when Defendant refused to provide the Plaintiff reasonable accommodations for her disability.
50. Plaintiff was further discriminated and retaliated against by the Defendant when the Defendant did not allow her to apply for a promotion for which she was qualified.

51. The Plaintiff was subjected to different terms and conditions than similarly situated individuals in that she was subjected to increased scrutiny, discipline, and termination based on the discrimination and retaliation by the Defendant for the Plaintiff's requests for accommodation and complaints of discrimination.

52. As a result of Defendant's unlawful discrimination and retaliation, Plaintiff has suffered and continues to suffer lost wages and benefits, undue hardship, great emotional distress, humiliation, embarrassment, inconvenience, loss of enjoyment of life, damage to her reputation, personal and professional, which entitles her to compensatory damages.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests this court to assume jurisdiction over this case and issue judgment against the Defendant with regard to the following:

- a) Lost wages and benefits to date of trial;
- b) Reinstatement or front pay;
- c) Compensatory damages for emotional pain suffering, inconvenience, mental anguish, loss of enjoyment of life and other pecuniary and non-pecuniary losses,
- e) Award Plaintiff reasonable attorney fees and costs of this trial; and;

- f) Award the Plaintiff such further relief as the Court deems just and proper.

REQUEST FOR JURY TRIAL

Plaintiff hereby requests a jury trial.

Respectfully submitted,

MARTI SLEISTER, Plaintiff

By: s/Abby Osborn
Abby Osborn, #24527
Joy Shiffermiller, #18164
Shiffermiller Law Office, P.C., L.L.O.
1002 G Street
Lincoln, NE 68508
(402) 484-7700
(402) 484-7714 (fax)

PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue a summons to:

Dodge County
c/o County Clerk
435 North Park Street
Fremont, Nebraska 68025

and return the same with a copy of the Complaint, to attorney for the Plaintiff, Abby Osborn, Shiffermiller Law Office, P.C., L.L.O., 1002 G Street, Lincoln, Nebraska 68508, so that said summons may be served on Defendant by certified mail.

s/Abby Osborn
Abby Osborn