

AUG 21 2015

FILED

SUPERIOR COURT OF WASHINGTON  
FOR BENTON COUNTY

JULIE M. ATWOOD,

Plaintiff,

vs.

MISSION SUPPORT ALLIANCE, LLC,  
STEVE YOUNG, an individual, and DAVID  
RUSCITTO, an individual,

Defendants.

Case No.: 15-2-01914-4

COMPLAINT FOR DAMAGES,  
INJUNCTIVE AND DECLARATORY  
RELIEF

I. JURISDICTION

1.1 The Plaintiff, Julie Atwood, is a woman over 40 years of age. At all times relevant to this complaint she was a citizen of the United States residing in Yakima County, Washington.

1.2 Ms. Atwood was employed by Defendant Mission Support Alliance, LLC (hereinafter "MSA") from February 2010 to September 19, 2013.

1.3 The Defendant MSA has its headquarters in Benton County, Washington, is organized and registered under the laws of the State of Washington, and incorporated in Delaware.

COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF - 1

SHERIDAN LAW FIRM, P.S.  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Tel: 206-381-5949 Fax: 206-447-9206

COPY

1.4 The Defendant, Steve Young, male, is employed by MSA as Vice President of Portfolio Management upon information and belief, since sometime on or around June 2011. In that position he was Ms. Atwood's direct supervisor. Defendant Young is a resident of Benton County, Washington.

1.5 The Defendant David Ruscitto, male, was employed by MSA as Chief Operating Officer from August 30, 2010 to February 2015. Defendant Ruscitto is a resident of Benton County, Washington.

## II. FACTS

## Background

2.1 Defendant MSA is a Prime Contractor selected by, and under contract with, the U.S. Department of Energy (hereinafter "DOE") in support of the environmental clean up and restoration efforts at the DOE Hanford Nuclear Site in Benton County, WA.

2.2 Defendant Young is also the Mayor of Kennewick, Washington.

2.3 Ms. Atwood was a member of the PFM team from February 2010 until September 19, 2013 and worked at the Federal Building in Richland, Benton County during that time. This building houses a number of DOE employees and other contractors to the DOE.

2.4 Ms. Atwood has worked for approximately 30 years in the field of regulatory compliance, waste management and environmental affairs in Washington, many of those years working for the State of Washington or federal contractors at the Hanford Nuclear Site. During this time, Ms. Atwood worked without incident and received positive performance evaluations.

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**Facts**

2.5 On or about February 17, 2010, Plaintiff, Ms. Atwood, was hired by MSA as Project Manager of Environmental Regulatory and Waste Management as part of the PFM team.

2.6 Ms. Atwood's direct supervisor at the time of her hire was Jim Santo.

2.7 Ms. Atwood received several performance evaluations by Mr. Santo, all indicating that her performance "Exceeds Expectations" or is "Exceptional."

2.8 Upon information and belief, MSA hired Defendant Steve Young as Vice-President of PFM in June 2011. At that time he became Ms. Atwood's direct supervisor.

2.9 On July 31, 2012, Defendant Young rated Ms. Atwood's performance as either "Exceeds Expectations" or "Exceptional."

2.10 On June 25, 2013, Defendant Young rated Ms. Atwood overall as a "Successful Performer" under a new ratings system.

2.11 Christine DeVere worked as a human resources professional since 1997. She is a member of the Society for Human Resource Management Senior Certified Professionals (SHRM-SCP) and a Senior Professional in Human Resources (SPHR) in the Human Resources Certification Institute. She was employed by MSA as a Senior Human Resources Specialist from August 2009 to September 2012 and then promoted to Human Resources Principal in September 2012, a position she held until May 2014. One of her duties at MSA included investigating and reporting any complaints by MSA employees under Title VII of the Civil Rights Act, the Washington State Law Against Discrimination, or under any other EEO or ADA laws or regulations.

2.12 On or about September 3, 2013, Cindy Protsman, a human resource business partner at MSA, informed Ms. DeVere that she had received an anonymous typewritten complaint alleging that Steve Young, Vice President of the Portfolio Management department

1 (PFM), was creating a hostile work environment. Ms. Protsman asked Ms. DeVere to assist  
2 her with an investigation into the allegation.

3 2.13 In early September 2013, Ms. Atwood was informed that an anonymous  
4 claim of a hostile work environment on the basis of gender had been filed against  
5 Defendant Young.

6 2.14 In early September 2013, Ms. Atwood was informed that Mr. Young called  
7 a meeting that included her peers and the other PFM leads, but did not include Ms. Atwood.  
8 Both male and female leads were invited to the meeting. At this meeting Defendant Young  
9 informed those present about the hostile work environment complaint made against him.

10 2.15 Defendant Young did not invite Ms. Atwood to this meeting, even after  
11 another lead offered to go bring Ms. Atwood to the meeting. At the time, she was  
12 available and working in the building. Defendant Young informed the other lead that he  
13 would talk to Ms. Atwood about it later, but made no attempt to do so.

14 2.16 Later that same day, after hearing of the meeting from a PFM staff member,  
15 Ms. Atwood e-mailed Defendant Young, apologized for missing the meeting, informed  
16 him that she was available, but had not notified of the meeting, and informed him that she  
17 was available now to meet about the subject matter. Young replied that she did not need to  
18 meet with him about this.

19 2.17 Ms. Atwood went to his office anyway. Young acted annoyed, and told her  
20 that a complaint had been filed against him, and that it was anonymous. Young told her to  
21 cooperate with investigators. He also made several statements, including that he did not  
22 need this job, that he knew where this was heading, and that he wanted to leave on a good  
23 note with his head held high. He stated that he may as well quit because he didn't need the  
24 money, and said that DOE had asked him to do this job.

1           2.18   On or about September 9, 2013, David Ruscitto, MSA Chief Operating  
2 Officer, informed DOE-RL Office Deputy Manager that Ms. Atwood was being  
3 investigated for time accounting fraud or time card issues. Based on Ms. Atwood's  
4 experience, contractors do not share internal personnel investigations with DOE personnel  
5 prior to investigations being conducted and completed.

6           2.19   On or about September 9, 2013, Ms. Atwood was informed of Mr.  
7 Ruscitto's meeting and comments to the DOE group. A Senior DOE Manager told her that  
8 this accusation was completely inconsistent with her work and that she must have really  
9 "pissed someone off." This was the first time Ms. Atwood heard anything about formal  
10 concerns with her time accounting.

11          2.20   Ms. Atwood expressed concern to Mr. Young about Ruscitto's comments to  
12 DOE, and asked if there was an investigation against her. Mr. Young replied, "It's not  
13 about you; it's about me".

14          2.21   On or about September 10, 2013, Ms. Atwood expressed concern to Mr.  
15 Ruscitto after a luncheon celebration. She told him she was aware of his meeting with  
16 DOE and that sharing these unfounded, un-investigated allegations with DOE would affect  
17 her relationship with DOE, and asked why these allegations had been shared and where  
18 they came from. She asked if there was an investigation going on that involved her. Mr.  
19 Ruscitto did not respond. She explained that she was one of the highest producers in the  
20 PFM organization and that she had made all contract deliverables on schedule and  
21 achieved all performance incentives (PIs) on time or ahead of schedule so what is the issue.  
22 Mr. Ruscitto replied that it was not about performance and that he could not talk about it.  
23 He walked off and was angry that Ms. Atwood had met with DOE.

24          2.22   On or about September 10, 2013 Ms. Protsman and Ms. DeVere met with Mr.  
25 Young at his request. At the meeting, Mr. Young stated that he already knew how the

1 investigation was going to turn out and stated: "I am not going to let you take me down this  
2 way." Mr. Young further explained that he had talked to two trusted individuals in his  
3 department who had told him the truth: that he was creating a hostile work environment. Ms.  
4 DeVere then asked him for the names of the people to whom he spoke. Mr. Young responded  
5 that he would not reveal their names, but that Ms. DeVere would probably find out anyway  
6 through her investigation. At the meeting, Mr. Young further stated that he was going to  
7 "make it easy" and just resign, and stated that, "this is not how I am ending my career" or  
8 words to that effect.

9       2.23 At the meeting, Mr. Young also stated, "I know who filed it; it was Julie  
10 Atwood" or words to that effect. Ms. DeVere asked him why he thought that it was Julie  
11 Atwood, and he stated that he just knew that she was the one who filed the allegation  
12 against him.

13       2.24 At the meeting, Ms. DeVere told Mr. Young to let the investigation run its  
14 course instead of resigning, or words to that effect. She also said she would have to inform  
15 Human Resources Vice-President Todd Beyers of his intention to resign. Ms. DeVere  
16 further stated that the investigation would go forward whether or not he resigned.

17       2.25 On or about September 10, 2013, Todd Beyers contacted Ms. DeVere, and  
18 stated that he found out that Mr. Young was resigning and wanted to know what had  
19 happened. Mr. Beyers asked if Ms. DeVere had threatened Mr. Young, because he said,  
20 Mr. Young had told Mr. Beyers that she had. Ms. DeVere told Mr. Beyers she had not  
21 threatened Mr. Young, and summarized the meeting. Mr. Beyers then instructed Ms.  
22 DeVere to stop the investigation. She responded that as the company EEO officer, it was  
23 her duty to investigate. She cautioned him not to stop the investigation, because the  
24 company could face potential liability. Mr. Beyers stated, "cease and desist your  
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1 participation in the investigation. Your work with this allegation is done” or words to that  
2 effect. Pursuant to Mr. Beyers’ order, Ms. DeVere stopped the investigation.

3       2.26 On or about September 12, 2013, Mr. Beyers called Ms. DeVere to a  
4 meeting. In attendance were Mr. Chris Jensen, Director of Independent Oversight and  
5 Employee Concerns, and Ms. Wendy Robbins, Employee Concerns Specialist and one of  
6 Mr. Jensen’s direct reports. At the meeting, Mr. Beyers and Mr. Jensen informed Ms.  
7 DeVere and Ms. Robbins that they would be working together (the “joint investigators”)  
8 on a joint investigation (the “joint investigation”). Ms. DeVere would investigate the  
9 hostile work environment claim against Mr. Young, but she would not be the lead  
10 investigator—she would assist Ms. Robbins. Ms. Robbins would investigate a claim of  
11 time card fraud against Ms. Atwood. Mr. Beyers and Mr. Jensen set a deadline for the  
12 joint investigation’s completion of September 18, 2013. The joint investigators  
13 immediately began interviewing witnesses owing to the severe time constraints.

14       2.27 During this same time period, Defendant Young began to scrutinize Ms.  
15 Atwood’s timesheets. He instructed a subordinate, Morris Legler, to document Ms.  
16 Atwood’s attendance without her knowledge and without expressing any concerns to her  
17 about her time accounting or performance. Young repeatedly asked others where Ms.  
18 Atwood was, and on information and belief, at the same time did not check her outlook  
19 calendar, call, text, or email Ms. Atwood to ask her location, or read the sticky note often  
20 placed on her office door.

21       2.28 A large part of Ms. Atwood’s duties involved supporting the Federal  
22 Projects for the AMRP organization and working with DOE employees and contractors in  
23 the basement “PACE” room and using a “turnaround” office in the basement of the federal  
24 building. She also met with customers, federal employees, in their offices or at their sites.  
25 Along with her PFM duties in the Federal building, she was the PFM Environmental

1 Management point of contact, the ISO1400.1 lead, the Integrated Safety Management  
2 System (ISMS) Lead, the Voluntary Protection Program (VPP) representative and the  
3 Central Environmental Committee (CEC) Representative. These multiple duties involved  
4 meeting in a variety of rooms and locations and did not always require using an ID to get  
5 through security points. None of these duties involved meeting in the Federal Building  
6 where her official workstation was located. These meetings were consistently on her  
7 Outlook calendar, which was open to Mr. Young, the other PFM leads and others in PFM.

8 2.29 Mr. Young did not scrutinize male employees' time and attendance.

9 2.30 On September 16, 2013, the joint investigators interviewed Ms. Atwood.  
10 She was the last interview of the day. In response to DeVere's questions about a hostile  
11 work environment, Ms. Atwood stated that Defendant Young treated women differently.  
12 She reported a number of examples of Young's disparate treatment of women that  
13 involved her, and incidents she had witnessed regarding other women. Ms. Atwood also  
14 reported a specific example of a hostile work environment where Mr. Ruscitto reported to  
15 DOE that Ms. Atwood was being investigated for time accounting issues or time card  
16 fraud. Ms. Atwood expressed her belief that this was discrimination as it was not the usual  
17 policy for MSA to report ongoing investigations to DOE. Ms. Atwood also informed Ms.  
18 Robbins and Ms. DeVere that Young had asked her if she knew who filed the anonymous  
19 complaint.

20 2.31 Both Ms. DeVere and Ms. Robbins appeared stunned upon hearing that  
21 MSA management had reported to Senior DOE managers that Ms. Atwood was being  
22 investigated for time accounting, especially as Mr. Ruscitto's comments were made before  
23 they had been instructed to investigate Ms. Atwood.

24 2.32 In this meeting, Ms. Atwood also reported that Mr. Young frequently  
25 conducted City of Kennewick business on MSA time, which is then charged the time to the



1 government contract. She reported that Mr. Young had used government resources and  
2 staff to support City of Kennewick business in the PACE without putting it on the PACE  
3 calendar so it would not be easily detected. She reported that she and a number of  
4 employees were able to see his Outlook calendar. Ms. Atwood reported examples of City  
5 of Kennewick appointments listed on the calendar, and that Young's assistant, Linda  
6 Delannoy, had a color-coding system for the different types of appointments, including  
7 City of Kennewick business. Ms. Atwood reported that Young was frequently out of the  
8 office and would also write speeches regarding City of Kennewick business in his MSA  
9 office in the federal building during business hours. Ms. Atwood also reported that Ms.  
10 Linda Delannoy, another PFM/MSA employee, worked for Mr. Young and also did City of  
11 Kennewick work on Mr. Young's behalf on MSA time. She reported an example where Ms.  
12 Delannoy drove around and delivered flowers to City administrators on Administrator's day  
13 and reported the time as MSA work time.

14       2.33 Ms. Atwood reported that Mr. Young eventually changed his calendar  
15 access in 2013 and blocked Ms. Atwood and other leads from seeing his calendar. Ms.  
16 Atwood had observed that City of Kennewick business was occasionally mixed in with  
17 PFM products on spreadsheets that he said he did at home and sent by mistake.

18       2.34 State and federal laws, codes and regulations provide a clear mandate of  
19 public policy against presenting false or fraudulent claims for payment to the government  
20 or for municipal officers using his or her position to secure special privileges or  
21 exemptions for himself, herself, or others. See, for example, RCW 42.23.070, Kennewick  
22 Municipal Code § 2.24, and 31 U.S.C. § 3729. In addition, the policies underlying the  
23 Washington Law Against Discrimination (RCW 49.60.210) protect persons who are  
24 terminated because the employer perceives them as opposing discrimination.

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1           2.35   At the meeting, Ms. Robbins informed Ms. Atwood that they were also  
2   investigating her time accounting in addition to conducting the EEO investigation. Ms.  
3   Atwood provided information from her calendar regarding dates and times in question.

4           2.36   After the September 16, 2013 meeting where she reported Young's  
5   discriminatory actions, potential time accounting issues, and disparate treatment, Ms.  
6   Robbins requested two other meetings with Ms. Atwood to question her about her time  
7   accounting. At each of these meetings, Ms. Atwood provided the information requested  
8   about her time and activities on specific dates questioned by Ms. Robbins.

9           2.37   On September 17, 2013, Ms. DeVere and Ms. Robbins met with Mr. Jensen  
10   and Mr. Beyers and gave them a progress report of their investigation. At this meeting,  
11   they informed Mr. Jensen and Mr. Beyers of the information they received from Ms.  
12   Atwood and other interviewees, and expressed concern that MSA told DOE about the  
13   allegations against Ms. Atwood before the investigation was completed. Ms. Robbins  
14   stated that we were not finding any indication of time card fraud at that point in the  
15   investigation. Mr. Beyers told her to "figure it out." Ms. Robbins expressed concern stating  
16   that she hoped the investigation of Ms. Atwood was not a "smokescreen" to deflect  
17   attention from something else going on at MSA.

18          2.38   On September 19, 2013, Ms. Robbins pulled Ms. Atwood out of a training  
19   session that Ms. Atwood was leading, requested that they meet immediately to discuss  
20   other potential time discrepancies, and that they needed "to close gaps". At Ms. Robbins  
21   insistence, Ms. Atwood left the training, and went to Ms. Atwood's office, where Ms.  
22   Atwood provided more information to support her time accounting entries. Some of the  
23   dates in question were mandatory furlough days during the sequestration that Ms. Atwood  
24   properly coded as such. Ms. Robbins commented that there were no discrepancies, that the  
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1 "gaps" had been closed, questions resolved, she was finished with the interviews, and that  
2 she would write up her report.

3 2.39 Near the end of this September 19, 2013 meeting, Ms. Robbins telephoned  
4 her own manager, VP Chris Jensen, in front of Ms. Atwood and told him that there was no  
5 indication of time card fraud or discrepancies in Ms. Atwood's records. Ms. Robbins also  
6 informed Ms. DeVere that she found no time card discrepancies regarding Ms. Atwood.

7 2.40 On information and belief, a few minutes later, Ms. Robbins received a  
8 phone call from Chris Jensen or Todd Beyers telling her to have Ms. Atwood report to HR  
9 Manager Todd Beyers' office immediately. This call occurred in Ms. Atwood's presence.  
10 Ms. Atwood asked Ms. Robbins why she was being asked to go to Mr. Beyer's office. Ms.  
11 Robbins said she wasn't sure and that he hadn't said why.

12 2.41 As they exited the federal building, Ms. Robbins and Ms. Atwood  
13 encountered Todd Beyers, Dave Ruscitto and Independent Oversight director Chris Jensen  
14 at the end of the ramp to the federal building. Ms. Atwood and Ms. Robbins were quite  
15 surprised, as they had been instructed to have Ms. Atwood drive over to Beyer's office in  
16 another building two miles away.

17 2.42 Outside of Ms. Atwood's presence, Ms. Robbins handed her documentation  
18 to Jensen and Beyers, and told them there were no issues regarding fraud, timecard  
19 accounting or falsification of records; however, without looking at the documentation, they  
20 informed Ms. Robbins that MSA was terminating Ms. Atwood.

21 2.43 Shortly thereafter, Beyers and MSA attorney Steve Cherry met with Ms.  
22 DeVere and informed her that they were terminating Ms. Atwood. Ms. DeVere asked what  
23 documents or information he had that warranted the termination, and that as the EEO Officer,  
24 she needed to let him know this decision could be perceived as retaliation. Ms. DeVere further  
25 explained that during the joint investigation they had also reviewed Ms. Atwood's personnel

1 file, and had not found any documented performance issues, observed that there were no prior  
2 disciplinary actions, and that Ms. Atwood's personnel evaluations for the past three years had  
3 all been "meets or exceeds." Ms. DeVere explained again there hadn't been any  
4 documentation or information that would warrant a termination action. Jensen expressed  
5 anger that they had reviewed Ms. Atwood's personnel file.

6         2.44 After reporting to the wrong building, Ms. Atwood found Todd Beyer's  
7 office, at which point she was taken to a small conference room where she met with Mr.  
8 Beyers. MSA attorney Steve Cherry was also present, although he stated he was only  
9 present as a witness. At the meeting, Mr. Beyers informed Ms. Atwood that she was being  
10 terminated for misconduct.

11         2.45 Ms. Atwood stated that this must be a mistake as she had just been cleared  
12 of any wrongdoing or discrepancies, that Ms. Robbins could not have had a chance to  
13 prepare her final report, and asked for proof of misconduct. None was provided. Ms.  
14 Atwood also requested that Beyers speak with Ms. Robbins. Mr. Beyers refused to do so.

15         2.46 Beyers insisted that Ms. Atwood sign a termination letter stating that she  
16 was terminated for misconduct. The letter contained about two sentences and contained  
17 none of the specific information about misconduct or policy violation that would usually  
18 be included in a termination letter under MSA policy. When Ms. Atwood refused to sign  
19 the termination letter, Mr. Beyers angrily handed her a pad of paper and told her to write a  
20 letter of resignation. Mr. Beyers told her she would be terminated that day, and threatened  
21 her that if she was terminated instead of resigning, she would lose her vested benefits,  
22 including pension, 401k and health insurance.

23         2.47 Ms. Atwood indicated that she was too distraught to write a letter.

24         2.48 Mr. Cherry eventually stated to Beyers, "maybe we could write one."  
25 Beyers left the room and returned with a typewritten resignation letter. After asking again

1 for an explanation and not getting one, Ms. Atwood signed the resignation letter out of fear  
2 of losing the benefits accrued over her 13 year career at Hanford site, and out of concern of  
3 having to disclose to potential future employers that she had been terminated.

4         2.49 Although Ms. Atwood's supervisor, Defendant Young, was not at the  
5 termination meeting, Beyers informed her that Young was "totally aware of and on board  
6 with what we are doing with you today." No one from Ms. Atwood's chain of command  
7 was at the meeting. Beyers also stated that Dave Ruscitto was "on board" with these  
8 actions.

9         2.50 Ms. Atwood was then instructed to remove her personal items from her  
10 office in the Federal Building while under escort of Cherry, return her badge and keys and  
11 all government equipment in her possession

12         2.51 Mr. Cherry met her at her office in the Federal Building and escorted her on  
13 the three trips from her office to her car during and towards the end of the workday. As  
14 there was no hand truck, she was forced to use a wheel chair for these three trips through  
15 the hallways, down public elevators, through the lobby and down the exit ramp past a  
16 number of office windows. Numerous employees in the federal building witnessed these  
17 humiliating trips as she walked by them escorted by an MSA attorney. Ms. Atwood was  
18 not able to retrieve any information from her computer as the account had been terminated  
19 before she got back to her office from the meeting with Beyers and Cherry.

20         2.52 Several federal employees contacted MSA human resources indicating that  
21 they witnessed Ms. Atwood being forced to remove her belongings during the workday  
22 using a wheelchair, and being accompanied by an attorney.

23         2.53 Based on Ms. Atwood's experience, terminating a computer account usually  
24 requires a few days advance notice to IT, indicating that Defendants had decided to  
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1 terminate her before the completion of any investigation of their allegation of time  
2 accounting fraud.

3       2.54 After she completed cleaning out her office, Human Resources Benefits  
4 group contacted Ms. Atwood through Mr. Cherry in order to have her meet MSA Benefits  
5 manager Beth Brown and fill out and sign her benefits paperwork in order for her eligible  
6 benefits to continue.

7       2.55 Because it was so late in the day, and she no longer had her phone with the  
8 directory, and had no badge to access the lobby, Ms. Atwood was forced to walk outside  
9 the building pounding on windows and doors to try to get someone to let her in to meet  
10 with Beth Brown for her benefit briefing and paperwork submittal.

11       2.56 Following her termination, Ms. Atwood began to look for federal contract  
12 work.

13       2.57 On or about March 6, 2014, Ms. Atwood was contacted by an individual at  
14 the Contractor Assurance System (hereinafter "CAS") at DOE Hanford that she knew from  
15 her work in PFM and was told that there was a request for proposals for a Waste Modeling  
16 Consultant contract position that was a match for her skills and experience.

17       2.58 On or about March 11, 2014, Ms. Atwood applied for the Waste Modeling  
18 Consultant and Tri-Party Agreement contract position for which she was well qualified.  
19 She sent resumes to all three companies that might be successful at winning this work:  
20 CAS, Longenecker & Associates (hereinafter "L&A"), and Navarro. L&A was the  
21 successful company to fill this federal procurement.

22       2.59 After meeting with L&A Senior Manager Keith Klein, Ms. Atwood was  
23 encouraged to apply for this general support services (GSSC) contract position. Mr. Klein  
24 connected her with Ed Berke, the L&A person in charge of this procurement. Ms. Atwood  
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1 provided Berke with her resume and rates on March 11, 2014. Ms. Atwood also noted her  
2 rates could be adjusted down if needed.

3       2.60 On March 12, 2014 Ms. Atwood asked for the status on the selection  
4 process and was told by Berke that the decision was in DOE's hands.

5       2.61 When Ms. Atwood checked again with Berke on or about March 13, 2014,  
6 she was told that "supported by our senior management, who want us to stay on our current  
7 course, given the timing deadline for the action and other constraints, we didn't have the  
8 time available to get back to you to seek a lower rate". He stated that L&A senior  
9 management had decided they would take another course and went with lower rate  
10 individuals.

11       2.62 L&A is a subcontractor to MSA.

12       2.63 On information and belief, an employee at L&A, Ben Lindholm, began the  
13 procurement process by requesting a list of individuals that DOE would consider as having  
14 the appropriate skills and experience for the GSSC position. This is a customary  
15 interaction between contractors and the DOE at Hanford so that the staffing contractor has  
16 more detailed understanding of the type of skills and knowledge needed for these highly  
17 technical positions or work scope specific positions being staffed. The list provided by the  
18 DOE to Ben Lindholm included Ms. Atwood.

19       2.64 On information and belief, Mr. Lindholm showed the list to Mark Frei, a  
20 manager at L&A who is assigned as a subcontractor to PFM and reported to Steve Young.  
21 Frei instructed Lindholm to remove Ms. Atwood's name from the list.

22       2.65 Mr. Lindholm asked why he should eliminate Ms. Atwood's name from  
23 consideration. In response, Frei stated, "People get hurt, don't be one of them" or words to  
24 that effect.





1 environment, and retaliation on the basis of gender and for engaging in protected activity.

2       3.4     In the alternative, the facts set forth above state a claim against Steve  
3 Young for aiding, abetting, encouraging, or inciting the commission of an unfair  
4 discriminatory practice against the Plaintiff in violation of the Washington Law Against  
5 Discrimination, RCW 49.60.220, for disparate treatment, creation of a hostile work  
6 environment, and retaliation on the basis of gender and for engaging in protected activity.

7       3.5     The facts set forth above state a claim against Dave Ruscitto for intentional  
8 supervisor discrimination against the Plaintiff in violation of the Washington Law Against  
9 Discrimination, RCW 49.60, et seq., for disparate treatment, creation of a hostile work  
10 environment, and retaliation on the basis of gender and for engaging in protected activity.

11       3.6     In the alternative, the facts set forth above state a claim against Dave  
12 Ruscitto for aiding, abetting, encouraging, or inciting the commission of an unfair  
13 discriminatory practice against the Plaintiff in violation of the Washington Law Against  
14 Discrimination, RCW 49.60.220, for disparate treatment, creation of a hostile work  
15 environment, and retaliation on the basis of gender and for engaging in protected activity.

16       3.7     The facts set forth above state a claim against MSA for wrongful discharge  
17 in violation of public policy for reporting violations of time accounting on a government  
18 contract in violation of state, federal, and municipal laws and policies, and in violation of  
19 public policy for opposing, or being perceived as opposing, discrimination in violation of  
20 the Washington Law Against Discrimination.

#### 21                                   IV. PRAYER FOR RELIEF

22       WHEREFORE, Plaintiff prays for relief as follows:

23       4.1     Damages for back pay, front pay, lost benefits, lost retirement, and medical  
24 expenses in an amount to be proved at trial;

25       4.2     Prejudgment interest in an amount to be proved at trial;

- 4.3 Damages for injury to reputation, emotional distress, loss of enjoyment of life, humiliation, personal indignity, embarrassment, fear, anxiety, and/or anguish that she experienced in the past and with reasonable probability she will experience in the future;
- 4.4 Reasonable attorney's fees and costs;
- 4.5 A permanent injunction;
- 4.6 Declaratory relief;
- 4.7 Compensation for the tax penalty associated with any recovery; and
- 4.8 Whatever further and additional relief the court shall deem just and equitable.

## V. DEMAND FOR JURY

5.1 Plaintiff hereby demands that this case be tried before a jury of twelve.

Respectfully submitted this 20<sup>th</sup> day of August, 2015.

SHERIDAN LAW FIRM, P.S.

By:

John T. "Jack" Sheridan, WSBA # 21473  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
Phone: 206-381-5949 / Fax: 206-447-9206  
Email: jack@sheridanlawfirm.com  
Attorney for Plaintiff