

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DANA OSBORNE,

Plaintiff,

v.

NIXA FIRE PROTECTION DISTRICT,
THE BOARD OF DIRECTORS OF THE
NIXA FIRE PROTECTION DISTRICT,
ADAM NEFF, in his individual capacity,
LLOYD WALLES, in his individual
capacity, GARRICK ZOELLER, in his
individual capacity, WILL MCGEHEE, in
his individual capacity,

Defendants.

Case No.

Plaintiff Demands Trial by Jury

COMPLAINT

Plaintiff DANA OSBORNE, through her undersigned counsel, complaining against Defendants NIXA FIRE PROTECTION DISTRICT, THE BOARD OF DIRECTORS OF THE NIXA FIRE PROTECTION DISTRICT, ADAM NEFF, LLOYD WALLES, WILL MCGEHEE, GARRICK ZOELLER, in their individual capacities.

1. Plaintiff Dana Osborne ("Osborne") brings this action to redress acts of gender discrimination, sexual harassment hostile work environment, and retaliation in willful violation of the Missouri Human Rights Act and Title VII of the Civil Rights Act of 1964, and Equal Protection violations under 42 USC § 1983.

Jurisdiction and Venue

2. Plaintiff is a female, individual who resides in Nixa, Christian County, Missouri.

3. Defendant Nixa Fire Protection District is a public employer operating within the Counties of Christian and Stone in Missouri.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, 42 U.S.C. § 1983 and 28 U.S.C. § 1343. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this judicial district under 28 U.S.C. §1391(b) and (c) because Plaintiff and all Defendants either reside in this district or have their principal place of business in this district, and all events giving rise to Plaintiff's claims occurred within this district.

Parties

6. Plaintiff Osborne has been employed with Nixa Fire Department since 2017.

7. Defendant Nixa Fire Protection District is governed by a five-member board, elected by the constituents of the District, for the purpose of providing protection to the property within the District, and on its behalf.

8. Defendant Board of Directors of the Nixa Fire Protection District has the powers, authority, and privileges as outlined by RSMO Chapter 321. The Board through State Statute, Ordinances, Resolutions, Policy, Procedure, Programs, and basic employment practices governs the operation of the District.

9. Defendant WILL MCGEHEE (“McGehee”) is a Firefighter with Nixa Fire Protection District.

10. Defendant McGehee was hired a few months prior to Plaintiff Osborne.

11. At all relevant times, Defendant GARRICK ZOELLER (“Zoeller”) served as a Captain at Nixa Fire Protection District.

12. At all relevant times, Defendant LLOYD WALLES (“Walles”) served as a Chief at Nixa Fire Protection District.

13. At all relevant times, Defendant ADAM NEFF (“Neff”) served as an Assistant Chief at Nixa Fire Protection District.

14. Defendants Zoeller, McGehee, Neff, and Walles directly oversaw or were actively involved in the discriminatory conduct alleged herein.

15. Defendants Zoeller, McGehee, Neff, and Walles acted under color of law.

Administrative Proceedings

16. Plaintiff filed a timely Charge of Discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission alleging that the Defendants engaged in discriminatory, harassing, and/or retaliatory actions that are being raised in this lawsuit or, alternatively, all conduct alleged herein would have arisen from the investigation of such Charge.

17. On November 8, 2019, the Missouri Commission on Human Rights issued its Notice of Right to Sue.

18. On November 18, 2019, the Equal Employment Opportunity Commission issued its Notice of Right to Sue.

19. Plaintiff's claims are filed within 90 days of her receipt of her Notice of Right to Sue.

20. Plaintiff has fulfilled all conditions precedent to the bringing of this claim and has duly exhausted all administrative procedures prior to instituting this lawsuit in accordance with the law.

Facts Upon Which All Claims Are Based

21. Plaintiff Osborne was hired by the Nixa Fire Protection District on August 22, 2017 as a firefighter.

22. Firefighter Osborne was the first career female firefighter employed by Respondent.

23. Male firefighters would walk around the station in their boxer shorts.

24. In November 2017, McGehee, would hide parts of Osborne's uniform and make Firefighter Osborne run "gear drills" even though gear drills were historically only run by senior officers such as Battalion Chief, Captain or Lieutenant.

25. From August 2017 through April 2018, Firefighter Osborne was intensely critiqued whereas male firefighters were not critiqued on the same basis.

26. In March 2018, Captain Smith made an inappropriate and unwelcomed comment about the appearance of Firefighter Osbornes buttocks.

27. In April 2018, Osborne complained to Lieutenant Leach about the harassment and discrimination she was experiencing.

28. In June 2018, Lieutenant Loula complained to Firefighter Osborne that she was getting babied.

29. In July 2018 and August 2018, on multiple occasions Captain Zoeller was looking at pornographic images at the fire station in the presence of Firefighter Osborne.

30. In August 2018, Firefighter Osborne complained to Battalion Chief Morris that she was being harassed and held to a double standard due to her gender, and that Captain Zoeller was searching for reasons to write her up.

31. On August 8, 2018, Captain Zoeller showed pictures of female's bare backsides around the station.

32. In August 2018, McGehee commented to Firefighter Osborne that she was receiving special treatment.

33. On August 17, 2018, Captain Zoeller sent Plaintiff a picture of an erect penis with an apple watch on it, with the caption "selling my apple watch...lemme know if your (sic) interested."

34. From September 2018 to present day, Firefighter Osborne has been ostracized by fellow firefighters.

35. On September 7, 2018 Firefighter Osborne received a sexually inappropriate group text from firefighter Kevin Grizzle including a meme of Bill Clinton and Monica Lewinsky "Believe in something. Even if it means swallowing everything." "Nike" "Just do it."

36. On September 13, 2018, Captain Zoeller made a comment to Osborne, stating "This is the exact opposite of making my dick soft." He also whistled at Osborne, like a dog, to get her attention.

37. On September 16, 2018, Captain Zoeller sent a group text to member of the fire department with a picture of Osbornes backside saying “Dana loves double under.”

38. On September 17, 2018, Osborne stated to Captain Zoeller to stop other firefighters from spreading rumors regarding her personal life. Spreading rumors is a policy violation; however, Captain Zoeller took no action to prevent the rumors. At shift change, Captain Zoeller and another male employee had a sexually explicit conversation talking about, “plowing the shit out of her.”

39. Plaintiff had recurring nightmares that she would be in a dangerous fire situation with her co-workers and they would not help her.

40. On October 16, 2018, Lieutenant Leach discussed sexual encounters with his wife in Osborne’s presence, stating that he hit his wife in the face with his penis and that he went to the shower and ejaculated when she would not have sex with him.

41. Senior firefighters would take rookie firefighters to strip clubs.

42. On October 19, 2018, Osborne complained to Assistant Chief Neff about the discrimination and harassment she had been experiencing at the fire station.

43. On October 27, 2018, Captain Zoeller made numerous sexual comments to Plaintiff, including, “just because I like pussy doesn’t mean I want to work in a strip club.”

44. Captain Zoeller also made several comments to Plaintiff and others while watching pornographic images and videos at the fire station, including, “Its ok to suck on a wiener, but I think they’re doing something else.”

45. Captain Zoeller showed Plaintiff a meme on his phone that was a picture of a vagina with the anus labeled as clitoris.

46. Captain Zoeller told the joke, “A guy was going to a new attractive doctor. The doctor said to the patient, let’s see what’s going on so we can get a closer look and check it out. Patient replied, my wife thinks my penis tastes funny.”

47. Firefighter Grizzle and Firefighter Kennedy were looking at female muscle builder pornography and Grizzle made the statement, “She’d pinch your dick off. It’d be like slamming a brick wall!”

48. Captain Zoeller exclaimed, “Oh, suck me off with a breast pump!” when he dropped his ear plugs.

49. Captain Zoeller made the statement, “my nuts are stuck to the side of my leg.”

50. On or about October 23, 2018, Osborne filed a written complaint against Captain Zoeller regarding the harassment and discrimination that she was experiencing.

51. In November 2018, Captain Zoeller denied Osborne training.

52. In December 2018, Captain Zoeller made numerous sexual comments and watched pornographic images and videos in Osborne’s presence, including showing Plaintiff a blood donation meme that said, “That blood you donated could be in someone's boner right now.”

53. On December 9, 2018, Captain Zoeller made the comment, “my dick is harder than your \$15/hr minimum wage job.”

54. On December 21, 2018, Captain Zoeller denied Osborne training.

55. On December 27, 2018, Captain Zoeller falsely wrote Osborne up for dishonesty in making a complain and not being prepared for duty. The Union Representation agreed that the write up was inappropriate. Captain Zoeller then withdrew the write up and no further action was taken.

56. In January 2019, Captain Zoeller made sexually explicit comments at dinner.

57. On multiple occasions, fire station members of Nixa Fire Department would use Osbornes female bathroom and make a mess and fail to flush the toilet.

58. The fire station failed to provide Osborne with proper fitting equipment

59. On February 25, 2019, Osborne was notified that she would be transferred to station 5, commonly known as the “isolation station” due to its extremely low call volume and minimal staffing.

60. On March 6, 2019, Assistant Chief Walles confronted Osborne about a letter from her attorney notifying her employer to preserve information related to potential claims. Battalion Chief Donham was present.

61. On multiple occasions, including March and April 2019, Osborne was denied training necessary for her job by Battalion Chief Donham and Captain Zoeller. Without the training courses, she would be ineligible for promotion.

62. On numerous occasions Captain Zoeller called Osborne a “dumb blonde” or made fun of her, calling her dumb or stupid.

63. On April 17, 2019, Captain Zoeller walked by Osborne talking to a Nixa police officer and said, “what are you running your mouth about now?”

64. Osborne was required to find a fire fighter to cover her shift in order to attend class I training, whereas male officers were not required to do so.

65. In April 2019, Defendants denied Osborne's request for female appropriate fitness equipment.

66. On April 30, 2019, another firefighter showed Osborne an inappropriate image of a woman's breasts.

67. On May 23, 2019, Osborne complained to Lieutenant Lovell about the way the other firefighters were treating her. Lieutenant Lovell told her it was harmless.

68. Osborne was required to attend less comprehensive training than her male counterparts and male firefighters that did not have as much seniority as Osborne were trained on more advanced duties prior to Osborne.

69. Osborne continued to be ostracized by the other firefighters and officers.

70. On June 13, 2019, Osborne was waiting behind Firefighter Grizzle for creamer for her coffee. Firefighter Grizzle poured creamer into his cup and then poured the rest on the floor to prevent Osborne from having any.

71. The Nixa Fire Department has refused to remove a sticker touting "Brotherhood" on the ladder truck.

72. In August 2019, Lieutenant Lovell and Deputy Chief Walles denied Osborne's request for training.

73. Because of Osborne's denial of training and other duties, Osborne has lost out on advancement opportunities and overtime.

74. On August 15, 2019, Bureau Chief Donham and Lieutenant Lovell attempted to write Osborne up for arriving to work at 7:01am. Osborne informed

Lieutenant Lovell that she had proof that she arrived at 7:00am, and Lovell said that they would let it go this time.

75. On September 8, 2019, and September 20, 2019, Osborne was denied training.

76. On September 23, 2019, Firefighter McGehee referred to Osborne as, “the girl.”

77. On December 13, 2019, Lieutenant Lovell told Plaintiff she had “mom brain.”

78. On December 29, 2019, Firefighter Grizzle made an inappropriate joke to Lieutenant Lovell, stating that he should “go home, beat the shit out of your wife and have her make you a sandwich.”

79. Defendants’ conduct is ongoing.

COUNT I

(Title VII – Gender Discrimination)

80. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against the Nixa Fire Protection District and the Board of Directors of the Nixa Fire Protection District.

81. The actions of Defendants as perpetrated by its agents and as described and complained of above, are unlawful employment practices in that they likely have the effect of discriminating against, depriving and tending to deprive equal employment to, and otherwise adversely affecting Plaintiff because of her sex, in violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e, *et seq.*

82. Defendants have engaged in a policy, pattern, and practice of

discrimination against women.

83. Defendants intentionally discriminated against Plaintiff based on her gender by denying her equal opportunities, including but not limited to: being subject to a hostile work environment and denying her employment opportunities and training.

84. Defendants treated similarly situated males better than Plaintiff because of her sex.

85. The actions of Defendants in intentionally discriminating against Plaintiff have caused Plaintiff great mental anguish, humiliation, degradation, physical and emotional pain and suffering, inconvenience, lost wages and benefits, future pecuniary losses, and other consequential damages.

WHEREFORE, Plaintiff respectfully requests:

- A. All wages and benefits Plaintiff would have received but for the discrimination, including but not limited to back pay, front pay, future pecuniary losses, and pre-judgment interest;
- B. Compensatory damages in an amount to be determined at trial to compensate Plaintiff for the depression, humiliation, anguish, and emotional distress, caused by Defendants' conduct;
- C. A permanent injunction enjoining the Defendants from engaging in the discriminatory practices complained of herein;
- D. A permanent injunction requiring the Defendants to adopt employment practices and policies in accord and conformity with the requirements of Title VII, 42 U.S.C. § 2000e, *et seq.*;
- E. The Court retain jurisdiction of this case until such time as it is assured that Defendant has remedied the policies and practices complained of herein and is determined to be in full compliance with the law;
- F. An award of reasonable attorneys' fees, costs, and litigation expenses; and
- G. Such other relief as the Court may deem just or equitable.

COUNT II

(Title VII – Hostile Work Environment Sexual Harassment)

86. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against the Nixa Fire Protection District and the Board of Directors of the Nixa Fire Protection District.

87. The actions of Defendants as perpetrated by its agents and as described and complained of above, are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment which explicitly or implicitly affects Plaintiff's employment, unreasonably interferes with an Plaintiff's work performance, or creates an intimidating, hostile, or offensive work environment, in violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e, *et seq.*

88. The actions of Defendants as described herein have caused Plaintiff great mental anguish, humiliation, degradation, physical and emotional pain and suffering, inconvenience, lost wages and benefits, future pecuniary losses, and other consequential damages.

WHEREFORE, Plaintiff respectfully requests:

- A. All wages and benefits Plaintiff would have received but for the discrimination, including but not limited to back pay, front pay, future pecuniary losses, and pre-judgment interest;
- B. Compensatory damages in an amount to be determined at trial to compensate Plaintiff for the depression, humiliation, anguish, and emotional distress, caused by Defendants' conduct;
- C. A permanent injunction enjoining the Defendants from engaging in the discriminatory practices complained of herein;
- D. A permanent injunction requiring the Defendants to adopt employment practices and policies in accord and conformity with the requirements of Title VII, 42 U.S.C. § 2000e, *et seq.*;

- E. The Court retain jurisdiction of this case until such time as it is assured that Defendant has remedied the policies and practices complained of herein and is determined to be in full compliance with the law;
- F. An award of reasonable attorneys' fees, costs, and litigation expenses; and
- G. Such other relief as the Court may deem just or equitable.

COUNT III

(Title VII – Retaliation)

89. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against the Nixa Fire Protection District and the Board of Directors of the Nixa Fire Protection District.

90. The actions of Defendants as perpetrated by their agents and as described and complained of above, are unlawful employment practices in that they likely have the effect of retaliating against, depriving and tending to deprive equal employment to, and otherwise adversely affecting Plaintiff because of her complaints of discrimination and sexual harassment hostile work environment, in violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e, *et seq.*

91. Defendants have engaged in a policy, pattern, and practice of retaliating against employees who complain of discrimination.

92. Defendants intentionally retaliated against Plaintiff because of her complaints by taking actions against Plaintiff which could dissuade a reasonable worker from making or supporting a charge of discrimination, including but not limited to: being subject to a hostile work environment, denying her employment opportunities, and training.

93. The actions of Defendants in retaliating against Plaintiff have caused

Plaintiff great mental anguish, humiliation, degradation, physical and emotional pain and suffering, inconvenience, lost wages and benefits, future pecuniary losses, and other consequential damages.

WHEREFORE, Plaintiff respectfully requests:

- A. All wages and benefits Plaintiff would have received but for the discrimination, including but not limited to back pay, front pay, future pecuniary losses, and pre-judgment interest;
- B. Compensatory damages in an amount to be determined at trial to compensate Plaintiff for the depression, humiliation, anguish, and emotional distress, caused by Defendant's conduct;
- C. A permanent injunction enjoining the Defendants from engaging in the discriminatory practices complained of herein;
- D. A permanent injunction requiring the Defendants to adopt employment practices and policies in accord and conformity with the requirements of Title VII, 42 U.S.C. § 2000e, *et seq.*;
- E. The Court retain jurisdiction of this case until such time as it is assured that Defendant has remedied the policies and practices complained of herein and is determined to be in full compliance with the law;
- F. An award of reasonable attorneys' fees, costs, and litigation expenses; and
- G. Such other relief as the Court may deem just or equitable.

COUNT IV

(§ 1983 Violation of Equal Protection)

94. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against all Defendants.

95. Defendants intentionally subjected Plaintiff to unequal and discriminatory treatment that altered the terms and conditions of Plaintiff's employment.

96. The actions of Defendants against Plaintiff violate her equal protection right to be free from gender discrimination under the Fourteenth Amendment of the

United States Constitution and 42 U.S.C. § 1983.

97. Defendants failed to provide proper training to its managers, supervisors, and employees to prevent gender discrimination. Defendants' failure to train was deliberately indifferent to the rights of employees within its purview.

98. The actions of Defendants were intentional, willful, and malicious and/or in deliberate indifference for Plaintiff's rights as secured by 42 U.S.C. § 1983.

99. The actions of Defendants in intentionally engaging in and condoning discrimination against Plaintiff based on her gender caused Plaintiff great mental anguish, humiliation, degradation, physical and emotional pain and suffering, inconvenience, lost wages and benefits, future pecuniary losses, and other consequential damages.

WHEREFORE, Plaintiff respectfully requests:

- A. All wages and benefits Plaintiff would have received but for the discrimination, including pre-judgment interest;
- B. Compensatory damages in an amount to be determined at trial;
- C. Defendants be required to pay pre-judgment interest to Plaintiff on these damages;
- D. A permanent injunction enjoining the Defendants from engaging in the discriminatory practices complained of herein;
- E. A permanent injunction requiring the Defendants adopt employment practices and policies in accord and conformity with the requirements of the United States Constitution and pursuant to 42 U.S.C. § 1983;
- F. The Court retain jurisdiction of this case until such time as it is assured that Defendants have remedied the policies and practices complained of herein and are determined to be in full compliance with the law;
- G. Punitive damages as allowed by law against individual Defendants;

- H. An award of reasonable attorneys' fees, costs, and litigation expenses; and
- I. Such other relief as the Court may deem just or equitable.

COUNT V

(Discrimination in Violation of the Missouri Human Rights Act)

100. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against the Nixa Fire Protection District and the Board of Directors of the Nixa Fire Protection District.

101. Defendants intentionally and willfully discriminated against Plaintiff in the terms and conditions of her employment and engaged in a pattern and practice of discrimination because of her gender.

102. Plaintiff's gender was the motivating factor in Defendants' decision to discriminate against her in the terms and conditions of her employment.

103. Plaintiff complained about Defendants' discriminatory actions to Defendants and demanded that the discrimination cease.

104. Defendants knew, or should have known, of the illegal gender discrimination against Plaintiff and other similarly situated employees.

105. Defendants failed to take prompt and appropriate corrective action to end the discrimination against Plaintiff and other similarly situated employees.

106. Defendants failed to make good faith efforts to enforce their policies to prevent discrimination against their employees including Plaintiff.

107. Defendants individually and/or jointly aided, abetted, incited, compelled, or

coerced the commission of illegal discriminatory acts prohibited under this chapter, or they attempted to do so, in violation of Plaintiff's statutory rights under the MHRA.

108. All actions or inactions of or by Defendants occurred by or through their agents, servants, or employees acting within the course and scope of their employment, as set forth herein.

109. As a direct and proximate result of the unlawful conduct of Defendants as set forth herein, Plaintiff has suffered damages which include past and future lost wages and benefits; a detrimental job record; career damages and diminished career potential; pain and suffering; and garden variety emotional and mental distress in the form of embarrassment, degradation, humiliation, anxiety, loss of enjoyment of life, loss of sleep, nightmares, and other nonpecuniary losses. Plaintiff is also entitled to other appropriate equitable relief.

110. Defendants' conduct was intentional, malicious, and/or outrageous and evidenced an evil motive, reckless indifference to, or conscious disregard for the rights of Plaintiff and others similarly situated, thereby entitling Plaintiff to an award of punitive damages.

111. Plaintiff is entitled to recover all her costs, expenses, expert witness fees, and attorneys' fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual compensatory, and punitive damages, all costs, expenses, expert witness fees, and attorneys' fees incurred herein, appropriate equitable relief, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

COUNT VI

(Retaliation in Violation of the Missouri Human Rights Act)

112. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against Defendants.

113. Plaintiff engaged in protected activity by, including without limitation, reporting to Defendants her good faith belief and/or reasonable belief that she was being discriminated against because of her gender and experiencing sexual harassment/hostile work environment.

114. Because Plaintiff engaged in the above-referenced protected activity, Plaintiff was retaliated against and Defendants terminated her employment.

115. As a direct and proximate result of the unlawful conduct of Defendants as set forth herein, Plaintiff has suffered damages which include past and future lost wages and benefits; a detrimental job record; career damage and diminished career potential; pain and suffering; and garden variety emotional and mental distress in the form of embarrassment, degradation, humiliation, anxiety, loss of enjoyment of life, loss of sleep, and other nonpecuniary losses. Plaintiff is also entitled to other appropriate equitable relief.

116. All actions or inactions of or by Defendants occurred by or through their agents, servants, or employees acting within the course and scope of their employment, as set forth herein.

117. Defendants' conduct was intentional, malicious, and/or outrageous and evidenced an evil motive, complete indifference to, or conscious disregard for the rights of Plaintiff and others similarly situated, thereby entitling Plaintiff to an award of punitive damages.

118. Plaintiff is entitled to recover all her costs, expenses, expert witness fees, and attorneys' fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual, compensatory, and punitive damages, all costs, expenses, expert witness fees, and attorneys' fees incurred herein, appropriate equitable relief for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

COUNT VII

(Sexual Harassment in Violation of the Missouri Human Rights Act)

119. Plaintiff restates and realleges by reference paragraphs 1 through 79 above as though fully set forth herein against the Nixa Fire Protection District and the Board of Directors of the Nixa Fire Protection District.

120. Defendants subjected Plaintiff to sexually explicit behavior that creates an intimidating, hostile or offensive working environment.

121. Plaintiff's sex was the motivating factor in Defendants' conduct.

122. Plaintiff complained about Defendants' sexual harassment to Defendants and demanded that the harassment cease.

123. Defendants knew, or should have known, of the sexual harassment against Plaintiff.

124. Defendants failed to take prompt and appropriate corrective action to end the harassment against Plaintiff.

125. Defendants failed to make good faith efforts to enforce their policies to prevent harassment against their employees including Plaintiff.

126. Defendants individually and/or jointly aided, abetted, incited, compelled, or

coerced the commission of illegal acts prohibited under this chapter, or they attempted to do so, in violation of Plaintiff's statutory rights under the MHRA.

127. All actions or inactions of or by Defendants occurred by or through their agents, servants, or employees acting within the course and scope of their employment, as set forth herein.

128. As a direct and proximate result of the unlawful conduct of Defendants as set forth herein, Plaintiff has suffered damages which include past and future lost wages and benefits; a detrimental job record; career damages and diminished career potential; pain and suffering; and garden variety emotional and mental distress in the form of embarrassment, degradation, humiliation, anxiety, loss of enjoyment of life, loss of sleep, nightmares, and other nonpecuniary losses. Plaintiff is also entitled to other appropriate equitable relief.

129. Defendants' conduct was intentional, malicious, and/or outrageous and evidenced an evil motive, reckless indifference to, or conscious disregard for the rights of Plaintiff and others similarly situated, thereby entitling Plaintiff to an award of punitive damages.

130. Plaintiff is entitled to recover all her costs, expenses, expert witness fees, and attorneys' fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual compensatory, and punitive damages, all costs, expenses, expert witness fees, and attorneys' fees incurred herein, appropriate equitable relief, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all allegations contained in this Petition that are triable before a jury.

Respectfully Submitted,

**EMPLOYEE & LABOR LAW GROUP OF
KANSAS CITY, LLC**

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Pro Hac Vice Application pending

ATTORNEYS FOR PLAINTIFF

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):**First Listed Plaintiff:**

Dana Osborne ;

County of Residence: Christian County**Defendant(s):****First Listed Defendant:**

Nixa Fire Protection District ;

County of Residence: Christian County**Additional Defendants(s):**BOARD OF DIRECTORS OF THE NIXA FIRE PROTECTION
DISTRICT ;

Adam Neff ;

Lloyd Walles ;

Garrick Zoeller ;

Will McGehee ;

County Where Claim For Relief Arose: Christian County**Plaintiff's Attorney(s):**

Attorney Kristi Kingston (Dana Osborne)
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Defendant's Attorney(s):

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Basis of Jurisdiction: 3. Federal Question (U.S. not a party)**Citizenship of Principal Parties (Diversity Cases Only)****Plaintiff:** N/A**Defendant:** N/A**Origin:** 1. Original Proceeding

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Nature of Suit: 442 Employment

Cause of Action: Plaintiff Dana Osborne (“Osborne”) brings this action to redress acts of gender discrimination, sexual harassment hostile work environment, and retaliation in willful violation of the Missouri Human Rights Act and Title VII of the Civil Rights Act of 1964, and Equal Protection violations under 42 USC § 1983.

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: Kristi Kingston

Date: 2/6/2020

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.