

NO. 10 CI 000182

JEFFERSON CIRCUIT COURT

DIVISION _____

GLEND A BRADSHAW

PLAINTIFF

VS.

VERIFIED COMPLAINT

JEFFERSON CIRCUIT COURT
DIVISION FOUR (4)

MIKE O'CONNELL, individually and in his
official capacity as Jefferson County Attorney

SERVE: Mike O'Connell
Jefferson County Attorney
531 Court Place, Suite 900
Louisville, KY 40202

CM

FILED IN CLERKS OFFICE
JAN 11 2010

DAVID L. NICHOLSON, CLERK
BY *[Signature]*

LOUISVILLE-JEFFERSON COUNTY
METRO GOVERNMENT

SERVE: Mayor Jerry Abramson
Louisville Metro Hall
527 West Jefferson Street
Louisville, KY 40202

CM

DEFENDANTS

Comes Plaintiff, Glenda Bradshaw, by and through counsel, and for her Complaint
against the Defendant, states as follows:

PARTIES

1. Plaintiff, Glenda Bradshaw (Bradshaw), is, and at all relevant times hereto, has been a citizen of the Commonwealth of Kentucky, a resident of Louisville, Jefferson County, Kentucky.
2. At all times relevant hereto, the Defendants O'Connell and Louisville Metro employed Plaintiff Bradshaw as its Director of the Criminal Division of the Jefferson County

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Attorney's Office and that Plaintiff Bradshaw worked under the supervision of Defendant Mike O'Connell ("O'Connell"), the Jefferson County Attorney.

3. That the Jefferson County Attorney's Office is an administrative arm of Louisville Metro government existing within Jefferson County, Kentucky. Louisville Metro Government is a merged city county government which meets the definition of an employer under KRS 61.101, *et. seq.*, and KRS 344 *et. seq.*

4. That Defendant O'Connell is the Jefferson County Attorney and that he is sued herein in his individual capacity and in his official capacity as Jefferson County Attorney.

5. Defendant, O'Connell was, at all times relevant hereto, an elected official of Jefferson County as the Jefferson County Attorney, and acting as an agent, as well as individually, he discriminated against Plaintiff and created a hostile work environment for her, he retaliated against Plaintiff and wrongfully terminated her employment. Defendant is jointly and severally responsible for the discrimination, retaliation and wrongful termination of Plaintiff.

6. That O'Connell meets the definition of an "employer" within the scope of the definition of the term "employer" as set forth in KRS 61.102(2) and KRS 344, *et. seq.*

7. That Plaintiff Bradshaw was at all times relevant hereto an "employee" of both Defendants within the scope of the definition of the term "employee" set forth in KRS 61.101(1) and KRS 344, *et. seq.*

JURISDICTION

8. That Plaintiff reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs of this Verified Complaint.

9. That this action arises under the common law of Kentucky, as well as the Kentucky Civil Rights Act, KRS 344.010, *et. seq.*, and KRS 61.101, *et. seq.* KRS 344 is the Kentucky Civil Right Act. KRS 61.101, *et. seq.*, provides, generally, protection from reprisal and/or retaliation to public employees who disclose or report violations of law. This statute is known as the “whistleblower” statute. Jurisdiction is thereby conferred by these state statutes.

10. That venue is proper with this Court because the complained of conduct occurred within Louisville, Jefferson County, Kentucky.

11. That this Court has original jurisdiction over this matter pursuant to KRS 23A.010 and KRS 61.103(2).

12. That venue is proper in this Court pursuant to KRS 4562.460(1) and KRS 61.103(2).

FACTS

13. That Plaintiff reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs of this Verified Complaint.

14. Plaintiff Glenda Bradshaw, at all times relevant hereto, was the Director of the Criminal Division of the Jefferson County Attorney’s Office.

15. Plaintiff Bradshaw was repeatedly subjected to outbursts of anger from Defendant O’Connell, a flagrant violation of the County Attorney’s Employee Handbook which requires that employees “should be treated with dignity and respect.”

16. Defendant O’Connell’s first assistant had previously approached attorney Dan Landrum – the County Attorney’s labor lawyer – about Defendant O’Connell’s uncontrolled outbursts. After a short respite, the outbursts continued.

17. Defendant O'Connell engaged in a verbal assault against Plaintiff Bradshaw on Dec. 17, 2009 that lasted approximately ten minutes. When the traffic division chief, a male, arrived to partake in the conversation, Defendant O'Connell calmed down significantly and treated the man with the respect all employees are supposed to be accorded.

18. Following an outburst on December 18, 2009, Plaintiff Bradshaw expressed her concerns over Defendant O'Connell's behavior with his first assistant. Plaintiff Bradshaw stated that Defendant O'Connell had an anger control problem, he needed anger control counseling, he created a hostile work environment and had discriminated against Plaintiff Bradshaw because of her sex. The first assistant acknowledged the behavior, but stated, "I do not know what to do about it."

19. Defendant O'Connell retaliated against Plaintiff by terminating her employment in violation of KRS 344 and KRS 61.101, *et. seq.*, and by failing to take prompt and immediate corrective action when the discrimination was brought to his attention.

COUNT I
VIOLATIONS OF KRS 344.010, et. seq.

20. That Plaintiff reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs of this Verified Complaint.

21. That Defendants have retaliated against and created a hostile work environment for Plaintiff, all of which is in violation of KRS 344, *et. seq.* That Defendants are on actual notice of the retaliatory and hostile environment in which Plaintiff was forced to work because the primary individual retaliating and discriminating in this regard is Defendant O'Connell. Likewise, Defendants have failed to take effective and adequate corrective action to remedy the situation.

22. That the retaliation and discrimination to which Plaintiff was subjected occurred because of Plaintiff's involvement in a protected activity or because of her sex; had the effect of unreasonably interfering with the Plaintiffs' work performance; and created an intimidating, hostile and/or offensive work environment. That the Defendants are liable for this conduct pursuant to the theory of respondeat superior.

23. That Defendants also discriminated against Plaintiff by engaging in disparate treatment because of her gender and terminated her/or in the alternative the creation of the hostile environment led to her constructive discharge.

24. That the gender discrimination, retaliation, and hostile environment, which is in violation of KRS 344.010, *et. seq.*, and KRS 344.280 specifically, *includes, but is not necessarily limited to*, those incidents outlined above to which Plaintiff was subjected prior to her termination by Defendant.

COUNT II
Violation of KRS 61.101, et. seq.,
Kentucky's Whistleblower Act

25. The Plaintiff reiterates and incorporates by reference, as set forth fully herein, each and every averment, allegation, statement contained in each of the previous paragraphs of her complaint.

26. That this is an action for damages and relief pursuant to KRS 61.101, *et. seq.*, the "whistleblower" statute that provides, generally, protection from reprisal and/or retaliation to public employees who in good faith report facts and information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, violations of law or statute.

27. Defendants have a duty under the Kentucky Whistleblower Protection Act, KRS 61.102, to refrain from subjecting an employee to reprisal or to directly or indirectly use, or

threaten to use, official authority or influence to discourage restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of any law enforcement agency or other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, or administrative regulation of the United States, the Commonwealth of Kentucky, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse or authority, or a substantial and specific danger to public health or safety.

28. Throughout her employment, Plaintiff made reports of mismanagement and violations of laws, including but not limited to, pressured campaign contributions that some assistant county attorneys had to donate to a specific political party and to the Defendant O'Connell's election or fear his wrath. It was well known through the county attorney's office that Defendant O'Connell kept track of who did or did not contribute to his campaign. In addition, Defendant O'Connell was known to summon the campaign contribution list if he was going to take an employment action within his office.

29. Plaintiff took lawful actions in furtherance of the investigation of suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public or safety, and, as such, engaged in protected activity under KRS 61.102 and 103 and other laws.

30. Defendants knowingly and intentionally terminated, threatened, harassed, and/or discriminated against Plaintiff in this case in the terms and conditions of her employment because of lawful acts done by Plaintiff under the provisions of KRS 61.102 and 103.

31. The actions of Defendants damaged and continue to damage Plaintiff in violation of KRS 61.102 and 103, in an amount to be determined at trial as a result of Defendants' actions in this regard.

32. Defendants' misconduct and illegal treatment of Plaintiff and those they derogatorily consider "whistleblowers" has the effect of discouraging and preventing reports of abuse against the County Attorney and/or other official of Louisville Metro. This treatment effectively warned other Defendants' employees that they should not engage in honest and open reporting of Defendants' misconduct creating further harm to Plaintiff and the public.

COUNT III
Violation of KRS 344
Kentucky's Civil Rights Act
Wrongful Termination Based On Sex

33. The Plaintiff reiterates and incorporates by reference, as set forth fully herein, each and every averment, allegation, statement contained in each of the previous paragraphs of her complaint.

34. That on or about Jan. 5, 2010, the Plaintiff was terminated from her position with the Defendant. Plaintiff's sex was a contributing factor in Defendant's decision to terminate her employment.

35. That in the alternative, Plaintiff was constructively discharged. Based upon the retaliatory and illegal treatment discussed above, Plaintiff was constructively terminated.

36. That as a direct and proximate result of the aforementioned conduct, Plaintiff has suffered emotional distress, embarrassment, humiliation, mental anguish, and loss of wages and benefits.

DAMAGES

37. That Plaintiff reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs of this Verified Complaint.

38. That as a direct and proximate result of the aforementioned conduct, Plaintiff has suffered great emotional distress and/or embarrassment and/or humiliation and/or mental anguish and/or wage loss and/or medical expenses.

39. That the aforementioned actions of the Defendants, as set forth in this Verified Complaint, have been intentional, willful, reckless, outrageous, malicious, oppressive, fraudulent, and/or grossly negligent, entitling Plaintiff to punitive and exemplary damages against the Defendants, jointly and severally, in an amount to be determined by the evidence.

WHEREFORE, Plaintiff prays for relief against the Defendants, jointly and severally, as follows:

1. That Plaintiff be awarded all compensatory and punitive damages, including damages for pain, suffering, and physical and emotional distress, and loss of reputation, and employment discrimination pursuant to KRS 61.103 and other applicable law;

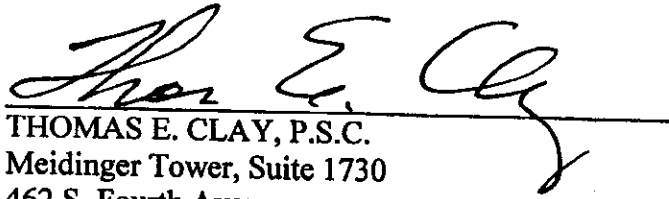
2. That Plaintiff be provided with injunctive or equitable relief, as may be appropriate, to prevent further harm to themselves and to prevent the harm to others and the public caused by Defendants' retaliation against whistleblowers;

3. Trial by jury;

4. That Plaintiff be awarded all litigation costs, expert fees, and reasonable attorney's fees incurred as provided pursuant to KRS 61.990 and other applicable law;

5. Any and all other relief to which the Plaintiff is otherwise entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas E. Clay", is written over a horizontal line.

THOMAS E. CLAY, P.S.C.
Meidinger Tower, Suite 1730
462 S. Fourth Avenue
Louisville, KY 40202
(502) 561-2005
Counsel for Plaintiff

VERIFICATION

I, Glenda Bradshaw, state that I have read the foregoing Verified Complaint and the statements contained therein are true to the best of my knowledge and belief.

Glenda Bradshaw
GLEND A BRADSHAW

Subscribed and sworn to before me by Glenda Bradshaw on this 8th day of January, 2010.

My commission expires: 7-27-10

Leatha Lynetta [Signature]
NOTARY PUBLIC, KY STATE AT LARGE