

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

LAUREN FIZZ	:	
	:	
-vs-	:	NO.
	:	
ROBERT ALLEN, Individually and	:	
in his Official Capacity as	:	
MONROE COUNTY CORONER,	:	JURY TRIAL DEMANDED
KATHLEEN “TRACI” ALLEN, and	:	
COUNTY OF MONROE,	:	

COMPLAINT

Plaintiff, by and through her undersigned counsel, hereby files the following Complaint against Defendant:

INTRODUCTION

1. Plaintiff initiates this action to seek redress against Defendant for deprivations of civil rights pursuant to 42 U.S.C. § 1983 and other applicable law.

PARTIES

2. Plaintiff is Lauren Fizz, an adult individual currently residing in Monroe County, Commonwealth of Pennsylvania.

3. Defendant, Office of the Monroe County Coroner, is a political subdivision of the Commonwealth of Pennsylvania and the County of Monroe with a principal place of business in East Stroudsburg, Pennsylvania.

4. Defendant, Monroe County, is a political subdivision of the Commonwealth of Pennsylvania with a principal place of business in East Stroudsburg, Pennsylvania.

5. Defendant, Robert Allen, is and adult individual, and is the elected Coroner of the County of Monroe, with a principal place of business in East Stroudsburg, Pennsylvania. At all times material hereto, Defendant was acting in his personal and official capacity.

6. Defendant, Kathleen “Traci” Allen, is and adult individual, and is a Deputy Coroner for the County of Monroe, with a principal place of business in East Stroudsburg, Pennsylvania. At all times material hereto, Defendant was acting in her personal and official capacity.

7. At all times relevant hereto, Defendant acted by and through its agents, servants, and employees, each of whom, at all times relevant, acted within the scope of her or her job duties.

JURISDICTION and VENUE

8. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

9. The United States District Court for the Eastern District of Pennsylvania may exercise original subject-matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of civil rights.

10. The Court may also maintain supplemental jurisdiction over state law claims set forth herein pursuant to 28 U.S.C. § 1367(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to one or more claims within the Court's original jurisdiction in that they form part of the same case or controversy.

11. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because Defendant is located in and conducts business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

FACTUAL BACKGROUND

12. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

13. Plaintiff was hired by Defendants County and Office of the Coroner in or about August 2015 as a Deputy Coroner. Plaintiff was again promoted in March 2016 to Senior Trainer/Deputy Coroner, which position she held until she was terminated in July 2017.

14. Plaintiff was fully qualified for the position of Deputy Coroner, having a Bachelor of Science in Forensic Biology and Forensic Psychology with a Minor in Forensic Science and Criminalistics, being a Diplomate of the American Board of Medicolegal Death Investigators, and with 48 credits toward a BSN in Nursing.

15. Although Defendant Robert Allen is the elected Coroner, the Office of the Coroner is in fact run by his wife, Kathleen “Traci” Allen, who is employed by Defendants as a Deputy Coroner, and has at times been referred to as Chief Deputy Coroner. Prior to holding those positions, Traci Allen’s job with the Office of Coroner was “Office Manager.”

16. Upon information and belief, Traci Allen does not possess any qualifications to be a Deputy Coroner, and holds this title solely because she is married to Coroner Robert Allen.

17. In order to create a vacancy that would have allowed her to assume the title of Chief Deputy Coroner, Traci Allen induced the resignations of the two highly qualified,

experienced and respected incumbents.

18. Traci Allen has assumed all of the duties of the Coroner, including purporting to have the authority to discipline and terminate employees, a duty held solely by the Coroner; and relocating her work area to the actual office and desk of the Coroner to prevent him from discharging the duties of his elected office.

19. Traci Allen has also created a sexually hostile work environment, including but not limited to:

- a. Telling the office personnel about her marital difficulties with Robert Allen;
- b. Telling the office personnel about her marital infidelity (which she claims is with the knowledge and permission of Robert Allen);
- c. Displaying photographs of erect male genitalia on her cell phone to office personnel, which she claimed belonged to one of her lovers;
- d. Telling the office personnel about the “friends with benefits” relationships that she had with a man she met through social media; and
- e. Boasted about leaving work early for a liaison in the woods.

20. Traci Allen also would leave work early, be tardy and inexplicably absent for long periods of time (days on end) while continuing to collect her salary.

21. Traci Allen also made unilateral changes to payroll and overtime records so that she earned more money than the other Deputy Coroners.

22. Upon information and belief, Robert Allen has not discharged any of the duties of Coroner, and all duties have been assumed by Tracy Allen.

23. On one occasion, after a drunken altercation with Robert Allen, Traci Allen entered the Coroner’s Office and destroyed the contents of Robert Allen’s assigned office.

24. Traci Allen would also take the personnel property of decedents into her own

possession, rather than following the established procedure for handling such property.

25. Alarming, Traci Allen would take the prescription medication belonging to decedents into her own possession and take them home rather than submitting them to be destroyed under the established rules for handling medications.
26. Traci Allen was also intimately involved with another Deputy Coroner who had been previously accused of stealing medications when he was employed by an EMS service. Traci Allen allowed this other Deputy Coroner unrestricted access to prescription medication in the possession of the Coroner's office.
27. Traci Allen acquiesced in other illegal conduct by this Deputy Coroner, and failed to report, but rather engaged in a cover-up, of the illegal conduct.
28. This other Deputy Coroner also engaged in sexist behavior and sexual harassment which was known to Traci Allen, but which she failed to report and covered up.
29. Significantly, Traci Allen's Deputy Coroner paramour expressed that he wanted Plaintiff to be terminated.
30. All of these actions and inactions of Traci Allen were made possible with the knowledge, or willful ignorance of Robert Allen, and Traci Allen's exclusion of Robert Allen from the Coroner's Office.
31. On June 13, 2017, Traci Allen and her Deputy Coroner paramour made a false accusation of the Human Resources Office of Defendant County of Monroe that Plaintiff had had a sexual encounter with a police officer at a death scene in April 2016.
32. As a result of these false allegations, Plaintiff was suspended.
33. Although she was told by Traci Allen that the suspension was without pay, Plaintiff

has since learned that the County continued to issue her weekly paychecks which were intercepted and retained by Traci Allen.

34. The County Human Resources Office initially stated that it did not intend to conduct any investigation (including contacting the police officer alleged to have been involved) but that it would be handled internally.

35. Plaintiff therefore made a written complaint addressed to the County Human Resources Director on June 17, 2017, in which she reported the wrongful actions by Traci Allen, some of which are set forth above.

36. Plaintiff believes and therefore avers that the Police Officer who had been accused gave a statement, and refuted the allegations.

37. Between June 13 and July 26, 2017, Traci Allen made several public statements in which she recounted her false allegations of sexual misconduct.

38. Although there was no evidence that Plaintiff had engaged in any wrongful action, she was terminated on July 26, 2017 by memorandum signed by, and purportedly prepared by Robert Allen.

39. At the time, the County Human Resources Office stated that it was powerless to prevent this under §1620 of the County Code, presumably because an elected official head of a County Department is not bound by any agreements between the County and an employee or employee union.

40. Although Plaintiff is a member of a union and is subject to a collective bargaining agreement, her union has expressed that it is also powerless to act because of §1620 of the County Code.

41. Plaintiff believes and therefore avers that she is without any non-judicial remedy.

COUNT I
42 U.S.C. 1983
DUE PROCESS "STIGMA PLUS" CLAIM
PLAINTIFF V. ALL DEFENDANTS

43. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.
44. At all times relevant herein, the Defendants violated a right secured by the Constitution or laws of the United States.
45. At all times relevant herein, the Defendants acted under color of state law.
46. At all times relevant herein, as a result of acting under color of state law, Plaintiff has suffered damages.
47. An individual may state a due process claim for deprivation of a liberty interest in her reputation by showing a stigma to her reputation plus deprivation of some additional right or interest.
48. At all times relevant herein, Defendant's and/or their agents made stigmatizing and false statements about the Plaintiff.
49. At all times relevant herein, these statements were published.
50. At all times relevant herein, these statements were materially and substantially false.
51. At all times relevant herein, these statements infringed upon the reputation, honor, or integrity of the Plaintiff.

COUNT II
VIOLATIONS OF 42 U.S.C. § 1983 (FIRST AMENDMENT)
PLAINTIFF v. ALL DEFENDANTS

52. Paragraphs 1 through 51 inclusive, are incorporated by reference as if fully set forth at length herein.
53. The Defendants acted in concert with each other under color of law, and violated the rights of the Plaintiff by depriving her of her constitutionally protected right to political association as guaranteed by the First and Fourteenth Amendments to the United States Constitution, in that Plaintiff was terminated from her position based upon her statements of violations of Federal law, a matter of public concern.
54. The actions of all the Defendants, collectively and individually in planning, conducting, and carrying out the termination of the Plaintiff's employment deprived the Plaintiff of her constitutional rights as guaranteed by the First and Fourteenth Amendments to the United States Constitution, as enforceable though 42 U.S.C. Section 1983.
55. The actions Robert Allen and Traci Allen, in planning, conducting, and carrying out the termination of the Plaintiff's employment deprived the Plaintiff of her constitutional rights as guaranteed by the First and Fourteenth Amendments to the United States Constitution, as enforceable though 42 U.S.C. Section 1983, in violation of clearly established law protecting the speech of public employees who speak on matters of public importance which speech is not part of the employees official duties.
56. As a direct and proximate result of the a foresaid actions and omissions of all Defendants, the Plaintiff has suffered the following injuries and losses and is

entitled to the following damages:

- a. physical and mental pain and suffering and anguish, and embarrassment and humiliation;
- b. loss of income and future earning capacity;
- c. loss of reputation;
- d. punitive damages against the Individual Defendants, which are justified by the outlandish and outrageous conduct, actions, and omissions of one or more of the Defendants as aforesaid.

**COUNT III
REVIEW OF TERMINATION UNDER THE
PENNSYLVANIA LOCAL AGENCY LAW
PLAINTIFF V. DEFENDANTS COUNTY AND CORONER**

52. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

53. Under 2 Pa. Cons. Stat. Ann. § 752

Any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

54. Under 2 Pa. Cons. Stat. Ann. § 754

In the event a full and complete record of the proceedings before the local agency was not made, the court may hear the appeal de novo, or may remand the proceedings to the agency for the purpose of making a full and complete record or for further disposition in accordance with the order of the court.

55. Defendants did not conduct any hearing nor provide an process, and therefore there is no record.

56. Plaintiff is aggrieved of the adjudication by the County of Monroe and the Monroe County Office of the Coroner in that she was terminated.

57. The stated grounds for termination and false, baseless and were refuted.

58. The Court should therefore exercise *de novo* review, overturn the decision, and award any legal or equitable remedies to which Plaintiff may be entitled.

COUNT IV
VIOLATION OF THE PENNSYLVANIA WHISTLEBLOWER LAW
PLAINTIFF vs ALL DEFENDANTS

59. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

60. Plaintiff believes and therefore avers that her reporting of misconduct by Traci Allen motivated Defendants to terminate her employment.

61. In the alternative, Plaintiff believes that she would not have been terminated if she had not reported the aforementioned misconduct.

62. Plaintiff believes and therefore avers that her termination was in violation of the Pennsylvania Whistleblower Law, 42 Pa.C.S.A. § 1421. *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants and that it enter an Order as follows:

a. Defendant is to be permanently enjoined from discriminating or retaliating against Plaintiff on any basis prohibited under applicable federal and state law;

b. Defendant is to be prohibited from continuing to maintain its illegal policy, practice, or custom of discriminating or retaliating against employees based on any basis prohibited under applicable federal and state law and be ordered to promulgate an effective policy against such discrimination and to adhere thereto;

c. Defendant is to compensate Plaintiff, reimburse Plaintiff, and to make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to back pay, front pay, salary,

pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered discrimination at the hands of Defendants until the date of verdict;

d. Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering, and humiliation caused to his by Defendant's actions as permitted by applicable law;

e. Plaintiff is to be awarded punitive damages as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious, and outrageous conduct, and to deter Defendant or any other employees from engaging in such misconduct in the future;

f. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper, and appropriate including but not limited to reinstatement;

g. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

h. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law;

i. Plaintiff is to be granted such additional injunctive or other relief as he may request during the pendency of this action in an effort to ensure Defendant does not engage - or ceases engaging - in illegal retaliation against Plaintiff or other witnesses to this action;

j. The Court is to maintain jurisdiction of this action after verdict to ensure compliance with its Orders therein.

JURY DEMAND

Plaintiff demands trial by jury as to all issues so triable.

HAHALIS & KOUNOUPIS, P.C.

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