

October 26, 2017

Statement from Gregg Mandsager, City Administrator, City of Muscatine
This following statement is being made in my personal capacity.

It is with great regret that I make this statement to the City Council and the people of Muscatine. I intend to take legal action against impeached Mayor Diana Broderson for defamation and other wrongdoings. I regret that the City of Muscatine - a city that I love and that has been very good to my family and me - must be included as a party to this litigation.

Broderson has lied about me on numerous occasions. One of the most egregious lies is her false allegation concerning our first meeting. At the impeachment hearing and on numerous other occasions, Broderson has alleged that I told her "...Just so you know, I run this town, not you. What I say goes, not you, and things are gonna be a little bit different..." That is totally false. My family, people who know me, and Mayors and Council members with whom I have worked will tell you that I would do no such thing. That it is simply not my style. This is but one in a string of lies that impeached Mayor Broderson has told about me since taking office.

I ask that Broderson retract this falsehood. A demand letter has been submitted. I will be seeking a retraction, an apology and additional remedies. A copy of my letter to the City of Muscatine, via City Attorney, Mr. Matthew Brick, as well as a copy of a DRAFT petition is attached to this written statement. It is my sincere hope that the parties will be able to come together and reach a mutually respectful and fair resolution in this matter as I view litigation against a City I love as a last resort.

This has been a very difficult time for my family and me. Despite the constant barrage of false statements and attacks, we have been working hard to get things done as evidenced by the numerous projects and activity level seen throughout town. But enough is enough. I am tired of the attempts to bully my family and me. I am tired of the lies. I am disgusted by Broderson's attempts to trash the reputation of my family and me. She has abused her position as Mayor of Muscatine and must be held accountable. I must protect my family as well as my personal and professional reputation.

In conclusion, there is an important point regarding the impeachment process that has not received enough attention. The City Council has complied fully with Iowa law regarding the impeachment of a mayor by a council. The Court recently ruled the proceedings lacked due process, leaving cities with little to no remedies in similar situations. I hope the state legislature addresses this critical issue. The Court did not address the merits of the case. As such, I am left with little choice but to take action.

Due to the impeachment hearing and ongoing litigation, I have not previously responded to press inquiries based on legal advice. I can no longer be silent. Further inquiries concerning my position may be addressed to my legal counsel.

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October 19, 2017

Matthew S. Brick
Brick Gentry, P.C.
6701 Westown Pkwy., Suite 100
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Re: Gregg J. Mandsager
City Administrator, Muscatine, Iowa

Dear Mr. Brick:

I apologize for not reaching out to you sooner, as I had intended to do so several weeks ago. As you are aware, I represent Mr. Mandsager as it pertains to his employment with the City of Muscatine, Iowa. More specifically, as it pertains to the conduct of Muscatine Mayor, Diana L. Broderson, which has caused significant stress, humiliation and defamation to Gregg, his wife, Anna, and their family members; and which has severely impacted Gregg's professional pursuits and the benefits associated therewith.

As the City Attorney for Muscatine, I know that you have a much better grasp of the events of the past year and a half than I, and I know that you are keenly aware of the specifics concerning the statements, conduct and actions by Mayor Broderson which led to the efforts to remove her from her position by the Muscatine City Council. Additionally, you and the Council have had a front-row seat to the statements of Mayor Broderson which were directed towards Gregg as well as her conduct towards Gregg, and Gregg's cooperation with the Council regarding such, which, in part, provided the basis for her ultimate removal by the Council. For those reasons, I will not bore you with a detailed recitation, but rather, I have enclosed a DRAFT copy of a Petition which may be filed on behalf of Gregg and which outlines the pertinent conduct in greater detail.

With that said, the ultimate purpose of this correspondence is not to threaten litigation, but to begin a dialog between the City of Muscatine and Gregg as it pertains to reaching an amicable and fair resolution regarding this matter. Gregg very much enjoys his position as City Administrator with the City of Muscatine and he very much enjoys working for/with the elected officials and employees of the City of Muscatine. It is not his preference to become an adversary of the City. In fact, it is his respect for the Council, the City, and the other employees which prompted him to fully cooperate with the Council's efforts with removal of Mayor Broderson

and which aided in his decision to allow the numerous mistreatments of him by Mayor Broderson to be included as facts/examples in support of Mayor Broderson's removal.

I am sure that there is no dispute that Gregg has been harmed, defamed, negatively impacted and otherwise mistreated by Mayor Broderson; otherwise the numerous instances of her conduct towards Gregg would not have been relied upon, nor utilized, by the Council in its efforts at removing Mayor Broderson. It is my understanding that just recently the Judge in the pending matter between the City and Mayor Broderson has authorized the disclosure of closed-session information wherein matters were discussed specific to, and concerning Gregg, and wherein the session was closed due to Gregg's request pursuant to Iowa Code Chapter 22. It is unfortunate that certain records or discussions, which were made under the belief that they would be kept confidential, may now be brought into the public domain; thereby subjecting Gregg to further unnecessary and inappropriate scrutiny and ridicule.

It is Gregg's hope that you, representatives of the City's interest, and/or any other persons whose attendance you deem beneficial, would be interested and willing to sit down and further discuss this matter and any possible remedies which may be available to the parties.

Thank you for your time and consideration with the matter. It is greatly appreciated.

Sincerely,



John H. Judisch
Stuyvesant, Benton & Judisch
jhjudisch@qwestoffice.net

Enclosure:

IN THE IOWA DISTRICT COURT FOR MUSCATINE COUNTY

GREGG J. MANDSAGER, Plaintiff, v. DIANA L. BRODERSON, individually; DIANA L. BRODERSON as MAYOR OF the CITY of MUSCATINE, IOWA; and the CITY OF MUSCATINE, IOWA, Defendants.	CASE NO. PETITION AND JURY DEMAND
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COMES NOW the Plaintiff, Gregg J. Mandsager, and for his Petition states:

PARTIES

1. GREGG J. MANDSAGER, (hereinafter "Mandsager") is an individual who resides in Muscatine, Muscatine County, Iowa.
2. Defendant, DIANA L. BRODERSON, (hereinafter "Broderson.") is an individual who resides in Muscatine, Muscatine County, Iowa and at all times pertinent hereto held the office of Mayor of the City of Muscatine, Iowa.
3. Defendant, CITY OF MUSCATINE, IOWA (hereinafter "Muscatine") is a municipality organized under the laws of Iowa.
4. The City of Muscatine, Iowa is a municipality formed under Iowa Code Chapter 372 and it operates under a Mayor-Council form of city government with an appointed City Administrator.
5. Mandsager is employed by the City of Muscatine, Iowa as its City Administrator and

has held such position for nearly eight (8) years.

6. Broderson was elected as Mayor of the City of Muscatine, Iowa with a term commencement date of January 1, 2016 and an expiration date of December 31, 2017.

7. The City of Muscatine, Iowa has a Council of seven (7) Council Members who operated under expansive authority as set-forth in Muscatine City Code Section 1-9-2.

8. The Mayor of the City of Muscatine, Iowa is not a member of the Council and does not vote as a member of the Council and the Mayor operates under limited authority as set-forth in Muscatine City Code Section 1-7-2.

9. The City Administrator for the City of Muscatine, Iowa serves at the pleasure of a majority of the City Council and holds broad duties and responsibilities as set-forth in Muscatine City Code Section 1-10-2-E.

10. The City Administrator is included in, and a part of, "city staff."

11. On or about January 2016, Broderson brought forth numerous baseless and false allegations against Plaintiff asserting that:

- a. City staff had violated the law by hiring a retired employee as a consultant, Randy Hill;
- b. City staff had violated the law by accepting an offer from a contractor to fly City staff in a private plane in exchange for the contractor being awarded a City construction project;
- c. City staff had violated the law by unlawfully signing a health inspection report which caused the City to lose its ability to perform health inspections;
- d. Any other ways as shown by the evidence.

12. On or about February 2016, Broderson made numerous baseless, false and libelous statements / complaints against the Plaintiff (and City Council) by way of email to the Muscatine City Attorney wherein she asserted:

- a. That she is being undermined in her position by the City Administrator (Plaintiff);
- b. That the City Administrator (Plaintiff) is subjecting her to a hostile work environment;
- c. That the undermining of her position by the City Administrator (Plaintiff) is occurring because of her gender;

13. The complaints by Broderson regarding gender discrimination resulted in an outside investigation, to which Plaintiff was subjected, wherein no evidence was found to support Broderson's baseless claims.

14. On or about February 2016, Broderson again falsely accused Plaintiff of discrimination and bullying in response to the Council seeking additional information about candidates Broderson had selected for various appointments.

15. On or about February 2016, Broderson, against the advice of the City Attorney, filed a complaint with the State Ombudsman's Office alleging that Plaintiff had violated the law with respect to the City's health inspection program.

16. On or about March 2016, as well as any other times as shown by the evidence, and also as part of her interview with Investigator Louis Savelli, Broderson made the baseless, false and slanderous statements that:

- a. the City Administrator (Plaintiff) came into her office on January 7, 2016 and

stated to her, "You are not in charge here. I run the community and you can do the fluffy stuff i.e., ribbon cuttings and stuff. I made the decisions and I run everything in this community;"

- b. the City Administrator (Plaintiff's) goal is to shut down the soccer team and start a new soccer team so that his son can play;
- c. the City Administrator (Plaintiff) went to the Parks and Recreation Department and told them to start a soccer team so his son could play.

17. On or about March 2016, Broderson engaged in activities to circumvent Muscatine City Code and the role, responsibilities and duties of Plaintiff by seeking a change in Iowa law to allow a Mayor to have direct contact with certain staff.

18. On or about March 2016, Broderson provided certain emails to the Muscatine Journal which were defamatory to Plaintiff.

19. On or about April 2016, Broderson engaged in conduct in violation of Muscatine City Code and which circumvented the roles, duties and responsibilities of Plaintiff and which undermined his ability to manage staff by contacting staff and asserting that a potential contract was not large enough for project and had caused problems on a project in Davenport.

20. On or about April 2016, Broderson made a baseless, meritless and false open-meetings complaint against the Plaintiff and others.

21. On or about May 2016, Broderson engaged in conduct in violation of Muscatine City Code and which circumvented the roles, duties and responsibilities of Plaintiff and which undermined his ability to manage staff by contacting staff about her plan to begin regular meetings with City Staff.

22. On or about May 2016, Broderson made baseless and false complaints to the State Auditor regarding the City of Muscatine's 2014/2015 audit.

23. On or about May 2016, Broderson made a baseless and false complaint to the Iowa Public Employees Retirement System asserting that a retired City staff person had violated the terms of his retirement by contracting with the City.

24. On or about May 2016, Broderson, while hosting "Coffee with the Mayor", made numerous baseless, false and slanderous statements against Plaintiff, to wit:

- a. The City Administrator (Plaintiff) was the cause of city employees being afraid for their jobs;
- b. The City Administrator (Plaintiff) was not following the current form of government and/or city structure;
- c. The City Administrator (Plaintiff) was preventing her from doing her job;
- d. The City Administrator (Plaintiff) was treating her poorly because of her gender;
- e. The City Administrator (Plaintiff) was refusing to answer her questions about her appointment powers;
- f. The City Administrator (Plaintiff) was the root cause of her problems;
- g. The City Administrator (Plaintiff) slammed a door in her face;
- h. The City Administrator (Plaintiff) operated a bully system;
- i. Any other ways as shown by the evidence.

25. On or about June 2016, Broderson made false and libelous statements about Plaintiff, to wit:

a. Sending a letter to citizens in which:

- i. She stated that the “good old boys’ on the Council were attempting to destroy the office of Mayor and wanted to take away the Mayor’s power to give them to an ‘unelected bureaucrat.’”
- ii. She compared the City Council to a closed-door, backroom, government;
- iii. She requested help to stand up to the “bullies.”

26. On or about August 2016, and any other times as shown by the evidence, Broderson, during an interview with the press, made false and slanderous statements against Plaintiff, to wit:

- a. Telling a reporter that the City Administrator (Plaintiff) was the cause of her problems;
- b. Telling a reporter that the City Administrator (Plaintiff) had come into her office on her first day and told her that he runs the City.

27. On or about August 2016, Broderson engaged in conduct in violation of Muscatine City Code and which circumvented the roles, duties and responsibilities of Plaintiff and which undermined his ability to manage staff by contacting staff about her plans to be involved in the staff member’s conversations and meetings regarding a proposed river project.

28. On or about October 2016, Broderson made false and slanderous statements to two members of the media while in the Mayor’s office at City Hall, wherein she stated:

- a. that the goal of the City Administrator (Plaintiff) “is to find a way to get rid of me and find a way for her not to be the Mayor anymore,” and
- b. where she falsely implied wrongdoing on behalf of the City Administrator

(Plaintiff) and City Council as part of the close session being held at the time; and

c. Stated that “Gregg’s whole goal (as part of the ongoing Closed Session) is for the Council to find a way to get rid of me;” and

d. That “closed sessions are being used as a way to keep the public from knowing what is going on;” and

e. That the “Council and City Administrator are still unwilling to accept me as Mayor” and “for the most part it is Gregg Mandsager...;”

f. And any other ways as shown by the evidence.

29. On or about December 2016, Broderson contacted the Muscatine County Attorney to discuss criminal charges being filed against Plaintiff and others.

30. On or about December 2016, Broderson made a false and slanderous/libelous statements against Plaintiff by stating that the Iowa Attorney General had ordered the Muscatine County Attorney to file charges against Plaintiff and others.

31. On or about April 2016, Plaintiff applied for the position of Scott County Administrator where he was one (1) of three (3) finalists and was denied the position, in part, due to the false, misleading and defaming statements made by Defendant and her conduct.

32. The conduct of Broderson has negatively and detrimentally impacted Plaintiff’s ability to obtain and/or secure other employment opportunities and will continue to hinder Plaintiff in his professional career and aspirations.

33. At all times pertinent hereto, Broderson has made other defamatory, baseless and/or false statements concerning Plaintiff, as shown by the evidence, and which has resulted in “hate mail” being sent to Plaintiff at his residence and the creation of a change.org petition calling for

Plaintiff's removal.

COUNT I DEFAMATION

34. Plaintiff reasserts paragraphs one (1) through thirty-one (31) and incorporates them herein.

35. Defendant, Diana L. Broderson, both individually and/or in her capacity as Mayor of the City of Muscatine, Iowa, has slandered and/or libeled the Plaintiff, either directly or by implication, through oral and/or written and/or printed statements to others which were false and/or which were made with malice and/or which tended to, or were intended to:

- a. Injure the reputation of Plaintiff;
- b. Expose the Plaintiff to public hatred, contempt or ridicule;
- c. Injure Plaintiff in the maintenance of his occupation as City Administrator for the City of Muscatine, Iowa;
- d. Injure the Plaintiff in any other ways as shown by the evidence.

36. As a result of Defendant's Broderson's conduct, the Plaintiff has suffered damages in the following respects:

- a. Past and Future Mental Pain and Suffering;
- b. Past and Future Damage to his Reputation;
- c. Loss in Past and Future Earnings;
- d. Loss in Employment Opportunities;
- e. Punitive Damages to the Extent Provided / Allowed by Law;
- f. Any other ways as shown by the evidence.

WHEREFORE, Plaintiff demands judgment against Defendants in a reasonable and

adequate amount to compensation Plaintiff for his injuries, together with interest as provided by law and for the costs of this action.

COUNT II INTENTIONAL. RECKLESS OR NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

37. Plaintiff reasserts paragraphs one (1) through thirty-one (31) and incorporates them herein.

38. Defendant Diana L. Broderson has engaged in outrageous conduct which she intended to cause emotional distress to Plaintiff, and/or the Defendant acted with a reckless disregard of the probability of causing emotional distress to Plaintiff.

39. As a result of Broderson's conduct, Plaintiff has suffered severe and/or extreme emotional distress;

40. Broderson's outrageous conduct has caused Plaintiff to suffer the following damages:

- a. Past and Future Mental Pain and Suffering;
- b. Punitive Damages to the Extent Provided / Allowed by Law;
- c. Any other ways as shown by the evidence.

WHEREFORE, Plaintiff demands judgment against Defendants in a reasonable and adequate amount to compensation Plaintiff for his injuries, together with interest as provided by law and for the costs of this action.

COUNT III INTENTIONAL INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE

41. Plaintiff reasserts paragraphs one (1) through thirty-one (31) and incorporates them herein.

42. Plaintiff had a prospective contractual / business relationship with Scott County, Iowa

as it pertained to a vacant County Administrator position of which Defendant Broderson was aware.

43. Broderson intentionally and improperly interfered with the relationship through her conduct as noted above which caused Scott County not to enter the relationship and/or which prevented the Plaintiff from entering the relationship.

44. As a result of Defendant's Broderson's conduct, the Plaintiff has suffered damages in the following respects:

- a. Past and Future Mental Pain and Suffering;
- b. Past and Future Damage to his Reputation;
- c. Loss in Past and Future Earnings;
- d. Loss in Employment Opportunities;
- e. Punitive Damages to the Extent Provided / Allowed by Law;
- f. Any other ways as shown by the evidence.

WHEREFORE, Plaintiff demands judgment against Defendants in a reasonable and adequate amount to compensation Plaintiff for his injuries, together with interest as provided by law and for the costs of this action.

COUNT IV INTENTIONAL INTERFERENCE WITH CONTRACT

45. Plaintiff reasserts paragraphs one (1) through thirty-one (31) and incorporates them herein.

46. Plaintiff has a contractual / business relationship with the City of Muscatine, Iowa in his capacity as its City Administrator of which Broderson was aware.

47. Broderson intentionally and improperly interfered with the contract as noted above

which has caused the Plaintiff to either be unable to perform on the contract or which has caused the Plaintiff's performance of the contract to be more burdensome and/or expensive.

48. As a result of Defendant's Broderson's conduct, the Plaintiff has suffered damages in the following respects:

- a. Past and Future Mental Pain and Suffering;
- b. Past and Future Damage to his Reputation;
- c. Loss in Past and Future Earnings;
- d. Loss in Employment Opportunities;
- e. Punitive Damages to the Extent Provided / Allowed by Law'
- f. Any other ways as shown by the evidence.

WHEREFORE, Plaintiff demands judgment against Defendants in a reasonable and adequate amount to compensation Plaintiff for his injuries, together with interest as provided by law and for the costs of this action.

COUNT V- RESPONDEAT SUPERIOR/MUNICIPALITY LIABILITY

49. Plaintiff reasserts paragraphs one (1) through thirty-one (31) and incorporates them herein.

50. Defendant, City of Muscatine, Iowa is liable for the acts committed against Plaintiff by its agent, Diane L. Broderson.

51. Defendant, Diane L. Broderson, committed the acts set forth herein while acting in the scope of her employment.

52. Additionally, Iowa Code section 670.2, provides that "every municipality is subject to liability for its torts and those of its officers and employees, acting within the scope of their

employment or duties, whether arising out of a governmental or proprietary function.” Accordingly, Defendant, City of Muscatine, Iowa is liable for the acts committed against Plaintiff by its agent, Mayor Diana L. Broderson.

WHEREFORE, Plaintiff demands judgment against Defendants in a reasonable and adequate amount to compensation Plaintiff for his injuries, together with interest as provided by law and for the costs of this action.

JURY DEMAND

COMES NOW the Plaintiff, and hereby demands a trial by jury of all issues properly triable to a jury.

Respectfully submitted,

/s/ JOHN H. JUDISCH
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