

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

LATRICE LACEY, Plaintiff, vs. THE CITY OF DAVENPORT, IOWA, and MICHAEL MATSON, FRANK KLIPSCH, JIMMIE HORTON, MALLORY BAGBY, TOM WARNER, CORRIN SPIEGEL, BRIAN HEYER, MALLORY MERRITT, and RUBY MATEOS, individually. Defendants.	CASE NO. LACE138146 FIRST AMENDED AND SUBSTITUTED PETITION AT LAW AND JURY DEMAND
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Plaintiff, Latrice Lacey (hereinafter “Plaintiff” or “Lacey”), in support of her First Amended and Substituted Petition at Law and Jury Demand against The City of Davenport, Iowa, and Michael Matson, Frank Klipsch, Jimmie Horton, Mallory Bagby, Tom Warner, Corrin Spiegel, Brian Heyer, Mallory Merritt, and Ruby Mateos, individually (hereinafter collectively “Defendants”), states as follows:

I. INTRODUCTION

1. This is an action by the Plaintiff against the City of Davenport, Iowa alleging breach of contract and violation of the Iowa Wage Payment Collection Law. Plaintiff also alleges against all Defendants herein claims of race discrimination and hostile work environment harassment based on sex and race pursuant to the Iowa Civil Rights Act (“ICRA”) and also retaliation and aiding and abetting in violation of the ICRA.

II. PARTIES

2. Plaintiff was at all material times hereto a resident of Scott County, Iowa, and at times relevant to this Petition, worked as Director of the Davenport Civil Rights Commission.

3. Defendant City of Davenport, Iowa is an Iowa municipality organized under the laws of the State of Iowa and doing business within Scott County, Iowa.

4. Defendant Michael Matson is the Mayor of the City of Davenport, Iowa and is a resident of Scott County, Iowa.

5. Defendant Frank Klipsch is a former Mayor of the City of Davenport, Iowa, and is a resident of Scott County, Iowa.

6. Defendant Jimmie Horton is a former member of the Davenport Affirmative Action Commission and is a resident of Scott County, Iowa.

7. Defendant Mallory Bagby is a former Assistant City Attorney for the City of Davenport, Iowa and is a resident of Scott County, Iowa. Mallory Bagby was formerly known as Mallory Hoyt. For the purposes of this petition, Plaintiff refers to her throughout as Bagby.

8. Defendant Tom Warner is former City Attorney for the City of Davenport, Iowa and is a resident of Scott County, Iowa.

9. Defendant Corrin Spiegel is former City Administrator for the City of Davenport, Iowa and is a resident of Scott County, Iowa.

10. Defendant Brian Heyer is a former Assistant City Attorney for the City of Davenport, Iowa and is a resident of Scott County, Iowa.

11. Defendant Mallory Merritt is a former Interim City Administrator for the City of Davenport, Iowa and is a resident of Scott County, Iowa.

12. Defendant Ruby Mateos is a former Davenport Civil Rights Commission Commissioner and is a resident of Scott County, Iowa.

III. JURISDICTION AND VENUE

13. This Court has jurisdiction over this matter as the value exceeds the small claims jurisdictional amount.

14. Venue is appropriate in this court as Defendant is doing business in and the acts alleged herein occurred in Scott County, Iowa.

IV. PROCEDURAL PREREQUISITES

15. Plaintiff timely filed administrative complaints with the Iowa Civil Rights Commission or which were cross-filed with the Iowa Civil Rights Commission and was issued right to sue letter(s).

V. FACTS

16. Plaintiff Latrice Lacey has worked for the Davenport Civil Rights Commission (“DCRC”) as its Director since September 15, 2014.

17. As the Director of the DCRC, Plaintiff is employed by two employers: The City of Davenport, Iowa, and the DCRC.

18. Of the two joint employers, the City has insisted on maintaining ultimate control over the DCRC in the ways that are material to this lawsuit and as described more fully herein, and which continue to affect Plaintiff in her employment.

19. The DCRC has a seven-person Commission. Its commissioners are appointed by the Mayor of the City of Davenport, and confirmed by the City Council, and they are often volunteers with varying levels of public service experience and training.

20. DCRC Commissioners can be removed by the Mayor.

21. The DCRC is funded through the City of Davenport’s General Fund, the Department of Housing and Urban Development FHAP contract, and the Equal Employment

Opportunity Commission FEPA Contract. The DCRC's budget is drafted by the Davenport City Administrator and Finance Director and is approved by the Davenport City Council.

22. The City of Davenport, Iowa maintains control over the number of staff the DCRC employs, maintains control over the salaries of the DCRC staff, pays salaries to Commission staff, including Plaintiff, controls access to their physical office space, and to their electronic materials, and DCRC staff are part of the City's union.

23. In approximately May, 2015, Plaintiff, as Director of the DCRC, performed training for Davenport police officers that targeted unfair practices within police culture including implicit bias, racial profiling, and other areas of discriminatory or unfair conduct.

24. This training was received very poorly by officers in attendance and marked the beginning of the time that Plaintiff began to experience overt discrimination, harassment, and retaliation while employed by the City and the DCRC.

25. On or about April 24, 2017, Plaintiff was followed into the restroom by a member of the Davenport Affirmative Action Commission, Defendant Horton.

26. There was no legitimate reason for Horton to follow Plaintiff into the women's restroom.

27. When another woman approached the bathroom, Horton quickly left the stall that he had entered and was standing in (in the woman's restroom) and met her at the door.

28. Plaintiff heard the other woman make a sound of surprise as Horton exited the women's restroom past her.

29. On approximately April 27, 2017, Plaintiff reported the incident to then City Attorney Tom Warner and asked for a copy of security camera footage of the incident.

30. In approximately July, 2017, Warner and Assistant City Administrator Brandon Wright discussed the bathroom incident with Plaintiff while standing and waiting for an elevator together. Warner said he saw the footage and saw Horton follow Plaintiff into the restroom, and after that go into the men's restroom for a while.

31. Warner promised Plaintiff he would talk to Horton and tell him "you can't be doing stuff like that."

32. On September 28, 2017, during an Affirmative Action Committee meeting, Horton hugged Plaintiff over her objection while she was sitting down and he was standing, which put the front of his pants below the waist directly in Plaintiff's face.

33. Following the meeting, a newspaper reporter approached Plaintiff to tell her he was so shocked by Horton's behavior (the inappropriate hug) that he was speechless and he expressed regret for not saying anything in the moment.

34. After the bathroom incident and the meeting in which Horton inappropriately hugged Plaintiff with his pants in her face, Horton continued to act aggressively toward Plaintiff. When he came to City Hall, he parked in Plaintiff's parking spot, even after being told not to do so. On one occasion, he met Plaintiff at the door of City Hall and attempted to hug her, in front of former Mayor Frank Klipsch, and when she refused his hug, and told him that she had told him in the past she did not want to hug him, he began discussing Plaintiff's daughter, making comments similar to "How is that daughter of yours? She's such a beautiful girl, just like her mother. Well, I guess she's not a little girl anymore, she's a young woman. So beautiful."

35. Plaintiff's daughter had turned 16 only two weeks prior to this discussion and Plaintiff found both the attempt at hugging, followed by comments about her daughter and her

daughter's appearance to be very inappropriate and all of which made Plaintiff very uncomfortable.

36. During late 2017 to early 2018, Plaintiff was involved in several meetings with former Mayor Frank Klipsch in which Klipsch rubbed his crotch area and stared at Plaintiff's breasts and overall behaved oddly.

37. On approximately September 25, 2017, during one such meeting with Klipsch, Klipsch asked Plaintiff if he and she could meet alone because he might be able to work out a way to get the DCRC additional funding. Plaintiff perceived this as a *quid pro quo* proposal and asked Warner to continue to sit in on the meetings.

38. During this same September meeting, Klipsch also discussed several cases pending before the DCRC that involved campaign donors and personal friends or family of his, and asked Plaintiff to close those cases quickly.

39. In November, 2017, while attending an event at St. Ambrose University, Klipsch walked up to greet and hug Plaintiff. The hug went on too long to the point Plaintiff became uncomfortable. Klipsch then stood next to Plaintiff and touched her butt.

40. On December 14, 2017, Plaintiff learned of another woman who had experienced, according to Plaintiff's source, egregious sexual harassment at the hands of Klipsch. Plaintiff's source described it as "not Harvey Weinstein bad, but it was pretty bad."

41. On December 27, 2017, Plaintiff learned from a DCRC Commissioner that Klipsch had told the Commissioner that he was upset that the Commission was approving disability-related accommodations for Plaintiff and that Klipsch expressed doubt about the existence or severity of Plaintiff's disabilities. It was unclear how or why Klipsch had any information regarding Plaintiff's disability accommodations and/or regarding her health conditions.

42. When Plaintiff returned home from the meeting, she discovered the first of many nuisance enforcement action notices on the front of her home, citing her for lawn bags on her parking pad.

43. On January 2, 2018, Plaintiff, along with DCRC Commissioners Helen Roberson and Susie Greenwalt, met with Defendant Klipsch and Defendant Warner about Horton and also about the process of appointing commissioners to the DCRC. During this meeting, Plaintiff raised the additional issues she had experienced with Horton parking in her spot and making threatening comments about her daughter. Plaintiff sought information on what had been done with respect to Horton's harassment of her. Warner admitted that he had not discussed the matter with Horton as he had earlier promised to do. Warner directed Plaintiff to go to the City's human resources department to make a complaint regarding Horton to the City's human resources personnel.

44. Shortly after the meeting, Plaintiff went to the Director of Human Resources as Warner had suggested in the meeting. Warner joined the meeting and then told Plaintiff and the Director of Human Resources that HR did not need to take any action that Warner was going to call Horton and meet with him to tell him that he had to step down or be removed by council action.

45. Horton resigned from his position on the Davenport Affirmative Action Committee in approximately January, 2018, but only after being contacted by a reporter two times regarding Plaintiff's allegations of sexual harassment. While Horton first denied the bathroom incident ever occurred, he later admitted it occurred after the reporter informed Horton not only that there was footage of the bathroom incident but also that the reporter had requested such footage. In addition, Horton admitted to the reporter that he had never been confronted about the bathroom incidents

nor any other incidents by City personnel. Citing a “busy schedule,” however, Horton resigned from the Affirmative Action Committee.

46. On January 12, 2018, Plaintiff met with Klipsch to discuss the appointment process for DCRC Commissioners and Klipsch stated that he had received complaints from friends about civil rights investigations and asked Plaintiff why she could not just administratively close the complaints.

47. Klipsch cited two specific examples of complaints filed before the Commission for which he sought favorable treatment, one of which involved a company owned by Klipsch’s personal friends and campaign donors.

48. On January 26, 2018, Plaintiff complained to Klipsch, Warner, and HR Director Dawn Sherman about the Second Ward Alderwoman Maria Dickmann engaging in racial harassment of Plaintiff at work, online, and in the community. To the best of Plaintiff’s knowledge, nothing was ever done in response to this complaint.

49. On January 27, 2018, a long-ago acquaintance and former romantic partner of Plaintiff’s, Clyde Richardson, forced his way into Plaintiff’s house, choked her, and threatened to kill her and her now husband.

50. On January 29, 2018, Plaintiff called the Davenport police to report Richardson’s conduct. The officer Plaintiff spoke with was rude and dismissive to Plaintiff and took no action in response to her complaint.

51. On February 13, 2018, Plaintiff received a call from her daughter telling her that Richardson was in her garage trashing it. Plaintiff then got a text message from Richardson stating “Happy Valentine’s Day, Love OJ.” Plaintiff returned home to find her garage trashed and all of her yard equipment stolen.

52. Richardson made another appearance at Plaintiff's property on February 15, 2018 and demanded that Plaintiff and her husband come outside to talk to him.

53. The next day, Plaintiff's husband discovered that the windows of his car were broken out. Plaintiff again reported Richardson to the police and again, they took no action.

54. On March 21, 2018, Plaintiff and her husband again found that her husband's car windows were broken out.

55. On March 28, 2018, Richardson, while driving his employer's vehicle, attempted to run Plaintiff's husband off the road.

56. On March 28, 2018, complaints were made to the Davenport police regarding Richardson's second round of window breaking and his attempt to run Plaintiff's husband off the road.

57. On April 4, 2018, during a City Council meeting, Plaintiff presented the City's annual Fair Housing proclamation on behalf of Mayor Klipsch, and Klipsch, for the first time while presenting the annual proclamation, came down to pose for a picture with Plaintiff.

58. Klipsch used this as another opportunity, while the photo was being taken, to again place his hand on Plaintiff's butt.

59. On April 5, 2018, Plaintiff notified the entire DCRC staff about Klipsch's inappropriate behavior at the meeting.

60. On April 6, 2018, a Commissioner called Plaintiff to tell her he saw the Mayor touch her on the butt in a video of the meeting he had watched online.

61. On April 16, 2018, Plaintiff met with the City's Communications Director, Jennifer Nahra, to inquire about the impact of addressing the Mayor's sexual harassment before the

upcoming April 27, 2018 housing conference and whether it would overshadow the event. Nahra informed Plaintiff that it would so.

62. Plaintiff discussed with Nahra, within earshot of Kurt Allmeier and then City Administrator Spiegel, and with Allmeier eventually joining the discussion, that she intended to publicly address the Mayor's actions the Monday after the housing conference, which would have been April 30, 2018.

63. On April 27, 2018, while attending the DCRC fair housing conference, Mayor Klipsch again attempted to hug Plaintiff. Plaintiff declined and Klipsch became upset and left a short time later.

64. On April 30, 2018, Plaintiff awoke at 3:00 a.m. to hear Richardson outside her bedroom window threatening to murder her, her husband, and her daughter. Plaintiff assumed she was having a nightmare and went back to sleep.

65. The next morning, Plaintiff awoke to find that her garage door had been kicked in, and the windshield and back window of her husband's car was broken out.

66. Plaintiff asked a friend to take her to the Davenport police station to report the incident.

67. On the way to the police station, Plaintiff received a phone call from her daughter informing her that her car had stopped running. Plaintiff later discovered that Richardson had poured water in the gas tank. Plaintiff's daughter asked her if they were going to be murdered.

68. Richardson had been calling and texting Plaintiff non-stop for three months demanding that she speak to him in order to get his harassment to stop.

69. The call from Plaintiff's daughter came as Plaintiff and her friend were driving past Richardson's place of employment.

70. Thinking that she would do as Richardson had repeatedly requested, and talk to him in order to get his harassment to end, and lacking any meaningful follow up from the Davenport police department as to her complaints involving Richardson, Plaintiff asked her friend to stop at Richardson's place of employment.

71. Plaintiff then found and confronted Richardson, who immediately reacted violently.

72. Richardson began violently shoving Plaintiff, causing her foot to roll under her ankle, which Plaintiff later learned broke two bones in her foot. Richardson then blocked the Plaintiff from leaving the scene by standing in front of the car door to prevent her from opening the door to get into the car as she announced that she was going to the police to demand that they take action on her complaints. Plaintiff eventually got the car door open and when she got into the car, Richardson first tried to pull her back out of the car, then jumped into the car on top of her.

73. Plaintiff's friend, who was walking to the driver's side of the vehicle, ran back to the passenger side and retrieved her son's bat from the back seat of the vehicle. Richardson then got off Plaintiff and went after Plaintiff's friend, who has significant spinal cord damage, threatening to "beat her ass" and saying he would "beat both of you bitches' assess." To defend her friend, Plaintiff grabbed Richardson's blacksmith's hammer from the backseat of her friend's car and demanded that Richardson get away from her friend. As Plaintiff turned to get back into the car to leave, Richardson then violently shoved Plaintiff into the car frame, hit Plaintiff, and when she turned around, he grabbed the hammer, dragging Plaintiff around by the hammer. He then pushed her, and eventually knocked her to the ground where he continued to violently assault her until three people pulled him off her.

74. After this incident, Plaintiff headed home because she suspected her foot was broken and called the police. Davenport Police Officer Simon responded and told Plaintiff they would arrest Richardson for the burglary of her home and perhaps for the assault.

75. On May 1, 2018, Plaintiff saw her doctor for the injuries to her foot. Plaintiff learned she had two broken bones in her foot and a sprained ankle and was given a boot.

76. Also on May 1, 2018, the City replaced its long-time human resources director with Defendant Merritt, who was a good friend of then City Administrator Corri Spiegel.

77. On May 2, 2018, the Davenport Police Department arrested Plaintiff for domestic assault against Richardson and for harassment.

78. Richardson was not charged with any crime.

79. The Sheriff's office then made a Facebook post announcing Plaintiff's arrest with her mugshot and a link to Plaintiff as a current inmate. Plaintiff searched through the Sheriff's Facebook page and could not find any instances where there had been any similar posting either about criminal charges being brought against a City employee or about a criminal defendant charged with domestic assault.

80. To the contrary, Plaintiff was aware of at least one other City employee who had been recently criminally charged by the Davenport Police Department but for whom there was no similar post.

81. Furthermore, the arrest warrant related to the Department's arrest of Plaintiff was worded in such a way so that it appeared that Plaintiff hit Richardson in the face with a sledgehammer, breaking his glasses. In truth, Richardson sustained no injuries and he doesn't even wear glasses. Plaintiff never had a sledgehammer and never hit Richardson in the face with any kind of hammer.

82. Following the arrest of Plaintiff, Klipsch was quick to comment to the media and to claim that the City would take swift action. Klipsch followed up with contact to at least one Commissioner calling for Plaintiff's removal from her position as Director of the DCRC.

83. During a May 8, 2018 meeting, the DCRC decided to allow the legal process to play out and not take any action against Plaintiff.

84. On May 9, 2018, the City of Davenport released incomplete and misleading police reports to the media regarding the Plaintiff's harassment and assault charges. The incomplete reports cast Plaintiff in a very negative light.

85. On June 14, 2018, then Assistant Scott County Attorney Sam Huff filed minutes of testimony attaching the incomplete police reports.

86. Throughout the pendency of three criminal trials that ensued, Plaintiff never received complete police reports from the City of Davenport. The police reports were only eventually released as a result of a FOIA request submitted in July 2023, more than five years later.

87. On July 1, 2018, the City unveiled a new administrative policy purporting to give the City's legal department authority to investigate the Civil Rights Director.

88. On July 27, 2018, DCRC Commissioners were notified that the Ordinance was being amended, removing their authority to supervise Plaintiff, and eliminating the prohibitions against discrimination for the City of Davenport, Scott County, and the Davenport School District. In the notice letter, the Mayor told all Commissioners that he would re-appoint them to four year terms. On August 1, 2018, Plaintiff wrote an article for the Bleeding Heartland blog detailing the Mayor's actions in attempting to interfere with DCRC cases and his sexual harassment of her. Plaintiff informed the City Council of the same.

89. In August-September, 2018, Plaintiff was contacted by various community members who disclosed that they had been told that there were concerns by City Council members relating to Plaintiff misusing funds including the allegation that Plaintiff was receiving ADA accommodations she didn't need.

90. Also during August, 2018, the City sent someone to Plaintiff's house to cite her for weed abatement. Plaintiff received no advance notice or warning or opportunity to cure. This was a time of very heavy rainfall, so it was clear that there was no ability to cut the grass in Plaintiff's yard which was composed of a steep, wet, hill. After the rain receded, Plaintiff arranged for her lawn to be mowed per her normal practice. Nevertheless, the City sent someone to mow the lawn additionally. Both the contractor sent to mow and the City inspector agreed that it was uncommon for a homeowner to not receive notice of a potential citation prior to the citation. Plaintiff appealed the citation. Both Heyer and Warner performed work on the appeal on behalf of the City. In addition, a local radio station somehow learned of the weed citation and appeal and sought related documents from the City. Plaintiff believed the radio station was tipped off as to the weed citation as this was not commonly available information and the radio station knew exactly which documents to ask for. Plaintiff's name and address were announced on the radio in connection with this citation.

91. Throughout October and November, 2018, and because of the City, Plaintiff encountered difficulties in receiving travel expense reimbursements necessitated by her disabilities and previously approved as accommodations.

92. On September 19, 2018, Defendant Heyer emailed Huff regarding security camera footage of the Richardson incident that occurred at Richardson's place of employment which is the incident that formed the basis, allegedly, of Plaintiff's arrest.

93. Heyer told Huff that the City's IT Department had edited the surveillance footage and had made it into a video. Huff ultimately received this City-made video footage.

94. The video used at trial, as edited by the City, was edited so as to be highly misleading in a manner that was unfavorable to Plaintiff.

95. In December, 2018, Klipsch announced he would not seek re-election as Mayor. The following week, Klipsch replaced three members of the Commission.

96. On March 12, 2019, Heyer again emailed Huff, this time with a copy of pleadings from the weed abatement action, stating that he would check with Warner and Bagby to see if they had "other examples" of Plaintiff being untruthful.

97. In August of 2019, Plaintiff was contacted by an investigator for the Department of Housing and Urban Development who was investigating a complaint against the City of Davenport. Plaintiff was interviewed because Defendant Bagby had told the investigator that the DCRC was soliciting false complaints against the City. Bagby told the investigator to Google Plaintiff to see what was "going on," referring to the criminal charges against Plaintiff and the controversy regarding Commissioner appointments that had received media coverage. Bagby's statements were not true, Plaintiff nor any other person at the DCRC had solicited false housing complaints against the City.

98. On September 10, 2019, Plaintiff gave a deposition in an age discrimination lawsuit filed by former Davenport Fire Chief Lynn Washburn. Plaintiff testified honestly and some of the testimony was not favorable to the City and/or then-City Administrator Spiegel.

99. On September 17, 2019, during Plaintiff's first retrial, Second Ward Alderman Maria Dickmann sat for an interview about Plaintiff with Sean Leary for QC Uncut. Dickmann discussed how changes to the Commission were a way to fire Plaintiff and she made various

references indicting that she, and perhaps others, reviewed the minutes of testimony from the criminal matter. She definitively stated within this interview that Plaintiff assaulted Richardson. This interview occurred during the criminal trial. Plaintiff believes it was a direct effort to influence the outcome of the trial and public opinion about the underlying altercation.

100. On September 23, 2019, Plaintiff received a jury verdict of “guilty” on the harassment charge against her related to the incident involving Richardson.

101. Witness testimony offered during the harassment trial was tainted by bias and undisclosed connections between at least one witness and City personnel.

102. Soon after receiving the verdict, Plaintiff’s attorneys filed an appeal of the verdict.

103. On October 31, 2019, Bagby, Warner, Heyer submitted a complaint about Plaintiff to the Iowa Office of Professional Regulation, which regulates lawyers. (Plaintiff is an Iowa licensed lawyer).

104. Within the ethics complaint, Defendants Bagby, Warner, and Heyer complained of Plaintiff’s alleged: “disrespect for the law,” her “mutiny,” that she “resort[ed] to the use of violence” and “lying to law enforcement,” that she was guilty of “lying to the media,” of engaging in conflicts of interest and violating open meetings laws, that she had failed to renew her driver’s registration for three years, that she had made false complaints of sexual harassment, false statements to a tribunal, improper expenditure of public funds, that she failed to act in an organization’s interest or provide candid legal advice, and more.

105. This ethics complaint was 68 pages long and attached two appendices which together totaled approximately 268 pages. The complaint contained more false statements than true statements.

106. The clear import of the complaint was to attempt to harass Plaintiff and discredit or end Plaintiff's legal career, and more than that, her career as DCRC Director.

107. The ethics complaint was also retaliation for the many instances in which Plaintiff had engaged in protected activity.

108. Through this ethics complaint, Plaintiff learned of additional exculpatory evidence, police body camera footage, related to the Richardson criminal matter that had been withheld by the City and not produced to her earlier.

109. On January 9, 2020, newly appointed DCRC Commissioner Janelle Swanberg described, in a meeting between she and Plaintiff, how she thought that before the Commission did anything else that Plaintiff's employment should be considered given the criminal charges against Plaintiff and the fact that Plaintiff had by then been convicted of harassment. Plaintiff explained that she had appealed and was awaiting further review. Swanberg continued to press for action to end Plaintiff's employment. After the meeting with Plaintiff, Swanberg met with the City's legal department, specifically Bagby. Following that meeting, Bagby sent Swanberg Plaintiff's time sheet. Plaintiff believes Bagby had made statements to Swanberg that Plaintiff had had taken time off work improperly or failed to correctly report her time, including after she was assaulted by Richardson and after the criminal trial.

110. Also in January of 2020, Bagby took over a DCRC project regarding conversion therapy. Bagby drafted an amendment to a DCRC ordinance which added persons who had undergone conversion therapy as a new area of discrimination, and without any involvement of either Plaintiff or other Commission staff. This amendment was illegal and caused public backlash. At that point, the Mayor contacted Plaintiff to become involved in the process, when there was already substantial public vitriol.

111. Bagby was also given Plaintiff's duties related to the Municipal Equality Index, and Plaintiff and her staff were completely excluded from that process.

112. On June 4, 2020, Plaintiff submitted to Mayor Matson a complaint of harassment of her by the City's legal department and also the fact that the City's legal department had insisted on "training" new DCRC Commissioners.

113. Plaintiff wrote in part in her complaint:

"In the past, Civil Rights Commissioners have not met with either of these two departments [City Administrator and Legal], however, after I complained about actions of the staff of the legal department, they have begun to 'train Commissioners.' I have not been invited to attend the trainings or provided information about what the trainings entail. I was informed by one member that staff used the opportunity to have a private meeting with the Commissioners to denigrate me, which is extremely unprofessional and creates a hostile working environment for both myself and the entire staff of the Commission."

114. Matson promised he would not allow the harassment and interference of the City Administrator's Office and City Legal Department in Commission affairs, but the harassment and interference continued.

115. On July 7, 2020, then Assistant City Attorney Heyer contacted EEOC headquarters in Washington D.C. and complained that he had requested a document from Plaintiff, via FOIA, but had not received it. This was not true. Heyer had not in fact submitted a FOIA request to Plaintiff for the document in question.

116. Plaintiff made a complaint to Swanberg regarding this false complaint made by Heyer. Swanberg told Plaintiff she did not have time to discuss this complaint, she was too busy. Swanberg then proceeded to email Heyer and told him to call her so that she could talk to him about Plaintiff's complaint.

117. On July 15, 2020, Plaintiff asked Swanberg to follow up with the City's human resources regarding the City's refusal to place her on the same salary level as other Directors

employed by the City, and the failure of the City to provide step increases to Plaintiff similar to increases received by Directors of other departments of the City.

118. On July 30, 2020 the Davenport police union issued a statement denouncing Plaintiff and recent efforts Plaintiff had made to obtain community feedback regarding police, which Plaintiff had done at the direction of the DCRC. On Facebook, the union fanned the flames as to growing unrest on social media, which characterized Plaintiff's efforts to obtain feedback as an attempt to defund the police, and eventually the comments on social media sought a violent white-supremacist-led confrontation. A group called Davenport Guns called for people to go to City Hall, armed, to oppose Plaintiff's alleged efforts to attack the Davenport City Police Department.

119. On August 17, 2020, Plaintiff followed up with Swanberg regarding Heyer's false complaint to the EEOC and also regarding the police union's activity. Swanberg deflected both items—stating that Plaintiff needed to go through the full Commission if she wanted to complain about Heyer and directing Plaintiff to PERB regarding the union.

120. During an August 21, 2020 Commission meeting Plaintiff complained broadly regarding racial harassment she had experienced and listed all of the prior complaints that she had made related to sexual harassment or race-based harassment and described how nothing had been done in response to her complaints.

121. On September 29, 2020, Swanberg finally followed up with Plaintiff regarding her complaint about Heyer's false report to EEOC and admitted only that "a mistake in communication to EEOC did occur" but that she would not disclose further what the outcome was of Plaintiff's complaint and any ensuing investigation.

122. During the same meeting, Swanberg told Plaintiff she had spoken to Plaintiff regarding her vacation accrual and that Merritt wanted the DCRC to vote on whether to give Plaintiff the accrual.

123. Soon after that, Swanberg stepped down as Chair of the DCRC and suggested that Ruby Mateos replace her. Swanberg was aware that Mateos had been extremely critical and hostile to Plaintiff in the past.

124. Early in her tenure as Chairperson, Mateos refused to communicate with Plaintiff regarding Commission business, leaving many emails unanswered.

125. On February 9 or February 10, 2021, Mateos gave an interview to the Quad City Times in which she said she agreed with the City Council not giving the DCRC additional funds because the DCRC (through Plaintiff) did not make a good enough case for it during a meeting in which such additional funding was considered.

126. In March, 2021, Defendant Heyer accessed Plaintiff's emails without her knowledge and posted them on the City's website. The emails accessed and posted included confidential employment matters and confidential complaints Plaintiff had made.

127. On May 29, 2021, Bagby emailed the DCRC Commissioners a letter directly, without cc'ing Plaintiff, and accused Plaintiff and other Commission staff of repeatedly failing to provide access to public meetings.

128. On June 1, 2021, Plaintiff sent a letter to Bagby, cc'ing the Mayor, City Council, and DCRC and directly addressing the false claims within Bagby's letter and accusing Bagby of harassment.

129. On June 4, 2021, Bagby complained to Iowa's Public Information Board claiming that that Plaintiff had refused a city staff member admission to a public meeting and that the

Commission had denied a public records request. At the time, the response on the public records request had not yet been sent out because it was not yet due.

130. In July, 2021, Mateos gave an interview to the Quad City Times claiming Plaintiff was harassing her. By this point, Plaintiff has made complaints against Mateos for harassment but had also attempted to work with her. Mateos continued to act only with open and public hostility toward Plaintiff.

131. On September 29, 2021, the trial against Plaintiff on the charge of domestic violence went forward against Plaintiff. Swanberg arrived to trial just as Plaintiff was about to start putting on the defense of her case.

132. On September 30, 2021, Plaintiff was acquitted of the assault charges related to the incident with Richardson. At the beginning of this trial, her third criminal trial related to the Richardson incident, County Attorney Walton amended the charges from domestic assault to assault.

133. On January 18, 2022, Defendant Heyer publicly accused Plaintiff of having a conflict of interest and of not performing her duties in the public interest, demanding that she recuse herself from a civil service hearing for a particular employee. Pursuant to Iowa law, Plaintiff is a member of the Civil Service Commission.

134. In March, 2022, a mediation team organized to restore good relations between the City and the DCRC made recommendations for how to do so.

135. One of the team members involved in the mediation process was Brenda Drew-Peoples, former Director of the DCRC, who was also Black.

136. Drew-Peoples experienced many instances of conduct similar to what Plaintiff experienced including being attacked in local media and mistreated within City government.

137. One of the mediation team's recommendations was for the City Administrator, then Spiegel, to return to inviting Plaintiff to department head meetings.

138. On August 3, 2022, Spiegel made it clear she would not invite Plaintiff to department head meetings because she did not trust Plaintiff because Plaintiff had given truthful deposition statements against Spiegel in the Washburn matter. Spiegel insisted she would host a sham meeting that lasted 10 minutes to appear to include Plaintiff and then hold the real department head meeting later without Plaintiff present.

139. Throughout Plaintiff's employment, the City of Davenport Iowa has been responsible for paying Plaintiff's salary and benefits.

140. On Tuesday, September 13, 2022, the DCRC, for the second time, voted in favor of paying Plaintiff unpaid vacation and sick leave time, which was due to her pursuant to an offer of employment letter Plaintiff had received from the City and which Plaintiff signed on August 26, 2014. The leave, which was leave that Plaintiff should have been paid continuously during her time as Director, but which was not paid to her, was, according to the board action, supposed to be corrected and backdated to her start date of September 15, 2014.

141. On September 19, 2022, Plaintiff forwarded a letter from the DCRC Chairperson, Michael Guster, to the City Finance Department regarding Commission-approved leave due to Plaintiff. Guster explained prior communications on the issue, including resistance of the City and especially of then-Finance Director Mallory Merritt in processing the leave due, and demanded that the accrued and corrected leave be "processed within 30 days of this letter."

142. On October 3, 2022, the City, through Merritt, refused to process the corrected leave payment for Lacey in total, instead insisting on a partial payment and asking the DCRC Chairperson to choose among various partial payment options.

143. In October, 2022, Commissioners discussed the City's disparate treatment of Plaintiff based on her race and Spiegel flew off the handle and accused them of calling her a racist and said she was not going to sit there and listen to them call her a racist.

144. On February 28, 2023, Chairperson Guster again sent a letter to City of Davenport staff to process the leave correction for Plaintiff in accordance with the DCRC's September, 2022 vote.

145. On April 4, 2023, Merritt resent her correspondence of October 3, 2022 to Guster, which offered only partial payment.

146. On July 17, 2023, Guster sent another letter to Merritt and to Matson again directing that the accrued and corrected leave be paid to Plaintiff.

147. On August 4, 2023, then-City Attorney Defendant Warner responded to Guster's July 17, 2023 letter and again asked Guster to choose which partial payment to pay to Plaintiff (0 hours, 40 hours, or 80 hours).

148. On October 4, 2023, Plaintiff made an internal complaint of discrimination to the Davenport City Council, highlighting the racially hostile work environment that exists within City Hall.

149. On October 11, 2023, Defendant Bagby yelled at Plaintiff loudly and belligerently while in the hallway of City Hall, in front of members of the public.

150. Plaintiff complained immediately regarding Bagby's hostile outburst.

151. On October 16, 2023, Plaintiff filed her first civil rights complaint against the City, which was a complaint filed with the Department of Labor Office of Federal Contract Compliance. Plaintiff alleged harassment, discrimination, and retaliation she had been experiencing for many years by that point. She also alleged that the City's failure to pay her the leave time due was not

only intentional but was also discriminatory, and that, as a female, Black Director, she was treated differently from other Directors of the City who were white.

152. On October 20, 2023, Guster met with Matson and Merritt. Merritt presented Guster with a memorandum at this meeting which offered Plaintiff the full leave accruals she sought and which had been approved by the DCRC, but only if she agreed to leave employment with the City and DCRC. Also during this meeting, the Commissioners were told by Merritt and Matson that a staff member within Plaintiff's office was engaging in alleged cyber bullying against them including by making inappropriate comments about them and members of their family. No evidence of the cyber bullying was ever produced although it was requested. The allegations regarding cyber bullying are believed to be retaliatory complaints for Plaintiff's complaints about Bagby.

153. In any event, Plaintiff continued to insist and request of the City that she be paid all accrued vacation and sick leave due and owing to her dating back to her first day of employment and without having to relinquish her employment.

154. On November 9, 2023, Plaintiff was contacted by an outside attorney who informed her that Bagby had filed an internal complaint. Plaintiff soon learned that the Complaint contained at least some allegations related to her although she was not the main focus. Plaintiff informed the attorney she viewed the complaint to be retaliatory for the complaints Plaintiff had previously made about Bagby.

155. On December 20, 2023, Plaintiff complained to Merritt that the City's Legal department had improperly intercepted and opened the DCRC's mail.

156. The City began an investigation of the improperly intercepted mail, which investigation is still pending as of the date of the filing of this lawsuit.

157. On January 11, 2024, Plaintiff learned from then-Assistant City Attorney Brian Heyer that instead of honoring the board action of the Commission, and instead of paying Plaintiff what it owed her, the City had hired outside legal counsel to advise as to whether the City needed to pay Plaintiff the accrued leave.

158. During a January 18, 2024 meeting regarding the unpaid leave time, Mayor Matson notified Plaintiff and Guster that he refused to discuss the issue further because Plaintiff had filed a complaint with the EEOC. Matson made clear during that meeting that the City's position was to continue to refuse to pay any amounts owed in light of Plaintiff's civil rights filing.

159. On March 18, 2024, in response to an acceptance order from the IPIB on a complaint filed by Plaintiff for a denial of a FOIA, Defendant Heyer protested the Plaintiff's involvement of IPIB, stating that it is an inappropriate course of action to resolve a dispute between the City and the Commission. Heyer's response further admitted that on June 4, 2021, Defendant Bagby filed an IPIB complaint against the DCRC to bring the DCRC "into line," which admits the IPIB complaint was filed for an improper purpose. Heyer wrote: "The draft Acceptance Order also states that the City and the DCRC have both in the past requested records of the other through Chapter 22. This may be true, but is irrelevant for the purposes of the consideration of this particular complaint. Simply stated, the fact that that it happened in the past was a direct consequence of the DCRC director leading the commissioners down the primrose path that they were autonomous from the city. The fact that the City submitted requests for documents occurred for no other reason than the city was trying to bring a break-away commission back into line. Why? Because the City could not sue the commission because to do so require the city to sue itself." Heyer echoed complaints made against Plaintiff within the ethics report he filed against her with the Iowa Office of Professional Regulation. This statement

to IPIB regarding attempting to bring the Commission “into line” was an admission that Heyer and Bagby used a baseless IPIB complaint, among other things, to attempt to bring Plaintiff “into line.”

160. On April 2, 2024, the law firm of Ahlers and Cooney, after receiving and reviewing materials and information the City provided to it, provided an opinion to the City which concluded that Plaintiff was not due unpaid leave.

161. Plaintiff provided a response to the City regarding the opinion received, which she believed to be incorrect.

162. The crux of the dispute concerns the following language within Plaintiff’s initial August 26, 2014 letter offering her employment, and specifically Paragraph 4 of that letter, which provides:

The City’s Administrative Policies apply to your position, including benefits available to Department Directors, including health, dental, prescription, long term disability, life insurance, vacation and sick leave. You will accrue leave consistent with City policies, starting with five years of credited service in the calculation of vacation time (i.e. you will begin at the 6th year of service, with 20 days of vacation annually.)

163. Due to conflicting and changing administrative policies of the City, and questions raised as to when certain policies came into place, there exists a dispute as to whether Plaintiff was paid in accordance with this contractual language.

164. Nevertheless, the Commission, which the City has argued many times in court proceedings is an independent body in charge of its own employees, approved that the back vacation and leave due to Plaintiff be paid to her on September 13, 2022.

165. On April 3, 2024, Plaintiff again followed up with Merritt for an update on the accrued leave. Merritt did not respond.

166. To date, the City continues to refuse to pay Plaintiff all wages due to her including unpaid and accrued vacation and sick time.

167. On June 20, 2024, plaintiff received a ticket from Davenport police for having her RV parked in front of her house as she was loading it up to leave. The ticket gave notice that the police would tow her vehicle because it is abandoned. The RV was not abandoned. The police officer claimed that there had been a complaint leading to the ticket.

168. On July 8, 2024, after her arrival back in town, and before it was parked even 24 hours, and prior to Plaintiff and her husband being able to unload it, the RV was again tagged as abandoned by Davenport police.

169. On August 7, 2024, Plaintiff filed another civil rights complaint detailing additional discrimination, harassment, and retaliation that had occurred since her prior complaint to the Department of Labor.

170. Bagby was specifically named in this complaint.

171. On November 8, 2024, Bagby, having resigned from her employment with the City, and then claiming constructive discharge, filed a civil rights complaint with the Iowa Civil Rights Commission and included Plaintiff as a respondent. This was further retaliation for Plaintiff's complaints against her.

172. Although Plaintiff has lodged many complaints during the course of her employment, many of which allege a hostile work environment, and some of which alleged blatant racial or sexual harassment, the City has failed to conduct meaningful investigation or remediation of any of her complaints. Any investigation of Plaintiff's complaints has been purposefully stalled or has been nonexistent whereas complaints filed by other employees, Caucasian employees, such as Bagby, are promptly investigated.

173. Plaintiff can no longer tolerate the toxic work environment she has experienced for years, the disparate treatment, especially as to her pay, nor the retaliation she has suffered, and therefore files this lawsuit.

VI. CAUSES OF ACTION

**COUNT I
BREACH OF CONTRACT
(Defendant The City of Davenport, Iowa)**

174. Plaintiff repleads paragraphs 1 through 173 of this Petition as if fully set forth herein.

175. The City agreed to pay Plaintiff as outlined in the August 26, 2014 employment offer letter attached hereto as Attachment A.

176. The City failed to pay Plaintiff all benefits it owed her including not only all vacation and sick leave owed but also deferred compensation benefits due pursuant to the employment offer letter.

177. With respect to deferred compensation, Paragraph 4 of the letter provides: “You will be provided a contribution equal to 4% of your salary annually to one of the City’s approved deferred compensation carrier plans of your choice.”

178. For approximately the first two years of Plaintiff’s employment, the City refused to pay her any of the deferred compensation owed to her.

179. Plaintiff performed all obligations required of her under the offer letter.

180. The City’s failure to pay Plaintiff her compensation and benefits due pursuant to the letter constitutes a material breach of its agreement with her.

181. As the direct and proximate cause of the City’s actions, Plaintiff has been damaged in an amount equal to benefits that remain owing.

182. Iowa common law governing contracts and breaches of contract was clearly established law at the time of Defendant's violations of law.

183. Plaintiff seeks relief as set forth more fully below.

COUNT II
VIOLATION OF IOWA CODE CHAPTER 91A, IOWA WAGE PAYMENT
COLLECTION LAW
(Defendant The City of Davenport, Iowa)

184. Plaintiff repleads paragraphs 1 through 183 of this Petition as if fully set forth herein.

185. Plaintiff's deferred compensation and unpaid leave time constitute "wages" as defined by Iowa Code chapter 91A.

186. The City failed to pay Plaintiff wages earned, including accrued vacation and sick leave time.

187. The City intentionally failed to pay Plaintiff all wages earned.

188. As a direct and proximate cause of the City's failure to pay Plaintiff wages earned, Plaintiff has suffered damages.

189. As a result of the City's intentional failure to pay Plaintiff wages earned as evidenced in part by Merritt and Warner's and Matson's actions and statements and the alleged reasons provided for not paying Plaintiff wages due, liquidated damages are accruing on the total amount of wages owed at a rate of 5% of the amount of unpaid wages per day, excluding Sundays and legal holidays, up to the total amount of wrongfully unpaid compensation, which as of the date of this filing means that the City owes Plaintiff not just the value of the wages, but double the amount as a penalty for the wrongful failure to pay all wages owed.

190. Chapter 91A of the Iowa Code was clearly established law at the time of Defendant's violations of law.

COUNT III

**RACE DISCRIMINATION AND HOSTILE WORK ENVIRONMENT HARASSMENT
BASED ON SEX AND RACE IN VIOLATION OF THE IOWA CIVIL RIGHTS ACT,
IOWA CODE CHAPTER 216
(All Defendants)**

191. Plaintiff incorporates paragraphs 1 through 190 of this Petition as if fully set forth herein.

192. Under the provisions of the Iowa Civil Rights Act, it is unlawful for an employer or person to discriminate against or harass an employee on the basis of his or her race or skin color or on the basis of her sex.

193. Plaintiff is Black and has brown skin and Plaintiff is also female.

194. Defendants discriminated against Plaintiff with respect to her compensation and terms and conditions of employment by refusing to pay her accrued vacation owed, by paying her disparate to how Caucasian employees are paid, and by subjecting her to a hostile work environment.

195. Plaintiff suffered adverse actions when Defendants refused to pay her accrued vacation and similarly to Caucasian employees and when they subjected her to a hostile work environment.

196. A causal connection exists between Plaintiff's race and/or skin color or her sex and the adverse employment actions.

197. As a proximate result of Defendants' actions, as outlined above, Plaintiff has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, lost wages and benefits, and lost earning capacity.

198. Plaintiff requests relief as more fully set forth below.

199. Chapter 216 was clearly established law at the time of the Defendants' violations of law.

COUNT IV

**UNEQUAL PAY IN VIOLATION OF THE IOWA CIVIL RIGHTS ACT, IOWA CODE
CHAPTER 216**

(Defendant City of Davenport, Iowa)

200. Plaintiff incorporates paragraphs 1 through 199 of this Petition as if fully set forth herein.

201. Defendants discriminated against Plaintiff throughout her employment by paying wages at a rate less than the rate paid to Caucasian employees who are or were employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, in violation of the Iowa Civil Rights Act, Iowa Code Section 216.6A.

202. As a direct and proximate cause of Defendants' actions, as outlined above, Plaintiff has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, lost wages and benefits, and lost earning capacity.

203. Defendant's acts were in violation of the Iowa Civil Rights Act, Iowa Code Chapter 216, and were carried out willfully, thus entitling Plaintiff to treble damages.

204. Plaintiff requests relief as more fully set forth below.

205. Chapter 216 was clearly established law at the time of the Defendants' violations of law.

COUNT V

**RETALIATION IN VIOLATION OF THE IOWA CIVIL RIGHTS ACT, IOWA CODE
CHAPTER 216**

(All Defendants)

206. Plaintiff incorporates paragraphs 1 through 205 of this Petition as if fully set forth herein.

207. Under the provisions of the Iowa Civil Rights Act, it is unlawful for a person to retaliate against another person because she engaged in protected activity under the Iowa Civil Rights Act.

208. Plaintiff engaged in protected activity by, at a minimum, complaining about the harassment and discrimination and hostile work environment she was experiencing, by making requests for accommodation, by carrying out her job duties as Director of the DCRC, and by giving truthful deposition testimony during an age discrimination lawsuit against the City.

209. Defendants retaliated against Plaintiff by, among other things, refusing to pay her all wages and salary due to her, by paying her less than other City employees in similar positions, by filing or causing criminal charges to be filed against her and prosecuted against her, by manipulating the prosecution of criminal charges against her, by making false statements about Plaintiff, including false statements made to the Iowa Office of Professional Regulation regarding Plaintiff, by making false complaints to public offices or agencies or the media regarding Plaintiff, by issuing Plaintiff citations related to her personal property or otherwise taking actions against Plaintiff, personally, that the City would not normally take against other citizens, by inciting public scrutiny, hatred, and violence toward Plaintiff, as by making false statements about her alleged criminal activity, and publishing those false statements on the internet and to the media, and by

taking away her job duties and by undermining her in her performance of the job duties she retained.

210. A causal connection exists between Plaintiff engaging in protected activity, and the Defendants' retaliation.

211. As a proximate result of Defendants' actions, as outlined above, Plaintiff has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, lost wages and benefits, and lost earning capacity.

212. Plaintiff requests relief as set forth more fully set forth below.

213. Chapter 216 was clearly established law at the time of the Defendants' violations of law.

COUNT VI

COUNT IV – AIDING AND ABETTING IN VIOLATION OF THE IOWA CIVIL RIGHTS ACT, IOWA CODE CHAPTER 216 (All Defendants)

214. Plaintiff incorporates paragraphs 1 through 213 of this Petition as if fully set forth herein.

215. Defendants are “persons” as that term is defined in the Act.

216. Under the Act, it is unlawful for any person to “intentionally aid, abet, compel, or coerce” another person to engage in discriminatory, harassing, or retaliatory conduct against any employee on the basis of her color or race or because she engaged in protected activity.

217. Plaintiff was protected under the Act because she is Black and because her skin color is Brown, because she is female, and because she engaged in protected activity.

218. Defendants are liable to Plaintiff for aiding and abetting one another and the City's discrimination, harassment, and retaliation against Plaintiff.

219. As a proximate result of Defendants' actions, as outlined above, Plaintiff has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, lost wages and benefits, and lost earning capacity.

220. Plaintiff requests relief as more fully set forth below.

221. Chapter 216 was clearly established law at the time of the Defendants' violations of law.

VII. RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment and seeks the following relief:

- A. An award of back pay and benefits pursuant to Iowa Code Chapter 216;
- B. An adjudication, as applicable, of reasonable front pay and benefits pursuant to Iowa Code Chapter 216;
- C. An award of compensatory damages, including emotional pain, suffering, inconvenience and mental anguish, pursuant to Iowa Code Chapter 216;
- D. An award of pre-judgment interest as provided by law;
- E. An award of offset, as an additional appropriate remedy for any and all income taxes due from her on account of the other damages and/or recovery awards herein;
- F. An adjudication that Plaintiff is entitled to equitable relief in the form of orders and injunctive relief requiring Defendants to do the following:

- (i) Provide training to supervisory employees regarding how to effectively avoid discrimination in employment on the basis of sex and race and to report to the court once every six months for a period of three years on the training provided and on its effectiveness;
- (ii) Require that all disciplinary decisions regarding employees employed by Defendant in Iowa be reviewed by an independent

EEO agency for compliance with EEO laws and regulations prior to implementation;

- (iii) Monitor the environment in workplaces operated by Defendants in Iowa to assure that employees are not being treated unfairly based on sex or race and report annually to the court for a period of three years on its monitoring; and
- (iv) Test and evaluate supervisory employees working for Defendants in Iowa to assure that they do not exhibit or act upon bias or bigoted attitudes and opinions against female workers or workers of color, do not tolerate disparate treatment based on race or sex by their subordinates, and report annually for a period of three years on its testing and evaluating.

G. An award against Defendants in an amount determined by the trier of fact which would fairly and reasonably compensate her for the harms and losses she has sustained, including any and all losses caused by the City's breaches of contract;

H. An award of wages due and owing to Plaintiff pursuant to Iowa law including but not limited to Iowa Code Chapter 91A;

I. An award of any available liquidated damages or other damages allowable pursuant to Iowa Code Chapter 91A;

J. An adjudication that Plaintiff is entitled to reasonable attorney's fees and costs, as available under Iowa law, and all interest allowed by law; and

K. An award of such other and additional relief as the Court may deem just and proper.

VII. JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable in this case.

Respectfully submitted,

/s/ Megan Flynn

Megan Flynn AT0010000
FLYNN LAW FIRM, P.L.C.
2700 Westown Parkway, Suite 200
West Des Moines, Iowa 50266
Telephone: (515) 809-6975
Facsimile: (855) 296-3165
Email: megan@flynnlawia.com
ATTORNEYS FOR THE PLAINTIFF

Original e-filed.

Copies to:

Samuel “Luke” Craven
Whitfield & Eddy Law
699 Walnut Street
Suite 2000
Des Moines, Iowa 50309
Craven@whitfieldlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document was served upon counsel as listed on December 19, 2024, by:

By:	☐ U.S. Mail	☐ Fax
	☐ Hand delivery	☐ Private Carrier
	☐ Electronically (<i>via EDMS</i>)	☒ E-mail

Signature: /s/ Megan Flynn