

BENTON COUNTY  
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**SUPERIOR COURT, STATE OF WASHINGTON  
COUNTY OF BENTON**

SAMANTHA WARD, an individual,

Case No. 23-2-00465-03

Plaintiff,

THIRD AMENDED COMPLAINT

vs.

BENTON COUNTY FIRE DISTRICT NO.  
1,

Defendant.

**PARTIES, JURISDICTION, & VENUE**

1. Plaintiff Samantha Ward is a resident of Benton County, Washington, and was a resident of Benton County, Washington at all times relevant to this matter.

2. Defendant Benton County Fire District No. 1 (BCFD No. 1) is a local government entity that does business in Benton County, Washington

3. This Court has jurisdiction over the Plaintiff's claims under the Washington Law Against Discrimination, RCW 49.60, et seq.

4. Venue is proper in Benton County, Washington because BCFD No. 1 does business in Benton County, Washington, and all of the events that support Ms. Ward's claims occurred in Benton County, Washington.

THIRD AMENDED COMPLAINT FOR  
DAMAGES  
AND DEMAND FOR JURY TRIAL - 1

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1           5.       Plaintiff exhausted her administrative remedies by serving Defendant with tort  
2 claims on or around August 27, 2022, and January 15, 2024. Sixty days have elapsed from August  
3 27, 2022, and January 15, 2024; accordingly, Ms. Ward has complied with the administrative  
4 prerequisites germane to this lawsuit.  
5

6                                   **FACTUAL ALLEGATIONS**

7                   **(BCFD No. 1 Negligently or Knowingly hires a known sexual harasser.)**

8           6.       BCFD No. 1 employs approximately 38 individuals and serves a 320 square mile  
9 area of southeast Benton County.  
10

11           7.       An elected Board of Commissioners oversees BCFD No. 1.

12           8.       BCFD No. 1's Board of Commissioners has an obligation to ensure the leadership  
13 it hires comply with laws barring workplace discrimination.

14           9.       At all times relevant to this lawsuit Lonnie Click served as BCFD No. 1's Fire  
15 Chief.  
16

17           10.      Before assuming command of BCFD No. 1 Mr. Click worked on the Hanford  
18 Nuclear Reservation in a firefighting capacity.

19           11.      While employed at Hanford Mr. Click was, on information and belief, accused of  
20 sexual harassment and resigned, in part, because of those sexual harassment allegations.

21           12.      Mr. Click's propensity to harass females is not just limited to the workplace for  
22 KEPR reporter Mackenzie Foster claims, in writing, that Mr. Click approached her in a bar,  
23 grabbed her, and kissed her on the forehead.  
24

25           13.      In another instance Mr. Click approached KEPR reporter Megan Magensky at The  
26 Pub, a bar in Kennewick, Washington and repeatedly touched Ms. Magensky without her  
27 permission.  
28

1           14.     Upon information and belief, Mr. Click failed to fully inform BCFD No. 1's Board  
2 of Commissioners of all circumstances surrounding his departure from Hanford.

3           15.     Upon information and belief, the BCFD No. 1 Board of Commissioners failed to  
4 adequately vet Mr. Click's work history before hiring him.

5           16.     As of January 1, 2020, BCFD No. 1's sole policy relating to prevention of sexual  
6 harassment was a September 1, 1997, document requiring complaints be made to the Fire Chief.

7           17.     Presumably cognizant of the fact that he was judge, jury, and executioner when it  
8 came to employee complaints, Mr. Click would remark "who are you going to complain to" and  
9 "I am HR!"  
10

11  
12 **(BCFD No. 1 hires Samantha Ward – its first full time female Firefighter/Paramedic – and**  
13 **Jake Simpson – a male Firefighter/Paramedic.)**

14           18.     Defendant hired Ms. Ward on February 3, 2020, as a Firefighter/Paramedic.

15           19.     Ms. Ward was the first career female Firefighter/Paramedic BCFD No. 1  
16 employed.

17           20.     Within weeks of February 3, 2020, Defendant also hired Jake Simpson as a career  
18 Firefighter/Paramedic.

19           21.     At least one member of Mr. Simpson's hiring panel recommended Mr. Simpson  
20 not be hired because he performed poorly on the board's oral medical scenario.

21  
22 **(The discrimination begins.)**

23           22.     On or around February 19, 2020, Ms. Ward received praise for having made a  
24 cardiac arrest save. Mr. Simpson did not like seeing his female co-worker praised for doing her  
25 job. Mr. Simpson snarked about how women didn't belong in the workplace and asked Ms. Ward  
26

1 “who’s going to bathe your kids when you’re at work” or words to that effect and, later that day,  
2 quoted a Bible verse relating to gender roles.

3         23. That same day (February 19, 2020) Lieutenant Robert Moore told Ms. Ward that  
4 he (Moore) would have Simpson and Bernardo Urrego signed off “in no time” on a Type 1  
5 apparatus “due to their experience”, did not ask Ms. Ward about her “experience” but instead told  
6 Ms. Ward that she’d have to “prove him otherwise” thus assuming Ms. Ward lacked the  
7 competence Mr. Moore assumed Messrs. Simpson and Urrego possessed.

8  
9         24. On March 4, 2020, Mr. Simpson refused to properly treat a patient which, in all  
10 likelihood, contributed to that patient’s death. Ms. Ward learned this when Mr. Simpson called  
11 her, admitting he screwed up and said that he was concerned he would be fired. He requested Ms.  
12 Ward to review the report and then reacted defensively when she did so. Ms. Ward promptly  
13 reported this incident, including Mr. Simpson’s failure to act to BCFD No. 1 Captain and EMS  
14 Officer Darrin Henderson.

15  
16         25. On March 11, 2020, Firefighter/EMTs Sarah Odland and Daryn Lutes (much more  
17 on her later) told Ms. Ward they were Mr. Simpson’s EMTs on that call, expressed concern that  
18 Mr. Simpson misrepresented the patient’s condition and the incident’s details in the medical  
19 report, and that they felt guilty for just standing there allowing Mr. Simpson to do what he did,  
20 and then leaving. Ms. Ward instructed them to submit a written complaint to Mr. Henderson. Ms.  
21 Ward made Captain Aaron Bibe and Mr. Henderson aware of what was reported.

22  
23         26. BCFD No. 1 did not fire Mr. Simpson for the events of March 4, 2020. Nor did it  
24 conduct any investigation into the events of March 4, 2020.

25  
26         27. On or around March 21, 2020, Mr. Urrego (presumably at Mr. Simpson’s urging)  
27 began telling co-workers not to follow Ms. Ward’s directives.  
28

1           28.     On March 28, 2020, Ms. Ward received multiple complaints about Mr. Simpson's  
2 poor performance on medical calls; Ms. Ward conveyed this to Mr. Moore (a supervisor) to which  
3 Mr. Moore said words to the effect of "you're just shit talking by telling me this."

4  
5           29.     On April 2, 2020, Mr. Moore refused to certify Ms. Ward as part of the pump  
6 testing process when Ms. Ward asked what she needed to do in order to improve Mr. Moore gave  
7 no substantive response except say Ms. Ward did "very well."

8           30.     On May 10, 2020, while at a fire scene, Ms. Ward approached Mr. Moore (incident  
9 commander on said fire whose job included talking to homeowners) and told Mr. Moore that a  
10 homeowner needed to talk to him (Moore: the Incident Commander) to which Mr. Moore  
11 sarcastically responded that Ms. Ward should be able to handle it because she's "a 25-year-old  
12 female know it all." Mr. Moore laughed and then walked away.  
13

14           31.     On May 12, 2020, Mr. Moore refused to sign off on Ms. Ward's (passing) pump  
15 test. Ms. Ward asked why. Mr. Moore responded "I don't know why I'm not ready to sign you  
16 off but just doesn't feel comfortable yet."  
17

18           32.     Meanwhile, while Messrs. Simpson, Urrego, and Moore were making Ms. Ward's  
19 workplace life hell (on account of her gender), Mr. Click embarked on a grooming campaign  
20 directed at Ms. Ward.  
21

22           33.     Beginning in May 2020 and ending in March 2022 (and only after Ms. Ward hired  
23 a lawyer and after an "independent" investigator retained by BCFD No. 1 told Mr. Click said  
24 texting conduct needed to cease immediately) Mr. Click emailed and/or texted Ms. Ward  
25 varyingly (a) inviting Ms. Ward to his remote Montana cabin, (b) inviting Ms. Ward drinks at his  
26 home, and/or (c) urging Ms. Ward to "drink with him in lieu of counseling" following traumatic  
27 near-death first responder events.  
28

1           34.     Also during this timeframe Mr. Click would (without permission) hug Ms. Ward  
2 (on numerous occasions), call Ms. Ward on her personal phone while she was responding to  
3 emergency calls, and have Ms. Ward (in contravention to the incident commander's request)  
4 require Ms. Ward park her emergency vehicle closer to his so he could be near her.  
5

6           35.     Despite the overt (Simpson/Moore/Henderson/Urrego) and covert (Click)  
7 harassment Ms. Ward's performance spoke for itself.

8           36.     On May 10, 2020, Mr. Henderson (presumably with Mr. Click's approval) placed  
9 Ms. Ward in charge of BCFD No. 1's Quality Assurance/Quality Improvement (QA/QI) program.  
10 In non-firefighter speak QA/QI means the process by which the department tracks and improves  
11 the way it provides medical care to the community. In making that announcement Mr. Henderson  
12 emailed:  
13

14           It is of high importance of Benton County Fire District #1 to continue to have an  
15 emergency medical services program that will exist and flourish. For this to happen,  
16 we have assigned and given authority our QA/QI process and documentation  
17 training/development to Firefighter/Paramedic S. Ward. Please contact  
18 Firefighter/Paramedic Samantha Ward directly if you have questions regarding  
19 your reports.

20           37.     On May 12, 2020, Mr. Click emailed Ms. Ward stating that Ms. Ward, Mr.  
21 Henderson, Mr. Click (along with Scott LoParco (the Deputy Chief)) would continue to work on  
22 state licensing.

23           38.     Tellingly, BCFD No. 1 did not give Mr. Simpson the QA/QI position nor asked to  
24 work on state licensing matters involving BCFD No. 1.

25           39.     Indeed, on May 15, 2020, Daryn Lutes (female - much more on her below) told  
26 Ms. Ward that Mr. Simpson dumped a medical call on her and then bullied her for reporting it or,  
27 to use Mr. Simpson's verbiage "telling on him." Apparently aware of Ms. Lutes' report, Mr.  
28

1 Simpson then contacted Ms. Ward and referred to Ms. Lutes as that "smelly girl." Ms. Ward (and  
2 Mr. Bibe) reported the event to Mr. Henderson.

3 40. On May 16, 2020, Ms. Lutes called Ms. Ward and reported that Mr. Simpson and  
4 Mr. Urrego went through her phone at the station presumably to find more proof she "told on  
5 them." Ms. Ward reported this to Mr. Bibe.

6 41. BCFD No. 1 did not fire Mr. Simpson for the events of May 14, 2020.

7  
8 **(Ms. Ward's first complaint of harassment – her supervisor deems it "shit talking.")**

9 42. On May 17, 2020, Ms. Ward made her first complaint of sexual harassment to Mr.  
10 Henderson (a Captain who was Lieutenant Moore's supervisor) who said "stop" then "everyone  
11 needs to mind their own business" and then characterized Ms. Ward's complaints as "shit talking."

12 43. On or around May 22, 2020, and continuing through May 26, 2020, Mr. Urrego,  
13 Mr. Simpson, Ms. Odland, and George Damron submitted statements to "whom it may concern"  
14 regarding Ms. Ward allegedly being too hard on them for QA/QI documentation matters.

15 44. On May 28, 2020, Mr. Moore, in the context of giving Ms. Ward feedback on  
16 driving a water tender, said words to the effect of "women are too hard on the brakes. My wife is  
17 too hard on the brakes. My mechanic told me women are just too hard on the brakes."

18  
19  
20 **(Ms. Ward's second complaint of harassment – nothing happens.)**

21 45. On May 30, 2020, Ms. Ward complained to Mr. Henderson (again) of a hostile  
22 work environment including allegations that Simpson and Urrego (males) were not following her  
23 QA/QI directives and that Mr. Simpson was arguably being borderline insubordinate to Dr. Kevin  
24 Hodges, the physician who serves as Benton and Franklin Counties EMS Medical Program  
25 Director. Ms. Ward memorialized this complaint in an email.  
26  
27  
28

1           46.     Although on notice of Mr. Simpson's possible insubordination (here refusing to  
2 follow Dr. Hodges' documentation directives) and refusal to follow Ms. Ward's instructions  
3 BCFD No. 1 did not fire Mr. Simpson or even discipline him.

4                   **(Ms. Ward's third complaint of harassment – Click tells everyone to "get along"  
5 and leaves it at that.)**

6           47.     On June 3, 2020, BCFD No. 1 Deputy Chief Scott LoParco told Ms. Ward that Mr.  
7 Simpson (and others) were making complaints about Ms. Ward but that the complaints were  
8 unfounded and collaborated due to the timing. Ms. Ward asked Mr. LoParco to investigate and  
9 linked the complaints to the ongoing sexual harassment. Mr. LoParco refused to investigate.

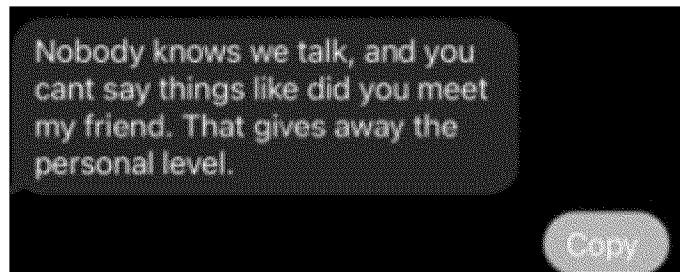
10           48.     On June 5, 2020, Ms. Ward asked Captain Aaron Bibe (the Union President) to  
11 investigate the ongoing harassment. Mr. Bibe, in turn, asked Mr. LoParco to accept notes Mr.  
12 Bibe had regarding Ms. Ward's allegations but Mr. LoParco refused to accept them.

13           49.     On June 8, 2020, Ms. Ward met with Mr. Click. In her possession was a written  
14 harassment/gender discrimination complaint (dated and notarized June 4, 2020). Mr. Click  
15 refused to accept the complaint and told Ms. Ward to give it to Mr. LoParco.

16           50.     On June 17, 2020, Mr. Click met with Ms. Ward, Sarah Odland (a female BCFD  
17 No. 1 EMT), Mr. Simpson, Mr. Urrego and Mr. LoParco whereupon Mr. Click told everyone to  
18 "just get along."

19           51.     On July 16, 2020, Mr. Click informed Ms. Ward that he'd now be texting her from  
20 his personal phone because it "wasn't subject to discovery". Mr. Click then asked Ms. Ward if  
21 she knew of any single ladies in Montana near his cabin to which Ms. Ward, in an attempt to  
22 distract Mr. Click from his pursuit of her, answered affirmatively.

52. On July 23, 2020, Mr. Click arrived at Ms. Ward's work location bearing gifts of Reece's Pieces and Powerade that he presented to Ms. Ward in front of Mr. LoParco. Embarrassed, Ms. Ward asked Mr. Click if he was able to link up with her (Ward's) friend in Montana. Mr. Click subsequently admonished Ms. Ward via text:



53. Later that day (July 23, 2020) Mr. Click called Ms. Ward and said she tested better than her colleagues and she'd be his "next Lieutenant."

54. On July 22, 2020, Melissa Brown (employee of a third-party billing company) informed BDCF No. 1 administrative assistant April Ewing, who then emailed Mr. LoParco and Mr. Henderson, that there were no “problems to discuss” regarding QA/QI related billings.

55. On July 24, 2020, a crew of which Ms. Ward was a part of responded to the Badger Canyon Fire. The crew barely escaped death. Multiple factors contributed to the crew's near death. None of those factors were Ms. Ward's fault but she would later have blame placed on her for the near-death event.

56. In August 2020 Ms. Lutes asked Ms. Ward to write her a letter of recommendation for paramedic school to which Ms. Ward readily agreed and signed said letter on August 10, 2020.

**(Ms. Ward rebuts Click's advances.)**

57. On or around August 15, 2020, Mr. Click told Ms. Ward that she didn't need counseling regarding the near-death/injury Badger Canyon incident but, instead, needed to have

1 a few drinks with him. Mr. Bibe witnessed this exchange and contacted a neighboring union  
2 president about what happened.

3 58. Ms. Ward politely rebuffed Mr. Click's invitation for drinks in lieu of counseling.  
4

5 **(Click removes QA/QI duties.)**

6 59. On August 20, 2020, - - - five days after rebutting the "drinks in lieu of counseling"  
7 advance - - - BCFD No. 1, despite the above-referenced July 22, 2020, email lauding the lack of  
8 QA/QI billing concerns, relieved Ms. Ward of her QA/QI duties. No reason was given other than  
9 "it was nothing you did, it's just not working out for the District."  
10

11 60. Upon information and belief, BCFD No. 1 has never relieved a male employee of  
12 any job duties due to complaints that said male co-worker was performing that additional duty  
13 too well.

14 **(Ms. Ward's QA/QI duties are reinstated so long as she does them with Simpson, one of**  
15 **her harassers.)**

16 61. In September 2020 BCFD No. 1 allowed Ms. Ward to re-assume the QA/QI duties  
17 so long as she shared them with Mr. Simpson - - - the person Ms. Ward reported (in writing on  
18 June 4, 2020) as one of her (many) harassers.

19 62. On September 6, 2020, Mr. Moore (during pump drafting training) only made Ms.  
20 Ward and Firefighter Gavin Woods (who would later resign on account of Mr. Moore's bullying,  
21 including Moore referring Woods to the obese Marine "Private Pyle" from the classic Full Metal  
22 Jacket movie) wear a lifejacket claiming he did not "trust" them.  
23

24 63. On September 7, 2020, Mr. Moore told Ms. Ward that she (and female firefighter  
25 Sarah Oldland) were "way down here" (with accompanying hand gesture) when it came to an  
26 upcoming Lieutenant promotional opportunity and that Mr. Simpson followed by Mr. Urrego  
27  
28

1 would be the next Lieutenant and females Sarah and Samatha “shouldn’t even try.” As of that  
2 day multiple BCFD No. 1 workers had complained of Mr. Simpson’s poor workplace  
3 performance.  
4

5 64. On September 26, 2020, BCFD No. 1 (Henderson) learned Mr. Simpson (the  
6 Lieutenant heir apparent) violated protocol by leaving a patient at a scene when patient’s blood  
7 sugar was 32 whereas protocol required blood sugar to be at least 80.

8 65. Mr. Simpson was not fired as a result of the events of September 26, 2020.

9 66. On October 6, 2020, Mr. Moore told Mr. Bibe words to the effect of “you [Bibe]  
10 shouldn’t be qualifying Samantha on the ladder truck because now I [Moore] gotta certify Sarah”  
11 the import being that females are not to be judged by their individual competency but gender.  
12

13 67. On October 12, 2020, Mr. Henderson distributed a list of reports containing errors.  
14 One such report involved Ms. Ward. Ms. Ward tried to fix it, was unable to do so, and told Mr.  
15 Henderson she couldn’t fix it to which Mr. Henderson responded “I know [but I] just want to  
16 remind you you’re not perfect.”  
17

18 68. By the end of November 2020 Mr. Henderson and Mr. LoParco would learn of  
19 multiple instances (October 20, 2020, November 11, 2020, November 16, 2020) where Mr.  
20 Simpson (a) overmedicated a young (less than 10 years old) patient (b) improperly performed a  
21 rapid sequence intubation on another patient that resulted in the Emergency Room doctor  
22 complaining of the inappropriate care, and (c) forced EMT Arial Mofrin to change a report  
23 regarding Mr. Simpson’s refusal to properly treat a seizure patient so Mr. Simpson “wouldn’t  
24 look bad.”  
25

26 69. BCFD No. 1 did not fire Mr. Simpson for any of those events.  
27  
28

1           70.     On December 28, 2020, Mr. Moore told Ms. Ward she shouldn't be able to take  
2 the Fire Officer 1 class because she's only "book smart" and that Mr. Simpson doesn't need the  
3 class due to his background. When Ms. Ward pushed back on this Mr. Moore muttered under his  
4 breath something implying Mr. Click was favoring Ms. Ward because she was a female. (As an  
5 aside Ms. Ward obtained her state Fire Officer 1 certification on her first attempt.)  
6

7                   **(Ms. Ward is diagnosed with anxiety for the first time in her life.)**

8           71.     On January 6, 2021, Ms. Ward (for the first time in her life) was diagnosed with a  
9 mental disorder: anxiety.  
10

11           72.     On January 8, 2021, Mr. Henderson told Ms. Ward he (Henderson) was concerned  
12 about Mr. Simpson's competence and ethics as a paramedic but that he (Henderson) had to be  
13 "Simpson's friend first" in addressing the matter. Ms. Ward told Mr. Henderson "we need to put  
14 the community first" in addressing these matters.  
15

16           73.     BCFD No. 1 put Mr. Simpson first. He was not fired or disciplined. Later BCFD  
17 No. 1 would promote him to Lieutenant.  
18

19           74.     On January 8, 2021, Ms. Ward received her "six-month evaluation" – five months  
20 late - in which Messrs. Henderson and Moore blamed her for the Badger Canyon incident and  
21 gave other unsubstituted performance critiques.

22                   **(Ms. Ward's fourth complaint of harassment – is told Simpson will not be written up and  
23 management never "got around" to writing up Moore; Click continues to stalk Ward.)**

24           75.     On or around January 14, 2021, Ms. Ward (again) reported the ongoing sexual  
25 harassment and gender discrimination to BCFD No. 1 management, Mr. LoParco. Mr. LoParco  
26 told Ms. Ward he would only accept complaints about Mr. Moore and wouldn't entertain a  
27 complaint against Mr. Simpson.  
28

1           76.       On February 5, 2021, Ms. Oldland confided in Ms. Ward that she (Oldland) was  
2 too scared to speak up about the rampant sexism she was experiencing at BCFD No. 1 including  
3 statements that “women only advance because they are signed off by people who like women”,  
4 that Mr. Urrego said women looked “unprofessional” in uniform and needed to be more like his  
5 (Urrego’s) wife who always “had food made for him”, that Urrego made fun of her, would go to  
6 the bathroom with the door open in her presence, that she’d complained to Mr. Moore about this  
7 but he (Moore) didn’t do anything.

9           77.       On March 20, 2021, Ms. Ward asked to attend rope rescue training. Mr. Simpson  
10 also asked to attend rope rescue training. Ms. Ward’s request was denied. Mr. Simpson’s request  
11 was granted.

13           78.       On May 17, 2021, Ms. Ward reported to Mr. Bibe and Lieutenant Ryan Chambers  
14 Mr. Urrego’s aggressiveness to her. Mr. Urrego was not fired for this conduct.

16           79.       On May 18, 2021, Ms. Ward was skipped on the overtime list. Ms. Ward  
17 complained about this to Mr. LoParco who took no action.

18           80.       On July 6, 2021, Mr. Click approached Ms. Ward at work. Discussion ensued  
19 about an EMS Officer position. This discussion included Mr. Click remarking to Ms. Ward that  
20 she wasn’t ready for that position because “it’s hard to be taken seriously as a young female.” Mr.  
21 Click touched Ms. Ward’s face during this conversation.

23           81.       On July 22, 2021, Mr. Click hugged Ms. Ward after he returned from fighting a  
24 brush fire.

25           82.       On August 24, 2021, BCFD No. 1 received a complaint from a patient’s family  
26 regarding Mr. Simpson’s (poor) treatment of said family member; on September 21, 2021, Mr.  
27 Simpson refused to exit his vehicle to treat a patient, on September 30, 2021, Mr. Simpson  
28

1 rendered care to an infant but failed to explain intricacies of said care to the child's parent resulting  
2 in an ER visit, on October 10, 2021, Mr. Simpson refused to treat another patient.

3 83. At least one BCFD No. 1 officer with power to discipline or recommend discipline  
4 was aware of those above-referenced incidents regarding Mr. Simpson but no action was taken.

5 84. On October 27, 2021, Mr. Click hugged Ms. Ward (and let the hug linger for an  
6 uncomfortably long time) while Ms. Ward was teaching an EMS class to fellow co-workers.

7 85. On November 29, 2021, Mr. Click approached Ms. Ward at work while she was  
8 alone in the EMS room, hugged her for at least five seconds, and asked Ms. Ward for her schedule  
9 because he wanted her to "teach [him] a private CPR class." Mr. Click then left and then texted  
10 Ms. Ward apologizing that Ms. Ward was having to work with "those less skilled".

11 86. On December 1, 2021, Mr. Simpson attempted to get Ms. Ward in trouble for  
12 leaving medical paperwork (called a "face sheet") unattended in an ambulance. Mr. Henderson  
13 (the EMS Officer who was presumably aware of HIPAA's confidentiality requirements) attached  
14 the face sheet to a written warning that Mr. LoParco presented to Ms. Ward. Ms. Ward correctly  
15 pointed out that (attaching the face sheet to the discipline write up) was a HIPAA violation. Mr.  
16 Henderson was not disciplined for this HIPAA violation. And BCFD No. 1 ceased its attempt to  
17 write up Ms. Ward. (In fact, Ms. Ward was never formally disciplined or written up during her  
18 entire employment at BCFD No. 1 - - - a fact that comes into play later given BCFD No. 1's  
19 disregard of its progressive discipline policy.)

20 87. On December 15, 2021, Mr. Click chose to sit across the table from Ms. Ward at  
21 an awards banquet whereupon Mr. Click intrusively stared into Ms. Ward's eyes and said quite  
22 loudly "you look pretty when you smile."

1           88.     On December 16, 2021, Ms. Ward asked Mr. LoParco to be present while she  
2 (Ward) instructed Mr. Click on CPR because Ms. Ward was not comfortable being with Mr. Click  
3 alone. Mr. LoParco told Ms. Ward to take a resident (read: student) firefighter with her to  
4 “observe.”  
5

6           89.     On or around December 28, 2021, Ms. Ward emailed a complaint to Mr. Click  
7 (cc’ing Mr. LoParco) regarding an event that should have been categorized as a MED3 call. Mr.  
8 LoParco responded claiming Ms. Ward’s email isn’t what he “vetted to send to the Chief.” Shortly  
9 thereafter Mr. Click and Mr. LoParco arrived at Ms. Ward’s location. Mr. Click screamed and  
10 banged his fist on a table directing his anger at Ms. Ward and some male coworkers regarding  
11 Ms. Ward’s complaint. Ms. Ward politely objected to Mr. Click’s rant citing procedure and  
12 regulation. Mr. Click kept screaming. But when the meeting was over Mr. Click called Ms. Ward,  
13 acknowledged she was correct, and said he needed to “put on a show” to cover up that he talked  
14 to her without their knowledge.  
15

16           90.     On January 3, 2022, Mr. Click called Ms. Ward, acknowledged Mr. Simpson’s  
17 defects as a paramedic, that Dr. Kevin Hodges (the medical program director for the region’s  
18 EMS providers) would have to fire Mr. Simpson, and how he would surreptitiously get a new  
19 paramedic student assigned to Ms. Ward but couldn’t overtly do it because he wanted to keep his  
20 calls/texts with Ms. Ward “secret.”  
21

22           91.     On January 27, 2022, Mr. Click and Ms. Ward again discussed promotions and  
23 Mr. Click told Ms. Ward that women have to navigate things differently than men in the fire  
24 service.  
25

26           92.     On February 12, 2022, Ms. Ward informed Dr. Hodges of EMS related issues,  
27 including issues regarding Mr. Simpson.  
28

1 93. Although again on notice of Mr. Simpson's performance issues Dr. Hodges, upon  
2 information and belief, took no action against Mr. Simpson.

3 **(Deputy Chief LoParco – the manager Ward complained to regarding**  
4 **discrimination/harassment – bullies workers into writing statements critical of Ward.)**

5 94. In early March 2022 Mr. LoParco approached resident firefighter Naythan Lopez  
6 and ordered him to write a statement critical of Ms. Ward's alleged "gossiping" about Mr.  
7 Simpson in January 2022.

8  
9 95. Mr. LoParco threatened Mr. Lopez with discipline if he did not write that statement.

10 96. Mr. Lopez, under duress, wrote the statement with Mr. LoParco waiting for that  
11 statement in the next room.

12 97. In March 2022, Mr. Simpson was requested as the advanced life support intercept  
13 to aid a basic life support ambulance crew (Dawson and Tucksen). The patient reportedly had "an  
14 increased distress level, screaming and saying he couldn't breathe, had repeated syncope episodes  
15 (periods of unconsciousness)". Mr. Simpson reportedly stated "this is just an anxiety attack and  
16 you guys can take it" followed by telling Dawson "I (Dawson) just needed him (Simpson) there  
17 to make me (Dawson) feel confident" then directing Dawson as the EMT to maintain patient care,  
18 that was until hospital arrival where the patient went into cardiac arrest. Numerous individuals  
19 complained to BCFD No. 1 about Mr. Simpson's conduct on this call but Mr. Simpson was not  
20 disciplined or fired.

21 98. On or around March 8, 2022, and March 9, 2022, Messrs. Tucksen and Dawson  
22 reported Mr. Simpson's March 3, 2022, dereliction of duty to Dr. Hodges. Ms. Ward followed up  
23 by telling Mr. Henderson of the above-referenced incident and to investigate. Mr. Henderson  
24 refused to investigate.  
25  
26  
27  
28

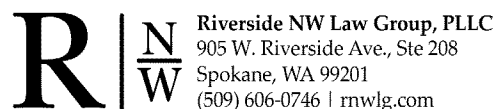
99. On March 16, 2022, (unknownst to Ms. Ward), Mr. LoParco started the process of writing Ms. Ward up for “gossiping about Jake” Simpson (in January). These attempted write-ups had nothing to do with Ms. Ward’s performance as a paramedic or firefighter but due to the gender loaded term of “gossiping” about Mr. Simpson.

**(Manager Kevin Sells throws a book at Ms. Ward; Ward files police report; BCFD No. 1 pays Sells' legal fees.)**

102. Ms. Ward reported Mr. Sells' assault to the Kennewick Police Department.

104. BCFD No. 1 paid Mr. Sells' legal fees regarding the police report.

106. Male employees throw books at female workers and get legal expenses paid. Female paramedics allegedly “gossip” about male co-workers, management attempts to write them up and do so predicated on statements made under duress. (As an aside, a third party investigatory (Tom McLane – more on him below) would tell BCFD No. these attempted write



ups circa early-2022 were “stale” and improper; however, BCFD would at/near the time of Ms. Ward’s firing put those attempted write-ups in Ms. Ward’s personnel file and label them “unresolved.”)

**(Ms. Ward’s fifth complaint of harassment – Ms. Ward exercises her right to retain a lawyer and complain of gender discrimination; BCFD No. 1 retaliates.)**

107. Fed up with BCFD No. 1’s ongoing discrimination and harassment Ms. Ward hired lawyer William Edelblute who, on March 28, 2022, wrote BCFD No. 1 on Ms. Ward’s behalf complaining of discrimination, harassment, and medical/healthcare whistleblower retaliation.

108. It was only after Ms. Ward paid money to retain counsel to complain of sexual harassment and gender discrimination did BCFD No. 1 “investigate” Ms. Ward’s complaints.

109. To that end BCFD No. 1 hired matter lawyer Tom McLane to investigate the allegations in the March 28, 2022, letter.

110. Mr. McLane spent the vast majority of his successful legal career defending employers in discrimination and retaliation cases, including fire departments.

111. Indeed, as recently as 2017 Mr. McLane defended the Sagle Fire District, Idaho in a federal court Title VII retaliation case. *See Webber v. Sagle Fire District*, 2:15-cv-00397-EJL-REB (D. Idaho.)

112. BCFD No. 1 knew Mr. McLane’s legal history when it hired him.

**(The retaliation: Ward transferred to less desirable shift; Simpson transferred to a better shift.)**

113. On or around April 4, 2022, BCFD No. 1 assigned Ms. Ward to a work shift that afforded far less promotional opportunities, placed one of her harassers (Urrego) in an acting Lieutenant capacity, and refused to consider her for acting Lieutenant. (As of this time Ms. Ward

1 and Ms. Odland were the only similarly situated workers who has not had opportunity to serve as  
2 acting Lieutenant.)

3 114. By way of comparison, BCFD No. 1 placed Mr. Simpson on a shift with a Captain  
4 and Lieutenant the effect of which provided Mr. Simpson more promotional/leadership  
5 opportunities that nearly immediately made him an acting Lieutenant.  
6

7 115. When appraised of this disparity the message Ms. Ward received was that a “line  
8 had to be drawn in the sand somewhere” as to who could get acting Lieutenant opportunities.  
9 Perhaps not coincidentally, the line was drawn at Ms. Ward and Ms. Odland’s feet wherein neither  
10 were afforded acting Lieutenant positions or opportunities.  
11

12 **(The retaliation: Simpson gets to go to Technical Rescue Training: Ward does not.)**

13 116. On May 9, 2022, BCFD No. 1 (via LoParco) allowed Mr. Simpson to attend  
14 trench rescue training. Ms. Ward was not given that opportunity.  
15

16 117. On May 15, 2022, Mr. McLane completed his investigation which chided BCFD  
17 No. 1 for certain things, absolved it on others, but did state Mr. Click’s texting and hugging of  
18 Ms. Ward needed to stop and deemed Mr. Click’s hugging of Ms. Ward “a technical violation”  
19 of District policy.  
20

21 118. BCFD No. 1 paid Mr. McLane in excess of \$23,000.00 for his investigation.  
22

23 119. Once Mr. McLane stated that Mr. Click’s on-the-side communication with (and  
24 touching of) Ms. Ward needed to stop his (Click’s) behavior toward Ms. Ward changed for the  
25 worse.  
26

27 **(The retaliation: Ward’s assaulter (Sells) escorts Ward to her Lieutenant examination –**  
28 **Ward still scores highest of all career firefighters, including Simpson.)**

1           120. On June 4, 2022, Ms. Ward took the Lieutenant's test. Mr. Sells (the former  
2           assaulter whose legal fees BCFD No. 1 paid) escorted her to the testing stations.

3           121. Despite this obvious attempt at intimidation, Ms. Ward scored number one out of  
4           all career staff.

5  
6           **(The retaliation: BCFD No. 1 makes up a "new" Lieutenant requirement – requiring**  
7           **Ward to complete the ENGB task book before assuming Lieutenant - - a requirement**  
8           **never enforced until Ms. Ward came along.)**

9           122. Since BCFD No. 1 couldn't credibly rebut Ms. Ward's top score it manufactured  
10          a new rule to stop her advancement: that she needed her Engine Boss (ENGB) certification. Said  
11          ENGB certification requires, among other things, going out on certain calls and doing other tasks.

12          123. BCFD No. 1 promoted Ryan Chambers to Lieutenant without said ENGB  
13          completion.

14          124. On June 16, 2022, BCFD No. 1 appointed Mr. Simpson as preceptor (a career  
15          enhancing achievement) for the paramedic school volunteer Forest Hanson was attending.

16  
17                   **(Ms. Ward's sixth complaint of harassment to the EEOC.)**

18          125. On June 28, 2022, Ms. Ward made a complaint of gender discrimination to the  
19          EEOC.

20                   **(The retaliation: BCFD No. 1 takes Ms. Ward off of numerous calls necessary to complete**  
21                   **ENGB task book.)**

22          126. On June 28, 2022, Ms. Ward's engine was called out to respond to a fire in Walla  
23          Walla County. Responding to this call was necessary for Ms. Ward's ENGB certification. As Ms.  
24          Ward's vehicle was literally leaving the fire station a call came in from the Duty Officer  
25          cancelling her crew and replacing the response with a different crew. When BCFD No. 1 Captain  
26

1 Ryan Nicholls was asked to explain the switch given Ms. Ward's need for the ENGB certification  
2 Mr. Nicholls responded "this is what I was told to do."

3 127. On July 12, 2022, Mr. Nichols told Ms. Ward that Mr. Click ordered him not to  
4 send Ms. Ward's engine on assignments.  
5

6 128. On July 12, 2022, Mr. Click removed Ms. Ward from her QA/QI duties. While Mr.  
7 Simpson was also removed from those duties, the impact on him was less as the removal, in Ms.  
8 Ward's context, was a direct reduction of her job description.

9 129. On July 21, 2022, Battalion Chief Matt Gutzmer and Mr. LoParco called Mr.  
10 Chambers and told Mr. Chambers to remove Ms. Ward from her engine as it was departing to a  
11 call that was necessary for Ms. Ward's ENGB certification.  
12

13 130. On July 22, 2022, BCFD No. allowed Mr. Simpson to respond to an out of district  
14 call.  
15

16 131. On July 27, 2022, BCFD No 1. transferred the current Lieutenant to a different  
17 shift in order to appoint Mr. Simpson as a full-time acting Lieutenant. Mr. Simpson continued in  
18 "acting" status receiving the additional corresponding pay, until his official promotion to  
19 Lieutenant one year later.

20 132. On August 1, 2022, BCFD No. 1 sent an understaffed engine to an incident again  
21 leaving Ms. Ward behind.  
22

23 133. On August 8, 2022, Mr. LoParco removed Ms. Ward from another call necessary  
24 for Ms. Ward's ENGB certification.

25 134. On August 10, 2022, Mr. Click refused to allow Ms. Ward to attend an ENGB  
26 required mobilization and further stated that if Ms. Ward did attend the mobilization she would  
27 not be allowed to have any task signed in her ENGB task book.  
28

1           **(Ms. Ward’s seventh complaint of harassment – tort claim to BCFD No. 1.)**

2           135.    On August 17, 2022, Ms. Ward filed her tort claim against BCFD No. 1.

3           **(The retaliation: Click continues to take Ms. Ward off of calls necessary to complete**  
4           **ENGB task book.)**

5           136.    On August 21, 2022, Ms. Ward was informed that Mr. Click would not let her go  
6           on ENGB necessary wildland fire calls.

7           137.    During the summer of 2022 Ms. Ward’s peers began avoiding her, presumably to  
8           avoid the retaliatory wrath Ms. Ward was experiencing.

9           138.    August 2022 was the last time Ms. Lutes (one of Ms. Ward’s peers who now  
10          avoided her) and Ms. Ward worked at the same station.

11                   **(More protected activity: Ward tells BCFD No. 1 she’s pregnant.)**

12           139.    On November 14, 2022, Ms. Ward informed BCFD No. 1 she was pregnant.

13           **(More retaliation: BCFD No. 1 gives Ward unwarranted average performance review,**  
14           **slow rolls benefits, does not provide upgrade pay but still requires her to do acting**  
15           **Lieutenant duties.)**

16           140.    On November 17, 2022, Ms. Ward received (a year late) her performance  
17           evaluation. This evaluation concluded in part:

18                   FF Ward is a successful contributor to the Fire District regarding work expectations  
19                   and delivery. *What FF Ward needs to focus on to be a High Contributor is*  
20                   *creating positive relationships with both the career and volunteer of BCFD#1.*

21           141.    Complaining of sexual harassment and whistleblowing certainly does not “create  
22           positive relationships” in the workplace.

23           142.    On December 29, 2022, BCFD No. 1 told Ms. Ward she would not be getting  
24           acting Lieutenant upgrade pay due to her pregnancy related limited duty modifications but left  
25           her as acting Lieutenant: same duties but less pay.  
26  
27  
28

1           143. On January 19, 2023, BCFD No. 1, through counsel, mailed Ms. Ward's attorney  
2 denying allegation that BCFD No. 1 was slow rolling administrative issues germane to Ms.  
3 Ward's pregnancy.  
4

5                           **(Ms. Ward files suit; goes on maternity leave.)**

6           144. On February 7, 2023, BCFD No. 1 and Ms. Ward conducted an unsuccessful  
7 mediation that was facilitated by the EEOC.

8           145. On March 24, 2023, Ms. Ward filed the above-captioned lawsuit.

9           146. On April 24, 2023, Ms. Ward went on maternity leave.  
10

11                   **(More protected activity: Ward amends her lawsuit to include federal gender**  
12                   **discrimination, retaliation, and hostile work environment claims.)**

13           147. On June 23, 2023, Ms. Ward amended the above-captioned lawsuit.

14           148. On July 5, 2023, Ms. Ward contacted BCFD No. 1 to begin the return to work  
15 process.

16                   **(The final retaliatory act: BCFD No. 1, aided and abetted by counsel, finds two female**  
17                   **employees (one with whom Ms. Ward never worked a shift; the other with whom Ms.**  
18                   **Ward last worked a year prior) to sign statements saying Ms. Ward was mean to them**  
19                   **then fire Ms. Ward.)**

20           149. In early July 2023, Mr. LoParco called Mr. Lopez (mentioned earlier) and said  
21 something along the lines of "I want you to talk to BCFD's lawyer." Mr. Lopez agreed.

22           150. On July 20, 2023, BCFD No. 1 announced Mr. Simpson's promotion to Lieutenant.

23           151. On July 20, 2023, Mr. Click emailed Ms. Ward to move the Lieutenant promotion  
24 goal posts yet again, telling her she was not eligible for Lieutenant promotion because she now  
25 lacked the requisite "command experience" in addition to not having completed the ENGB tasks.

26           152. On July 20, 2023, BCFD No. 1's lawyer called Mr. Lopez and asked "has Ms.  
27 Ward ever discriminated against you" or words to that effect. Mr. Lopez, who is Hispanic said  
28

1 “no.” BCFD No. 1’s lawyer then asked if he (Lopez) believed Ms. Ward had been discriminated  
2 against because of her sex. Mr. Lopez said “yes.” Mr. Lopez then started to explain but BCFD  
3 No. 1’s lawyer cut him off.

4  
5 153. On August 9, 2023, Ms. Ward told Mr. LoParco and BCFD No. 1’s Business  
6 Director, Billie Laden Lilly that she was cleared to return to work effective August 16, 2023.

7 154. On August 14, 2023, BCFD No. 1 admin emailed Ms. Ward telling her to report  
8 to work at 7:00 AM on August 16, 2023. Ms. Ward responded saying she was “excited to return.”

9 **(BCFD No. 1 – disregards its discipline policy and fires Ms. Ward)**

10  
11 155. Since employers never openly admit to retaliation courts allow wrongly fired  
12 workers, like Ms. Ward, to prove that their employer engaged in a cover up to fire them “through  
13 evidence that [the] employer[] deviat[ed] from established policy or practice” in firing that worker.  
14 *Earl v. Nielsen Media Research, Inc.*, 658 F.3d 1108, 1117 (9th Cir. 2011).

15 156. Since September 1, 1997, BCFD No. 1’s Disciplinary Action Policy and Procedure  
16 No. 300 **required** (a) that “the Fire Chief shall administer fair, impartial and uniform disciplinary  
17 actions within all units of the Fire District”, (b) that “the following order and procedure **must be**  
18 **followed for the administration of discipline**” that “order and procedure” beginning with oral  
19 admonishment, then written reprimand, then suspension, followed by dismissal, (c) that  
20 “normally, a progression of disciplinary measures will be applied in an effort to rehabilitate a  
21 member before determination is made to dismiss them,” (d) that before termination “is initiated  
22 the facts and circumstances in an individual’s case must be carefully analyzed and must support  
23 the conclusions that the member has clearly demonstrated his/her unwillingness or refusal to  
24 conform to the rules of conduct,” (e) that the Fire Chief **shall** prepare a written report of the case  
25 and submit it to the Board of Commissioners and provide said report to the member,” and (f) that  
26  
27  
28

1 initial disciplinary action must conform to the table of offenses and per that table that had to be  
2 followed the only offenses allowing for immediate dismissal at the “first offense” were refusal to  
3 obey orders, deliberate misrepresentation, working under the influence of alcohol/narcotics, theft,  
4 or “indecent or immoral conduct” – that negatively affected the District’s reputation.  
5

6 157. On August 16, 2023, Ms. Ward arrived at work, in uniform, ready to serve only to  
7 be told she was placed on administrative leave. Ms. Ward was handed a discipline notice deeming  
8 her responsible for:

- 9 a. Telling Ms. Lutes that she wanted Mr. Click fired.
- 10 b. Telling volunteer firefighter Jennifer Asmus volunteer firefighters are  
11 “worthless”  
12
- 13 c. Ms. Lutes’ decision to leave BCFD No. 1.
- 14 d. Unnamed volunteer firefighters not wanting to work with her.
- 15 e. Unnamed BCFD No. 1 workers receiving “mental health” services due to the  
16 way Ms. Ward allegedly treated them.  
17

18 158. Up until August 16, 2023, Ms. Ward never received oral or written discipline  
19 regarding any of the alleged offenses or any disciplinary action at all.

20 159. Ms. Ward was told to attend a Loudermill hearing on August 29, 2023.

21 160. On or around August 31, 2023, following the August 29, 2023, rubber stamp  
22 *Loudermill* hearing BCFD No. 1 fired Ms. Ward. The term “rubber stamp” is used because  
23 *Loudermill* or not, BCFD No. 1 had made up its mind that Ms. Ward was to be fired.  
24

25 161. The sole evidence in support of BCFD No. 1’s termination are a declaration (dated  
26 August 23, 2023 - - - seven days after Ms. Ward was handed the discipline notice) from Jennifer  
27  
28

1 Asmus and a declaration (dated August 28, 2023 - - twelve days after Ms. Ward was handed the  
2 discipline notice) from Ms. Lutes.

3 162. Ms. Ward never worked a shift with Ms. Asmus. Ms. Asmus (falsely) claimed Ms.  
4 Ward said she (a volunteer) was “worthless”, (falsely) claimed Ms. Ward said EMTs are rated  
5 below nursing assistants, and (falsely) claimed Ms. Ward would not approve a work related  
6 request.  
7

8 163. Ms. Lutes, who last worked a shift with Ms. Ward one year earlier, (falsely)  
9 claimed Ms. Ward looked over Ms. Lutes’ shoulder while Ms. Lutes was on her phone,  
10 (baselessly) claimed (without attaching any medical documentation) Ms. Ward caused “adverse  
11 effects” on her mental health and was mean to her and others, stated, and, as it relates to this  
12 lawsuit “I don’t want money, I don’t want a settlement, I want Lonnie fired.”  
13

14 164. Assuming truth to Ms. Asmus and Ms. Lutes’ allegations, that conduct comes  
15 nowhere close to the gross disregard to citizen safety Mr. Simpson routinely displayed and of  
16 which BCFD No. 1 management was well aware.  
17

18 165. Assuming truth to Ms. Asmus and Ms. Lutes’ allegations, that conduct comes  
19 nowhere close to former Benton County Fire Captain Jeffrey Ripley’s plea of guilty to possessing  
20 child pornography - - an offense for which Mr. Ripley was not fired and BCFD No. 1 management  
21 was aware when it fired Ms. Ward.  
22

23 166. BCFD No. 1 allowed Mr. Ripley to use sick time during his legal proceedings.

24 167. BCFD No. 1 did not fire Captain Copeland for taking pictures of a critical patient  
25 being loaded into ambulance (a HIPAA violation) even though this HIPAA violation was reported.  
26

27 168. BCFD No. 1’s firing of Ms. Ward did not follow Policy 300 Disciplinary Action  
28 as (a) the discipline levied against Ms. Ward was not “fair, impartial and uniform” (b) the oral

1 admonishment, written reprimand, suspension process was not followed (c) no attempt was made  
2 to rehabilitate Ms. Ward (d) Ms. Ward never demonstrated his/her unwillingness or refusal to  
3 change the behavior alleged in the discipline notice (e) a written report of the case was never  
4 prepared by Mr. Click or sent Board of Commissioners, and (f) none of the things Ms. Ward was  
5 allegedly responsible for consisted of immediately fire-able offenses, e.g. they were not a refusal  
6 to obey orders, deliberate misrepresentation, working under the influence of alcohol/narcotics,  
7 theft, or “indecent or immoral conduct.”  
8

### 9 CAUSES OF ACTION

#### 10 **(Counts 1 & 2 - Washington Law Against Discrimination & Title VII of the Civil** 11 **Rights Act - Hostile Work Environment)**

12 169. Ms. Ward realleges each and every allegation set forth in the foregoing paragraphs  
13 as if fully set forth herein.  
14

15 170. Throughout her employment with BCFD No. 1 Ms. Ward was subjected to  
16 language (from, *inter alia*, Messrs. Moore, Simpson, and Urrego) and conduct (Click and Sells)  
17 concerning her gender. The language included comments from Mr. Simpson regarding his  
18 religious beliefs about women in the workplace, Urrego and Moore’s explicitly biased stereotypes  
19 of women in the workplace; Click’s targeted grooming of Ms. Ward that included unsolicited  
20 comments about her smile, texts to covertly rendezvous with Click in Montana or at home in lieu  
21 of counseling, and unsolicited hugging and caressing of Ms. Ward’s face; and, regarding Sells,  
22 physically throwing a book at Ms. Ward.  
23

24 171. The above conduct and language was not welcome by Ms. Ward.  
25

26 172. Ms. Ward neither solicited or incited the above-conduct/language.  
27  
28

1           173. The language and conduct altered the terms and conditions of Ms. Ward's  
2 workplace, including, but not limited to, requiring others to be present so she couldn't be alone  
3 with Mr. Click, impacting her ability to create successful relationships with peers as her  
4 accomplishments were discredited to only having been granted by males whom liked women as  
5 Mr. Click's inappropriate interactions caused issues between Ms. Ward and his ranking officers,  
6 unnecessarily delayed her career progression due to beliefs that she was lesser capable than males,  
7 and having Ms. Ward's protected medical complaints of patient care discredited as "gossiping"  
8 thus causing anxiety to name but a few events that altered the terms/conditions of her work place.  
9

10           174. BCFD management, including Urrego, Moore, Click, LoParco, Henderson, and  
11 Simpson participated in the conduct.  
12

13           175. BCFD No. 1's acts have caused Ms. Ward damages in an amount to be proven at  
14 trial.  
15

16                   **(Counts 3 & 4 - Washington Law Against Discrimination & Title VII of the Civil  
17 Rights Act – Gender Discrimination)**

18           176. Ms. Ward realleges each and every allegation set forth in the foregoing paragraphs  
19 as if fully set forth herein.  
20

21           177. To bring a claim of gender discrimination one must show satisfactory performance,  
22 an adverse action, and gender being a substantial (but not the only or main) factor in the adverse  
23 action.  
24

25           178. Ms. Ward is female who performed her paramedic/firefighter duties satisfactorily.  
26

27           179. Mr. Simpson is a male.  
28

          180. Messrs. Henderson, LoParco, and/or Click all had authority to discipline (or  
recommend for discipline) Ms. Ward and Mr. Simpson.

1 181. Mr. Simpson was subject to numerous citizen and co-worker complaints about his  
2 performance as a paramedic that put members of the community in danger.

3 182. Ms. Ward was not subject to a co-worker or citizen complaint directed at her  
4 performance as a paramedic.  
5

6 183. Ms. Ward was subject to the adverse actions of non-promotion to Lieutenant and  
7 termination.

8 184. Mr. Simpson was promoted to Lieutenant.

9 185. The examples of gender discrimination do not stop there: Lutes accused Messrs.  
10 Urrego and Simpson of trying to get on her phone but neither are fired: Lutes (baselessly) accuses  
11 Ward of looking over her shoulder while she is on her phone and BCFD No. 1 uses this as  
12 justification for firing Ms. Ward.  
13

14 186. Mr. Moore (a Lieutenant) bullies firefighter Woods into resigning and is not  
15 disciplined or fired; Ms. Ward allegedly says mean things to Lutes (who Ward last worked with  
16 one year prior) and Asmus (who Ward never worked with) and gets fired.  
17

18 187. BCFD No. 1's acts have caused Ms. Ward damages in an amount to be proven at  
19 trial.

20 **(Count 5 - Washington Law Against Discrimination - Retaliation)**

21 188. Ms. Ward realleges each and every allegation set forth in the foregoing paragraphs  
22 as if fully set forth herein.  
23

24 189. Ms. Ward opposed the workplace gender discrimination numerous times,  
25 including via her retaining counsel in an attempt to get BCFD No. 1 to stop its behavior,  
26 complaining to the EEOC, making a tort claim against BCFD No. 1, and filing (and then  
27 amending) her gender discrimination lawsuit.  
28

1 190. BCFD No. retaliated by, *inter alia*, changing her shift to a less desirable location  
2 with less promotional opportunities, denying her training, having her assaulter escort her to her  
3 Lieutenant testing, subjecting her to a new Lieutenant promotional requirement, denying her  
4 opportunity to achieve the newly minted Lieutenant promotional requirements, denying her acting  
5 Lieutenant pay, and then firing her.  
6

7 191. BCFD No. 1's acts have caused Ms. Ward damages in an amount to be proven at  
8 trial.  
9

10 **(Count 6 – Wrongful Discharge in Violation of Public Policy)**

11 192. Ms. Ward realleges each and every allegation set forth in the foregoing paragraphs  
12 as if fully set forth herein.

13 193. It is against the law for an employer to fire an employee “as a result of his or her  
14 (1) refusal to commit an illegal act, (2) performance of a public duty or obligation, (3) exercise of  
15 a legal right or privilege, or (4) in retaliation for reporting employer misconduct.”  
16 *Danny v. Laidlaw Transit servs.*, 165 Wn.2d 200, 208 (2008).  
17

18 194. On February 17, 2021, Ms. Ward reported BCFD No. 1's misconduct regarding  
19 HIPAA non-compliance (e.g. firefighters filming critically ill patients) to Messrs. LoParco,  
20 Henderson.  
21

22 195. On October 27, 2021, Ms. Ward reported, to Dr. Hodges, BCFD No. 1's  
23 noncompliance with ambulance protocols and patient care reporting.

24 196. On January 4, 2022, and January 26, 2022, Ms. Ward reported, to Mr. Henderson  
25 and the Medical Program Director – Regional CQI, issues regarding Mr. Simpson's poor patient  
26 care.  
27  
28

1 197. On February 26, 2022, March 1, 2022, and March 9, 2022, Ms. Ward reported, to  
2 Dr. Hodges and the Medical Program Director – Regional CQI, issues regarding ambulance  
3 protocol non-compliance, dispatch run card alterations, and issues regarding Ms. Simpson’s  
4 performance.  
5

6 198. Ms. Ward’s protected complaints were a substantial factor in BCFD No. 1’s  
7 decision to terminate her employment.

8 199. BCFD No. 1’s acts have caused Ms. Ward damages in an amount to be proven at  
9 trial.  
10

11 **PRAYER FOR RELIEF**

12 Plaintiff requests the following relief from the Defendants under state law:

13 A. Reinstatement and back pay.

14 B. Lost wages, prejudgment interest, front pay, and adverse tax consequences of any  
15 award for economic damages.

16 C. Emotional Distress and Mental Anguish Damages.

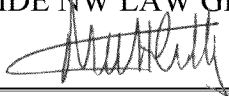
17 D. Attorneys Fees and Costs.

18 E. All other relief that is just and equitable.  
19  
20

21 DATED this 19th day of July 2024.

22 RIVERSIDE NW LAW GROUP, PLLC

23 By:

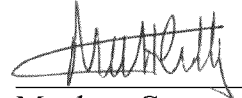
  
Matthew Z. Crotty, WSBA No. 39284  
905 West Riverside Ave. Ste. 208  
Spokane, Washington 99201

26 *Attorneys for Plaintiff*  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the July 19, 2024, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following

Michelle Fossum      via email

  
Matthew Crotty