

IN THE IOWA DISTRICT COURT FOR DUBUQUE COUNTY

ABIGAIL SIMON, Plaintiff/Applicant, vs. CITY OF DUBUQUE, IOWA and POLICE CHIEF MARK DALSING, in his individual capacity and official capacity, Defendants.	No. _____
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COMES NOW the Plaintiff, Abigail Simon, and for her cause of action hereby states the following:

INTRODUCTION

1. This is an employment discrimination action challenging Defendants' sex discrimination, harassment, and retaliation against Plaintiff in violation of the Iowa Civil Rights Act.
2. Plaintiff Abigail Simon is a resident of Dubuque County, Iowa.
3. Defendant City of Dubuque is a municipal corporation within Dubuque County, Iowa.
4. Defendant Mark Dalsing is a resident of Dubuque County, Iowa.

FACTUAL BACKGROUND

5. Plaintiff Abigail Simon is a female, protected by Iowa law from the discriminatory practices of her employer.
6. In 1997, Defendant City of Dubuque and Police Chief John Mauss hired Simon as a police officer.
7. On December 1, 2000, Kim Wadding became Chief of Police for the City of Dubuque.

8. In 2007, Defendant City of Dubuque and Chief Wadding promoted Simon to Corporal.
9. In 2009, Defendant City of Dubuque and Chief Wadding promoted Simon to Lieutenant.
10. On February 1, 2010, Mark Dalsing was promoted to Chief of Police for the City of Dubuque.
11. In March 2010, Defendants promoted Jim Lembke to Captain, and he became Simon's supervisor on Patrol.
12. Simon expressed concern to Chief Dalsing about Captain Lembke's discriminatory and abusive treatment of officers.
13. Simon also told Chief Dalsing that Captain Lembke treated Simon herself differently than her male coworkers, citing several specific examples.
14. While Simon was making her complaint of sex discrimination, Chief Dalsing pulled out clippers and began grooming his fingernails.
15. Defendants took no action to investigate Simon's complaint or remedy the discrimination.
16. In 2010, Lieutenant Neil Weiss told Simon that he told Captain Lembke "not to fuck with [Simon] because she was one of the good ones."
17. From 2010 until 2018, Simon was a supervisor in the Criminal Investigation Division (CID). She was the first female supervisor in CID.
18. Each of the eight men who held this position before Simon was promoted to Captain or Assistant Chief, after serving as CID supervisor for fewer years than Simon.
19. Simon earned consistently positive performance evaluations from Captain Scott Engleman, her direct supervisor.

20. In July 2010 Chief Dalsing told Simon that Captain Lembke referred to her as “a Mother Hen.”

21. On January 3, 2012, Lieutenant Steve Olson provided feedback to Captain Jeremy Jensen about who should be named Patrol Investigator. Lieutenant Olson expressed reservations about promoting female candidates because they had small children at home or babies on the way. He did not say a word of concern about the family responsibilities of men who were in the very same situation.

22. In approximately the spring of 2012, a female police officer was out on medical leave. Captain Lembke googled the doctor named on her leave paperwork, then announced at a Full Management Team meeting that the officer was out getting a “boob job.” Comments had previously been made about this female officer’s sexual history and prescription medications.

23. In August 2013, Captain Lembke bypassed Simon and her supervisor and went straight to Assistant Chief Terry Tobin to criticize Simon about a call she was overseeing. Simon met with Tobin and explained the call. Tobin apologized, explaining that he been given inaccurate information.

24. When Captain Lembke had issues with male officers, he followed the chain of command.

25. In March 2014, at Chief Dalsing’s direction, Simon met with female officers to discuss workplace issues unique to females, including firearms issues, defensive tactics, pregnancy/light duty, and the struggle to advance within the Department.

26. Captain Lembke derided Simon’s efforts and spread rumors that the female officers were “getting together to plan their pregnancies.”

27. When Simon reported Captain Lembke’s conduct, Chief Dalsing laughed.

28. Female officers were hesitant to continue meeting due to negative comments they were hearing from supervisors.

29. In November 2014, a male Corporal told Simon, “we have no competent females on our department.” Simon addressed the comment with the Corporal and reported it to Captain Engleman. In 2018, Chief Dalsing promoted the Corporal to Lieutenant—a position that required him to supervise female officers.

30. In 2015, during a meeting in Simon’s presence, Chief Dalsing stated, “All women are crazy.”

31. In December 2015, during a Full Management Team discussion about a male officer who had resigned, Chief Dalsing called the officer a “pussy.”

32. Defendants provided towels to male officers in the men’s locker room—but not to female officers in the women’s locker room.

33. During firearms training in May 2016, a female officer needed a break to pump breast milk. The male instructor made rude comments to her in front of everyone about how they “didn’t have time for this.” The female officer was extremely embarrassed.

34. On May 20, 2016, Simon reported the male instructor’s comment to Chief Dalsing and to the instructor’s supervisor.

35. This same female officer was targeted during another training session for the Tactical team and Mobile Field Force team. The female officer was knocked to the ground and could not get back up due to the bulkiness and weight of her gear. Several of the male officers were laughing and “fucking with her” because “she looked like a turtle on its back.”

36. In June 2016, there was a vacancy for a Captain position.

37. At that point, Simon had been a supervisor for seven years. Her past experience as a Patrol Lieutenant and CID supervisor provided excellent preparation for the role of Patrol Captain.

38. Simon was ranked #1 on the Captain’s list.

39. Simon earned the highest interview score of all the candidates.

40. Simon earned the highest exam score of all the candidates.

41. In fact, Simon's exam score was one of the highest, if not the highest, any candidate for any position had ever earned throughout the history of the Dubuque Police Department.

42. Unlike some of the other candidates, Simon had no disciplinary issues and she was actively involved in the Department as well as in the community.

43. Captain Engleman was very supportive of Simon's promotion to Captain.

44. After confirming that candidates for the position would not be discussed at the Senior Management Team meeting on June 22, 2016, Captain Engleman took the day off. Chief Dalsing then opted to discuss the candidates on June 22, 2016.

45. This put Simon at a disadvantage because her supervisor was not there to advocate for her. During the meeting, Captain Lembke told the others that Simon was "difficult to work with" and questioned what, if anything, Simon did for the Department.

46. Simon met with Chief Dalsing about the promotion.

47. Chief Dalsing warned Simon that the Captain would always need to be available and brought up that Simon's daughter sometimes had dance competitions on weekends. He did not mention the similar family obligations of male candidates.

48. Simon pointed out that she had been on call for the last seven years and never once had she failed to be available because of her daughter's dance competitions or for any other reason.

49. Chief Dalsing then stressed that unsuccessful candidates would need to "respond appropriately" after they were passed over.

50. Chief Dalsing has always promoted the candidate ranked #1 on the civil service list unless there was a good reason to deviate from the list.

51. Chief Dalsing had no reason to deviate from this list.

52. Nevertheless, Chief Dalsing passed over Simon and promoted Steve Radloff, a male who was ranked #3 on the list.

53. In September 2016, Captain Lembke once again bypassed Simon's supervisor to make a false claim about her directly to Chief Dalsing.

54. Captain Lembke reported that Simon failed to come in for a shooting and insisted there was only one Lieutenant working that night. In fact, there were three Lieutenants on duty and Simon had fulfilled her responsibilities as a supervisor.

55. Two weeks before this, Captain Engleman oversaw a shooting that was more complex and time consuming. He fulfilled his responsibilities as a supervisor like Simon did—without physically coming in; however, Captain Lembke did not complain to the Chief about Engleman.

56. When Chief Dalsing spoke with Captain Engleman about Captain Lembke's accusation, Engleman advised the Chief that Lembke was "fucking with her career."

57. Simon also spoke directly with Chief Dalsing about Captain Lembke, but Dalsing ignored her concerns.

58. Chief Dalsing told Simon "not to get caught up in the drama" and assured her there was nothing about her performance that she needed to improve.

59. Officer Tom Pregler, who is friends with Captain Lembke, would often say there are "pink jobs" for women and "blue jobs" for men; and that law enforcement is a "blue job."

60. In November 2016, Simon attended a City Diversity Summit and shared a table with other members of the Police Department management team. Rather than listening to the speakers, Chief Dalsing played on his phone, checked emails, and reviewed Facebook.

61. In 2017, a male officer went to Lieutenant Steve Olson, inquiring about an opening for a firearms instructor. Olson provided him information and followed up a few days later, encouraging the officer to apply. A female officer also asked Olson about the opening. Olson was condescending and asked the female officer if she could even shoot. Given Olson's attitude, the female officer was discouraged from applying for the position.

62. When Chief Dalsing applied for the Assistant City Manager position in August 2017, he said he had little chance of success because of his status as a white male.

63. In October 2017, Simon applied for the position of Assistant Police Chief.

64. During the interview, Chief Dalsing said that he needed an Assistant Chief who would be brutally honest with him, and he asked her to be honest with him about the Department.

65. Simon told him that the Senior Management Team was made up entirely of middle aged, white, married men; that they could not always relate to members of the public who don't share those characteristics, and that some officers in the Department felt like they did not have a voice.

66. On November 7, 2017, Simon attended a City Diversity Summit and shared a table with other members of the Police Department management team. Once again, Chief Dalsing played on his phone, checked emails, and reviewed Facebook rather than participating or listening to the speakers

67. Assistant Chief Tobin and Captain Lembke mentioned how they needed to "stay clear" of the training on becoming aware of one's own hidden bias that was led by an African-American woman.

68. The men complained about "not getting anything out of the conference." However, during times they were supposed to be discussing topics related to discrimination, they talked about football, and Chief Dalsing made crude jokes about "midget porn," and "midget tossing."

69. Simon's 18-year-old daughter has height-pituitary dwarfism caused by chemotherapy she underwent for a brain tumor when she was four years old.

70. Most of the male supervisors left the conference early, which made it easier for Simon and the two other supervisors left at the table to engage in relevant discussions, as directed by the conference leaders.

71. For example, Simon talked about the need for diversity within the Police Department and expressed concern among her colleagues that a particular female officer was being held to different standards than a similarly situated male officer.

72. Captain Lembke later told others within the Department that Simon's statements at the Diversity Summit were inappropriate, disloyal, and undermined the Senior Management Team.

73. On November 17, 2017, Simon reported Captain Lembke's inappropriate and misleading criticisms about her to Chief Dalsing, who responded that was just "Jim being Jim."

74. Simon said she would no longer accept that as an answer and that the behavior of him and others at the Diversity Summit was unacceptable. When Simon mentioned the "midget porn" and "midget tossing" discussion, Chief Dalsing smirked.

75. Simon told Chief Dalsing she was being discriminated against because she is female and cited as examples Captain Lembke's actions over the last several years. Dalsing insisted, "He's not like that."

76. After meeting with the Chief, Simon immediately emailed Dubuque Human Rights Director Kelly Larson and met with her later that afternoon.

77. Simon explained the discriminatory treatment she had been experiencing over the last several years under Chief Dalsing's command.

78. Director Larson said Simon would not believe how many other female City employees had come to her complaining about sex discrimination.

79. Simon seriously considered making a formal complaint at that time but knew there would be another Captain's job opening in the near future, and she was afraid of retaliation.

80. Simon also believed that when she was promoted to Captain, she could be more of a change agent and help others within the Department who were not straight white males.

81. Captain Jeremy Jensen later apologized to Simon for Captain Jim Lembke's continued efforts to undermine her career, noting that he and other supervisors "are finally seeing the nastiness of Jim."

82. On November 20, 2017, Director Larson sent an email to Simon and several other female leaders in the City, including the City Attorneys and Assistant City Manager, advising that they were receiving this email because "at one point or another you have spoken to me about the culture of our organization and ways that it is less than equitable and inclusive. Some of these conversations have involved concerns that, if unaddressed, could rise to the level of sex discrimination claims."

83. Also in November 2017, Captain Jeremy Jensen approached Simon. He said he had been at training with a newer officer who "identified strongly as a female," which made him think of Simon. Jensen said he was looking to mentor a newer, younger Lieutenant, like Simon, to help her advance within the Department.

84. Simon was not a "newer, younger Lieutenant." At that time, Simon's experience and expertise were comparable to Jensen's. She was only three years younger than him and had been a Lieutenant for eight years.

85. Simon was still #1 on the Captain's list. Captain Jensen supported her promotion at the Senior Management Team Meeting.

86. After that meeting, Captain Lembke texted Captain Engleman about Captain Jensen's support of Simon, saying, "JJ sold his soul."

87. Captain Engleman seemed certain that Simon would finally be promoted. On December 3, 2017, Simon supervised a homicide investigation from 11 p.m. to 7:30 p.m. (over 20 hours straight). Captain Engleman kept calling her "Captain." He had her sit at the end of the table and run briefings. He said this was going to be her last big case as a Lieutenant. He said Simon would soon be sitting at the table in Senior Management Team meetings.

88. Captain Engleman at one time told Simon, "Knowing Lembke, he probably doesn't like you because you're a female and a supervisor."

89. During a Full Management Team meeting on December 13, 2017, Chief Dalsing mentioned two new Dubuque City Council members. He said, "The guy seems fine, but the girl probably sits at home wearing her pink pussy hat screaming at Trump on TV."

90. Chief Dalsing was referring to Dubuque City Council member Kate Larson.

91. Approximately an hour later, right after the meeting, Chief Dalsing called Simon to say he had promoted Scott Baxter to Captain instead of her.

92. Scott Baxter was ranked #6 on the list.

93. Defendants had previously disciplined Scott Baxter for racist behavior, including documenting on one evening on patrol that he was observing "TNA," or "typical nigger activity."

94. Shortly after Baxter's promotion was announced, Assistant Chief Jeremy Jensen came to speak to Simon. He said he and Chief Dalsing had been talking and they wanted some advice from Simon about what they could do to get more female officers promoted.

95. In addition to their recent rejections of Simon's application for promotion, Defendants had also recently failed to promote two other female officers who were better qualified than the white males who were chosen instead.

96. In fact, at this point since becoming Chief, Dalsing had promoted 22 white males and just one female.

97. Defendants' obliviousness to their own blatant bias compelled Simon to take more direct action. On December 20, 2017, Simon made a formal, written complaint of sex discrimination to Chief Dalsing.

98. On December 22, 2017, Simon met with City Manager Mike Van Milligan, City Attorney Crenna Brumwell, and City Personnel Manager Randy Peck to discuss her complaint.

99. On January 18, 2018, Simon received a letter from Van Milligan, stating he believed Chief Dalsing acted appropriately, but that the City and Police Department would be taking steps to address Simon's concerns about the sexist organizational culture.

100. Simon asked that someone from the City talk with Captain Lembke about his behavior, but Van Milligan said he was going to let Chief Dalsing handle it.

101. Mike Van Milligan asked Simon whether she had thought about the long-term consequences if she sued the city.

102. Van Milligan also stated that the Police Department would be adding a new Captain's position in February, and if the City Council approved it, Chief Dalsing intended to promote Simon.

103. On January 22, 2018, Simon met with Chief Dalsing and Assistant Chief Jensen. She was immediately met with hostility from Dalsing.

104. When Simon asked what was going to be done about Captain Lembke's behavior, Chief Dalsing responded oddly, stating, "All the details will come out. Everything you said, all the details will come out."

105. Just eight days later, on January 30, 2018, Chief Dalsing emailed a "Confidential Personnel Memo" to the entire Full Management Team, the Records Supervisor, and two secretaries.

106. The memo revealed that Simon had made complaints of sex discrimination; that Chief Dalsing was being forced to promote Simon to Captain because of those complaints; that he did not think Simon deserved the promotion; that the position being created was not even needed; and that he believed it was wrong to spend money on a new Captain when other City departments needed more resources in their budgets.

107. In his memo, Chief Dalsing also expressed concern about setting a precedent which in the future would require the City to promote all female and minority candidates. He made it clear he was worried that if Simon's peers treated her in a businesslike, professional manner; she would feel like she was getting the cold shoulder and complain about a continuing hostile workplace.

Finally, Dalsing fretted that if he ever disciplined Simon or gave her a negative evaluation, she would cry retaliation.

108. Adding insult to injury, Chief Dalsing's memo referred to other officers by their rank, but referred to Lieutenant Simon as "Abby."

109. Chief Dalsing's wide dissemination of the "Confidential Personnel Memo" decimated Simon's career.

110. After seeing the email, Simon went to Chief Dalsing's office and confronted him. He claimed he sent it to everyone by accident and that he was trying to retract it.

111. Chief Dalsing later told Simon that "six or seven" people had opened the email before it was retracted.

112. Chief Dalsing also admitted discussing the substance of the memo with the Senior Management Team.

113. Chief Dalsing repeated Captain Lemke's accusations that Simon had inappropriately criticized the Senior Management Team at the City Diversity Summit.

114. Because Simon's confidential complaint of sex discrimination was shared with officers who were friends with Captain Lembke and Chief Dalsing, it didn't take long until the entire Department knew.

115. Officer Tom Pregler told female officers confidential information from Simon's complaint and asked, "How does that make you ladies feel?"

116. Due to the promotions of Assistant Chief and Captains, there were new openings for Lieutenant and Corporal. The #1 candidate on both lists were male officers, and both were promoted first.

117. Throughout this time frame, Defendants continued treating Simon differently than her male counterparts. On January 16, 2018, CID was assisting Patrol regarding a stabbing. Simon communicated with Captain Lemke about what her investigators were doing, but he refused to

communicate with her. Instead, he went through Captain Engleman even though Engleman was not even in CID when the call went out.

118. On January 24, 2018, Captain Lemke approached Simon, staring her down, as she stood talking to Lieutenant Brendan Welsh. As Simon continued to try and converse with Welsh, Lemke put his body in between them with his back toward Simon and asked Welsh if he needed anything.

119. In February 2018, after a female officer received a special assignment, a male coworker told her she got the assignment “only because they needed a female.” Other officers told her and other females that they received favorable assignment only because Simon had complained about sex discrimination.

120. In February 2018, Assistant Chief Jensen emailed all supervisors looking for volunteers to attend a City workshop promoting equity and inclusion. Simon was the only one who agreed to attend.

121. The training covered issues that Simon had repeatedly tried to address with Chief Dalsing and would have been beneficial to other supervisors, particularly Captain Lembke.

122. Chief Dalsing did not mandate Captain Lembke or any other supervisors attend.

123. On April 6, 2018, a female officer advised Simon that the “good ole boys” atmosphere under Chief Dalsing was worse than under the two previous Chiefs.

124. In fact, under Chief Dalsing’s leadership, women in the Dubuque Police Department faced greater barriers because of their gender than they had experienced in the late 1990s or early 2000s.

125. During an April 19, 2018, meeting, Simon talked with Assistant Chief Jensen, Human Rights Director Kelly Larson, City Attorney Crenna Brumwell and Human Rights employee Taj Suleyman about the kinds of problems that female police officers were having and how they

were often treated unfairly. At the end of the meeting, Director Larson told Jensen “It’s going to be up to you JJ [Assistant Chief Jensen] as I don’t think Mark [Chief Dalsing] can be objective.”

126. On April 27, 2018, a female officer told Simon that even though she was #1 on the hiring list, male officers told her the only reason she was hired was because she was female.

127. On May 3, 2018, a female officer told Simon that Captain Lembke called her out on a minor policy violation even though male officers and Lieutenants on his shift commonly chewed tobacco on the job and inside the Dubuque Law Enforcement Center, without consequence, even though that also violated policy.

128. On May 3, 2018, a female officer commented, “it is difficult for females to be promoted in our Department.”

129. The City has lost several talented female police officers who resigned from the Department under Chief Dalsing.

130. One of them referred to the Dubuque Police Department as the “Penis Palace.”

131. This female officer had been referred to Simon before she resigned because she had expressed concern about her career. She observed that female officers have to work twice as hard only to get passed over for promotions.

132. This female officer—a single mother—resigned after Defendants decided to switch her to the night shift *while she on maternity leave*.

133. This female officer had previously filed a sexual harassment complaint she believed the Department did not take seriously.

134. This female officer referred to Captain Lembke as “the biggest bully.”

135. At various times in May 2018, three different police officers, including two supervisors, indicated that Simon was the subject of a lot of negative comments and hostility within the Department.

136. Promotional lists were hanging in the main hallway. The names of officers who had been promoted had little dots next to them, indicating they were no longer on the list. On the Captain's list, Simon's name was crossed out. Among all the promotional lists, Simon's name was the only one completely crossed out.

137. A memo from May 1, 2018 announcing Simon's promotion was also posted. It stated, "Abby Simon has been selected to become the next Police Captain to fill the newly created Captain position." Someone underlined the word "selected," presumably indicating he did not believe Simon had earned her promotion.

138. In June 2018, a recently retired officer was in CID. When he saw Simon, he said, "I'd better watch what I say or Abby's going to file a complaint on me, too."

139. In June 2018, two female officers complained about being harassed by Captain Lembke.

140. On June 22, 2018, Simon overheard a conversation in which a new male Lieutenant was shown how he could use the City security cameras by the Riverwalk to watch women doing yoga in the mornings.

141. July 1, 2018 was Simon's first night on Patrol as a Captain. Someone had redone the names on all the mailboxes in the Commanders office and added a newly promoted Lieutenant's name, as well as a Captain who had returned to Patrol from a specialty unit. The name on Simon's mailbox was left blank and was the only mailbox without a name.

142. The disrespect that some members of senior management showed Simon undermined her authority within the Department.

143. On September 19, 2018, Simon came to the Law Enforcement Center to be fitted for a new ballistic vest, but Lieutenant Steve Olson had sent the company representative home early. When Simon attempted to speak with Olson about the issue, he became angry, was disrespectful, and got in her face.

144. In May 2017, Defendants hired Captain Lembke's son as a police officer. Once Simon began working patrol again, Lembke's son was under her supervision, and Lembke continually interfered with the additional training his son required.

145. On September 27, 2018, Simon met with City Manager Mike Van Milligan and City Attorney Crenna Brumwell once again to protest the discrimination, harassment, and retaliation she and other female officers continued to battle.

146. Defendants took no action to investigate Simon's complaint or remedy the discrimination, harassment, and retaliation.

147. On October 5, 2018, Plaintiff filed charges of employment discrimination against Defendants with the Iowa Civil Rights Commission and the Equal Employment Opportunity Commission.

148. Chief Dalsing, his wife, and several other city employees responded by "defriending" or "blocking" Simon on Facebook.

149. On October 8, 2018, Chief Dalsing admitted he knew about some of the retaliation Simon was suffering.

150. After her promotion to Captain, Simon was supposed to receive a performance evaluation each month for six months. Defendants gave her the first three evaluations all at once on October 2, 2018. After the civil rights complaint was filed, Defendants failed to provide her with any additional evaluations.

151. Simon had been included on the panel to interview employment applicants every year since 2004. After she filed her civil rights complaint, she was excluded from the panel.

152. On October 28, 2018, a retired female supervisor advised Simon that when she worked with Captain Lembke she had "faced his scorn" and that "his mentality would fit in with the 70's when she was hired."

153. The retired female supervisor also advised that Captain Lembke had been talking negatively about Simon.

154. On November 15, 2018, a female dispatch supervisor reported to Simon that a white male police officer referred to a particular African-American citizen of Dubuque as “Magilla the Gorilla,”¹ and stated that “all black people look like monkeys or gorillas.”

155. Simon reported the racist statement up the chain of command, but Defendants decided the dispatcher’s report was “unfounded.”

156. Simon questioned the unfounded status and was told the incident was “blown out of proportion.”

157. On February 11, 2019, a female officer submitted a letter of interest to Lieutenant Steve Olson to be a defensive tactics instructor. The female officer referenced her training in martial arts and her previous attendance in a defensive tactics course designed to help female officers overcome size differences. A less qualified male officer was chosen.

¹ Magilla the Gorilla was a character in a Hanna-Barbera cartoon that aired from 1964 to 1966.
https://en.wikipedia.org/wiki/Magilla_Gorilla



158. Male officers and supervisors have made inappropriate comments about this female officer and her personal relationship.

159. Defendant City of Dubuque failed to revise or update its sexual harassment policy from September 12, 1991, until May 3, 2019, a period of **27 years**.

160. Defendant City of Dubuque failed to mandate training for supervisors in the Police Department on the illegality of sexual harassment, discrimination or retaliation until February 2019.

161. As time went on, Simon was more and more isolated within the Police Department. Her physical and mental health deteriorated, and it became increasingly clear that Defendants were looking for additional ways to undermine her and hang her out to dry.

162. As a result of mental health conditions caused by Defendants, Simon went on FMLA leave beginning March 12, 2019.

163. On approximately March 27, 2019, less than 90 days prior to the filing of this Petition, the Iowa Civil Rights Commission issued a Right to Sue letter with respect to Plaintiff's charges against Defendants.

164. Mark Dalsing was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

165. Jim Lembke was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

166. Steve Olson was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

167. Jeremy Jensen was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

168. Mike Van Milligan was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

169. Crenna Brumwell was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of her employment and agency.

170. Randy Peck was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

171. Kelly Larson was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of her employment and agency.

172. Neil Weiss was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

173. Tom Pregler was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

174. Brendan Welsh was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

175. Scott Engleman was an employee and agent of Defendant City of Dubuque, acting at all material times in the scope of his employment and agency.

COUNT I
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
SEX DISCRIMINATION, SEXUAL HARASSMENT, AND RETALIATION

176. Plaintiff repleads paragraphs 1 through 175 as if fully set forth herein.

177. Defendants subjected Plaintiff to discrimination and harassment.

178. Gender was a motivating factor in the harassment and discrimination.

179. Plaintiff complained to Defendants, the Iowa Civil Rights Commission, and the Equal Employment Opportunity Commission about harassment, sex discrimination, race discrimination, and retaliation and otherwise opposed practices made unlawful by the Iowa Civil Rights Act.

180. Defendants retaliated against Plaintiff.

181. Plaintiff's protected activity was a motivating factor in the retaliation against her.

182. As a result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including, but not limited to, mental and emotional distress, fear, anguish, humiliation, stress, feelings of betrayal, intimidation, anger, hopelessness, embarrassment, lost enjoyment of life, lost wages, employment benefits, and medical expenses.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount which will fully and fairly compensate her for her injuries and damages, for prejudgment and postjudgment interest, for attorney fees and expenses, for the costs of this action, for appropriate equitable and injunctive relief, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

JURY DEMAND

COMES NOW the Plaintiff and requests a trial by jury.

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