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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HANNA J. McANDIE,

Plaintiff(s),

NO. 3:21-cv-05227

v.

ANSWER TO COMPLAINT

SEQUIM SCHOOL DISTRICT, ROBERT
CLARK, and his marital community,

Defendant(s).

INTRODUCTION

1.1 Paragraph 1.1 contains a legal conclusion for which no response is required. To the extent a response is required, the Sequim School District denies Ms. McAndie is entitled to the relief sought.

1.2 Admit.

1.3 The District admits Dr. Clark was employed as the Superintendent of the District. The District is without sufficient information to admit or deny the remaining allegations in Paragraph 1.3 and therefore deny the same.

1.4 The District admits it employed Plaintiff beginning in 2017. The remaining

1 allegations contain legal conclusion for which no response is required. To the extent this paragraph
2 alleges anything further or different, the District denies the same.

3 **JURISDICTION AND VENUE**

4 2.1 Admit.

5 2.2 Admit.

6 2.3 Paragraph 2.3 contains legal conclusions for which no response is required.

7 2.4 Admit.

8 **PARTIES**

9 3.1 The District admits Plaintiff has been employed by the District since 2017. The
10 District is without sufficient knowledge to admit or deny the remaining allegations in paragraph 3.1,
11 and therefore denies the same.

12 3.2 Admit.

13 3.3 The District admits Dr. Clark was employed by the District as the Superintendent.
14 The District is without sufficient knowledge to admit or deny the remaining allegations in paragraph
15 3.3.

16 **FACTUAL ALLEGATIONS**

17 4.1 Admit that Plaintiff began her employment with Defendant Sequim School District
18 in October 2017 working part-time as a substitute para educator, became a permanent special
19 education para in November 2017, worked as a Community Outreach Coordinator, Public
20 Information Officer and Truancy Liaison, and most recently as Student Support Specialist. To the
21 extent that paragraph 4.1 contains further allegations, Defendant is without sufficient knowledge to
22 admit or deny and therefore denies the same.

23 4.2 The District admits plaintiff was knowledgeable and involved in the truancy issues
24 surrounding student BS. The District is without sufficient knowledge to admit or deny the remaining
25 allegations in paragraph 4.2 and therefore denies the same.

1 4.3 The District is without sufficient knowledge to admit or deny the allegations in
2 paragraph 4.3 and therefore deny the same.

3 4.4 The District admits Plaintiff submitted a written statement on May 9, 2019 regarding
4 April 25, 2019. The District denies the contents of these statements to the extent they allege any
5 wrongdoing on the part of the District. To the extent this paragraph alleges anything further or
6 different, the District denies the same.

7 4.5 The District is without sufficient information to admit or deny the allegations in
8 paragraph 4.5, and therefore denies the same.

9 4.6 The District admits Plaintiff met with Mr. Hill to be interviewed as part of an
10 investigation into Mr. Riccobene's behavior. The District admits Mr. Riccobene was issued a letter
11 of direction as a result of the investigation. The District is without sufficient information to admit or
12 deny the allegations in paragraph 4.6, and therefore denies the same.

13 4.7 The District admits Plaintiff made a report regarding Mr. Hill's alleged failure to
14 keep information confidential. Further, upon information and belief, Mr. Hill resigned his position.
15 The District is without sufficient information to admit or deny the remaining allegations in paragraph
16 4.7 and therefore denies the same.

17 4.8 Admit.

18 4.9 The District is without sufficient information to admit or deny the allegations in
19 paragraph 4.7 and therefore denies the same.

20 4.10 The District is without sufficient information to admit or deny the allegations in
21 paragraph 4.10 and therefore denies the same.

22 4.11 The District is without sufficient information to admit or deny the allegations in
23 paragraph 4.11 and therefore denies the same.

24 4.12 The District admits Plaintiff authored an email to Jennifer Maughan, cc'ing Dr.
25 Clark, Valorie Kniper, and Ms. Lyke regarding concerns about Mr. Smith. To the extent this

1 paragraph alleges anything further or different, the District denies the same. .

2 4.13 The District admits Plaintiff received an email from Mr. Smith denoting an email he
3 received from Dr. Clark. The District is without sufficient information to admit or deny the
4 allegations in paragraph 4.13 and therefore denies the same.

5 4.14 The District is without sufficient information to admit or deny the allegations in
6 paragraph 4.14 and therefore denies the same.

7 4.15 This paragraph is directed solely at Defendant Clark and therefore the District makes
8 no response. To the extent a response is required, the District does not have sufficient information
9 to admit or deny the allegations in paragraph 4.15. To the extent this paragraph alleges anything
10 further or different, the District denies the same.

11 4.16 The District is without sufficient information to admit or deny the allegations in
12 paragraph 4.16 and therefore denies the same.

13 4.17 The District admits Plaintiff filed a complaint on October 9, 2020. To the extent this
14 paragraph alleges anything further or different, or wrongdoing on behalf of the District, the District
15 denies the same.

16 4.18 The District admits Clark was placed on administrative leave. To the extent this
17 paragraph alleges anything further or different, or wrongdoing on behalf of the District, the District
18 denies the same.

19 4.19 Admit.

20 4.20 The District admits it hired Amy Klosterman to conduct an independent
21 investigation into the allegations made by Plaintiff. To the extent this paragraph alleges anything
22 further or different, or wrongdoing on behalf of the District, the District denies the same.

23 4.21 The District is without sufficient information to admit or deny the first sentence of
24 paragraph 4.21. The District admits Defendant Clark resigned his position as superintendent.
25

1 Plaintiff's "beliefs" about the conclusion are speculative and the District denies the same. The
2 District denies all remaining allegations in paragraph 4.21.

3 4.22 The District admits Ms. McAndie received a letter denoting the conclusion of Ms.
4 Klosterman's investigation signed by Mr. Gibson. The District admits the letter communicated that
5 the Board of Directors disagreed with Dr. Clark's decision making and handing of this situation.
6 The District further states that it explained due to privacy concerns, it could not divulge complete
7 information regarding the investigation. To the extent this paragraph alleges anything further or
8 different, or wrongdoing on behalf of the District, the District denies the same.

9 4.23 Denied.

10 4.24 The District is without sufficient information to admit or deny the first two sentences
11 of paragraph 4.24, and therefore denies the same. The District denies the remaining allegations in
12 paragraph 4.24.

13 4.25 The District admits Plaintiff had a virtual meeting with Jane Pryne on or about
14 February 23, 2021. To the extent this paragraph alleges anything further or different, the District
15 denies the same.

16 4.26 Admit.

17 4.27 The District admits it accepted Dr. Clark's resignation. To the extent this paragraph
18 alleges anything further or different, or any wrongdoing on the part of the District, the District
19 denies the same.

20 4.28 The District admits Plaintiff was contacted in reference to a public records request.
21 By way of further answer, the District comments Plaintiff's identity could have been potentially
22 from records released by other entities. The District lacks sufficient knowledge to admit or deny
23 communications between Mr. McAndie and outside persons, and therefore denies the same. The
24 District denies the remaining allegations in paragraph 4.28.

1 4.29 The District is without sufficient information to admit or deny the allegations in
2 paragraph 4.29, and therefore denies the same. To the extent this paragraph alleges anything further
3 or different, or any wrongdoing on the part of the District, the District denies the same.

4 4.30 The District admits Matt Piersoll wrote posts on social media regarding these events.
5 To the extent this paragraph alleges anything further or different, or any wrongdoing on the part of
6 the District, the District denies the same.

7 4.31 The District admits Plaintiff submitted a formal complaint of retaliation. To the
8 extent this paragraph alleges anything further or different, or any wrongdoing on the part of the
9 District, the District denies the same.

10 4.32 The District is without sufficient knowledge to admit or deny the allegations in
11 paragraph 4.32, and therefore denies the same. To the extent this paragraph alleges anything further
12 or different, or any wrongdoing on the part of the District, the District denies the same.

13 **V. FIRST CLAIM FOR RELIEF**

14 **Sex Discrimination – Title VII**

15 5.1 Paragraph 5.1 does not contain any new or different allegations. To the extent
16 paragraph 5.1 alleges anything further or different, the District denies the same.

17 5.2 Paragraph 5.2 contains legal conclusions that require no response. To the extent a
18 response is required, the District denies the same.

19 5.3 Paragraph 5.3 contains legal conclusions that require no response. To the extent a
20 response is required, the District denies the same.

21 **VI. SECOND CLAIM FOR RELIEF**

22 **Retaliation – Title VII**

23 6.1 Paragraph 6.1 does not contain any new or different allegations. To the extent
24 paragraph 6.1 alleges anything further or different, the District denies the same.

1 6.2 Paragraph 6.2 contains legal conclusions that require no response. To the extent a
2 response is required, the District denies the same.

3 **VII. THIRD CLAIM FOR RELIEF**

4 **Defamation**

5 7.1 Paragraph 7.1 does not contain any new or different allegations. To the extent
6 paragraph 7.1 allegations anything further or different, the District denies the same.

7 7.2 Paragraph 7.2 contains legal conclusions that require no response. To the extent a
8 response is required, the District denies the same.

9 7.4 Denied.

10 **VIII. JURY DEMAND**

11 Section VIII does not contain allegations against the District and therefore not response is
12 required.

13 **IX. PRAYER FOR RELIEF**

14 Plaintiffs’ Prayer for Relief does not require a response. To the extent a response is deemed
15 necessary, Defendants deny the same, including all subparts.

16 **AFFIRMATIVE DEFENSES**

17 BY WAY OF FURTHER ANSWER and without waiving any allegations previously denied
18 and without conceding it has the burden of proof as to any of the stated defenses, the District asserts
19 the following affirmative defenses, which will be amended or deleted as information becomes
20 available through the discovery process:

- 21 1. Plaintiff has failed to state a claim for which relief can be granted.
- 22 2. Damages, if any, sustained by Plaintiffs were proximately caused by persons other
- 23 than the District and the District has no legal liability, either direct or vicarious.
- 24
- 25

1 3. Damages, if any, sustained by Plaintiff were not the result of the action by the
2 District must be segregated from those sustained as a result of intentional or unlawful
3 conduct by others.

4 4. Plaintiff has failed to mitigate damages.

5 5. Damages, in whole or in part, are due to conditions that preexisted or are unrelated
6 to the claims alleged against the District in Plaintiffs' Complaint.

7 6. Plaintiff's Complaint, and each of its causes of action, is barred, because
8 Defendant's actions with respect to Plaintiff were taken solely for legitimate, non-
9 discriminatory, non-retaliatory, and non-pretextual reasons unrelated to any alleged
10 protected activity by Plaintiff or any alleged discrimination, harassment, or
11 retaliation.
12

13 7. Pursuant to the laws of the State of Washington, including RCW 4.22.070,
14 Defendant is entitled to an allocation of fault under the determination of
15 proportionate share of entities/individuals causing damages if recovery is sought.

16 8. There is no causation between the acts alleged against Defendants and the damages
17 claimed to have been sustained by Plaintiff.
18

19 **DEFENDANT'S RESERVATION OF RIGHTS**

20 Without waiving any affirmative defenses or claims, Defendant reserves the right to amend
21 this Answer and add additional affirmative defenses, cross claims, third-party claims, and additional
22 parties as investigation and discovery requires.

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DEFENDANT’S PRAYER FOR RELIEF

1 WHEREFORE having fully answered the allegations contained in Plaintiffs’ Complaint for
2 Damages, Defendant prays for the following relief:

- 3 1. That Plaintiffs’ Complaint be dismissed with prejudice;
4 2. That any Judgment against Defendant be reduced by Plaintiffs’ fault and/or the fault of
5 other persons or entities;
6 3. That Defendant be awarded its attorneys’ fees and costs incurred in defending against
7 this action; and
8 4. For such other and further relief as this Court deems just and equitable.

9 DATED this 19th day of April, 2021.

10 PREG O’DONNELL & GILLETT PLLC

11
12 By /s/Emma Gillespie
13 Emma Gillespie, WSBA #33255
14 Aaron D. Kelley, WSBA #49574
15 Attorneys for Defendant Sequim School District
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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on this day the undersigned caused to be served in the manner indicated below a copy of the foregoing document directed to the following individuals:

Counsel for Plaintiff:

Daniel C. Gallagher, WSBA #21940
10611 Battle Point Drive NE
Bainbridge Island
Washington 98110-1493
Tel and Fax: (206) 855-9310

- Via Messenger
- Via U.S. Mail, postage prepaid
- Via Overnight Mail, postage prepaid
- Via Court E-Service or email
with recipient's approval
dan@nwprolaw.com

DATED at Seattle, Washington, this 19th day of April, 2021.

By /s/Emma Gillespie
Emma Gillespie, WSBA #33255