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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HANNA J. McANDIE,

Plaintiff,

vs.

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

Defendants.

No.

COMPLAINT AND JURY DEMAND

**COMES NOW** Plaintiff, Hanna McAndie, by and through her attorneys of  
Record, Daniel C. Gallagher and Gallagher Law Office PS, and claims as follows:

**INTRODUCTION**

1.1 Plaintiff Hanna McAndie brings this action on behalf of herself.

1.2 Defendant, Sequim School District, is a public school district located in Sequim,  
Clallam County, Washington.

1 1.3 Defendant Robert Clark was, at all times relevant to this complaint, employed as  
2 the Superintendent of Sequim School District, and upon information and belief is a resident of  
3 Clallam County, Washington.

4 1.4 Defendant Sequim School District employed Plaintiff initially in October 2017  
5 as a substitute para educator, then as a special education para educator, then as Community  
6 Outreach Coordinator, and most recently as a Student Support Specialist. This lawsuit arises  
7 out of Defendants' hostile work environment, sexual harassment, and retaliation following  
8 Plaintiff's formal complaint about principal Vincent Riccobene's discriminatory actions  
9 towards a special education student on or about April 25, 2019.

#### 10 JURISDICTION AND VENUE

11 2.1 Jurisdiction. This Court has jurisdiction pursuant to the provisions of 28 U.S.C.  
12 §§ 1331 and 1367 and of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

13 2.2 Venue. Venue is proper in the Western District of Washington pursuant to 28  
14 U.S.C. § 1391 and because Defendant SEQUIM SCHOOL DISTRICT is located in this  
15 jurisdiction, and the events which gave rise to this lawsuit occurred in Clallam County,  
16 Washington, within the Western District of Washington.

17 2.3 Governing Law: The claims of Plaintiff asserted in this complaint are brought  
18 under federal causes of action and federal law applies.

19 2.4 Jurisdictional Prerequisites: All conditions for jurisdiction under 42 U.S.C.A §  
20 2000e-16 have been met. Plaintiff timely filed a formal charge of employment discrimination  
21 with the EEOC in 2020 and filed this action within 90 days of receipt of the Right to Sue letter.

#### 22 PARTIES

23 3.1 Plaintiff Hanna McAndie at all times relevant to the facts giving rise to this  
24 lawsuit resided in Clallam County, Washington and has been employed by Defendant in  
25 Clallam County since October 2017.

26 3.2 Defendant Sequim School District is a political subdivision of the State of  
27 Washington located in Clallam County, Washington.



1 Assistant Superintendent Jennifer Maughan. Mr. Neal and Ms. Maughan advised Plaintiff to  
2 follow up with a written statement to human resources (hereinafter ‘HR’) director Randy Hill.

3 4.4 On or about May 9, 2019, Plaintiff submitted a written statement reporting the  
4 events of April 25, 2019 to SSD HR Director Randy Hill, Assistant Superintendent Jennifer  
5 Maughan and (then) Superintendent Gary Neal.

6 4.5 On or about May 13, 2019, Plaintiff was informed by district office receptionist,  
7 Megan Lyke, that third parties had been informed by Ms. Kromm and/or Mr. Riccobene about  
8 an investigation resulting ostensibly from the Lyke’s reporting of Mr. Riccobene’s behavior at  
9 the CTB meeting. Ms. Lyke expressed her frustration to Plaintiff that they had been falsely  
10 identified as incident reporters.

11 4.6 On or about May 14, 2019, Plaintiff met with Mr. Hill to be interviewed during  
12 the investigation into Mr. Riccobene’s behavior. Assistant Superintendent Jennifer Maughan  
13 was also present at the meeting. At that time, Mr. Hill informed Plaintiff that he had disclosed  
14 on May 10 to Riccobene the report about his behavior and that an investigation would follow.  
15 Upon information and belief, Mr. Riccobene was found to be at fault following the  
16 investigation.

17 4.7 On or about May 17, 2019, Plaintiff submitted a written report to SSD  
18 regarding HR Director Randy Hill’s failure to keep the information contained in her May 9,  
19 2019 report confidential. SSD terminated Mr. Hill over the summer of 2019 following a  
20 separate investigation.

21 4.8 Superintendent Gary Neal resigned his position as SSD Superintendent and in  
22 July 2019, Defendant Robert Clark was hired to be SSD Superintendent.

23 4.9 Although Plaintiff expressed to SSD administrative staff, including Defendant  
24 Clark, her discomfort being in proximity to Mr. Riccobene, in autumn 2020, Mr. Riccobene  
25 was relocated to the same building Plaintiff worked in and in close proximity.

26 4.10 After four months on the job, Defendant Clark reviewed Plaintiff’s performance  
27 in a novel mid-year evaluation meeting during which he informed Plaintiff that she was doing a

1 great job with truancy but a poor job as the Public Information Officer. The comments were  
2 somewhat surprising as Defendant Clark had not actively supervised Plaintiff. Defendant  
3 Clark's comments contradicted Ms. Maughan's, who had been actively supervising Plaintiff.  
4 Plaintiff inquired about splitting up the two positions she worked because they were essentially  
5 two full-time jobs. This mid-year evaluation was never written up and there is no known  
6 documentation of it.

7 4.11 In or about November 2019, Plaintiff met with Defendant Clark and Ms.  
8 Maughan to discuss her new position as Student Support Specialist with Ms. Maughan as  
9 Plaintiff's official supervisor. At this time, Plaintiff was informed that she would be moved  
10 from her private office to an open desk upstairs. After discussing the new position, Defendant  
11 Clark informed Plaintiff, '[W]hen you resign in September, this job will be reduced and put in  
12 the secretary's union.' Plaintiff later recognized that the job as described would be more work  
13 than one full-time position and shared her concerns with Ms. Maughan. Plaintiff felt  
14 intimidated by Defendant Clark into signing.

15 4.12 On or about January 28, 2020, Plaintiff reported concerns to Defendant Clark  
16 about SSD volunteer Charles Smith, whom Plaintiff felt had violated his CTB and SSD  
17 volunteer agreements by exhibiting inappropriate behavior, disobeying direction, breaching  
18 confidentiality, and making comments of racial and derogatory nature. Defendant Clark denied  
19 Plaintiff's request to remove Smith as an SSD volunteer.

20 4.13 On or about February 3, 2020, Defendant Clark emailed Charles Smith  
21 informing him of some of the allegations against him and outing Plaintiff and Megan Lyke as  
22 the reporters. Plaintiff and Ms. Lyke learned of their outing when Ms. Smith emailed them and  
23 informed them that he knew they had reported him to Defendant Clark, who, in addition to his  
24 role as Superintendent, was acting HR Director at that time.

25 4.14 In February 2020, Defendant Clark went to SSD employee John McAndie's  
26 office early in the morning. John McAndie is the Director of Maintenance and Facilities for  
27 SSD and is Plaintiff's father-in-law. Defendant Clark informed Plaintiff's father-in-law that he

1 needed to substantiate a claim that had been made to him. Defendant Clark informed Mr.  
2 McAndie that it had been reported to him that his daughter-in-law, Plaintiff, had had an affair  
3 with departed Superintendent Gary Neal. Defendant Clark indicated to Mr. McAndie that he  
4 was investigating the matter in his role as acting HR Director for SSD, however no formal  
5 report or investigation was ever initiated. Defendant Clark implied that Plaintiff was cheating  
6 on Mr. McAndie's son, to whom she had recently married. Defendant Clark's actions were  
7 wholly unnecessary, unprofessional, and retaliatory. Defendant Clark's actions caused  
8 significant distress to the entire McAndie family and particularly to Plaintiff when she found  
9 out.

10 4.15 In September 2020, Defendant Clark, although no longer acting HR Director,  
11 perpetuated the false allegation of sexual misconduct by Plaintiff when he discussed the false  
12 allegations with Assistant Superintendent Jennifer Maughan, Plaintiff's supervisor. Defendant  
13 Clark's perpetuating this false allegation among SSD staff has had serious and devastating  
14 impact on Plaintiff's professional and personal life. It has destroyed Plaintiff's sense of  
15 community at SSD, increased her anxiety and stress, caused her to feel unsafe and anxious on  
16 SSD grounds, has harmed her personal relationships with her husband, family members,  
17 friends, professional references and coworkers.

18 4.16 Subsequent to learning of Defendant Clark's accusations, Plaintiff experienced a  
19 significant increase in anxiety, depression, suicidal ideation, interrupted sleep, poor nutrition,  
20 and other negative physical and mental impacts.

21 4.17 On October 9, 2020, Plaintiff filed a formal complaint of sexual harassment in  
22 violation of SSD Policy 5011 against Defendant Clark and any other staff spreading the rumor  
23 in violation of SSD policy.

24 4.18 On October 22, 2020, Defendant Clark was placed on administrative leave by  
25 SSD pending the outcome of Plaintiff's complaint.

26 4.19 On October 26, 2020, Acting Superintendent, Jane Pryne, was hired by SSD.  
27

1           4.20    In or about October 2020, following Plaintiff's formal complaint of sexual  
2 harassment, SSD began an investigation. Plaintiff cooperated with the investigation.

3           4.21    In or about December 2020, Plaintiff was informed that SSD lawyers were in  
4 negotiations with Defendant Clark about a separation agreement. Subsequently, Defendant  
5 Clark was allowed to resign and the SSD investigation into his misconduct was terminated  
6 prior to any conclusion being made about Plaintiff's complaint. Plaintiff believes that  
7 Defendant Clark's separation was negotiated as a dodge to avoid completing an investigation  
8 which would result in Defendant Clark's termination and increased legal exposure for SSD.  
9 SSD's investigation was not performed or completed in compliance to either SSD policy, the  
10 Washington Administrative Code or the Revised Code of Washington.

11           4.22    On or about January 19, 2021, Plaintiff received a letter from SSD titled  
12 'Conclusion of Investigation of your Complaint' dated January 14, 2021. The letter was signed  
13 by SSD Board President Brandino Gibson. The letter failed to acknowledge whether Plaintiff's  
14 claim against Defendant Clark was substantiated, only that the investigation was now closed  
15 and that Dr. Clark had resigned his position as Superintendent.

16           4.23    During the SSD investigation into Plaintiff's reporting of Defendant Clark's  
17 sexual harassment of her, John McAndie was interviewed several times by SSD attorney  
18 Klosterman during which it was implied that Mr. McAndie had started the rumors about  
19 Plaintiff. Klosterman inquired of Mr. McAndie about specific personal information about his  
20 son and Plaintiff and their marriage and inquired whether Plaintiff has a reputation for being  
21 promiscuous. Klosterman's invasive and irrelevant line of questioning constituted additional  
22 punishment of Plaintiff and her family in retaliation for her claim of sexual harassment and for  
23 standing up for a special education student.

24           4.24    After she was interviewed by SSD's lawyers, Megan Lyke informed Plaintiff  
25 that she also felt that very personal questions were being asked about Plaintiff and her  
26 marriage. Ms. Lyke described being asked questions about Plaintiff's 'marital conflict' and  
27 was asked whether Plaintiff had a reputation for being promiscuous. This line of inquiry by

1 SSD's legal representative interviewing third party witnesses constituted additional sexual  
2 harassment of Plaintiff, additional retaliation, and defamation of character which has caused  
3 Plaintiff profound embarrassment, humiliation, fear, anxiety, loss of reputation and loss of  
4 employability among other harms caused by SSD's reckless, unprofessional and disparaging  
5 'investigation' into Plaintiff's report of sexual harassment.

6 4.25 On February 23, 2021, Plaintiff had a virtual meeting with interim  
7 superintendent Jane Pryne during which Plaintiff inquired as to why the investigation was  
8 terminated prior to completion and whether the matter would be referred to the Office of  
9 Professional Practice to initiate their own investigation. Dr. Pryne indicated that SSD lawyers  
10 told her that Plaintiff's claim of sexual harassment was not significant enough to require OPP  
11 be notified.

12 4.26 On December 22, 2020, Plaintiff filed a charge of discrimination with the EEOC  
13 against SSD.

14 4.27 On January 19, 2021, the SSD School Board unanimously approved Defendant  
15 Clark's separation from employment and concluded that "As Dr. Clark is resigning his  
16 employment, the District agrees a written report of the investigator is no longer needed." By  
17 deciding not to complete the investigative process, SSD effectively swept the matter under the  
18 rug in violation of their own policy 5011.

19 4.28 On or about February 1, 2021, Plaintiff was contacted by SSD Public Records  
20 Specialist Ashley Slezak and informed that files related to her complaint were scheduled to be  
21 released to the newspaper on February 10, 2021. However, SSD's attorney released the same  
22 documents in response to a public records request to an SSD staff member without proper  
23 redactions. The staff member immediately contacted John McAndie via social media and  
24 contacted Plaintiff's attorney as well as mailed a letter to John McAndie's home. This failure  
25 to adequately redact Plaintiff's personal information was additional retaliation by SSD against  
26 Plaintiff.



1 constitutes sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42  
2 U.S.C. section 2000e.

3 5.3 As a result of Defendants' unlawful acts, Plaintiff has been deprived of her  
4 rights and privileges under the law and has suffered and continues to suffer damages in an  
5 amount to be determined at trial.

## 6 VI. SECOND CLAIM FOR RELIEF

### 7 Retaliation – Title VII

8 6.1 Plaintiff realleges the preceding paragraphs as though fully set forth herein.

9 6.2 Defendant Sequim School District's actions constitute retaliation against  
10 Plaintiff for having engaged in protected activities including reporting Riccobene's  
11 discrimination of a special education student and for reporting Defendant Clark for sexual  
12 harassment and opposing a hostile work environment on the basis of her gender in violation of  
13 Title VII, 42 U.S.C. section 2000e.

## 14 VII. THIRD CLAIM FOR RELIEF

### 15 Defamation

16 7.1 Plaintiff reincorporates the preceding paragraphs as though fully set forth herein.

17 7.2 Defendant Robert Clark has disparaged Plaintiff's professional and personal  
18 reputation recklessly with statements which he knew or should have known were false and  
19 were likely to harm, and did harm, Plaintiff's reputation. Defendant Clark willfully did his best  
20 to destroy Plaintiff's personal and professional reputation, her marriage, and her relationship  
21 with her entire family with the scurrilous rumors he decided to 'investigate' on behalf of SSD.

22 7.4 Plaintiff has suffered permanent significant harm as a result, including the likely  
23 permanent loss of professional opportunity at the outset of her career, and she is entitled to an  
24 award of damages in an amount to be determined at trial.

## 25 VIII. JURY DEMAND

26 Plaintiff demands that this matter be tried before a jury.  
27

**IX. PRAYER FOR RELIEF**

For the foregoing reasons, Plaintiff prays for relief as follows:

A. For judgment against Defendants, jointly and severally, and an award of damages for mental anguish and emotional distress and for special damages in an amount to be proven at trial for violation of Title VII; and Defamation;

B. Awarding attorneys' fees and costs pursuant to applicable U.S. law under Title VII;

C. Awarding prejudgment interest on back-pay and accrued interest on the judgment;

D. Awarding such other and further relief as the court deems just and equitable.

DATED this 29<sup>th</sup> day of March, 2021.

GALLAGHER LAW OFFICE PS

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