

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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KELLI SAWYERS  
39 Willowbrook Village  
Duncansville, PA 16635

Plaintiff,

v.

BLAIR COUNTY DEPARTMENT OF  
EMERGENCY SERVICES  
615 Fourth Street  
Altoona, PA 16602

Defendant.

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Civil Action

No. \_\_\_\_\_

obtained and posted by:

[www.911Dispatch.com](http://www.911Dispatch.com)

**CIVIL ACTION COMPLAINT**

AND NOW comes Plaintiff, Kelli Sawyers, by and through her undersigned counsel, and files this Civil Action Complaint, averring as follows:

**I. Introduction**

1. Plaintiff initiates this action against Defendant, her former employer, for unlawful sexual harassment and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended, and other applicable federal and state law.

**II. The Parties**

2. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

3. Plaintiff is Kelli Sawyers, an adult individual currently residing at the above address.

4. Defendant is Blair County Department of Emergency Services, a County within the Commonwealth of Pennsylvania with a place of business at the above address.

5. At all times relevant herein, Defendant acted by and through its agents, servants, and employees, each of whom, at all times relevant herein, acted within the scope of his or her job duties.

6. Defendant is an “employer” within the meaning of Title VII of the Civil Rights Act because it is engaged in an industry affecting interstate commerce and because it maintained or maintains fifteen (15) or more employees for each working day in each of twenty (20) or more weeks in the current or preceding calendar year.

### **III. Jurisdiction and Venue**

6. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

7. The Court may properly maintain personal jurisdiction over Defendant because Defendant’s contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

8. The Court may exercise original subject-matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of civil rights.

9. Venue is properly laid in the Western District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because Defendant is located in and conducts business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district (Plaintiff was employed in the Western District of Pennsylvania at the time of the unlawful actions set forth herein).

**IV. Procedural and Administrative Remedies**

10. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

11. Plaintiff has satisfied the procedural and administrative requirements for proceeding under Title VII of the Civil Rights Act as follows:

- a. On or about January 11, 2008, Plaintiff filed a timely charge of discrimination against Defendant with the Philadelphia office of the Equal Employment Opportunity Commission alleging sexual harassment, gender discrimination, and retaliation;
- b. The Equal Employment Opportunity Commission issued a Notice of Right to Sue on the foregoing charges on or about November 2, 2009;
- c. The instant action is timely because it is initiated within ninety (90) days of the receipt of the aforementioned Notice;
- d. Plaintiff also cross-filed the aforementioned charge of discrimination with the Pennsylvania Human Relations Commissions, and will seek leave to amend this Complaint to include a claim under the Pennsylvania Human Relations Act when the applicable period for investigation has expired.

12. Plaintiff has exhausted her administrative remedies as to the allegations of this Complaint.

**V. Factual Background**

13. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

14. Plaintiff began working for Defendant on August 14, 2006.

15. While in training, Plaintiff had to pass by the communications room which is encased in bulletproof glass.

16. Plaintiff always waved and smiled and said good morning to the dispatchers and to the supervisor who was usually Ron Givler, the Chief of Police for Greenfield Township.

17. Plaintiff learned that after she passed by the dispatchers, not including Mr. Givler, the dispatchers said horrible, foul, and nasty things about Plaintiff and other trainees.

18. Victoria Frye, a colleague of Plaintiff, walks with a cane because she suffered a knee injury and Ms. Frye was called a “fat fuck with a cane” by Joe Claar on the night shift.

19. Sue Ammerman, Tammy Biddle, and Sue Walter immediately stated that Plaintiff and the other trainees were morons.

20. Ms. Ammerman, Ms. Biddle, and Ms. Walter called Plaintiff and the other trainees names and gossiped about them and, despite being told to knock it off, they continued to be rude and ignorant.

21. Ms. Ammerman once told Mr. Givler “we don’t need new people in here taking our hours, we want our time off but we don’t want anyone taking our hours so shut the fuck up fat boy and mind your own business.”

22. In September of 2006, Plaintiff was told by Mr. Givler to sit with Ms. Ammerman at the EMS console and listen in for calls for help.

23. Ms. Biddle was the primary 9-1-1 call taker and yelled when she answered the calls.

24. After Ms. Biddle was done taking a call, she got on the non-emergency phone lines and called her mother, clearly breaching privileged and confidential information.

25. Ms. Biddle told her mother where the police and ambulance were going, gave her mother people’s names and addresses, and told her mother why the units were going.

26. Plaintiff made a complaint to Ms. Ammerman regarding this and she looked at Plaintiff and said “now you listen here, we do what we want to do in here and no new person from that fucking training class is going to tell us any different, don’t think you are going to come in here and make a difference or change things because it will never happen, we will make your life a living hell and you won’t last here long.”

27. Ms. Ammerman took a 9-1-1 call while Plaintiff was present and she was rude, and ignorant, screaming and yelling at the caller.

28. After Ms. Ammerman hung up, she commented “what a fucking asshole that woman was, she can kiss my ass.”

29. After Plaintiff left the communication room, Ms. Ammerman stated “I don’t like that fucking bitch, she is a bitch, she thinks she is gonna come in here and be all nice to these callers, providers, etc. and she will learn real quick she isn’t going to change a thing in here, we do as we please and she won’t last long thinking she is going to change things and straighten this place out.”

30. Ms. Ammerman also stated that since Plaintiff was fat, she had 9-1-1 sweatshirts that Plaintiff could have because they didn’t fit her skinny body.

31. The next day, Plaintiff was told by the supervisor in charge, Timothy Gearhart, to sit with RJ Peo at the County Police console.

32. Mr. Gearhart yelled and screamed in the communication room, called the firemen “wackers”, “assholes”, and “mother fucking morons” and refused to send units to calls for service because he felt they were not needed.

33. Mr. Gearhart hung up on 9-1-1 callers and providers and he called providers foul, ignorant, and vulgar names and threw things across the room at people.

34. Mr. Gearhart fought with Mr. Givler, called him a “fag” and a “buttfucker” and threatened to kick his ass.

35. Mr. Gearhart damaged a 9-1-1 computer screen by ramming a pen into the screen causing the gel in the screen to bleed.

36. Plaintiff proceeded to the County Police console and sat with RJ Peo.

37. Plaintiff asked RJ Peo why people were disrespectful and unprofessional and RJ informed Plaintiff that there was no respect for one another or for the providers.

38. RJ informed Plaintiff that his father was the County Controller who got him the job and RJ stated he could do whatever he wanted because no one was going to stop him.

39. Many times Plaintiff complained to the training officer about the verbal abuse and harassing language, including the ongoing and constant use of the word “fuck”, “bitch”, “ass” and “cunt”.

40. Plaintiff was referred to as a “fucking bitch” by Deb Shaw who was a second shift worker and who would come in at noon for extra hours.

41. Ms. Ammerman yelled, screamed, and used foul language towards Plaintiff and her co-workers.

42. Ms. Ammerman called Mr. Givler foul names like a “fag” and a “buttfucker” not only to his face but behind his back.

43. Ms. Ammerman consistently talked about sex and sexual positions and how many times she had had an orgasm the night before and the morning before she came to work.

44. Ms. Ammerman brought sexually explicit movies into the communications room and put them in the VCR and/or the DVD player and stated “well I’m watching it, so fuck you if you don’t want to watch it, plug your ears and don’t look.”

45. While the movies were playing, Ms. Ammerman sat there making lude, crude, ignorant, and foul comments.

46. Ms. Ammerman laughed out loud and when anyone complained, like Plaintiff did, she said “fuck you, I do as I please so fuck off, if you don’t like it quit, asshole.”

47. Ms. Ammerman also made fun of anyone who wouldn’t tell her about their sex life or watch sex movies with her.

48. Ms. Ammerman particularly made fun of Ms. Biddle because Ms. Biddle stated that she had never watched porn in her life and had no desire to do so and Ms. Ammerman told Ms. Biddle that “she bet her sex life was really dull and boring then”.

49. When Sue Walter was told by Mr. Givler about taking half hour breaks and running to the front office to gossip with Linda Aveni, Ms. Walter told Ron Givler “fuck you, I do as I please and take as long as I want to, what are they going to do about it?”

50. On the second shift, Colleen Ritter was miserable, hateful, rude, and ignorant and she used extremely foul and vulgar language.

51. One night, Ms. Ritter was at the Altoona Police console while Plaintiff was at the County Police console and an Officer asked Ms. Ritter to run a 10-28 for him.

52. Ms. Ritter was watching a movie on TV and threw a fit stating “this mother fucking cock sucking officer is interrupting my movie”.

53. Ms. Ritter gave the Officer the information over the air and afterwards stated “there’s your fucking 10-28 you mother fucking cock sucker, I hope your mother fucking head gets blown off tonight.”

54. When the supervisor, Marge Gutshall, heard what Ms. Ritter had just said she stated “he is a cocksucker, I hate him too”.

55. Ms. Ritter has used the word “fucking bitch” referring to Plaintiff, she has threatened to hit Plaintiff, she has screamed, yelled, and physically threatened Plaintiff and others.

56. Deb Shaw has also been verbally harassing, calling Plaintiff a “fucking bitch”, screaming at Plaintiff, taking over Plaintiff’s calls and airwaves and CFS’s.

57. Jolene Scott referred to Plaintiff as a “fucking bitch” and “a fucking bitch who she could not stand.”

58. Emily States has yelled and screamed at callers, hung up after calls and used extremely foul language calling the providers “dickheads”, “assholes”, “sons of bitches”, and “cock suckers”.

59. Kristi Easton who also works on third shift, is extremely vulgar and rude and has told Plaintiff to “get the fuck away from me” when Plaintiff asked her to hand her the Cole’s book.

60. Plaintiff had to ask Ms. Easton four times for the Cole’s book and the fourth time Plaintiff asked for the Cole’s book, Ms. Easton threw the book at Plaintiff because she was mad Plaintiff interrupted her texting on her cell phone, despite cell phones being prohibited in the 9-1-1 communication room.

61. Marge Gutshall wrote Plaintiff up over an altered CFS that Ms. Eaton altered and gave to Ms. Gutshall.

62. Ms. Gutshall knew that the CFS was altered and wrote Plaintiff up to try to get her fired.

63. Plaintiff complained to Scott Beveridge, the Director of the 9-1-1 center in October of 2007 telling him that she could no longer tolerate the verbal abuse and harassment, the vulgar name calling, the yelling and the screaming, and the fights.

64. Mr. Beveridge told Plaintiff to come clean, name names and that he would have a meeting.



65. Plaintiff spent three hours in Mr. Beveridge's office with a union representative present.

66. Mr. Beveridge held a meeting and told everyone that the harassment, the name calling, and the cursing would have to stop among the workers and that the 9-1-1 center is wide open for a lawsuit so it all better stop.

67. After the meeting, Mr. Claar, Ms. Walter, Ms. Ammerman, and a few others stated "fuck Scott, that asshole, he has a lot of nerve telling us what to do."

68. Plaintiff could no longer stand the hostile work environment and, as a consequence, she had no choice but to resign on October 17, 2007.

**Count I**  
**Title VII – Sexual Harassment**

69. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

70. The foregoing conduct by Defendant constitutes unlawful sexual harassment, in violation of Title VII of the Civil Rights Act of 1964.

71. As a result of Defendant's unlawful sexual harassment, Plaintiff has suffered damages as set forth herein.

***WHEREFORE***, Plaintiff seeks the damages set forth in the *Ad Damnum* clause of this Complaint, *infra*.

**Count II**  
**Title VII – Retaliation**

72. All of the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference herein as if the same were set forth at length.

73. In complaining to Defendant about sexual harassment, Plaintiff engaged in an activity protected under Title VII.

74. In filing charges of sexual harassment and retaliation with the EEOC, Plaintiff engaged in conduct that is protected under Title VII.

75. The foregoing conduct constitutes unlawful retaliation against Plaintiff for engaging in conduct that is protected under Title VII.

76. As a result of Defendant's unlawful retaliation, Plaintiff has suffered damages as set forth herein.

**WHEREFORE**, Plaintiff seeks the damages set forth in the *Ad Damnum* clause of this Complaint, *infra*.

**Ad Damnum Clause/Prayer for Relief**

**WHEREFORE**, Plaintiff prays that the Court enter judgment in her favor and against Defendant and that it enter an Order as follows:

- a. Defendant is to be permanently enjoined from permitting sexual harassment against Plaintiff;
- b. Defendant is to be prohibited from continuing to maintain its illegal policy, practice, or custom of permitting sexual harassment in the workplace, and is to be ordered to promulgate an effective policy against such discrimination and to adhere thereto;
- c. Defendant is to be permanently enjoined from retaliating against Plaintiff for exercising her rights under federal and/or state law;
- d. Defendant is to be prohibited from continuing to maintain its illegal policy, practice, or custom of retaliating against employees for engaging in protected activity under federal and/or state law, and is to be ordered to promulgate an effective policy against such retaliation and to adhere thereto;

- e. Defendant is to compensate Plaintiff, reimburse Plaintiff, and to make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's unlawful actions, including but not limited to back pay, front pay, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered sexual harassment and/or retaliation at the hands of Defendant until the date of verdict;
- f. Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering, and humiliation caused to her by Defendant's actions;
- g. Plaintiff is to be awarded punitive damages as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious, and outrageous conduct, and to deter Defendant or any other employees from engaging in such misconduct in the future;
- h. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper, and appropriate;
- i. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;
- j. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law;
- k. Plaintiff is to be granted such additional injunctive or other relief as she may request during the pendency of this action in an effort to ensure Defendant

does not engage – or ceases engaging – in illegal retaliation against Plaintiff or other witnesses to this action;

- l. The Court is to maintain jurisdiction of this action after verdict to ensure compliance with its Orders therein; and
- m. Plaintiff's claims against Defendant are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

TIMOTHY M. KOLMAN AND ASSOCIATES

By: /s/ Timothy M. Kolman, Esquire  
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February 2, 2010