

Petitioner/Plaintiff,)	
)	
)	
)	
Vs.)	NO. _____
)	
)	
Respondent/Defendant)	
)	

COMPLAINT

I.

This Court has federal question jurisdiction under 28 U.S.C. Section 1331 and civil rights jurisdiction under 28 U.S.C. Section 1343 for a cause of action arising out of the First and Fourteenth Amendments of the United States Constitution, and under this Court's supplemental jurisdiction.

IV.

Plaintiff was employed by Defendant, _____, until August 13, 1997, when she terminated. The reason given for her termination was that funding was no longer available for her job as an occupancy specialist. This reason was false, since Defendant _____ was making this false claim because she desired to be rid of Plaintiff because of Plaintiff's exercise of her First Amendment rights.

V.

Specifically, in the Spring of 1997, employees of _____ made complaints to an agency of the federal government (HUD) that Defendant _____ was mispending public money and using public money for her personal benefit. Also, in the Spring of 1997, Plaintiff caused to be reported to a representative of the Inspector General to HUD that Defendant _____ was using motor scooters assigned to the Housing Authority for her personal benefit and was using an automobile assigned to the Housing Authority for her personal benefit. Plaintiff also truthfully reported that Defendant _____ was improperly refusing to refund to tenants certain utility payments which were due them and gave herself credit for leave time to which she was not entitled.

VI.

All of the above reports by Plaintiff are protected by the First Amendment of the United States Constitution and by the public policy of the United States and _____.

VII.

The information given to the Inspector General by Plaintiff and others also contains a report that Defendant _____ had arranged for the purchase of an automobile for the use of her boyfriend, _____, an employee of the City of _____.

VIII.

Defendant _____ learned that Plaintiff was involved in making the above charges of misconduct. Defendant _____, therefore, manufactured as a reason for Plaintiff's discharge that there were no funding for her job.

IX.

A job vacancy appeared for Section 8 Coordinator of the Housing Authority in approximately February 1998.

X.

Plaintiff applied for the position and should have been hired, since her qualifications were superior to that of the person hired, _____. Plaintiff was not hired because she previously exercised her First Amendment rights through reports to Housing and Urban Development against Defendant _____. Defendant _____ made the decision in advance of the advertisements to hire _____ for the Section 8 Coordinator position. _____ had never complained about illegal activity by _____.

XI.

During Plaintiff's interview for the Section 8 Coordinator position, Defendant _____ told Plaintiff that she thought loyalty was more important than competence. By this comment, Defendant _____ was referring to the fact that Plaintiff had made complaints about Defendant _____'s illegal actions.

XII.

Plaintiff's rights have been violated by Defendants in the following respects:

1. Plaintiff's First Amendment right to freedom of speech has been violated, since Plaintiff's discharge, and her non-rehiring for Section 8 Coordinator was the result of her exercising her free speech rights by reporting misconduct and illegal conduct by Defendant _____;

2. Plaintiff's discharge and the non-hiring violated the public policy of the state of _____, since Plaintiff was fired and not rehired because of reports about illegal conduct of Defendant _____.

XIII.

The acts of Defendant _____ are outrageous, such that punitive damages are due against her.

XIV.

Plaintiff has suffered lost income, mental anxiety and stress as a result of her discharge and non-rehiring.

PRAYER

Plaintiff prays for actual and punitive damages and for reasonable attorney's fees.

Respectfully submitted,
