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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 Karen Jackson,

11 Plaintiff,

12 vs.

13 Lake Mohave Ranchos Fire District,
Phyllis Aitken, Douglas Braaten, Susan
14 De Lara, and Timothy Bonnee,

15 Defendants.
16
17

No.

COMPLAINT

(Jury Trial Demanded)

18 Plaintiff Karen Jackson (“Jackson”) alleges the following:

19 1. This case involves claims of retaliation pursuant to the First Amendment to
20 the United States Constitution and 42 U.S.C. § 1983 and discrimination pursuant to the
21 Americans with Disabilities Act of 1990 (the “ADA”), 42 U.S.C. § 12101 *et seq.*

22 **Jurisdiction and Venue**

23 2. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and
24 1343(a).

25 3. Venue is proper in the District of Arizona pursuant to 28 U.S.C. § 1391.

26 **The Parties**

27 4. Jackson is an adult female who at all relevant times resided in Kingman,
28 Mohave County, Arizona.

1 5. Defendant Lake Mohave Ranchos Fire District (the “District”) is a statutory
2 fire district located in and doing business in Mohave County, Arizona. The District may
3 sue or be sued in its own name and is considered a person for purposes of 42 U.S.C. § 1983.

4 6. Defendant Phyllis Aitken (“Aitken”) is an adult female who at relevant times
5 resided in Mohave County, Arizona. At relevant times, Aitken was a District Board
6 member. Aitken is named as a defendant in this action in her official and individual
7 capacities and on behalf of her marital community.

8 7. Defendant Douglas Braaten (“Braaten”) is an adult male who at relevant
9 times resided in Mohave County, Arizona. At relevant times, Braaten was a District Board
10 member. Braaten is named as a defendant in this action in his official and individual
11 capacities and on behalf of his marital community.

12 8. Defendant Susan De Lara (“De Lara”) is an adult female who at relevant
13 times resided in Mohave County, Arizona. At relevant times, De Lara was the District’s
14 Board Chair. De Lara is named as a defendant in this action in her official and individual
15 capacities and on behalf of her marital community.

16 9. Defendant Timothy Bonnee (“Bonnee”) is an adult male who at relevant
17 times resided in Mohave County, Arizona. At relevant times, Bonnee was the District Fire
18 Chief. Bonnee is named as a defendant in this action in his official and individual
19 capacities and on behalf of his marital community.

20 **The District, Jackson’s Employment, and Bonnee’s Ascension to Chief**

21 10. The District provides fire prevention and emergency services for Dolan
22 Springs, Arizona and Meadview, Arizona residents and visitors in an area that spans
23 approximately two thousand square miles.

24 11. The District is governed by the Lake Mohave Ranchos Fire District Board
25 (the “Board”).

26 12. At relevant times, the Board was responsible for hiring and overseeing the
27 District’s Fire Chief.

28 13. At relevant times, the Fire Chief was responsible for, among other things, the

1 hiring of District personnel and the equipping, training, overseeing, and evaluation of the
2 work of District personnel, fire fighters, emergency medical personnel and volunteers.

3 14. Jackson began her employment as the Administrative Assistant for the
4 District in November of 2016.

5 15. Jackson suffers from several disabling conditions including Post-Traumatic
6 Stress Disorder, severe anxiety disorder and depression.

7 16. Jackson's PTSD can manifest itself in, among other things, heightened
8 reactions, irritability, severe anxiety, mistrust, hypervigilance, nightmares, flashbacks,
9 lack of concentration, and generalized fear.

10 17. Jackson's depression can result in long-lasting sadness or irritability, extreme
11 highs and lows in mood, hopelessness, severe social withdrawal and suicidal thoughts.

12 18. Jackson's severe anxiety can result in, among other things, insomnia,
13 palpitations, racing or unwanted thoughts and major digestive issues.

14 19. The combination of Jackson's impairments substantially affect her ability to,
15 among other things, think, sleep, concentrated and interact with others.

16 20. In or about October of 2017, Jackson made an ADA request for
17 accommodation to then Fire Chief Tony DeMaio.

18 21. After an interactive process, DeMaio, with the Board's knowledge,
19 ultimately agreed to allow Jackson to perform her duties from home.

20 22. As a result of the accommodation, Jackson was able to continue to perform
21 the essential functions of her job.

22 23. DeMaio retired in or about May of 2019.

23 24. In June of 2019, Bonnee, who had worked for the District as a paid-on-call
24 firefighter/paramedic, became the interim fire chief.

25 **Jackson Raises Several Matters of Public Concern,**

26 **Aitken Threatens Jackson, and Bonnee is Terminated**

27 25. After Bonnee became the fire chief, Jackson continued to perform her duties
28 from home, with the exception that she attended the monthly Board meetings in person.

1 26. A few months after Bonnee became fire chief, Jackson began to have
2 concerns that Bonnee exhibited minimal interest in understanding the District's finances
3 or adhering to the requirements of his contract.

4 27. For instance, Bonnee's contract required him to obtain Board approval before
5 exceeding staffing levels.

6 28. Bonnee, however, decided to add staff to the Meadview location without
7 Board approval, which negatively impacted the District's financial position.

8 29. Additionally, the personnel Bonnee hired for the Meadview location were
9 not dual certified, but they were paid the same wage as dual certified employees.

10 30. Bonnee also neglected to maintain the District's financial records and other
11 records.

12 31. In October of 2019, Jackson discussed with then Board chair Debora Cass
13 her concerns about Bonnee's actions, misrepresentations and omissions.

14 32. At the November 2019 Board meeting, the Board, with Bonnee's consent,
15 changed Jackson's job title to Administrative Manager and gave her a raise.

16 33. In December of 2019, Jackson learned that Bonnee had continued to spend
17 District funds without going through a verification process required by the Board, and the
18 fact that Bonnee had been dishonest to the Board with regard to several matters of public
19 concern in executive session, and she reported these matters to Cass.

20 34. In December of 2019, Jackson also discussed these matters with former
21 Board member Larry Tennant.

22 35. In or about February of 2020, the Board began to inquire into several of
23 Bonnee's actions; and later discovered that Bonnee had lied about, among other things,
24 attending a leadership class for which he sought reimbursement; as well as his failure to
25 attend several Mohave County Fire Officers Association Meetings.

26 36. The Board also determined that Bonnee had attempted to create discord
27 between Board members, employees and volunteers; and had made what were perceived
28 as threats toward Board members.

1 37. In or about March of 2020, during a phone call between Jackson and Aitken,
2 who was then a volunteer Fire District receptionist, Aitken, who was a strong supporter of
3 Bonnee's, said to Jackson that she believed Jackson was making negative reports to Cass
4 about Bonnee.

5 38. In or about April 2020, Bonnee was placed on administrative leave and
6 Stephen Winn became the acting chief.

7 39. On May 8, 2020, a special Board meeting was held primarily for the purpose
8 of discussing of Bonnee's performance and employment.

9 40. Prior to the meeting, Aitken demanded that Jackson advocate on Bonnee's
10 behalf, and that Jackson request that Bonnee not be fired.

11 41. Aitken also stated to Jackson that "Karma" would come for those who
12 "wronged" Bonnee, and that they would "pay."

13 42. At the May 8, 2020 meeting, Bonnee's employment was terminated for
14 cause.

15 **Defendants Retaliate Against Jackson**

16 43. On or about May 29, 2020, Winn became the permanent chief.

17 44. Winn and Jackson worked well together, and Jackson continued to work
18 from home.

19 45. After Bonnee's termination, however, Bonnee, Aitken, and two former
20 Board members, Charlotte Kiffer and Ellen Reh-Bower, who had on numerous occasions
21 expressed anger about the fact that Jackson was allowed to work from home, began a
22 campaign to tarnish Jackson's reputation.

23 46. Among other things, Bonnee and DeLara made false and defamatory
24 statements about Jackson at public meetings and Bonnee and Aitken made false and
25 defamatory statements regarding Jackson to the Mohave County Sheriff's Department.

26 47. For instance, DeLara and Bonnee publicly and falsely claimed that Jackson
27 had failed to perform significant work duties, such as setting up retirement and insurance
28 accounts for Bonnee.

1 48. Bonnie and Aitken also suggested that Jackson had stolen time and money
2 from the District, had conflicts of interest with respect to the District and her husband's
3 workplace and had tampered with a District computer.

4 49. The group's actions were so extreme and disturbing that at the September 25,
5 2020 Board meeting, the Board majority voted to direct its legal counsel to pursue an
6 injunction against harassment on Jackson's behalf.

7 50. De Lara, who had been appointed to the Board in August, 2020, and who is
8 a close friend of Bonnee, Aitken, Kiffer and Reh-Bower, voted against it.

9 51. Aitken subsequently ran for a Board position and on November 3, 2020, and
10 she, and her close friend Braaten were elected to the Board. Their terms began on
11 December 1, 2020.

12 52. On December 7, 2020, a special Board meeting was held, and without having
13 placed the matter on the agenda, the Board majority, Aitken, De Lara and Braaten, voted
14 to eliminate Jackson's position, and create a customer service clerk position, with similar
15 duties.

16 53. Aitken, De Lara and Braaten further decided that those duties had to be
17 performed at the District office.

18 54. Aitken, De Lara and Braaten further directed Winn to obtain from Jackson
19 within forty-eight hours, any materials, documents, and office equipment that Jackson had
20 in her possession.

21 55. On or about December 9, 2020, Jackson emailed Winn stating that she
22 understood the Board's actions to mean that her employment was terminated. Winn
23 confirmed that Jackson's understanding was correct.

24 56. Subsequently, the De Lara has refused to allow Winn to pay Jackson her
25 vacation pay and paid time off as required by the District's personnel policy.

26 57. At the December 29, 2020 Board meeting, Aitken, De Lara and Braaten
27 terminated Winn's employment and reinstated Bonnee to the Fire Chief position.

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1 58. Also at the December 29, 2020 Board meeting, Aitken, De Lara and Braaten
2 falsely accused Jackson of withholding the login and passwords for the District website
3 and email, and Aitken publicly threatened to report Jackson to the FBI and the Department
4 of Homeland Security.

5 59. At the January 21, 2021 Board meeting, Bonnee made false accusations
6 against Jackson, including that Jackson had failed to pay more than \$7000 worth of
7 Verizon bills.

8 60. Bonnee has since made several additional false and defamatory allegations
9 against Jackson, such as that Jackson deleted District information from reporting software
10 called ImageTrends and that Jackson is a child abuser.

11 61. As a result of Defendants' actions, Jackson has suffered lost wages and
12 benefits, public humiliation, loss of reputation, and severe emotional distress.

13 **Count One**

14 **(Retaliation for Exercising First Amendment Rights**

15 **Pursuant to 42 U.S.C. § 1983)**

16 62. Jackson incorporates and realleges each paragraph set forth above as though
17 fully set forth herein.

18 63. In raising issues about Bonnee's failures to adhere to Board requirements,
19 squandering of District monies, failures to properly maintain records, and dishonesty with
20 respect to his background, Jackson spoke on matters of public concern, and was protected
21 by the First Amendment to the United States Constitution.

22 64. In speaking on matters of public concern, Jackson spoke as a citizen and not
23 a part of her duties as an employee of the District.

24 65. Jackson's speech was a substantial or motivating factor in Defendants'
25 retaliatory actions.

26 66. Defendants would not have terminated Jackson's employment, sullied her
27 reputation, and otherwise retaliated against Jackson absent Jackson's protected speech.

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1 67. Defendants' retaliatory acts against Jackson were in violation of clearly
2 established law regarding the right to speak as a citizen upon matters of public concern
3 under the First Amendment to the United States Constitution and were done with malice
4 or reckless indifference to Jackson's constitutional rights.

5 **Count Two**

6 **(Disability Discrimination in Violation of the ADA against the District)**

7 68. Jackson incorporates and realleges each paragraph set forth above as though
8 fully set forth herein.

9 69. Jackson was a qualified individual with a disability who, with
10 accommodations, could perform the essential functions of her job.

11 70. The District knew of Jackson's disabilities.

12 71. The District eliminated Jackson's position and created a similar position for
13 which it specifically required that the duties were to be performed in the office.

14 72. At least a motivating factor in the decision to eliminate Jackson's position
15 and to require the duties of the new position to be performed in the office was to eliminate
16 the need to accommodate Jackson's disability in violation of the ADA.

17 WHEREFORE, Plaintiff Karen Jackson prays for judgment against Defendants
18 Lake Mohave Ranchos Fire District, Phyllis Aitken, Douglas Braaten, Susan De Lara and
19 Tim Bonnee, as follows:

20 A. For an award of economic damages in an amount sufficient to make Jackson
21 whole for past and future lost income and benefits and other economic losses
22 incurred by Jackson resulting from the Defendants' conduct;

23 B. For an award of compensatory damages for mental anguish, emotional
24 distress, humiliation, harm to reputation and other losses incurred by Jackson
25 as a result of the Defendants' conduct;

26 C. For punitive damages against the individual defendants;

27 D. For an award of prejudgment and post-judgment interest;

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E. For an award of Plaintiff’s attorneys’ fees and costs of suit incurred herein pursuant to 42 U.S.C. § 1988(b); and

F. For an award of such other relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this 15th day of July 2021.

YEN PILCH ROBAINA & KRESIN PLC

By /s/ Edmundo P. Robaina
Edmundo P. Robaina
Michael Pang
Attorneys for Plaintiff Karen Jackson

DEMAND FOR JURY TRIAL

Plaintiff Karen Jackson hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this 15th day of July 2021.

YEN PILCH ROBAINA & KRESIN PLC

By /s/ Edmundo P. Robaina
Edmundo P. Robaina
Michael Pang
Attorneys for Plaintiff Karen Jackson

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): **Karen Jackson** Defendant(s): **Lake Mohave Ranchos Fire District ;
Phyllis Aitken ; Douglas Braaten ;
Susan De Lara ; Timothy Bonnee**

County of Residence: Mohave

County of Residence: Mohave

County Where Claim For Relief Arose: Mohave

Plaintiff's Atty(s):

Defendant's Atty(s):

**Edmundo P. Robaina
Yen Pilch Robaina & Kresin PLC
6017 North 15th Street
Phoenix, Arizona 85014
(602) 682-6450**

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff:- N/A
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **440 Other Civil Rights**

VI. Cause of Action: **First Amendment to the United States Constitution; 42 U.S.C. § 1983 and
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.**

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **Yes**

VIII. This case is not related to another case.

Signature: /s/ Edmundo P. Robaina

Date: 07/15/21

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014