

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: _____

JESSICA HILL, an individual,

Plaintiff,

v.

THE CITY OF FLORENCE, a municipal corporation; and
MICHAEL PATTERSON, an individual,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Jessica Hill (“Ms. Hill” or “Plaintiff”), by and through counsel, Leventhal Lewis Kuhn Taylor Swan PC, submits her Complaint and Jury Demand (“Complaint”) against The City of Florence and Michael Patterson as follows:

PARTIES

1. Ms. Hill is an individual who is domiciled in the State of Colorado.
2. Defendant City of Florence (the “City”) is a statutory city within the State of Colorado.
3. Defendant Michael Patterson (“Mr. Patterson”) is an individual who is domiciled in the State of Colorado.
4. The City and Mr. Patterson are referred to collectively as “the Defendants.”

JURISDICTION AND VENUE

5. This Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action is brought, in part, under Title VII of the Civil Rights Act of 1964 (“Title VII”).

6. This Court has supplemental jurisdiction over Ms. Hill’s state law claims pursuant to 28 U.S.C. § 1367 because they are so related to the Title VII claims that they form part of the same case or controversy.

7. This Court has personal jurisdiction over the City because, among other things, the action arises out of events that occurred in the State of Colorado.

8. This Court has personal jurisdiction over Mr. Patterson because, among other things, the action arises out of events that occurred in the State of Colorado.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the unlawful conduct complained of herein arose and occurred in the District of Colorado.

10. Plaintiff exhausted her administrative remedies by timely filing a Complaint of Discrimination with the Colorado Civil Rights Division (“CCRD”) (and by extension the Equal Employment Opportunity Commission) and filing this action with 90 days of receipt of a right to sue. A copy of the Notice of Early Right to Sue is attached hereto as **Exhibit 1**.

GENERAL ALLEGATIONS

11. On or about January 28, 2018, Ms. Hill began working for the City. Ms. Hill’s most recent job title was, and continues to be, the Florence City Clerk.

12. Since late 2011, Mr. Patterson was employed as the Florence City Manager.

13. From the beginning of Ms. Hill’s employment up to and until Mr. Patterson was finally terminated on or about August 31, 2021, Ms. Hill reported directly to Mr. Patterson.

Mr. Patterson has a history of inappropriate behavior predating his employment by the City.

14. Mr. Patterson previously worked as the City Manager of the City of Redmond, Oregon.

15. During his employment by the City of Redmond, Oregon, Mr. Patterson was charged with one count of felony fourth-degree assault and one count of misdemeanor fourth-degree assault against a woman with whom he was in a romantic relationship. *See* https://www.oregonlive.com/news/2008/12/former_redmond_city_manager_se.html.

The City knew of Mr. Patterson's misconduct and hired him nonetheless.

16. In or around 2011, prior to hiring Mr. Patterson, the City performed a background check that contained information about Mr. Patterson's misconduct. The City knew about Mr. Patterson's history of misconduct before the City hired him.

17. Evidence of Mr. Patterson's behavior and related complaints and charges are and were readily available with a simple internet search. *See Kevin S. Curtis v. City of Redmond and Michael Patterson*; Case No. CV-01525-TC (D. Ore.).

The City was aware of serious allegations against Mr. Patterson but allowed him to maintain his employment.

18. In recent statements, the City attempts to assert that Mr. Patterson's conduct took City government by surprise. *See* <https://theflorencecitizen.com/2022/01/21/city-council-releases-new-statement-regarding-former-city-manager/>. This is false.

19. In or around late 2019, Tammy Kibler ("Ms. Kibler"), another employee of the City, was sexually harassed by Mr. Patterson and then-Police Chief Mike DeLaurentis ("Mr. DeLaurentis").

20. Ms. Kibler brought this harassment to the attention of the City. Ms. Kibler was

terminated in retaliation for reporting this sexual harassment.

21. In or around November 13, 2019, the City settled the claim brought by Ms. Kibler. *See id.*

22. Ms. Kibler was far from the only woman to be sexually harassed by Mr. Patterson. On information and belief, prior claims had been made against Mr. Patterson prior to 2019 of which the City was aware.

23. Even after the City was made aware of Mr. Patterson's practice of abusing women, the City did not implement any supervisory protocol over him in an attempt to prevent his predatory behavior. The City allowed Mr. Patterson's abusive behavior to continue.

24. Mr. Patterson did not experience any tangible adverse employment action after his abuse was brought to light. In fact, he was promoted, given pay raises, and hidden perks.

25. Matthew Krob ("Mr. Krob") is the Florence City Attorney. He has held this position for a number of years, including during the pendency of Ms. Kibler's complaint.

26. Mr. Krob failed to adequately address, much less prevent, future abuse after Ms. Kibler's and others' complaints.

27. Mr. Krob's loyalty was to Mr. Patterson. As a further violation of his duty to the City, Mr. Krob secretly fed Mr. Patterson information about and reports made against Mr. Patterson. Perhaps this is unsurprising as Mr. Krob and Mr. Patterson often socialized outside of work.

28. Since Mr. Krob was aware that Mr. Patterson was the primary decisionmaker on whether Mr. Krob kept his contract, Mr. Krob's primary focus was protecting Mr. Patterson.

29. Mr. Krob is not alone. The City enabled Mr. Patterson's system of abuse. Mr.

Patterson's abuse occurred during working hours at City Hall. In fact, at Mr. Patterson's request, the City paid for and installed blinds in his office so as to allow him to engage in predatory behavior in his office.

30. As Mr. Patterson was a supervisor in City government (in fact, as City Manager, he was the highest-ranking non-elected supervisor), the City is strictly liable for Mr. Patterson's abuse.

31. The City did not take reasonable care to prevent and correct promptly any of Mr. Patterson's behavior.

32. The City failed to provide corrective opportunities or take reasonable steps to prevent further illegal conduct on the part of Mr. Patterson.

33. During his employment, Mr. Patterson had a pattern and practice of sexually abusing and harassing female employees. Ms. Hill is just one of many victims of Mr. Patterson's harassment and the City's knowing failure to respond.

Ms. Hill was sexually harassed by Mr. Patterson.

34. During Ms. Hill's employment with the City, Mr. Patterson sexually harassed her via text messages and verbal comments.

35. The text messages ran the gamut from fantasizing about Ms. Hill's attractiveness to explicitly asking her to have sex with him.

36. As just one example, Mr. Patterson sent Ms. Hill a text message saying "You are so hot and yet so cute. The hair, face, breasts...and how hardworking and focused you are."

37. Mr. Patterson asked Ms. Hill to have a threesome with him and his fiancé, Linda. He stated: "Linda has never been with a woman but loves to fantasize about having threesomes

with women and you have long been one of her favorite fantasies.”

38. Despite Ms. Hill’s insistence that she did not want to have a relationship with him, Mr. Patterson would send messages saying, for example, “Damn you’re hot! I know that we have to be careful at work but I have full intention to kiss you tomorrow.”

39. Ms. Hill explicitly told Mr. Patterson to stop this behavior. He refused.

40. To make matters worse, in August 2021, Mr. Patterson sexually assaulted Ms. Hill. Mr. Patterson took Ms. Hill into his office, shut the door, closed the blinds (that the City had purchased at its expense at Mr. Patterson’s request), pushed Ms. Hill against the door, and forced his hand down her pants onto her vagina.

41. After Ms. Hill again refused Mr. Patterson’s advances, Mr. Patterson retaliated against her by making false claims, including grotesque claims that Ms. Hill was being sexually inappropriate. It is disturbingly ironic that Mr. Patterson accused Ms. Hill of sexually inappropriate behavior.

42. Ms. Hill engaged in a protected activity when she reported Mr. Patterson’s inappropriate behavior.

43. City officials who worked alongside Ms. Hill and Mr. Patterson knew of the abuse for months. They did nothing.

44. Sean Garrett (“Mr. Garrett”), the former planning director and current interim city manager, knew of the abuse Ms. Hill was experiencing. Mr. Garrett knew of the abuse for several months. He did nothing to help Ms. Hill. Shockingly, Mr. Garrett is now the prime candidate to replace Mr. Patterson as the permanent city manager.

45. Since Ms. Hill’s claims have been made, Mr. Garrett has repeatedly exclaimed that

Mr. Patterson's victims of sexual harassment and sexual assault need to "move on" and "get over it."

46. Lori Cobler ("Ms. Cobler"), the budget director and human resources director, also knew of the abuse Ms. Hill was experiencing from Mr. Patterson. Ms. Cobler knew of the abuse for several months. She failed to help Ms. Hill and failed to come forward.

47. Shane Prickett, the current Florence Police Chief ("Chief Prickett") has known for years of Mr. Patterson's predatory behavior. In fact, Mr. Patterson targeted Mr. Prickett's wife. Evidence of this and other abuse is kept on cell phones used for city business.

48. Despite actual knowledge of the abuse, Chief Prickett did nothing. He was more interested in rising through the ranks to become police chief than protecting women, including his own wife.

49. On November 3, 2021, Mr. Patterson was charged with four criminal offenses: two counts of stalking – emotional distress (Colo. Rev. Stat. § 18-3-602(1)(c)), sexual contact – no consent (Colo. Rev. Stat. § 18-3-404(1)(a)), and providing alcohol to minors (Colo. Rev. Stat. § 44-3-901(1)(b)). Some of these criminal offenses are felonies.

In or around September 2021, Ms. Hill retained counsel to represent her in her claims against Defendants.

50. Ms. Hill hoped to remedy this situation and continue her employment with the City. When counsel was first retained, they were in communication with Mr. Krob.

51. Counsel sent Mr. Krob a letter on September 8, 2021 wherein Counsel outlined the harassment and assault Ms. Hill had suffered at the hands of Mr. Patterson. Mr. Krob was initially responsive.

52. Mr. Krob then abruptly ceased all communication with counsel.

53. Despite counsel's repeated attempts to contact him and resolve this matter, Mr. Krob failed to address the City's significant liability. He let the abuse fester.

54. On October 29, 2021, Ms. Hill, through counsel, sent the requisite Colorado Governmental Immunity Act ("CGIA") Notice to Mr. Krob. Mr. Krob ignored it.

55. Ms. Hill's attorneys filed the requisite Complaint of Discrimination with the CCRD on November 8, 2021. Mr. Krob ignored it.

56. On January 20, 2022, Ms. Hill received a notice of right to sue from the CCRD.

57. On January 20, 2022, Counsel emailed Mr. Krob to confirm that he was authorized to accept service of process on behalf of the City. Mr. Krob ignored it.

58. Counsel has sent nearly a dozen evidence preservation demand letters to Mr. Krob. Other than a brief mention on January 28, 2022 stating that he will "address them individually," Mr. Krob ignored them.

59. On information and belief, the City has already failed to preserve and protect the relevant evidence (despite express requests therefor) for which spoliation sanctions will be sought.

60. Counsel sent two letters informing Mr. Krob of the unlawful retaliation Ms. Hill was experiencing at the hands of the City. Rather than addressing the substance of these reports, Mr. Krob joined the City in attempting to blame the victim.

Defendants have retaliated against Ms. Hill.

61. After Ms. Hill repeatedly turned down Mr. Patterson's advances, he began making false statements about her.

62. The City has never denied that Ms. Hill is good at her job. Furthermore, the City has not denied that Ms. Hill is a victim of Mr. Patterson.

63. After Ms. Hill engaged in a protected activity by reporting Mr. Patterson's behavior, the City has retaliated against Ms. Hill.

64. Without any legitimate proof, the City has accused Ms. Hill of leaking information discussed in executive sessions. This allegation is false. The allegedly leaked information is known by at least a dozen other City employees and elected officials.

65. During the entirety of her employment, Ms. Hill has rarely been excluded from City Council executive sessions. After she complained about Mr. Patterson's sexual harassment, Ms. Hill has been frequently excluded from executive sessions without any explanation.

66. This exclusion inhibits Ms. Hill's professional development and her ability to do her job. On information and belief, the City is restricting Ms. Hill's access to meetings and inhibiting her ability to perform her job duties in an effort to manufacture reasons to terminate Ms. Hill's employment.

The City has a pattern and practice of condoning inappropriate, sexually harassing behavior.

67. On information and belief, newly elected Mayor Paul Villagrana ("Mayor Villagrana") makes sexually inappropriate comments about City employees. On one occasion, Mayor Villagrana stated that he enjoys watching Ms. Hill walk in front of him and often asks her to get coffee just so that he can do so.

68. City residents are understandably upset. They feel that their City officials have deceived them and refused to address serious abuse. The residents are correct.

69. Mr. Patterson's abuse and the City's apathetic response thereto has been a frequent topic of discussion at City Council meetings. Mr. Krob's failure to respond to the allegations by Ms. Hill and other victims of Mr. Patterson's abuse has likewise been a topic of discussion at City

Council meetings.

70. City Council members themselves are upset by the way the abuse has been handled by certain City officials, including Mr. Krob. By way of example, on January 3, 2022, Councilmember Allen Knisley stated on record that “Matt [Krob] has misled us several times.”

See <https://theflorencecitizen.com/2022/01/05/city-council-meeting-1-3-22/>.

FIRST CLAIM FOR RELIEF
Discrimination Under Title VII of the Civil Rights Act of 1964
(42 U.S.C. § 2000e-2(a))
Against All Defendants

71. Ms. Hill incorporates by reference all preceding paragraphs of this Complaint.

72. At all relevant times, the City was an employer within the meaning of Title VII.

73. 42 U.S.C. § 2000e-2(a) provides that: “It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.”

74. Ms. Hill is a member of a group of persons protected under Title VII. Namely, she is a female.

75. Ms. Hill is competent and qualified for her position of City Clerk.

76. Ms. Hill has suffered and is suffering harassment by Defendants.

77. The disparity in treatment between Ms. Hill and her male coworkers is based, at

least in part, on Ms. Hill's gender.

SECOND CLAIM FOR RELIEF
Sexual Harassment Under Title VII of the Civil Rights Act of 1964
(42 U.S.C. § 2000e-2(a))
Against All Defendants

78. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

79. At all relevant times, the City was an employer within the meaning of Title VII.

80. 42 U.S.C. § 2000e-2(a) provides that: "It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

81. Ms. Hill is a member of a group of persons protected under Title VII. Namely, she is a female.

82. Ms. Hill was sexually harassed by Mr. Patterson.

83. The harassment Ms. Hill experienced was based, at least in part, on Ms. Hill's sex.

84. The harassment was unwelcomed.

85. The harassment was severe and pervasive.

THIRD CLAIM FOR RELIEF
Retaliation Under Title VII of the Civil Rights Act of 1964
(42 U.S.C. § 2000e-3(a))
Against All Defendants

86. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

87. At all times relevant to this Complaint, the City was an employer within the meaning of Title VII.

88. 42 U.S.C. § 2000e-3(a) provides that: “It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.”

89. Ms. Hill is competent and qualified for the position of City Clerk.

90. Ms. Hill engaged in a protected activity for purposes of 42 U.S.C. § 2000e-3(a) when she pursued her rights under Title VII.

91. Defendants have made false comments about Ms. Hill, including allegations that Ms. Hill is “leaking” information that was discussed in City Council meetings.

92. The retaliatory behavior by the City is sufficiently professionally detrimental to “dissuad[e] a reasonable worker from making or supporting a charge of discrimination.” *Burlington N. & Santa Fe Ry. v. White*, 543 U.S. 53, 68 (2006).

93. A causal connection between Ms. Hill’s protected activity and the adverse action

can be inferred based on temporal proximity because Defendants began this retaliatory behavior immediately after Ms. Hill complained of Mr. Patterson's harassment and the City's failure to address the problem.

94. The City's retaliatory conduct actually and proximately caused losses and injuries to Ms. Hill, including loss of income, in an amount to be proven at trial.

FOURTH CLAIM FOR RELIEF
Colorado Anti-Discrimination Act
Against All Defendants

95. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

96. Ms. Hill is a protected person under Colo. Rev. Stat. § 24-34-402 because of her status as a female.

97. In violation of the Colorado Anti-Discrimination Act, Defendants discriminated and retaliated against Ms. Hill as set forth in the preceding paragraphs of this Complaint.

98. Defendants' unlawful conduct in terminating and retaliating against Ms. Hill actually and proximately caused losses and injuries to Ms. Hill, including loss of income, in an amount to be proven at trial.

FIFTH CLAIM FOR RELIEF
Outrageous Conduct/Intentional Infliction of Emotional Distress
Against All Defendants

99. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

100. Defendants engaged in extreme and outrageous conduct by, among other things, subjecting Ms. Hill to defamation and the inability to complete her job duties. Such conduct includes, but is not limited to, the specific instances described above.

101. Defendants engaged in such conduct recklessly or with the intent to cause Ms. Hill

severe emotional distress.

102. Ms. Hill has suffered damage as a result of Defendants' outrageous conduct in an amount to be proven at trial for which Defendants are liable.

SIXTH CLAIM FOR RELIEF
Civil Assault
Against Mr. Patterson

103. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

104. Mr. Patterson intended to cause an offensive or harmful contact with Ms. Hill or intended to place Ms. Hill in apprehension of such contact.

105. Mr. Patterson placed Ms. Hill in apprehension of immediate physical contact.

106. The contact was harmful and offensive to Ms. Hill.

SEVENTH CLAIM FOR RELIEF
Civil Battery
Against Mr. Patterson

107. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

108. Mr. Patterson's act resulted in physical contact with Ms. Hill.

109. Mr. Patterson intended to make harmful or offensive physical contact with Ms. Hill.

110. The contact was in fact harmful and offensive.

EIGHTH CLAIM FOR RELIEF
False Imprisonment
Against Mr. Patterson

111. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

112. During the incident when Mr. Patterson locked the door and sexually assaulted Ms. Hill in or around August 2021, Mr. Patterson intended to restrict Ms. Hill's freedom of movement.

113. Mr. Patterson directly or indirectly restricted Ms. Hill's freedom of movement for

a period of time.

114. Ms. Hill was aware that her freedom of movement was restricted and felt like a hostage – she was unable to safely leave Mr. Patterson’s office.

115. Ms. Hill has suffered damage as a result of Mr. Patterson’s false imprisonment of her in an amount to be proven at trial for which Defendants are liable.

NINTH CLAIM FOR RELIEF

Negligent Hiring
Against the City

116. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

117. Mr. Patterson was an employee of the City at the time he was harassing Ms. Hill.

118. The City owed its employees, including Ms. Hill, a duty of care.

119. The City breached its duty of care when it hired Mr. Patterson despite the fact that the City knew or should have known that Mr. Patterson had a history of abusing and sexually harassing women.

120. Ms. Hill has been damaged as a result of the City’s negligence.

121. The City’s decision to hire Mr. Patterson caused Ms. Hill’s injury.

122. Ms. Hill has been damaged as a result of the City’s negligence in an amount to be proven at trial for which the City is liable.

TENTH CLAIM FOR RELIEF

Negligent Supervision
Against the City

123. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

124. Mr. Patterson was an employee of the City at the time he was harassing Ms. Hill.

125. The City had a duty to supervise Mr. Patterson.

126. The City did not supervise, or negligently supervised, Mr. Patterson.

127. The City's negligence caused Mr. Hill's injury.

128. Ms. Hill has been damaged as a result of the City's negligence in an amount to be proven at trial for which the City is liable.

ELEVENTH CLAIM FOR RELIEF

Negligent Retention

Against the City

129. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

130. Mr. Patterson was an employee of the City at the time he was harassing Ms. Hill.

131. The City owed a duty of care to its employees, including Ms. Hill.

132. The City breached that duty by retaining Mr. Patterson even though the City knew or should have known of Mr. Patterson's dangerous sexual practices.

133. The City had actual knowledge of Mr. Patterson's practice of sexual harassment after the City settled claims with Ms. Kibler in or around 2019.

134. The City's breach caused Ms. Hill's injuries.

135. Ms. Hill has been damaged as a result of the City's negligence in an amount to be proven at trial for which the City is liable.

TWELFTH CLAIM FOR RELIEF

Defamation

Against Mr. Patterson

136. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

137. Mr. Patterson made defamatory statements about Ms. Hill (including, among others, that she was in a sexual relationship with an officer of the Florence Police Department) and have published false information about Ms. Hill's conduct to numerous individuals in Florence.

138. The false statements have resulted in actual damage to Ms. Hill.

139. At the time of publication, Mr. Patterson knew the statements were false or Mr. Patterson made the statements and allegations with reckless disregard to their falsity.

140. As a result of the defamatory acts on the part of Mr. Patterson, Ms. Hill has suffered significant damages including, but not limited to, reputational harm, emotional distress, and nominal damages.

THIRTEENTH CLAIM FOR RELIEF
Defamation Per Se
Against Mr. Patterson

141. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

142. Mr. Patterson made defamatory statements about Ms. Hill and has published false information concerning Ms. Hill's conduct.

143. The false statements have resulted in actual damage to Ms. Hill.

144. At the time of publication, Mr. Patterson knew that the statements were false or Mr. Patterson made the statements and allegations with reckless disregard to their falsity.

145. The statements were defamatory as to Ms. Hill's profession and thus constitute defamation *per se*.

PRAYER FOR RELIEF

WHEREFORE, Ms. Hill requests this Court grant the following relief:

1. Judgment in her favor on her claims for relief;
2. Nominal, pecuniary, actual, and compensatory damages;
3. Costs and expenses of this action along with attorneys' and experts' fees; and
4. Punitive and/or exemplary damages.

DEMAND FOR JURY TRIAL

Ms. Hill hereby demands a jury trial on all issues so triable.

Respectfully submitted this 31st day of January, 2022.

LEVENTHAL | LEWIS
KUHN TAYLOR SWAN PC

/s/ Andrew E. Swan

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JS 44 (Rev. 10/20) District of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jessica Hill

(b) County of Residence of First Listed Plaintiff Fremont County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Leventhal Lewis Kuhn Taylor Swan, PC
620 N. Tejon Street, Ste. 101
Colorado Springs, CO 80903

DEFENDANTS

The City of Florence, a municipal corporation; and
Michael Patterson, an individual.

County of Residence of First Listed Defendant Fremont County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act of 1964; 28 USC § 1331

AP Docket

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/31/2022

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



January 20, 2022

Jessica Hill
824 West 2nd St.
Florence, CO 81226

Charge Number: E2200014039

CCRD Complaint Number: E2200014039 - Jessica Hill v. City of Florence

Notice of Early Right to Sue

Dear Jessica Hill,

This letter is to inform you that your charge, captioned above, is being dismissed effective the date shown herein for the following reasons:

You have requested an Early Right to Sue letter from the Colorado Civil Rights Division.

Pursuant to C.R.S. 24-34-306 (15), if a claimant makes a request for a notice of right to sue prior to the expiration of one hundred eighty days following the filing of the charge, said request shall be granted upon a determination by the Commission, a commissioner, or an administrative law judge that the investigation of the charge will not be completed within the one hundred eighty days following the filing of the charge.

If you wish to file a civil action in a district court in this state, which action is based on the alleged discriminatory or unfair practice that was the subject of the charge you filed with the commission, you must do so within ninety days of the date of the mailing of this notice. If the Complainant does not file an action within the time limits specified above, such action will be barred and no district court shall have jurisdiction to hear such action. C.R.S. 24-34-306 (2)(b)(I)(B)(C).

Please be advised that the issuance of a notice of right to sue at any time shall terminate all further processing of any charge by the division; shall cause jurisdiction of the commission to cease; shall constitute final agency action; and exhaustion of administrative remedies and proceedings pursuant to Part 3 of Article 34 of Title 24, C.R.S. Neither the Division nor the Commission will provide assistance in assessing the claim or providing legal assistance in the filing or framing of any legal action.

If you have any questions regarding this decision, feel free to contact this office at (303) 894-2997.

Sincerely,

A handwritten signature in cursive script that reads 'Aubrey Elenis'.

Aubrey Elenis, Director
Colorado Civil Rights Division



THE WOLTMAN BUILDING
620 NORTH TEJON STREET, SUITE 101
COLORADO SPRINGS, COLORADO 80903
TELEPHONE: (719) 694-3000

PTARMIGAN AT CHERRY CREEK
3773 CHERRY CREEK NORTH DRIVE, SUITE 710
DENVER, COLORADO 80209
TELEPHONE: (720) 699-3000
FACSIMILE: (866) 515-8628
WWW.LL.LAW

Andrew E. Swan
Email: aswan@ll.law

January 8, 2022

Via email only (osasu.edoigiawerie@state.co.us)

Osasu Edoigiawerie
Denver District EEOC Office
303 East 17th Avenue, Suite 410
Denver, CO 80203

Re: Jessica Hill v. City of Florence (EEOC Charge No. 32A-2022-00101); Request for Notice of Right to Sue

To Whom It May Concern:

This firm represents Jessica Hill in connection with several claims she has against the City of Florence related to her employment. Ms. Hill jointly filed her Complaint of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and the Colorado Civil Rights Division (“CCRD”) on November 8, 2021. Pursuant to 42 U.S.C. § 2000e, *et seq.* (“Title VII”), please consider this Ms. Hill’s request for a notice of a right to sue letter.

The perpetrator of the abuse, Michael Patterson, has been arrested and charged with several felonies. *See People v. Michael Thomas Patterson* (Fremont County District Court; 2021CR528). The criminal charges are related to the exact conduct alleged in Ms. Hill’s complaint of discrimination. Therefore, we see no reason for the CCRD to continue with the investigation. Continuing the EEOC’s investigation into Mr. Patterson’s conduct in light of these criminal charges constitutes an unnecessary, duplicitous effort.

In light of the above, Ms. Hill respectfully requests termination of the EEOC’s investigation and prompt issuance of a right to sue letter.

Sincerely,

Andrew E. Swan

AES/nd

CC: Michael D. Kuhn, Esq.
Hannah E. Herbst, Esq.

LEVENTHAL | LEWIS

Osasu Edoigiawerie

January 7, 2022

Page 2 of 2

Client

CERTIFICATE OF E-MAILING

This is to certify that on **January 20, 2022** a true and exact copy of the Closing Action of the below-referenced charge was e-mailed addressed to the parties and/or representatives listed below.

CCRD Case Number:
E2200014039

EEOC Case Number:
32A-2022-00101

aswan@ll.law

hherbst@ll.law

matt@kroblaw.com



David L. Martinez
Division of Civil Rights
1560 Broadway, Suite 825
Denver, CO 80202
www.dora.state.co.us

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
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)
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)
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)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: