

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

LINDA MARTIN,

Plaintiff,

v.

Case No. _____

ROGER PRICE, in his official and individual capacity, RENEE BREMER, in her official and individual capacity, MARY TEPPPO, in her official and individual capacity, DONNA WILLIAMS, in her official and individual capacity, and the MADISON METROPOLITAN SCHOOL DISTRICT, a governmental entity,

Defendants.

COMPLAINT

Plaintiff Linda Martin, by and through her attorney, Timothy D. Edwards, Esq. of Edwards Law Offices, L.L.C., alleges as follows for her Complaint:

THE PARTIES

1. At all times pertinent to this Complaint, Plaintiff Linda Martin (“Ms. Martin”) was an adult resident of the Western Judicial District of the State of Wisconsin.

2. At all times pertinent to this Complaint, Roger Price (“Price”) was an adult resident of the Western Judicial District of the State of Wisconsin and the Assistant Superintendent of Business Services of the Madison Metropolitan School District in the Western Judicial District of the State of Wisconsin. At all times pertinent to this Complaint,

Price was an employee for the Madison Metropolitan School District and a “person” as that term is defined by 42 U.S.C. § 1983.

3. At all times pertinent to this Complaint, Price was acting intentionally, in his individual and official capacity, within the scope of his employment with the Madison Metropolitan School District, and under color of state law.

4. At all times pertinent to this Complaint, Defendant Renee Bremer (“Bremer”) was an adult resident of the Western Judicial District of the State of Wisconsin and the Transportation Manager of the Madison Metropolitan School District in the Western Judicial District of the State of Wisconsin. At all times pertinent to this Complaint, Bremer was an employee for the Madison Metropolitan School District and a “person” as that term is defined by 42 U.S.C. § 1983.

5. At all times pertinent to this Complaint, Bremer was acting intentionally, in her individual and official capacity, within the scope of her employment with the Madison Metropolitan School District, and under color of state law.

6. At all times pertinent to this Complaint, Defendant Mary Teppo (“Teppo”) was an adult resident of the Western Judicial District of the State of Wisconsin and the Director of Administrative Services for the Madison Metropolitan School District in the Western Judicial District of the State of Wisconsin. At all times pertinent to this Complaint, Teppo was an employee for the Madison Metropolitan School District and a “person” as that term is defined by 42 U.S.C. § 1983.

7. At all times pertinent to this Complaint, Teppo was acting intentionally, in her individual and official capacity, within the scope of her employment with the Madison Metropolitan School District, and under color of state law.

8. At all times pertinent to this Complaint, Defendant Donna Williams (“Williams”) was an adult resident of the Western Judicial District of the State of Wisconsin and the Director of the Accounting Department of the Madison Metropolitan School District in the Western Judicial District of the State of Wisconsin. At all times pertinent to this Complaint, Williams was an employee for the Madison Metropolitan School District and a “person” as that term is defined by 42 U.S.C. § 1983.

9. At all times pertinent to this Complaint, Williams was acting intentionally, in her individual and official capacity, within the scope of her employment with the Madison Metropolitan School District, and under color of state law.

10. At all times pertinent to this Complaint, Defendant Madison Metropolitan School District (“the District”) was a municipal entity located in the Western Judicial District of the State of Wisconsin.

11. At all times pertinent to this Complaint, the District was Ms. Martin’s “employer” as that term is defined by 42 U.S.C. § 2000(e). This lawsuit intends to hold the District responsible for the actions of Defendants Price, Bremer, Teppo and Williams under the doctrine of *respondeat superior*.

JURISDICTION AND VENUE

_____12. All of the acts and omissions that are the subject to this Complaint occurred in the Western Judicial District of the State of Wisconsin.

13. This Court has jurisdiction over this matter pursuant to 42 U.S.C. § 2000e-5(f), 42 U.S.C. § 1983, and the First Amendment to the United States Constitution. More specifically, this Court has jurisdiction over this matter because the claims identified in this Complaint arise under federal law pursuant to 28 U.S.C. § 1331.

14. This Court is the appropriate venue for this matter pursuant to 28 U.S.C. § 1391 because all of the parties reside in the Western Judicial District of Wisconsin and the circumstances giving rise to this claim occurred there.

GENERAL ALLEGATIONS

15. From August 13, 1997 until November 22, 2002, the District employed Ms. Martin as a Transportation Assistant, and from November 22, 2002 until April 13, 2004, the District employed Ms. Martin as an Assistant to the Accounting Director.

16. From August 13, 1997 until November 22, 2002, Ms. Martin was supervised by Bremer, who served as the Transportation Manager for the District.

17. At all times pertinent to this Complaint, Defendant Price was the Assistant Superintendent of Business Services for the District and Ms. Martin's supervisor.

18. At all times pertinent to this Complaint, Defendant Teppo was the Director of Administrative Services, which included the Department of Transportation for the District. Price supervised Teppo at all times pertinent to this Complaint.

19. A central function of the Transportation Department for the District was to facilitate and process bids from outside vendors for school bussing. This process is carefully regulated to ensure that all vendors are treated fairly and impartially pursuant to specific criteria set forth by the District.

20. In 2001-2002, Ms. Martin learned that Bremer had developed a close relationship with Mr. Jeff Fedler who, at the time, represented one of the key vendors that provided bussing for the District.

21. In the spring of 2002, Ms. Martin noticed that Bremer was providing Mr. Fedler with information regarding competing bids and that Mr. Fedler would then adjust his bids based on that information so that his company was given preference during the selective bidding process. This process is otherwise known as “bid-rigging.”

22. After observing the bid-rigging referenced in the preceding paragraph, Ms. Martin exercised her First Amendment right to speak out regarding her concerns in connection with these activities that she observed. Ms. Martin spoke directly with her co-employees, representatives from her union, and other vendors, which prompted an investigation into the alleged improprieties regarding the bidding process that Ms. Martin observed.

23. All Defendants knew that Ms. Martin was speaking out regarding the alleged bid-rigging in the spring and summer of 2002.

24. On November 22, 2002, Defendant Price “surplussed” Linda Martin and, in so doing, effectively banished Ms. Martin from the Transportation Department. Ms.

Martin was then ushered out of the building and directed to report to the Human Resources Department for the District, who provided Ms. Martin with three options. First, Ms. Martin could exercise her “bumping rights” and displace another employee. Second, Ms. Martin could transfer into the “layoff pool.” Finally, Ms. Martin was offered a new position in the accounting department, created by Price, to serve as an assistant for Williams. At the time, the only feasible option for Ms. Martin was to accept the new position in the accounting department, which resulted in a demotion from a Grade 5 to Grade 4 status and a deprivation of pay increases and percentage that would have otherwise been allocated to Ms. Martin’s retirement pay and insurance benefits.

25. Prior to accepting the position in the accounting department, Ms. Martin applied for a newly-created “Transportation Coordinator” position, which Price created, along with Teppo and Bremer, in a deliberate effort to ensure that Ms. Martin no longer worked in the Transportation Department. Ms. Martin applied for this position and was interviewed by Defendant Bremer and others, who denied Ms. Martin’s application in favor of Jeff Fedler, who was given preferential treatment during the hiring process for this important position. For purposes of this Complaint, Ms. Martin affirmatively alleges that Mr. Fedler was a similarly situated, less qualified male applicant and that Ms. Martin was denied this position because of her sex.

26. On August 15, 2003, Ms. Martin filed a Complaint with the Wisconsin Department of Workforce Development, Equal Rights Division, alleging that she was denied the Transportation Coordinator position because of her sex.

27. On January 24, 2007, Ms. Martin received a right to sue letter from the Equal Employment Opportunities Commission, a copy of which is attached as Exhibit "A." Accordingly, Ms. Martin has satisfied all statutory and administrative prerequisites to the filing of Count I of this lawsuit.

28. After Ms. Martin accepted the new position in the accounting department, she exercised her First Amendment right to speak out, to Defendants Price and Williams, regarding a number of specific improprieties that she had observed. For example, Ms. Martin complained about the fact that a co-worker was defrauding the District, and city taxpayers, by receiving benefits that she was not entitled to. Ms. Martin also complained about the fact that information was being stripped from computers in an effort to cover up budgeting improprieties within the District. Defendants Price and Williams were aware of these Complaints as Ms. Martin presented them.

29. After Ms. Martin accepted the new position in the accounting department, she was effectively "warehoused." She was ignored by other employees, provided with no training whatsoever and literally shunned by her supervisors, including Williams. During this time, Martin was subjected to disproportionate scrutiny and staged confrontations in which she was blamed for problems within the Department that she had nothing to do with. This Complaint affirmatively alleges that Defendants Price and Williams acted, in concert, to create a campaign of petty harassment that would ensure Ms. Martin's departure from the Department by making her work conditions intolerable.

30. On March 31, 2004, Ms. Martin appeared at a Madison School Board meeting and spoke out regarding the concerns that she had regarding the administration of the School District. In so doing, Ms. Martin exercised her First Amendment right to speak freely regarding matters of public concern.

31. *The next day*, Ms. Martin was “written up” by her supervisor, Donna Williams, for being five minutes late to work. Shortly thereafter, Ms. Martin was subjected to increased, regular harassment by her supervisors and co-employees, with the encouragement and tacit approval of Defendants Price and Williams. During this time period, employees would put “candy hearts” on Ms. Martin’s desk with comments such as “see a shrink,” “get a life” and other offensive remarks. Through the actions of Defendants Price and/or Williams, Ms. Martin was then stripped of all of her accounting duties, subjected to disproportionate scrutiny and staged confrontations and regularly accused of misconduct that she had nothing to do with.

32. In April 2004, Ms. Martin was forced to take a medical leave of absence from the District as a result of the conduct referenced above. Ms. Martin was constructively discharged on that date because a reasonable person in her position would have been forced to quit based on the intolerable circumstances referenced in this Complaint.

COUNT I
**(MADISON MUNICIPAL SCHOOL DISTRICT: DISCRIMINATION AND VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT, AS AMENDED)**

33. Ms. Martin realleges the allegations set forth in paragraphs 1-32 of this Complaint, as though fully set forth in their entirety herein. _

____ 34. The District unlawfully discriminated against Ms. Martin by hiring Jeff Fedler, a similarly situated, less experienced male counterpart for the Transportation Coordinator position.

35. As a result of the discrimination referenced above, the District has caused Ms. Martin severe emotional, psychological and economic injuries in an amount to be proven at trial.

36. The conduct referenced herein evinces a reckless or careless disregard for Ms. Martin's rights, as well as an intentional violation of federal law. As such, Ms. Martin is entitled to an award of punitive damages in an amount to be determined at trial.

COUNT II
(ROGER PRICE, RENEE BREMER, MARY TEPPPO, AND DONNA WILLIAMS:
FIRST AMENDMENT VIOLATION (42 U.S.C. § 1983))

37. Ms. Martin realleges the allegations set forth in paragraphs 1-36 of this Complaint as though fully set forth in their entirety herein.

38. Ms. Martin engaged in protected speech that addressed a matter of public concern when she spoke out regarding the bid-rigging activities, the budgeting improprieties, the improper distribution of benefits to a co-employee, and addressed her concerns to the Madison School Board, as fully described in this Complaint.

39. Ms. Martin's right to speak freely regarding matters of public concern, and without retaliation, has been well-settled at all times pertinent to this Complaint.

40. Price, Bremer, Tepppo, and Williams, acting in their official and personal capacity and under color of state law, intentionally retaliated against Ms. Martin for

speaking out on matters of public concern and, in so doing, violated Ms. Martin's First Amendment right to speak freely on such matters.

41. A reasonable official in Price, Bremer, Teppo, and Williams' position would know that the conduct outlined in this Complaint outlines the clearly established rights referenced above.

42. In retaliating against Ms. Martin for exercising her First Amendment rights, Price, Bremer, Teppo, and Williams have caused Ms. Martin severe emotional, psychological and economic injuries in an amount to be proven at trial.

43. The conduct referenced herein was carried out by Price, Bremer, Teppo, and Williams in their individual capacity and evinces a reckless or careless disregard for Ms. Martin's right, as well as an intentional violation of federal law. As such, Ms. Martin is entitled to an award of punitive damages in an amount to be determined at trial.

PRAYER FOR RELIEF

_____Plaintiff respectfully requests the following relief:

- A. Recovery of compensatory damages that will compensate Ms. Martin for all of her losses including, but not limited to, emotional distress, psychological harm, loss of employment opportunities, loss of wages, loss of earning capacity, injury to reputation, humiliation and embarrassment, and medical expenses;
- B. Recovery of her attorney's fees, costs, and disbursements incurred in this action;

- C. An award of punitive damages;
- D. Prejudgment interest and post-judgment interest, and;
- E. Such further relief as this Court deems equitable, just and proper.

DEMAND FOR JURY TRIAL

_____Ms. Martin respectfully demands a trial by jury pursuant to the Seventh Amendment of the United States Constitution and Rule 38(b), Fed. R. Civ. P.

Respectfully Submitted this ____ day of March, 2007.

By:

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