

**19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

NUMBER _____ DIVISION “ _____ ”

DAWN ROSS

VERSUS

**TOM SCHEDLER, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY
AS LOUISIANA SECRETARY OF STATE, AND
STATE OF LOUISIANA, THROUGH OFFICE OF SECRETARY OF STATE**

PETITION

The Petition of Dawn Ross, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents:

1.

The defendants enumerated below are justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, punitive damages as to defendant Schedler, individually and as allowed by law, attorney’s fees, all costs of these proceedings, legal interest thereon from the date of judicial demand until paid and all such other relief to which Petitioner is entitled at law or in equity:

1. Tom Schedler, individually and in his official capacity as Louisiana Secretary of State, a resident of the full age of majority of East Baton Rouge Parish, Louisiana;
2. State of Louisiana, through Office of Secretary of State, domiciled in East Baton Rouge Parish, Louisiana.

2.

Petitioner was hired by defendants on April 13, 2004, as an Administrative Specialist 1. Initially, Petitioner worked for the Commissioner of Elections and, throughout her employment enjoyed a spotless reputation and excellent evaluations.

3.

In 2007, defendant Schedler, a former Louisiana State Senator, began employment with the Louisiana Secretary of State’s office under then Secretary of State Jay Dardenne (now Commissioner of Administration). Schedler began his employment with the Secretary of State’s office as First Assistant under Mr. Dardenne.

4.

After his hire, Schedler, who had previously met Petitioner at work, purchased a townhouse in the same 16-unit complex as Petitioner and across the parking lot from Petitioner. At first, Petitioner did not think much of defendant Schedler's purchase in her complex until shortly after Schedler moved in, he approached Petitioner in the break room at work and asked her to have dinner with him as they were "now neighbors".

5.

Shortly after beginning employment with the Louisiana Secretary of State, Schedler began making numerous comments to Petitioner clearly signaling to her that he was watching Petitioner while she was at her home. When she arrived at work, he inquired about why she was engaging in certain activities at her residence, such as planting, engaging in crafts, and painting, and why she had certain visitors at her residence, particularly male visitors. At first, Petitioner tried to ignore the comments but eventually she would see him peering out of his window at her when she drove past his condo and when she arrived at home.

6.

Defendant Schedler, who was married, began inviting Petitioner to dinner and to various events, which Petitioner frequently and politely declined. Defendant Schedler told Petitioner he simply wanted to be Petitioner's friend at first. In fact, defendant Schedler invited Petitioner on a trip to Sedona, Arizona. Prior to the trip, Petitioner made it clear to defendant she was not interested in him sexually and that the trip was solely for friends – nothing else. After arriving in Phoenix, Petitioner and defendant drove to Sedona but on the first night, defendant booked them into the same room. The second night in Sedona, Arizona, when Petitioner and defendant arrived at the hotel, defendant attempted to claim that the hotel made a "mistake" and "accidentally" booked them into a honeymoon-like suite. Petitioner reiterated to defendant she was not interested in him sexually even, at one point, telling him point blank "I will never go out with you." Petitioner ended up sleeping on the couch until they departed and returned home.

7.

Unfortunately, Schedler's behavior escalated and the years thereafter were marred by a sexually hostile and abusive working environment. Over the years from 2008 on, Schedler engaged in a pattern and practice of sexual harassment and retaliatory harassment against Petitioner. When Petitioner rebuffed his sexual advances, sometimes Schedler would back off and

announce to Petitioner they can now just be friends only to have him escalate his behavior as time wore on and he would again make unwanted sexual advances toward Petitioner, which she continually refused. For example, in his 2/14/09 Valentine's card hand dated and hand addressed by defendant Schedler "My Dearest Sunshine", after Petitioner had again attempted to make him leave her alone, Schedler wrote: "The gifting on this Valentine's may come across as odd to you, but I can assure you it is done with no illusions of any fairy tale conclusions. . . I hope this gloomy period passes soon and sorry you have elected to once again go it alone. But know there is someone willing to help in any way I can. With my deepest thoughts, emotions and yes love in a very different way I remain your Sunshine for as long as you let my light in." That card was entitled: "I'm not interested in a nice, normal relationship!" – circled by a heart. On several occasions when Petitioner refused defendant's sexual advances, defendant engaged in retaliatory harassment directed at Petitioner including transferring her on at least five (5) separate occasions to locations managed by and/or under the control of the Louisiana Secretary of State's office, including the Old State Capitol and the new State Capitol, assigning her to undesirable reassignments such as giving her no work to perform, making her do manual labor such as moving and/or busy work, all causing her to be singled out as a pariah.

8.

As would be a repeated pattern for the next several years through 2017, whenever Petitioner had friends, particularly male friends, over at her house, went out with her friends, refused to go to dinner or an event with Schedler, and/or refused his sexual advances, he retaliated by punishing her at work, transferring her to another work site with nothing to do, or embarrassing her at work and in front of her colleagues.

9.

On at least one occasion, Schedler took Petitioner's cell phone from her and went through every contact on her phone. On several occasions, Schedler followed Petitioner to see where she was going and who she was meeting, even enlisting the assistance of Secretary of State security personnel to report to him Petitioner's whereabouts. Which, when confronted, Schedler did not deny. On at least one occasion, Schedler obtained the license plate number of Petitioner's boyfriend and had the plate run. Schedler put the print out of the license plate run on his desk for Petitioner to see along with the business address where her boyfriend was employed. Petitioner was threatened by Schedler's behavior.

10.

On January 26, 2011, Schedler hired Petitioner as his Executive Secretary, after he was named Interim Secretary of State, at a rate of pay of \$75,000.00/year. Defendant Schedler was elected as Louisiana Secretary of State later that year. At that time, Schedler had promised he would not make further sexual advances to Petitioner, that he was a “changed man”, and wanted to be her friend. When Petitioner received her first paycheck in her new position, she noticed that the raise was not on the check. When she questioned Schedler about the promised pay, he told her he would have to “see how this works out” and made it clear that he wanted Petitioner to be his girlfriend, which Petitioner repeatedly refused. Defendant quickly reverted to making sexual passes at Petitioner, which she refused, sending her love letters and cards, and professing his “love”/obsession for her. In the summer of 2012, Petitioner, who could no longer tolerate defendant Schedler’s sexual obsession, lost her temper with Schedler and told him directly that she would never be interested in him sexually and that he needed to leave her alone or she was going to report him to anyone she could think of.

11.

Thereafter, defendant transferred Petitioner to work at the Old State Capitol where she was given virtually nothing to do all day. At the time of her transfer, defendant Schedler made it clear to her that she was going to be exiled until she learned how to please him and make him happy. In 2015-2017, Schedler again transferred Petitioner, this time to the new State Capitol in the “satellite” office of the Secretary of State. Again, Petitioner had no job duties and nothing to do even though the “office” was full of equipment and desks for satellite personnel who never existed. During this period, Schedler continued to approach Petitioner asking her, words to the effect, if she had learned her lesson and whether/not she was now going to do what he demanded.

12.

As was his pattern, defendant Schedler advised Petitioner that he was “really serious” this time and would not make any more passes at her and wanted only to be friends.

13.

On countless occasions, Schedler showed up at Petitioner’s doorstep with unwanted gifts including wine, love letters and cards, clothing articles, and even sex tapes which Schedler

pronounced would encourage Petitioner to want him. In fact, over the years, Schedler barraged Petitioner with so many cards and letter professing his obsession and “love” to Petitioner, they number well over a hundred. Nearly every card and letter was signed by defendant by name, dated in his hand-writing, and often addressed to Petitioner as “my dearest Sunshine” – the nickname defendant assigned to Petitioner.

14.

Throughout the years, Petitioner repeatedly attempted to make defendant stop sexually propositioning and harassing her, including having very frank discussions with him about his obsession with her, requesting that he obtain help, directly telling him she is not interested in him sexually and for him to leave her alone in that regard, all to no avail.

15.

In response, defendant Schedler either punished Petitioner at work by continually berating her and/or threatening to fire her, yelled at her in his office, or simply refused to take ‘no’ for an answer and intensified his sexual propositions toward her.

16.

In 2014, defendant Schedler announced he was running for reelection. He again contacted Petitioner under the guise that he was no longer as angry with her and that he again wanted to be “friends” with her. He secured her transfer back to the Secretary of State’s Headquarters on Essen Lane and placed her into a position as his secretary after the end of the Legislative Session.

17.

As was his pattern, defendant Schedler at first remained cordial with Petitioner but then began (again) asking her to have dinner with him and/or attend events with him, to drink wine with him, and engage in a sexual relationship with him. Petitioner again rebuffed his advances but he persisted.

18.

In December, 2016, Schedler approached Petitioner with a naked photograph of a female and asked Petitioner if she could paint it for him. During that time, defendant began sending regular communications to Petitioner by text, email, and with cards. The messages contained in the

writings became more sexual through early 2017. For example, on March 3, 2017, defendant texted Petitioner about how she was dressed. On Valentine's Day, 2017, defendant sent her a dozen of roses with a love message, on April 7, 2017, he dropped off two bottles of wine at the door of her residence.

19.

Defendant also texted her about the "beau" she had with her and appeared angry.

20.

At this time, defendant began texting Petitioner in a sexual manner including: how sexy she looked today! You know how much I always liked you in a short black dress. It was only missing one component! you (sic) back Dawney." Defendant, on April 6, 2017, texted Petitioner asking what she was doing and told her he had two bottles of Malbec for her that he wanted to share with her.

21.

Also in April, 2017, defendant gave Petitioner a stickie note with the name "UNOde 50" and he told her to look it up and pick out a present for her birthday. Petitioner, who's birthday is in June, refused.

22.

As a result of rebuffing his intensifying sexual propositions, defendant became enraged with Petitioner in the office yelling at her and ordering her out of his "sight" and that he never wanted to see her again at the office. Thereafter, Deputy Assistant Secretary Kyle Ardoin approached Petitioner and told her that she was required to "stay out of sight" so that defendant did not physically see her on the premises.

23.

Thereafter, defendant systematically removed all job duties from Petitioner leaving Petitioner, purportedly reporting to Ardoin who likewise gave her no duties to perform, in an empty office for eight (8) hours/day with nothing to do, no phone to answer, no computer work to perform, and with no ability to use the bathroom unless she snuck down the hall to do so and no

ability to eat with the rest of the employees as defendant had forbidden her from being seen by Schedler.

24.

This bizarre ritual continued until Petitioner, through counsel, notified an official within the Governor's office in August, 2017, of Petitioner's claims. Thereafter, defendant Schedler hired counsel who met with Petitioner's counsel and exchanged communications regarding Petitioner's claims, including showing said counsel the original of Petitioner's cell phone with the text messages still intact on the phone and providing said counsel with copies of the text messages between the defendant and Petitioner, including the sexual propositions by defendant to Petitioner in 2017.

25.

As a result of defendant's continuing harassment and the unabated hostile and retaliatory working environment, Petitioner became so ill, she was forced by defendant onto leave during which she used her accrued time for her leave instead of, as she intended, toward her retirement. In October, 2017, Petitioner was "transferred" to the Old State Capitol to work. The undesirable reassignment again left Petitioner with no job, no duties to perform, and relegated to clerical functions, at best. Indeed, when Petitioner first reported to the Old State Capitol to work, the SOS staff at the facility had no idea she had been reassigned there by the defendant and the Executive Director of the facility, who likewise had no idea Petitioner was coming, was not even in the Country at the time. Thereafter, defendant Schedler attended a function at the facility during which Petitioner was ordered to locate and retrieve miscellaneous items and chores from remote locations throughout the facility so that defendant Schedler would not see Petitioner and become enraged. Currently, Petitioner is not allowed to leave her office or attend any Secretary of State functions, including retirements or work functions because Schedler has forbidden her, although every other employee at SOS who did not rebuff his sexual advances is afforded those opportunities. Petitioner is being punished for refusing to engage in a sexual relationship with defendant and because she reported, opposed, and protested unlawful sexual harassment/discrimination in the workplace.

26.

Petitioner alleges that defendants failed to have in full force and effect an effective policy against unlawful harassment/discrimination on account of sex and against retaliation/reprisal in the workplace.

27.

Petitioner placed defendants on notice of her claims and has complied with the provisions of La. R.S. 33:303B, hence, all conditions precedent to suit under Louisiana's anti-discrimination laws have been met and/or complied with and, accordingly, Petitioner sues defendants as her "employer" for violations of the LEDL herein. Although Petitioner timely filed Charges of Discrimination with the EEOC and LCHR, her Charges are pending. Petitioner has not yet received a Notice of Right to Sue and she reserves her right to later amend her lawsuit to allege claims under Federal law.

28.

At all times pertinent hereto, defendant Schedler, individually, was and is a "person" acting under color of state law within the meaning and intent of 42 U.S.C. §1983.

29.

At all times pertinent hereto, Petitioner enjoyed clearly established rights to be free from sexual harassment in the workplace guaranteed to her pursuant to the 14th Amendment to the United States Constitution and to report and oppose sexual harassment in the workplace (a matter of prominent public concern) guaranteed to her pursuant to the 1st Amendment to the United States Constitution. Petitioner contends that defendant Schedler violated these clearly established rights by subjecting her to harassment/discrimination because of her gender/sex and retaliating against her for reporting and opposing said harassment/discrimination in the workplace, all as set forth herein.

30.

Petitioner contends because of defendant Schedler's violations of her clearly established rights, he is thus liable unto Petitioner pursuant to 42 U.S.C. §1983 for which she specifically sues for herein.

31.

Petitioner further contends that defendant Schedler, in his individual capacity, engaged in behavior which was in wanton and reckless disregard for her clearly established rights and is thus liable unto her for punitive damages as allowed pursuant to 42 U.S.C. §1983 for which she specifically sues for herein.

32.

Petitioner shows that the actions and deliberate inactions of her employer, defendant State and/or defendant Schedler, in his official capacity, constituted illegal reprisal within the meaning and intent of La. R.S. 23:967 for which she specifically sues for herein. In that regard, Petitioner shows that harassment/discrimination on account of sex/gender is illegal and as a result of her opposition and reporting of unlawful harassment/discrimination because of her sex/gender, she was subjected to illegal reprisal including, but not limited to, effective demotion, transfer to an undesirable reassignment, harassment, and forcing her from her job.

33.

As a result of the incidents sued upon herein, Petitioner sustained damages which include but are not limited to, loss of earning capacity, humiliation and embarrassment, severe emotional distress, physical injuries, past and future psychological/medical expenses, and such other damages which will be more fully shown at trial and for which Petitioner sues for herein.

34.

Petitioner is entitled to and desires an award of attorney's fees against defendants, State and Schedler, in his official capacity, pursuant to La. R.S. 23:301, *et seq.*, and La. R.S. 23:967.

35.

Petitioner is entitled to and desires an award of attorney's fees against defendant Schedler, individually, for attorney's fees pursuant to 42 U.S.C. §1988.

36.

Petitioner is entitled to and desires all such other relief to which she is entitled at law or in equity.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Dawn Ross, prays for trial by jury, and after due proceedings are had that there be Judgment herein in her favor and against defendants, Tom Schedler, individually and in his official capacity as Louisiana Secretary of State, and State of Louisiana, Office of Secretary of State, for all sums as are reasonable under the premises, punitive damages as to defendant Schedler, individually and as allowed by law, attorney's fees, all costs of these proceedings, legal interest thereon from the date of judicial demand until paid and all such other relief to which Petitioner is entitled at law or in equity.

Respectfully submitted,

By: _____
Jill L. Craft, #20922
W. Brett Conrad, Jr., #
509 Saint Louis Street
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(225) 663-2612

PLEASE SERVE:

Tom Schedler,
Individually and in his Official Capacity
As Louisiana Secretary of State
Essen Lane
Baton Rouge, Louisiana

State of Louisiana
Division of Administration/Office of Risk Management
1201 N. Third Street
Baton Rouge, Louisiana

Louisiana Attorney General
Honorable Jeff Landry
1885 N. Third Street
Baton Rouge, Louisiana

**19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

NUMBER _____ DIVISION “ _____ ”

DAWN ROSS

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STATE OF LOUISIANA, THROUGH OFFICE OF SECRETARY OF STATE**

VERIFICATION

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

Dawn Ross

A resident of the full age of majority of East Baton Rouge Parish, Louisiana, who upon being duly sworn did depose and state that she is the Petitioner in the above and foregoing Petition, that she has read same and all facts and allegations contained therein are true and correct.

Dawn Ross

SWORN TO AND SUBSCRIBED before me, Notary Public, this ____ day of February, 2018.

Notary Public