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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR CROOK COUNTY

NIKKI HEPWORTH,

Plaintiff,

v.

CITY OF PRINEVILLE, OREGON;
LARRY R. SEYMOUR,

Defendants.

Case No. 24CV08577

COMPLAINT

Violations of ORS 659A.203, ORS 659A.199

Prayer: \$1,500,000

Claim Not Subject to Mandatory Arbitration

JURY TRIAL REQUESTED

Plaintiff NIKKI HEPWORTH hereby alleges as follows:

PARTIES

1.

Plaintiff Nikki Hepworth is a resident of Crook County, Oregon and a former employee of the City of Prineville Police Department.

2.

Defendant City of Prineville is a political subdivision of the State of Oregon located in Crook County, Oregon. It is a public employer as defined in ORS 659A.200 and maintains a municipal police department.

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3.

Defendant Larry Seymour is the former Chief of Police for Defendant City of Prineville Police Department. At all times that he occupied the position of Chief of Police, he was a public employer as defined in ORS 659A.200.

FACTUAL ALLEGATIONS

4.

Defendant City of Prineville, by and through the Prineville Police Department, hired Plaintiff Nikki Hepworth as a 911 dispatcher in May 2019. Then-Chief of Police Cummins soon recruited her to manage the police's records department. In that position, Hepworth won the Chief's Commendation.

5.

In December 2021, Defendant City promoted Nikki Hepworth to be its Administrative Services Manager. Defendant City selected her for the police department's Employee of the Year award in that position.

6.

In February 2023, police officer Lindsey Ward's medical provider placed her on light duty due to an on-the-job injury. Hepworth heard Police Chief Larry Seymour and Captain Rob Gray commenting disparagingly that they would make Officer Ward's light duty as hard as possible and punish her for taking it. They would not permit her to do any police work but instead required her to do heavy cleaning like washing walls and detailing police vehicles.

7.

On February 17, 2023, Prineville Human Resources Manager Darla Rhoden came to the police station and saw Officer Ward washing the walls. Rhoden asked Hepworth why Officer

1 Ward was washing the walls. Hepworth reported that Chief Seymour and Captain Gray required
2 Officer Ward to do that work and told Rhoden the comments they made about punishing Officer
3 Ward for taking light duty.

4 8.

5 Four days later, Chief Seymour stormed into Plaintiff Hepworth's office, furious that she
6 had spoken to Rhoden about Officer Ward's light duty. Hepworth told him that she had spoken to
7 Rhoden after Rhoden saw for herself what the Chief had Officer Ward doing, and asked
8 Hepworth about it. Hepworth said she was not going to lie to Rhoden.

9 9.

10 A short time later, the Chief berated Plaintiff Hepworth for having called down to City
11 Hall to ask who they used for transcription services. He ordered her not to go to anyone at City
12 Hall for anything no matter what it was. Hepworth said she was not comfortable with that. The
13 Chief dismissed her.

14 10.

15 Later that day, Chief Seymour told Hepworth that the city attorney had required him to
16 rewrite his light duty assignment memo for Officer Ward because it was not legal for him to
17 force her to do the work he was requiring. He told Hepworth that he was angry with both Officer
18 Ward, who he thought had complained to human resources, and with Human Resources Manager
19 Rhoden, who he thought was "sneaking around" and "checking up" on him. The Chief said that
20 he had told City Manager Steve Forrester not to go to the city attorney again.

21 11.

22 On February 28, 2023, Chief Seymour approached Hepworth and demanded that she
23 speak with him in Captain Gray's office. Once inside, he shouted at Hepworth and asked why
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25
26

1 she was not supervising Officer Ward's light duty work. He said he had been very clear that
2 Officer Ward was to be washing windows, and asked Hepworth in a snide and condescending
3 tone, does that window look clean to you? He said that he had also told Officer Ward that unless
4 there were six inches of snow on the ground, she was to detail the police vehicles. He continued,
5 sarcastically, do you think she has detailed all of those vehicles? Does it look like there are six
6 inches of snow out there? He turned red in the face and pointed at Hepworth aggressively. He
7 said he had told her that Officer Ward was not to be doing any police-related duties and that she
8 was only to be washing windows and detailing cars. Hepworth responded that she was not
9 Officer Ward's supervisor. Chief Seymour told Hepworth that she was to make it her job to
10 watch Officer Ward and make sure she was only doing what he had said.
11

12 12.

13 Just before the conversation detailed above, HR Manager Rhoden had delivered Officer
14 Ward's most current workers compensation restrictions from the doctor. They did not allow
15 Officer Ward to do physical labor like window washing or car detailing.
16

17 13.

18 Two days later, Hepworth attended a leadership seminar in Portland with Chief Seymour,
19 Captain Gray and others. Sitting next to Hepworth, Chief Seymour again complained to Captain
20 Gray about Officer Ward's light duty, claimed that she would draw it out as long as possible, and
21 falsely accused her of going to her doctor for new restrictions as soon as he required her to be
22 window washing and car detailing again.
23

24 14.

25 On March 8, 2023, Plaintiff Hepworth went to City Hall to speak with City Manager
26 Forrester. She detailed to him Chief Seymour's and Captain Gray's discrimination against

1 Officer Ward because of her use of the workers compensation system. She reported Chief
2 Seymour's bullying, harassment, and abuse of authority toward Officer Ward, herself, and others.
3 She asked City Manager Forrester not to tell Chief Seymour the content of their conversation,
4 fearing retaliation.

5 15.

6 When Hepworth returned to the police department, she learned from the evidence
7 technician that Chief Seymour had been looking for her and that he knew she had gone to City
8 Hall.
9

10 16.

11 The next day, Chief Seymour confronted City Manager Forrester and asked him what he
12 had spoken with Hepworth about. City Manager Forrester told him.

13 17.

14 In the following days, Chief Seymour and his top staff including Captain Gray and Lt.
15 Shane Wilson all began treating Hepworth rudely, shunning her and refusing to make eye contact
16 with her in the hall.
17

18 18.

19 On March 13, 2023, Chief Seymour told Hepworth that he could not work with her
20 anymore because he could not trust her after she went to the City Manager about him. He said
21 that he felt it goes without saying that no one goes to City Hall about what goes on at the police
22 department.
23

24 19.

25 On March 16, 2023, Chief Seymour demanded that plaintiff Hepworth write a letter of
26 resignation so that he could hire someone else for her position. Hepworth refused and told him

1 she would apply for other positions with the City of Prineville when they came open. Chief
2 Seymour said, “Nikki do you really think that the City is going to hire you after what you did?”
3 He said he had already spoken with City Manager Forrester and that Forrester would not hire her
4 after she went behind his (Seymour’s) back to report on him. He continued to demand that she
5 resign.

6
7 20.

8 On March 29, 2023 City Manager Forrester and HR Manager Rhoden called Hepworth
9 down to City Hall. They presented her with a separation agreement. They said that the Chief did
10 not want her in her position anymore because he could not trust her after she went to Forrester,
11 his boss, to report on his conduct. Hepworth refused to sign the separation agreement.

12
13 21.

14 On April 4, 2023, Plaintiff Hepworth went to the City of Prineville website to apply for a
15 different position that was coming open with the City. While there, she saw that her own
16 position, Administrative Services Manager, was posted for hire. Hepworth asked HR Manager
17 Rhoden why her job was posted. Rhoden said, “well honey you aren’t going to be in that position
18 anymore, we have to post it.”

19
20 22.

21 On April 5, 2023, City Manager Forrester called Plaintiff Hepworth and asked to meet
22 with her. It had been nearly a month since Hepworth reported unlawful conduct by Chief
23 Seymour, and during that time both Seymour and Forrester had pushed Hepworth hard to resign.
24 When they met the following day, City Manager Forrester asked Hepworth for the first time if
25 she felt they needed to investigate Chief Seymour. Hepworth said she absolutely felt they needed
26

1 to investigate. City Manager Forrester then said he would place Hepworth on administrative
2 leave for the duration of the investigation.

3 23.

4 Plaintiff Hepworth was placed on administrative leave on April 7, 2023.

5 24.

6 While Hepworth was on leave, HR Manager Rhoden's position became open as she planned to
7 retire. Before Hepworth reported Chief Seymour's conduct, Forrester and Rhoden had spoken
8 with Hepworth about the opportunity and encouraged her to apply for the HR Manager position.
9 Now, they strongly discouraged her from applying. They said they had a "heavy hitter" candidate
10 from outside the area and that they needed to stop hiring from within for that job. Hepworth did
11 as she was asked and did not apply.
12

13 25.

14 City Manager Forrester hired an internal candidate with no prior human resources
15 experience for Rhoden's position. He then offered Hepworth a humiliating demotion to an entry-
16 level receptionist job, even though she had never applied for it. Hepworth declined.
17

18 26.

19 Defendant engaged Jill Goldsmith of Workplace Investigations Northwest to look into
20 Hepworth's reports of Chief Seymour's and Captain Gray's unlawful actions and abuse of
21 authority. That investigation concluded around July 2023 and Goldsmith provided a report.
22

23 27.

24 On or about July 21, 2023, Defendant placed Chief Seymour and Captain Gray on
25 administrative leave. Lt. Shane Wilson was named Interim Chief.
26

28.

1
2 On August 15, 2023, City Manager Forrester and HR Manager Rhoden called Plaintiff
3 Hepworth, who was still at home on administrative leave. They told her that Goldsmith’s
4 investigation had turned up evidence of untruthfulness by Chief Seymour and Captain Gray.
5 They explained that the City decided to hire a second investigator to “verify the wrongdoing –
6 including truthfulness – by our Chief and our Captain,” and “that’s the reason they were put on
7 admin leave. Because of the untruthfulness.”
8

29.

9
10 The investigations of Chief Seymour and Captain Gray were finished November 28,
11 2023, but they remained on administrative leave.

30.

12
13 Defendant announced in January, 2024 that Chief Seymour and Captain Gray had both
14 negotiated their resignations.
15

31.

16
17 Defendant required Plaintiff Hepworth to return to her prior position as of February 5,
18 2024.

32.

19
20 Defendant negotiated soft landings for Chief Seymour and Captain Gray, and City
21 Manager Forrester remained in charge. Forrester knew that Hepworth either would not return to
22 work with him or, if she did, that he would find a reason to terminate her. Forrester had tried to
23 push her out as soon as she reported Chief Seymour’s conduct. He had done Chief Seymour’s
24 bidding and told her she had to resign because the Chief could not work with her after she
25 reported his unlawful conduct to Forrester. He had ensured that the job opportunities Hepworth
26

1 sought at the City were not available to her and instead attempted to humiliate and demote her in
2 hopes that she would quit. Indeed, Chief Seymour had told Hepworth months prior that Forrester
3 would not hire her for any job because she had reported on Chief Seymour.

4 33.

5 City Manager Forrester also knew that Interim Police Chief Wilson was beholden to
6 former Chief Seymour and would make working conditions intolerable for Hepworth.

7 34.

8 City Manager Forrester required that Hepworth return to her former position as
9 Administrative Services Manager under Lt. Wilson and him, knowing that she was substantially
10 certain to decline to return.
11

12 35.

13 Hepworth declined to return.

14 36.

15 The City of Prineville terminated Hepworth as of February 5, 2024.
16

17 FIRST CLAIM FOR RELIEF
18 Violation of ORS 659A.199
19 Against Both Defendants

20 Plaintiff repeats and realleges paragraphs 1-36 as though fully set forth herein.

21 37.

22 On August 25, 2023, Plaintiff Hepworth gave the City of Prineville notice of her intent to
23 pursue claims pursuant to ORS 30.275.

24 38.

25 By the acts and omissions described above, including but not limited to harassing and
26 berating Hepworth; pushing her to resign; placing her on indefinite administrative leave and

1 forbidding her from her workplace; foreclosing employment opportunities; and constructively
2 discharging her, Defendant City of Prineville discriminated and retaliated against Hepworth
3 because she reported in good faith information that she believed to be evidence of a violation of
4 state law, rule or regulation, in violation of ORS 659A.199.

5 39.

6 By the acts and omissions described above, including but not limited to harassing and
7 berating Plaintiff Hepworth; prohibiting and discouraging her from discussing the activities of
8 the police department with anyone at City Hall; telling her that he could not work with her
9 because of her reports; pushing her to resign; and ensuring that City Manager Forrester, Captain
10 Gray and Lt. Shane Wilson all retaliated against Hepworth, Defendant Larry Seymour aided and
11 abetted the City's discrimination and retaliation against Hepworth because of her reports, in
12 violation of ORS 659A.030(g).
13

14 40.

15 Plaintiff Hepworth has lost valuable wages and benefits and opportunities for
16 advancement because of Defendants' discrimination and retaliation. Her professional reputation
17 has been harmed. She has suffered deleterious physical injuries because of the retaliation
18 including panic attacks and a flare-up of her Crohn's disease causing chronic nausea,
19 sleeplessness, and sores that will not heal. She has suffered emotional distress including mental
20 anguish, shame, humiliation, loss of enjoyment of life, and other non-economic injuries. These
21 losses are in amounts to be proven at trial but not to exceed \$1,500,000.
22
23

24 41.

25 Pursuant to ORS 659A.885, Plaintiff is also entitled to reasonable attorney fees and costs
26 of this action.

SECOND CLAIM FOR RELIEF
Violation of ORS 659A.203
Against Both Defendants

Plaintiff repeats and realleges paragraphs 1-41 as though fully set forth herein.

42.

On August 25, 2023, Plaintiff Hepworth gave the City of Prineville notice of her intent to pursue claims pursuant to ORS 30.275.

43.

By the acts and omissions described above, including but not limited to harassing and berating Hepworth; pushing her to resign; placing her on indefinite administrative leave and forbidding her from her workplace; foreclosing employment opportunities; and constructively discharging her, all because of her reports of unlawful activity and abuse of authority by Chief Seymour, Defendant City of Prineville committed unlawful employment practices under ORS 659A.203.

44.

By the acts and omissions described above, including but not limited to harassing and berating Plaintiff Hepworth; prohibiting her from telling anyone at City Hall about the activities of the police department; telling her that he could not work with her because of her reports; pushing her to resign; and ensuring that City Manager Forrester, Captain Gray and Lt. Shane Wilson all retaliated against Hepworth; Defendant Larry Seymour committed unlawful employment practices in violation of ORS 659A.203.

45.

Plaintiff Hepworth has lost valuable wages and benefits and opportunities for advancement because of Defendants' discrimination and retaliation. Her professional reputation

1 has been harmed. She has suffered deleterious physical injuries because of the retaliation
2 including panic attacks and a flare-up of her Crohn's disease causing chronic nausea,
3 sleeplessness, and sores that will not heal. She has suffered emotional distress including mental
4 anguish, shame, humiliation, loss of enjoyment of life, and other non-economic injuries. These
5 losses are in amounts to be proven at trial but not to exceed \$1,500,000.

6 46.

7 Pursuant to ORS 659A.885, Plaintiff is also entitled to reasonable attorney fees and costs
8 of this action.

9 * * * * *

10 WHEREFORE, Plaintiff prays for a jury trial and judgment as follows:

- 11 a) For economic and noneconomic damages in an amount to be proven at trial, not to exceed
12 \$1,500,000;
13 b) For pre-judgment and post-judgment interest;
14 c) For reasonable costs and attorneys' fees pursuant to ORS 659A.885; and
15 d) For any such further relief the Court deems appropriate.

16 DATED: FEBRUARY 16, 2024

17 JOHNSON JOHNSON LUCAS & MIDDLETON PC

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