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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

TARA L. RICHERSON,
Plaintiff,
vs.
JEANNE BECKON, in her individual
capacity, and official capacity as Executive
Director of Human Resources for the
Central Kitsap School District,
Defendant.

Case No. _____

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW plaintiff Tara L. Richerson, by and through her counsel of record, Terry A. Venneberg, and does state and allege by way of this Complaint as follows:

I. NATURE OF THE CASE

1. This complaint is filed by Tara L. Richerson, who is a permanent resident of the United States and an employee of the Central Kitsap School District. She brings this action to obtain full and complete relief and to redress the unlawful practices described herein.

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1 2. This action seeks appropriate relief for retaliatory discipline imposed by defendant Jeanne
2 Beckon, Executive Director of Human Resources for the Central Kitsap School District, on plaintiff
3 Tara L. Richerson in violation of rights enjoyed by Richerson under the First Amendment to the
4 United States Constitution and 42 U.S.C. § 1983.

5 II. JURISDICTION AND VENUE

6 3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §
7 1343(3) and (4). Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

8 4. Plaintiff Tara L. Richerson (hereinafter "Richerson") has given notice, pursuant to RCW
9 4.96.020, of a tort claim for damages to the Central Kitsap School District concerning the matters
10 raised by this complaint, and has allowed the requisite 60-day period following said notice prior to
11 commencing this action.

12 III. PARTIES

13 5. Plaintiff Richerson is a permanent resident of the United States and a resident of the State
14 of Washington, and has in all respects the capacity to sue and to be sued.

15 6. Defendant Jeanne Beckon (hereinafter "Beckon") has been, at all times pertinent to this
16 action, the Executive Director of Human Resources for the Central Kitsap School District, and has
17 undertaken all actions described in this complaint in her individual capacity, and official capacity
18 with the Central Kitsap School District, and under color of state law. Defendant Beckon has the
19 capacity to sue and to be sued.
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IV. FACTS

1 7. Plaintiff Richerson became employed by the Central Kitsap School District (hereinafter
2 “CKSD”) as a Teacher in 1996. In 2003, plaintiff Richerson became a Curriculum Specialist for the
3 CKSD.
4

5 8. At all times during her employment by the CKSD, plaintiff Richerson has performed her
6 duties in a satisfactory manner.

7 9. In 2004, plaintiff Richerson began to maintain and write a blog on her own time with her
8 own resources that primarily concerned educational issues within the CKSD. Plaintiff Richerson
9 would routinely include commentary in her blog about the quality of educational opportunities being
10 afforded to students within the CKSD, as well as general opinion and analysis concerning the
11 leadership and management of the District. Plaintiff Richerson maintained and wrote the blog
12 anonymously, and did not write or comment about specific events or persons in the blog unless
13 information concerning those subjects had previously been disclosed to the public.
14

15 10. In June 2007, officials within the CKSD, including defendant Beckon, learned that
16 plaintiff Richerson had been maintaining and writing the blog referenced above. Defendant Beckon
17 expressed concern to plaintiff Richerson about a particular article that had appeared on the blog
18 regarding the consideration of applications for a position with the CKSD, and reprimanded plaintiff
19 Richerson for failure to comply with confidentiality policies at the CKSD with respect to the
20 information which had been included in the blog article. Plaintiff Richerson had not violated any
21 provision of any statute, ordinance, regulation, agreement or any policy or procedure of the CKSD in
22 the publication of the blog article at issue.
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11. In July 2007, plaintiff Richerson was informed that defendant Beckon had decided to involuntarily transfer plaintiff Richerson out of her position as Curriculum Specialist with the CKSD into a teaching position. Plaintiff Richerson was told by defendant Beckon that she was being involuntarily transferred out of her position as Curriculum Specialist due to the fact that she maintained and wrote the blog referenced above. Defendant Beckon told plaintiff Richerson that her writing of the blog was disruptive to the CKSD and was damaging to plaintiff Richerson's credibility in performing the work required of her position.

12. Plaintiff Richerson has incurred and will incur damages as a result of the involuntary transfer out of her position as Curriculum Specialist for the CKSD. Plaintiff Richerson was transferred into a position that paid substantially less than the Curriculum Specialist position. In addition, plaintiff Richerson incurred significant damage to her status and career path within the CKSD, with the demotion from Curriculum Specialist to a teaching position. Plaintiff Richerson has suffered emotional distress and loss of enjoyment of her life and career as a result of the involuntary transfer described herein.

V. CAUSE OF ACTION

Violation of 42 U.S.C. § 1983

13. Paragraphs 1 through 12 as set out above are incorporated by reference herein.

14. Under color of state law, defendant Beckon violated plaintiff's right of free speech, under the First Amendment to the U.S. Constitution, and therefore violated provisions of 42 U.S.C. § 1983, when she involuntarily transferred plaintiff Richerson out of her position as Curriculum Specialist with the CSKD for maintaining and writing a blog which concerned issues involving the quality of

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1 educational opportunities being afforded to students in the CKSD, and the leadership and
2 management being provided by officials of the District.

3 15. The speech engaged in by plaintiff Richerson in maintaining and writing her blog dealt
4 with and addressed matters of public concern. The free speech interest of plaintiff Richerson was
5 substantially greater than any employer interest that may have been served by plaintiff Richerson's
6 involuntary transfer. The speech engaged in by plaintiff Richerson in maintaining and writing the
7 blog was the motivating factor in the decision by defendant Beckon to involuntarily transfer plaintiff
8 Richerson out her Curriculum Specialist position. In absence of the protected speech engaged in by
9 plaintiff Richerson on her blog, defendant Beckon would not have made the same personnel decision
10 concerning the involuntary transfer referenced above.
11

12 16. As a direct and proximate result of the violation of 42 U.S.C. § 1983 by defendant
13 Beckon, plaintiff has incurred and will incur damages in an amount to be proven at trial, but in any
14 event to exceed \$100,000.
15

16 17. Defendant Beckon is also liable for an assessment of punitive damages, due to her
17 violation of 42 U.S.C. § 1983, and her willful, wanton and reckless conduct in doing so, in an
18 amount to be proven at trial.
19

20 WHEREFORE plaintiff prays for the following relief to be granted:

21 a) Enter a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202, that defendant
22 Beckon's involuntary transfer of plaintiff Richerson out of her position as Curriculum Specialist with
23 the CKSD was in violation of plaintiff Richerson's rights under the First Amendment to the United
24 States Constitution and 42 U.S.C. § 1983;
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1 b) Issue appropriate injunctive relief restoring plaintiff to her position as Curriculum
2 Specialist with the CKSD and enjoining any further retaliation against plaintiff Richerson in
3 connection with her constitutionally protected right to free speech;

4 c) An award of damages against defendant Beckon for past and future economic and non-
5 economic losses in an amount to be proven at trial, but in any event exceeding \$100,000;


6 d) An award of punitive damages against defendant Beckon and in favor of plaintiff
7 Richerson in an amount to be proven at trial;

8 e) An award of costs, interest and attorneys fees, as provided by applicable law, including,
9 but not limited to, 42 U.S.C. § 1988; and

10 f) Such and other further relief as this court may deem appropriate be granted.

11 **PURSUANT TO F.R.C.P. 38, PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL**
12 **ISSUES SO TRIABLE.**
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16 DATED this 24th day of October, 2007.

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19 By: /s/ Terry A. Venneberg 

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