

UNITED STATES DISTRICT COURT

District of Maine

SHARON LEAHY-LIND,

KATIE N. WOODBURY,

Plaintiffs

v.

MAINE DEPARTMENT OF HEALTH  
AND HUMAN SERVICES,  
CENTER FOR DISEASE CONTROL  
AND PREVENTION,

and

SHEILA G. PINETTE,  
in her individual capacity,

CHRISTINE ZUCKAS,  
in her individual capacity,

LISA SOCKABASIN,  
in her individual capacity,

Defendants

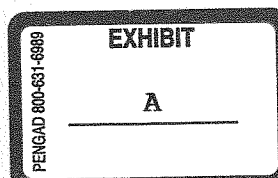
Case No. 1:13-cv-00389-GZS

**FIRST AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiffs, Sharon Leahy-Lind and Katie N. Woodbury, through their counsel, allege as follows:

**Parties**

1. Plaintiff Sharon Leahy-Lind ("Sharon") is a resident of Portland, Maine.
2. Plaintiff Katie N. Woodbury ("Katie") is a resident of Wilton, Maine.
3. Defendant, Maine Department of Health and Human Services, Center for Disease Control and Prevention ("CDC"), is a "public agency" pursuant to 29 U.S.C. § 203(x).



4. Defendant, Sheila G. Pinette, the Director of the Maine CDC (“Pinette”), is an individual who at all material times has resided in Cape Elizabeth, Maine and is being sued in her individual capacity.

5. Defendant Christine Zukas (“Zukas”) is the Deputy Director of the Maine CDC and is being sued in her individual capacity.

6. Defendant Lisa Sockabasin (“Sockabasin”) is the Director of the Office of Health Equity at the Maine CDC and is being sued in her individual capacity.

#### **Jurisdiction**

7. This Court has original jurisdiction under 28 U.S.C. § 1331.

8. This Court has concurrent jurisdiction to hear Plaintiffs’ state law claims.

#### **Venue**

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because all of the events giving rise to Sharon’s claims occurred in this District.

#### **DEMAND FOR A JURY TRIAL**

10. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury on all issues triable of right as declared by the Seventh Amendment to the United States Constitution.

#### **Facts**

##### **Sharon Leahy-Lind**

11. On or about January 1, 2012 Sharon was promoted to serve as the Director of the Division of Local Public Health for the Maine CDC. Prior to this she worked from 2008 to 2012 for the CDC as the Public Health Liaison in Sanford, Maine.

12. Sharon's previous professional experience in public health included working at the Maine Department of Health and Human Services as the Director of Special Projects, Women's Health Coordinator (2002 – 2008) and Project Director, Women's Behavioral Health Systems Initiative, Division of Family Health (2004 – 2007).

13. At all material times Sharon performed her job at a very high level and was recognized for outstanding abilities, attitude and professionalism.

14. Sharon has a bachelor's degree from Worcester State College and a master's degree from the Edmund S. Muskie School of Public Service at the University of Southern Maine.

15. In the spring of 2012, in connection with a major reduction in state funding for the Healthy Maine Partnerships ("HMP") programs, Sharon was told by her supervisor, the Deputy Director of the Maine CDC ("Zukas"), to shred public documents that would have disclosed irregularities and possibly illegal activity by the CDC.

16. The records in question showed certain scoring results, among other things, purportedly used to designate nine "lead" HMP programs that were awarded large sums of public funding while other HMPs' funding was radically reduced. What was described as an "objective" test on which awards were allegedly based was in fact manipulated by Pinette, Zukas and the Director of Minority Health ("Sokabasin") so certain HMPs were favored over others.

17. Sharon refused to shred any documents because she reasonably believed disposing of public records was illegal and highly inappropriate. Instead, Sharon reported to several high-level officials at the CDC, including Sokabasin and Pinette, that she was told to shred documents and that she refused.

18. Sharon kept all of the records related to the HMP funding in her files in her office at the CDC.

19. When Zukas found out Sharon had not shredded the documents in question, she physically assaulted and ordered her to take the documents home and destroy them there, but Sharon refused.

20. In August and September, 2012 Sharon reported to Pinette that Zukas had ordered her to shred public documents and had been harassing and physically assaulting her, as well as ordering her to harass and discriminate against others. Sharon gave her specific details of what Zukas had been doing since January when she took the position, and how it got worse after she refused to shred documents. Pinette responded by saying that Zukas did “the same things” to her, and that, “Chris Zukas is a miserable and hateful person.” Pinette also said she would have to report the harassment to the Commissioner. Sockabasin later said to Sharon, “Sharon, Chris (Zukas) can never know that you came forward. If she finds out she will destroy you—things will get much worse for you.”

21. During that time and thereafter, Pinette, Zukas and/or Sockabasin harassed, discriminated and retaliated against Sharon to such a degree that an intolerable hostile environment was created, and Sharon suffered a serious health condition and took a medical leave.

22. Specific acts committed by Pinette, Zukas and/or Sockabasin include:

(a) Sharon was ordered to repeatedly discipline a disabled minority employee who was targeted by Zukas and Sockabasin as part of a systematic effort by the CDC to harass and discriminate against minorities. Zukas and Sockabasin told Sharon to “keep on her” so they could “get rid of her”. On one such occasion, Sockabasin (while at the CDC office) called

Sharon (who was out of the office) and told her to discipline this employee for wearing jeans.

When Sharon questioned why she should be addressing this alleged offense while out of the office and unable to personally observe the de minimis infraction, Sockabasin said aggressively, “you will discipline her, Sharon, or you will be disciplined! I will make sure Chris (Zukas) fires you!”

(b) Similar threats of adverse action were repeatedly made by both Zukas and Sockabasin to Sharon if she did not carry out a campaign targeting this minority employee with discipline in an attempt to get rid of her.

(c) Inappropriate racial and religious comments made by Pinette, Zukas and Sockabasin contributed to a hostile environment. For example, Pinette said at a public meeting, “my daughter doesn’t have a job, but of course her colored roommate got one because of affirmative action.”

(d) Pinette publicly referred to her personal religion numerous times, suggesting she was morally superior to Sharon and others of different faiths. Comments included, “I’m Catholic, that means I am telling the truth,” or words to that effect. On another occasion, Pinette said to a large number of CDC employees that Sharon and Katie, who reported illegal behavior, are “liars”.

(e) Sockabasin, speaking of the HMP funding, said, “I am going to take away all the money from that skinny white bitch.”

(f) Zukas told Sharon to keep an eye on “them”, referring to a group of minorities who were talking amongst each other at the CDC.

(g) Sharon was told by Sockabasin, “shut your f’ing mouth” and was threatened with adverse employment consequences if she mentioned what appeared to be favorable treatment given to the Tribal Healthy Maine Partnerships.

(h) Sharon was physically and verbally assaulted repeatedly by Zukas. She often raised her voice and screamed, while grabbing Sharon’s arm or kicking her under the table. Sockabasin was sometimes overly “friendly” and suddenly very aggressive and would scream at Sharon, calling her a “stupid ass goody-two shoes” while criticizing the way Sharon talked.

(i) Sockabasin and Zukas discouraged Sharon from questioning unethical employment practices and favoritism, such as handing out jobs and benefits to friends or political allies instead of basing hiring decisions on merit and objective standards.

(j) In early November, 2012, Sharon was ordered to fail a CDC employee on his probation for reasons that had nothing to do with his job performance. Zukas and Sockabasin told Sharon, falsely, that this employee had been the subject of numerous sexual harassment complaints. Sharon thoroughly reviewed this employee’s personnel file and references and found no evidence of any such charges. She confirmed his good record with the personnel office and had personally observed him doing a satisfactory job. Sharon was extremely reluctant to fail him, but when asked by Pinette whether it was the right thing to do, she was so afraid of reprisal by Zukas and Sockabasin that she agreed to carry out the directive. Sharon was told specifically by Zukas and Sockabasin that if she did not fail this employee (essentially fire him), she would be disciplined and that her job was on the line. Shortly after Sharon delivered the news to this employee, however, Zukas called Sharon in a rage and ordered her to reinstate him. She screamed at Sharon on the phone and demanded that the employee be contacted immediately. Zukas told Sharon if she did not “unfail” this employee, she would be fired. Sharon said, among

other things, “This is so sick I can’t take it anymore. I am so sick of the harassment and being bullied.” This incident caused such heightened anxiety that Sharon had difficulty breathing.

23. On November 5, 2012, following the above-described incident, Sharon sent urgent messages to the Commissioner of the Department of Health and Human Services and others, including its EEO officer, saying that she was being harassed and needed help.

24. Sharon spoke at length with the Department’s EEO officer and reported what was happening to her and others at the CDC, including being asked to engage in illegal behavior, corruption, discrimination against minorities, harassment and bullying.

25. The Department EEO officer told Sharon she would assist her with services and resources available, but the State EEO officer would investigate her complaints. Later that day, Sharon’s email was acknowledged by Pinette, and she was told her claim of harassment would be reviewed.

26. Sharon sought medical attention because of difficulty breathing and extreme anxiety caused by Zukas and Sockabasin, and Pinette who failed to prevent or stop them. Sharon’s doctor strongly recommended she take time off from work to regain her health, and she was granted family medical leave through March 25, 2013.

27. At no time in her career with the Department of Health and Human Services and the CDC was Sharon’s work performance the subject of any criticism. Never had she been disciplined or counseled. At no time was Sharon informed that anything she had done was under review or contrary to standards or performance expectations. Nothing in Sharon’s personnel file reflects anything negative or the subject of review.

28. On or about November 13, 2013 Sharon met with the State of Maine’s EEO Coordinator for over three hours and reported in detail what was going on at the CDC. Sharon



reported she was ordered to shred and take home public documents that were the subject of a Freedom of Information Act request. Sharon reported she was ordered to carry out a campaign of harassment and discrimination against minorities on behalf of Zukas and Sockabasin. Sharon reported she was screamed at, threatened and physically assaulted. Sharon reported she was ordered to fail a qualified state employee for discriminatory reasons and then immediately told to reinstate him, or she would be fired. Sharon reported that the HMP funding process was unfair and unethical. Sharon also gave the state EEO Coordinator a list of people to contact to corroborate her complaints.

29. Upon information from a reliable source, instead of conducting an investigation in to Sharon's reported complaints of harassment and corruption, the State EEO Coordinator, Pinette and the CDC interviewed employees about Sharon's management performance and attempted to elicit damaging information to discredit and undermine her concerns. The minority employee who Zukas and Sockabasin targeted for discrimination and harassment was not, upon information and belief, interviewed, nor were numerous District Liaisons who were impacted by the HMP funding scandal.

30. Sharon asked at least three times thereafter what, if anything, was being done in response to her EEO complaint. She was told it was "confidential". She later learned that a report was prepared by the State EEO Coordinator after interviewing numerous people and delivered to Pinette.

31. On February 4, 2013, through counsel, Sharon requested a copy of specific public documents and files left at her office pursuant to Maine's Freedom of Access Law. When documents were finally produced, the spreadsheet that identified the final scores of the Healthy Maine Partnerships – the one that Sharon was told to shred – was missing.



32. Sharon also requested a complete copy of her personnel file, which was produced on or about February 26, 2013.

33. In anticipation of her return to work in March, the Department offered Sharon a demotion to a job based in Rockland (over two hours from her home) or a return to her job as Director of the Division of Local Public Health still under the supervision of Zukas, stating “the Department believes it has addressed the concerns raised regarding the supervisor.” What the Department and/or the CDC did to “address” Sharon’s concerns was not revealed to her.

34. On March 25, 2013, at the end of her family leave, Sharon notified the Department that she would be returning to her job and delivered a note from her doctor stating she was fit for employment with no restrictions.

35. On March 28, 2013 Sharon was placed on administrative leave and told for the first time the Department had “probable cause” to conduct an investigation into allegations that she “shared inappropriate and/or untruthful information with supervisors, subordinates, and/or peers to include, but not limited to, confidential information from senior management discussions.” Sharon was never questioned by anyone at the Department or CDC about these allegations and was never told what she allegedly revealed that was inappropriate or untruthful, even after her lawyer specifically asked for details and the basis of the administrative leave.

36. In fact, Sharon was placed on administrative leave because she had reported illegal conduct and complained of discrimination and harassment, and Pinette did not want her to return to her job.

37. Although the “investigation” concluded no wrong doing, Sharon was denied from truly having her job back when she finally was allowed to return to work on or about April, 2013. Her hours were restricted and she was held to different standards than before her leave

and EEO complaint, or to the hours and standards of any other Directors at the CDC. Sharon was not given discretion to hire direct reports, and employees who voiced support for her were targeted for maltreatment and harassment. Sharon was no longer “buzzed in” to the Human Resources Department and instead was escorted. She was not given an office phone, was micromanaged and unfairly “counseled” for trivial matters, while Zukas and Sockabasin enjoyed complete freedom to continue to harass and bully other CDC employees with impunity. Pinette publicly suggested Sharon was causing CDC employees to suffer stress and anxiety and that Sharon should feel guilty for voicing complaints about an intolerable work environment.

38. On April 2, 2013 Sharon filed a Charge of Discrimination with the Maine Human Rights Commission, which was published in the media and reported on widely.

39. On April 4, 2013 Sharon spoke publicly about a matter of public concern as a private citizen. She said:

I have devoted 13 years of my life and career to the State of Maine’s public health because I firmly and passionately believe that healthy communities are the bedrock of a civilized and peaceful world.

Public health programs that help the poor, elders, disabled and underserved in our rural state, and the scarce public dollars that support these programs, are critically important to everyone -- especially Maine’s women and children.

More importantly than public health, however, is the public’s trust in our government.

It is for this reason that I have filed my complaint. Sunshine is the best disinfectant, and it is my goal to shine light on one area of state government that is broken and causing harm to me and the people of Maine.

I would like to say more, but unfortunately I am not able to do so at this time on the advice of my lawyer.

In closing, I wish to thank all of the people who have supported me through this process and encourage the many dedicated public servants in local and state government to continue their good work.

40. Instead of being allowed and supported to do her job upon her return to the CDC, and because she had filed her Charge of Discrimination and spoke publicly about unlawful conduct at the CDC, Sharon was the subject of a witch hunt and publicly discredited and slandered.

41. Pinette, Sockabasin and Zukas conspired with other CDC employees to make false complaints that Sharon was a "safety threat". They made false statements about Sharon's mental health, stated publicly she was a liar and untrustworthy, shot her nasty looks and treated her with disdain. When Sharon reported these things, the Department and CDC responded only that, "your concerns have been reviewed and the department believes it has taken appropriate action." In fact, no meaningful action was taken to address Sharon's concerns and prevent her from being retaliated against.

42. The Maine CDC hired a consultant to conduct a Cultural Competency Assessment ("Report") of the organization. Upon information and belief, the Report and underlying data support many of Sharon's claims about discrimination, harassment and a hostile work environment.

43. The final, complete Report, including the underlying data and interviews, has been kept confidential in an attempt to cover up its findings.

44. When the consultant was asked to present her findings to the Senior Management Team, Sharon had a scheduling conflict and was not present.

45. Since the Report was part of the accreditation process, Sharon later asked the accreditation manager for a copy and was told Sockabasin had taken all the copies and it was not available.

46. Sockabasin told the consultant hired to do the study and issue the Report that "Sharon is crazy."

47. Sockabasin's false statement was made knowingly or with reckless disregard to its truth or falsity in an effort to tarnish Sharon's professional reputation.

48. The Report and the underlying data, interviews and notes have been wrongfully withheld from the public because it corroborates Sharon's claims.

49. On July 31, 2013, after Sharon was asked to be a party to a hiring process she felt was unfair and denied her the ability to employ the best qualified candidate, in addition to being the subject of unfounded complaints by Zukas and Sockabasin, the conditions of her employment became intolerable.

50. On August 14, 2013 Sharon made a request through her lawyer for certain public records she believed may corroborate her claims about the CDC work environment. She made a formal request pursuant to 1 M.R.S.A. § 408-A for the Report and all its related documents.

51. The CDC provided an alleged summary of the Report, and a slide presentation, but has refused to provide Sharon with a copy of the full Report.

52. Upon information and belief, the consultant paid to do the Report was asked to sign a confidentiality agreement and further asked by Pinette, Zukas and/or Sockabasin to send copies of it to their personal email accounts.

**Facts**

**Katie N. Woodbury**

53. At all material times Katie was an office manager at the Maine CDC and worked for Sharon when she was the Director of Public Health.

54. On or about April 21, 2013, Katie spoke with reporters from the Lewiston Sun Journal newspaper.

55. Katie spoke to the Lewiston Sun Journal about matters of public concern and echoed many of Sharon's claims, including the allegation that Healthy Maine Partnership funding was manipulated.

56. Katie had heard from individuals who saw that the final scores were altered. Katie said publicly, "they were up in arms over that because it wasn't who they picked."

57. Katie also told the Lewiston Sun Journal that she was present when Sharon once got kicked under the table during a meeting. "I felt it...they got the wrong person...Sharon had just finished speaking about something."

58. Katie said publicly that she once heard Sockabasin screaming at Sharon from two doors away and that "it was loud and it was not nice."

59. Katie said publicly she experienced similar treatment as Sharon by Zukas.

60. Katie also said publicly, "if you do not agree with Chris Zukas, she's got a hair trigger and she'll rip you up. I'm a person that can take that, but I won't. Some of this stuff that's going on in that workplace is abuse. Blatant abuse."

61. Katie stated publicly that she spoke to Sharon shortly before she left on medical leave and that Sharon was very distraught. "I almost called 911...she (Sharon) couldn't catch her breath... I couldn't believe a couple of people could reduce somebody to that state."

62. Katie spoke publicly about the hostile work environment at the Maine CDC. She said supervisors told employees to spy on their coworkers and retaliated against those they did not like or who challenged the way things were run.

63. Katie said publicly that coworkers at the Maine CDC fear management. She said publicly about Zukas and Sockabasin, "they're referred to as the Third Reich. The reign of terror. And that is how they operate...I don't know where these women get their power, but they are getting it from somebody."

64. Katie decided to speak publicly because she felt too much had gotten "shoved under the rug."

65. Katie said, "somebody's got to do something to stop them...and if I can help, I will."

66. Following Katie's public comments, a substantial campaign of harassment instigated knowingly by Zukas, Sockabasin and Pinette was waged against her that had a chilling effect on her First Amendment rights and caused extreme anxiety and distress.

67. As a result of speaking publicly about matters of public concern, Katie was considered to be "on Sharon's side".

68. After Katie's public comments, Rebecca Petrie made a melodramatic scene in an elevator, turning her back on Katie and acting like she was in shock and disgust.

69. Also shortly thereafter Rebecca Petrie and Sheryl Peavey began conspiring to undermine Sharon's professional reputation and her claims against the CDC by falsely stating that Sharon was a safety threat.

70. Katie complained to CDC management on or about June 2013 that Petrie and Peavey were purposely trying to depict Sharon in a false light to undermine her claims.

71. Petrie and Peavey actions were to protect Sockabasin, who knew they were engaging in unlawful behavior.

72. On information and belief, Rebecca Petrie and Sheryl Peavey were given their jobs by Sockabasin without the appropriate public postings or civil service procedure, and lack the requisite skills and experience for their positions.

73. Even though Katie regularly processed the paperwork for new managers in the CDC, Sharon's file related to a new hire that she questioned "disappeared" from the office on or about August 1, 2013.

74. Katie questioned what she thought was an irregular and unorthodox hiring and was told "you will never see the paperwork in this case" even though it was her job to process such paperwork.

75. Other acts of retaliation and harassment include:

- a. Coworkers at the Maine CDC were told not to speak to Katie.
- b. Zukas and Sockabasin followed Katie on occasion and refused to speak to or look at her.
- c. Emails sent by Pinette, Zukas and Sockabasin were overly "cheerful" and seemingly professional, but their direct communication with Katie was hostile, confrontational and intimidating. In meetings they refused to acknowledge Katie's presence or speak to her.
- d. Katie was moved to work on the 8<sup>th</sup> floor right next to Zukas and Sockabasin's newly renovated office suites and ordered to sign a 1989 Executive Order that contains a Code of Conduct, even though she had previously signed all required policies and forms.
- e. Katie was repeatedly reassigned to different locations and supervisors.
- f. Katie was taken off the State Coordinating Council, where she worked as staff.



g. Katie was removed from the “Idea Team” of other office managers.

h. Katie was knit-picked and micro-managed like she had never been before speaking publicly, even though her job performance remained very good.

i. Zukas began unreasonably questioning and refusing to approve Katie’s Time and Attendance Management (“TAM”) forms. Never in her 13 years of experience had Katie’s TAM forms been questioned or rejected before.

j. Katie was no longer allowed to work from home on occasion to accommodate medical appointments.

76. Katie made numerous reports of a hostile work environment but none were acted upon in a meaningful way.

77. On or about August 12, 2013 Katie met with the Human Resources Department and reported that the actions by Zukas and Sockabasin were causing her distress. She asked specifically to not have to report to them. Katie was told, “whistleblowers get guilty consciences” and “maybe you are imagining things” and “maybe you shouldn’t have talked to the newspapers.”

78. On August 14, 2013 Katie was informed she would be working under the direct supervision of Rebecca Petrie, who was the subject of a complaint made by Katie and who reports to Sockabasin.

79. On August 15, 2013 Katie sent an email to Commissioner Mary Mayhew, among others, outlining her concerns.

80. On or about September 23, 2013 Pinette said publicly at a meeting where Katie and numerous others were present that the people who had spoken to the press about the hostile

work environment at the Maine CDC were “liars,” and then went on to discuss publicly Katie’s private medical issues including her battle with cancer.

81. After the meeting, several CDC employees came to Katie and expressed shock that Pinette said she and Sharon were liars.

82. Pinette’s false and defamatory statement was made knowingly or with reckless disregard to its truth or falsity.

**Count 1 – Whistleblower Protection Act, 26 M.R.S.A. § 831, et seq.**

**Sharon**

83. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

84. Sharon at all material times was an “employee” and the CDC an “employer” under the Whistleblower Protection Act.

85. Sharon made a legally-protected whistleblower report, or reports, in good faith of what she reasonably had cause to believe were violations of law or rules of the State of Maine and/or the United States. Reports included unlawful discrimination of minorities, retaliation, assault, unfair hiring practices, political patronage and the shredding of public records.

86. Sharon’s legally-protected whistleblower report or reports were the cause, and/or a substantial or motivating factor, in the Defendants’ threats, investigation, administrative leave, discipline, unfair treatment and/or adverse employment actions described herein, including her discharge from employment.

87. Sharon has fully complied with the procedural requirements of 5 M.R.S.A. § 4612(6).

88. The actions of defendants violated 26 M.R.S.A. § 831, et seq.

**Count 2 – State Family Medical Leave Act, 26 M.R.S.A. § 843, et seq.**

**Sharon**

89. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

90. The CDC is an “employer” subject to the Family Medical Leave Act, and Sharon was at all material times an eligible employee.

91. Sharon requested and was granted medical leave by the CDC due to her serious health condition.

92. By denying Sharon her job back following her medical leave, harassing, discriminating and retaliating against her, the CDC violated the Maine Family Medical Leave Act.

93. The actions of defendants violated 26 M.R.S.A. § 843, *et seq.*

**Count 3 – Federal Family Medical Leave Act, 29 U.S.C. § 2611**

**Sharon**

94. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

95. At all material times Sharon was an “eligible employee” as defined by 29 U.S.C. § 2611(2)(A) and the CDC an “employer” under the Federal Family Medical Leave Act.

96. Sharon requested and was granted medical leave because of a serious health condition.

97. By committing the aforementioned acts, including but not limited to denying her return to work, discriminating and retaliating against her, the CDC unlawfully interfered with Sharon’s rights in violation of 29 U.S.C. § 2615, *et al.*

**Count 4 – Retaliation – Maine Human Rights Act, 5 M.R.S.A. § 4572(E)**

**Sharon**

98. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

99. Sharon was unlawfully discriminated against because she opposed practices and reported what she reasonably believed to be unlawful employment discrimination in violation of the Maine Human Rights Act, as well as participated in related investigations.

100. Sharon has fully complied with the procedural requirements of 5 M.R.S.A. § 4612(6).

101. The actions of defendants violated 5 M.R.S.A. § 4572(E).

**Count 5 – Retaliation – Federal Civil Rights Act, 42 U.S.C. § 2000e-3**

**Sharon**

102. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

103. Sharon was unlawfully discriminated against because she opposed practices and reported what she reasonably believed to be unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, as well as participated in related investigations.

104. Sharon has complied with the procedural requirements of 42 U.S.C. § 2000e-5.

105. The actions of the defendants violated 42 U.S.C. § 2000e-3.

**Count 6 – Freedom of Information Act, Appeal, 1 M.R.S.A. § 409**

**Sharon**

106. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

107. Sharon made a formal request for copying and/or inspection of public records pursuant to 1 M.R.S.A. § 408-A. The CDC has failed to respond or allow for the copying and/or inspection of these records in violation of Maine law.

108. The Maine CDC has willfully violated Maine's Freedom of Access Law and Sharon's rights by refusing to produce, destroying or otherwise concealing public records.

**Count 7 – Defamation**

**Sharon v. Pinette**

109. Sharon repeats and realleges the allegations contained in the foregoing paragraphs as if set forth at length herein.

110. Pinette made false and defamatory statements about Sharon that were not privileged.

111. Pinette's statements included, but are not limited to, that Sharon "is a liar".

112. Pinette published these statements to third parties.

113. Pinette's published, unprivileged false statements are actionable irrespective of special harm or caused special harm.

**Count 8 – Defamation**

**Sharon v. Sockabasin**

114. Sharon repeats and realleges the allegations contained in the foregoing paragraphs as if set forth at length herein.

115. Sockabasin knowingly made false and defamatory statements about Sharon that were not privileged.

116. Sockabasin's statements included, but are not limited to, that Sharon "is crazy".

117. Sockabasin published these statements to third parties.

118. Sockabasin's published, unprivileged false statements are actionable irrespective of special harm or caused special harm.

**Count 9 – First Amendment – Retaliation, 42 U.S.C. § 1983**

119. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

120. Sharon exercised her First Amendment rights when she spoke publicly and/or to the press about the work environment at the CDC.

121. Pinette, Zukas and Sockabasin, acting in their individual capacities and under color of state law, violated Sharon's First Amendment rights and unlawfully retaliated against Sharon for exercising such rights in violation of 42 U.S.C. § 1983 by committing the aforementioned acts.

**Count 10 – Defamation**

**Katie v. Pinette**

122. Katie repeats and realleges the allegations contained in the foregoing paragraphs as if set forth at length herein.

123. Pinette knowingly made a false and defamatory statement about Katie that was not privileged, or made the statement with reckless disregard to its truth or falsity.

124. Pinette's statements included, but are not limited to, that Katie "is a liar".

125. Pinette published these statements to third parties.

126. Pinette's published, unprivileged false statements are actionable irrespective of special harm or caused special harm.

**Count 11 – First Amendment – Retaliation, 42 U.S.C. § 1983**

**Katie**

127. Plaintiffs repeat and reallege the allegations contained in the foregoing paragraphs as if set forth at length herein.

128. Katie exercised her First Amendment rights when she spoke publicly and/or to the press about the work environment at the CDC.

129. Pinette, Zukas and Sockabasin, acting in their individual capacities and under color of state law, violated Katie's First Amendment rights and unlawfully retaliated against Katie for exercising such rights in violation of 42 U.S.C. § 1983 by committing the aforementioned acts.

**WHEREFORE**, Plaintiffs respectfully request the following relief:

1. Declare the actions of Defendants to be unlawful;
2. Award Plaintiffs compensatory damages, including punitive damages;
3. Award the Plaintiffs reasonable attorneys' fees, costs and interest;
4. Order the Defendants to reinstate Sharon or, in lieu of reinstatement, order back pay and front pay;
5. Award all allowable penalties, nominal and statutory damages; and
6. Award all further relief which this Honorable Court deems just and appropriate.



DATED at Portland, Maine this 21<sup>st</sup> day of February, 2014.

/s/Cynthia A. Dill

Cynthia A. Dill, Esq.  
Maine Bar No. 7055  
Attorney for Plaintiffs, Sharon Leahy-Lind  
and Katie N. Woodbury

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