

WHEN RECORDED RETURN TO:

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SKAMANIA COUNTY PROSECUTING ATTORNEY
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DOCUMENT TITLE(S)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

REFERENCE NUMBER(S) of Documents assigned or released:

CAUSE NO 09 2 05253 4

☐ Additional numbers on page _____ of document.

GRANTOR(S):

PETER S. BANKS & SKAMANIA COUNTY

☐ Additional names on page _____ of document.

GRANTEE(S):

LANCE D. FITZJARRALD

☐ Additional names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

☐ Complete legal on page _____ of document.

TAX PARCEL NUMBER(S):

☐ Additional parcel numbers on page _____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

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SUPERIOR COURT OF WASHINGTON IN AND FOR CLARK COUNTY

LANCE D. FITZJARRALD,)	CAUSE NO.
Plaintiff,)	09 2 05253 4
v.)	COMPLAINT FOR EMPLOYMENT
PETER S. BANKS and SKAMANIA)	DISCRIMINATION
COUNTY.)	
Defendants.)	

Plaintiff alleges:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Lance D. Fitzjarrald is a resident of Klickitat County, Washington. At the times material to this Complaint, Mr. Fitzjarrald had a disability and was a covered employee under the Washington Law Against Discrimination (RCW 49.60).

2. Defendant Peter S. Banks is Skamania County Prosecuting Attorney and is a resident of Skamania County. Mr. Banks is an employer subject to the provisions of the Washington Law Against Discrimination (RCW 49.60) and the provisions of RCW 49.48.010 *et seq.*

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - 1

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3. Defendant Skamania County is a government entity operating by and under the laws of the state of Washington and is an employer subject to the provisions of the Washington Law Against Discrimination (RCW 49.60), RCW 49.44.090 and RCW 49.48.010 *et seq.*

4. Mr. Fitzjarrald claims employment discrimination arising out of his employment relationship with Mr. Banks and with Skamania County.

5. Mr. Fitzjarald filed a Claim for Damages with the Skamania County Auditor's Office and more than 60 days have elapsed since the filing of that claim. Plaintiff satisfied all conditions precedent to bringing this suit against defendants. The court has jurisdiction over the parties and subject matter of this Complaint.

6. Venue is properly in this court as it is one of the judicial districts nearest that of the superior court in Skamania County where this action would otherwise be brought.

II. STATEMENT OF FACTS

7. Mr. Fitzjarrald began his employment with defendants in September 2006 as a deputy prosecuting attorney. He held that position throughout his employment.

8. Mr. Fitzjarrald consistently met and/or exceeded the job requirements and performance expectations of his position. He received salary increases and periodic assurances as to the high quality of his work.

9. Defendants never disciplined Mr. Fitzjarrald nor threatened him with discipline of any kind. Defendants never warned Mr. Fitzjarrald that his job was in jeopardy nor gave him any reason to believe his employment would be terminated.

10. Defendants have a history of discriminatory treatment of those employees with medical needs for themselves or the medical needs of others.

11. On September 1, 2008 Plaintiff sustained serious injuries in a non-work related accident. He required five days of hospitalization and more than two additional weeks of recovery at his home. Mr. Fitzjarrald's doctor released him to return to work on September 22, 2008.

12. The injury caused Mr. Fitzjarrald to lose the temporary, but total use of his right hand. Mr. Fitzjarrald is right handed and was severely limited in his normal work activities such as computer use, transporting material to and from court, taking notes and making any kind of written communications.

13, Defendant Banks knew of Mr. Fitzjarrald's condition, but offered no accommodation, including a denial of a request by Mr. Fitzjarrald for a rubber stamp, which he could use to stamp his name when required in his work. Instead, Defendant Banks insisted that Mr. Fitzjarrald perform his work as if he had no disabling impairment.

14. Mr. Fitzjarrald handled all the work assigned him including trials.

15. On December 2nd, Mr. Fitzjarrald completed a misdemeanor trial. It resulted in a defense verdict. On the morning of December 3rd, defendant Bank's chief deputy told Mr. Fitzjarrald that his employment was terminated, effective immediately. When Mr. Fitzjarrald asked for a reason, the chief deputy said he had none to give.

16. Subsequently, in a proceeding before the Washington Department of Employment Security, Defendant Banks claimed Mr. Fitzjarrald to have been terminated because of "Lack of preparation for a jury trial which resulted in...not guilty verdict."

17. The reason given by defendant for the termination of Mr. Fitzjarrald's employment is false and a pretext for terminating Mr. Fitzjarrald because of his real or perceived disability.

18. Plaintiff cannot find comparable employment and is unemployed.

III. CLAIM

19. Plaintiff realleges the pertinent portions of paragraphs 1-18.

20. Defendants unlawfully discriminated against Mr. Fitzjarrald because of his real or perceived disability in violation of the Washington Law Against Discrimination (RCW 49.60).

21. As a result of defendants' unlawful actions Plaintiff has suffered and will suffer in the future damages, which include:

- 21.1 Economic loss in the form of front pay, back pay and employment benefits;
- 21.2 Out of pocket expenses; and
- 21.3 Emotional distress damages.

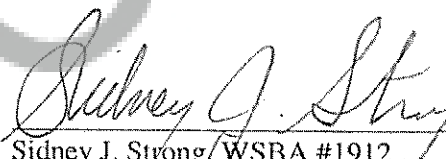
V. RELIEF

22. Plaintiff asks that judgment be entered against Defendants as follows:

- 22.1 Awarding him the full measure of damages described in this Complaint;
- 22.2 Awarding him the special and general damages available under RCW 49.60;
- 22.3 Awarding him actual litigation expenses, costs and attorney fees as available under RCW 49.60 and RC 49.48.010 *et seq*;
- 22.4 Awarding him damages to compensate for any adverse tax consequences;
- 22.5 Awarding him prejudgment interest as available;
- 22.6 Enjoining Defendant from further violations of RCW 49.60; and
- 22.7 Awarding him any additional relief in law and equity to which he is entitled.

DATED this 9th day of November, 2009.

LAW OFFICES OF SIDNEY J. STRONG, P.S.



Sidney J. Strong, WSBA #1912
Attorney for Plaintiff