

MAUREEN BEAUMONT,)	CIVIL DIVISION
)	
Plaintiff,)	GD-19-003657
)	
v.)	COMPLAINT IN A CIVIL ACTION
)	
ALLEGHENY COUNTY)	
EMERGENCY SERVICES,)	
)	
Defendant.)	Electronically Filed.

Law Offices of Joel Sansone
Two Gateway Center, Suite 1290
603 Stanwix Street
Pittsburgh, Pennsylvania 15222
412.281.9194

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MAUREEN BEAUMONT,)	CIVIL DIVISION
)	
Plaintiff,)	GD-19-003657
)	
v.)	COMPLAINT IN A CIVIL ACTION
)	
ALLEGHENY COUNTY)	
EMERGENCY SERVICES,)	
)	
Defendant.)	Electronically Filed.

COMPLAINT IN A CIVIL ACTION

COMES NOW, the Plaintiff, MAUREEN BEAUMONT, by and through her attorneys, LAW OFFICES OF JOEL SANSONE, JOEL S. SANSONE, ESQUIRE, MASSIMO A. TERZIGNI, ESQUIRE, and ELIZABETH A. TUTTLE, ESQUIRE, and hereby files this Complaint in a Civil Action as follows:

JURISDICTION AND VENUE

1. This is an action for the redress of grievances and in vindication of rights guaranteed to the Plaintiff under Pennsylvania Law and under the Constitution of the United States
2. Jurisdiction in this Honorable Court is founded on Pennsylvania Common Law.
3. Venue is proper under Pa.R.C.P. No. 1006(a)(1). All claims set forth herein arose in Allegheny County, Pennsylvania.

PARTIES

4. Plaintiff, Maureen Beaumont, is an adult individual who resides in Allegheny County.
5. Defendant, Allegheny County Emergency Services, was, and is, a division of Allegheny County, a Pennsylvania municipal corporation, and is located at 150 Hookstown Grade Road, Moon, Pa 15208.

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EMERGENCY SERVICES,)	
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NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555**

6. At all times relevant hereto, Allegheny County 9-1-1 Center was, and is, owned and operated by Allegheny County as a part of the Defendant.

FACTUAL ALLEGATIONS

7. Plaintiff has been employed by the Defendant as a dispatcher at the Allegheny County 9-1-1 Center since in or about May of 2015.

8. On or about September 25, 2018, Plaintiff made a good faith report of wrongdoing on the part of another dispatcher, Jessica Bayton ("Bayton"). Plaintiff reported to her shift commander that Ms. Bayton regularly slept during her shift as a dispatcher.

9. Plaintiff made this report in her capacity as a concerned citizen, not in her capacity as an employee of Allegheny County.

10. Ms. Bayton's habit of sleeping while on duty was a matter of public concern, as it was done while Ms. Bayton was responsible for taking 9-1-1 calls. Ms. Bayton's actions also created a public safety issue for members of Plaintiff's community.

11. On or about November 3, 2018, Plaintiff again made a good faith report of wrongdoing on the part of Ms. Bayton. Plaintiff reported to her shift commander that Ms. Bayton was behaving in a hostile manner towards Plaintiff and other employees of the Defendant.

12. Ms. Bayton's behavior was a matter of public concern, as her hostility in the workplace affected Defendant's employees' ability to perform their job duties, thus creating a public safety risk for members of the community.

13. On or about November 13, 2018, shortly after she arrived for her shift, Plaintiff was approached by her union representative and was called to a pre-disciplinary hearing.

14. Neither Plaintiff, nor Plaintiff's union representative, were properly notified and/or informed of the purpose of this hearing prior to its occurrence.

15. Plaintiff was informed by Defendant's representative during this hearing that she had been accused of going through Ms. Bayton's personal belongings on October 26, 2018. This was, and is, materially false.

16. It was also alleged that, on that date, items belonging to Ms. Bayton were stolen by the Plaintiff. This was, and is, materially false.

17. At that time, Plaintiff was not informed of the identity of the witness to Plaintiff's alleged wrongdoing.

18. Plaintiff was suspended pending termination as a direct result of the false claims against her.

19. Plaintiff believes, and therefore avers, that the reason provided by the Defendant for her suspension is pretextual and unworthy of belief.

20. Plaintiff also believes, and therefore avers, that her suspension was taken by the Defendant in retaliation for Plaintiff's good faith reports of Ms. Bayton's wrongdoing, described hereinbefore above.

21. Plaintiff had not been subjected to any disciplinary action by the Defendant on or to the incident described hereinbefore above.

22. Plaintiff and Ms. Bayton work in an area visible to others. Approximately thirteen (13) witnesses provided written statements informing the Defendant that they did not observe any wrongdoing on the part of the Plaintiff on the date in question.

23. Furthermore, no video footage supporting the false accusations against the Plaintiff was ever presented, although several cameras are located in the room to which the Plaintiff is assigned.

24. Additionally, a human resources employee informed other employees that management was targeting the Plaintiff.

25. Moreover, Plaintiff did not work with Ms. Bayton on the date in question.

26. In response to her unjustifiable suspension, Plaintiff filed a grievance with her union in accordance with her collective bargaining agreement.

27. After Plaintiff informed her union representative that she did not work with Ms. Bayton on October 26, a representative of the Defendant altered the date of Plaintiff's alleged wrongdoing to October 25, 2018.

28. On or about November 27, 2018, at a hearing in accordance with Plaintiff's collective bargaining agreement, Defendant's representative changed the date of Plaintiff's wrongdoing, for a second time, from October 25, 2018 to September 25, 2018.

29. Moreover, at this hearing, Defendant's representative informed the Plaintiff that Ms. Bayton's items were no longer alleged to be stolen.

30. At this time, Plaintiff was again not provided with the witness who made the allegations against her.

31. On or about December 17, 2018, at a hearing in accordance with Plaintiff's collective bargaining agreement, it was alleged that Plaintiff went through Ms. Bayton's notebook. Defendant's claim is, and was, materially false.

32. On or about January 8, 2019, Plaintiff was terminated by Defendant for allegedly harassing Ms. Bayton. Prior to this date, Plaintiff had not been accused of harassing Ms. Bayton. Defendant's claim was, and is, materially false.

33. Plaintiff believes, and therefore avers, that the reason provided by Defendant for her termination is pretextual and unworthy of belief.

34. Plaintiff also believes, and therefore avers, that her termination was taken by the Defendant in retaliation for Plaintiff's good faith reports of Ms. Bayton's wrongdoing, as described hereinbefore above.

35. On or about April 16, 2019, a neutral arbiter determined that Plaintiff had been wrongfully terminated by the Defendant. Thereafter, Defendant was ordered to reinstate the Plaintiff to her previous position as dispatcher.

COUNT I:

PLAINTIFF v. DEFENDANT

VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS,
SPECIFICALLY, 42 U.S.C. §1983 AND THE FIRST AMENDMENT
TO THE UNITED STATES CONSTITUTION

RETALIATION

36. Plaintiff incorporates by reference Paragraphs 1 through 35 as though fully set forth at length herein.

37. Plaintiff claims damages for the injuries set forth herein under 42 U.S.C. §1983 against the above-captioned Defendant for violation of Plaintiff's constitutional rights under color of law.

38. At all times relevant hereto, Plaintiff had the right to be free from retaliation based on her right to freedom of speech.

39. As described hereinbefore above, Plaintiff spoke to shift commanders as a concerned private citizen and made good faith reports of Ms. Bayton's wrongdoing, which presented a public safety risk to members of Plaintiff's community.

40. Plaintiff's right to be free from retaliation for exercising her right to freedom of speech was violated when the Plaintiff was suspended and ultimately terminated from her employment

with the Defendant as a direct result of Plaintiff's complaints regarding Ms. Bayton's wrongdoing.

41. Defendant had no adequate justification for its improper, unwarranted and unlawful actions towards the Plaintiff.

42. Defendant's actions deprived the Plaintiff of rights guaranteed to her by the First Amendment.

43. As a direct and proximate result of the acts described hereinbefore above perpetrated by the Defendant, Plaintiff suffered the following injuries and damages:

- a. Plaintiff's right under the First Amendment to the United States Constitution to be free from retaliation was violated;
- b. loss of employment with Defendant for several months;
- c. loss of social security and 401k income accrued during the time of her suspension and termination;
- d. stress and emotional suffering;
- e. economic damages related to any and all consequential costs, including, but not limited to, reasonable attorney's fees and costs of this action.

WHEREFORE, Plaintiff demands compensatory general damages against the Defendant in the amount proven at trial; compensatory special damages including, but not limited to, costs of suit; reasonable attorney's fees as permitted by law; pre- and post-judgment interest as permitted by law; and such other relief, including injunctive and/or declaratory relief, as this Court may deem proper.

JURY TRIAL DEMANDED

COUNT II:

PLAINTIFF v. DEFENDANT

VIOLATION OF THE,
PENNSYLVANIA WHISTLEBLOWER ACT, 43 P.S. §142,1 *et. seq.*

RETALIATION

44. Plaintiff incorporates by reference Paragraphs 1 through 43 as though fully set forth at length herein.

45. Plaintiff claims damages for the injuries set forth herein against the Defendant for violations of the Plaintiff's rights under 43 P.S. §142, *et. seq.*

46. At all times relevant hereto, pursuant to the Pennsylvania Whistleblower Act, Plaintiff had the right to be free from retaliation for making a good faith report of wrongdoing by an employee of the Defendant.

47. As described hereinbefore above, Plaintiff made complaints regarding wrongdoing within the 9-1-1 Center.

48. Plaintiff's right to be free from retaliation was violated when she was suspended and terminated from her employment with Defendant as a direct result of Plaintiff's complaints regarding the wrongdoing within the 9-1-1 center.

49. Defendant had no adequate justification for its improper, unwarranted and unlawful actions towards the Plaintiff.

50. Defendant's actions deprived the Plaintiff of rights guaranteed to her by the Pennsylvania Whistleblower's Act.

51. As a direct and proximate result of the acts described hereinbefore above perpetrated by the Defendants, Plaintiff suffered the following injuries and damages:

- a. Plaintiff's right under the Pennsylvania Whistle Blower's Act to be free from retaliation was violated;
- b. loss of employment with Defendant for several months;
- c. loss of social security and 401k income accrued during the time of her suspension and termination;
- d. stress and emotional suffering;
- e. economic damages related to any and all consequential costs, including, but not limited to, reasonable attorney's fees and costs of this action.

WHEREFORE, Plaintiff demands compensatory general damages against the Defendant in the amount proven at trial; compensatory special damages including, but not limited to, costs of suit; reasonable attorney's fees as permitted by law; pre- and post-judgment interest as permitted by law; and such other relief, including injunctive and/or declaratory relief, as this Court may deem proper.

JURY TRIAL DEMANDED

Respectfully submitted,

LAW OFFICES OF JOEL SANSONE

s/ Joel S. Sansone

Joel S. Sansone, Esquire

PA ID No. 41008

Massimo A. Terzigni, Esquire

PA ID No. 317165

Elizabeth A. Tuttle, Esquire

PA ID No. 322888

Counsel for Plaintiff

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603 Stanwix Street

Pittsburgh, Pennsylvania 15222

412.281.9194

Dated: June 28, 2019

VERIFICATION

I, Maureen Beaumont, verify that the averments of fact made in my Complaint in a Civil Action are true and correct and based upon my personal knowledge, information and belief. I understand that the averments of fact in said document are made subject to penalties of 18 P.A.C.S.A. Section 4904 relating to unsworn falsifications of authorities.

6/28/19
Date

Maureen Beaumont
Maureen Beaumont