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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

AARON J. SHEPARD and NICOLE H. SHEPARD, individually, and on behalf of the marital community,

Plaintiffs,

v.

CHELAN COUNTY, by and through its agency the CHELAN COUNTY SHERIFF'S OFFICE, a Washington Municipal Corporation,

Defendants.

NO. 2:23-cv-00041

COMPLAINT FOR VIOLATIONS OF:

- (1) Title VII of The Civil Rights Act of 1964
- (2) Title I of The Civil Rights Act of 1991
- (3) Washington Law Against Discrimination, RCW 49.60.210
- (4) Negligence
- (5) Intentional Infliction of Emotional Distress
- (6) Tort of Outrage

[Jury Trial Demanded]

COMES NOW, Plaintiffs Aaron J. Shepard and Nicole H. Shepard, by and through their attorneys, Campiche Andrews Horne Trial Lawyers, PLLC, for cause of action against Defendants Chelan County and the Chelan County Sheriff's Office allege as follows:

PLAINTIFFS' COMPLAINT

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1. PARTIES

1
2 1.1 Plaintiffs Aaron J. Shepard (“Plaintiff Aaron Shepard” “Deputy Shepard”) and Nicole
3 H. Shepard (“Plaintiff Nicole Shepard”) are a married couple who reside in Douglas County,
4 Washington, and bring these claims individually and on behalf of their marital community.

5 1.2 Plaintiff Aaron Shepard is a former Chelan County Sheriff’s Deputy.

6 1.3 Defendant Chelan County and its agency, the Chelan County Sheriff’s Office, are
7 Washington state municipal corporations operating and employing at least fifteen (15) employees.

8 2. JURISDICTION AND VENUE

9 2.1 At all times relevant to this lawsuit, Plaintiff Aaron Shepard, and Plaintiff Nicole
10 Shepard (Plaintiffs Shepard) resided in East Wenatchee, Douglas County, located in Eastern
11 Washington.

12 2.2 Plaintiff Nicole Shepard resided in Chelan County until September 2017.

13 2.3 Defendant Chelan County is a political subdivision of Washington state.

14 2.4 Defendant Chelan County Sheriff’s Office is an elected political department of Chelan
15 County.

16 2.5 The events that give rise to this lawsuit all occurred in Chelan County, Washington.

17 2.6 Plaintiffs allege that Defendant Chelan County Sheriff’s Office subjected Plaintiff
18 Aaron Shepard to discrimination, harassment, bullying, retaliation, and a hostile work environment,
19 based on his religion/creed.

20 2.7 Plaintiffs brings this action for federal claims alleging that Defendant Chelan County
21 violated the Establishment Clause of the Constitution, Title VII of the Civil Rights Act of 1964, and
22 Title I of the Civil Rights Act of 1991, which are all U.S. laws providing original federal question
23 jurisdiction via 28 U.S.C § 1331.

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1 2.8 Plaintiffs allege claims under the Washington Law Against Discrimination (WLAD)
2 against the same defendants for violating RCW 49.60.180 and .210.

3 2.9 Plaintiffs allege claims for common-law torts against the same defendants for
4 negligence and Intentional Infliction of Emotional Distress and Outrage to correct unlawful
5 employment practice or discrimination on the basis of religion or creed and to provide appropriate
6 relief to Plaintiffs.

7 2.10 Jurisdiction and venue lie in the United States District Court for Eastern Washington.

8 **3. ADMINISTRATIVE PROCEDURES**

9 3.1 Plaintiffs timely filed charges of discrimination with the United States Equal
10 Employment Opportunity Commission ("EEOC").

11 3.2 On or around November 16, 2022, EEOC issued Plaintiff Aaron Shepard a Notice of
12 Right to Sue.

13 3.3 Plaintiffs have timely filed this lawsuit within ninety (90) days of receipt of his EEOC
14 Right to Sue Letter and have complied with all administrative prerequisites to bringing this lawsuit.

15 **4. FACTS**

16 4.1 In 2013, Plaintiff Aaron Shepard was hired as a Chelan County Deputy Sheriff.

17 4.2 In 2015, the defendants and many of Deputy Shepard's co-workers including Michael
18 Morrison, Scott Lawrence, Dominic Mutch, Tactical Leader Chris Foreman, Sheriff Brian Burnett,
19 and Wenatchee PD & SWAT Leader Justin Kissel began telling Deputy Shepard (while in uniform on
20 duty) to come to Grace City Church, an "alt-right" militant church that is an off-shoot of the (defunct
21 and notorious) Mars Hill Church in Seattle (both well-known for imposing their will over members
22 who do not follow their "men-are-superior" beliefs).

1 4.3 This overt, willful association by Grace City Church members in Chelan County
2 Sheriff's Office uniform gives the appearance of endorsement of the Grace City Church by the
3 Chelan County Sheriff's department.

4 4.4 Feeling pressured to go along for profession advancement, Deputy Shepard and his
5 family subsequently started attending Grace City Church in 2015.

6 4.5 In 2015, the defendants started promoting the 12-week marriage counseling program
7 that Grace City Church aimed to be geared towards law enforcement officers through then-Sheriff
8 Brian Burnett and Tactical Leader Chris Foreman. Sheriff Burnett saw this program as a chance for
9 law enforcement officers and their spouses to attend Grace City Church to discuss the unique marital
10 issues law enforcement officers face.

11 4.6 Grace City Church created a 2:40 minute video of Sheriff Burnett and other Grace
12 City Church law enforcement offices in uniform talking about a marriage counseling retreat.

13 4.7 Deputy Shepard's then-wife Brenda Shepard (since divorced) was heavily involved in
14 Grace City Church.

15 4.8 Deputy Shepard and his wife started the 12-week marriage counseling program at
16 Grace City Church.

17 4.9 Out of his own religious conviction, Deputy Shepard decided not to share his deepest
18 personal matters involving his wife, who was heavily involved in Grace City Church, with his peers,
19 co-workers, and supervisors.

20 4.10 The defendants continued to instruct and indeed order Deputy Shepard to attend the
21 marriage counseling at Grace City Church until the level of proselytizing in Grace City Church and
22 Chelan County Sheriff's Office became overbearing and uncomfortable to Deputy Shepard's own
23 personal and religious conviction to bear.

PLAINTIFFS' COMPLAINT

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1 4.11 In 2016, Deputy Shepard divorced Brenda Shepard and left Grace City Church.

2 4.12 Since 2016, Defendant Chelan County Sheriff's Office has engaged in employment
3 discrimination by progressively harassing, bullying, and retaliating against Deputy Shepard for
4 divorcing his wife and leaving the Grace City Church.

5 4.13 Defendants specifically targeted law enforcement officers that they perceive do not
6 believe what the members of Grace City Church believe or do not follow the dictates of Grace City
7 Church.

8 4.14 Defendant Chelan County Sheriff's Office targeted law enforcement officers who are
9 not Grace City Church members by disciplining, terminating, and denying advancement to them for
10 alleged internal Chelan County Sheriff Office's policy violations by arbitrarily enforcing certain
11 policies against those employees and officers for the same conduct they allow, promote, or engage in
12 themselves.

13 4.15 On August 3, 2017, Deputy Shepard was selected as a "Top Performer" for region 12
14 in the "click it or ticket" campaign.

15 4.16 In 2017, Deputy Jennifer Tyler was in her second (successful) lawsuit against the same
16 defendants for harassing, bullying, retaliation in employment, and discrimination she suffered.

17 4.17 When the judgement against the sheriff and Chelan County Sheriff's Office came out,
18 Sheriff Burnett openly disagreed with the judgment and got the sheriff's deputies and employees
19 participating in Grace City Church to ostracize the female of Deputy Tyler except Deputy Shepard.

20 4.18 Deputy Shepard was then assigned Deputy Tyler as a partner.

21 **DISCRIMINATORY CONDUCT**

22 4.19 In 2018, the SWAT team leadership changed to Sergeant Foreman and Sergeant Lewis
23 when Sergeant Lewis joined Grace City Church.

1 4.20 Since then, Deputy Shepard has endured harassment, retaliation, discrimination, and
2 bullying at work from both Chelan County Sheriff Office's SWAT team leaders and Sheriff Office
3 employees who are members of Grace City Church.

4 4.21 Deputy Shepard was a member of the Regional SWAT team for three years with no
5 disciplinary actions.

6 4.22 Deputy Shepard was also the K9 handler on SWAT for a year prior to becoming a full
7 time SWAT team member.

8 4.23 Deputy Shepard assisted the SWAT team prior to being selected as the K9 handler,
9 serving several missions with them as a regular K9 handler. These tasks included: marijuana grows,
10 building searches, and performing other high-risk events.

11 4.24 After Deputy Shepard separated from the Grace City Church, Defendant Chelan
12 County Sheriff's Office denied him promotional opportunities.

13 4.25 Deputy Shepard was also denied training positions he was qualified for and was
14 reprimanded for conduct allowed by and promoted by the Sheriff and CCSO.

15 4.26 In 2019, a Traffic Safety Unit (TEU) position became available.

16 4.27 Deputy Shepard was advised by Sergeant Mike Harris to apply for the TEU position.

17 4.28 Sergeant Harris led TEU and later sued Chelan County Sheriff's Office for harassment
18 and retaliation.

19 4.29 Deputy Shepard received the traffic safety deputy award two years in a row in 2015
20 and 2016.

21 4.30 Deputy Shepard was the only applicant who applied for the TEU position.

22 4.31 Upon finding out that Deputy Shepard was the only applicant, Chief Johnson
23 postponed the selection and altered the position so others would be more enticed to apply.

1 4.32 It was clear that Defendant Chelan County Sheriff's Office administration did not
2 want Deputy Shepard to be selected for the position, so Deputy Shepard told Chief Johnson his
3 concerns about the changes to the position and that he did not want to apply to the new position with
4 the changes made because they materially altered his availability to operate within his parenting plan
5 schedule.

6 4.33 Chief Johnson told Deputy Shepard that he was going to keep his name in there
7 anyway.

8 4.34 When Deputy Shepard was at his wedding to Nicole Hankins in Mexico, Chief
9 Johnson called Deputy Shepard; Deputy Shepard told the chief that he did not want to apply to the
10 position with the new changes.

11 4.35 In December 2019, Deputy Shepard attended a SWAT range day after returning from
12 his wedding to Plaintiff Nicole Shepard where the defendants used Plaintiff Nicole Shepard's maiden
13 name in a way meant to be derogatory to Deputy Shepard.

14 4.36 Prior to the firearms portion training, Deputy Sheriff was told, "he was going to fail
15 the qualification anyways." Deputy Shepard felt bullied into leaving that training.

16 4.37 Deputy Shepard reported the harassment and bullying to his superior officers, who are
17 Grace City Church attendees.

18 4.38 Those superior officers of Deputy Shepard took no action on Deputy Shepard's
19 complaints.

20 4.39 Deputy Shepard was later suspended from the SWAT team while continuing to be
21 subjected to discriminatory harassment from an Internal Affairs (IA) investigation as requested by
22 SWAT Team Leaders Lewis and Foreman.

23 4.40 Deputy Shepard attempted to leave the agency on more than one occasion.

PLAINTIFFS' COMPLAINT

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1 4.41 By 2020, Deputy Shepard was unable to get a position at the East Wenatchee Police
2 Department or the Wenatchee Police Department.

3 4.42 In March or April of 2020, Deputy Shepard spoke with Chelan County Sheriff
4 Office's Chief of Patrol Rick Johnson about the bullying and harassment that occurred while he was
5 suspended during an (IA) investigation.

6 4.43 Defendant Chelan County Sheriff's Office took no action in response to Deputy
7 Shepard's complaint of bullying and harassment because he had separated from Grace City Church.

8 4.44 At that time, Deputy Shepard also informed Sergeant Foreman during an in-person
9 meeting that he was taking antidepressants because of the hostile work environment.

10 4.45 Deputy Shepard continued to be bullied, retaliated against, and harassed.

11 4.46 In May 2020, Deputy Shepard publicly expressed frustration at a lack of defensive-
12 tactics training that might result in use of excessive force that would end in the death of George
13 Floyd, shaming Derek Chauvin, and law enforcement officers like him who are responsible for
14 Floyd's and other's deaths.

15 4.47 In June 2020, Guns are confirmed on security at Grace City Church where they
16 advertise that half of their 25 armed "sheep dogs" are active-duty local law enforcement officers.

17 4.48 On June 24, 2020 Sheriff Burnett said that his agency will not enforce the mask
18 mandate.

19 4.49 On November 28, 2020, Deputy Shepard was dispatched to a COVID-19 death.

20 4.50 Deputy Shepard was told that Defendant Chelan County Sheriff's Office did not have
21 an official COVID policy regarding the handling of death calls while on shift.

22 4.51 Deputy Shepard was given no directive about handling of the call except to take
23 photographs by Sergeant Brent Frank, which he did.

1 4.52 Deputy Shepard was orally reprimanded as a result of this incident which subsequently
2 appeared in his yearly evaluation.

3 4.53 In March 2021, the defendants hosted a Regional Law Enforcement Training for law
4 enforcement officers across the state where the church leaders handed out gift baskets that included
5 gift cards on a drone video taken by WPD.

6 4.54 Sergeant Brent Frank began the training by going over a brief agenda for the weekend,
7 then GCC Pastor Josh McPherson gave a pep-talk that included anti-government propaganda and a
8 prayer for the 50 plus attendees at which time Chelan County Sheriff Department Sergeant Chris
9 Foreman is loudly participating and crying.

10 4.55 On August 23, 2021, Deputy Shepard had been utilized as a volunteer by Defensive
11 Tactics Instruction (DT) for over 6 years.

12 4.56 Chelan County has not posted a DT position since Deputy Shepard was hired at
13 Chelan County Sheriff's Office.

14 4.57 Most recently, a training position has opened for DT Use of Force Position.

15 4.58 All individuals in charge of DT training insisted that Deputy Shepard apply for the
16 position because he was already teaching for the department and due to many years of training in
17 non-lethal force martial arts, it was impressed upon him that he must apply.

18 4.59 Deputy Shepard, being a shoo-in, applied for the position.

19 4.60 When Deputy Shepard arrived, the interview process had already concluded; and the
20 defendants turned Deputy Shepard away in full uniform.

21 4.61 Deputy Shepard was passed over for a position he applied for as a qualified
22 "Defensive Training" use of force instructor.

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PLAINTIFFS' COMPLAINT

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1 4.62 Sergeant Lewis’s thinly veiled harassment in the form of “corrective action” has
2 manifested itself in both oral and written reprimands taken to the administration of the sheriff’s
3 department and placed in Deputy Shepard’s file.

4 4.63 For the last year, each attempt to harass Deputy Shepard was for incidents that had
5 standards never previously applied to deputies by the department and/or have solely applied to
6 Deputy Shepard.

7 4.64 Deputy Shepard resigned from SWAT out of fear that Sergeants Foreman and Lewis
8 would use any opportunity of the constant bullying and harassment to force him off the team.

9 4.65 Several other non-Grace City Church officers on the team also resigned due to the
10 progressively hostile environment.

11 4.66 Deputy Shepard tried to bring discrimination issues related to his separation from
12 Grace City Church to his immediate sheriff’s department supervisors in the past as well as the guild
13 leadership and the Chief of Patrol. Deputy Shepard has exhausted all remedies by taking these issues
14 to his immediate supervisors and using his chain of command.

15 4.67 Discriminatory behavior continued toward the plaintiff in his role as training officer,
16 as a result of his sergeant’s actions. On August 29, 2021, Deputy Shepard submitted his formal
17 complaint for resolution to the Human Resources Department.

18 4.68 Deputy Shepard reported the defendants’ religious employment discrimination in
19 violation of multiple statutes to the United States Equal Employment Opportunity Commission
20 (EEOC), who investigated the defendants’ hiring procedures and statute violations.

21 4.69 According to EEOC, they would not proceed further with their investigation and
22 would make no determination about whether further investigation would establish violations of the
23

1 statute. EEOC also stated that this does not mean the claims have no merit either, which does not
2 certify that the respondent is following the statutes.

3 4.70 As a direct and proximate cause of the defendants' religious employment
4 discrimination, harassment, bullying, and retaliation, Plaintiffs Shepard suffered harms, losses, and
5 damages.

6 4.71 Plaintiffs Shepard's harms, losses and damages include loss of employment
7 opportunity, loss of income, loss of employee benefits, loss of retirement income, reasonable and
8 necessary attorney fees and litigation costs, emotional harm, and pain and suffering and other harms,
9 losses and damages as will be proven at trial.

10 **5. FIRST CAUSE OF ACTION: §1983 CLAIM FOR VIOLATING OF THE
11 ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT**

12 5.1 Plaintiffs Shepard and Shepard reallege all previous paragraphs and allegations as
13 fully set forth herein.

14 5.2 The First Amendment prohibits the government from promoting any religious point of
15 view on any matter or taking sides between religion and non-religion.

16 5.3 In Lemon v. Kurtzman, the Supreme Court set out a three-part test to determine
17 whether the Establishment Clause was violated. Under the *Lemon* test, the Establishment Clause is
18 violated if the government's actions have any of the following characteristics: 1) a non-secular
19 purpose, 2) its primary effect is to advance or inhibit religion, or 3) fosters an excessive government
20 entanglement with religion.

21 5.4 For the first prong, the Supreme Court has held that the government lacks a secular
22 purpose under this test only when "there is no question the statute or activity was motivated wholly
23 by religious considerations."

PLAINTIFFS' COMPLAINT

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1 5.5 Defendant Chelan County Sheriff's Office and Sheriff Burnett's actions in promoting
2 Grace City Church and their counseling program were motivated wholly by religious considerations
3 because of their religious faith-based approach to management of Chelan County Sheriff's Office.

4 5.6 The second prong of the *Lemon* test is an objective test where a "reasonable person"
5 apprised of the circumstances would reasonably conclude the challenged government action would
6 amount to an endorsement of religion.

7 5.7 Any reasonable person would conclude that: 1) a majority of Chelan County Sheriff's
8 Office making videos for the church in uniform appears to be an endorsement of Grace City Church;
9 2) the activities of management and discrimination policies and procedures favored employees of the
10 Chelan County Sheriff's Office who were involved with Grace City Church; and 3) the activities of
11 management and the discrimination policies and procedures disfavored Chelan County Sheriff's
12 Office employees who were not involved with Grace City Church

13 5.8 The third prong of the *Lemon* test is satisfied in that the Defendant began
14 discriminating against officers who didn't believe in Grace City Church and began promoting religion
15 and Grace City Church causing an excessive government entanglement with religion.

16 5.9 The sole reason Defendants did not hire Plaintiff Deputy Shepard for the DT position
17 was because he was no longer a member of Grace City Church.

18 5.10 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
19 and costs of suit.

20 **6. SECOND CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION (HOSTILE**
21 **WORK ENVIRONMENT) IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS**
22 **ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000E-2(A).**

23 6.1 Plaintiffs Shepard reallege all previous paragraphs and allegations as fully set forth
herein.

PLAINTIFFS' COMPLAINT

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1 6.2 Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a) prohibits employment practices that
2 discriminate against persons, such as failing to or refusing to hire or discharge an individual or
3 segregating or classifying employees in a way that would tend to deprive or would deprive them of
4 individual employment opportunities, based on their religion.

5 6.3 To establish prima facie, claim for a hostile work environment, a plaintiff must show
6 they were (1) subjected to unwelcome conduct (2) “that was sufficiently severe or pervasive to alter
7 the conditions of [their] employment and create an abusive working environment” and (3) their
8 employer itself is “liable for the harassment that caused the hostile environment to exist.”

9 6.4 Deputy Shepard was subjected to unwelcomed conduct by constant harassment
10 sufficient to force him to resign.

11 6.5 Defendant Chelan County Sheriff’s Office itself is liable for Sheriff Burnett’s unlawful
12 actions that were done with intentional, willful, malicious intent or with reckless disregard to
13 Plaintiff Aaron Shepard’s right to be free from employment discrimination based on religion because
14 Sheriff Burnett is a “supervisor,” and they were put on notice of it several times.

15 6.6 For this cause of action, Plaintiff Aaron Shepard is entitled to his reasonable attorney’s
16 fees and costs of suit.

17 **7. THIRD CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION**
18 **(HARASSMENT) IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF**
19 **1964, AS AMENDED, 42 U.S.C. § 2000E-2(A).**

20 7.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
21 though fully set forth.

22 7.2 Defendants engaged in unlawful employment practices in violation of section 703(a)
23 of Title VII, 42 U.S.C. §2000e-2(a) by subjecting Deputy Shepard to workplace harassment, as

1 set forth in the facts contained herein, above. Harassment violates federal law when it is based on
2 religion, sex, race, or protected activity under the anti-discrimination statutes.

3 7.3 The Supreme Court ruled that employers are always subject to vicarious liability for a
4 supervisor's harassment if it results in a tangible employment action, like hiring, firing, promoting,
5 demoting, and reassigning the employee.

6 7.4 Defendant Chelan County Sheriff's Office's actions were intentional, willful,
7 malicious, or done with reckless disregard to prevent Deputy Shepard from being a law enforcement
8 officer by refusing to give him higher ranked positions, blacklisting him to not be hired anywhere
9 else, and preventing him from getting other positions within Chelan County.

10 7.5 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
11 and costs of suit.

12 **8. FOURTH CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION BASED ON**
13 **RELIGION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**
14 ***AS AMENDED*, 42 U.S.C. § 2000E-2(A)**

15 8.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
16 though fully set forth.

17 8.2 Title VII of the Civil Rights Act of 1964, *as amended*, makes it unlawful for an
18 employer, "(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate
19 against any individual with respect to his compensation terms, conditions, or privileges of
20 employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit,
21 segregate, or classify his employees or applicants for employment in any way which would deprive or
22 tend to deprive any individual of employment opportunities or otherwise adversely affect his status as
23 an employee because of such person's race, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a).

1 8.3 Defendant Chelan County Sheriff's Office discriminated against Deputy Shepard by
2 treating him differently from his co-workers who attended Grace City Church.

3 8.4 Deputy Shepard's religious beliefs were the motivating factor in Defendant Chelan
4 County Sheriff's Office's discriminatory actions.

5 8.5 As a direct, legal, and proximate result of the discrimination, Plaintiff Aaron Shepard
6 has sustained and will continue to sustain, economic damages to be proven at trial.

7 8.6 As a result of the defendants' actions, Plaintiffs Shepard have suffered emotional
8 distress, resulting in damages in an amount to be proven at trial.

9 8.7 Plaintiff further seeks compensatory and punitive damages and all other injunctive,
10 declaratory, and monetary relief available for discrimination at trial.

11 8.8 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
12 and costs of suit.

13 **9. FIFTH CAUSE OF ACTION: RETALIATION IN VIOLATION OF TITLE VII OF**
14 **THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000E-2(A).**

15 9.1 Plaintiff incorporates by reference all allegations in previous paragraphs as though
16 fully set forth.

17 9.2 Section 704(a) of Title VII of the Civil Rights Act of 1964, *as amended*, prohibits
18 employers from discriminating against an employee "because [he] has opposed any practice
19 made an unlawful employment practice by this subchapter."

20 9.3 To prevail on a retaliation claim, a plaintiff must show (1) involvement in a protected
21 activity, (2) an adverse employment action and (3) a causal link between the two. The standard used
22 for the causal link in Title VII retaliation claims is that the desire to retaliate was the but-for cause of
23 the challenged employment action.

PLAINTIFFS' COMPLAINT

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1 9.4 Deputy Shepard's choosing not to attend Grace City Church and his religious beliefs
2 were the motivating factor in the CCSO's actions in denying Deputy Shepard other positions in the
3 CCSO he was most qualified for, placing him on unwarranted Internal Affair Investigations, and
4 attempting to Brady List and "blacklist" him from other departments.

5 9.5 CCSO's adverse actions constitute retaliatory workplace harassment sufficient to deter
6 a reasonable person from engaging in protected activity under Title VII.

7 9.6 As a direct, legal, and proximate result of the discrimination, Plaintiff has sustained,
8 and will continue to sustain, economic and emotional injuries resulting in damages to be proven at trial.

9 9.7 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
10 and costs of suit.

11 **10. SIXTH CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION (HOSTILE**
12 **WORK ENVIRONMENT) BASED ON RELIGION IN VIOLATION OF THE**
13 **WASHINGTON LAW AGAINST DISCRIMINATION (WLAD), RCW 49.60.180.**

14 10.1 Plaintiff incorporates by reference all allegations in previous paragraphs as though
15 fully set forth.

16 10.2 The Washington Law Against Discrimination makes it unlawful for an employer
17 to discriminate against any person in compensation or in other terms or conditions of
18 employment because of religion or creed.

19 10.3 To prevail on a claim of a hostile work environment, Plaintiff must establish that the
20 alleged harassment (1) was unwelcome, (2) was because of a protected characteristic, (3) affected the
21 terms or conditions of employment, and (4) is imputable to the employer.

22 10.4 The CCSO engaged in unlawful employment practices in violation of the WLAD by
23 subjecting Deputy Shepard to a hostile work environment as set forth in the facts above.

10.5 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
1 and costs of suit.
2

3 **11. SEVENTH CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION**
4 **(HARASSMENT) BASED ON RELIGION IN VIOLATION OF THE**
5 **WASHINGTON LAW AGAINST DISCRIMINATION (WLAD), RCW 49.60.180.**

11.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
6 though fully set forth.

11.2 The Washington Law Against Discrimination makes it unlawful for an employer
7 to discriminate against any person in compensation or in other terms or conditions of employment
8 because of religion or creed.
9

11.3 Defendant Chelan County Sheriff's Office engaged in unlawful employment practices
10 in violation of the WLAD by subjecting Deputy Shepard to a hostile work environment as set forth in
11 the facts above.
12

11.4 Defendants' unlawful actions were intentional, willful, malicious, and/or done with
13 reckless disregard to Plaintiff Aaron Shepard's right to be free from discrimination based on religion
14 or creed.
15

11.5 For this cause of action, Plaintiff Aaron Shepard is entitled to his reasonable attorney's
16 fees and costs of suit.
17

18 **12. EIGHTH CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION BASED ON**
19 **RELIGION IN VIOLATION OF THE WASHINGTON LAW AGAINST**
20 **DISCRIMINATION (WLAD), RCW 49.60.180.**

12.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
21 though fully set forth.
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PLAINTIFFS' COMPLAINT

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1 12.2 Washington’s Law Against Discrimination, makes it unlawful for an employer,
2 “(1) to refuse to hire any person because of [...] religion or creed [...]; (2) to discharge or bar any
3 person from employment because of [...] religion or creed [...]; or (3) to discriminate against any
4 person in compensation or in other terms or conditions of employment because of [...] religion or
5 creed [...].”

6 12.3 Defendant CCSO discriminated against Deputy Shepard by treating him differently
7 from his co-workers who attended Grace City Church.

8 12.4 Deputy Shepard’s religion was the motivating factor for the Defendant’s actions.

9 12.5 As a direct, legal, and proximate result of the discrimination, Plaintiff has sustained,
10 and will continue to sustain, economic damages to be proven at trial. As a result of Defendants’
11 actions, Plaintiffs have suffered emotional distress, resulting in damages in an amount to be proven at
12 trial. Plaintiff further seeks compensatory and punitive damages and all other injunctive, declaratory,
13 and monetary relief available for discrimination at trial.

14 12.6 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney’s fees
15 and costs of suit.

16 **13. NINTH CAUSE OF ACTION: RETALIATION IN VIOLATION OF THE**
17 **WASHINGTON LAW AGAINST DISCRIMINATION, (WLAD), RCW 49.60.210.**

18 13.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
19 though fully set forth.

20 13.2 Washington state statute RCW 49.60.210 prohibits retaliation against a person
21 opposing a discriminatory practice forbidden by RCW 49.60

1 13.3 To prevail on a retaliation claim, a plaintiff must prove: “(1) he engaged in statutorily
2 protected opposition activity, (2) an adverse employment action was taken, and (3) a causal link
3 between the former and latter.

4 13.4 Deputy Shepard chose not to attend a church program created for law enforcement
5 promoted by the Sheriff Brian Burnett and other higher-up law enforcement officers. Deputy Shepard was
6 forced to resign from CCSO and was “blacklisted” from other agencies.

7 13.5 Deputy Shepard’s religious views were the determining factor behind the CCSO’s
8 discriminatory actions.

9 13.6 Defendants’ adverse employment action constituted retaliatory workplace harassment.

10 13.7 Defendants’ retaliatory actions were sufficient to deter a reasonable person from
11 engaging in protected activity under the WLAD.

12 13.8 For this cause of action, Plaintiff Aaron Shepard is entitled to his reasonable attorney’s
13 fees and costs of suit.

14 **14. TENTH CAUSE OF ACTION: TORT OF NEGLIGENCE INFLICTION OF**
15 **EMOTIONAL DISTRESS IN VIOLATION OF THE WASHINGTON COMMON**
16 **LAW.**

17 14.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
18 though fully set forth.

19 14.2 Plaintiffs Shepard also allege common law torts against the same defendants for
20 negligent infliction of emotional distress (NIED). To maintain an action for NIED, a plaintiff in
21 Washington state must establish “emotional distress...proved through a diagnosis.”

22 14.3 Here, Deputy Shepard had to start taking an anti-depressant and was unable to sleep the
23 night before training because he was so anxious about being bullied, harassed, and discriminated
against.

PLAINTIFFS’ COMPLAINT

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1 14.4 For this cause of action, Plaintiff Aaron Shepard is entitled to his reasonable attorney's
2 fees and costs of suit.

3 **15. ELEVENTH CAUSE OF ACTION: TORT OF INTENTIONAL INFLICTION OF**
4 **EMOTIONAL DISTRESS IN VIOLATION OF THE WASHINGTON COMMON LAW.**

5 15.1 Plaintiffs Shepard incorporates by reference all allegations in previous paragraphs as
6 though fully set forth.

7 15.2 Plaintiffs allege all the facts pled herein support a claim for Intentional infliction of
8 emotional distress (IIED).

9 15.3 To prevail on a claim for IIED, plaintiff must establish three elements: 1) the conduct
10 was extreme and outrageous; 2) that it was intentional or reckless; and 3) that it was severe on the
11 Plaintiff.

12 15.4 Defendants' discriminatory conduct was extreme and outrageous in that an entire
13 Sheriff's department was seen as endorsing a religious view, it was motivated by faith and was
14 intentional and so severe it forced Deputy Shepard to resign in 2022.

15 15.5 For this cause of action, Plaintiff Aaron Shepard is entitled to his reasonable attorney's
16 fees and costs of suit as well as compensatory, punitive, and exemplary damages.

17 **16. TWELFTH CAUSE OF ACTION: TORT OF WRONGFUL DISCHARGE IN**
18 **VIOLATION OF WASHINGTON STATE LAW.**

19 16.1 Plaintiffs Shepard incorporate by reference all allegations in previous paragraphs as
20 though fully set forth.

21 16.2 To prevail on this tort of wrongful discharge, a plaintiff must first be constructively
22 discharged by (1) the employer deliberately made working conditions intolerable, (2) a reasonable
23 person in the employee's position would be forced to resign, (3) the employee resigned because of the

1 intolerable condition and not for any other reason, and (4) the employee suffered damages as a result
2 of being forced to resign.

3 16.3 Deputy Sheriff can show that the discrimination began after he left Grace City Church
4 in 2016 until his resignation in 2022 because of the pervasive bullying and harassment after 6 years
5 that was so intolerable any reasonable person would have resigned.

6 16.4 As a direct, legal, and proximate result of the discrimination, Plaintiff Aaron Shepard
7 has sustained, and will continue to sustain, economic damages to be proven at trial. As a result of the
8 defendants' actions, the plaintiffs have suffered emotional distress, resulting in damages in an amount
9 to be proven at trial. Plaintiffs further seek compensatory and punitive damages and all other
10 injunctive, declaratory, and monetary relief available for discrimination at trial.

11 16.5 The non-exhaustive list of factual allegations supporting the instant lawsuit, set forth
12 above, were taken by many, if not all, of the same employees, with the knowledge of Defendant Chelan
13 County Sheriff's Office.

14 16.6 Defendant Chelan County Sheriff's Office has tacitly allowed the resumed and
15 continued harassment, discrimination, and retaliation against Deputy Shepard and has negligently failed
16 to supervise, investigate, nor take any corrective action against any of these employees for their actions
17 toward, and in creating a hostile work environment.

18 16.7 Defendant Chelan County Sheriff's Office has failed to prevent discrimination,
19 harassment, and retaliation in Deputy Shepard's workplace.

20 16.8 For this cause of action, Plaintiff Shepard is entitled to his reasonable attorney's fees
21 and costs of suit.

22 17. THIRTEENTH CAUSE OF ACTION WASHINGTON STATE TORT OF OUTRAGE

23 17.1 Plaintiffs Shepard re-allege all proceeding paragraphs.

PLAINTIFFS' COMPLAINT

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1 17.2 Many deputies and managers of Defendant Chelan County Sheriff's Office were members of the
2 Grace City Church including the elected sheriff.

3 17.3 Plaintiff Aaron Shepard, employed by Defendant Chelan County Sheriff's Office was harassed,
4 ridiculed, denied advancement, and constructively terminated because he chose not to participate in
5 the Grace City Church, a church that many members of the Chelan County Sheriff's Office
6 including the Sheriff belonged.

7 17.4 Discriminating against a police officer because of his religious belief, his refusal to participate
8 in a church which other deputies and managers belong to is so extreme that a reasonable person
9 could not be expected to endure and outside the norm of public law enforcement employment in the
10 State of Washington and the United States of America.

11 17.5 As a direct and proximate result of Defendant's outrageous conduct in discriminating against
12 plaintiff because he separated from the Grace City Church, plaintiff suffered emotional and
13 psychological harm that affected his physical health and wellbeing.

14 **18. RELIEF REQUESTED**

15 WHEREFORE, Plaintiff Shepard prays for relief as follows:

16 18.1 Plaintiffs Shepard respectfully request judgment against the defendants, jointly and
17 severally, and each of them for:

18 18.2 For lost wages and all other compensation denied or lost to the plaintiffs as a result of
19 defendants' unlawful actions, in an amount to be proven at trial;

20 18.3 For punitive damages in an amount to be determined at trial;

21 18.4 For non-economic damages resulting from wrongful employment practices
22 complained of above, including without limitation emotional pain, suffering, and loss of
23 enjoyment of life in an amount to be determined at trial;

PLAINTIFFS' COMPLAINT

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18.5 For an Order awarding the plaintiffs reasonable attorney’s fees and costs;

18.6 Grant such further relief as the Court deems necessary and proper.

19. JURY TRIAL DEMAND

19.1 Plaintiffs Shepard request a jury trial on all questions of fact raised by this complaint.

DATED this 14th day of February 2023.

By *Daniel Horne*
Daniel Horne (Feb 14, 2023 11:42 PST)

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