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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT RICHLAND

VINCENT BEASLEY,

Plaintiff,

vs.

CITY OF KENNEWICK, a municipality, and
MARIE MOSLEY, an individual

Defendants.

CASE NO.: _____

COMPLAINT FOR DAMAGES

JURY DEMAND REQUESTED

In violation of the Washington Law Against Discrimination and 42 U.S.C. Sections 1981 and 1983, the City of Kennewick and City Manager Marie Mosley (collectively, "Defendants") fired former Kennewick Fire Chief Vince Beasley because he is Black and because he opposed the City's discriminatory practices toward racial minorities and women. Accordingly, he hereby asserts his Complaint against Defendants as follows:

I. NATURE OF THE CASE

1.1 Over his nearly 40-year career at the Kennewick Fire Department ("KFD"), Vince Beasley dedicated his life to making Kennewick's citizens safer. He performed outstandingly, including after becoming Fire Chief in 2014. For example, he met over 90% of the City's defined performance goals from 2016-19, exceeding numbers City Manager Marie Mosley had called "exceptional." He also received numerous awards and grants, including the Martin

1 Luther King Jr., Spirit Award. And whereas an independent agency rated Kennewick's
2 firefighting capabilities as mediocre before Mr. Beasley became Fire Chief, that same
3 independent agency recognized the improvements Chief Beasley implemented by increasing
4 Kennewick's rating to elite status. Yet, three months after trumpeting this "great news for the
5 community" in a press release, the City fired him. Chief Beasley's public service made
6 Kennewick's citizens safer, and he deserved accolades for his hard work, tireless commitment,
7 and outstanding performance.

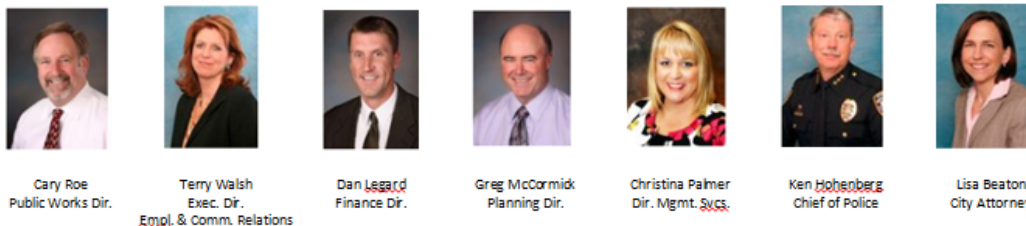
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9 1.2 Instead, City Manager Mosley illegally fired Chief Beasley because he is Black
10 and because he became increasingly vocal in opposing the City's discriminatory practices. In
11 doing so, Ms. Mosley undermined the idea that the workplace is a meritocracy, where
12 employees are judged by the quality of their work, not the color of their skin.

13 1.3 When City Manager Mosley fired Chief Beasley, she illegally held him to a
14 higher standard than her white subordinates. She required her *one* Black employee to work
15 twice as hard and be twice as good, to get half as far. For example, Ms. Mosley retained at least
16 two white Department Heads with significant performance issues. Indeed, Kennewick's Human
17 Resources Director and Assistant City Attorney, Corey Osborne, assured Chief Beasley that he
18 would not—and should not—be terminated because those Department Heads performed much
19 worse. After Ms. Mosley fired Chief Beasley in September 2019, HR Director Osborne told
20 Chief Beasley that "I hope you sue" Kennewick for "\$10 million."

21
22 1.4 City Manager Mosley also required Chief Beasley to walk a tightrope that white
23 employees did not have to worry about. When Chief Beasley remained quiet, she told him he
24 needed to speak up and lead more. But when Chief Beasley spoke up, Mosley criticized him
25 for doing so. Chief Beasley was in an impossible position. A Fire Chief should lead and be
26 assertive. But a Black man, according to strong stereotypes, should remain deferential and
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1 subordinate. Accordingly, the City Manager started discriminating against Chief Beasley once
 2 he spoke up and opposed the City's discrimination against racial minorities and women.

3 1.5 It is unsurprising that City Manager Mosley discriminated and retaliated against
 4 Chief Beasley given that a discriminatory culture has consistently pervaded the City
 5 government's senior leadership and fire department. Chief Beasley was one of eight
 6 Department Heads that reported directly to City Manager Mosley, a white woman. During City
 7 Manager Mosley's tenure, every other Department Head was white:
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14 1.6 Chief Beasley's skip-level supervisors, the City Council, were also all white men
 15 throughout his tenure:
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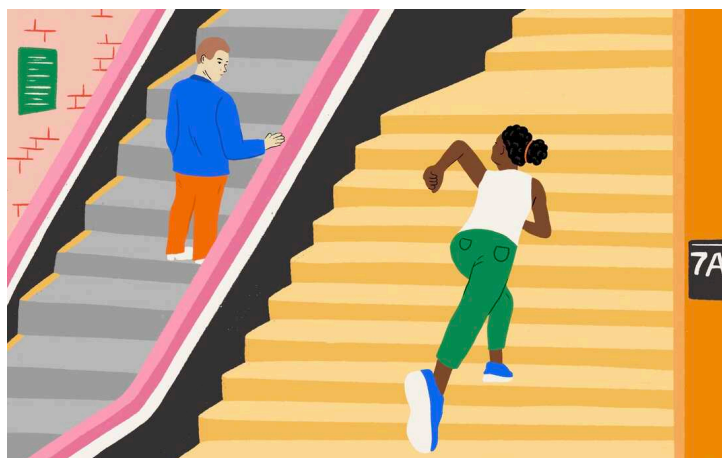
23 1.7 During his *nearly 40-year* tenure, Chief Beasley also encountered an essentially
 24 all-white fire department. In its over 100-year history, the Kennewick Fire Department has only
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1 hired a solitary Black firefighter: Vince Beasley:



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12 In other words, at both the leadership level, and the department level, Chief Beasley worked
13 with and had his performance judged exclusively by white people.

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15 1.8 It is as if there remains an invisible escalator in the American workplace allowing
16 white male employees to rise to positions of power despite mediocre performance, while
17 women and racial minorities struggle to keep up despite working harder to prove themselves.
18 This was Chief Beasley's experience too.



1 1.9 Because of the discriminatory culture in senior City leadership and the KFD,
2 many City and KFD employees were hostile toward Chief Beasley because of his skin color. For
3 example, after Chief Beasley shook hands with another firefighter, that individual looked at his
4 hand and quipped, "It doesn't rub off," referring to Chief Beasley's skin color. Additionally,
5 other KFD firefighters – including a current Battalion Chief – discussed "killing" minorities to
6 improve local culture. These statements were made in front of Chief Beasley. Other City
7 employees also encountered this discriminatory culture. For example, a former Kennewick
8 Human Resources Specialist will testify that Kennewick's leadership did not tolerate strong
9 leaders of color. As a well-placed white City official told her, and as Chief Beasley experienced,
10 in City government, "white skin is royalty."

12 1.10 After firing Chief Beasley, City Manager Mosley could not keep a straight story.
13 She rapidly seesawed between inconsistent justifications for his discharge. For example, on
14 numerous occasions, she falsely claimed Chief Beasley had retired or resigned. As part of her
15 coverup, Mosley falsified official City documents so that they erroneously claimed that Chief
16 Beasley resigned. She also accused Chief Beasley of misconduct and refusing to perform his
17 duties, only to later admit to a City Council Member that Chief Beasley had done nothing
18 wrong.

20 1.11 Chief Beasley gave decades of hard work to the City of Kennewick. He proved
21 his knowledge and skill over and over. He rose through the ranks of the Fire Department over
22 40 years because of his tenacity and his desire to succeed as the *only* Black firefighter in the
23 City's history. Chief Beasley was a trailblazer. Yet, he was never fully accepted as the leader of
24 his own department because of the color of his skin. Unlike white employees who received the
25 benefit of the doubt and were often presumed competent, white leadership often questioned
26 Chief Beasley's abilities. No matter how often he proved his competence – through his strong
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1 performance, knowledge, and years of experience – the City’s white leadership, white fire
2 department employees, and white City Manager required him to prove his abilities again and
3 again.

4 1.12 Chief Beasley was never accepted as the exceptionally competent Fire Chief that
5 he was. Unlike other Fire Chiefs, all of whom were white men, Chief Beasley found his successes
6 and leadership questioned. He worked under the added pressure of trying not to make any
7 mistakes while his counterparts were given a pass to be mediocre. This added pressure took
8 its toll, leading to feelings of exclusion and isolation.

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10 1.13 Whereas other Department Heads and Fire Chiefs were generally allowed to
11 serve ten or more years, Chief Beasley was summarily fired after only a few years into the Fire
12 Chief position. Whether the decision to fire Chief Beasley was the City Manager’s acting alone
13 or whether she was influenced by the unlawful motives of others is something this lawsuit
14 intends to uncover.

15 1.14 Chief Beasley brings this lawsuit to restore the idea that the workplace must be
16 a meritocracy, where opportunities are vested in individuals on the basis of talent, effort, and
17 achievement, rather than social class or race. And he wants to be a voice for Kennewick’s
18 minority population who have been left out of opportunities for advancement long enough.
19 The purpose of this lawsuit is to hold the City accountable and to use this painful experience
20 to seek positive change for the future.

22 II. PARTIES

23 2.1 Plaintiff Vince Beasley is a former employee of the City of Kennewick. At all times
24 pertinent to this complaint, he was a resident of Benton County, Washington, domiciled
25 therein, and he was an “employee” within the meaning of Title 49 RCW and the WLAD. At all
26 relevant times, Chief Beasley’s actual physical place of employment was in Benton County.
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1 2.2 Defendant City of Kennewick is a municipality located in Benton County. The
2 registered address of the City of Kennewick’s Clerk’s Office is 210 W. 6th Avenue, Kennewick,
3 WA 99336. The City is an “employer” within the meaning of Title 49 RCW and the WLAD. The
4 City currently transacts business in Benton County. At all times relevant hereto, the City
5 transacted business in Benton County.

6 2.3 Defendant Marie Mosley is an individual. Ms. Mosley is the City Manager for the
7 City of Kennewick. Among her other duties, City Manager Mosley is responsible for dismissing
8 all Department Heads, including the Fire Chief. Based on information and belief, City Manager
9 Mosley resides in the City of Kennewick, Washington.

11 **III. JURISDICTION AND VENUE**

12 3.1 This Court has federal question jurisdiction under 28 U.S.C. §1331 for claims
13 brought under 42 U.S.C. §§ 1981 and 1983. The Court has supplemental jurisdiction over the
14 Washington state claims under 28 U.S.C. § 1367.

15 3.2 Venue is proper in the Eastern District of Washington at Richland under 28 U.S.C.
16 § 1391 because Defendant City of Kennewick is located in Benton County, Washington; City
17 Manager Mosley resides in Benton County, Washington; and a substantial part of the events
18 that gave rise to this lawsuit occurred in Benton County, Washington.

19 3.3 Chief Beasley has satisfied the tort claim requirements of Chapter 4.96 RCW via
20 filing a notice of tort claim with Kennewick on October 14, 2021.

22 **IV. INTRODUCTION REGARDING DISCRIMINATION**

23 4.1 Scientific research indicates that discriminatory attitudes are common, even
24 typical, in 21st century America and further indicates that such attitudes often result in decisions
25 adverse to racial minorities and women.

1 4.2 In today's workplace, there are many common and concrete patterns of
2 discrimination experienced by racial minorities and women.

3 4.3 One such pattern is requiring Black employees to provide more evidence of
4 competence to be seen as equally competent (sometimes called "Prove It Again" bias). This
5 frequently results in white managers holding Black employees to a more exacting standard
6 than white employees.

7 4.4 A second concrete pattern is expecting Black employees to behave in
8 deferential rather than dominant ways. But Black leaders must be assertive, or they will face
9 criticism and allegations of "poor leadership." This pattern of conflicting workplace
10 expectations is sometimes called "Tightrope" bias because employees must walk a tightrope
11 that white employees are not subject to.
12



21 4.5 A third common and concrete pattern of discrimination is the pervasive reliance
22 on racial stereotypes. Because white people have less contact with Black people in the United
23 States, they are more likely to rely on stereotypes when judging Black individuals, both in
24 general and in the workplace. Black people face stereotypes about being lazy and violent, for
25 example.
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1 4.6 Chief Beasley endured each of these types of workplace discrimination during
 2 his relatively brief tenure as Fire Chief for the City of Kennewick. The result was his untimely
 3 and unfair termination from employment.

4 4.7 There are also common misunderstandings about the meaning of
 5 "discrimination." Discrimination means simply **different treatment due in part to race**. It does
 6 not require racial hatred or an illicit motive. It does not require the intent to disadvantage one
 7 group over another. The United States Supreme Court made this abundantly clear in *Bostock*
 8 *v. Clayton County*, 140 S. Ct. 1731, 1744-46 (2020).

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 10 4.8 Under the law, it is unimportant whether an employer consciously intends to
 11 treat employees differently due to race or simply does so because of unthinking stereotypes
 12 or bias. See *Thomas v. Eastman Kodak Co.*, 183 F.3d 38, 29 (1st Cir. 1999) (applying
 13 stereotyping analysis of *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) to race
 14 discrimination in employment).

15 4.9 In other words, people can and do engage in illegal race discrimination in the
 16 workplace without realizing what they are doing. Workplace discrimination follows common
 17 patterns observed by social scientists. But if we are ever going to open the doors of equal
 18 opportunity for all Americans, we must find ways to both recognize and end preferential
 19 treatment in the workplace. That is what this lawsuit is about.

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 21 V. FACTS

22 5.1 In 1982, the City hired Vince Beasley as a firefighter within the Kennewick Fire
 23 Department ("KFD").

24 5.2 Before becoming Fire Chief, Vince Beasley received positive performance
 25 feedback and progressed through the ranks. In recognition for his hard work, he received a
 26 series of promotions over four decades, if more slowly than some of his white peers.
 27

1 5.3 Before becoming Fire Chief, Mr. Beasley received multiple commendations for
2 perfect attendance. He received recognition for going above and beyond the call of duty,
3 including when he helped a small, lost girl get home during life-threatening temperatures.

4 5.4 While Mr. Beasley's firefighting career continued to thrive, the KFD deteriorated
5 under then-Fire Chief Neil Hines' 2005-14 stewardship. For example, KFD personnel were
6 known to have sex during work, abuse sick leave, and work out instead of performing their
7 duties.

8 5.5 Under Hines, Kennewick's firefighting capabilities dropped precipitously.

9 5.6 Under Hines, response time for emergency calls increased and Hines failed to
10 meet response-time objectives.

11 5.7 Under Hines, during a significant fire, KFD personnel intentionally abandoned
12 their duties to watch television and read the newspaper, leaving other municipalities to fight a
13 blaze within Kennewick city limits.

14 5.8 Under Hines, the Washington State Survey & Rating Bureau's ("WSRB")
15 Community Protection Class Rating (the "Safety Rating") – which rates cities' fire-defense
16 capabilities –was dangerously high for Kennewick.

17 5.9 In April 2014, a KFD Battalion Chief publicly acknowledged that the KFD's fire-
18 fighting "system [was] starting to crumble."

19 5.10 Despite Hines' significant performance issues and poor leadership, City
20 Manager Marie Mosley did not terminate him. Instead, she allowed Hines to continue in the
21 KFD. Eventually, Mosley moved Hines to a position as "dual chief."

22 5.11 Around the same time, Mosley praised Hines publicly, saying: "I am pleased to
23 have the experience and expertise of [Hines], who will provide exceptional leadership [as dual
24 chief] and align us to meet and sustain [the] city council's priorities for community safety."
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1 5.12 Chief Hines is a white man.

2 5.13 Around the time that Mosley moved Hines to dual chief, the City promoted Vince
3 Beasley to Fire Chief.

4 5.14 Vince Beasley started as KFD Fire Chief in December 2014.

5 5.15 As KFD Fire Chief, Chief Beasley also served as a City Department Head.

6 5.16 As KFD Fire Chief, Chief Beasley was one of eight Department Heads.

7 5.17 Each Department Head reported to City Manager Mosley.

8 5.18 City Manager Mosley's duties included dismissing Department Heads.

9 5.19 During her tenure as Kennewick City Manager, Ms. Mosley has fired only one
10 Department Head: Chief Beasley.

11 5.20 Throughout Chief Beasley's tenure, all Kennewick Department Heads other than
12 Chief Beasley were white.

13 5.21 After starting as KFD Fire Chief in approximately December 2014, Chief Beasley
14 performed exceptionally.

15 5.22 The City sets a number of Pay-for-Performance Goals (the "Goals") for all
16 Department Heads.

17 5.23 The Goals enumerate a list of deliverables that Department Heads are charged
18 with meeting.

19 5.24 In 2015, Chief Beasley achieved 80% of the City's Goals. In an email, Ms. Mosley
20 called that number "exceptional."

21 5.25 In 2016, Chief Beasley achieved 100% of the City's Goals.

22 5.26 In 2017, Chief Beasley achieved 90% of the City's Goals.

23 5.27 In 2018, Chief Beasley achieved 90% of the City's Goals.
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1 5.28 In late 2018, Chief Beasley began to openly oppose the City's racist and sexist
2 culture and hiring and retention practices. This includes raising concerns to Ms. Mosley about
3 the City's practice of hiring mostly white men.

4 5.29 In late 2018, Chief Beasley raised concerns to Ms. Mosley about the City
5 inappropriately favoring affluent white residents when providing City and fire-fighting services.

6 5.30 Mosley reacted to Chief Beasley raising these concerns with cold silence and by
7 becoming standoffish.

8 5.31 Around March 2019, Ms. Mosley submitted Chief Beasley's annual performance
9 evaluation.

10 5.32 Because of Chief Beasley's race and his raising concerns about discriminatory
11 hiring and public services practices – conduct protected under the WLAD – his performance
12 evaluation negatively – and inaccurately– evaluated his 2018 performance.

13 5.33 That performance evaluation made no mention of Chief Beasley obtaining 90%
14 of the City's Goals.

15 5.34 That performance evaluation made no mention the WSRB's increased safety
16 rating under Chief Beasley's stewardship.

17 5.35 That performance evaluation relied on an inaccurate and biased view of
18 Beasley's performance, and on prejudiced racial stereotypes, including the view that Black
19 employees are not good leaders, must prove their competence again and again, and must be
20 both deferential and assertive at the same time.

21 5.36 Chief Beasley speaking up and being assertive about discrimination in late 2018
22 triggered racial biases. Ms. Mosley evaluated Chief Beasley's performance differently in part
23 due to his race, whether she was aware of it or not.

1 5.37 Chief Beasley observed that he had to walk a tightrope that white employees
2 did not. If he was quiet, Mosley would tell him to speak up and be assertive. Then, when he
3 would speak up, Mosley would criticize him for doing so. Chief Beasley observed that this
4 happened frequently in meetings. Chief Beasley observed that white employees were not
5 subject to this double standard and were permitted to speak freely. For example, after a 2018
6 fire, City Manager Mosley criticized Chief Beasley for listening and evaluating information.
7 Then, when he started to speak up about that fire by reaching out to minority communities, she
8 criticized him for that. City Manager Mosley placed him in an impossible situation.
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10 5.38 After that negative performance evaluation around March 2019, Chief Beasley
11 continued to openly oppose the City's discriminatory practices. Around March 2019, Chief
12 Beasley raised concerns about possible gender discrimination against other employees to,
13 among others, Kennewick's HR Director.

14 5.39 In May 2019, City Manager Mosley emailed Chief Beasley that he was not
15 meeting "performance expectations" and that they needed to "reach a resolution."
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17 5.40 Despite Ms. Mosley's inaccurate and discriminatory performance feedback,
18 Chief Beasley continued to perform outstandingly in 2019. 2019 saw the culmination of
19 numerous initiatives he led, including Kennewick's improved WSRB Safety Rating.

20 5.41 A "One" is the highest rating attainable on the WSRB scale of ten to one.

21 5.42 In June 2019, the WSRB increased Kennewick's Safety Rating from a four to a
22 three.

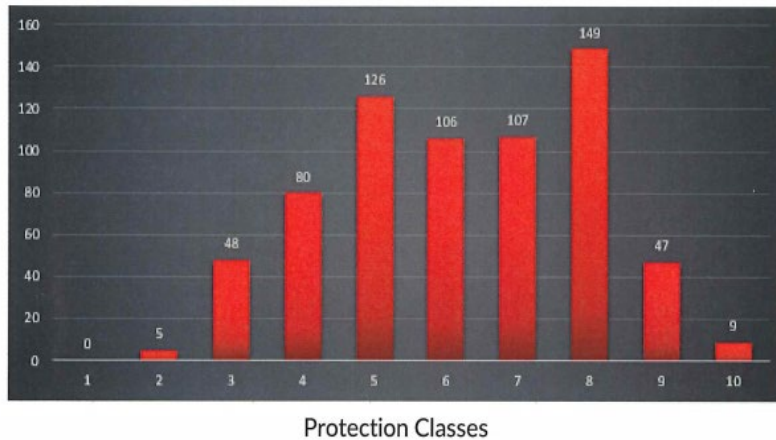
23 5.43 In June 2019, City issued a press release trumpeting the "great news for our
24 community" about the WSRB's rating, while noting that Kennewick was only .15 from a rating
25 of two.
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1 5.44 The WSRB evaluates each fire department statewide based on its ability to
 2 provide fire protection and suppression services. The WSRB considers factors such as water
 3 supply; fire department stations, equipment, training, and personnel; emergency dispatch
 4 communication; and fire safety control, including code enforcement and safety education.
 5 These factors are important in assessing the safety of the public against catastrophic fires, loss
 6 of lives, and homes.

7 5.45 In 2019, no cities statewide received a WSRB rating of one.

8 5.46 Only five cities in Washington State were rated by the WSRB as two.

9 5.47 Historically, the vast majority are generally rated four or higher, as indicated in
 10 the below chart:¹
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 21 5.48 By 2019, Kennewick’s WSRB fire response-rating of “three” was far superior to
 22 many of the surrounding municipalities. For instance, in 2019, Benton County District 4 had a
 23 rating of five from the WSRB. The City of Prosser’s WSRB rating was six. West Benton County’s
 24 WSRB rating was seven. The City of Pullman’s WSRB rating was four. Walla Walla’s WSRB rating
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 27 ¹ WSRB Protection Class Report For: Jefferson County Fire District 1, www.ejfr.org/wp-content/uploads/2020/03/2018WSRBProtectionClassReport.pdf.

1 was 4. Benton County District 2's WSRB rating was 6. Based on information and belief, Pasco's
2 WSRB rating was 5. Based on information and belief, Richland's WSRB rating was a 4.

3 5.49 In the final months of Chief Beasley's tenure in 2019, City Manager Mosley
4 began assigning him new, excessive, and unreasonable work assignments. Chief Beasley
5 worried that Mosley assigned these extra duties to him to try to set him up for failure. But Chief
6 Beasley met the challenge, committing to work even longer and harder to complete the
7 assignments. He prioritized his work at the expense of his family and friends who saw him less
8 often. He began to experience stress-related illnesses.

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10 5.50 Then, despite his extra efforts, Ms. Mosley demanded that Chief Beasley resign.
11 This happened during a September 3, 2019 meeting in which City Manager Mosley said she
12 would fire him if he did not resign.

13 5.51 During that meeting, Chief Beasley refused to resign.

14 5.52 On September 17, 2019, Ms. Mosley placed Chief Beasley on administrative
15 leave.

16 5.53 Then Ms. Mosley fired Chief Beasley via a letter dated September 18, 2019.

17 5.54 Based on information and belief, senior City employees and leaders provided
18 Mosley with discriminatory feedback about Chief Beasley. This feedback followed the same
19 types of discriminatory double-standards well-documented by social scientists.

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21 5.55 Based on information and belief, that discriminatory feedback influenced Ms.
22 Mosley's decision to terminate Chief Beasley.

23 5.56 Based on information and belief, members of the KFD Union also provided Ms.
24 Mosley with discriminatory feedback about Chief Beasley. This feedback also followed the
25 same types of discriminatory double-standards well-documented by social scientists.
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1 5.57 Based on information and belief, that discriminatory feedback influenced
2 Mosley's decision to terminate Chief Beasley.

3 5.58 In a September 18, 2019 letter, Ms. Mosley claimed that she terminated Chief
4 Beasley because he had committed misconduct and falsely claimed he submitted "a notice of
5 resignation."

6 5.59 In a meeting with a City Council member, Ms. Mosley contradicted that claim.
7 She admitted that Chief Beasley had not done anything wrong.

8 5.60 Two days after terminating Chief Beasley, Ms. Mosley emailed the KFD claiming
9 she and Chief Beasley were "having discussions regarding his potential retirement from the
10 City" and that his retirement was "impending." Ms. Mosley's claim was false. Ms. Mosley made
11 this claim knowing that it was false.
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13 5.61 Chief Beasley responded to Ms. Mosley's email by writing that he had
14 "absolutely" not been planning to retire and that he had "no intention" of doing so.

15 5.62 Ms. Mosley then emailed Chief Beasley to claim that he had resigned and that
16 she was "reaffirming" her decision to accept his (non-existent) resignation. Ms. Mosley's claim
17 was false. Ms. Mosley knew her claim was false.
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19 5.63 Ms. Mosley then issued a press release falsely claiming that Chief Beasley had
20 "resigned his position." This was false. Ms. Mosley knew this press release was false when she
21 issued it.

22 5.64 On a City Personnel Action/Change Form, Mosley falsely listed the reason for
23 Chief Beasley's separation as "Resignation." This was false. Ms. Mosley knew this was false when
24 she authored it. City Manager Mosley signed the falsified form.

25 5.65 Ms. Mosley summarily fired the only Black man in Kennewick's history to ever
26 hold a senior role in City government despite his well-documented history of strong work
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1 performance and objective achievements. Yet she afforded similarly situated white employees
2 who had well-documented and significant performance problems with much more favorable
3 treatment.

4 5.66 Mosley did not terminate former Chief Hines despite significant performance
5 issues.

6 5.67 Mosley did not terminate two other white, male Department Heads even though
7 they performed worse than Chief Beasley.

8 5.68 Those Department Heads' performance problems were so well known that HR
9 Director Osborne assured Chief Beasley he would not – and should not – be terminated
10 because these other Department Heads performed so poorly and yet had not been
11 terminated.

12 5.69 Based on information and belief, Mosley did not terminate other Department
13 Heads and subordinates who had significant performance issues that Chief Beasley did not
14 have.

15 5.70 Mosely gave white subordinates repeated chances to improve, opportunities to
16 grow, and lengthy tenures; but she quickly terminated the only minority department head after
17 a single (inaccurate and prejudiced) negative performance review.

18 5.71 Ms. Mosley held Chief Beasley to this more exacting standard in substantial part
19 because of his race and as retaliation for engaging in protected conduct.

20 5.72 Research shows that discriminatory attitudes are prevalent in the workplace and
21 these attitudes often result in decisions adverse to Black employees. Among other things, Black
22 employees are commonly subjected to a more exacting standard than white employees. That
23 is what happened to Chief Beasley.
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1 5.73 After terminating Chief Beasley, the City left the Fire Chief position open and
2 sought applicants with qualifications similar to Chief Beasley.

3 5.74 Then, Ms. Mosley hired a white male to replace Chief Beasley.

4 5.75 The new Fire Chief promised that the KFD would "continue to deliver high
5 quality service."²

6 5.76 After Chief Beasley's predecessor took over, the City Manager was white, the
7 City Council was all white, and the City Department Heads were, again, all white men.

8
9 **VI. FIRST CAUSE OF ACTION:**

10 **RETALIATION IN VIOLATION OF RCW 49.60.210(1)**
11 **Against the City of Kennewick and City Manager Mosley**

12 6.1 Plaintiff realleges paragraph 1.1 through 5.76 as if fully set forth herein.

13 6.2 Chief Beasley took several actions protected under the WLAD, including without
14 limitation, raising concerns about discriminatory hiring practices, encouraging Ms. Mosley to
15 serve more than just white residents, and demanding that Ms. Mosley hire more than just white
16 men for open positions.

17 6.3 The City and City Manager Marie Mosley knew or suspected that Chief Beasley
18 engaged in such statutorily protected actions.

19 6.4 Because of this protected activity, the City and City Manager Mosley subjected
20 Chief Beasley to several adverse employment actions, including terminating Chief Beasley in
21 September 2019.

22 6.5 A causal connection exists between Chief Beasley's protected activity and the
23 City's decision to subject Chief Beasley to these adverse employment actions. The City took
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27 ² "City of Kennewick announces Chad Michael as new fire chief," FOX 11 41, KCYU Fox Television, 2020, www.fox41yakima.com/city-of-kennewick-announces-chad-michael-as-new-fire-chief.

1 these actions because of, among other protected actions, Chief Beasley reporting and
2 opposing the City's discriminatory hiring practices.

3 6.6 The City violated the WLAD by retaliating against Chief Beasley for engaging
4 in legally protected actions.

5 6.7 As a direct result of Defendants' unlawful conduct, Chief Beasley has suffered
6 and continues to suffer lost wages and pecuniary benefits of his employment, future lost
7 earnings, emotional pain, grief, and humiliation, and other damages in amounts to be proved
8 at trial.
9

10 **VII. SECOND CAUSE OF ACTION:**

11 **RACE DISCRIMINATION IN VIOLATION OF THE WLAD**
12 **Against the City of Kennewick and City Manager Mosley**

13 7.1 Plaintiff realleges paragraphs 1.1 through 5.76 as if fully set forth herein.

14 7.2 Chief Beasley is a Black male.

15 7.3 The City of Kennewick fired Chief Beasley. The City Manager Marie Mosley
16 made the decision to fire Chief Beasley.

17 7.4 The City of Kennewick and City Manager Mosley fired Chief Beasley because
18 he was Black.

19 7.5 Chief Beasley was performing satisfactory work when the Defendants fired him.

20 7.6 The City and City Manager violated the WLAD by firing Chief Beasley for being
21 Black.
22

23 7.7 As a direct result of Defendants' unlawful conduct, Chief Beasley has suffered
24 and continues to suffer lost wages and pecuniary benefits of his employment, future lost
25 earnings, and emotional harm, including grief, loss of enjoyment of life, damage to
26 reputation, fear, anxiety, anguish, embarrassment, humiliation, and other damages in
27

1 amounts to be proved at trial. These harms are ongoing and are reasonably likely to be
2 experienced in the future.

3 **VIII. THIRD AND FOURTH CAUSES OF ACTION:**

4 **RACE DISCRIMINATION AND RETALIATION IN VIOLATION OF**
5 **SECTIONS 1981 AND 1983**
6 **Against the City of Kennewick and City Manager Mosley**

7 8.1 Plaintiff realleges paragraphs 1.1 through 5.76 as if fully set forth herein.

8 8.2 City Manager Mosley acted under color of state law when she terminated Chief
9 Beasley's employment because of race and illegal retaliation.

10 8.3 City Manager Mosley possessed final policymaking authority for the City when
11 she terminated Chief Beasley's employment because of race and illegal retaliation.

12 8.4 By the conduct described above,

13 8.5 When Defendants terminated Chief Beasley because he was Black and
14 because of illegal retaliation, they violated 42 U.S.C. Sections 1981 and 1983.

15 8.6 As a direct result of Defendants' unlawful conduct, Chief Beasley has suffered
16 and continues to suffer lost wages and pecuniary benefits of his employment, future lost
17 earnings, and emotional harm, including grief, loss of enjoyment of life, damage to
18 reputation, fear, anxiety, anguish, embarrassment, humiliation, and other damages in
19 amounts to be proved at trial. These harms are ongoing and are reasonably likely to be
20 experienced in the future.

21 **IX. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff prays that the Court enter judgment against Defendants,
23 awarding him:
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1 1. Lost wages, including front and back pay, lost bonuses, and lost medical and
2 retirement benefits, and other lost pecuniary benefits of employment, in an amount to be
3 proven at trial;

4 2. Compensatory damages for emotional harm in an amount to be proven at trial;

5 3. Punitive damages;

6 4. Reasonable attorneys' fees, expert witness fees, and costs pursuant to, among
7 other things, RCW 49.60.030(2) and 49.48.030, 42 U.S.C. § 1988.
8

9 5. Pre- and post-judgment interest at the maximum rate allowed by law;

10 6. Damages to make up for any adverse tax consequences for any award to Chief
11 Beasley; and

12 7. Such other relief as this Court may deem appropriate.

13 **Chief Beasley hereby demands a jury trial on all of the issues set forth herein.**
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Dated this 12th day of January, 2022.

BLOOM LAW PLLC

/s/ Beth Bloom

/s/ Jay Corker Free

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(Petitions for admission in the Eastern District of Washington are forthcoming for Beth Bloom and Cindy Heidelberg)