

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

Michael Reifschneider,

Plaintiff,

vs.

St. Louis County,

Defendant.

Case No.

JURY TRIAL DEMANDED

PETITION

1. Plaintiff sues under the Missouri Human Rights Act, Mo.Rev.Stat. §213.010, et seq. (2017) for retaliation.

Jurisdiction, Venue, and the Parties

2. Plaintiff Michael Reifschneider is a lieutenant in the St. Louis County Police Department, assigned to the West County Precinct.
3. Defendant St. Louis County is a governing body and a political subdivision of the State of Missouri.
4. St. Louis County is an “employer” under the Human Rights Act Mo.Rev.Stat. §213.010(8)
5. The violations of law described herein occurred in St. Louis County, Missouri.
6. On May 28, 2021, plaintiff filed a Charge with the Missouri Commission on Human Rights alleging retaliation for opposing unlawful employment practices. *Exhibit 1.*
7. On March 24, 2022, the MCHR issued a Notice of Right to Sue. *Exhibit 2.*
8. The amount in controversy exceeds \$25,000.

Factual Allegations

Reifschneider’s service award and promise of promotion to captain

9. In January 2020, while responding to an active shooter call, plaintiff saved a woman's life by carrying her to an ambulance through the line of fire. Plaintiff also rescued her children.
10. Because of plaintiff's actions in saving the woman's life, West County Precinct Captain Mary Barton nominated plaintiff for the highest award a police officer can earn: Distinguished Service Citation for Valor.
11. In March 2020, Defendant promoted Barton to Lt. Colonel and then to Chief of St. Louis County Police Department a month later.
12. Once Barton was promoted, Barton designated plaintiff as Acting Captain for West County Precinct.
13. Barton told plaintiff that he would be promoted to Captain of the West County Precinct.
14. Plaintiff was on the captain promotion eligibility list.
15. When plaintiff served as Acting Captain, he reported to Lt. Col. Bryan Ludwig.
16. As acting captain of the West County Precinct, Lt. Ray Rice, Lt. Scott Roach, Lt. Francis Gomez, seven sergeants, and about 50 patrol officers were under plaintiff's command.
17. In March 2020, plaintiff knew that Rice had filed a charge against St. Louis County for race discrimination and retaliation. It was common knowledge at the precinct and the entire police department that Rice had filed a charge of discrimination.
18. Rice is African American.
19. After plaintiff became Acting Captain, Lt. Col. Ludwig directed plaintiff to update him [Ludwig] with information about Rice's actions, comments, and performance.
20. Ludwig did not ask for updates or information about any officer, sergeant, or lieutenant other than Rice.
21. Rice was the only officer who had filed a discrimination charge.

Reifschneider refuses to give Rice negative performance evaluations

22. As Acting Captain, it was plaintiff's duty to evaluate the officers under his command using a performance rating sheet.
23. In August 2020, plaintiff was tasked with filing out Lt. Rice's performance rating sheet.
24. Plaintiff asked Ludwig for guidance on rating Rice's job performance. Plaintiff and Rice rarely worked together because Rice worked the midnight shift and plaintiff worked the day shift.
25. Plaintiff reviewed Rice's prior performance rating sheet which showed that Captain Jerry Lohr, Rice's last supervisor, had given Rice the highest rating, "Exceeds Standards," in 29 out of 30 categories, and the next highest rating, "Meets Standards" in the remaining category. Lohr did not rate Rice as "Needs Improvement" in any category.
26. Plaintiff told Ludwig that he had reviewed Rice's file and that there was no documentation or other basis to lower Rice's performance evaluation.
27. Ludwig told plaintiff that he could change Lt. Rice's ratings any way he wanted and that plaintiff should evaluate Rice because Rice had moved to a new division.
28. Plaintiff told Ludwig that any change he made would lower Rice's ratings.
29. Plaintiff refused to change Rice's ratings.
30. Plaintiff completed Rice's performance rating sheet, did not change any of Rice's prior ratings, and rated Rice as "Exceeds Expectations" in 29 of 30 categories.
31. Plaintiff knew that if he lowered Rice's rating without supporting information or documentation, it could be viewed as retaliation against Rice for filing a discrimination claim.

Reifschneider notifies Chief Barton about unlawful sexual harassment

32. In September 2020, Plaintiff learned about sexual harassment and misappropriation of County Park funds by Lt. Jeffrey Hoots. More specifically, plaintiff learned that Lt. Hoots was engaging in inappropriate sexual relationships with one or more subordinate female County park rangers.
33. Soon after plaintiff learned about Lt. Hoots' conduct, he had a phone conversation with Chief Mary Barton in which plaintiff told Barton there was a problem with Lt. Hoots. Barton's response indicated she was aware of Lt. Hoots' inappropriate sexual conduct.
34. Plaintiff told Barton that he was planning to report this sexual harassment and misappropriation of funds to Internal Affairs Captain Tim Tanner.
35. Barton told plaintiff not to contact Cpt. Tanner, and that she would look into it herself.
36. Based on Barton's advice to plaintiff, he did not contact Cpt. Tanner.
37. About a month later, Barton told plaintiff that she had someone look into the sexual harassment complaints and that nothing was going on.
38. Within a week, plaintiff received a call from a park ranger reporting that the situation for the park rangers had gotten worse - Lt. Hoots gave the park rangers a "geography lesson" by reassigning the rangers to undesirable posts in retaliation for the rangers' complaints of sexual harassment.
39. Plaintiff contacted Barton again to notify her that Lt. Hoots was retaliating against the park rangers and that their work environment had become more hostile.

The County downgrades Reifschneider's award and makes him ineligible for promotion

40. After plaintiff completed Lt. Rice's performance rating sheet, Barton reduced plaintiff's Distinguished Service Citation for Valor to a Chief's Commendation. The Chief's

Commendation award is a significantly lesser award than the Distinguished Service Citation for Valor.

41. After plaintiff completed Rice's performance rating sheet, Barton called for a new promotional process for selecting captains.
42. Plaintiff's name was removed from the promotion eligibility list.
43. Plaintiff re-applied to be promoted to captain, completed the requirements under the new promotional process, and was placed on the captain eligibility list again in October 2020.
44. On December 16, 2020, Chief Barton again changed the captain eligibility requirements to require a bachelor's degree.
45. Before adding the new captain eligibility requirements, Chief Barton promoted two officers from the captain eligibility list and promoted a captain to lieutenant colonel who did not have a bachelor's degree.
46. Plaintiff has an Associates degree.
47. While plaintiff was on vacation in December 2020, Barton led a public ceremony to give a posthumous award to the father of another first responder in the January 23, 2020 shooting. Plaintiff was not invited to the ceremony and did not receive public notice of his award.
48. Around December 23, 2020, Barton visited plaintiff at the West County Precinct when plaintiff was on duty. Barton was not on duty and appeared at the precinct in sweatpants and sweatshirt. During this meeting, Barton told plaintiff that he was not promoted to captain because of his refusal to change Rice's rating, which was contrary to Ludwig's directive.
49. At this same meeting, Barton handed plaintiff a Chief's Commendation award instead of the Distinguished Service Citation for Valor, as promised by Barton in March 2020.

50. The Chief's Commendation is the lowest level of recognition that an officer can receive.

While the Distinguished Service Citation for Valor is awarded in a public forum, plaintiff received the Chief's Commendation in his office with no one else present.

Count I – Retaliation under the Missouri Human Rights Act

51. Plaintiff incorporates paragraphs 1 through 50 as though fully set forth herein.

52. Defendant retaliated against plaintiff by failing to promote him because he refused to participate in a practice prohibited by the Missouri Human Rights Act, that is, retaliating against Rice because Rice filed a complaint of discrimination, and for opposing practices prohibited by the MHRA, that is, opposing sexual harassment.

53. Defendant retaliated against plaintiff by downgrading plaintiff's service award from the highest award to the lowest commendation because he refused to participate in a practice prohibited by the Missouri Human Rights Act, that is, retaliating against Rice, and for opposing practices prohibited by the MHRA, that is, opposing sexual harassment.

54. Defendant's conduct as described above constitutes retaliation, and violates the Missouri Human Rights Act, Mo.Rev.Stat. §213.070.

55. St. Louis County's actions were willful, wanton, and malicious and were outrageous because of evil motive or reckless disregard for plaintiff's protected rights.

56. As a result of the County's conduct, Reifschneider lost wages and other benefits of employment, suffered emotional distress and loss of enjoyment of life.

Plaintiff Mike Reifschneider therefore asks the Court to enter a judgment in his favor and award him actual damages for lost wages and emotional distress, punitive damages, attorneys' fees and costs, and all other relief the Court deems just.

Respectfully submitted,

/s/ Jill A. Silverstein
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