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DISTRICT COURT

CLARK COUNTY, NEVADA

10 Patrick Moers,)
11) Case No.: A-18-776125-C
12) Plaintiff,) Dept. No.:
13 vs.) Department 30
14)

) **COMPLAINT**

15 Debra March, individually; Robert Murnane,) EXEMPTION FROM ARBITRATION;
16 individually; Josh Reid, individually) DAMAGES EXCEEDS \$50,000
17 Todd Peters, individually; Jennifer Fenema,) AND CIVIL RIGHTS CLAIM
18 individually; Barbara Brabenec individually;) AND CIVIL RIGHTS CLAIM
19 Miranda Ramos, individually; Clarissa)
20 Rockwell, individually; Michael Johnson,)
21 individually; and DOES 1-50)
22 Defendants.)

VERIFIED COMPLAINT

23 Come comes now plaintiff Patrick Moers by and thru his attorneys, the law firm of
24 Stovall and Associates, and for his complaint alleges:

I

25 That plaintiff is and at all times mentioned herein was a resident of Clark County Nevada,
26 and the former Chief of Police of the Henderson Police Department.

II

1 That defendant Debra March is and at all times mentioned herein was a resident of Clark
2 County Nevada, a Henderson City Councilwomen and the Mayor of the City of Henderson.

3 **III**

4
5 That defendant Robert Murnane is and at all times mentioned herein was a resident of
6 Clark County, Nevada, and the former City Manager of the City of Henderson.

7 **IV**

8 That defendant Josh Reid is and at all times mentioned herein was a resident of Clark
9 County, Nevada, and the former City Attorney of the City of Henderson.

10 **V**

11
12 That defendant Todd Peters is and at all times mentioned herein was a resident of Clark
13 County, Nevada and former Deputy Chief of Police and acting Chief of Police of the Henderson
14 Police Department.

15 **VI**

16
17 That defendant Jennifer Fennema is and at all times mentioned herein was a resident of
18 Clark County, Nevada and the Director of Human Resources for the City of Henderson.

19 **VII**

20 That defendant Barbara Brabanec is and at all times mentioned herein was a resident of
21 Clark County, Nevada and an administrator of the communications office of the Henderson
22 Police Department.

23 **VIII**

24
25 That defendant Miranda Ramos is and at all times mentioned herein was a resident of
26 Clark County, Nevada and a supervisor of the communications office of the Henderson Police
27 Department.

28 **IX**

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XIII

That plaintiff was promoted to the rank of Sergeant in 1997, Lieutenant in 2003, Captain in 2009, Deputy Chief of Police in 2012 and appointed Chief of Police of the Henderson Police Department in July 2012.

XIV

That plaintiff received 26 annual performance evaluations all with a rating of above average or outstanding.

XV

That plaintiff was employed for 26 years by the Henderson Police Department without a single disciplinary incident.

XVI

That during plaintiff's tenure as chief of police the plaintiff and the Henderson Police Department received numerous awards and honors.

XVII

That plaintiff managed over 700 employees and a budget of approximately \$100 million

XVIII

The police chief of Henderson Police Department is recommended for employment by the city manager and approved by the City Council of Henderson

XIX

The city manager manages the day-to-day operations of the City of Henderson reporting to the mayor and the city council

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The mayor and city council of Henderson are prohibited from participating and interfering in the day-to-day operation the Henderson Police Department.

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XXI

That as a police officer and the chief of police of the Henderson's Police Department the plaintiff was required to comply with certain statutory and legal standards of conduct

XXII

That while chief of police the plaintiff was repeatedly threatened with termination of employment, and injury to his reputation by defendants to compel plaintiff to violate standards of conduct of a police officer and chief of police.

XXIII

In January 2014 a former City Manager on behalf of defendant March, demanded a copy of an open criminal investigative file pertaining to the death of a female friend of a judge, the contents of which had been ordered sealed by the presiding magistrate, and when plaintiff refused he was threatened with termination of employment by city attorney, defendant Josh Reid.

XXIV

That on February 25, 2014 the City Attorney, defendant Josh Reid, demanded that the police department "take care" of a traffic ticket issued to his wife for passing a stopped school bus with flashing red lights and no proof of insurance, and when the plaintiff informed the city attorney that the police department would not participate, defendant Reid threatened to terminate the plaintiff's employment.

XXV

That on August 8, 2014 Henderson police arrested an Assistant City Manager on suspicion of driving under the influence, and when plaintiff refused the request of the City Manager, and the City Attorney, defendant Josh Reid, to help the assistant city manager out of the situation, defendant Reid told the plaintiff that his refusal to assist would reflect badly upon the plaintiff and the Henderson Police Department

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XXVI

In April 2016 the plaintiff received a complaint from a female employee of the Henderson Police Department that the Deputy Police Chief, defendant Todd Peters, had made sexually explicit statements in her presence, that plaintiff requested a formal investigation be conducted, and the City Manager, defendant Murnane, and H.R. Director, defendant Jennifer Fennema refused stating they did not want the investigation of a high-ranking police officer to go public during City Councilwoman Debra March's election campaign for mayor.

XXVII

In September 2016 the plaintiff was informed that Deputy Police Chief defendant Peters, who was the subject of a previous complaint of use of sexually explicit language, was attempting to promote a female employee under his supervision with whom he was having a sexual affair and then lied to the plaintiff of the existence of the sexual affair, prompting plaintiff again to recommend a formal investigation which the City Manager, defendant Murnane and H.R. Director, Jennifer Fennema both of whom refused, and defendant Murnane instructed plaintiff to take no action to avoid causing embarrassment to City Councilwoman Debra March during her upcoming election campaign for mayor.

XXVIII

That in January, 2017, City Manager, defendant Murnane directed plaintiff to attend and support defendant March's "kickoff campaign for mayor"

XXIX

That Henderson Police Department Crime Lab supervisor Rick Workman also ran for the office of Mayor of Henderson during the 2017 election, and his campaign was endorsed by the Henderson Police Supervisors Union.

XXX

1 That in January 2017 plaintiff using a social media application “next door” published
2 crime statistics from the Henderson Police Department from year 2016 showing a sharp increase
3 in crime within the City of Henderson resulting in the City Manager, defendant Murnane,
4 accusing the plaintiff of trying to undermine Debra March’s campaign for mayor, and stating this
5 was the plaintiffs “second strike”
6

7 **XXXI**

8 That in February 2017 the plaintiff was directed by the City Manager defendant Murnane
9 to discontinue submitting crime statistics to the White House’s police data initiative and not to
10 disclose crime statistics to the public until the conclusion of the election of the Mayor of
11 Henderson, even though the City of Henderson at that time, was experiencing one of the largest
12 series of burglaries and home invasions in it’s history.
13

14 **XXXII**

15 That in April 2017 the plaintiff agreed to support a new police foundation established by
16 small business owners in the City of Henderson named the Friends of the Henderson Police
17 Department Foundation by placement of plaintiff’s picture and a statement of his support for the
18 foundation on a postcard to be mailed to potential donors, this postcard was submitted and
19 approved by the City of Henderson’s Intergovernmental Relations Office and upon it’s approval
20 the postcard was printed by the City of Henderson print shop and mailed to businesses in
21 Henderson.
22
23

24 **XXXIII**

25 That on April 10, 2017 the City Manager defendant Murnane telephone the plaintiff and
26 said that defendant Debra March was furious that the postcard was mailed because she had a
27 foundation known as the “Henderson Community Foundation” and would not tolerate any
28 competition, and was probably plaintiff’s “last strike”.

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XXXIV

That on April 12, 2017 plaintiff participated in a telephone conversation with defendant Debra March, at the direction of defendant Murnane, during which defendant March stated:

1. That plaintiff intended to embarrass Debra March during her election campaign for mayor by recommending a formal investigations of the deputy police chief Peters.
2. That plaintiff should take control of the police supervisors union and teach them a lesson for supporting her opposition candidate Rick Workman.
3. That plaintiff was to find a way to terminate Richard Workman's employment from the Henderson Police Department.
4. That plaintiff attempted to embarrass Debra March by having Rick Workman appear before the city council on November 14, 2016 to announce the international accreditation of the Henderson Police Department's crime lab.
5. The plaintiff was attempting to destroy her foundation the "Henderson Community Foundation" by publicly supporting a competing foundation.
6. That plaintiff was attempting to intimidate her by causing a large number of police officers to attend City Council meetings.
7. That as the new mayor she demanded respect from plaintiff and reminded plaintiff that she was ultimately in charge of the entire city.

XXXV

That plaintiff informed defendant Debra March that he would not cover up the misconduct of defendant Peters, interfere with the police supervisors union, terminate the employment of Rick Workman or take any other action that was unlawful or inconsistent with his duties as a police officer or chief of police of the Henderson Police Department.

XXXVI

1 confidential informant to have sex with Johnson to avoid criminal prosecution.

2 **XLVIII**

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4 That on May 24, 2017 plaintiff filed a complaint with the City of Henderson for a hostile
5 work place, the receipt of which was confirmed by the Human Resources Director for the City of
6 Henderson defendant Fennema and to this day the plaintiff is informed and believed that no
7 investigation of his complaint was undertaken.

8 **XLVIX**

9
10 That on May 29, 2017 the defendant Reid notified the plaintiff that his employment was
11 going to be involuntarily terminated, and that all accrued leave and benefits, including the
12 payment of a health insurance stipend needed for the care of a seriously ill child, earned over
13 approximately 26 years of employment would be withheld unless the plaintiff agreed to a
14 voluntary separation from employment.

15 **L**

16
17 That on May 31, 2017 the plaintiff received a written notice of termination and
18 opportunity for hearing from the city manager defendant Murnane, and falsely accusing plaintiff
19 of sexual harassment of two (2) employees, defendants Miranda Ramos and Clarissa Rockwell,
20 creating a hostile work environment within the police department and failing to give proper
21 instructions for retirement to an employee, defendant Barbara Brabenec.

22 **LI**

23
24 That on May 31, 2017 plaintiff signed a separation agreement and release of all claims
25 against the City of Henderson, retiring from employment with the Henderson Police Department.

26 **LII**

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28 That on December 14, 2017 plaintiff made a freedom of information act request to the
City of Henderson for certain employee phone numbers and emails.

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LIII

That during the first week of January 2018 plaintiff's health insurance benefits including health insurance benefits for a critically ill child, were terminated.

LIV

That immediately following the termination of health insurance benefits, the plaintiff received a linked in request to be "friends" from defendant Reid.

LIV

On January 18, 2018, the Review Journal newspaper published the following statements:
"A sexual harassment investigation forced out Patrick Moers as Henderson's police chief last year" ...
"The source said March, who was a councilwoman and had not been sworn in as Henderson Mayor, knows about the sexual harassment allegations" ...
"Moer sexually harassed the police employee for about a year, a source said, but the victim waited several months to speak out because she feared for her job. She rejected Moer's advances several times, Moer's began to retaliate against her, the source said. She finally reported the issue to a city official on May 9 and an investigation was launched, a source said."

LVI

The plaintiff is informed and believes that the source of this information published by the Review Journal on January 18, 2018 was defendant Debra March and other named defendants.

LVII

That the Review Journal newspaper publication of the January 18, 2018 regarding the alleged sexual harassment by plaintiff resulted in republication of these false statements by a number of Nevada television and print media.

1 **FIRST CAUSE OF ACTION**

2 **DEFAMATION**

3
4
5 **LVIII**

6 Plaintiff incorporates paragraphs I through LV of the complaint as though fully set forth
7 herein.

8
9 **LIX**

10 That the statements of defendants Ramos and Rockwell that they were subject to sexual
11 harassment in the workplace by the plaintiff are false.

12 **LX**

13 That the statement by defendant Murnane that plaintiff created a general state of fear
14 among various levels of employees within the Henderson Police Department, that non-favored
15 employees are being pushed out of the department and that performance concerns are not being
16 handled using formal documented processes are false.

17
18 **LXI**

19 That the statement by defendant Murnane that plaintiff failed to follow procedures
20 regarding the retirement of Barbara Brabenec are false.

21
22 **LXII**

23 That the statement by defendant March that plaintiff was suspended and subject to an
24 internal investigation because of his sponsorship of a foundation are false.

25 **LXIII**

26 That the statement by defendants that plaintiff was forced out of his position as Chief of
27 Police of the Henderson Police Department because of the workplace sexual harassment of
28

1 subordinates is false.

2 **LXIV**

3 That these false statements were fabricated and used as a pretext to unlawfully interfere
4 and cause the termination of the employment of the plaintiff as Chief of Police of the Henderson
5 Police Department by the defendants.
6

7 **LXV**

8 That these false statements were fabricated and used by the defendants to punish and
9 retaliate against the plaintiff for his refusal to comply with the unlawful and unethical demands
10 of defendants March, Reid, and Murnane.
11

12 **LXVI**

13 That these false statements were fabricated and used by the defendants to punish and
14 retaliate against the plaintiff for his attempt to reorganization of the communications office of the
15 Henderson Police Department and to avoid the consequences of that reorganization by
16 defendants Ramos, Rockwell and Brabenec.
17

18 **LXVII**

19 That these false statements were fabricated and used by the defendants to punish and
20 retaliate against the plaintiff for his request to investigate inappropriate conduct of defendant
21 Peters and plaintiffs unfavorable performance evaluation of defendant Peters.
22

23 **LXVIII**

24 That these false statements are defamatory “per se” in that they impute to the plaintiff the
25 commission of a crime, dishonesty and immoral behavior.
26

27 **LXIX**

28 That these false and defamatory statements were published by the defendants with “actual
malice”, having knowledge of the falsity of these statements, or with a reckless disregard for their

1 truth.

2 **LXX**

3 That is a direct and proximate result of the defendants publication of false and defamatory
4 statements with actual malice, the plaintiff has been subjected to great ridicule and
5 embarrassment, and has been harmed both professionally and personally, all to the plaintiff's
6 damages in a sum in excess of \$15,000.
7

8 **LXXI**

9 That the defendants publication of false and defamatory statements with actual malice,
10 was intended to cause harm to the plaintiff, and in fact caused the intended harm to the plaintiff
11 thereby justifying an award of punitive damages against each defendant in a sum in excess of
12 \$15,000.
13

14 **SECOND CAUSE OF ACTION**

15 **ABUSE OF PROCESS**

16 **LXXII**

17 The plaintiff incorporates paragraphs I through LXXI of the complaint as though fully set
18 forth herein.
19

20 **LXXIII**

21 That defendants fabricated information and charges against the plaintiff regarding his
22 conduct as chief of police of Henderson Police Department, including but not limited to:
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- 24 1. Defendants Ramos and Rockwell were subject to sexual harassment in the workplace
25 by the plaintiff.
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1 2. That plaintiff created a general state of fear among various levels of employees within
2 the Henderson Police Department, that non-favored employees were being pushed out of
3 the department and that performance concerns are not being handled using formal
4 documented processes.

5
6 3. That plaintiff failed to follow procedures regarding the retirement of Barbara Brabenec.

7 4. That plaintiff's sponsorship of the friends of the Henderson Police Department
8 foundation were improper.

9
10 **LXXIV**

11 That defendants willfully and intentionally used this fabricated information and charges
12 to invoke the disciplinary process of the City of Henderson to unlawfully threaten the termination
13 of the plaintiff's employment as Chief of Police and coerce his retirement from the Henderson
14 Police Department.

15
16 **LXXV**

17 That the defendants willfully and intentionally disregarded the requirements of Chapter
18 289 of the Nevada Revised Statutes, known as the Peace Officers Bill of Rights, when invoking
19 the disciplinary process of the City of Henderson to unlawfully threaten the termination of
20 plaintiff's employment as Chief of Police and coerce his retirement on the Henderson Police
21 Department.

22
23 **LXXVI**

24 That the defendant's ulterior purpose for the abuse of the disciplinary process of the City
25 of Henderson and Chapter 289 of the Nevada Revised Statutes, was to retaliate and punish the
26 plaintiff for his refusal to comply with the unlawful and unethical demands of defendants March,
27 Reid, and Murnane.

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LXXVII

1 **THIRD CAUSE OF ACTION**

2 **INTERNATIONAL INTERFERENCE WITH CONTACT RELATION**

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5 **LXXXI**

6 That plaintiff incorporates paragraphs I through LXXX of the complaint, as though each
7 paragraph were fully stated herein.

8
9 **LXXXII**

10 That the plaintiff had a valid and existing contract of employment with the City of
11 Henderson as Chief of Police of the Henderson Police Department.

12 **LXXXIII**

13 That the defendants knew of the plaintiff's contractual relationship with the City of
14 Henderson.

15
16 **LXXXIV**

17 That the defendants interfered with the plaintiffs contractual relationship with the
18 Henderson Police Department by their intentional and willful acts, including but not limited to
19 the following:

- 20
- 21 1. Demanding plaintiffs participation in, or concealment of, defendants unlawful and
 - 22 unethical conduct while acting as public officials.
 - 23 2. Fabrication of false information and charges against the plaintiff.
 - 24 3. Directing and encouraging employees of the Henderson Police Department to make
 - 25 complaints against the plaintiff.
 - 26
 - 27
 - 28 4. Publishing false and defamatory per se statements regarding the plaintiff.

1 5. Refusing to provide a list of charges against the plaintiff prior to his interrogation and
2 suspension from employment.

3 6. Refusing to investigate the plaintiff's complaint of hostile workplace delivered to the
4 human resources director defendant sentiment May 24, 2017.

5 7. Threatening without cause, to involuntarily terminate plaintiff's employment and
6 withhold all accrued leave and benefits unless he entered into a separation agreement.

7 8. Refusing to comply with the requirements of the disciplinary policies of the City of
8 Henderson and Chapter 289 of the Nevada Revised Statutes.

9
10 **LXXXV**

11
12 That is a direct and proximate result of the defendants interference with the plaintiff's
13 contract with the city of Henderson, plaintiff's employment was constructively terminated
14 without good cause, and in violation of the law thereby causing plaintiff to suffer damages in the
15 sum in excess of \$15,000

16
17 **LXXXVI**

18 That the aforementioned acts of the defendants were malicious fraudulent oppressive and
19 coercive, intending to cause injury to the plaintiff, and in fact caused the intended injury to the
20 plaintiff thereby justifying an award of punitive damages in a sum in excess of \$15,000

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23 **FOURTH CAUSE OF ACTION**

24 **INTERFERENCE WITH PROSPECTIVE ADVANTAGE**

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27 **LXXXVII**

28 That plaintiff incorporates paragraphs I group paragraphs LXXXVI of the complaint as though

1 fully set forth herein

2 **LXXXVIII**

3
4 That as an employee of the Henderson Police Department the plaintiff participated in the
5 public employees retirement system which does not contribute to Social Security or Medicare.

6 **LXXVIII**

7 That it is customary, and well-known, that police officers upon retirement often obtain
8 employment which provides contributions to Social Security and Medicare.

9 **LXXXIX**

10
11 That upon retirement plaintiff had planned on obtaining employment which would
12 provide contributions to Social Security and Medicare.

13 **XC**

14 That defendants knew of plaintiff's plan to obtain employment after retirement with the
15 Henderson Police Department which would provide contributions to Social Security and
16 Medicare.

17 **XCI**

18
19 That the aforementioned punitive and retaliatory acts of the defendants were intended to
20 interfere with, and prevent future employment of the plaintiff.

21 **XCII**

22
23 That the defendants engaged in the aforementioned punitive and retaliatory acts in the
24 absence of privilege or justification.

25 **XCIII**

26 That the aforementioned punitive and retaliatory acts of the defendants have interfered
27 with, and prevented plaintiff from obtaining employment and as a direct import proximate result
28 thereof plaintiff has suffered damages in a sum in excess of \$15,000

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XCIV

That the aforementioned acts of the defendants were malicious fraudulent oppressive and coercive, intending to cause injury to the plaintiff, and in fact causing the intended injury to the plaintiff thereby justifying punitive damages in a sum in excess of \$15,000.

FIFTH CAUSE OF ACTION

OPPRESSION UNDER COLOR OF OFFICE

XCV

That plaintiff incorporates paragraphs I through XCV of the complaint as though fully set forth herein.

XCVI

That a public official, who unlawfully and maliciously, and under pretense or color of official authority, does any act whereby the person, property or rights of another are injured, commits oppression.

XCVII

That the defendants at all times mentioned herein were public officials.

XCVIII

That the aforementioned acts of the defendants were intended to unlawfully and maliciously interfere with, and terminate the protected property interest of the plaintiff in his employment.

XCIX

That as a direct and proximate result of the defendant's oppression of the plaintiff, the

1 plaintiff's property interest in his past and future employment were injured.

2 **C**

3 That as a direct and proximate result of the defendants oppression of the plaintiff, the
4 plaintiff has suffered damages in a sum in excess of \$15,000

5 **CI**

6 That the defendants oppression of the plaintiff, was malicious, fraudulent, oppressive, and
7 coercive, intended to cause injury to the plaintiff, and in fact caused the intended injury to the
8 plaintiff, thereby justifying an award of punitive damages in a sum in excess of \$15,000.
9

10 **SIXTH CAUSE OF ACTION**

11 **DEPRIVATION OF PROPERTY INTEREST IN EMPLOYMENT**

12 **(42 USC 1983)**

13 **CII**

14 That plaintiff the incorporates paragraphs I through CII of the complaint is a fully set
15 forth herein.

16 **CIII**

17 That plaintiff has a protected property interest in his employment with the Henderson
18 Police Department under the Constitution of United States and the State Nevada.

19 **CIV**

20 That at all times mentioned here in the defendants acted "under color of law".

21 **CV**

22 That the aforementioned acts of the defendants were intentional and willful, and done for
23 the purpose of depriving the plaintiff of a protected property interest in his employment with the

1 Henderson Police Department.

2 **CVI**

3 That the aforementioned acts of the defendants caused the deprivation of the plaintiff's
4 property interest in his employment with the Henderson Police Department protected by the
5 Constitution and law of the United States and the State of Nevada, in violation of 42 USC 1983.
6

7 **CVII**

8 That as a direct and proximate result of the defendants violation of 42 USC 1983, the
9 plaintiff has suffered damages in a sum in excess of \$15,000.
10

11 **CVIII**

12 That the aforementioned acts of the defendants were malicious, oppressive, fraudulent
13 and coercive, intended to cause injury to the plaintiff, and in fact cause the intended injury to the
14 plaintiff, thereby justifying an award of punitive damages in the sum in excess of \$15,000.
15

16 **CIX**

17 That the plaintiff be awarded his attorney's fees and cost for having to bring this matter to
18 this court to recover his damages.
19

20 **SEVENTH CAUSE OF ACTION**

21 **RACKETEERED INFLUENCED AND COURT ORGANIZATION ACT**

22 **CX**

23 That plaintiff incorporates paragraphs I through CXI of the complaint as though fully set
24 forth herein
25

26 **CXI**

27 That defendants combined to form and operate an enterprise for the purpose of engaging
28

1 in racketeering activities.

2 **CXII**

3 That in furtherance of their enterprise the defendants engaged in the following
4 racketeering activities as defined by NRS 207.360(10), (27), (28), (30), and (33) to coerce
5 plaintiff's participation in their schemes, and to then punish the plaintiff for his refusal to
6 participate.
7

8 **CXIII**

9 That the defendants aforementioned racketeering activities caused the constructive
10 termination of the plaintiff's employment, damaged his reputation and interfered with his
11 prospective economic advantage, all the the plaintiff's damages in a sum in excess of \$15,000.
12

13 **CXIV**

14 That pursuant to NRS 207.470 the defendants are liable to the plaintiff for three times the
15 actual damages sustained by the plaintiff and payment of the plaintiff's attorneys fees and cost
16 related to this claim.
17

18 **CXV**

19 That the aforementioned acts of the defendants were malicious, fraudulent, oppressive,
20 and coercive, intended to cause injury to the plaintiff, and in fact caused the intended injury to
21 the plaintiff, thereby justifying an award of punitive damages and some in excess of \$15,000.
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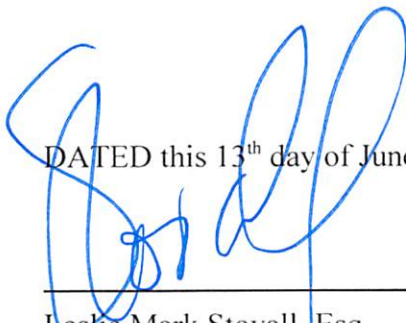
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24 **PRAYER FOR RELIEF**

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27 **Wherefore**, plaintiff reserving right to amend his complaint until the conclusion of the
28 trial of this matter, prays judgment against the defendants, and each of them, as follows:

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1. General damages in a sum in excess of \$15,000.
2. Special damages in a um in excess of \$15,000.
3. Punitive judgement in a sum in excess of \$15,000.
4. Reasonable attorney fees and costs of litigation.
5. Interest at a statutory rate.
6. For such other and further remedies this court deems just under the premises.

DATED this 13th day of June, 2018



Leslie Mark Stovall, Esq.
Attorneys for Plaintiff

