

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.:

DEANNA GOHN,

Plaintiff,

v.

MESA COUNTY, COLORADO; and

TODD STARR,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff, Deanna Gohn, through her undersigned counsel, Michael Fairhurst and Darold Killmer of KILLMER LANE, LLP, respectfully alleges for her Complaint and Jury Demand as follows:

I. INTRODUCTION

1. This is an age and sex discrimination case.
2. Deanna Gohn successfully worked for the Mesa County Attorney's Office ("MCAO") for over 20 years, including as a Managing Paralegal since 2014.
3. In late 2023, Ms. Gohn was shocked and devastated to learn that the MCAO was abruptly terminating her for alleged performance issues.
4. Ms. Gohn was 61 years old when the MCAO fired her as one of its most senior employees.
5. She had no record of inadequate performance or notable misconduct at the time she was fired.

6. Ms. Gohn was not offered any Performance Improvement Plan (“PIP”) or similar performance management track before Defendants fired her, as was the County’s standard practice and procedure for employees with actual noteworthy performance deficiencies.

7. The MCAO treated Ms. Gohn worse compared to her similarly situated younger and/or male colleagues.

8. Moreover, the MCAO’s allegations about Ms. Gohn’s performance related to her termination were false and pretext for illegal discrimination.

9. Defendant Mesa County Attorney Todd Starr was Ms. Gohn’s supervisor and led the campaign of illegal discrimination against her, including the decision to fire her in 2023.

10. Because of Defendants’ illegal conduct, Ms. Gohn’s career has been devastated and she has suffered significant financial losses, severe emotional distress, and other significant damages.

II. JURISDICTION AND VENUE

11. This Court has jurisdiction over Plaintiff’s federal claims pursuant to 28 U.S.C. § 1331, and jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391. Defendants’ employment practices alleged to be unlawful were committed within the State of Colorado, and all of the parties were residents of the State of Colorado and/or conducting business in Colorado at all relevant times.

13. This action is authorized and instituted pursuant to the Age Discrimination in Employment Act (“ADEA”), as amended, 29 U.S.C. § 621, *et seq.*, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*, and the Colorado Anti-Discrimination Act (“CADA”), as amended, Colo. Rev. Stat. § 24-34-402, *et seq.*

III. ADMINISTRATIVE PREREQUISITES

14. Plaintiff timely filed a Charge of Discrimination with the Colorado Civil Rights Division, which was dual filed with the Equal Employment Opportunity Commission, and has received her Notice of Right to Sue the Defendants.

15. Thus, all administrative prerequisites have been met and exhausted.

16. This case is timely filed in court.

IV. PARTIES

17. Plaintiff Deanna Gohn is a citizen of the United States and was, at all relevant times, a resident of and domiciled in the State of Colorado. At all relevant times, Ms. Gohn was employed by Defendant Mesa County at the Mesa County Attorney's Office. Ms. Gohn was born on February 3, 1963 and is therefore a member of a class protected based on her age under the ADEA and the CADA. Ms. Gohn is also female and therefore a member of a class protected based on her sex under Title VII and the CADA.

18. Defendant Mesa County, Colorado has continuously been an employer within the meaning of the ADEA, Title VII, and the CADA at all relevant times.

19. Defendant Todd Starr was Ms. Gohn's supervisor and was the Mesa County Attorney during the last few years of her employment at the MCAO. Defendant Starr made the discriminatory and illegal decision to fire Ms. Gohn. Defendant Starr aided, abetted, incited, compelled, and/or coerced the doing of MCAO's illegal and discriminatory acts against Ms. Gohn described herein, thereby subjecting him to individual liability under the CADA.

V. FACTUAL ALLEGATIONS

A. Ms. Gohn's long and successful career with the Mesa County Attorney's Office

20. Deanna Gohn loyally and successfully worked for the Mesa County Attorney's Office ("MCAO") for over 20 years.

21. She began her career with the MCAO in 1991, and then left because of a divorce.

22. Mesa County asked Ms. Gohn to return in November 2002 to a temporary position and she agreed.

23. Ms. Gohn was officially brought into the office in February 2003 as a legal assistant.

24. In 2014, based upon her excellent performance, Ms. Gohn earned a promotion to Managing Paralegal.

25. In this position, Ms. Gohn took on significant additional duties as a de facto Office Manager and Support Staff Supervisor.

26. Ms. Gohn worked for the MCAO in a paralegal role to the satisfaction of a total of five supervisors before Starr.

27. Ms. Gohn always earned good performance evaluations during her tenure with Mesa County, including the evaluation prepared by Defendant Starr in January 2023.

28. That 2023 review gave her the highest possible overall performance rating of "outstanding."

29. The 2023 review was the last formal performance review Ms. Gohn received before Defendant Starr fired her later that year.

30. Starr stated in the review that "Deanna made great strides in understanding the distinction between management and leadership and finding ways to lead!!!"

31. Ms. Gohn also earned numerous merit-based bonuses throughout her career because of her excellent performance and behavior, including in the year 2023.

32. Ms. Gohn's former coworkers confirm that she was an excellent employee overall.

33. A colleague who worked with Ms. Gohn since 2003 describes her performance in glowing terms:

Deanna's role appeared to require meticulous attention to detail and adherence to policies and procedures, which to my knowledge she consistently performed effectively. During her employment we had four different county attorneys, and Deanna was able to adapt to working with each of them. It appeared to me that each day presented new tasks and challenges that Deanna navigated with grace and competence. There didn't seem to be any issue Deanna couldn't handle.

From my observations, Deanna did a great job overall. She often had to communicate with many other departments and seemed to know people from each department well. If there was ever any kind of question or concern, Deanna could find a solution or knew exactly who to contact to get it resolved. I never heard a negative comment about Deanna from any other department.

34. That colleague also praises Ms. Gohn's ability to work well with subordinates and superiors, including Defendant Starr:

I observed Deanna to be generally respectful towards her superiors, such as the Mesa County attorney. Similarly, Deanna generally seemed to work well with her superiors and to my knowledge met or exceeded their expectations. Deanna shared with me on several occasions that she struggled to receive appropriate guidance and support, specifically from Todd Starr. She expressed frustration that it was difficult to anticipate his needs, as expectations seemed to change frequently, and often without clear communication about new or changing expectations.

I observed Deanna to strive to treat me and the other employees who she supervised fairly. I can remember a time when an employee felt that Deanna was treating them harshly, and they brought it up to her. Deanna listened and talked through any miscommunications that might have been happening, and the issue was resolved.

35. An attorney who worked for the MCAO early 2017 until August of 2022 praises Ms. Gohn's overall performance as follows:

From my observations, Deanna was very competent and knowledgeable in her role. I observed that she not only performed her job very well, but that she also could capably perform the jobs of the people who she supervised, so she could provide support where it was needed or if someone was out of the office for an extended

period. I observed Deanna to have a good understanding in her role and with the people she supervised. From my observations, she ensured the policies and procedures that had been laid out were adhered to and made certain that things ran smoothly. She also was an efficient worker. In addition, it appeared that Deanna had excellent attention to detail. When given proper instruction and guidance, she ensured that things were done properly and on time. Based on my observations, she is definitely not the sort of person who would often let deadlines or other appointments that needed to be calendared fall through the cracks so long as she was given appropriate guidance. I observed her to be very competent at these tasks. . . . I worked with Deanna for about five and a half years. I observed that she was ethical, hardworking, and trustworthy. I observed her to be someone who was good at all aspects of her job and implemented and followed procedures appropriately.

36. That attorney also commends Ms. Gohn's ability to create and maintain positive workplace relationships:

I never had any major issues working with Deanna. From my observations, she was very clear about policies and procedures being adhered to, and the people who worked under her seemed to respect her. From an interpersonal perspective, it was a pleasure to work with Deanna. I like and respect her. I also observed that she typically worked well with both the people she supervised and her superiors. She was a respected employee while I was in that office and really cared about the other employees in the office.

37. That attorney also states: "Based on my experience working in the legal profession generally now for 20 years, along with my experience at the Mesa County Attorney's office specifically, a person who failed to pay adequate attention to issues like deadlines and calendaring appointments could not have held down a job as a paralegal for decades at the Mesa County Attorney's office, as Deanna did."

38. In addition, a former MCAO paralegal lauds Ms. Gohn's performance:

From my observations, Deanna was an excellent employee. I observed her to be competent and knowledgeable in her role, hardworking, ethical, punctual, and procedure oriented. She was a very strong paralegal and administrator of the Mesa County attorney's office. During the time we worked together, it was clear that Deanna was a "go-to" person in the office. She really has a deep level of understanding of county government and is one of the best people I've ever worked with on fine-tooled practices and procedures. I observed Deanna to have an excellent attention to detail, and the ability to communicate clearly with colleagues and leadership about expectations. Given the proper guidance and instruction, she

ensured that procedures were adhered to and carried out smoothly, and that deadlines and other appointments were calendared.

39. Ms. Gohn was a valued and respected member of the MCAO who never engaged in conduct that merited termination, particularly without any good faith performance management, as was the case for her.

40. The disturbing procedural irregularities surrounding Defendants' termination of her, which give rise to a permissible inference of pretext and illegal discrimination, are discussed in the following section.

B. The Mesa County Attorney's Office routinely engaged in performance management before potentially firing employees for performance reasons. But Defendants failed to do that for Ms. Gohn wholly or in part because of her age and/or sex.

41. A pivotal moment in Ms. Gohn's employment with the MCAO occurred on November 27, 2023. That day, she received a written notice of proposed dismissal from Mesa County Attorney Todd Starr.

42. This was the first time Ms. Gohn had been accused of significant shortcomings in her performance that could lead to termination.

43. It was not a verbal counseling, not a written counseling, and not even a Performance Improvement Plan.

44. It was an ultimatum which clearly conveyed the message that she would be fired if she did not immediately resign.

45. To be confronted with imminent termination was a stunning turn of events for Ms. Gohn and represented a drastic departure from the MCAO's standard operating procedure.

46. Typically, an employee was put on a performance improvement track before potentially being fired for performance issues.

47. Yet, Defendant Starr arbitrarily skipped the standard progressive discipline track for Ms. Gohn even though she was not accused of doing anything that was nearly so dire as to legitimately warrant an immediate firing.

48. Below, Ms. Gohn describes why numerous allegations in the written notice of proposed dismissal are false and pretext for illegal discrimination. Before doing that, though, further explanation of the MCAO's usual approach to performance management is warranted.

49. The MCAO's standard disciplinary procedure requires several steps of escalation before potentially terminating an employee and usually includes a meaningful opportunity for an employee to correct any mistakes.

50. This would look like, for instance, a verbal conversation to discuss the issue(s) and possible solutions, followed by a written warning, then a performance improvement plan ("PIP"), and finally termination if the PIP expectations were not met or adhered to correctly.

51. In other words, the standard disciplinary procedure if an employee was having performance or other disciplinary issues was to first give them a meaningful opportunity to rectify their mistake(s) and improve.

52. In the event that a person was terminated without having gone through these formal preliminary steps, that would be a major deviation from the MCAO's standard practice.

53. In fact, Ms. Gohn is the only such example of the MCAO firing an employee in this manner about which Plaintiff is aware at this time. This is okay

54. The circumstances surrounding Ms. Gohn's termination include significant and disturbing procedural irregularities, like Starr's decision to skip the MCAO's normal performance management and coaching process in favor of firing Ms. Gohn without even giving

her a fair chance to remedy any alleged performance issues she may have had. Mr. Starr never made me aware of any issues.

55. Ms. Gohn relied on MCAO's adherence to its standard operating procedure of providing progressive performance management to her and other employees in her ongoing decisions to remain employed at MCAO.

56. This significant procedural irregularity is evidence of illegal discrimination standing alone.

57. But it is even more indicative of discrimination based on Ms. Gohn's age and/or sex because Starr repeatedly used the MCAO's standard performance management track when he had concerns about the performance of Ms. Gohn's younger and/or male colleagues.

C. Defendants subjected Ms. Gohn to less favorable terms and conditions of employment compared to her similarly situated younger and/or male colleagues.

58. There are multiple instances when Starr engaged in bona fide performance management with Ms. Gohn's younger and/or male colleagues.

59. For example, Defendant Starr had had concerns about the performance of Paralegal Rhonda Witt and Assistant County Attorney Michelle Morisseau, both of whom are younger than Ms. Gohn.

60. So, he gave Ms. Witt a PIP and instructed First Assistant Attorney Nina Atencio to also prepare a PIP for Ms. Morisseau.

61. In Ms. Witt's case, she had been combative and rude to paralegal Brenda Wiseman in June 2023 regarding some filings in an alcohol-related case.

62. Initially, Defendant Starr expressed reluctance to take disciplinary action.

63. Ms. Gohn then showed Defendant Starr an email between Ms. Witt and Christina Kinsella, an attorney who previously worked in the County Attorney's Office, which portrayed Defendant Starr negatively.

64. In response, Starr asked Ms. Gohn to prepare a performance improvement plan for Ms. Witt that addressed her behavior towards Ms. Wiseman, and to discuss the issues Ms. Witt had with Ms. Wiseman.

65. Ms. Witt is younger than Ms. Gohn, so Starr gave her a PIP.

66. For months, Michelle Morisseau failed to follow MCAO procedures designed to ensure deadlines were not missed and that clients had information needed to keep involved children safe.

67. As a result, Defendant Starr directed First Assistant Attorney Atencio to prepare a performance improvement plan for Ms. Morisseau.

68. Again, Ms. Morisseau is younger than Ms. Gohn, so Starr planned to give her a PIP. (Ms. Atencio took at least a month to prepare the PIP and Ms. Morisseau left the Mesa County Attorney's Office prior to the PIP being completed.)

69. These are not isolated or aberrational examples. Defendant Starr repeatedly displayed bias in favor of younger and/or male workers. As a former MCAO paralegal observed:

I can recall many instances during my time at the Mesa County attorney's office when Todd displayed upsetting and unprofessional behavior towards me and certain other relatively older women. In my experience, attempting to bring these concerns to either Todd or to HR had little to no effect. When I spoke to Todd about my concerns, I was ostracized and made to feel like my being offended was the problem, not the offensive behavior itself. When I spoke to HR about my concerns, I was told, "That's just how Todd is." Todd's display of blatant favoritism towards primarily younger employees, became so unbearable that I felt I had no other reasonable option than to resign from my position. Todd expressed to both Deanna and me on at least one occasion that he wanted a "work wife"-a woman in the office

to run personal errands for him, get his coffee, spend time socializing with him, etc. Of course, I found this to be extremely inappropriate, sexist, and unprofessional.

70. That paralegal further states:

I observed Todd hire several very young and inexperienced employees during my time at the Mesa County attorney's office, and those employees often became part of his "Favorites": participating in "banter" at work, being promoted extremely quickly, spending time doing favors such as dog sitting or socializing outside of work with Todd, etc. Nearly everyone in the office is significantly younger than myself now (I'm 53), and that appears to be no accident. It is my understanding that I was the fourteenth person to leave Mesa County attorney's office under Todd's leadership, the vast majority of whom were older employees. I have over fifteen years of paralegal experience, and prior to Todd really enjoyed my job.

71. Moreover, numerous, relatively older MCAO staff members left the MCAO during just the first approximately two years of Starr's tenure because he mistreated them to the point that they concluded there was no reasonable alternative to resigning. Additionally, relatively older workers were forced to leave the MCAO at a disproportionate and higher rate compared to their overall composition in the office under Starr's leadership. This all supplies further proof that Starr engaged in a pattern of subjecting relatively older workers (40 years of age or older) to less favorable terms and conditions of employment compared to their similarly situated younger colleagues. Those older staff and their approximate ages include but are not limited to:

- a) Jeremy Savage – Chief Deputy Attorney – Human Services – 52 yrs old
- b) Rebecca Riot – Administrative Assistant – 40 yrs old
- c) Heather Mosher – Attorney II – Civil – 50 yrs old
- d) Sandra Lindman – Attorney II – Civil – 60 yrs old
- e) Rhonda Witt – Paralegal I – Mental Health – 57 yrs old
- f) Michelle Morisseau – Attorney I – D&N – 45 yrs old
- g) Deanna Gohn – Supervising Paralegal/Office Manager – 61 yrs old

h) Kathy Morgan – Paralegal II – D&N – 70 yrs old

i) Brenda Wiseman – Paralegal II – Civil – 53 yrs old

72. Defendant Starr treated Ms. Gohn worse than her similarly situated younger colleagues in other ways too.

73. For example, Defendant Starr had support staff who were younger than Ms. Gohn (e.g., Brenda Wiseman (age 50) and Ashley Brown (approximate age of 37)) sit in on meetings where it should have been between Defendant Starr and Ms. Gohn. In those meetings, Defendant Starr usurped Ms. Gohn’s role by assigning tasks to staff members, showing disrespect for Ms. Gohn’s position as the support staff supervisor.

74. Defendant Starr also spent time with the younger support staff members on a personal level, such as reading spiritual thoughts with Brenda Wiseman.

75. On April 17, 2023, Defendant Starr falsely accused Ms. Gohn of failing to take care of a task that he assigned to her. The task was indeed done. Defendant Starr was so rude that Ms. Atencio sent a chat message asking Ms. Gohn if she was okay. Ms. Atencio also stated, “Yeah, that came out of nowhere. For me, it looked like he was taking out what he wanted to take out on Brenda on you instead.”

D. Defendants’ alleged reasons for terminating Ms. Gohn do not withstand scrutiny and instead are pretext for illegal discrimination.

76. On November 27, 2023, Todd Starr sent Ms. Gohn a written notice of proposed dismissal.

77. The letter articulated a handful of alleged reasons for her termination.

78. Those allegations are, in general, either shown not to be very serious by a fair and objective examination of the facts or, in many cases, demonstrably false.

79. Defendant Starr claimed that Ms. Gohn was overly controlling and disrespectful to other members of MCAO.

80. As a function of her position, Ms. Gohn frequently communicated with members of other offices.

81. During her tenure, she had never received any noteworthy complaints, and if they existed, she was never made aware of any noteworthy complaints regarding her work.

82. To the contrary, the Assessor's Office (as one example) complimented the work that Ms. Gohn had done not long before her termination.

83. Numerous witnesses confirm that Ms. Gohn worked well with her colleagues, as further discussed above. As another example, a former colleague observed:

I truly enjoyed working with Deanna. I personally never had a negative experience working with her, and I observed her to typically work well with others, including both her superiors and the people she supervised. She seemed to care about the people in the office, and was a respected employee during the time that I worked there. I never observed Deanna to be disrespectful of anyone in the office. She communicated clearly and concisely, and always tried to advocate for what is right. Deanna was a good mediator (between employees and Todd), which could be a difficult role as Todd tended to show favoritism towards certain, predominately relatively younger, employees (his "Favorites"). I observed Deanna attempt to advocate to create some balance in these instances. Todd did not appear to be particularly interested in making things fair, just that people (his "Favorites") liked him. In my observation, this created an environment of hostility and resentment, not collaboration.

84. Defendant Starr denigrated Ms. Gohn's longtime position as a de facto Office Manager, seeking to relegate her to a limited role that was beneath her job status and capabilities because of her age and/or sex.

85. Defendant Starr stated that he needed Ms. Gohn to be his "work wife" despite its disparaging and discriminatory (age and sex) undertones, and despite the fact that this was not her job.

86. Ms. Gohn's consistently strong performance reviews described above also undermine Starr's purely subjective and untrue claim that she was overly controlling and disrespectful towards others in the office.

87. Defendant Starr also critiqued Ms. Gohn for replying to work emails while on vacation. This is proof that she was devoted to her job, not proof that she was bad at her job.

88. Meanwhile, Defendant Starr had no problem with an attorney, David Schwenke (approximately 34 years of age), when he responded to a work email while on vacation in approximately November 2023. Defendant Starr simply told him to go back to the beach and have a wonderful vacation.

89. Defendant Starr claimed in his termination letter that he brought up staff reports complaining about Ms. Gohn with her as a part of her training. He did not.

90. Further, Ms. Gohn received an "outstanding" overall rating in her review Starr himself authored in January 2023, severely undermining his implication that Ms. Gohn had serious performance issues during the "entirety" of his tenure at the MCAO, as the termination letter alleged.

91. Defendant Starr also claimed to have provided Ms. Gohn with books and podcasts on leadership to assist her with her leadership skills. The books related to customer service and communication, not specifically leadership. Also, the books and podcasts were given to many employees of the MCAO, not just Ms. Gohn.

92. Defendant Starr claimed that staff members came to him to request additional leadership training for Ms. Gohn specifically. The only leadership coaching Ms. Gohn received at Starr's behest was from Awareness Edge, LLC. That coaching was not just for Ms. Gohn but, instead, for the leadership team of the MCAO, which included Defendant Starr, Ms. Atencio, and

Ms. Gohn. The County's contract with Awareness Edge clearly stated that the coaching was for the leadership team of Starr, Atencio, and Gohn.

93. In the termination letter, Defendant Starr further alleged that Ms. Gohn's actions resulted in confusion regarding a scheduled meeting with the Department of Human Services ("DHS") because he was in a contentious hearing that was extending beyond what he anticipated. Defendant Starr asserted that he was forced to email DHS to reschedule the DHS meeting five minutes after it was to begin.

94. However, the moment Ms. Gohn was made aware that Defendant Starr failed to plan for another attorney to stand in for him at the hearing, she leapt into action to attempt to reschedule the meeting.

95. She immediately went into First Assistant Attorney Atencio's office to obtain the contact information for the DHS representative. First Assistant Attorney Atencio called the Director of DHS to let her know the meeting would need rescheduled before the meeting began, at least 15 minutes before Defendant Starr claims to have rescheduled the meeting.

96. Ms. Gohn then sent an email to the Director of DHS's assistant to formally reschedule the meeting, only to discover that Defendant Starr had already rescheduled the meeting.

97. But for the problematic actions of Defendant Starr himself, including his failure to make appropriate arrangements and failure to communicate adequately, this confusion would not have occurred.

98. Text messages between Ms. Gohn and Defendant Starr confirm that Ms. Gohn regularly communicated with him regarding scheduling issues, that she typically responded

promptly and politely to his messages, and that it was Starr who often failed to respond to Ms. Gohn.

99. A former colleague of Ms. Gohn's likewise observed that it was Starr who often left Ms. Gohn in the position of being unclear as to what he wanted:

I can recall several occasions when Deanna and I were tasked with working on projects together, and adequate communication about expectations or deadlines was not provided to us by Todd Starr. Deanna and I often found ourselves in the difficult position of trying to sort through vague communication in order to meet unclear expectations. I observed Deanna repeatedly attempting to get these issues resolved in a timely manner or get further clarification from Todd.

100. Defendant Starr also claimed in the letter that a member of Ms. Gohn's staff came to him with fear of Ms. Gohn's response to an error.

101. This staff member who the letter appears to be referencing had, in fact, falsified documents and filed those documents with the Court, which is potentially illegal and certainly unethical.

102. Actions such as these could impugn the ability of every member of MCAO and could potentially lead to censure and/or disbarment for MCAO attorneys.

103. Any fear that may have been felt would have come from the staff member's own misconduct and justified fear of termination for these acts and not specifically Ms. Gohn's conduct or response.

104. Starr also addressed a vacant attorney position in the termination letter. Defendant Starr claimed that the position was vacant since early summer 2023, and further claimed that the position was vacant for 109 days due to the inaction of Ms. Gohn.

105. However, these alleged facts also are not substantiated.

106. On or about October 17, 2023, the Dependency and Neglect ("D&N") division of MCAO lost one of its attorneys. Ms. Gohn placed a request for a post regarding the hiring for the

position on October 9, 2023, and the post request was acknowledged by Human Resources on October 10, 2023, well before the D&N division was down an attorney

107. Ms. Gohn did not delay in seeking to post any attorney job at any time after Defendant Starr requested that she post such a job.

108. In short, Starr's litany of accusations against Ms. Gohn in the termination letter, articulated in an effort to justify her termination, were pretext for illegal age and/or sex discrimination.

109. As a former colleague of Ms. Gohn's (who worked closely with Starr and Ms. Gohn) states:

I was not aware of Deanna ever having any performance issues, and certainly not any that warranted termination. To my knowledge, Deanna reliably met or exceeded the expectations of her role and it was shocking not only to me but to many people in the office when she was terminated, based on my observations. Deanna was the glue that held the Mesa County attorney's office together for over 20 years. Deanna knew everything and everyone in that office, and truly excelled in her job. I never observed her exhibit any behavior(s) that could possibly warrant immediate termination.

110. Moreover, even if, hypothetically, some of Starr's accusations in the letter had been in part true, he failed to give Ms. Gohn a fair chance to address and remedy them before firing her, or to provide any other appropriate due process before firing her without notice.

111. This is in stark contrast to the performance management track the MCAO customarily applied to employees who needed counseling and coaching.

112. Especially for an extremely loyal and generally well-performing employee like Ms. Gohn, who had devoted many years of her career to the County, one would expect the MCAO to have given her a meaningful opportunity to address Defendant Starr's alleged concerns before potentially subjecting her to notable discipline of any sort, particularly termination.

113. Defendant Starr instead summarily made the decision to fire Ms. Gohn because of her age and/or sex.

E. Defendants leave Ms. Gohn with no reasonable alternative to resigning. A reasonable person in Ms. Gohn's position would have felt forced to quit under the objectively intolerable circumstances Defendants presented.

114. The November 27, 2023 letter Starr authored made it clear that Ms. Gohn was going to be fired almost immediately.

115. The letter gave Ms. Gohn just two days – until November 29, 2013 – to submit an appeal.

116. The letter stated that, if the proposed dismissal is not withdrawn, the effective date of her dismissal would be November 30, 2023.

117. The letter instructed Ms. Gohn to go ahead and arrange a time to collect her belongings from the office if she had a large amount of belongings. Again, the letter plainly conveyed the message that Ms. Gohn was on the precipice of being terminated.

118. Ms. Gohn, deprived of the chance to meaningfully search for legal counsel, much less the benefit of legal representation, did her best to prepare an appeal on her own within the exceedingly and unreasonably short timeframe Defendant Starr gave her.

119. She timely filed an appeal on November 29, 2023.

120. Just one day later, on November 30, MCAO Human Resources employee Brenda Moore told Ms. Gohn during a phone call that her proposed termination was being upheld and that her appeal was therefore unsuccessful.

121. The extremely quick and cursory appeal “process” had proven to be a mere rubber stamp for Starr’s termination decision.

122. There was no legitimate, truly independent, impartial, or meaningful investigation into the events surrounding Ms. Gohn's termination in connection with her appeal.

123. The appeal outcome, hastily determined by Ms. Gohn's own employer (Mesa County), was a sham and lacking in impartiality and appropriate fairness, objectivity, or appropriate due process, and strongly biased in favor of Defendant Starr and Ms. Gohn's employer (Mesa County).

124. Ms. Moore also told Ms. Gohn on November 30, 2023 that she would not be eligible to apply for other jobs with Mesa County if she was fired. Moore reported to Ms. Gohn that this information about her future job prospects was coming from Todd Starr.

125. Ms. Moore told Ms. Gohn that she could have until December 1, 2023 to decide whether she wanted to resign or be fired.

126. In other words, Defendants, through their agents, gave Ms. Gohn about a day to decide whether she wanted to end her decades long career with Mesa County by technically resigning immediately (while under the intense duress Defendants created) or being terminated immediately.

127. Mesa County is one of the largest employers in the Grand Junction, CO area, where Ms. Gohn resides. There are very limited employment opportunities suitable for someone with Ms. Gohn's background in the rural area where she lives, other than jobs with Mesa County.

128. Being fired would have severely reduced Ms. Gohn's future job prospects.

129. Knowing that she was going to be fired, Ms. Gohn submitted her notice of resignation on December 1, 2023, effective immediately. This was merely her recognition that she had been terminated by Defendants Starr and MCAO. By this point, she had lost her appeal

and HR had told her that being fired would irreparably undermine her future employment opportunities.

130. Defendants forced Ms. Gohn to choose between resigning or being fired, but it was no true choice at all. Ms. Gohn had been fired.

131. A reasonable person in Ms. Gohn's position would have felt forced to resign. That is not only because of the stark ultimatum Defendants presented to her: resign or immediately be fired.

132. Defendants also imposed unreasonably harsh conditions on Ms. Gohn as a Mesa County employee that were applied in a discriminatory fashion, and in excess of those faced by her younger and/or male coworkers.

133. The discrimination to which Defendants subjected Ms. Gohn is more fully described above.

134. Among other things, that discrimination included but was not limited to reduction in job responsibilities; reassignment to menial or degrading work; leveling false accusations against Ms. Gohn; failure to impose progressive discipline; badgering, harassment, and humiliation by the employer calculated to encourage Ms. Gohn's resignation; and her ultimate termination of employment.

135. An objectively reasonable person would have had no viable alternative to resigning under the objectively intolerable circumstances Defendants created. She had no ability to choose to continue her employment.

136. Defendants terminated Ms. Gohn, or in the alternative, constructively discharged Ms. Gohn.

VI. STATEMENT OF CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
(Violation of Age Discrimination in Employment Act (“ADEA”),
as amended, 29 U.S.C. § 621, *et seq.*)
Age Discrimination
Against Defendant Mesa County

137. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

138. Plaintiff was a member of the protected class under the ADEA at all relevant times.

139. Defendants treated Plaintiff less favorably than her similarly situated younger counterparts in the terms and conditions of her employment.

140. At all relevant times, Plaintiff performed the functions of her job competently and was qualified for her positions.

141. Defendants terminated Plaintiff’s employment wholly or in part because of her age. Age was the motivating factor in Defendants’ decision to terminate Plaintiff.

142. Defendants’ articulated reasons for Plaintiff’s termination are merely pretext for unlawful discrimination on the basis of her age.

143. Defendants have engaged in a pattern and practice of age discrimination in the terms and conditions of employment, including but not limited to retaining younger employees who have engaged in similar or worse conduct to Plaintiff’s.

144. Defendants are liable for the acts and omissions of their agents and employees.

145. Defendants either directly or through agents, discriminated against Plaintiff on the basis of her age and caused her severe injuries, damages, and losses.

146. Defendants’ conduct was the proximate cause of Plaintiff’s injuries, damages, and losses.

147. Defendants' discriminatory conduct was willful and in knowing or reckless disregard of the requirements of the ADEA.

148. As a consequence of Defendants' violation of the ADEA, Plaintiff has sustained significant economic, non-economic, and consequential damages.

SECOND CLAIM FOR RELIEF
(Violation of Colorado Anti-Discrimination Act ("CADA"),
as amended, C.R.S. § 24-34-402, *et seq.*)
Age Discrimination
Against Defendant Mesa County

149. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

150. Plaintiff was a protected person under the CADA at all relevant times.

151. Defendants treated Plaintiff less favorably than her similarly situated younger counterparts in the terms and conditions of her employment.

152. At all relevant times, Plaintiff performed the functions of her job competently and was qualified for her positions.

153. Defendants terminated Plaintiff's employment wholly or in part because of her age. Age was the motivating factor in Defendants' decision to terminate Plaintiff.

154. Defendants' articulated reasons for Plaintiff's termination are merely pretext for unlawful discrimination on the basis of her age.

155. Defendants have engaged in a pattern and practice of age discrimination in the terms and conditions of employment, including but not limited to retaining younger employees who have engaged in similar or worse conduct to Plaintiff's.

156. Defendants are liable for the acts and omissions of their agents and employees.

157. Defendants either directly or through agents, discriminated against Plaintiff on the basis of her age and caused her severe injuries, damages, and losses.

158. Defendants' conduct was the proximate cause of Plaintiff's injuries, damages, and losses.

159. The evidence clearly and convincingly shows that Defendants engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the Plaintiff.

160. Defendants failed to engage in any good-faith efforts to comply with the CADA and to prevent discriminatory and unfair employment practices in the workplace.

161. As a consequence of Defendants' violation of the CADA, Plaintiff has sustained significant economic, non-economic, and consequential damages.

THIRD CLAIM FOR RELIEF
(Violation of Title VII of the Civil Rights Act of 1964, ("Title VII"),
as amended, 42 U.S.C. § 2000e-2, *et seq.*)
Sex-Plus-Age Discrimination
Against Defendant Mesa County

162. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

163. Plaintiff was a protected person under the Title VII at all relevant times.

164. Defendants treated Plaintiff less favorably than her similarly situated male counterparts in the terms and conditions of her employment.

165. Defendants treated Plaintiff Gohn less favorably because of her sex and age, and treated older female employees less favorably than similarly situated male and younger female employees.

166. At all relevant times, Plaintiff performed the functions of her job competently and was qualified for her positions.

167. Defendants terminated Plaintiff's employment because of her sex, with her age increasing the motive of Defendants to terminate her. Sex was a motivating factor in Defendants' decision to terminate Plaintiff. Defendants intentionally fired Plaintiff based at least in part on her sex.

168. Defendants' articulated reasons for Plaintiff's termination are merely pretext for unlawful discrimination on the basis of her sex.

169. Defendants have engaged in a pattern and practice of sex discrimination in the terms and conditions of employment, including but not limited to retaining male employees who have engaged in similar or worse conduct to Plaintiff's.

170. Defendants are liable for the acts and omissions of their agents and employees.

171. Defendants either directly or through agents, discriminated against Plaintiff on the basis of her sex and caused her severe injuries, damages, and losses.

172. Defendants' conduct was the proximate cause of Plaintiff's injuries, damages, and losses.

173. Defendants' discriminatory conduct was done with malice or reckless indifference to the federally protected rights of Plaintiff.

174. As a consequence of Defendants' violation of Title VII, Plaintiff has sustained significant economic, non-economic, and consequential damages.

**FOURTH CLAIM FOR RELIEF
(Violation of CADA)
Sex-Plus-Age Discrimination
Against Defendant Mesa County**

175. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

176. Plaintiff was a protected person under the CADA at all relevant times.

177. Defendants treated Plaintiff less favorably than her similarly situated male counterparts in the terms and conditions of her employment.

178. Defendants treated Plaintiff Gohn less favorably because of her sex and age, and treated older female employees less favorably than similarly situated male and younger female employees.

179. At all relevant times, Plaintiff performed the functions of her job competently and was qualified for her positions.

180. Defendants terminated Plaintiff's employment because of her sex, with her age increasing the motive of Defendants to terminate her. Sex was a motivating factor in Defendants' decision to terminate Plaintiff. Defendants intentionally fired Plaintiff based at least in part on her sex.

181. Defendants' articulated reasons for Plaintiff's termination are merely pretext for unlawful discrimination on the basis of her sex.

182. Defendants have engaged in a pattern and practice of sex discrimination in the terms and conditions of employment, including but not limited to retaining male employees who have engaged in similar or worse conduct to Plaintiff's.

183. Defendants are liable for the acts and omissions of their agents and employees.

184. Defendants either directly or through agents, discriminated against Plaintiff on the basis of her sex and caused her severe injuries, damages, and losses.

185. Defendants' conduct was the proximate cause of Plaintiff's injuries, damages, and losses.

186. The evidence clearly and convincingly shows that Defendants engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the Plaintiff.

187. Defendants failed to engage in any good-faith efforts to comply with the CADA and to prevent discriminatory and unfair employment practices in the workplace.

188. As a consequence of Defendants' violation of CADA, Plaintiff has sustained significant economic, non-economic, and consequential damages.

**FIFTH CLAIM FOR RELIEF
(Violation of CADA)
Aiding, Abetting, Inciting, Compelling, and/or Coercing Discriminatory
and/or Unfair Employment Practice as Defined by CADA
Against Defendant Todd Starr**

189. Plaintiff hereby incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

190. Plaintiff was a protected person under the CADA at all relevant times.

191. Defendants violated Plaintiff's rights to be free from sex and age discrimination under the CADA for the reasons more fully described above.

192. Defendant Starr aided, abetted, incited, compelled, and/ or coerced the doing of acts defined in the CADA to be a discriminatory or unfair employment practices.

193. Defendant Starr therefore violated the CADA and is subject to individual liability for it.

194. Defendants' conduct was the proximate cause of Plaintiff's injuries, damages, and losses.

195. The evidence clearly and convincingly shows that Defendants engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the Plaintiff.

196. Defendants failed to engage in any good-faith efforts to comply with the CADA and to prevent discriminatory and unfair employment practices in the workplace.

197. As a consequence of Defendants' violation of CADA, Plaintiff has sustained significant economic, non-economic, and consequential damages.

198. Defendant Starr's conduct was malicious or recklessly indifferent to Plaintiff's statutorily protected rights, making him liable for punitive/exemplary damages to be determined by a jury in its sound discretion.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendants, and award her all relief as allowed by law, including, but not limited to the following:

- a. Declaratory relief and injunctive relief, as appropriate;
- b. Actual economic damages as established at trial;
- c. Compensatory damages, including, but not limited to those for future pecuniary and non-pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- d. Punitive or exemplary damages for all claims as allowed by law in an amount to be determined at trial;
- e. Liquidated damages for all claims as allowed by law;
- f. Pre-judgment and post-judgment interest at the highest lawful rate;
- g. Attorney's fees and costs; and

h. Such further relief as justice requires.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

DATED this 26th day of June 2025.

KILLMER LANE, LLP

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