

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

SAMANTHA MERIDETH,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:20-cv-25
)	
STATE OF INDIANA,)	
VANDERBURGH COUNTY, and)	
NICHOLAS HERMANN, individually,)	
)	
Defendants.)	

PLAINTIFF’S COMPLAINT AND JURY TRIAL DEMAND

Plaintiff, Samantha Merideth, by counsel, for her Complaint and Jury Trial Demand against Defendants, the State of Indiana and Nicholas Hermann, individually and in his capacity as the Vanderburgh County Prosecutor (collectively, “Defendants”) state as follows:

JURISDICITON AND VENUE

1. This is an action for money damages, injunctive relief, and other equitable relief. This action arises out of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et. seq.*, (“Title VII”), the First and Fourteenth Amendment to the Constitution of the United States pursuant to 42 U.S.C. § 1983 (“§ 1983”), and under the laws of the State of Indiana for claims of battery.

2. The Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over Plaintiff’s state law claims arising out of Indiana law pursuant to 28 U.S.C. § 1367.

3. Venue is appropriate in the United States District Court for the Southern District of Indiana, Evansville Division, because all the alleged unlawful practices occurred in Vanderburgh County, Indiana.

PARTIES

4. Plaintiff, Samantha Merideth (“Ms. Merideth”) is a citizen of the United States of America and the State of Indiana and resides in Vanderburgh County, Indiana.

5. At all relevant times, Ms. Merideth was an “employee” within the meaning of Title VII.

6. At all relevant times, Ms. Merideth was a “person” within the meaning of § 1983, and a citizen of the State of Indiana.

7. Defendant, Nicholas Hermann (“Hermann”), sued in his individual and official capacity, was at all relevant times the Vanderburgh County Prosecutor.

8. Defendant Hermann, in his individual capacity, is a “person” within the meaning of § 1983.

9. Defendant State of Indiana is a “person” within the meaning of § 1983 for purposes of Plaintiff’s claim for injunctive and equitable relief.

10. At all relevant times, Defendant State of Indiana, was an “employer” within the meaning of Title VII.

11. Defendant Vanderburgh County is a “person” within the meaning of § 1983 for purposes of Plaintiff’s claim for injunctive and equitable relief.

12. At all relevant times, Defendant Vanderburgh County, was an “employer” within the meaning of Title VII.

ADMINISTRATIVE PROCEDURES

13. On May 28, 2019, Ms. Merideth timely filed a *Charge of Discrimination* with the Indianapolis District of the Equal Employment Opportunity Commission (“EEOC”). On November 12, 2019, the EEOC mailed a *Notice of Right to Sue* (“Notice”), giving Ms. Merideth ninety (90) days to commence legal action. This action is being initiated within ninety (90) days of Ms. Merideth’s receipt of the Notice.

FACTUAL ALLEGATIONS

Plaintiff

14. From February in 2011 through January 2, 2019, Ms. Merideth worked for the Vanderburgh County Prosecutor’s Office (“VCPO”).

15. In February of 2011, Ms. Merideth started working at the VCPO as a secretary.

16. Throughout her time at the VSCO, Ms. Merideth’s job duties were reassigned and she had worked in many different roles.

17. Ms. Merideth was forced to resign on January 2, 2019, and at that time was working as a case manager for the Adult Protection Services division of the VCPO.

Nicholas Hermann

18. Hermann is currently the elected Prosecutor for Vanderburgh County, Indiana.

19. Hermann was sworn into office on January 1, 2011.

20. Hermann is Vanderburgh County’s highest law enforcement official.

Significant Accounts of Ms. Merideth’s Employment and Experience at the VCPO

(Rumor in the Workplace of Adultery)

21. In January of 2013, a local law enforcement officer approached Ms. Merideth and told her that Hermann was telling people in the workplace that Ms. Merideth was having an affair with said local law enforcement officer. Ms. Merideth was married at this time.

(Inappropriate Comment)

22. Shortly after Ms. Merideth went through a divorce in July of 2013, Hermann invited Ms. Merideth to a luncheon at Hooters, where he positively made remarks about Ms. Merideth's physical appearance. Also present at the luncheon was Danny Koester, President of ABK Tracking (Vanderburgh County's primary probation services provider), Kimberly Brune-Van Hoose, an ABK representative, and there was a Deputy Prosecutor to the Vanderburgh County Prosecutor.

(Hermann as Matchmaker)

23. Sometime thereafter, Ms. Merideth received a call on her personal cell phone number. The caller identified himself as a local law enforcement officer. The officer told Ms. Merideth that he received her phone number from Hermann, and that Hermann told the officer that Ms. Merideth was "available". The officer then asked Ms. Merideth to accompany him on a date at an event. Ms. Merideth declined the request.

(The Gift)

24. Sometime thereafter, Ms. Merideth contacted Hermann to request time off from work to grieve the loss of her animal companion. During this conversation, Hermann asked Ms. Merideth if an iPad would make her feel better. Ms. Merideth responded that it would allow her to work from home. Hermann then told Ms. Merideth that he would pick her up from her home. The call ended. Then, Ms. Merideth text Hermann that she would instead meet Hermann at the office. Hermann either ignored the text or had not read it, because he arrived at Ms. Merideth's home and discovered that she was not there. Hermann called Ms. Merideth to ask her where she was. Ms. Merideth responded, "at work." Hermann then drove to the VCPO and picked up Ms. Merideth to take her to Best Buy to purchase the iPad. On the way, Hermann expressed

frustration toward Ms. Merideth and explained he was upset for driving around town. When they got to Best Buy, Hermann purchased the iPad for Ms. Merideth.

(The Chicago Incident)

25. Hermann invited Ms. Merideth to accompany him at a business conference in Chicago, Illinois, from August 5th through the 7th of 2013. Ms. Merideth agreed to attend. Also in attendance and invited by Hermann were Detective Crystal Thomas and Detective Quinten Wilkerson.

26. When these four individuals arrived in Chicago on August 5, 2019, they all went to Gibson's Bar and Steakhouse for dinner. At dinner, Hermann made inappropriate comments about a waitress. Ms. Merideth heard Hermann say, "Look. That girl over there in the black dress. Watch. When she bends over, I bet she's not wearing any underwear."

27. Det. Wilkerson told Ms. Merideth that the remark made him sick to his stomach and that he couldn't believe Hermann was acting in that manner.

28. After dinner, they all walked back to the hotel and went to their separate rooms.

29. Around 10:30 p.m., Hermann sent a text to Ms. Merideth and asked her to meet him for a drink. Ms. Merideth declined. Hermann text back that he would not take no for an answer, and that he would go to Ms. Merideth's room if he had to. Ms. Merideth was pressured and did not want to disappoint her boss, so Ms. Merideth agreed to have one drink.

30. At the bar of the John Hancock Tower (now known as Willis Tower), Hermann started to ask Ms. Merideth about her personal life and divorce. Ms. Merideth remembers Hermann telling her that "You can pretty much do whatever you want in the VCPO." Ms. Merideth took interest in the topic of Adult Protective Services ("APS") since she had never

heard of the agency before working in the VCPO. Hermann explained what APS is and what the investigators job duties include.

31. Hermann also commented on Ms. Merideth's appearance numerous times and asked how much weight Ms. Merideth had lost. At the end, Hermann paid for the drinks after Ms. Merideth offered to pay for her own. Hermann and Ms. Merideth left the Tower and walked back to the hotel.

32. When Hermann and Ms. Merideth got to the elevator in the hotel, Ms. Merideth pressed her floor number. Hermann responded, "So you're not coming back to my room?". Ms. Merideth told Hermann "No." Then, Hermann insisted that Ms. Merideth go to Hermann's room for one more drink. Ms. Merideth agreed only because it was a demand from her boss.

33. On the way to the room, Hermann put his arm over Ms. Merideth's shoulder and walked her to his room. Inside, Ms. Merideth walked to the furthest side of the room, sat on the window ledge, and looked out the window toward downtown Chicago. Hermann pulled up a chair and told Ms. Merideth to sit. Hermann sat on a bed within a few feet of Ms. Merideth.

34. Hermann again wanted to talk about Ms. Merideth's ex-husband and the divorce.

35. Hermann told Ms. Merideth that she was "hot" and said that if he "had a shot", he would "take it."

36. Then, Hermann pulled out his handcuffs, stood up, and walked up to Ms. Merideth and told her to hold out her hands. Ms. Merideth thought he was joking around, so she played along and Hermann handcuffed her. Then Hermann unlocked the handcuffs and suddenly and forcefully wrapped Ms. Merideth's arms around her back. Hermann cuffed Ms. Merideth again. The handcuffs caused Ms. Merideth pain and she asked Hermann to please remove the handcuffs. Hermann did with a laugh.

37. Then, Hermann pulled out a gun and sat it on the desk. At that point, Ms. Merideth got up and announced that she was leaving.

38. Hermann put his leg up, blocking Ms. Merideth's way out of the room. Ms. Merideth stepped over Hermann's leg and walked toward the door.

39. Hermann went after Ms. Merideth, picked her up, threw her over his shoulder, and carried her back to the chair. Hermann said "No! You're not going anywhere! We're not done yet!". Ms. Merideth was terrified.

40. After a few minutes, Ms. Merideth stood up and walked towards the door again.

41. For a second time, Hermann put his leg up to block Ms. Merideth's way out, and she walked over it.

42. Ms. Merideth escaped and went to her room for the night. Hermann told her to wait and gave her his room key stating "Come wake me up in the morning."

43. Ms. Merideth immediately returned to her hotel room.

(The Day After)

44. On August 6, 2019, Ms. Merideth wanted to leave Chicago and go home.

45. Ms. Merideth called her mother, Rebecca Price, asking for assistance in locating flights home.

46. Ms. Merideth then called her step-father, Denny Price, asking if he could pick her up from Chicago.

47. Ms. Merideth did not tell her family what had happened the previous evening due to tremendous humiliation and degradation.

48. Ms. Merideth decided to stay in Chicago, because she had legitimate interest in the conference events and did not want people thinking something had happened.

49. Hermann spent this day at a spa.

50. Ms. Merideth met the Detective Wilkerson at the conference event and told him about what had happened. Wilkerson asked if Ms. Merideth wanted him to say something to Hermann. Ms. Merideth declined, stating she will confront him on her own.

51. This same day but later, Ms. Merideth was in Detective Crystal Thomas' hotel room and told Crystal Thomas that Hermann about what had happened with Hermann.

(The Complaint)

52. Ms. Merideth asked Hermann to meet her to discuss what happened in his hotel room. Ms. Merideth purposefully met Hermann in a public place.

53. Ms. Merideth told Hermann that what he did was uncalled for, unwanted, inappropriate, and made Ms. Merideth very uncomfortable.

54. Hermann responded dismissively by saying "I'm sorry you took it that way."

55. Hermann tried justifying his actions stating that conferences such as this is a chance for him to escape his personal life, family, and calling this particular conference a "vacation".

56. Hermann continued by stating he has attended this conference several times and feels he does not need to educate himself, he would rather he enjoy the pool, restaurants, and the spa.

57. Hermann continued by saying he did not have any friends and felt alone.

58. For Ms. Merideth the whole experience in Chicago with Hermann was terrifying and humiliating, and she was shocked that her boss behaved so inappropriately and did not take responsibility for his actions.

(Rumors in the Workplace about Ms. Merideth and Nicholas Hermann)

59. After the Chicago incident and back in Evansville, rumors circulated the VCPO alleging that Mr. Merideth was sleeping with Hermann.

60. Hermann was aware of the rumors and did nothing to prevent them from spreading nor did he dispel the rumors for being false.

61. The rumors subjected Ms. Merideth to a hostile work environment, harassment, and bullying by Hermann and others in the VCPO.

62. Rumors and gossip of this nature, sexual relations, and sexual advances were commonly discussed openly by employees, supervisors, and Hermann throughout the workplace at the VCPO.

(Hostile Workplace)

63. In 2014, a rumor circulated through the workplace that Hermann made remarks about the size of a VCPO's secretary's breasts.

64. In 2014, Ms. Merideth heard that Hermann had been inappropriate with a female deputy prosecutor in the VCPO.

65. In 2014, Ms. Merideth heard that Hermann had been inappropriate with another female in the VCPO.

66. In 2015, the female deputy prosecutor mentioned above resigned from the VCPO.

67. In 2015, Ms. Merideth was subjected to repeated harassment by a male VCPO secretary, because he persistently asked Ms. Merideth on dates and commented on her appearance. This male was fired after Ms. Merideth made a complaint.

68. In 2016, Ms. Merideth finally worked up the courage to report, and she told the VCPO Finance Director and Human Resources Supervisor, Regene Newman, about what had happened with Hermann in Chicago. Ms. Newman took no action.

69. Because Ms. Newman took no action, Ms. Merideth thought any further attempts at reporting would be futile.

70. In May of 2017, Regene Newman spread a rumor that Hermann was sleeping with an employee of the VCPO. In discussions with co-workers, Ms. Merideth was told "This is the kind of shit that goes on around the office." Ms. Merideth remembers Ms. Newman said that she was "venting" when she "said those things", confirming that Ms. Newman started the rumor.

71. Ms. Merideth was "written-up" by Ms. Newman for spreading the rumor that Regene started.

72. In 2018, Ms. Merideth was subjected to more scrutiny about her job than ever before. Ms. Merideth began to fear that the scrutiny did not have to do with her work performance, but rather an effort manifested by ulterior motives to create plausible grounds for her termination of employment.

(Ms. Merideth's Last Day at the VCPO)

73. On November 6, 2018, Hermann was reelected as the Vanderburgh County Prosecutor.

74. January 2, 2019 was the first day of Hermann's new term as Vanderburgh County Prosecutor.

75. On this day Ms. Merideth went to work at the VCPO. She clocked in and logged into her computer. Ms. Merideth discovered that she was restricted access to the APS system or

any other program. Ms. Merideth attempted to resolve the issue by restarting her computer to no avail.

76. Without notice and on the morning of January 2, 2019, Ms. Merideth's supervisor and the finance director confined Ms. Merideth in the APS office, refused to allow Ms. Merideth to use the restroom facility, and made her sign resignation paperwork that was already drafted when presented to Ms. Merideth.

77. Ms. Merideth was not told what she had done wrong and was denied even a moment to think or to make a phone call. Ms. Merideth was escorted out of the building and forced to leave her personal belongings behind.

78. Ms. Newman expressed that Ms. Merideth had to be escorted out of the building, but the same treatment was not given to a former APS employee who was fired in 2018.

(Wrongful Termination)

79. Ms. Merideth was wrongfully terminated because the termination was a retaliation.

80. Since the Chicago incident, Hermann has victimized other women in the Vanderburgh County Prosecutor's Office.

81. In 2018, Hermann was campaigning for reelection.

82. Shortly before the election, Hermann became aware that that one of his victims in the VCPO was bringing an action against him.

83. Hermann realized that his reputation was in jeopardy and that the truth of his conduct may be exposed.

84. At that point Hermann realized that he could not fire that victim for the complaint, because it would clearly be unlawful and retaliatory against the victim's protected activity.

85. However, Hermann was not aware of Ms. Merideth making a complaint, and Hermann knew that Ms. Merideth could expose him just like the other victim.

86. Hermann made the strategic, political, preemptory decision to fire Ms. Merideth, so that if Ms. Merideth ever did speak out and expose Hermann's conduct, then he could frame Ms. Merideth as being upset about the termination and the one retaliating against Hermann.

87. Ms. Merideth's termination was carefully orchestrated so that she would not be fired before Hermann's election in order to manage the risk of Ms. Merideth exposing Hermann prior to election day.

88. The decision to terminate Ms. Merideth on Hermann's first day of his new term was made because the political risk was minimized, Ms. Merideth could be discredited, and it was the earliest time of his new term that the termination could take place.

89. After Ms. Merideth release a public statement about the events that took place in Chicago, Mr. Hermann did not deny what happened in the hotel that night, nor does he deny any of Ms. Merideth's accounts of the events. Instead, Mr. Hermann only denies the "context" in which the events happened.

(The Termination Was Not Based on Performance)

90. After Ms. Merideth was wrongfully terminated or forced to resign, she filled a *Charge of Discrimination* with the EEOC.

91. Hermann and the VCPO claim that the decision to terminate Ms. Merideth was based on her work performance.

92. Hermann and the VCPO provided many records, documents, emails, and/or notes that Ms. Merideth had never seen or heard of. The documents claim serious work performance issues that allegedly occurred months or more before Ms. Merideth was forced to resign.

93. If the decision to terminate Ms. Merideth was based on the records of her work performance and if the records are true, then her termination on January 2, 2019 is illogical, because if the records are true, then Ms. Merideth should have been fired months or more before January 2, 2019.

94. Throughout the eight (8) or so years that Ms. Merideth worked at the VCPO, there were only one or two instances where she was actually spoken to about a performance issue.

**COUNT I – STATE OF INDIANA
(Title VII – Sexual Harassment)**

95. All preceding paragraphs are incorporated herein by this reference.

96. The State of Indiana engaged in unlawful employment practices by intentionally discriminating against Plaintiff with respect to terms, conditions, and privileges of employment on the bases of the sex of Ms. Merideth.

97. The State of Indiana's actions interfered with Ms. Merideth's work performance and created an intimidating, hostile, and offensive work environment, in violation of Title VII.

98. The State of Indiana did not take any steps to correct the sexual harassment.

99. As a direct and proximate cause of the State of Indiana's actions to discriminate against Ms. Merideth and creation of an intimidating, hostile, and offensive work environment, the State of Indiana has caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and other expenses as allowed by law.

100. The State of Indiana's conduct was willful, in that they knew and/or showed reckless disregard for the matter of whether its conduct, described above, was prohibited by Title VII.

**COUNT II – STATE OF INDIANA
(Title VII – Retaliation)**

101. All preceding paragraphs are incorporated herein by this reference.

102. By the actions described above, the State of Indiana retaliated against Ms. Merideth, because she engaged in protected activity.

103. Ms. Merideth complained about Hermann’s inappropriate and unwelcome sexual harassment.

104. Thereafter, the State of Indiana engaged in unlawful employment practices by creating a retaliatory, hostile work environment.

105. The State of Indiana engaged in unlawful employment practices by intentionally discriminating against Ms. Merideth with respect to the terms, conditions, and privileges of employment, because Ms. Merideth raised concerns about discrimination in the workplace.

106. The State of Indiana’s actions interfered with Ms. Merideth’s work performance and created an intimidating, hostile, and offensive work environment.

107. The State of Indiana’s conduct was willful, in that it knew and/or showed reckless disregard for the matter of whether its conduct, described above, was prohibited by Title VII.

108. As a direct and proximate cause of the State of Indiana’s unlawful retaliation, Ms. Merideth has suffered and will continue to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and costs, and other expenses as allowed by law.

**COUNT III – VANDERBURGH COUNTY
(Title VII – Sexual Harassment)**

1. All preceding paragraphs are incorporated herein by this reference.

2. Vanderburgh County engaged in unlawful employment practices by intentionally discriminating against Plaintiff with respect to terms, conditions, and privileges of employment on the bases of the sex of Ms. Merideth.

3. Vanderburgh County's actions interfered with Ms. Merideth's work performance and created an intimidating, hostile, and offensive work environment, in violation of Title VII.

4. Vanderburgh County did not take any steps to correct the sexual harassment.

5. As a direct and proximate cause of Vanderburgh County's actions to discriminate against Ms. Merideth and creation of an intimidating, hostile, and offensive work environment, Vanderburgh County has caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and other expenses as allowed by law.

6. Vanderburgh County's conduct was willful, in that they knew and/or showed reckless disregard for the matter of whether its conduct, described above, was prohibited by Title VII.

**COUNT IV – VANDERBURGH COUNTY
(Title VII – Retaliation)**

7. All preceding paragraphs are incorporated herein by this reference.

8. By the actions described above, Vanderburgh County retaliated against Ms. Merideth, because she engaged in protected activity.

9. Ms. Merideth complained about Hermann's inappropriate and unwelcome sexual harassment.

10. Thereafter, Vanderburgh County engaged in unlawful employment practices by creating a retaliatory, hostile work environment.

11. Vanderburgh County engaged in unlawful employment practices by intentionally discriminating against Ms. Merideth with respect to the terms, conditions, and privileges of employment, because Ms. Merideth raised concerns about discrimination in the workplace.

12. Vanderburgh County's actions interfered with Ms. Merideth's work performance and created an intimidating, hostile, and offensive work environment.

13. Vanderburgh County's conduct was willful, in that it knew and/or showed reckless disregard for the matter of whether its conduct, described above, was prohibited by Title VII.

14. As a direct and proximate cause of Vanderburgh County's unlawful retaliation, Ms. Merideth has suffered and will continue to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and costs, and other expenses as allowed by law.

COUNT V – NICHOLAS HERMANN, INDIVIDUALLY
(§ 1983 – Sexual Harassment and Discrimination
In Violation of Equal Protection Clause)

15. All preceding paragraphs are incorporated herein by this reference.

16. Hermann, acting under color of state law, caused or participated in the deprivation of Ms. Merideth's constitutional rights and privileges because of his abuse of authority as Vanderburgh County Prosecutor.

17. The result of these unlawful actions has subjected Ms. Merideth to a hostile work environment, and discrimination and denial of equal employment opportunities because of her sex, in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

18. Hermann, as Vanderburgh County Prosecutor and long-time attorney, was sufficiently aware of the longstanding laws that existed prohibiting his conduct against Ms. Merideth.

19. Hermann's actions were the direct and proximate cause of Ms. Merideth's damages.

20. Hermann's actions have caused Plaintiffs to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

21. As a direct and proximate result of Hermann's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT VI – NICHOLAS HERMANN, INDIVIDUALLY
(§1983 – Retaliation in Violation of Equal Protection Clause)**

22. All preceding paragraphs are incorporated herein by this reference.

23. Hermann, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's constitutional rights and privileges because of his abuse of authority as Vanderburgh County Prosecutor.

24. The result of these unlawful actions has subjected Ms. Merideth to a hostile work environment, and discrimination and denial of equal employment opportunities because Ms. Merideth raised concerns about discrimination in the workplace and because she reported discrimination and retaliation complaints against Defendants, in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

25. Hermann, as Vanderburgh County Prosecutor and long-time attorney, was sufficiently aware of the longstanding laws that existed prohibiting his conduct against Ms. Merideth.

26. Hermann's actions were the direct and proximate cause of Ms. Merideth's damages.

27. Hermann's actions have caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

28. As a direct and proximate result of Hermann's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT VII – NOCHOLAS HERMANN, INDIVIDUALLY
(§ 1983 – Substantive Due Process Clause)**

29. All preceding paragraphs are incorporated herein by this reference.

30. Hermann, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's constitutional rights and privileges because of his abuse of authority as Vanderburgh County Prosecutor.

31. The result of his unlawful actions has deprived Ms. Merideth of the right to bodily integrity pursuant to the substantive component of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

32. Hermann's conduct toward Ms. Merideth shocks the conscience and evinces a deliberate indifference to Ms. Merideth's right as an individual.

33. Ms. Merideth suffered unwanted and unwelcome physical contact of a sexual nature that constitutes a violation of Ms. Merideth's liberty interest in her bodily integrity, as

provided by the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

34. Hermann's ability to commit a serious physical and sexual assault on Ms. Merideth was enabled by his governmental position and actions taken as a state official.

35. Hermann, as Vanderburgh County Prosecutor and long-time attorney, was sufficiently aware of the longstanding laws that existed prohibiting his conduct against Ms. Merideth.

36. Hermann's actions were the direct and proximate cause of Ms. Merideth's damages.

37. Hermann's actions have cause Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

38. As a direct and proximate result of Hermann's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of 42 U.S.C. § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT VIII – STATE OF INDIANA
(§ 1983 – Sexual Harassment and Discrimination
in Violation of Equal Protection Clause)**

39. All preceding paragraphs are incorporated herein by this reference.

40. The State of Indiana, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's rights, privileges and immunities under the Equal Protection Clause as secured by the Fourteenth Amendment of the United States Constitution by intentionally discriminating against Ms. Merideth with respect to terms, conditions, and privileges of employment on the basis of the sex of Ms. Merideth.

41. The State of Indiana's policy or custom, by its lawmakers, policymakers, and officials, represents the official policy of the State of Indiana, and is responsible for the ongoing harm to Ms. Merideth.

42. The decisions of the State of Indiana's lawmakers, acts of its policymaking officials, and practices are so widespread and persistent to practically have the force and effect of law.

43. It is the policy or custom of the State of Indiana to fail to exercise reasonable care in preventing constitutional violations on the basis of equal protection.

44. As a result of the above-described policies or customs, violations of the constitutional rights to equal protection were not adequately prevented, investigated, sanctioned, or remediated.

45. The State of Indiana's custom or policy is the moving force behind and demonstrates a deliberate indifference to Ms. Merideth's constitutional rights.

46. The same problem has arisen many times and the State of Indiana has acquiesced in the outcome causing the deprivation of Ms. Merideth's constitutional rights.

47. The State of Indiana was sufficiently aware of the longstanding laws that existed prohibiting its conduct against Ms. Merideth.

48. The State of Indiana's actions were the direct and proximate cause of the Ms. Merideth's damages.

49. The State of Indiana's actions have caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

50. As a direct and proximate result of the State of Indiana's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT IX – STATE OF INDIANA
(§ 1983 – Retaliation)**

51. All preceding paragraphs are incorporated herein by this reference.

52. The State of Indiana, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's rights, privileges and immunities under the Equal Protection Clause as secured by the Fourteenth Amendment of the United States Constitution by intentionally discriminating against Ms. Merideth with respect to terms, conditions, and privileges of employment, because Ms. Merideth raised concerns about discrimination in the workplace and because she reported discrimination and retaliation against the State of Indiana.

53. The State of Indiana's policy or custom, by its lawmakers, policymakers, and officials, represents the official policy of the State of Indiana, and is responsible for the ongoing harm to Ms. Merideth.

54. The decisions of the State of Indiana's lawmakers, acts of its policymaking officials, and practices are so widespread and persistent to practically have the force and effect of law.

55. It is the policy or custom of the State of Indiana to fail to exercise reasonable care in preventing constitutional violations on the basis of equal protection.

56. As a result of the above-described policies or customs, violations of the constitutional rights to equal protection were not adequately prevent, investigated, sanctioned, or remediated.

57. The State of Indiana's custom or policy is the moving force behind and demonstrates a deliberate indifference to the Ms. Merideth's constitutional rights.

58. The same problem has arisen many times and the State of Indiana has acquiesced in the outcome causing the deprivation of the Ms. Merideth's constitutional rights.

59. The State of Indiana was sufficiently aware of the longstanding laws that existed prohibiting their conduct against Ms. Merideth.

60. The State of Indiana's actions were the direct and proximate cause of the Plaintiffs' damages.

61. The State of Indiana's actions have caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

62. As a direct and proximate result of the State of Indiana's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT X – VANDERBURGH COUNTY
(§ 1983 – Sexual Harassment and Discrimination
in Violation of Equal Protection Clause)**

63. All preceding paragraphs are incorporated herein by this reference.

64. Vanderburgh County, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's rights, privileges and immunities under the Equal Protection Clause as secured by the Fourteenth Amendment of the United States Constitution by intentionally discriminating against Ms. Merideth with respect to terms, conditions, and privileges of employment on the basis of the sex of Ms. Merideth.

65. Vanderburgh County's policy or custom, by its lawmakers, policymakers, and officials, represents the official policy of the State of Indiana, and is responsible for the ongoing harm to Ms. Merideth.

66. The decisions of Vanderburgh County's lawmakers, acts of its policymaking officials, and practices are so widespread and persistent to practically have the force and effect of law.

67. It is the policy or custom of Vanderburgh County to fail to exercise reasonable care in preventing constitutional violations on the basis of equal protection.

68. As a result of the above-described policies or customs, violations of the constitutional rights to equal protection were not adequately prevented, investigated, sanctioned, or remediated.

69. Vanderburgh County's custom or policy is the moving force behind and demonstrates a deliberate indifference to Ms. Merideth's constitutional rights.

70. The same problem has arisen many times and Vanderburgh County has acquiesced in the outcome causing the deprivation of Ms. Merideth's constitutional rights.

71. Vanderburgh County was sufficiently aware of the longstanding laws that existed prohibiting its conduct against Ms. Merideth.

72. Vanderburgh County's actions were the direct and proximate cause of the Ms. Merideth's damages.

73. Vanderburgh County's actions have caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

74. As a direct and proximate result of Vanderburgh County's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

COUNT XI – VANDERBURGH COUNTY
(§ 1983 – Retaliation)

75. All preceding paragraphs are incorporated herein by this reference.

76. Vanderburgh County, acting under the color of state law, caused or participated in the deprivation of Ms. Merideth's rights, privileges and immunities under the Equal Protection Clause as secured by the Fourteenth Amendment of the United States Constitution by intentionally discriminating against Ms. Merideth with respect to terms, conditions, and privileges of employment, because Ms. Merideth raised concerns about discrimination in the workplace and because she reported discrimination and retaliation against Vanderburgh County.

77. Vanderburgh County's policy or custom, by its lawmakers, policymakers, and officials, represents the official policy of Vanderburgh County, and is responsible for the ongoing harm to Ms. Merideth.

78. The decisions of Vanderburgh County's lawmakers, acts of its policymaking officials, and practices are so widespread and persistent to practically have the force and effect of law.

79. It is the policy or custom of the State of Indiana to fail to exercise reasonable care in preventing constitutional violations on the basis of equal protection.

80. As a result of the above-described policies or customs, violations of the constitutional rights to equal protection were not adequately prevent, investigated, sanctioned, or remediated.

81. Vanderburgh County's custom or policy is the moving force behind and demonstrates a deliberate indifference to the Ms. Merideth's constitutional rights.

82. The same problem has arisen many times and Vanderburgh County has acquiesced in the outcome causing the deprivation of the Ms. Merideth's constitutional rights.

83. Vanderburgh County was sufficiently aware of the longstanding laws that existed prohibiting their conduct against Ms. Merideth.

84. Vanderburgh County's actions were the direct and proximate cause of the Plaintiffs' damages.

85. Vanderburgh County's actions have caused Ms. Merideth to suffer compensatory damages, including, but not limited to, loss of employment, loss of employment benefits, emotional pain, mental anguish, loss of reputation, attorney fees, and other expenses as allowed by law.

86. As a direct and proximate result of Vanderburgh County's malicious and reckless actions in depriving Ms. Merideth of her equal protection rights provided by the United States Constitution, in violation of § 1983, Ms. Merideth is entitled to punitive damages.

**COUNT XII – NICHOLAS HERMANN, INDIVIDUALLY
(Battery)**

87. All preceding paragraphs are incorporated herein by this reference.

88. By the actions described above, Hermann touched Ms. Merideth in a rude, insolent, and angry manner during on August 5, 2013, thereby committing battery.

89. Ms. Merideth has suffered pain, humiliation, and mental anguish as a result of Hermann's unlawful and unwanted touching.

**COUNT XIII – NICHOLAS HERMANN, INDIVIDUALLY
(Sexual Battery)**

90. All preceding paragraphs are incorporated herein by this reference.

91. By the actions described above, the Ms. Merideth did not consent when Hermann touched her in a harmful or offensive manner during on August 5, 2013, thereby committing sexual battery.

92. Ms. Merideth has suffered pain, humiliation, and mental anguish as a result of Hermann's unlawful and unwanted touching.

WHEREFORE, Plaintiff, Samantha Merideth, respectfully request that this Court:

- A. Award judgment in favor of Plaintiff and against Defendants;
- B. Enter an order declaring Defendants' conduct unconstitutional;
- C. Enter a permanent injunction, upon proper motion, requiring the State of Indiana and Vanderburgh County to adopt appropriate policies related to sexual harassment, retaliation, and protection of individuals' rights to equal protection and substantive due process under the United States Constitution;
- D. Award compensatory damages against Defendants in an amount to be determined at trial to make Plaintiff whole for the mental anguish, emotional distress and other non-pecuniary damages they have suffered because of Defendants' unlawful conduct;
- E. Award punitive damages against Defendant Hermann to be determined at trial to punish Defendants for the unlawful conduct which was malicious or undertaken with reckless indifference to Plaintiff's rights and to deter others from similar conduct;
- F. Award the costs of maintaining this action, including an award of reasonable attorneys' fees; and
- G. Award all other relief proper in the premises.

Dated February 6, 2020.

Respectfully submitted,



Samantha Merideth (Feb 6, 2020)

Samantha Merideth, Plaintiff

/s/Brandon S. Danks

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