

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Tara C. McNeally,

Plaintiff,

vs.

HomeTown Bank; Lindsey Puffer, Branch  
Manager and Vice President, in her  
individual capacity; Shakopee  
Public Schools, Independent School  
District No. 720; Shakopee Public Schools  
Board; Michael Redmond, Superintendent,  
in his individual capacity; Kristi Peterson,  
Board Chair, in her individual capacity,

Defendants.

Case No.: \_\_\_\_\_

**COMPLAINT**

**JURY TRIAL DEMAND**

**INTRODUCTION**

Freedom to discuss public affairs and to critique public officials lies at the heart of rights protected by the First Amendment. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). Retaliation by a government actor in response to such an exercise of First Amendment rights forms the basis for liability under 42 U.S.C. § 1983. A private party will further be held liable under Section 1983 if it participated in joint activity with a government actor to retaliate against an individual for exercising First Amendment rights. *Lugar v. Edmonson Oil Co., Inc.*, 457 U.S. 922 (1982).

Plaintiff Tara McNeally brings this action against Defendants for violation of Section 1983. McNeally is a single mother of two children who attend Shakopee Public Schools. One of her children has a diagnosed medical condition that is exacerbated by

wearing a mask. McNeally exercised rights protected by the First and Fourteenth Amendments when she attended Shakopee Public Schools Board meetings, held a sign during one Board meeting that identified her viewpoints on matters of public concern, including that she did not agree with requiring students to wear masks in school, formed a group to raise public awareness of matters that were pending before the school Board, and expressed concerns regarding the actions of a member of the Board, an elected official.

The School Defendants (defined below) disagreed with McNeally's viewpoints, were concerned that she was a key figure in building opposition to matters that the School Defendants strongly supported, and were upset that she expressed concerns regarding the actions of a Board member. McNeally's career and reputation in the community were threatened in an effort to suppress her viewpoints, to prevent her from building opposition to the School Defendants' agenda, and to force her to retract her statement regarding the actions of a Board member. When their threats against McNeally were ineffective, Defendants, among other things, conspired and acted in concert to suspend and subsequently terminate McNeally's employment with Defendant HomeTown Bank. Defendants' actions are a blatant and egregious violation of Section 1983.

### **JURISDICTION AND VENUE**

1. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as Count One seeks redress pursuant to 42 U.S.C. §§ 1983 and 1988 for the deprivation, under color of state law, of rights, privileges, and immunities secured by federal statutes and the United States Constitution. This Court has supplemental jurisdiction over Count Two pursuant to 28 U.S.C. § 1367.

2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 because the Defendants reside in, and the unlawful acts set forth below were committed within, the jurisdiction of the United States District Court for the District of Minnesota.

### **PARTIES**

3. Plaintiff Tara C. McNeally (“McNeally”) is an individual who resides in the City of Shakopee, State of Minnesota. McNeally is a single mother of two children who attend Shakopee Public Schools. McNeally was employed by Defendant HomeTown Bank as a Personal Banker prior to her suspension and termination.

4. Defendant HomeTown Bank is a banking entity organized and existing under the laws of the State of Minnesota with several locations in the State of Minnesota, including in the City of Shakopee and at Shakopee High School. HomeTown Bank has a relationship with Shakopee Public Schools that includes, but is not limited to, HomeTown Bank maintaining a bank location at Shakopee High School, periodically providing bank employees to discuss financial literacy with students, providing internship opportunities to students, and providing other services. HomeTown Bank employed McNeally as a Personal Banker at its location in the City of Shakopee and location at Shakopee High School prior to her suspension and termination. HomeTown Bank is and at all material times has been a “person,” through its representatives, within the meaning of 42 U.S.C. § 1983.

5. Defendant Lindsey Puffer (“Puffer,” Puffer and HomeTown Bank are collectively referred to herein as the “Bank Defendants”) is an individual who resides in the State of Minnesota. Puffer is the Branch Manager and Vice President of HomeTown

Bank's location in the City of Shakopee and location at Shakopee High School. Puffer is responsible for the management and operations of her branch locations, developing and administering policies and procedures on behalf of her branch locations, speaking and acting on behalf of her branch locations, and carrying out the directives of the HomeTown Bank Board of Directors and Leadership Team.

6. Defendant Shakopee Public Schools, Independent School District No. 720 (the "District"), is a public school district and political subdivision of the State of Minnesota, duly established and operating pursuant to Minnesota law as an independent school district. The District is located in the City of Shakopee, State of Minnesota. The District has a relationship with HomeTown Bank that includes HomeTown Bank maintaining a bank location at Shakopee High School, periodically providing bank employees to discuss financial literacy with students, providing internship opportunities to students, and providing other services. The District is and at all material times has been a "person," through its representatives, within the meaning of 42 U.S.C. § 1983.

7. Defendant Shakopee Public Schools Board (the "Board") governs Shakopee Public Schools. The Board is responsible for speaking and acting on behalf of the District, developing and implementing policies and procedures of the Board and the District, and for hiring, overseeing, and directing the activities of Defendant Michael Redmond, the Superintendent of the District. The Board is and at all material times has been a "person," through its representatives, within the meaning of 42 U.S.C. § 1983.

8. Defendant Michael Redmond ("Redmond") is an individual who resides in the State of Minnesota. Redmond is the Superintendent of Shakopee Public Schools.

Redmond was hired as Superintendent November 2018. As Superintendent, Redmond is responsible for the management and operations of the District, speaking and acting on behalf of the District, developing and administering policies and procedures on behalf of the District, and carrying out the directives of the Shakopee Public Schools Board, the Board Chair, and its members.

9. Defendant Kristi Peterson (“Peterson,” the District, Board, Redmond, and Peterson are collectively referred to herein as the “School Defendants”) is an individual who resides in the State of Minnesota. Peterson is the Board Chair of Shakopee Public Schools Board. Peterson was elected November 2018 and her present term expires December 2022. As Board Chair, Peterson is responsible for the overall functioning of the Board and governing of the District, speaking and acting on behalf of the Board and the District, overseeing the work of the Board, presiding over Board meetings, determining who may speak at Board meetings and for how long, developing and approving the agenda for Board meetings, developing and implementing policies and procedures on behalf of the Board and the District, and overseeing and directing the activities of Michael Redmond, the Superintendent of the District.

### **FACTUAL BACKGROUND**

10. Tara McNeally is a resident of the City of Shakopee and is an active member in her community. For the last few years McNeally has been involved with the Shakopee Rotary Club, recently serving as the Secretary, and the Shakopee Chamber of Commerce, recently serving as an Ambassador. McNeally previously served as Secretary of the Sweeney Elementary School PTO Board prior to resigning this past September. McNeally

actively volunteers at different events for the above organizations in addition to volunteering at various Sweeney Elementary School functions, church functions, and other events in the City of Shakopee.

11. In early 2020, McNeally was recruited by Lindsey Puffer, HomeTown Bank's Branch Manager and Vice President for the Shakopee and Shakopee High School locations, to work as a Personal Banker at both locations. McNeally accepted Puffer's offer, which included better employment terms than her then-current full-time job. McNeally began working full-time as a Personal Banker, splitting her time between the two locations. The majority of McNeally's time was spent working at the Shakopee location as the Shakopee High School location was generally only open three days a week, two hours each day, though this varied depending on whether school was in session, and in response to the COVID-19 pandemic, which resulted in the location being closed for periods of time.

12. McNeally's job duties included working as a teller, opening and closing accounts, customer service, hiring, training, managing interns from Shakopee High School, and networking, among other functions associated with her position. McNeally also performed a variety of marketing functions for HomeTown Bank. On several occasions McNeally also taught financial literacy to students at Shakopee Public Schools, attending various classes at different campuses as a guest speaker.

13. McNeally excelled at her position with HomeTown Bank and received a merit raise in March 2021. She also received performance-based discretionary bonuses, including as recently as August 2021, for meeting and exceeding the expectations of her

position. She frequently received positive verbal praise for her performance and hard work, including from Puffer as recently as late summer and early fall 2021. Her most recent performance review stated, among other things, that she is “a huge asset!” She was never disciplined, nor given a written or verbal warning, during the duration of her employment prior to the suspension and termination discussed herein.

14. McNeally is a single mother with two daughters ages five and twelve who attend Shakopee Public Schools. Her twelve-year-old daughter has a diagnosed medical condition that is exacerbated by wearing a mask, and wearing a mask has on repeated occasions resulted in her experiencing adverse health reactions including, but not limited to, shortness of breath, lightheadedness, tunnel vision, and fainting.

15. On August 23, 2021, the Shakopee Public Schools Board held a Board meeting wherein it discussed, among other things, pandemic response rules and procedures developed, in part, by the Pandemic Response Advisory Team, a committee established by the Board whose members include Redmond and Peterson. During the Board meeting Redmond gave a presentation that outlined recommendations and requirements for students to wear masks in school. The Board unanimously passed the resolution that included, among other things, when it was recommended and when it was required for students to wear masks in school. The Board resolution authorized Redmond to take action to implement and enforce the resolution, in addition to authorizing Redmond to take other action that he deemed necessary prior to the next Board meeting.

16. McNeally attended the August 23 Board meeting, accompanied by a few other parents who were opposed to forcing students to wear masks in school. The Board

meeting was not heavily attended by parents due in part to the Board's practice of posting the agenda for Board meetings generally only one business day before a meeting is scheduled.

17. Following the start of the recent school term, and in light of the resolution passed during the August 23 Board meeting that required certain students to wear masks in school, McNeally's child was required to wear a mask in school despite her medical condition. McNeally provided the District with information regarding her child's condition, though the District was not receptive to her child's medical needs.

18. For several weeks after the start of the recent school term, McNeally's child was singled out and repeatedly harassed and berated in front of other students on a near daily basis by a teacher, who was not her own teacher, regarding the type of mask she wore over her nose and mouth. Due to the harassment, McNeally repeatedly reached out to the school and different school officials, including the Principal, Vice Principal, and ultimately the Superintendent, Redmond, in an effort to stop the school employee from harassing and berating her child regarding her mask, the type of which she wore in an effort to reduce the potential for an adverse health reaction to occur while she was at school while still complying with the school's masking requirement for students.

19. In light of the August 23 Board resolution regarding masks, the incident with her child, and statements made by members of the Board and other school officials, the position of the School Defendants regarding masks was clear. Specifically, that the School Defendants were in favor of recommending and in certain cases requiring students to wear masks, a position that raised concerns for McNeally and other parents regarding the

potential impact that such masks could have on children, including the increased risk of adverse health reactions in students with certain medical conditions, in addition to social, emotional, psychological, and other developmental issues.

20. As of late August and early September 2021, the School Defendants knew that McNeally opposed their position on forcing students to wear masks in school as a result of, among other things, McNeally's attendance at the August 23 Board meeting, her conversations with Redmond and other school officials regarding the incident with her child, her child's medical condition and needs, her views against forcing students to wear masks, and her concerns regarding the school's inability to timely accommodate students with diagnosed medical conditions.

21. Whether to require students to wear masks in school is a matter of public concern and has been a topic of local, state, and national debate, and it has become a political topic with different local, state, and federal officials weighing in on their views and positions with respect to this matter. This issue has also been the focus of scientific studies, has resulted in members of the public having strong views in favor of or against masking students in school, and has been the subject of state and federal lawsuits throughout the country, including lawsuits in the State of Minnesota.

22. A second issue discussed during the August 23 Board meeting, and throughout the Shakopee community in general, was whether residents should vote in favor of an operating levy, an issue that would be on the November 2021 ballot. In 2020, residents voted against approving an operating levy for the District, resulting in the District being the only metro school district without a voter approved operating levy. The School

Defendants were in favor of approving the 2020 operating levy, and after the levy did not pass Peterson and Redmond, for example, publicly expressed their disappointment in those who voted against the measure.

23. Peterson, Redmond, and other Board members and school officials were in favor of approving the operating levy that would be on the November 2021 ballot. Peterson and Redmond, for example, publicly expressed their views in favor of the levy and informed the public that if the levy did not pass, that the District would be subject to severe budget cuts that could include eliminating school programs, freezing salaries and pay, instituting larger class sizes, and terminating the employment of teachers and other school staff. During the August 23 Board meeting, Redmond gave a presentation discussing the operating levy and the benefits associated with the public approving the levy, and the consequences and budget cuts that would be made if the levy did not pass.

24. Whether to approve or reject an operating levy was a matter of public concern and was a topic of local debate dating back to at least 2020. The issue was also a political topic with different local and state officials weighing in on their views and positions with respect to approving or rejecting the operating levy.

25. As a mother of two children, including one child who has a diagnosed medical condition that is exacerbated by wearing a mask, McNeally sought to bring people together to compile and share information regarding the impact of requiring children to wear masks in school, to raise awareness that this issue was addressed during the August 23 Board meeting, that the Board unanimously passed the resolution that included

requirements for students to wear masks in school, and that the Board would be addressing this issue at future Board meetings.

26. McNeally learned that very few parents were aware that this issue was going to be addressed at the previous August 23 Board meeting. McNeally and another individual formed a Facebook group “Parents Against Forced Masking” to facilitate sharing and gathering information on this topic, to express their views and opinions against forcing students to wear masks, and to inform parents that this issue would be addressed at upcoming Board meetings.

27. Upon information and belief, the School Defendants were aware of the group formed by McNeally and another individual, or were otherwise informed of the group by individuals who supported mask mandates for children in school who knew of or had joined the group, and were aware that McNeally and other parents opposed a blanket mask mandate and were raising awareness that this mandate would be addressed at upcoming Board meetings.

28. Prior to the next Board meeting, McNeally worked to inform parents in the community that parents should attend the next meeting to raise awareness for the Board that they opposed the Board’s position on forcing students to wear masks, and that parents should seek to speak at the meeting and share their views and positions as to why the Board should not force students to wear masks.

29. As a result of McNeally’s efforts in raising awareness in the community on this issue, a large group of parents who opposed forcing children to wear masks in school attended the September 13 Board meeting to make their views and positions known to the

Board. A member of the group spoke at the meeting during the time allotted by the Board in opposition to the blanket mask mandate. A group of parents who supported forcing children to wear masks in school attended the Board meeting as well.

30. During the Board meeting Redmond gave another presentation that outlined recommendations and requirements for students to wear masks in school, and separately another presentation discussing the operating levy and the benefits associated with the public approving the levy, and the consequences and budget cuts that would be made if the levy did not pass.

31. McNeally and other parents felt that the Board was not listening to the views and opinions of parents regarding requiring their children to wear masks in school, and that if the Board was not going to give proper weight and consideration to their views and opinions, then parents would not vote in favor of the operating levy, a measure that the School Defendants were heavily advocating for leading up to the November election as set forth herein. McNeally held a sign during the September 13 Board meeting that stated “MASKS = NO LEVY.” McNeally’s sign was not disruptive to the Board meeting.

32. During the Board meeting McNeally sat where Redmond and Peterson would be able to see her sign. McNeally also sat next to other parents who also publicly opposed blanket mask mandates for children in school and publicly opposed the operating levy. As of the September 13 Board meeting the School Defendants were well aware that McNeally opposed both measures that they supported, and that she had become a key figure in raising awareness and building opposition to those measures.

33. Upon information and belief, after the September 13 Board meeting, Peterson and Redmond discussed how they could build support for their positions on requiring students to wear masks in school and approving the operating levy, and how they could address, counteract, and quell the opposition that was growing against these two measures, including how they could stop McNeally from continuing to raise awareness and build support in opposition to those measures.

34. On September 23, 2021, while McNeally was working at HomeTown Bank's Shakopee location, Redmond stopped into the bank to thank an employee who had helped him with an issue the day prior. McNeally had a conversation with Redmond while he was at the bank, and given the next Board meeting approaching on September 27, McNeally asked Redmond how a parent could get on the list to speak at the meeting. Redmond informed her to email the District offices and stated: **"You know, you do not want to get mixed up with that other group, you do not want to be associating with them, you have done so much in the community and worked your way up, it would be a shame if that all goes away."**

35. McNeally understood the "other group" that Redmond stated she should not associate with for fear of somehow losing everything she had worked for to be the parents who opposed the operating levy. At the time of her conversation with Redmond she did not appreciate the full gravity of Redmond's threat and that the School Defendants would subsequently work to secure her suspension and termination from HomeTown Bank for continuing to oppose the two measures they supported and voicing her concerns regarding Peterson serving as Board Chair as discussed herein.

36. At the September 27, 2021 meeting, the Board allowed six members from the public to speak for a pre-allotted time of two and a half minutes each. McNeally attended the Board meeting and arrived after the first speaker had finished. The fifth speaker was a parent who had a child with a medical condition that was impacted by wearing a mask who spoke in opposition to forcing children to wear masks in school. During her presentation to the Board regarding how masks were impacting her child and other children in the school, McNeally witnessed Peterson repeatedly turn her head to look at the screen behind her compared to, for example, only turning to view the screen once during each of the presentations of speakers two, three and four, and not turning to view the screen at all for the last speaker. It also appeared to McNeally that, unlike other speakers, Peterson repeatedly looked at Redmond and other Board members during the above person's presentation, appearing disinterested with the person's speech.

37. Given the limited number of parents the Board allows to speak on different topics and the limited amount of time each speaker is given by the Board to present their views, McNeally was concerned that Peterson was not paying attention to and was not interested in listening to the parent that was presenting their group's views. McNeally believed that it was extremely inappropriate and disrespectful for Peterson, an elected official, to repeatedly turn away or otherwise look at other school officials while the parent was giving an emotional, heartfelt speech regarding the impact masks have on her child who has a medical condition, and while discussing the psychological impact masks were having on her child and others. McNeally believed that Peterson's actions confirmed a blatant bias against her group's viewpoints and positions, that her actions were

inappropriate, and that as an elected official and Chair of the Board, Peterson should have at least given the speaker the courtesy of her attention for her brief speech.

38. Prior to the September 27 Board meeting, a member of the Minnesota House of Representatives, who publicly opposed the above two measures the School Defendants supported, posted the following on his public figure Facebook page: “The Shakopee School Board is meeting tonight at 6pm at the Shakopee Senior High in the Thrust Stage. Please call the members and express your concerns about forced masking of children. I’d suggest giving Tim and Ibrahim special attention. And if you can attend, please do so.” The post also included the publicly available contact information for the Board members that is listed on the District’s website.

39. Following the September 27 Board meeting, dozens of parents discussed the Board meeting in the comment section of the above Facebook post, expressing their views on topics that were raised at the meeting, among other matters of public concern. McNeally posted the following comment:

I personally was really disappointed in board member Kristi Peterson tonight. She was turning around to watch the clock time while Amanda was speaking about her daughters struggle with her disability and masking. She did it multiple times! So rude. I know that most people don’t have ill will toward these children....but that lady showed she has NO HEART! Who does that???

(hereinafter the “Post”). McNeally’s Facebook account did not identify her last name, did not identify her place of employment, her profile picture was not a picture of herself at all times relevant to the events herein, her account was private and not viewable to the public, and the Post was made from her personal device on her own time.

40. Peterson, Redmond, and other Board members were aware of or were informed of the activities and statements of key individuals, such as McNeally, who were opposed to and who were building awareness and opposition to the School Defendants' agenda, and they sought to discover or otherwise did discover that McNeally had made the above Post.

41. Upon information and belief, after the September 27 Board meeting Peterson, Redmond, and other Board members discussed how they could address, counteract, and quell the opposition that was growing against these two measures, including how they could specifically stop McNeally from raising awareness regarding, and building support against, the School Defendants' agenda, which had since resulted in one member of the Board no longer agreeing, in whole or in part, with the School Defendants' position on forcing students to wear masks in school.

42. Upon information and belief, Peterson, Redmond, and other Board members conspired to silence McNeally and retaliate against her for opposing the School Defendants' agenda and expressing her concerns regarding Peterson's actions by banning her from school grounds and using the School Defendants' relationship with and influence over the Bank Defendants to secure her suspension and termination of employment.

43. Upon information and belief, the School Defendants have influence over the actions of the Bank Defendants pursuant to, among other things, the relationship between the Bank Defendants and the School Defendants, and the District permitting HomeTown Bank to operate a location at the Shakopee High School. In the past, HomeTown Bank has further permitted Redmond to attend private meetings of the Board of Directors of

HomeTown Bank, and upon information and belief, Redmond has formed relationships with those in control of HomeTown Bank, including Puffer and members of HomeTown Bank's Board of Directors and Leadership Team.

44. Upon information and belief, the Bank Defendants have a policy, custom, and practice of complying with requests and demands of the School Defendants, regardless of whether those requests and demands violate statutorily or constitutionally protected rights, as a result of, among other things, the relationship between the Bank Defendants and the School Defendants, and the School Defendants' influence over the Bank Defendants. As set forth above, upon information and belief, Redmond has formed relationships with those in control of HomeTown Bank, including Puffer and Members of HomeTown Bank's Board of Directors and Leadership Team.

45. In furtherance of the School Defendants' plan to silence McNeally and retaliate against her for opposing the School Boards' agenda and expressing her concerns with Peterson, an elected official, on September 28 Redmond and Puffer had a lunch meeting during which Redmond instructed Puffer to direct McNeally to delete the Post. Specifically, during her lunch meeting with Redmond, Puffer texted McNeally: **"Hey... any way you could take down your post on Kristi Peterson? We'll talk later about it... but the school is pretty upset."** (emphasis added).

46. McNeally was surprised by the text and immediately called Puffer to discuss the matter further. Puffer did not answer her phone, but texted McNeally: "Sorry... in a meeting. I'll be back in the office about 2." In response to Puffer's text, McNeally asked "who the school was?" Puffer texted in response: "District offices... dang." In response

to Puffer McNeally texted her the name of a school official, who was not Peterson or Redmond, that she told Puffer was the person she suspected was the source of the issue.

47. Later that afternoon, Puffer and McNeally had a meeting at HomeTown Bank. Puffer informed McNeally that her lunch meeting earlier that day was with Redmond, that the person McNeally identified in her text as the person McNeally thought was the source of the issue was incorrect, and that “**Kristi Peterson and another Board member**” were behind the issue. Puffer informed McNeally that she had been instructed by Redmond that the school wanted the Post to be taken down and she repeated, near verbatim, the same threat that Redmond had made to McNeally a few days prior, stating that she “**worked very hard and you do not want it to all be for nothing.**” McNeally informed Puffer that her Post was protected speech about an elected official, did not contain any false information, did not identify her last name nor her employment with HomeTown Bank, and that the school did not have a right to demand that it be taken down.

48. The next day, on September 29, Puffer and Redmond held a follow-up call to discuss McNeally and whether Puffer was able to force McNeally to delete the Post. Upon information and belief, Puffer informed Redmond that McNeally would not delete the Post, Redmond instructed Puffer to suspend McNeally until she deleted the Post, and that he would be banning her from school grounds and thus precluding her from working at HomeTown Bank’s location at Shakopee High School until McNeally complied.

49. At 4:29 p.m. that same day, Redmond emailed Puffer from his District email address stating: “**As a follow up to our brief conversation, I’ve shared my concerns in the attached letter.**” (emphasis added). Redmond also copied the District’s Director of

Human Resources on the communication. The letter attached to Redmond's email was on District letterhead, from "Superintendent Mike Redmond," and was signed by Redmond (hereinafter the "Letter"). The Letter states, among other things, that it was reported to Redmond that McNeally made the Post, and that:

**If the same post were made by an employee of Shakopee Public Schools, it would be considered insubordination, and the event would be referred to our Human resources Department for appropriate disciplinary action.**

\* \* \*

**Effective immediately, until such time as an investigation of this allegation has been completed by HomeTown Bank and Shakopee Public Schools, I am requesting you to direct Tara Mcnealy [sic] to not be present in the school zone, or any school building, in any capacity of the school district and bank partnership. As Ms. Mcneally [sic] is a parent of two students attending Shakopee Public Schools, she may certainly be present at Sweeney Elementary and West Middle School in the role of a parent. She may not be present in any other part of the school district, without my express permission, until the investigation is concluded.**

(emphasis added).

50. Following Redmond's conversation with Puffer, and within minutes of Puffer's receipt of the above email and Letter, Puffer called McNeally and suspended her without pay. Despite HomeTown Bank being short staffed at its Shakopee location, where McNeally worked the majority of her time and worked full-time when the Shakopee High School location was closed, Puffer informed McNeally that she no longer had a position for her at the Shakopee location, and that because she would not delete the Post and in light of the above Letter banning her from school grounds and thus banning her from working at the bank's location at the Shakopee High School, that she was suspended without pay

effective immediately pending the outcome of the District's investigation. At the end of their brief call Puffer informed McNeally that HomeTown Bank was also going to conduct an investigation as well as demanded by Redmond in his Letter.

51. McNeally was never contacted by the Bank Defendants as part of any purported investigation, nor was McNeally contacted by the School Defendants as part of any purported investigation by the school. On October 12, the Bank Defendants terminated McNeally's employment. Since McNeally's termination, Puffer has actively sought to hire a Personal Banker for the Shakopee location.

52. Pursuant to Redmond's Letter, the only exception to her being banned from all school property was if she was at Sweeney Elementary or West Middle School in her role as a parent. As such, McNeally was banned from attending all future Board meetings as those meetings were scheduled to be held at the Shakopee High School or District office, and McNeally was also banned from voting on the levy in the November election, unless she first obtained Redmond's permission to vote, as early votes were required to be cast at the District's office and votes were required to be cast at West Middle School on election day, an activity related to her residency in Shakopee and not her role as a parent.

53. The District and Board, as advanced by Redmond, Peterson, and the majority of Board members who have policymaking authority pursuant to applicable law and otherwise pursuant to authority delegated to them, have a policy, custom, and practice of ignoring, suppressing, and silencing the views of parents who oppose the School Defendants' agenda, and intimidating, targeting, threatening, and retaliating against

parents who oppose their views and opinions in violation of statutorily or constitutionally protected rights (the “Retaliatory Policy”).

54. This Retaliatory Policy is continuing, widespread, persistent, and has been the source of conflict and disputes in the past, has been the topic of conversation and concern in the Shakopee community, and is further evidenced by the facts set forth herein with respect to actions taken against McNeally.

55. Despite those in control of the District and Board, or those who are otherwise under their authority, control, or employ, engaging in actions in furtherance of the Retaliatory Policy, those in control of the District and Board have not corrected or remedied those actions despite having actual notice, or at a minimum constructive notice, of the misconduct, they have shown a deliberate indifference to or tacit authorization of such misconduct, and they have otherwise ratified the conduct despite the known or obvious consequences that such actions would have.

56. With respect to McNeally and the Retaliatory Policy, those in control of the District and Board are not only aware of the actions taken with respect to her as evidenced by their public statements and own actions, but they were directly involved in and facilitated those actions, have failed to correct or remedy those actions, and have otherwise ratified those actions despite the known or obvious consequences that such actions would have with respect to McNeally’s constitutionally protected rights as set forth herein.

57. This Retaliatory Policy is further evidenced in part by a member of the Board who disagrees with certain actions and tactics of those in control of the Board and District, and who communicated with McNeally regarding teachers’ and parents’ fear of speaking

up against the views and opinions of those in control of the District and Board, who stated, among other things: **“I agree with you wholeheartedly. It’s not okay when people are afraid to speak their minds...”** and **“[u]nfortunately they are refusing to listen to any opinion other than their own.”** (emphasis added). After McNeally subsequently informed the member of the Board that she was terminated, the member stated: **“I’m sorry to hear that. I was hoping that wouldn’t happen but then you would have a target on your back...”** (emphasis added).

58. Throughout the events described herein and in addition to the facts set forth above, McNeally and others who worked to raise awareness about the effects of forcing students to wear masks in school, and who spoke out in opposition to forcing students to wear masks in school, were subject to intimidation and bullying from those who supported blanket mask mandates, including from the majority of the Board and other members of the public. As stated by the Board member referenced above who disagrees with certain actions and tactics of those in control of the Board and District: **“[it is] hard to continue taking the high road when the pro-masking crowd [is] constantly bullying those who are opposed to mandates... Aren’t we supposed to be opposing bullying? Kind of hard to do that when the ones that are ‘adults’ in the room are doing just that.”**

59. Upon information and belief, the School Defendants did not: ban members of the public from attending Board meetings or voting at the District’s office or at West Middle School, unless they first obtained Redmond’s permission; seek the suspension or termination of employment of members of the public; or otherwise seek to infringe upon the constitutionally protected rights of members of the public who: supported the Board,

Peterson, and/or Redmond; who supported the levy; who supported forcing students to wear masks in school; who bullied those in opposition to forcing students to wear masks; or who spoke critically of the Board member who disagreed, in whole or in part, with the School Defendants' views on matters, including on forcing students to wear masks in school.

**COUNT ONE**  
**First Amendment Retaliation in Violation of 42 U.S.C. § 1983**  
**(Against all Defendants)**

60. Plaintiff realleges all facts in this Complaint as if fully set forth herein.

61. The First Amendment prohibits government officials from subjecting an individual to retaliatory actions on the basis of constitutionally protected rights. Section 1983 imposes liability for certain actions taken under color of law that deprive a person of a right secured by the Constitution and laws of the United States. A public employee acts under color of state law while acting in his official capacity or while exercising his responsibilities pursuant to state law, and abuses the position given to him by the state. A private party will be held liable under Section 1983 if it was a willful participant in joint activity with a state actor to deprive a person of a right secured by the Constitution and laws of the United States.

62. McNeally exercised rights protected by the First and Fourteenth Amendments—including, but not limited to, her right to free speech, freedom of expression, to assemble, and to petition the government for a redress of grievances—by, among other things, attending the school Board meetings, by holding a sign that identified her viewpoints on matters of public concern and matters that were a topic of discussion of

the Board of the District where her two children attend school, by forming a group to raise public awareness of matters that were pending before the Board, and by expressing concerns of the actions of an elected official based on events that are factually accurate as evidenced by the audio and video recording of the Board meeting that was the subject of her Post (collectively “Protected Activities”).

63. Defendants’ actions in threatening McNeally as a result of her Protected Activities, conspiring to suspend and terminate McNeally as a result of her Protected Activities, subsequently suspending and terminating McNeally as a result of her Protected Activities, in addition to the School Defendants’ actions in banning her from attending Board meetings, and from voting in the November election unless she first received Redmond’s permission to vote as a result of her Protected Activities (collectively “Retaliatory Actions”), sought to deprive and did deprive McNeally of rights, privileges, and immunities secured by the Constitution, including pursuant to the First and Fourteenth Amendments.

64. Defendants Retaliatory Actions caused injury to McNeally including, but not limited to, loss of employment, loss of income and benefits, loss of standing in the community, damage to her reputation, and emotional injury.

65. McNeally was singled out and targeted by Defendants as a result of her Protected Activities. Defendants’ Retaliatory Actions were a direct result of McNeally engaging in Protected Activities, or at a minimum McNeally’s Protected Activities were a substantial and/or motivating factor in Defendants’ Retaliatory Actions. But for McNeally’s Protected Activities, Defendants would not have engaged in the Retaliatory

Actions, and McNeally would not have been injured. Defendants' Retaliatory Actions would chill a person of ordinary firmness from engaging in or from continuing to engage in Protected Activities, and McNeally has, for example, ceased attending Board meetings and engaging in other activities as a result of the Retaliatory Actions.

66. Puffer, Redmond, and Peterson knew or should have known and understood, and a reasonable person would have known and understood, that engaging in the Retaliatory Actions, including their actions in conspiring to secure and subsequently securing the suspension and termination of McNeally from HomeTown Bank as a result of her Protected Activities, Redmond threatening McNeally as a result of her Protected Activities, and banning her from attending Board meetings and from voting in the November election unless she first received Redmond's permission to vote, violated clearly established constitutional rights, including rights protected by the First and Fourteenth Amendments.

67. The Retaliatory Actions to which McNeally was subjected were taken under color of state law because, among other things: Redmond, Peterson, and other Board members discussed these issues and planned their course of action in their capacities as District officials; Redmond held a meeting and follow-up conversations with Puffer in his capacity as Superintendent of the District to discuss matters involving the District, the Board, and McNeally; the Letter from Redmond to Puffer was sent from Redmond's District email address, copied another District official, the Letter was on District letterhead and from "Superintendent Mike Redmond," and was signed by Redmond. The Letter further made requests and demands on behalf of the School Defendants, and further

instituted restrictions on McNeally with respect to the District, which were only made possible by virtue of: Redmond's position as Superintendent of the District and the authority vested in him pursuant to the Board, Peterson, and applicable law; and the School Defendants' relationship with and influence over the Bank Defendants.

68. The Bank Defendants were willful participants in joint activity with the School Defendants by conspiring and acting in concert with each other to retaliate against McNeally for engaging in Protected Activities and to preclude her from engaging in similar Protected Activities in the future. The Bank Defendants and School Defendants had a mutual understand and a meeting of the minds concerning the unlawful objective of their conspiracy to threaten McNeally for engaging in Protected Activities and to preclude her from engaging in similar Protected Activities in the future, and to retaliate against her for her Protected Activities by securing her suspension and termination of employment.

69. The Defendants' conspiracy, mutual understanding, and meeting of the minds is evidenced by, among other things: Redmond's meeting with Puffer; Puffer texting McNeally during her meeting with Redmond regarding her Protected Activities and informing her that the District was behind the issue; the follow-up conversations with Redmond and Puffer; their email and Letter communications; Puffer informing McNeally that she met with Redmond and that "Peterson and another Board member" were behind the issue; based on Puffer's statement and her communications with Redmond, upon information and belief, Peterson and another Board member communicated with each other, Redmond, and/or Puffer regarding McNeally's Protected Activities and their Retaliatory Actions; and the Bank Defendants immediately complying with each of

Redmond's demands made on behalf of the School Defendants, despite McNeally informing Puffer that her Protected Activities were constitutionally protected and that the school did not have a right to make such demands through her.

70. The Retaliatory Actions taken against McNeally were in furtherance of the Retaliatory Policy of ignoring, suppressing, and silencing the views of parents who oppose the School Defendants' agenda, and intimidating, targeting, threatening, and retaliating against parents who oppose their views and opinions in violation of statutorily or constitutionally protected rights, as set forth herein, and as confirmed in part by a member of the Board. The Retaliatory Actions taken against McNeally were also in furtherance of the policy, custom, and practice of HomeTown Bank of complying with requests and demands of the School Defendants, regardless of whether those requests and demands violate statutorily or constitutionally protected rights as set forth herein, as a result of the relationship between the Bank Defendants and the School Defendants, and the School Defendants' influence over the Bank Defendants.

71. Defendants' actions were intentional, willful, motivated by evil and malicious motive and intent, and involved reckless and callous indifference to McNeally's constitutionally protected rights.

72. As a result of the actions of Defendants, McNeally suffered damages that include, but are not limited to, lost wages, lost benefits, emotional distress, and additional damages to be established at trial, plus costs, reasonable attorneys' fees, and other relief as allowed by law.

**COUNT TWO**  
**Tortious Interference with Employment Agreement**  
**(Against Defendant Michael Redmond)**

73. Plaintiff realleges all facts in this Complaint as if fully set forth herein.

74. McNeally had an at-will employment agreement with HomeTown Bank to work as a full-time Personal Banker at its locations in Shakopee and at Shakopee High School, and Redmond was aware of the employment agreement between HomeTown Bank and McNeally as evidenced by the facts set forth herein.

75. Redmond intentionally and improperly interfered with McNeally's employment agreement with HomeTown Bank when he, among other things: met with Puffer to discuss McNeally, informed Puffer of McNeally's Protected Activities, and instructed Puffer to direct McNeally to delete the Post; when Puffer informed Redmond during a telephone call that McNeally refused to delete the Post Redmond, upon information and belief, instructed Puffer to suspend McNeally, and subsequently emailed the Letter to Puffer banning McNeally from District property and thus precluding her from working at HomeTown Bank's Shakopee High School location; and upon information and belief, Redmond used the School Defendants' relationship with and influence over the Bank Defendants to secure McNeally's suspension and termination.

76. As a direct result of the actions taken by Redmond as discussed above, and immediately following Redmond's conversation with Puffer and Puffer's receipt of Redmond's email and Letter, Puffer immediately suspended McNeally without pay. Shortly thereafter, the Bank Defendants terminated McNeally's employment, despite being

short staffed. But for Redmond's actions, McNeally would not have been suspended or terminated from HomeTown Bank.

77. Redmond's actions in securing McNeally's suspension and termination of employment from HomeTown Bank were taken in bad faith with bad motive, and without legal justification. Redmond's actions were taken to: retaliate against McNeally for engaging in Protected Activities; were intended to silence and suppress McNeally and intimidate others who may engage in similar Protected Activities in opposition to the School Defendants' agenda; and were intended to, and did, cause harm to McNeally.

78. As a result of the actions of Redmond, McNeally suffered damages that include, but are not limited to, lost wages, lost benefits, emotional distress, and additional damages to be established at trial, plus costs, reasonable attorneys' fees, and other relief as allowed by law.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests judgment from this Court as follows:

1. Finding Defendants jointly and severally liable under Count One and Defendant Michael Redmond liable under Count Two;
2. Issuing injunctive relief to prevent Defendants from engaging in wrongful conduct;
3. Awarding Plaintiff compensatory damages and punitive damages;
4. Awarding Plaintiff her costs, reasonable attorneys' fees, and other relief permitted by law; and

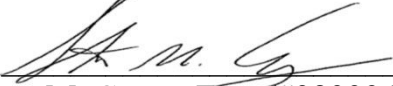
5. Awarding such further relief that the Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiff requests a jury trial on all questions of fact raised in her Complaint.

Dated: December 5, 2021

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***ATTORNEYS FOR PLAINTIFF***

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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