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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SPOKANE COUNTY

Tracy L. Skaer,

Plaintiff,

v.

Washington State University (“WSU”), an agency of the State of Washington; Gary Pollack, individually and as WSU Dean of the College of Pharmacy; John White, individually and as WSU Chairman of the Department of Pharmacotherapy; and Daniel Bernardo, individually and as WSU Provost and Executive Vice President.

Defendants.

NO.

COMPLAINT FOR DAMAGES

Plaintiff, Tracy L. Skaer, by her attorney, Susan W. Troppmann of Paukert & Troppmann, PLLC, complains and alleges as follows:

I. PARTIES, JURISDICTION AND VENUE

- 1.1 Defendant Washington State University (hereinafter “WSU”) is an agency of the state of Washington. WSU has campuses in Pullman and Spokane, Washington.
- 1.2 Defendant Gary Pollack (“Pollack”) is employed by WSU and serves as Dean of the College of Pharmacy which is located on WSU’s campus in Spokane, Washington. At

1 material times hereto, Pollack was acting within the course and scope of his employment
2 with WSU. On information and belief, Pollack resides in Spokane County, Washington.

3 1.3 Defendant John White ("White") is employed by WSU and serves as Chairman of the
4 Department of Pharmacotherapy within the College of Pharmacy which is located on
5 WSU's campus in Spokane, Washington. At material times hereto, White was acting
6 within the course and scope of his employment with WSU. On information and belief,
7 White resides in Spokane County, Washington.

8 1.4 Defendant Daniel Bernardo ("Bernardo") is employed by WSU and serves as Provost and
9 Executive Vice President. At material times hereto, Bernardo was acting within the course
10 and scope of his employment with WSU. On information and belief, Bernardo resides in
11 Whitman County, Washington.

12 1.5 Acts and omissions of WSU employees alleged herein were within the course and scope of
13 their employment with WSU.

14 1.6 Plaintiff, Tracy L. Skaer ("Skaer"), has been employed by WSU as a professor for
15 approximately twenty-five years. At material times hereto, Skaer has been a professor in
16 the Department of Pharmacotherapy within College of Pharmacy which is located on
17 WSU's Spokane campus.

18 1.7 Over sixty days prior to the commencement of this action, Skaer filed a Tort Claim
19 Notice with the State of Washington.

20 1.8 Skaer received a Notice of Right to Sue from the Department of Justice, Civil Rights
21 Division, on June 12, 2017.

22 1.9 This court has jurisdiction over the parties and subject matter, and venue is proper in
23 Spokane County, Washington.

24 II. FACTS

25 2.1 Skaer has been employed by WSU as a professor in the College of Pharmacy,
26 Pharmacotherapy Department since 1991.

27 2.2 Skaer was promoted to Associate Professor with tenure in 1996 and to Professor in 2002.

28 2.3 As evidenced by her promotions and performance evaluations, Skaer enjoyed a successful
29 and rewarding career at WSU for two decades. Skaer continued to meet the legitimate
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1 expectations of the Pharmacotherapy Department until 2011, when her performance was
2 deemed inadequate. Skaer worked diligently to address the inadequacies and, in 2012,
3 her performance once again met expectations.

4 2.4 Skaer has been diagnosed with disabling conditions including lupus, chronic fatigue,
5 fibromyalgia, an autoimmune condition [REDACTED]
6 [REDACTED]

7 2.5 Beginning in 2013, Skaer sought reasonable accommodations to enable her to perform the
8 essential functions of her job without aggravating her physical and mental impairments,
9 and to promote improved job performance.

10 2.6 On or about August 5, 2013, Skaer informed defendant Pollack and WSU's Human
11 Resources Services ("HRS") of her need for reasonable accommodation.

12 2.7 On or about August 16, 2013, defendant Pollack submitted a formal complaint letter to
13 defendant Bernardo alleging Skaer's performance was inadequate based, in part, on her
14 "frequent absences from the workplace."

15 2.8 On or about October 29, 2013, Skaer submitted a Health Care Provider Statement for
16 Reasonable Accommodation to WSU. The form was completed by Skaer's physician, Dr.
17 Paris Kharbat.

18 2.9 In the Health Care Provider Statement submitted to WSU, Dr. Kharbat identified multiple
19 permanent disabling physical conditions including [REDACTED]

20 [REDACTED] Dr. Kharbat also listed Skaer's mental health conditions including [REDACTED]
21 [REDACTED]

22 2.10 Dr. Kharbat identified medically necessary accommodations required to enable Skaer to
23 perform her work without exacerbating Skaer's disabilities and related stress, pain and
24 fatigue. Dr. Kharbat stated Skaer "can perform all of the duties of the current job with
25 proposed modifications."

26 2.11 The medically necessary accommodations identified by Dr. Kharbat included allowing
27 Skaer to telecommute as needed.

28 2.12 WSU's Commute Trip Reduction policy "recognizes telework as a work option that may
29 meet a variety of needs." Pursuant to WSU policy, "a telework arrangement may be
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1 assigned or established through mutual agreement between a department head and an
2 employee.”

3 2.13 Daily presence on WSU’s campus is not an essential function of the job of faculty in the
4 College of Pharmacy. The College expressly recognizes “that faculty can and do work
5 productively from a variety of locations.”

6 2.14 On or about November 25, 2013, Skaer provided a signed Medical Release Statement
7 form authorizing WSU representatives to speak with Dr. Kharbat regarding the proposed
8 accommodations.

9 2.15 On or about January 16, 2014, WSU sent a “clarification request” letter to Dr. Kharbat.
10 WSU asked Dr. Kharbat to clarify “what frequency, duration and potential reason
11 telecommuting may be necessary (sic) in relation to [Skaer’s] job duties as described
12 above.”

13 2.16 On or about January 23, 2014, Dr. Kharbat explained the telecommuting accommodation
14 as follows:

15 This is a minimal request to telecommute 2 to 4 days each month. Sitting in
16 front of a computer over four hours can exacerbate stress, pain and fatigue.
17 Allowing Dr. Skaer a few days a month, “if/when needed”, of working in a
18 low stress environment will help to improve her productivity, reduce pain
and fatigue. ...

19 It is medically appropriate for Dr. Skaer to arrange her work week with these
20 accommodations to assist her with her illness management and optimize her
productivity.

21 2.17 HRS employees discussed Skaer’s request for accommodation with defendants Pollack
22 and White. Defendants Pollack and White did not discuss Skaer’s request with Skaer.

23 2.18 On or about March 6, 2014, more than four months after Skaer submitted her first written
24 request for reasonable accommodation, WSU denied her request to telecommute two to
25 four days a month as needed. WSU’s failure to grant a medically necessary
26 accommodation aggravated Skaer’s disabilities, increased her stress, pain and fatigue,
27 and negatively impacted her ability to perform her job duties.

28 2.19 On or about February 4, 2014, defendant White wrote a letter to defendant Bernardo
29 alleging Skaer engaged in plagiarism constituting research misconduct. This led to an
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1 “investigation” by a three-person “inquiry committee” including interviews on June 24
2 and 25, 2014, and an Inquiry Report dated November 6, 2014. The inquiry committee
3 concluded there was “insufficient evidence” to support defendant White’s allegations of
4 plagiarism and research misconduct against Skaer.

5 2.20 On or about June 18, 2014, defendant Bernardo informed Skaer that there would be
6 another “investigation” relating to allegations made by defendant Pollack ten months
7 earlier, including the allegation that Skaer was frequently absent from work. Professor
8 [REDACTED] conducted the investigation.

9 2.21 WSU provided [REDACTED] with Skaer’s medical documents which had been confidentially
10 submitted to HRS by Skaer and/or Dr. Kharbat. These documents contained specific
11 information about Skaer’s disabilities and medical conditions. Skaer had not given oral
12 or written consent to HRS to make such a disclosure.

13 2.22 The “investigations” initiated against Skaer in 2014 were undertaken because of her
14 disabilities and request for accommodation, and in retaliation for her participation in
15 protected activity. The hostile work environment created by defendants’ conduct
16 continued to negatively impact Skaer’s health and her ability to perform her job duties.

17 2.23 Skaer submitted a request for medical leave which was certified by Dr. Kharbat on or
18 about July 23, 2014.

19 2.24 WSU approved Skaer’s request for medical leave from July 23, 2014 through September
20 12, 2014. The leave period was subsequently extended.

21 2.25 On or about September 19, 2014, Skaer submitted two Health Care Provider Statements
22 for Return to Work/Work Assessment forms. Dr. Kharbat and Skaer’s psychiatrist, Dr.
23 Niels Nielsen both listed [REDACTED] as diagnoses and both stated:

24 [Skaer is] able to perform all the essential functions of her job that require
25 her presence on campus. However, [she] requires accommodation to work
26 from home 1 or 2 days a week as needed.

27 Drs. Kharbat and Nielsen both checked “Yes” after the question: “Are these restrictions
28 medically necessary?”
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1 2.26 On or about October 9, 2014, after returning from medical leave, Skaer submitted a
2 Reasonable Accommodation Status Review Letter to WSU. Skaer asked that WSU refer
3 to the Health Care Provider Statements for Return to Work/Work Assessment forms
4 which stated Skaer "requires accommodation to work from home 1 or 2 days a week as
5 needed."

6 2.27 On or about October 20, 2014, Skaer submitted an Accommodation Request for
7 Disability or Serious Medical Condition form and a second Medical Release Statement.
8 Skaer again requested the ability to "work from home per health care providers
9 instructions up to 2 days per week as needed" and referenced WSU's Commute Trip
10 Reduction policy.

11 2.28 HRS employees discussed Skaer's second written request for accommodation with
12 defendants Pollack and White. Defendants Pollack and White did not discuss Skaer's
13 request with Skaer.

14 2.29 No one from WSU ever communicated with Dr. Kharbat or Dr. Nielsen about the nature,
15 necessity or feasibility of Skaer's second request for accommodation to allow her to
16 occasionally to work from home.

17 2.30 [REDACTED] prepared an investigation report dated December 8, 2014. According to the report,
18 the "most serious" allegations against Skaer related to her "unreasonable requests for
19 accommodation." [REDACTED] falsely reported that WSU granted Skaer's requests to
20 telecommute, and falsely concluded "Skaer's record indicates that she has claimed
21 accommodations in excess of those recommended by her medical provider."

22 2.31 [REDACTED] also falsely stated that "Skaer intentionally misrepresented the honors she earned at
23 her Ph.D. graduation."

24 2.32 On or about January 14, 2015, approximately four months after Skaer submitted her
25 Work Assessment forms and more than three months after she submitted her second
26 written request for reasonable accommodation, WSU denied Skaer's request to work
27 from home, as follows:

28 Pharmacotherapy faculty are expected to be on campus to fulfill the
29 research, teaching and service requirements. Should work be identified by
30 your department Chair that is able to be completed offsite, you will be

1 advised of that work and departmental expectations regarding its
2 completion. Absent pre-approved offsite work assignments identified by
3 your department Chair, you will be able to take intermittent [FML] leave for
4 1 to 2 days per week. ... [Emphasis added].

5 2.33 Although many of Skaer's duties could be completed off campus and WSU policy
6 permits "telework arrangements", defendant White never identified or advised Skaer of
7 any "work that is able to be completed offsite."

8 2.34 Defendants' refusal and ongoing failure to grant Skaer's request to work from home
9 continued to exacerbate her disabilities and negatively impact her ability to perform her
10 job duties.

11 2.35 On or about February 13, 2015, defendant Bernardo suggested several times during the
12 course of a meeting with Skaer that she should consider an "exit strategy."

13 2.36 On or about March 12, 2015, defendant Bernardo issued "an official letter of censure" to
14 Skaer based on [REDACTED] investigation report and the Inquiry Report. Defendant Bernardo
15 censured Skaer for using medical leave "without prior approval"; falsely accused Skaer
16 of "intentionally misrepresenting honors associated with earning [her] Ph.D."; and falsely
17 stated the inquiry committee found a "breach of professional ethics."

18 2.37 In his letter of censure, defendant Bernardo demanded Skaer report any unscheduled
19 absence due to illness to defendant White "no later than 10 am on the date of absence."
20 This reporting requirement is not imposed on faculty without disabilities and is not
21 consistent with applicable sick and medical leave policies.

22 2.38 Between June 16, 2015 and June 25, 2015, Skaer submitted another round of paperwork
23 in support of her ongoing request for reasonable accommodation including the ability to
24 work from home one to two days per week. This third written request for reasonable
25 accommodation was supported by the statements of Dr. Eric Mueller who diagnosed
26 [REDACTED]

27 2.39 As part of her third written request for reasonable accommodation, Skaer requested a
28 Commuter Trip Reduction agreement to work from home two days per week "per health
29 care provider instructions" and identified multiple tasks she could perform at home "via
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1 computer or other technology.” Dr. Mueller elaborated on the request by letter dated June
2 18, 2015, as follows:

3 ... I have been caring for the patient for about a year for a severe
4 autoimmune condition. She has been able to perform all essential functions
5 of her job that required her presence on campus including teaching,
6 committee work, and attendance at meetings.

7 I am recommending accommodations to work from home at least two days a
8 week for tasks that may be completed off campus such as: working with
9 colleagues, students and staff using electronic communication; conference
10 calls and teleconferencing; grant proposal and manuscript writing; preparing
11 course materials for teaching and uploading needs to the course “Blackboard
12 Site”; preparing examination materials for “Blackboard” quizzes and
13 “Examsoft” testing; grading student exams and writing assignments; online
14 office hours/chat/discussion board with students; reviewing and preparing
15 comments for tenure and promotion dossiers; providing peer review for
16 grants and manuscripts; preparing presentations for medical professional
17 conferences; submission of leave requests and reports; ordering items as
18 needed for research studies; and answering phone calls at her home that are
19 made to her office directly via call forwarding.

20 2.40 Dr. Mueller indicated Skaer could perform her job duties with the proposed
21 modifications and that the modifications were medically necessary.

22 2.41 HRS employees discussed Skaer’s third written request for accommodation with
23 defendants Pollack and White. Defendants Pollack and White did not discuss Skaer’s
24 request with Skaer.

25 2.42 No one from WSU spoke to Dr. Kharbat, Dr. Nielsen or Dr. Mueller about the nature,
26 necessity or feasibility of Skaer’s third request for an accommodation to allow her to
27 occasionally work from home.

28 2.43 On or about July 28, 2015, defendant Pollack sent a memorandum to Skaer accusing her
29 of “unprofessional conduct” and “misrepresent[ing] her academic record.” Pollack
30 reprimanded Skaer for discussing WSU’s unauthorized disclosure of her medical records.
The memorandum, including false statements impugning Skaer’s reputation, was placed
in Skaer’s personnel file.

2.44 On or about August 3, 2015, more than six weeks after Skaer submitted her third written
request for reasonable accommodation and Dr. Mueller’s recommendations, WSU again

1 denied Skaer's request to work from home unless defendant White identified work that
2 could be completed offsite, as follows:

3 Should work be identified by your department Chair that is able to be
4 completed offsite, you will continue to be advised of that work and
5 departmental expectations regarding its completion. [Emphasis added].

6 2.45 Although Skaer and Dr. Mueller had listed duties that could be completed off campus
7 and WSU policy permits "telework arrangements", defendant White never identified or
8 advised Skaer of any "work that is able to be completed offsite."

9 2.46 Defendants' refusal and ongoing failure to grant Skaer's request to work from home
10 continued to exacerbate her disabilities and negatively impact her ability to perform her
11 job duties.

12 2.47 On or about January 25, 2016, Skaer submitted another round of paperwork in support of
13 her ongoing request for reasonable accommodation. Skaer requested a Commute Trip
14 Reduction "Agreement to work from home 2 days/week on tasks readily completed by
15 computer, per health care providers' instructions."

16 2.48 No one from WSU spoke to Dr. Kharbat, Dr. Nielsen or Dr. Mueller about the nature,
17 necessity or feasibility of Skaer's fourth request for accommodation to allow her to
18 occasionally work from home.

19 2.49 On March 2, 2016, defendant White issued an annual performance review for Skaer
20 stating her "overall level of productivity ... was unsatisfactory." Skaer's alleged
21 performance inadequacies are directly related and were proximately caused by
22 defendants' failure to provide a medically necessary accommodation, and by the hostile
23 work environment created by defendants' ongoing and unlawful pattern of conduct.

24 2.50 On or about March 23, 2016, having received no response from WSU to her fourth
25 written request for accommodation, Skaer filed a Charge of Discrimination with the
26 Equal Employment Opportunity Commission ("EEOC") and Washington Human Rights
27 Commission ("HRC").

28 2.51 Approximately one month later, on or about April 28, 2016, WSU finally albeit
29 conditionally granted Skaer's request to work from home. WSU's denial of this
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1 medically necessary accommodation for approximately thirty months was not based on
2 undue hardship.

3 2.52 On or about July 6, 2016, defendant Bernardo informed Skaer of yet another
4 "investigation." As partial justification for the "investigation," defendant Bernardo
5 falsely asserted WSU provided Skaer with the option of working from home as a
6 reasonable accommodation "for the last several years," and falsely alleged Skaer "failed
7 to request use of that reasonable accommodation." [REDACTED]

8 [REDACTED] was tasked with performing this third
9 "investigation."

10 2.53 Like the earlier "investigations" against Skaer, the [REDACTED] investigation was initiated
11 because of Skaer's disabilities and resulting conduct, and in retaliation for her
12 accommodation requests and participation in protected activity.

13 2.54 On or about December 1, 2016, [REDACTED] issued a written report covering the timeframe
14 between March 12, 2015 and July 6, 2016. This fifteen-month time period included
15 thirteen months during which Skaer was forced to work without a medically necessary
16 reasonable accommodation. [REDACTED] concluded Skaer had not fully complied with
17 performance expectations during this time period.

18 2.55 [REDACTED] declined to substantively address Skaer's complaints that she had been denied
19 reasonable accommodation and that WSU's failure to provide reasonable accommodation
20 "hampered her productivity."

21 III. FIRST CAUSE OF ACTION: DISCRIMINATION

22 3.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
23 allegations by reference as though fully set forth herein.

24 3.2 Skaer is, and at all material times has been, a person with disabilities and a member of a
25 protected class entitled to protection under Washington's Law Against Discrimination and
26 the Americans with Disabilities Act.

27 3.3 Skaer's disabilities have a substantially limiting effect on her ability to perform her job.

28 3.4 Skaer informed defendants of her disabilities and limitations.
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- 1 3.5 Defendants subjected Skaer to disparate treatment and harassment because of her
2 disabilities and related conduct.
- 3 3.6 At all material times, Skaer has been qualified to perform the essential duties of her
4 position with or without reasonable accommodation.
- 5 3.7 Skaer requested defendants provide medically necessary reasonable accommodations
6 including the ability to occasionally work from home.
- 7 3.8 Defendants failed to respond to Skaer's requests for reasonable accommodation in a
8 timely manner; failed to engage in a meaningful interactive process; and for
9 approximately thirty months failed and refused to provide a medically necessary
10 accommodation.
- 11 3.9 Medical documentation establishes a reasonable likelihood that engaging in job functions
12 without recommended accommodations would aggravate Skaer's disabilities and
13 negatively impact her ability to perform her job.
- 14 3.10 Defendants' refusal to reasonably accommodate Skaer did, in fact, aggravate her
15 disabilities and negatively impact her health and job performance.
- 16 3.11 Allowing Skaer to occasionally work from home as recommended by her health care
17 providers would not have imposed an undue hardship on defendants.
- 18 3.12 Defendants' acts and omissions violate Washington's Law Against Discrimination and
19 the Americans with Disabilities Act and were intended to force Skaer to leave her
20 employment.
- 21 3.13 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
22 amount to be proven at trial.

23 IV. SECOND CAUSE OF ACTION: RETALIATION

- 24 4.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
25 allegations by reference as though fully set forth herein.
- 26 4.2 Skaer engaged in protected activity including but not limited to requesting reasonable
27 accommodation; using earned sick and annual leave for approved intermittent medical
28 leave; and complaining about defendants' conduct which she reasonably believed was
29 unlawful.
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1 4.3 Defendants retaliated against Skaer because she engaged in protected activity. Defendants'
2 retaliatory actions include but are not limited to refusing to provide a medically necessary
3 reasonable accommodation for approximately thirty months; creating a hostile work
4 environment; making false and disparaging accusations against Skaer; and subjecting Skaer
5 to discriminatory terms and conditions of employment.

6 4.4 Defendants' acts and omissions violate Washington's Law Against Discrimination and
7 the Americans with Disabilities Act and were intended to force Skaer to leave her
8 employment.

9 4.5 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
10 amount to be proven at trial.

11 V. THIRD CAUSE OF ACTION: INFLICTION OF EMOTIONAL DISTRESS

12 5.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
13 allegations by reference as though fully set forth herein.

14 5.2 Defendants intentionally and/or negligently caused Skaer emotional distress by, inter alia,
15 making false accusations against her and impugning her professional reputation; disclosing
16 her confidential medical records without her consent; and subjecting her to unwarranted
17 personal attacks.

18 5.3 Defendants' acts and omissions were intended to force Skaer to leave her employment.

19 5.4 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
20 amount to be proven at trial.

21 VI. FOURTH CAUSE OF ACTION: VIOLATION OF PERSONNEL POLICIES

22 6.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
23 allegations by reference as though fully set forth herein.

24 6.2 According to WSU's Faculty Manual and other personnel policies including but not limited
25 to WSU's Business Policies and Procedures Manual, WSU complies with Washington's
26 Law Against Discrimination, the Rehabilitation Act of 1973, the Americans with
27 Disabilities Act and the Family and Medical Leave Act.

28 6.3 WSU's Business Policies and Procedures Manual mandates that medical information about
29 an employee that is received by WSU, including medical information received in
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1 connection with a request for reasonable accommodation, must be held confidentially and
2 not disclosed absent consent.

3 6.4 Defendants violated these promises of specific treatment in specific situations contained in
4 WSU's personnel policies.

5 6.5 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
6 amount to be proven at trial.

7 VII. FIFTH CAUSE OF ACTION: INVASION OF PRIVACY

8 7.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
9 allegations by reference as though fully set forth herein.

10 7.2 Defendants placed documents in Skaer's personnel file including statements that were
11 knowingly false or made with reckless disregard for the truth.

12 7.3 The statements made by defendants placed Skaer in a false light which would be highly
13 offensive to a reasonable person.

14 7.4 The documents placed in Skaer's personnel file containing false and highly offensive
15 statements are published public records.

16 7.5 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
17 amount to be proven at trial.

18 VIII. SIXTH CAUSE OF ACTION: DEFAMATION

19 8.1 Skaer realleges the facts set forth in the preceding paragraphs and incorporates all
20 allegations by reference as though fully set forth herein.

21 8.2 Defendants placed documents in Skaer's personnel file including defamatory statements
22 that were knowingly false or made with reckless disregard for the truth.

23 8.3 The documents placed in Skaer's personnel file containing false and defamatory statements
24 are published public records.

25 8.4 The publication of defamatory statements by defendants was not privileged.

26 8.5 As a direct and proximate result of defendants' conduct, Skaer has been damaged in an
27 amount to be proven at trial.
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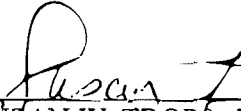
PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment as follows:

- 1. That defendants be held liable, jointly and severally, for all of plaintiff's special, general and compensatory damages in amounts to be proven at trial;
- 2. For punitive damages as allowed by law;
- 3. For attorney's fees and costs as allowed by law;
- 4. For prejudgment interest as allowed by law; and
- 5. For such additional relief as the Court may deem just and equitable.

DATED this 15 day of June 2017.

PAUKERT & TROPFMANN, PLLC

By: 
SUSAN W. TROPFMANN, WSBA No. ~~22235~~
Attorneys for Plaintiff

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SPOKANE COUNTY

Tracy L. Skaer,

Plaintiff,

v.

Washington State University (“WSU”), an agency of the State of Washington; Gary Pollack, individually and as WSU Dean of the College of Pharmacy; John White, individually and as WSU Chairman of the Department of Pharmacotherapy; and Daniel Bernardo, individually and as WSU Provost and Executive Vice President.

Defendants.

NO.

SUMMONS

- TO: WASHINGTON STATE UNIVERSITY
- AND TO: GARY POLLACK
- AND TO: JOHN WHITE
- AND TO: DANIEL BERNARDO**

A lawsuit has been started against you in the above-entitled court by plaintiff Tracy L. Skaer. The claims of plaintiff are stated in the written complaint, a copy of which is served upon you with this summons.

1 In order to defend against this lawsuit, you must respond to the complaint by stating your
2 defense in writing, and by serving a copy upon the undersigned attorneys for the plaintiff within
3 twenty (20) days after service of this summons, excluding the date of service, or a default judgment
4 may be entered against you without notice. A default judgment is one where plaintiff is entitled to
5 what she asks for because you have not responded. If you serve a notice of appearance on the
6 undersigned attorneys, you are entitled to notice before a default judgment may be entered.
7

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9 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand
10 must be in writing and must be served upon the undersigned attorneys for the plaintiff. Within
11 fourteen (14) days after you serve the demand, the plaintiff must file this lawsuit with the court, or
12 the service on you of this summons and complaint will be void.
13

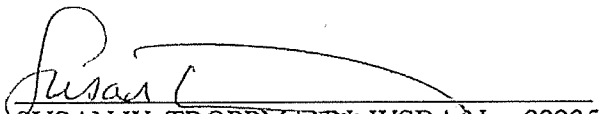
14 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
15 that your written response, if any, may be served on time.
16

17 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of
18 Washington.

19 DATED this 15 day of June 2017.

20 PAUKERT & TROPPEMANN, PLLC

21
22 By:


23 SUSAN W. TROPPEMANN, WSBA No. 22235
24 Attorneys for Plaintiff
25
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Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Washington State University Division

332 French Administration Bldg. • PO Box 641031 • Pullman, WA 99164-1031

Phone: (509) 335-2636 • FAX: (509) 335-1663

MEMORANDUM

DATE: June 20, 2017

TO: Kirk H. Schulz, President
Office of the President

Daniel Bernardo, Provost and Executive Vice President
Office of the Provost

Gary Pollack, Dean
John White, Chair, Department of Pharmacotherapy
College of Pharmacy

FROM: Danielle Hess, Senior Assistant Attorney General *dh*
Office of the Attorney General

SUBJECT: *Skaer v. WSU, et al.*
Spokane County Superior Court

CONFIDENTIAL AND PRIVILEGED:
WORK PRODUCT AND/OR
ATTORNEY-CLIENT COMMUNICATION

Transmitted Electronically Only

[1c]

als

Attachment

cc: Chris Hoyt, Chief of Staff, Office of the President
Dwight Hagihara, Executive Director, Env. Health & Safety and Risk Management
Phil Weiler, Vice President for Marketing and Communications
Kimberly Anderson, Executive Director for Compliance, Title IX/ADA Coord., OEO
Theresa Elliot-Cheslek, Assoc. Vice President & Chief Human Resources Officer, HRS

COPY
Original Filed

AUG 21 2017

Timothy W. Fitzgerald
SPOKANE COUNTY

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SPOKANE COUNTY

Tracy L. Skaer,

Plaintiff,

v.

Washington State University ("WSU"), an
agency of the State of Washington; Gary
Pollack, individually and as WSU Dean of
the College of Pharmacy; John White,
individually and as WSU Chairman of the
Department of Pharmacotherapy; and
Daniel Bernardo, individually and as WSU
Provost and Executive Vice President.

Defendants.

NO. 17203264-1

ACCEPTANCE OF SERVICE

The undersigned, Carl P. Warring, Assistant Attorney General of the State of Washington and attorney for defendants Washington State University, Gary Pollack, John White and Daniel Bernardo, acknowledges that he is authorized to waive personal service and accept service of the Summons and Complaint for Damages herein on behalf of the defendants Washington State University, Gary Pollack, John White and Daniel Bernardo; and the undersigned does hereby accept service of the Summons and Complaint for Damages on behalf of Washington State University, Gary Pollack, John White and Daniel Bernardo as though they were personally served.

Acceptance of Service - 1

PAUKERT & TROPPEMANN, PLLC
522 W. Riverside Ave., Suite 560
Spokane, WA 99201
Telephone: (509) 232-7760

1 DATED this 15th day of June 2017.

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4 By:



CARL P. WARRING, WSBA No. 27164
Washington State Office of the Attorney General
Assistant Attorney General
1116 W. Riverside, Suite 100
Spokane, WA 99201
Telephone: (509) 458-3541
Email: carlw@atg.wa.gov


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Acceptance of Service - 2

PAUKERT & TROPFMANN, PLLC
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Spokane, WA 99201
Telephone: (509) 232-7760

(Copy Receipt)

Clerk's Date Stamp

 <p style="text-align: center;">SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE</p>	<p>JUDGE JULIE M. MCKAY 98</p>
<p>SKAER, TRACY L.</p> <p>Plaintiff(s)/Petitioner(s),</p> <p>vs.</p> <p>WA ST UNIVERSITY ETAL</p> <p>Defendant(s)/Respondent(s).</p>	<p>CASE NO. 2017-02-03264-1</p> <p>CASE ASSIGNMENT NOTICE AND ORDER (NTAS)</p> <p>CASE STATUS CONFERENCE DATE: DECEMBER 1, 2017 AT 8:30 AM</p>

ORDER

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon two days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <http://www.spokanecounty.org/1140/Superior-Court>

DATED: 08/21/2017



MICHAEL P. PRICE
PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).