

No. 42011-2-II

COURT OF APPEALS  
DIVISION II  
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STATE OF WASHINGTON  
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**COURT OF APPEALS, DIVISION TWO  
OF THE STATE OF WASHINGTON**

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**JULIE SHORT,**

**Appellant,**

**v.**

**BATTLE GROUND SCHOOL DISTRICT and ROCHONNE BRIA,**

**Respondents.**

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**BRIEF OF RESPONDENT**

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11-20-71  
PM 4-10-71

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## I. INTRODUCTION

Julie Short, the plaintiff below and a former employee of the Battle Ground School District, sued the District and its Superintendent claiming that an alleged request from Superintendent Bria that Ms. Short keep certain information confidential constituted religious discrimination and a failure to accommodate her religious beliefs. Ms. Short further claimed that the District retaliated against her for engaging in protected activity.

Ms. Short worked for the District as a clerical employee from January 2007 until her resignation in March 2008. Her claim of discrimination is based solely on her allegation that Dr. Bria asked her on February 21 or 22, 2008 to tell a lie *or* withhold information about District business from a District contractor, an act that Ms. Short claims violates her religious beliefs. *CP 49; Amended Complaint ¶ 10 (Appendix A)* Asking an employee to withhold information from a District contractor is nothing more than requesting the employee to maintain the confidentiality of District business and plainly does not constitute religious discrimination as a matter of law.

Nor did Ms. Short establish that the District failed to accommodate her religious beliefs by allowing her to perform her job without lying. *CP 80* Ms. Short admits that she was able to and did at all times perform her

job without lying. *CP 81, 84* Hence, no accommodation for her religious beliefs was necessary.

Ms. Short finally claims that the District retaliated against her for the assertion of her right to be free from religious discrimination. In fact, Ms. Short failed to engage in any such protected activity. She never even raised the issue of religious discrimination with any District administrator or Board member until she resigned her employment with the District. *CP 71*

In sum, Ms. Short failed to meet her burden of establishing religious discrimination, a failure to provide reasonable accommodation for known religious beliefs, or any retaliatory conduct as a result of engaging in protected activity. Consequently, the District and Dr. Bria were properly granted summary judgment.

## **II. ASSIGNMENTS OF ERROR**

The District and Dr. Bria do not contend that the Clark County Superior Court erred in any respect.

## **III. COUNTERSTATEMENT OF THE CASE**

This is an appeal from the decision of the Clark County Superior Court (Woolard, J.) granting summary judgment to the District and Dr. Bria on Ms. Short's three claims—religious discrimination, failure to

accommodate her religious beliefs, and retaliation for protected activity.

*CP 262-264*<sup>1</sup>

Ms. Short was hired on January 2, 2007, on the recommendation of Superintendent Bria, as a receptionist for the Human Resources Department in the District office. *CP 57-58* In September 2007, Ms. Short was assigned to a secretarial position, which position assisted an independent contractor, Kelly O'Brien, with District communications. *CP 60-61* Ms. Short knew that Ms. O'Brien was not an employee of the District. *CP 73*

Ms. Short alleges that there were three meetings over a period of two days in February 2008 where she met with Superintendent Bria and Dr. Bria's assistant, Irene Melton. *CP 168* Ms. Short recalls that in the first meeting she was asked to report about the progress of the planning for the Amboy Middle School grand opening. *CP 234*<sup>2</sup> During the meeting, Superintendent Bria directed Ms. Short not to tell Ms. O'Brien what was being discussed at the February 2008 meeting. *CP 219* Ms. Short testified that "the superintendent initially said that nothing in this meeting was to be discussed with Kelly O'Brien. . . ." *CP 235-236* Ms. Short admits that Superintendent Bria had the authority to give her that directive.

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<sup>1</sup> Judge Woolard orally granted the Summary Judgment after argument. The Order was submitted later and was actually signed by Judge Lewis.

<sup>2</sup> The District's Reply Memorandum and the declaration filed in support of the Reply are listed as a single document under the Clerk's Papers beginning at CP 189.

*CP 237* Ms. Short recalled that Dr. Bria mentioned something at the meeting about coming up with a cover story for Ms. O'Brien if she asked why they were meeting. Ms. Short suggested that she tell the truth, i.e. they were talking about the Amboy grand opening. According to Ms. Short, Superintendent Bria did not respond to her suggestion. *CP 238* Ms. Short admitted that Dr. Bria did not direct her to come up with a cover story. *CP 238-239*<sup>3</sup> Ms. Short was willing to obey the direction to keep the content of the meeting confidential "if [Dr. Bria] would have accepted the offer simply to tell Kelly O'Brien that we met to discuss the Amboy grand opening. But she said, no. And when I asked to refer Kelly O'Brien to her should she have questions, she said no." *CP 66* Ms. Short thought that Superintendent Bria was attempting "to make me lie or withhold vital information from Kelly O'Brien. . . ." *CP 69*

Ms. Short understood that the Superintendent's direction not to discuss matters concerning the grand opening event at Amboy Middle School with Ms. O'Brien came from Frederick Striker, then President of the District's Board of Directors. *CP 50-52* Superintendent Bria told Ms. Short to follow Mr. Striker's directive. Ms. Short does not claim that this

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<sup>3</sup> Ms. Short repeatedly and erroneously argues that she was "instructed to lie." Appellant's Opening Brief at 1, 2, 3, 4, 9, 13, 15, 19, and 20, . In the Amended Complaint, however, she admits that she was given the choice not to reveal a confidence. Amended Complaint ¶ 10. (Attached as Appendix A)

direction conveyed by Dr. Bria violated any of her rights. *CP 56* Ms. Short, in fact, honored Mr. Striker's directive. *CP 52* She does not claim that Mr. Striker asked her to lie. *CP 53-55*

Ms. Short continued to work at the District after the meeting on February 22, 2008. It is undisputed that Ms. Short was able to and did at all times perform her job without lying. *CP 81, 84<sup>4</sup>* On or about February 26, 2008, Ms. Short was permitted to work from home to care for a sick child. While working from home, she then took vacation and subsequently resigned her employment. Ms. Short resigned from her position with the District on March 20, 2008. *CP 82-84*

#### **IV. ARGUMENT**

##### **A. SUMMARY JUDGMENT WAS APPROPRIATE IN THIS CASE.**

The Superior Court properly granted summary judgment to the District and Dr. Bria because Ms. Short failed to establish the prima facie elements of each of her three claims and there are no genuine issues of material fact.

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<sup>4</sup> Ms Short sets forth alleged mistreatment that occurred several months before the February 2008 meeting. These facts are not relevant to her claim of retaliation for "refusing to lie" because they predate the February 2008 meeting. Appellant's Opening Brief, at 8.

**B. MS. SHORT FAILED TO ESTABLISH THAT THE DISTRICT OR DR. BRIA DISCRIMINATED AGAINST HER BECAUSE OF HER RELIGIOUS BELIEFS.**

Ms. Short's religious discrimination claim is based solely upon her belief that on or about February 21 or 22, 2009, Dr. Bria instructed her to lie *or* withhold information from Ms. O'Brien, a District contractor. She does not make any other claim of religious discrimination. *CP 49* Ms. Short did not in fact lie, had previously kept District information confidential, and was able to do her job without lying. *CP 56-59, 81*

Washington law prohibits an employer from discharging or otherwise discriminating against an employee on the basis of her religious beliefs. RCW 49.60.180 (2). *Hiatt v. Walker Chevrolet*, 120 Wn.2d 57, 837 P.2d 618 (1992), sets out the elements of a prima facie claim. The Washington Supreme Court set forth the following elements a plaintiff must plead and prove in order to establish a prima facie case of religious discrimination:

1. The employee has a bona fide religious belief that conflicts with an employment requirement;
2. The employee informed the employer of the conflict; and
3. The employee was discharged because of his or her refusal to comply with the requirement.

*Hiatt*, 120 Wn.2d at 64.

Ms. Short was thus required to establish facts showing that: (1) she had a bona fide religious belief against lying and that this belief conflicted with an employment requirement that she lie; (2) she informed the District of the conflict; and (3) she was fired because she refused to comply with the employment requirement. *Hiatt*, 120 Wn.2d at 66. Ms. Short has the burden of establishing *specific and material facts* to support each element of her prima facie case. *LaMon v. Butler*, 112 Wn.2d 193, 197, 770 P.2d 1027 (1989). She failed to establish any of the elements.

**1. MS. SHORT FAILED TO ESTABLISH A BONA FIDE RELIGIOUS BELIEF THAT CONFLICTED WITH AN EMPLOYMENT REQUIREMENT**

In order to establish the first element of her religious discrimination claim, Ms. Short must establish that lying was a requirement of her employment. This she cannot do. She admits that she was never directed to lie as a part of her job. All she was requested and required to do was to keep specific District information confidential. Ms. Short was not required to lie in order to carry out the Superintendent's directive to keep the contents of the February 2008 meeting confidential.

Ms. Short admits that Dr. Bria had the right to direct her to keep the subjects discussed at the meeting confidential. Indeed, employees owe their employers a common law duty of loyalty and confidentiality.

*Kieburz & Associates, Inc. v. Rehn*, 68 Wn. App. 260, 266 n.2, 842 P.2d 985 (1992); *see also Dicomis v. State*, 113 Wn.2d 612, 628, 782 P.2d 1002 (1989). Ms. Short's prima facie case necessarily fails because she cannot establish that lying was a requirement of her job.

*Hiatt* is instructive. The employee in *Hiatt* attended a sales training program that he decided conflicted with his religious beliefs. He left the five-day program a day early. He was later fired for performance issues. The Washington Supreme Court focused on the question of whether attending the sales training program was a requirement of his job. The employer conceded that the employee had a bona fide religious belief that conflicted with the training, but denied that the training was a requirement of the employee's continued employment. Because the employer did not mandate attendance at the training, the Supreme Court in *Hiatt* concluded that the employee could not establish the first element of a prima facie claim.

Likewise, Ms. Short cannot establish that lying was a requirement of her job. On one occasion during her 15 months of District employment, Dr. Bria told Ms. Short not to disclose certain information to a District contractor. While Ms. Short may have perceived that the Superintendent was telling her to lie, her Amended Complaint and own

sworn testimony do not support her perception. In her Amended Complaint, Ms. Short avers:

Defendant Bria stated that Plaintiff might be eligible for a transfer, but only if she would agree to *either withhold information from Ms. O'Brien or outright lie to her.*

Amended Complaint, ¶ 10 (emphasis supplied).

At deposition, Ms. Short testified that all that the Superintendent asked her to do was to keep confidential the topics discussed at the meeting. *CP 50* Ms. Short could easily do this without telling a lie. She could simply not volunteer what was discussed at the meeting or, if asked, she could have told Ms. O'Brien that she was not at liberty to discuss the meeting. Either way she would have complied with the lawful order of the Superintendent without violating her religious beliefs. Furthermore, Ms. Short cannot point to any evidence in the record that she was compelled to lie or did, in fact, lie to Ms. O'Brien. Rather, she was able to do her job without having to lie. *CP 81* Ms. Short has therefore failed to establish that lying was a required part of her job or how she compromised her religious beliefs at all in this case. She did not lie to Ms. O'Brien and she did not violate the Superintendent's directive. Simply stated, lying was not a job requirement so she did not face any religious dilemma. On this basis alone the Court should affirm the grant of summary judgment on Ms. Short's claim of religious discrimination.

**2. MS. SHORT FAILED TO INFORM THE DISTRICT OF THE CONFLICT**

The second element of a prima facie case of religious discrimination requires Ms. Short to establish that she informed her employer of her religious conflict. Pursuant to *Heller v. EBB Auto Co.*, 8 F.3d 1433, 1438 (9th Cir. 1993), an employee must inform her employer about her religious needs so that the employer can understand the conflict between the employer's expectations and the employee's religious practices. 8 F.3d at 1439; *Brown v. Polk County*, 61 F.3d 650, 654 (8th Cir. 1995).

Ms. Short did not advise the District of her religious conflict. Ms. Short simply advised Dr. Bria that she "wanted to remain honest and true to my beliefs." CP 70 Ms. Short alleges that she advised two School Board members between November 2007 and February 2008 that she had shared with Dr. Bria her religious beliefs prohibited her from lying and that if she was supposed to keep something confidential she would not talk about it and was not going to lie about it. CP 77 However, these alleged conversations with the two Board members did not relate to the February 2008 directive from Dr. Bria requiring Ms. Short not to discuss with Ms. O'Brien the contents of the February 2008 meetings. CP 72 - 75 The record is devoid of any evidence that Ms. Short advised Dr. Bria, a District

administrator, or any School Board member that there was a conflict between her religious beliefs and the directive that she was given by Dr. Bria not to reveal the contents of the February 2008 meeting to Ms. O'Brien. At no time did Ms. Short tell anyone that she would have to compromise her religious beliefs because of the directive she was given by Dr. Bria in February 2008. Ms. Short's religious discrimination claim thus fails on the second element of her prima facie case as well.

**3. MS. SHORT WAS NOT DISCHARGED BECAUSE OF HER REFUSAL TO COMPLY WITH ANY JOB REQUIREMENT**

Finally, Ms. Short failed to establish that she was discharged because of her refusal to comply with a job requirement that violated her religious beliefs. Ms. Short tendered her resignation on March 20, 2008. *CP 82* The District took no adverse employment action against Ms. Short whatsoever. Accordingly, Ms. Short cannot establish the third element of her prima facie case.

Ms. Short speciously claims that she "sacrificed her position" because she was forced to "choose between her work and her religious convictions." Appellant's Opening Brief, at 15. Yet, she fails to cite to any facts in the record that support this assertion. She was not confronted by her supervisor, Ms. O'Brien, with any ultimatum to tell her what was discussed in the meeting or else. In fact, there is no evidence in the record

that Ms. O'Brien ever asked Ms. Short what was discussed at the February 2008 meeting. If Ms. O'Brien had asked what was discussed in the meeting, Ms. Short was free to simply decline to answer or she could have told Ms. O'Brien that she was not at liberty to discuss the contents of the meeting. For Ms. Short to claim that her only choice was to lie or quit misstates the facts of this case.

In summary, Ms. Short did not establish a *prima facie* claim of religious discrimination. She cannot prove that lying was a required part of her job. She cannot establish that she ever notified the District of a conflict between the February 21, 2008 confidentiality directive and her religious beliefs. And she cannot establish that she was terminated from District employment as a result of a failure to maintain confidentiality. The Superior Court therefore appropriately granted the District and Dr. Bria summary judgment.

**C. MS. SHORT HAS NOT ESTABLISHED ANY CLAIM FOR FAILURE TO ACCOMMODATE.**

Ms. Short alleges that the District failed to accommodate her religious beliefs. First, Ms. Short cannot establish that the District has any legal duty to accommodate her religious beliefs. Under RCW 49.60.180, there is no express duty to accommodate an employee's religious beliefs. Federal law and state law against religious discrimination in employment

are significantly different.<sup>5</sup> "Federal law expressly imposes an affirmative duty upon an employer to accommodate the religious beliefs and practices of its employees. Washington law contains no such express requirement." *Hiatt* at 621. In *Hiatt*, the Washington Supreme Court was unwilling to conclude that RCW 49.60.180 impliedly required employers to accommodate the religious beliefs or practices of employees in this State. Furthermore, the Court recognized that the question was an important and complex one with constitutional implications. The Court noted:

Whether the Washington statute may *implicitly* require accommodation is an important and complex question that we have not previously been asked to decide. Other states that have considered this issue with respect to their own statutes or constitutions have reached conflicting results.

Strong arguments can be presented on both sides of the issue. Unfortunately, the parties in this case have not made any of these arguments to this court. Nor do the parties address the constitutional implications of a decision finding that employers have a duty to reasonably accommodate the various religious practices of their employees.

Without adequate briefing on this important issue, we decline to decide it. Further, we specifically disapprove that portion of the Court of Appeals decision in this case which assumes that our state statute against discrimination based on creed is identical to the federal law.

*Id.* at 63-64 (footnotes omitted). The Supreme Court has not revisited the question since its opinion in the *Hiatt* case. Without specific guidance

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<sup>5</sup> Employee does not allege any claim under federal law.

from the Supreme Court, this court should not imply a duty to accommodate an employee's religious beliefs.

Even if such a duty existed, Ms. Short has not come forward with any factual basis for an accommodation. Ms. Short claims that she was given a choice of *either* telling a lie *or* withholding information from Ms. O'Brien. This choice does not violate any of her religious beliefs. She cannot establish that telling a lie was a requirement of her job because it was not. Because lying was not a required part of her job and because she admittedly had the choice of simply withholding the information from Ms. O'Brien, there is no need for accommodation of her religious beliefs. She did not request an accommodation and has not established that an accommodation was necessary. Absent a clear request for an accommodation and a clear need for one, the District had no duty to provide her an accommodation. *Maxwell v. State, Dept. of Corrections*, 91 Wash.App. 171, 179-180, 956 P.2d 1110, 1115 (Div. 2,1998); See also, *Pulcino v. Fed. Express Corp.*, 141 Wash.2d 629, 643, 9 P.3d 787 (2000); *Goodman v. Boeing Co.*, 127 Wash.2d 401, 408, 899 P.2d 1265 (1995); *Snyder v. Medical Service Corp. of Eastern Washington* 145 Wash.2d 233, 239, 35 P.3d 1158, 1162 (Wash.,2001)

The Superior Court therefore appropriately granted summary judgment to the District and Dr. Bria on Ms. Short's claim for religious accommodation.

**D. MS. SHORT'S RETALIATION CLAIM IS MERITLESS.**

Ms. Short claims that after she refused to comply with Superintendent Bria's directive not to reveal to Ms. O'Brien the contents of their discussions, Superintendent Bria made her working conditions so intolerable that a reasonable person would have felt compelled to resign. She cites *Nielson v. Agri-Northwest*, 95 Wn. App. 571, 578, 977 P. 2d 613 (1999) as the basis for this claim. However, unlike the employee in *Nielson*, Ms. Short does not come forward with any evidence in the record that would support her claim. She claims that Superintendent Bria threatened, yelled at and called her a derogatory name. However, this alleged conduct all occurred several months before the February 2008 meetings and could not, as a matter of law, be the basis for her claim of retaliation.<sup>6</sup>

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<sup>6</sup> Ms. Short alleges that the Superintendent threatened to put her under the supervision of an undesirable supervisor. (Petitioner's Opening Brief, at 16) A careful analysis of this argument reveals the hyperbole of Ms. Short's arguments in this case. The issue being discussed by Ms. Short and the Superintendent at the time was where the Communications Department fell under the organizational chart. Ms. Short claimed that Communications fell under the direction of Assistant Superintendent Diana Gilsinger (the allegedly undesirable supervisor). The organizational chart did not list the Communications Department. According to Ms. Short, the Superintendent made a comment to the effect that Ms. Short would not want Ms. Gilsinger to evaluate her. *CP 253-54* Ms. Short responded that she had "no problem" being evaluated by Ms. Gilsinger.

To make a prima facie showing of retaliation under RCW 49.60.210, an employee must show that:

1. she engaged in protected activity;
2. the employer took adverse employment action against her;  
and
3. there is a causal link between the protected activity and the adverse action.

*Hines v. Todd Pacific Shipyards Corp.*, 127 Wn. App. 356, 374, 112 P.3d 522 (2005), citing *Milligan v. Thompson*, 110 Wn. App. 628, 638, 42 P.3d 418 (2002).

First, Ms. Short did not engage in any protected activity. Pursuant to RCW 49.60.210, she must oppose a practice forbidden by the Washington Law Against Discrimination or file a charge, testify, or assist in any proceeding under the law. She did not oppose religious discrimination; nor did she file a charge, testify, or assist in any proceeding under the law. She freely admits that she never reported to the District's administration or the School Board that she believed she was being discriminated against because of her religion. CP 76-78

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*Id.* Ms. Short cannot now argue that this comment was evidence of Superintendent Bria becoming "increasingly intolerable" or characterize the comment as "threatening to put [Ms. Short] under the supervision of an undesirable supervisor." The record is completely devoid of any evidence that Superintendent Bria mistreated Ms. Short in any manner after the February 2008 meeting.

Second, Ms. Short did not suffer from any adverse employment action whatsoever. In order to meet her initial burden of proof, Ms. Short had to establish that an actual adverse employment action was taken against her, such as a discharge. *Graves v. Dep't of Game*, 76 Wn. App. 705, 712, 887 P.2d 424 (1994); *see also Bierlein v. Byrne*, 103 Wn. App. 865, 867, 14 P.3d 823 (2000) (plaintiff failed to specify discriminatory or retaliatory conduct by defendant); *Harris v. City of Seattle*, 315 F. Supp. 2d 1112, 1125 (W.D. Wash. 2004) (in state law retaliation claim, adverse employment action includes termination, demotion, reassignment with significantly different responsibilities, or significant reduction in pay or benefits); *Gibson v. King County*, 397 F. Supp. 2d 1273, 1280-81 (W.D. Wash. 2005). The District took no action against Ms. Short. She quit her job of her own volition. *CP 251-52*

## V. CONCLUSION

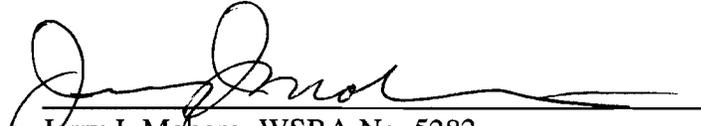
Judge Woolard was correct in granting the District's and Dr. Bria's Motion for Summary Judgment in this case. The undisputed and material facts demonstrate that Ms. Short was never required to lie as part of her job. She was only directed to keep confidential certain information discussed in a District meeting with Superintendent Bria. If asked, Ms. Short could simply have advised Ms. O'Brien that she was not free to discuss the contents of the meeting. Furthermore, Ms. Short presented no

evidence that the situation ever presented itself between the time of the meeting and the date that Ms. Short resigned her employment. Ms. Short did not lie to Ms. O'Brien and the record is devoid of any evidence that Ms. O'Brien even asked about the subject matter of the February 2008 meeting. Moreover, Ms. Short has made no showing that her religious beliefs required accommodation. Finally, there is no evidence that Ms. Short engaged in any protected activity or that she suffered any adverse employment action as a result of such activity.

This Court should therefore affirm the trial court's ruling.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of September, 2011.

JERRY MOBERG & ASSOCIATES



Jerry J. Moberg, WSBA No. 5282  
Attorney for Respondents

WASHINGTON STATE COURT OF APPEALS DIVISION II

JULIE SHORT,

Plaintiff,

v.

BATTLE GROUND SCHOOL  
DISTRICT and ROCHONNE BRIA,  
individually and as its agent,

Defendants.

NO. 42011-2-II

CERTIFICATE OF SERVICE

I certify that on this date I mailed a copy of the document to which  
this is affixed by Federal Express, postage prepaid, to:

Judith Lonnquist  
Mitchell Riese  
Law Offices of Judith A. Lonnquist  
1218 3rd Ave STE 1500  
Seattle, WA 98101-3021

DATED this 6<sup>th</sup> day of September, 2011 at Ephrata, WA.

11 SEP - 7 AM '11  
STATE OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY  
COURT REPORTER II

  
Mindy Bloom

## **VI. APPENDIX "A"**

1. Plaintiff's Amended Complaint

RECEIVED

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Law Offices of  
Michael B. Tierney, PC

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

JULIE SHORT,

Plaintiff,

v.

NO. 09-2-03812-4

BATTLE GROUND SCHOOL DISTRICT  
and ROCHONNE BRIA, individually and as  
its agent,

Defendants.

[PROPOSED] AMENDED COMPLAINT  
FOR DAMAGES AND OTHER RELIEF

INTRODUCTION

This action is brought pursuant to common law and RCW 49.60 to redress acts of religious discrimination, refusal to accommodate and wrongful discharge. Plaintiff seeks lost pay, benefits and employment opportunities, emotional distress damages, attorneys' fees and costs, injunctive and other relief.

I. JURISDICTION AND VENUE

1. Defendant School District does business in Clark County. Plaintiff resides in Clark County, and her workplace where the acts complained herein occurred is in Clark County.

COPY

1 2. This court has jurisdiction pursuant to common law, RCW 28A.02.050, and Chapter 49  
2 RCW.

3 3. Plaintiff filed a tort claim and sixty days have elapsed since its filing.  
4

## 5 **II. PARTIES**

6 4. Plaintiff Julie Short is a married woman with deeply held religious beliefs. At all  
7 relevant times, Plaintiff was employed as assistant to the Communications Director Kelly  
8 O'Brien in Defendant School District's administrative offices.

9 5. Defendant Battle Ground School District is a governmental entity operating as a  
10 school district. It employs more than eight employees and has its principal office in Battle  
11 Ground, Washington.

12 6. Defendant Rochonne Bria resides in Clark County and at all relevant times was the  
13 Superintendent for Defendant School District and Plaintiff's ultimate supervisor.  
14

## 15 **III. STATEMENT OF CLAIMS**

16 7. In February, 2008, Defendant Bria summoned Plaintiff to her office and inquired how  
17 plans for the grand opening of a school were progressing. After Plaintiff responded,  
18 Defendant Bria directed Plaintiff not to disclose any of the information to Plaintiff's  
19 supervisor, Kelly O'Brien. When Plaintiff, who works closely with Ms. O'Brien and  
20 necessarily shares information with her, asked Defendant Bria how she could perform her  
21 duties without disclosing such information to Ms. O'Brien, Defendant Bria responded: "Just  
22 lie to her."  
23

24 8. Thereafter, Plaintiff received a voicemail that the Superintendent's Executive  
25 Assistant, relaying a directive from the School Board President Frederick Striker. Mr. Striker  
26 directed that Plaintiff not share information, or have Kelly O'Brien involved in any way in the

1 grand opening event, which Defendant District was planning. When Plaintiff questioned the  
2 Superintendent's executive assistant, Irene Melton, as to whether or not the School Board  
3 President has the authority to issue such a directive Mrs. Melton checked with the  
4 superintendent. The superintendent told Mrs. Melton that the School Board President does  
5 have that authority, and that Plaintiff was to comply with his request.  
6

7 9. Plaintiff is a devout member of a Christian church and ascribes to beliefs that are  
8 founded in the Bible. Lying is contrary to her Christian beliefs. Plaintiff informed Defendant  
9 Bria that her sincere Christian beliefs prohibited her from lying.

10 10. Defendant Bria stated that Plaintiff might be eligible for a transfer, but only if she  
11 would agree either to withhold information from Ms. O'Brien or outright lie to her. When  
12 Plaintiff objected to the ultimatum, Defendant Bria retorted: "You're not going to get through  
13 this and be honest. You have to make a choice."  
14

15 11. Defendant Bria thereby made Plaintiff's working conditions so intolerable that  
16 Plaintiff had no choice but to constructively discharge herself effective March 20, 2008.

17 12. The Common School Code of Washington, RCW 28A.67.110, establishes a public  
18 policy of morality and truth to be practiced in public school districts.

19 13. As a result of Defendant Bria's conduct, and Defendant School District's failure to  
20 redress it, Plaintiff suffered and continues to suffer severe economic and emotional distress.  
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## 22 COUNT I

23 Defendants have discriminated against Plaintiff because of her religious beliefs, in  
24 violation of RCW 49.60.180.  
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COUNT II

Defendants have failed and/or refused to accommodate Plaintiff's religious beliefs in violation of RCW 49.60.180.

COUNT III

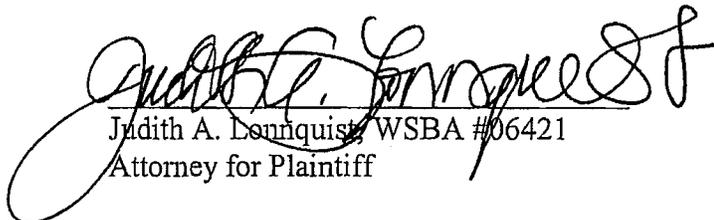
Defendants have retaliated against Plaintiff, in violation of RCW 49.60.210.

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. Back pay and other economic damages;
- B. Emotional distress damages;
- C. Pre-judgment interest;
- D. Reasonable attorney's fees and litigation expenses pursuant to RCW 49.48.030 and/or RCW 49.60.030(3);
- E. Injunctive relief;
- F. Tax relief;
- G. Costs;
- H. Such other relief as the Court deems appropriate.

Dated this \_\_\_ day of September, 2009.

LAW OFFICES OF JUDITH A.  
LONNQUIST, P.S.



Judith A. Lonquist, WSBA #06421  
Attorney for Plaintiff