

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

CHRIS ANTHONY WARD,

Plaintiff,

vs.

ALAN R. OSTERGREN, individually and in his official capacity as county attorney for Muscatine County; QUINN RIESS, individually and in his official capacity as a law enforcement officer for the Muscatine County Sheriff's Office; DAVE WHITE, individually and in his official capacity as county sheriff for Muscatine County; C.J. RYAN, individually and in his official capacity as county sheriff for Muscatine County; and MUSCATINE COUNTY, IOWA,

Defendants.

Civil No.: _____

**COMPLAINT AND JURY
DEMAND**

COMES NOW, the Plaintiff, Chris Anthony Ward, by and through his undersigned counsel, and for his causes of action, state as follows:

PARTIES

1. Chris Ward ("Ward") is a United States citizen and was a resident of Vinton, Benton County, Iowa at all times relevant to the events complained of herein.

2. Defendant Alan Ostergren (hereinafter "Ostergren") is believed to be a citizen and resident of Iowa and was employed as the Muscatine County Attorney at all

times relevant to the events complained of herein.

3. Defendant Quinn Riess (hereinafter “Riess”) is believed to be a citizen and resident of Iowa and was employed as a Sergeant for the Muscatine County Sheriff’s Office at all times relevant to the events complained of herein.

4. Defendant Dave White (hereinafter “White”) is believed to be a citizen and resident of Iowa and was employed as the Muscatine County Sheriff up until his retirement, which is believed to have become effective April 30, 2015.

5. Defendant C.J. Ryan (hereinafter “Ryan”) is believed to be a citizen and resident of Iowa and was employed as the Muscatine County Sheriff effective May 1, 2015.

6. Defendant County of Muscatine, Iowa (hereinafter “County”) is a municipal corporation organized and authorized to operate under the laws of Iowa and is located at 414 East Third Street, Suite 101, Muscatine, Muscatine, Iowa. Defendant County is responsible for maintaining and operating the Muscatine County Attorney’s Office and the Muscatine County Sheriff’s Office.

JURISDICTION AND VENUE

7. Jurisdiction of the Court is invoked under 28 U.S.C. §§ 1331 and 1343(a)(3).

8. The supplemental jurisdiction of this Court to hear and decide the pendent claims arising out of state law is invoked pursuant to 28 U.S.C. § 1367.

9. All events and actions referenced in this Complaint occurred in the Southern District of Iowa, therefore venue is proper under 28 U.S.C § 1391(b)(2).

FACTUAL BACKGROUND

10. Chris Ward worked as the City Manager for West Liberty, Iowa for nearly ten years, from January 2004 to October 2013.

11. Ward has a bachelor's degree in science and a master's degree in public administration.

12. While in West Liberty, Mr. Ward was appointed by Governor Culver to the City Finance Committee and was named to the Iowa League of Cities technology committee.

13. Based on information and belief, Ward is one of three African-American city managers within the State of Iowa.

14. Prior to the Ward's employment with West Liberty, the West Liberty City Council set electricity rates based upon a Cost of Purchased Energy Index of 2.4 cents per KW-HR in ordinance number 9-98 ("the 1998 Ordinance").

15. In 2007, the West Liberty City Council attempted to pass an ordinance that set electricity rates based upon a Cost of Purchased Energy Index of 3.1 cents per KW-HR ("the 2007 Ordinance").

16. The 2007 Ordinance did not repeal the 1998 Ordinance.

17. In 2013, the city's operative electricity rate was set to the rate stated in the 1998 Ordinance.

18. The rate set by the 1998 Ordinance was in place beginning in May 2013.

19. In October 2013, the West Liberty City Council terminated Ward's employment from his position as City Manager for West Liberty due to dissatisfaction

with the city's recycling program.

20. Mr. Ward received four month's severance as a result of the termination of his employment.

21. After leaving West Liberty, Ward was hired as City Administrator for the City of Vinton, Iowa.

22. In January 2014, West Liberty's new City Manager determined the allegedly proper electricity rate should be based on the 2007 Ordinance, and therefore instructed the city's utility billing clerk to change the rate.

23. Changing the electricity rate to the rate set by the 2007 Ordinance resulted in less revenue to be collected by the City of West Liberty.

24. In October 2014, the Iowa Auditor of State issued a report on a special investigation of the City of West Liberty.

25. The Auditor's Report accepted that the 2007 Ordinance contained the correct Cost of Purchased Energy Index rate. The Auditor's Report therefore concluded that West Liberty had overbilled its customers from May 2013 to January 2014, the period during which the 1998 rate was assessed.

26. Following the Auditor's Report, the Muscatine County Sheriff's Office opened a criminal investigation into the West Liberty utility rates.

27. Defendant Quinn Riess, at that time a sergeant with the Muscatine County Sheriff's Office, conducted several interviews as a part of that investigation, including an interview with Chris Ward.

28. On or about February 18, 2015, Defendant Riess met with Defendant

Muscatine County Attorney Alan Ostergren regarding the information Riess had learned in his investigation.

29. Based on information and belief, Defendant Ostergren provided Defendant Riess legal advice at this meeting related to possible violations of the law committed by Ward.

30. On or about February 23, 2015, Defendant Riess's investigation resulted in a criminal complaint filed against Chris Ward, charging him with felonious misconduct in office, in violation of Iowa Code § 721.1(2), a class "D" felony.

31. According to the criminal complaint, "City utility rates can only be changed with permission of the City Council through the adoption of a city ordinance. No City Council permission/ordinance was given" for the May 2013 rate change.

32. News of the criminal complaint filed against Ward was widely reported by local media.

33. Specifically, as reported in an article published by KCRG, a local television station, Ward was said to have "100 percent" support from members of the Vinton City Council.

34. The KCRG article also indicated that the Vinton City Council would "explore the issue at a closed session" at its next regular council meeting on February 26.

35. Following a closed session of the Vinton City Council on February 26, another story from the Vinton Today newspaper reported that Ward had " 'unanimous' support" from the entire city council.

36. Following the publication of this story and the city council's meeting,

Defendant Muscatine County Attorney Alan Ostergren sent an email to the Vinton City Attorney dated March 11, 2015.

37. The email contained Ostergren's unprompted and unrequested legal advice and analysis. Ostergren concluded the Vinton City Council had illegally convened a closed session to discuss Ward.

38. Specifically, Ostergren wrote that the closed session related to "Chris Ward's pending criminal charges filed by my office."

39. At the time Ostergren provided legal advice to the Vinton City Attorney, there were no pending criminal charges against Ward filed by the Muscatine County Attorney's Office.

40. Ostergren wrote to the Vinton City Attorney that he had "no desire to involve the city in an action to enforce the requirements of [Iowa's open meetings law]," and added that the City "could also be the subject of a complaint to the Iowa Public Information Board." ("IPIB").

41. Defendant Ostergren subsequently filed a formal complaint against the City of Vinton with the IPIB on or about April 2, 2015.

42. Ostergren's complaint alleged that the Vinton City Council had illegally convened a closed session to discuss Ward.

43. Ostergren's complaint further alleged that if the closed session was declared to be illegal, he wanted audio recordings and minutes of the closed session.

44. Ostergren's complaint was unanimously dismissed by the IPIB as legally insufficient.

45. In dismissing Ostergren’s complaint, the IPIB noted there is no statutory authority to authorize the IPIB to release closed-session minutes or recordings.

46. The Vinton City Attorney and Ward accrued fees and costs as a result of Ostergren’s complaint to the IPIB.

47. On March 30, 2015, Defendant Muscatine County Attorney Ostergren filed a trial information against Ward in the name and by the authority of the State of Iowa.

48. The trial information charged Ward with two crimes relating to the West Liberty utility rates: misconduct in office, a class “D” felony in violation of Iowa Code section 721.1(2), and third-degree fraudulent practices, an aggravated misdemeanor in violation of Iowa Code section 714.8(4) and 714.11.

49. In a recent Iowa Supreme Court opinion, the Court has questioned Ostergren’s charging decisions, remarking that the federal–state relationship of immigration law would “literally be destroyed” if Ostergren’s position was permitted. *State v. Martinez*, 896 N.W.2d 737, 757 (Iowa 2017); *see also id.* at 760 (Wiggins, J., concurring specially to “emphasize the issue of prosecutorial discretion”).

50. Ward pled not guilty to both charges filed by Ostergren, and shortly thereafter filed a motion to dismiss the charges.

51. In the motion to dismiss, Ward argued that no criminal conduct had occurred because the 1998 Ordinance had not been validly repealed, and further, that the fraudulent-practices charge was multiplicitous.

52. In the briefing on the motion to dismiss, Ostergren agreed that as charged, Ward could not be convicted and/or sentenced on both charges listed in the trial

information.

53. Ostergren stated he only charged Ward with third-degree fraudulent practices so that Ward could “plead guilty and not have to plead to a felony.” Ostergren agreed the third-degree fraudulent practices charge was duplicitous of the misconduct in office charge and should be dismissed.

54. On August 3, 2015, the district court dismissed the fraudulent-practices charge as multiplicitous.

55. The court denied the motion to dismiss on the felony misconduct-in-office charge.

56. Ward sought interlocutory review of the denial of his motion to dismiss. Ward’s Application for Interlocutory Appeal and Discretionary Review was granted by the Iowa Supreme Court. The Iowa Supreme Court transferred the appeal to the Iowa Court of Appeals.

57. In a decision filed March 8, 2017, the Iowa Court of Appeals unanimously reversed the district court and remanded for dismissal of the charge of misconduct in office. *State v. Ward*, 899 N.W.2d 739 (Iowa Ct. App. 2017) (unpublished). As the Iowa Court of Appeals concluded: “The State conceded West Liberty’s 2007 ordinance did not properly repeal the 1998 ordinance, yet charged Ward with a crime predicated on repeal of the 1998 ordinance. This was error.” *Id.* at *4.

58. In its opinion, the Court of Appeals noted “[t]he State did not assert Ward pocketed the overage” of utility fees, but instead Ostergren “simply charged that Ward’s reliance on the 1998 ordinance amounted to falsification of a public record.” *Id.* at *1.

59. Procedendo issued July 27, 2017 and the district court dismissed the charge of misconduct in office that same date.

60. Because of the charges filed, Ward endured mental and emotional distress, from which he continues to suffer.

61. He also suffers from, and will continue to suffer from, damage to his reputation as a city administrator.

62. Ward has been forced to incur expenses in defending himself against the criminal charges to clear his name.

CAUSES OF ACTION

COUNT I

CIVIL RIGHTS VIOLATION PURSUANT TO 42 U.S.C. § 1983 VIOLATION OF FOURTH AND/OR FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Right to be Free from Unreasonable Restraints on Personal Liberty* *(Against Defendants Ostergren and Riess)

63. Plaintiff repleads paragraphs one (1) through sixty-two (62) as if fully set forth herein.

64. Defendants Ostergren and Riess are persons for the purpose of a Section 1983 action for damages.

65. At all times material hereto, Defendants Ostergren and Riess' actions and/or omissions were made under the color of authority and law as officials of Muscatine County.

66. Beginning in February 2015 until the dismissal of all charges filed against Ward, Defendants Ostergren and Riess caused and /or engaged in a pattern of conduct

that violated Chris Ward's clearly established constitutional right to be free from unreasonable restraints on personal liberty, to wit: by filing a meritless complaint to the IPIB; maliciously charging Ward by criminal complaint with law violations unsupported by probable cause; maliciously charging Ward by trial information with law violations unsupported by probable cause; and/or prosecuting Ward using a multiplicitous trial information.

67. Ostergren and Riess's prosecution of Ward ended favorably for Ward, with the IPIB complaint being unanimously dismissed and criminal charges being dismissed as a matter of law following a successful motion to dismiss and interlocutory appeal to the Iowa Court of Appeals.

68. Quinn Riess and Alan Ostergren acted without probable cause.

69. Based upon the facts known to Riess, no reasonable officer could believe probable cause existed to file a criminal complaint against Ward.

70. Based upon the facts known to Ostergren, no reasonable prosecutor could believe probable cause existed to file a trial information unsupported by probable cause and multiplicitous in form.

71. Ostergren and Riess acted with malice.

72. Ostergren and Riess violated Ward's Fourth and/or Fourteenth Amendment Right to the United States Constitution to be free from unreasonable restraints on personal liberty.

73. Ostergren and Riess demonstrated a deliberate indifference to and/or reckless disregard of Ward's civil and constitutional rights by their unlawful and

malicious prosecution of Ward.

74. The prosecution was a cause of damages to Ward, including attorney fees and costs associated with defending against the criminal charges.

75. Ostergren and Riess' actions were willful, wanton, unlawful, and in gross disregard of Ward's civil rights, justifying an award of punitive damages.

76. As a direct and proximate result of Defendants Ostergren and Riess' illegal and unjustified conduct, Ward was injured and is entitled to recover for what he has suffered in the past and will suffer in the future suffer, including:

- a. Deprivation of his constitutional rights;
- b. Humiliation, degradation, public ridicule, loss of personal reputation, and past and future emotional distress;
- c. Actual and compensatory damages, including but not limited to past, present and future pain and suffering, all expenses associated with defense of the criminal action, and other economic losses;
- d. Punitive damages;
- e. All expenses associated with the prosecution of the instant action, including, but not limited to, court costs, anticipated discovery expenses, anticipated expert expenses, and the maximum legally allowable judgment interest; and
- f. Any other expenses allowed by federal or state law, including but not limited to reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendants Ostergren and Riess as follows:

- a. Compensation for violation of his constitutional rights, pain, suffering, mental anguish, and humiliation; and

- b. Plaintiff's cost in this action, including reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988;
- c. Punitive damages; and
- d. Such relief as the Court deems just and equitable.

COUNT II
**CIVIL RIGHTS VIOLATION PURSUANT TO 42 U.S.C § 1983 VIOLATION OF
FOURTH AMENDMENT AND/OR FOURTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION**
Monell Liability for Unreasonable Restraints on Personal Liberty
(Against Defendant Muscatine County)

77. Plaintiff repleads paragraphs one (1) through seventy-six (76) as if fully set forth herein.

78. Defendant Muscatine County is a person for purposes of a Section 1983 action for damages.

79. At all times material hereto, Defendant Alan Ostergren's acts and/or omissions were made under the color of authority as the county attorney for Defendant County.

80. As county attorney, Ostergren is responsible for reviewing criminal complaints filed by law enforcement officers within Muscatine County and charging individuals with violations of Iowa law in the name and by the authority of the State of Iowa.

81. Muscatine County failed to establish and/or maintain, and/or enforce official county policies, patterns, practices, or customs for determining when probable cause exists to charge individuals with law violations as well as training prosecutors on lawful charging and incarceration decisions.

82. Prior to the events described *supra*, Muscatine County deliberately and with reckless disregard for the constitutional rights of its citizens failed to establish an adequate and sufficient policy and procedure for training or supervising prosecutors within the county attorney's office regarding reviewing reviewing criminal complaints filed by law enforcement officers and charging individuals with law violations.

83. Prior to the events described *supra*, Muscatine County deliberately and with reckless disregard for the constitutional rights of its citizens failed to adequately and sufficiently train and/or supervise prosecutors within the county attorney's office regarding reviewing criminal complaints filed by law enforcement officers and charging individuals with law violations.

84. The customs and practices of Muscatine County were ones which involved the failure to initiate policies to ensure its citizens are charged only with violations of the law that are supported by probable cause, not multiplicitous, and/or have an adequate and independent basis in the law to support a conviction.

85. The acts and/or omissions of Muscatine County regarding prosecutor and citizen interactions amounted to deliberate indifference to the rights and safety of citizens, including Ward.

86. The actions and/or omissions of Muscatine County intruded upon Ward's right to be free from being law violations that were multiplicitous, baseless, and/or unsupported by probable cause.

87. The failure of Muscatine County to implement effective policies, patterns, practices, and/or customs was a moving force behind, and effectively caused, Defendant Ostergren to violate Ward's constitutional rights.

88. Muscatine County's actions were willful, wanton, unlawful, and in gross disregard of Ward's civil rights, justifying an award of punitive damages.

89. As a direct and proximate result of Muscatine County's illegal and unjustified conduct, Ward was injured and is entitled to recover for what he has suffered in the past and will suffer in the future suffer, including:

- a. Deprivation of his constitutional rights;
- b. Humiliation, degradation, public ridicule, loss of personal reputation, and past and future emotional distress;
- c. Actual and compensatory damages, including but not limited to past, present and future pain and suffering, all expenses associated with defense of the criminal action, and other economic losses;
- d. Punitive damages;
- e. All expenses associated with the prosecution of the instant action, including, but not limited to, court costs, anticipated discovery expenses, anticipated expert expenses, and the maximum legally allowable judgment interest; and
- f. Any other expenses allowed by federal or state law, including but not limited to reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendant Muscatine County as follows:

- a. Compensation for violation of his constitutional rights, pain, suffering, mental anguish, and humiliation; and

- b. Plaintiff's cost in this action, including reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988;
- c. Punitive damages; and
- d. Such relief as the Court deems just and equitable.

COUNT III
VIOLATION OF ARTICLE I, SECTION EIGHT OF THE IOWA
CONSTITUTION
Right to be Free from Unreasonable Restraints on Personal Liberty
(Against Defendants Ostergren and Riess)

90. Plaintiff repleads paragraphs one (1) through eighty-nine (89) as if fully set forth herein.

91. At all times material hereto, Defendants Ostergren and Riess' actions and/or omissions were made under the color of authority and law as officials of Muscatine County.

92. Beginning in February 2015 until the dismissal of all charges filed against Ward, Defendants Ostergren and Riess caused and /or engaged in a pattern of conduct that violated Chris Ward's clearly established constitutional right to be free from unreasonable restraints on personal liberty, to wit: by filing a meritless complaint to the IPIB; maliciously charging Ward by criminal complaint with law violations unsupported by probable cause; maliciously charging Ward by trial information with law violations unsupported by probable cause; and/or prosecuting Ward using a multiplicitous trial information.

93. Ostergren and Riess's prosecution of Ward ended favorably for Ward, with the IPIB complaint being unanimously dismissed and criminal charges being dismissed

as a matter of law following a successful motion to dismiss and interlocutory appeal to the Iowa Court of Appeals.

94. Quinn Riess and Alan Ostergren acted without probable cause.

95. Based upon the facts known to Riess, no reasonable officer could believe probable cause existed to file a criminal complaint against Ward.

96. Based upon the facts known to Ostergren, no reasonable prosecutor could believe probable cause existed to file a trial information unsupported by probable cause and multiplicitous in form.

97. Ostergren and Riess acted with malice.

98. Ostergren and Riess violated Ward's Right under Article I, Section 8 of the Iowa Constitution to be free from unreasonable restraints on personal liberty.

99. Ostergren and Riess demonstrated a deliberate indifference to and/or reckless disregard of Ward's state civil and constitutional rights by their unlawful and malicious prosecution of Ward.

100. The prosecution was a cause of damages to Ward, including attorney fees and costs associated with defending against the criminal charges.

101. Defendants' actions were willful, wanton, unlawful, and in gross disregard of Ward's civil rights, justifying an award of punitive damages.

102. Ward hereby requests reasonable attorney fees and costs associated with prosecuting this action as Defendants' violation of his state constitutional right was oppressive, conniving, harsh, cruel, and/or tyrannical.

103. As a direct and proximate result of the Defendants' illegal and unjustified

conduct, Ward was injured and is entitled to recover for what he has suffered in the past and will suffer in the future suffer, including:

- a. Deprivation of his constitutional rights;
- b. Humiliation, degradation, public ridicule, loss of personal reputation, and past and future emotional distress;
- c. Actual and compensatory damages, including but not limited to past, present and future pain and suffering, all expenses associated with defense of the criminal action, and other economic losses;
- d. Punitive damages;
- e. All expenses associated with the prosecution of the instant action, including, but not limited to, court costs, anticipated discovery expenses, anticipated expert expenses, and the maximum legally allowable judgment interest; and
- f. Any other expenses allowed by federal or state law, including but not limited to reasonable attorney's and costs at common law.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against the aforementioned Defendants as follows:

- a. Actual, compensatory, consequential, and all other allowable damages against Defendants in an amount yet to be determined;
- b. Plaintiff's cost in this action, including reasonable attorney's fees and costs at common law;
- c. Punitive damages; and
- d. Such relief as the Court deems just and equitable.

COUNT IV
MALICIOUS PROSECUTION
(Against Alan Ostergren and Quinn Riess, individually and in their official capacities)

104. Plaintiff repleads paragraphs one (1) through one-hundred-three (103) as if

fully set forth herein.

105. Chris Ward was prosecuted in a criminal proceeding in *State v. Ward*, Muscatine County Case No. FECR052655, beginning on or about February 20, 2015.

106. Quinn Riess caused this prosecution by preparing and filing a criminal complaint against Ward.

107. Alan Ostergren caused this prosecution by preparing and filing a trial information against Ward that contained duplicitous charges.

108. The prosecution ended favorably for Ward, with charges being dismissed as a matter of law following a successful motion to dismiss and interlocutory appeal to the Iowa Court of Appeals.

109. Quinn Riess and Alan Ostergren acted without probable cause.

110. Based upon the facts known to Riess and Ostergren, no reasonable officer or prosecutor could believe probable cause existed to charge Ward with the offenses charged.

111. Riess and Ostergren acted with malice.

112. The prosecution was a cause of damages to Ward, including attorney fees and costs associated with defending against the criminal charges.

113. Riess and Ostergren's actions were willful, wanton, unlawful, and in gross disregard of Ward's rights and reputation, justifying an award of punitive damages.

114. Plaintiff hereby requests reasonable attorney fees and costs associated with prosecuting this action as Defendants' behavior was oppressive, conniving, harsh, cruel, and/or tyrannical.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendants

Ostergren and Riess as follows:

- a. Compensation in an amount which will fully and fairly compensate him for his mental and emotional injuries and damages;
- b. Plaintiff's cost in this action, including attorney fees and interest and costs as allowed by law;
- c. Punitive damages; and
- d. Such other relief as may be just under the circumstances.

COUNT V
ABUSE OF PROCESS

(Against Defendant Ostergren, individually and in his official capacity)

115. Plaintiff repleads paragraphs one (1) through one-hundred-fourteen (114) as if fully set forth herein.

116. On or about March 30, 2015, Defendant Ostergren intentionally used the criminal legal process against Ward by preparing and filing a multiplicitous two-count trial information against Ward.

117. Ostergren used the criminal legal process primarily to extort Ward into pleading guilty to a charged multiplicitous lesser-included offense, and not for its intended use.

118. Ostergren's use of the legal process for the improper purpose was a cause of Ward's damages, including attorney fees and costs associated with defending against the multiplicitous criminal charge.

119. Ostergren's actions were willful, wanton, unlawful, and in gross disregard of Ward's rights and reputation, justifying an award of punitive damages.

120. Plaintiff hereby requests reasonable attorney fees and costs associated with prosecuting this action as Defendant's behavior was oppressive, conniving, harsh, cruel, and/or tyrannical.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendant Ostergren as follows:

- a. Compensation in an amount which will fully and fairly compensate him for his mental and emotional injuries and damages;
- b. Plaintiff's cost in this action, including attorney fees and interest and costs as allowed by law;
- c. Punitive damages; and
- d. Such other relief as may be just under the circumstances.

COUNT VI
INTENTIONAL INTERFERENCE WITH THIRD-PARTY CONTRACT
(Against Defendant Ostergren)

121. Plaintiff repleads paragraphs one (1) through one-hundred-twenty (120) as if fully set forth herein.

122. Beginning in May 2014, an employer–employee relationship existed between the City of Vinton, as employer, and Ward, as employee.

123. At all times material thereafter, Ward had an employment contract with the City of Vinton.

124. Defendant Ostergren knew about this contract.

125. Defendant Ostergren intentionally and improperly interfered with the contract by contacting the Vinton city attorney regarding Ward and by filing a baseless formal complaint to the IPiB on or about April 2, 2015.

126. The interference has caused Ward's performance of the contract to be more burdensome and/or expensive.

127. This interference has caused the Ward to suffer damages.

128. The actions of the Defendant were willful, wanton, unlawful, and in gross disregard for Ward's rights, justifying an award of punitive damages.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendant Ostergren as follows:

- a. Compensation in an amount which will fully and fairly compensate him for his mental and emotional injuries and damages;
- b. Plaintiff's cost in this action, including attorney fees and interest and costs as allowed by law;
- c. Punitive damages; and
- d. Such other relief as may be just under the circumstances.

COUNT VII
RESPONDEAT SUPERIOR
(Against Defendants Muscatine County, White, and Ryan)

129. Plaintiff repleads paragraphs one (1) through one-hundred-twenty-eight (128) as if fully set forth herein.

130. At all times material hereto, an employer–employee relationship existed between Muscatine County, Iowa, as the employer, and Defendant Ostergren, as employee.

131. At all times material hereto, an employer–employee relationship existed between Muscatine County, Iowa, White, and Ryan, as the employer, and Defendant Riess, as employee.

132. At all times material hereto, Defendants Ostergren and Riess were acting within the scope of their employment with Defendant Muscatine County, Iowa.

133. Under the doctrine of *respondeat superior*, Defendant Muscatine County, Iowa, is liable for the aforementioned conduct and/or omissions of Defendants Ostergren and Riess.

134. As a result of the conduct and/or omissions of Defendants Ostergren and Riess, Ward sustained damages and injuries as previously set forth in this Complaint.

WHEREFORE the Plaintiff, Chris Ward, prays for Judgment against Defendants Muscatine County, Iowa and White and Ryan as follows:

- a. Compensation in an amount which will fully and fairly compensate him for his mental and emotional injuries and damages;
- b. Plaintiff's cost in this action, including attorney fees and interest and costs as allowed by law;
- c. Such other relief as may be just under the circumstances.

JURY DEMAND

Plaintiff hereby demands a trial by jury in this matter on all counts to which Plaintiff is entitled to a jury.

**PARRISH KRUIDENIER DUNN BOLES
GRIBBLE GENTRY BROWN & BERGMANN,
L.L.P.**

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