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BEFORE THE UNITED STATES  
DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

*In the Matter of:* )  
 )  
**DONNA BUSCHE,** )  
 )  
**Complainant,** )  
 )  
**v.** )  
 )  
**URS CORPORATION, URS ENERGY AND** )  
**CONSTRUCTION, INC. AND** )  
**BECHTEL NATIONAL, INC.,** )  
 )  
**Respondents.** )  
 \_\_\_\_\_ )

COMPLAINT OF DISCRIMINATION

Complainant, Donna Busche, through counsel, hereby files this Complaint of Discrimination against her employer, URS Company, a contractor at the Hanford Nuclear Site, URS Energy and Construction Inc., under the Energy Reorganization Act, 42 U.S.C. Section 5851, and the Toxic Substances Control Act, 15 USC Section 2622.

I. PARTIES

1.1 Donna Busche (“Complainant”), residing at ~~XXXXXXXXXX~~, Richland, Washington, is an employee of URS Company (“URS”), a subcontractor to Bechtel National, Inc., at the Hanford Nuclear Site (Hanford). Complainant holds the

position of Manager of Environmental and Nuclear Safety. Prior to her employment at URS, Complainant held the position of Chief Nuclear Engineer and Manager of Nuclear Safety for a subsidiary of URS at the Waste Isolation Pilot Plant in Carlsbad, New Mexico until September 2008, when Complainant was abruptly removed from that assignment.

1.2 URS, Company (“URS”), located at 723 The Parkway, Richland, WA, 99352, (509) 946-3100, is a partner and Principal Subcontractor to Bechtel National, Inc. (“BNI”) in a government contract to design, build and commission the Hanford Waste Treatment and Immobilization Plant, which is intended to stabilize the radioactive and chemical wastes stored in underground tanks at the Hanford Nuclear Site. While URS is called a “subcontractor,” it functions as a partner in that it splits profits (fees paid) 50/50 with BNI, and also staff key positions. Their earnings are a direct result of contract milestone performance with BNI as judged by DOE, rather than a typical subcontractor payment schedule. On information and belief, URS Company is the parent of URS Energy and Construction Inc., which is a wholly owned subsidiary.

1.3 URS Energy and Construction Inc. (the URS defendants will be referred to jointly as “URS”) employs the Complainant and is the party to the Subcontract.

1.4 Bechtel National, Inc. (“BNI”) is a government contractor hired to design, build and commission the Hanford Waste Treatment and Immobilization Plant, which is intended to stabilize the radioactive and chemical wastes stored in underground tanks at the Hanford Nuclear Site. Ms. Busche is an employee of URS, and for the purposes of this claim, she is also an employee of the BNI under *Stephenson v. National Aeronautics and Space Admin.*, ALJ No. 94-TSC-5, ARB No. 98-025 (ARB July 18, 2000).

## II. BACKGROUND AND PROTECTED ACTIVITY

### HANFORD HISTORY AND THE WASTE TREATMENT PLANT

2.1 The Hanford Nuclear Site (“Hanford”), is located in Southeastern Washington State, and is a former nuclear weapons production facility. Since 1990, the DOE has been dedicated to a cleanup mission to deal with the cold-war legacy of high-level pollution on site. Hanford sits adjacent to the Columbia River and is home to 53 million gallons of hazardous high-level nuclear waste.

2.2 For more than forty years, reactors located at Hanford produced plutonium for America’s defense program. The process of making plutonium is extremely “inefficient” in that a massive amount of liquid and solid waste is generated while only a small amount of plutonium is produced. The DOE’s mission is to ensure that all of the facilities and structures that were associated with Hanford’s defense mission are deactivated, decommissioned, decontaminated, and demolished. Over 10,000 employees are currently employed at Hanford for that purpose.

2.3 High-level nuclear waste, which is composed of chemical and radioactive waste (“high-level nuclear tank waste”), is currently stored in 177 large underground tanks, all of which have exceeded their projected stable lifetime by at least twenty years, and a third of which are confirmed to have leaked into the ground beneath the tanks. Some of the waste contained in underground tanks at Hanford contains Polychlorinated Biphenyls (PCBs). DOE estimates that approximately 1 million gallons of high-level nuclear tank waste have leaked into the ground at Hanford. The groundwater under more than 85 square miles of the Hanford site is contaminated above current standards. Some

of the waste contained in underground tanks at Hanford contains Polychlorinated Biphenyls (PCBs).

2.4 The cornerstone of the high-level nuclear tank waste cleanup project at Hanford is the Hanford Tank Waste Treatment Plant (“WTP”). The WTP will be an industrial complex of facilities for separating and vitrifying (immobilizing in glass) millions of gallons of high-level nuclear tank waste. Vitrification technology involves blending the high-level nuclear tank waste with glass-forming materials and heating it to over 2,000 degrees Fahrenheit. The mixture is then poured into stainless steel canisters to cool and solidify. In this glass form, the high-level nuclear tank waste is currently considered stable and impervious to the environment, and its radioactivity will dissipate over hundreds or thousands of years.

2.5 The five major components of the WTP will be: the Pretreatment Facility for separating the high-level nuclear tank waste into the high level radioactive waste stream and the low level stream, the High-Level Waste and Low-Activity Waste facilities where the high-level nuclear tank waste will be immobilized into glass, the Analytical Laboratory for providing chemical analysis for plant operations and testing the quality of the glass, and the Balance of Facilities, which will comprise several support facilities such as compressed air and treated water.

2.6 The WTP is currently one of the largest, if not the largest, project in the United States and once complete, the WTP will be the largest facility of its kind in the world.

2.7 The original Bechtel cost estimate for the WTP was about \$5 billion and with a time estimate of seven years to complete it.

2.8 The current Bechtel cost estimate for constructing the WTP is over \$12 billion and the time estimate to complete it is nearly twenty years. Both cost and schedule for the WTP have grown by over 240 percent.

2.9 Construction of the WTP is projected to be complete in about 2016, and, following commissioning, the plant is planned to be fully operational by 2020.

2.10 The WTP is being built with a design life of forty years. There are parts of the WTP that must operate for forty years with no maintenance including, for example, tanks, pipelines, mixers in tanks, level control instrumentation, spargers, and air system control devices.

2.11 The high-level nuclear tank waste in the Hanford waste tanks includes plutonium and enriched uranium. A criticality accident occurs when a nuclear chain reaction is accidentally allowed to occur in fissile material such as plutonium and enriched uranium. This chain reaction releases radiation, which is highly dangerous to personnel and could result in contamination of the surrounding facilities and structures. When such incidents occur outside reactor cores and test facilities where fission is intended to occur, they pose a high risk both of injury or death to workers.

2.12 A criticality incident of sufficient magnitude could also damage the facility and endanger the public.

2.13 While the actual probability of a criticality may be low, the consequences of a criticality would be significant. Consequences include notification and reviews by state, federal, and international agencies, which could result in a shutdown for an indeterminate period.

2.14 The hazardous high-level nuclear tank waste in the Hanford waste tanks contains materials that constantly generate explosive hydrogen gas. The hydrogen gas can become trapped and accumulate in the waste.

2.15 A combined criticality with explosive gas release at the WTP could be an accident of the worst magnitude and could cause injury and death to workers as well as endangering the public and the environment.

### **III. DOE-ORP AT HANFORD**

3.1 The U.S. Department of Energy's Office of River Protection (“DOE-ORP”) manages the storage, retrieval, treatment, and disposal of Hanford's high-level nuclear tank waste. The DOE-ORP was established by the U.S. Congress in 1998, as an independent office at the Hanford Site with the exclusive focus of solving the Hanford tank cleanup challenge. The goal of the DOE-ORP is to complete tank cleanup quickly, safety, and cost effectively. To this end, it provides contract management, safety oversight, and project integration for its prime contractors, which are currently: Bechtel, Advanced Technologies and Laboratories International, Inc., and Washington River Protection Solutions, LLC. DOE-ORP is also responsible for ensuring that high-level nuclear tank waste cleanup is accomplished as an integrated waste treatment operation.

3.2 To ensure the safety of the overall project, the DOE-ORP implements an Integrated Safety Management approach for benchmarking and maintaining its safety culture.

### **IV. BECHTEL AT HANFORD**

4.1 Bechtel is a prime contractor for the DOE-ORP at Hanford. Bechtel was awarded the project in December 2000 and is directly responsible for the overall project

management including design, construction, and startup/commissioning as well as other support functions such as project controls.

4.2 Bechtel has contracts with DOE and is bound by the following contract term, which is contained in its contracts, and which provides:

The Contractor shall comply with the requirements of DOE Contractor Employee Protection Program at 10 CFR part 708 for work performed on behalf of DOE directly related to activities at DOE-owned or -leased sites, with respect to work performed on-site at a DOE-owned or -leased facility, as provided for at Part 708.

The contract term imposes an affirmative duty on Bechtel not to retaliate. 10 C.F.R. § 708.43. Under the framework, “retaliation means an action (including intimidation, threats, restraint, coercion or similar action) taken by a contractor against an employee with respect to employment (*e.g.*, discharge, demotion, or other negative action with respect to the employee’s compensation, terms, conditions or privileges of employment) . . .” 10 C.F.R. § 708.2.

## V. URS AT HANFORD

5.1 URS is a partner and principal subcontractor to Bechtel at Hanford for work on the WTP. While URS is referred to as a “subcontractor,” URS functions as a partner in that it splits profits and fees paid equally with Bechtel and URS also shares key staff positions with Bechtel.

5.2 URS’s earnings are a direct result of contract milestone performance with Bechtel as judged by DOE, rather than a typical subcontractor payment schedule.

5.3 The milestone performance includes both distinct milestones as well as subjective judgments by the DOE in areas such as responsiveness and percentage of work completed.

5.4 URS has contracts with Bechtel and is bound by the following contract term, which is contained in its contracts, and which provides:

The Contractor shall comply with the requirements of DOE Contractor Employee Protection Program at 10 CFR part 708 for work performed on behalf of DOE directly related to activities at DOE-owned or -leased sites, with respect to work performed on-site at a DOE-owned or -leased facility, as provided for at Part 708.

The contract term imposes an affirmative duty on URS not to retaliate. 10 C.F.R. § 708.43. Under the framework, “retaliation means an action (including intimidation, threats, restraint, coercion or similar action) taken by a contractor against an employee with respect to employment (*e.g.*, discharge, demotion, or other negative action with respect to the employee’s compensation, terms, conditions or privileges of employment) . . .” 10 C.F.R. § 708.2.

5.5 Bechtel has no authority to direct URS to retaliate against URS employees in retaliation for whistleblowing activities.

## VI. DONNA BUSCHE

6.1 Donna Busche has been a hard-working and dedicated employee of URS Company (“URS”) for approximately six years. Ms. Busche holds a Bachelor of Science degree in nuclear engineering and a Master of Science degree in health physics, both from Texas A&M University.

6.2 In 1998, Ms. Busche was subcontracted by Safety Sites of Colorado, a subsidiary of Washington Group International, Inc., (which was subsequently bought by URS) to develop the safety basis documents for Building 371 and Building 779 at the Rocky Flats Environmental Technology Site (RFETS), a U.S. Department of Energy site. Shirley Olinger, the manager for the Safety Basis Division, directed Ms. Busche to change the radiological consequences in a safety analysis, which is used to select safety

controls. Upon indicating that she would be obligated to first update the safety analysis to provide the basis for changing the nuclear control strategy, Ms. Olinger insisted that Ms. Busche implement the directed change without any technical justification. Ms. Busche promptly reported to DOE senior management at RFETS. She emailed Jessie Roberson, the DOE manager at Rocky Flats, and Keith Klein, Ms. Roberson's assistant manager for the Authorization Basis Division, and advised them that Ms. Busche felt she had been directed, but refused, to violate a nuclear safety requirement as directed by Ms. Olinger. A short time after this email was sent, Ms. Busche received a telephone call from Mel Chew of M.H. Chew & Associates, Ms. Busche's supervisor, informing her that Ms. Olinger wanted her removed from the project.

6.3 In 2008, Ms. Busche was assigned to perform the duties of Chief Nuclear Engineer and Manager of Nuclear Safety at the Waste Isolation Pilot Plant ("WIPP") in Carlsbad, New Mexico. In this capacity, she executed the duties of the Chief Nuclear Engineer and Manager of Nuclear Safety as required and called upon.

6.4 In June 2008, the WIPP received a drum containing transuranic waste that read 270 millirem neutrons per hour on contact, which exceeded the waste acceptance criteria for that facility under the RCRA permit. After performing an unreviewed safety question determination, Ms. Busche determined that the drum was safe to leave in place. However, the drum was still a violation of the Technical Safety Requirement ("TSR"). Upon convening a meeting of the Plant Review Committee, the committee, including Ms. Busche, notified the Department of Energy of the violation. Approximately three months later, Ms. Busche was called into a meeting with the senior DOE manager, Dave Moody, and senior URS manager, Farok Sharif, and was asked to rescind the report of the TSR

violation. When she refused, Ms. Busche was removed from her position and reassigned to the Hanford site of URS.

6.5 In March 2009, Ms. Busche was assigned to perform the duties of Manager of Environmental and Nuclear Safety at Hanford for URS. She was a direct report to Bill Gay. Her job responsibilities included coordination and preparation of the dangerous waste permit for URS waste treatment facilities, and development, coordination, and approval of safety basis documents issued to the Department of Energy and used to license URS facilities.

6.6 One of Ms. Busche's job duties is to ensure that adequate documentation supports company assertions regarding environmental and nuclear safety. On the nuclear safety side, she is responsible for developing and coordinating the safety basis documents that will be used to license the five facilities at Hanford. From 2009 to early 2010, Ms. Busche had a good working relationship with management at Hanford. Although her job is to say "no" if the documentation is lacking on a particular submission, she was able to do that without retaliation.

6.7 Beginning in 2010, the company's focus moved away from nuclear and environmental safety compliance and toward meeting deadlines regardless of the quality of the work. In this atmosphere, Ms. Busche was viewed as a roadblock to meeting deadlines, rather than a valuable check against noncompliance, and managers sought ways to retaliate and to circumvent her efficacy. For example:

- In May 2010, manager Craig Myler claimed that Ms. Busche was in her position illegally and sought to use that argument to prevent her from hiring a deputy to assist her in her work.
- In June 2010, Manager Marshall Perks refused to implement Ms. Busche's direction related to the adequacy of the control strategy for criticality

safety. Specifically, the current sampler design was inadequate and needed to be removed from the CSER.

- In June 2010, Engineering refused to support the proper functional classification of fire barriers.
- In June 2010, Ms. Busche attended a meeting organized by Barbara Rusinko during which Dr. Walter Tamosaitis produced a long list of technical items. Ms. Busche indicated that she would do a hazards analysis on the listed items. In early July, Mr. Ashley told her that she did not need to do the hazards analysis, and that Walt was being reassigned. Ms. Busche responded, "I'm obligated to do the hazards analysis." Ashley argued, "You don't need to do it." She replied, "I have to do it," and then left his office. Ms. Busche later recounted these events during a deposition in the Tamosaitis civil and DOL cases.
- In July 2010, Engineering refused to approve PFHAs. They were holding ENS hostage because of Ms. Busche's firm position on functional classification.
- In September 2010, Ms. Busche provided objective evidence of Greg Ashley and Kent Fortenberry's changing of the response package and of a nonconcurrence. As a result, Mr. Fortenberry and Mr. Ashley had to modify the text in the BNI/DOE written response to DNFSB formal questions as required by the federal procedures.
- In October 2010, Ms. Busche asked Manager Russo for authority to do her job, because she was constantly being undermined. No changes occurred.

6.8 In early August 2010, Ms. Busche notified Cami Krumm, the Human Resources manager at URS, in writing, that Mr. Gay was subjecting her to sexual harassment and discrimination. Specifically, Mr. Gay had made inappropriate and sexist remarks to her in an unscheduled meeting, including comments that women react emotionally while men use logical thinking. He told her that URS was a "good old boys club," and that Ms. Busche, as an attractive woman, should use her "feminine wiles" to better communicate with the men at URS. Mr. Gay also stated that if Ms. Busche were single, he would pursue a romantic relationship with her. Approximately one week after Ms. Busche notified HR of these remarks by Mr. Gay, he approached Ms. Busche and

apologized. On August 19, 2010, at Shirley Olinger's going-away party, Frank Russo, approached Ms. Busche and informed her that he had written a letter to Dave Pethick expressing concern about the ongoing sexual harassment and discrimination allegations involving Mr. Gay and Ms. Busche. On August 30, 2010, Ms. Busche met with Ms. Krumm to discuss this letter. During this meeting, Dave Hollan and URS attorney Matt Alan were teleconferenced, and they joined in the discussion of the letter and the allegations. About five months later, Mr. Gay was removed as Ms. Busche's supervisor, and Mike Coyle took over the supervisor role.

6.9 On October 7 and 8, 2010, Ms. Busche testified at a DNFSB public hearing regarding the WTP. While testifying about deposition velocity, she took a position that was contrary to the position of the DOE Chief of Nuclear Safety, Chip Langdon, and contrary to the DOE's ongoing response to recommendations on risk analysis. During the hearing, Ms. Busche and her staff had decided to employ the use of notecards to help guide her testimony in areas in which her staff had superior knowledge. However, Shirley Olinger, the DOE Assistant Manager for the Safety Basis Division, began censoring the notecards she was allowed to receive from her staff.

6.10 After the hearing on October 7, 2010, Ms. Busche was openly admonished by DOE Assistant Secretary for Environmental Management Ines Triay for the content of her testimony earlier that day. An angry and agitated Ms. Triay told Ms. Busche in a meeting room with approximately fifty URS employees that if "[her] intent was to piss people off [with her testimony], [she] did a very good job." Ms. Busche immediately left the room following this exchange with Ms. Triay. The following day, Ms. Busche did not attend the preparatory session. When she arrived for the hearing, Frank Russo, Bill

Gay and Leo Sain individually approached her and asked whether she could “provide a different answer” to the questions she answered during the hearing. Ms. Busche told each of them that she could not. She understood their questions to imply that she should recant her earlier testimony. During a group discussion on October 19, 2010 regarding the commitments made during the public hearing and the subsequent discretionary actions, Ms. Busche refused to complete these discretionary actions, which she felt were attempting to recant or change her testimony.

6.11 Ms. Busche’s work environment did not improve under Mike Coyle. In January 2011, Mike Coyle verbally directed Ms. Busche to stop putting technical and safety issues in writing to him, and to instead come to him in person with these issues, so as to avoid making a written record.

6.12 BNI controls the work and supervision of persons assigned to Ms. Busche. In doing so, BNI, through its employees, has actively sabotaged her work since BNI employees go around her, defy her efforts to supervise them, and all without consequence.

6.13 In March 2011 Mr. Coyle told Ms. Busche that he felt she did not respect him. Ms. Busche told him that he was detrimentally affecting her ability to perform her responsibilities under her contract with URS, and that he was undermining her authority by going to her subordinates instead of her about certain issues she was in charge of handling.

6.14 Under his supervision, Mr. Coyle has isolated Ms. Busche and kept her out of meetings she was both authorized and required to attend. Mr. Coyle also made

comments to others that Ms. Busche needed “to get under control,” referring to her as raising safety and technical issues.

6.15 On May 16, 2011, Ms. Busche was deposed in the Tamosaitis civil and DOL cases. In that deposition, which was attended by URS and BNI attorneys, Ms. Busche provided valuable testimony concerning a 50-item list provided by Mr. Tamosaitis to management in June 2010. She identified many items on Dr. Tamosaitis’ list as being related to nuclear safety, which was important evidence in support of his claim of whistleblower retaliation against URS.

6.16 On October 12, 2011, Fred Beranek gave Ms. Busche a corrective action letter that detailed an employee concern investigation involving Ms. Busche and allegations of misuse of employees for non-work-related activities, uncivil behavior, and lack of cooperation with the resulting investigation. This discipline was a sham and a pretext for retaliation.

6.17 As pointed out by Ms. Busche in her written response to the disciplinary letter, assertions of fact in the corrective action letter are materially false and inconsistent with findings in other investigations, and the Dennis Hurshman investigation, which apparently provided the basis for the discipline, was conducted in bad faith.

6.18 Ms. Busche’s meeting with Mr. Hurshman on August 8, 2011, lasted approximately thirty minutes. Mr. Hurshman told Ms. Busche that he was following up on alleged concerns filed “around the same time” that she filed concerns to URS Human Resources on isolation and sexual discrimination. Prior to the interview starting, Ms. Busche asked Mr. Hurshman direct questions on the status of her concerns. Hurshman indicated that he was “still working on it,” and transitioned quickly to “he was the

investigator for this meeting and she needed to answer his questions.” His opening remarks in the interview were that he has been directed by URS management to ask Ms. Busche if she was represented by counsel. Ms. Busche did not respond to his question because it had absolutely no bearing on her willingness to support a URS investigation. Mr. Hurshman became visibly agitated. He was combative, biased, and unprofessional. His questions were routinely worded as a statement of fact rather than a question to understand what she may or may not have done.

6.19 Ms. Busche views the corrective action letter, Mr. Beranek’s verbal statements that “people want her fired,” and URS executive communications in Washington, DC, as direct threats. She believes that the aggressive actions by URS are intended to discredit her technically on her concerns related to the inadequacy of the WTP design and safety basis documents that are noncompliant with 10 CFR 830. Further, she believes that those actions are also in direct retaliation for her sworn testimony in response to public meetings and depositions, input to safety culture investigations, and her formal complaints to URS and BNI related to sexual discrimination and a hostile work environment.

## **VII. URS AND BNI ARE ACTIVELY WORKING TO OUSTER MS. BUSCHE**

7.1 URS and BNI are currently engaged in retaliatory efforts in order to remove Ms. Busche from her assignment at URS.

7.2 Ms. Busche’s reputation in the community and her reputation in the industry have been severely damaged by the illegal and retaliatory actions of URS and BNI.

7.3 Ms. Busche has lost friends, and her family’s social involvement in their community has been impacted.

7.4 Ms. Busche has suffered loss of enjoyment of life, pain and suffering, mental anguish, emotional distress, injury to reputation, and humiliation.

7.5 Ms. Busche will lose income and professional opportunities for the remainder of her work life owing to the wrongful actions of the respondents.

7.6 URS and BNI are liable for the actions of their agents under the doctrine of *respondeat superior*.

### **VIII. ADVERSE ACTIONS**

8.1 After six years of service with URS and over 16 years in the nuclear safety arena supporting DOE, Complainant's career has been irreparably harmed by the Respondents' illegal retaliation against Complainant in her position at URS at the WTP site because of her protected activity.

8.2 Complainant's career growth in the Hanford and DOE community has been irreparably harmed as a result of the Respondents' retaliatory actions.

8.3 Complainant's reputation in the community as well as her reputation in the industry is severely damaged by Respondents' illegal and retaliatory actions, which include notifying DOE of the discipline imposed on her, which compromises her credibility with the customer.

8.4 Respondents' actions have caused a chilling effect on the willingness and ability of other employees at the Waste Treatment Plant to bring forth safety and engineering concerns that could impact the cost and schedule of the facility in a manner that might threaten the fees and profits of Respondents.

8.5 Complainant was subjected to a hostile working environment.

8.6 Complainant's ability to supervise her staff has been impaired.

8.7. Complainant has received unjustified discipline.

## **IX. CAUSES OF ACTION**

9.1 Complainant's acts in reporting violations of laws and regulations and safety non-compliances are protected activities under the Energy Reorganization Act, 42 U.S.C. Section 5851.

9.2 Complainant's acts in reporting violations of laws and regulations and safety non-compliances are protected activities under the Toxic Substances Control Act, 15 USC Section 2622.

9.3 The Respondents had knowledge of the foregoing protected activity.

9.4 Respondents acted in concert to harass and wrongly discipline Complainant in a discriminatory manner, and subjected her to a hostile working environment.

## **X. REQUEST FOR RELIEF**

Complainant respectfully requests the following relief from the Department of Labor:

10.1 That the contractors of the WTP Project and the DOE be directed to conduct regularly scheduled independent third party reviews of the Safety culture;

10.2 That respondents pay punitive damages;

10.3 That the WTP Project be directed to establish an issue resolution process that crosscuts WTP divisions and includes the DOE;

10.4 That the current contractors of the WTP Project post prominently in visible places and distribute to all employees individually a statement denouncing their action towards Complainant (this statement must meet the approval of Complainant);

10.5 That the contractors of the WTP project and DOE be directed to undertake training for their management in how to prevent retaliatory actions, issue suppression, and a chilling environment;

10.6 Payment equal to what would have resulted from the Complainant's career plans over the next decade. This includes all benefits such as her 401k, medical, and life insurance;

10.7 An award of damages to compensate Complainant for emotional harm;

10.8 An award of damages to compensate Complainant for lost wages, lost future business opportunities, lost benefits, and retirement;

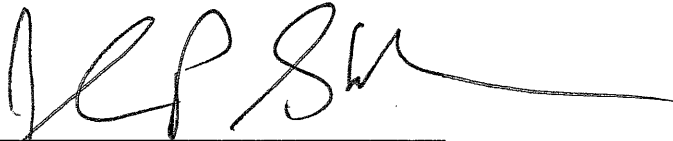
10.9 All costs for bringing this action, including attorney fees and litigation costs;

10.10 Any and all such other relief to which Complainant may be entitled.

SUBMITTED this 10th day of November, 2011.

Respectfully submitted,

**Counsel for Complainant**

A handwritten signature in black ink, appearing to read 'J.P. Sheridan', with a long horizontal flourish extending to the right.

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