

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil

LYNDSEY OLSON,

Case No.: _____

Plaintiff,

v.

COMPLAINT

JOHN LESCH,

Defendant.

Lyndsey Olson for her Complaint against Defendant John Lesch states and alleges as follows:

PARTIES

1. Plaintiff, Lyndsey Olson (“Ms. Olson”) is an individual citizen and resident of the State of Minnesota, a Lieutenant Colonel in the Minnesota Army National Guard, and was recently appointed as the Saint Paul City Attorney.

2. Defendant, John Lesch (“Lesch”) is an individual citizen and resident of the State of Minnesota, currently serves as a Minnesota State House Representative for District 66B, and practices law with the firm of Lesch & Duren in Saint Paul, Minnesota.

JURISDICTION AND VENUE

3. The Second Judicial District, Ramsey County District Court has original jurisdiction over this civil action within the district.

4. This Court has personal jurisdiction over Lesch as on information and belief he resides in Ramsey County, Minnesota.

5. Venue is proper in this district pursuant to Minn. Stat. § 542.09 because the cause of action, or some part thereof, arose in Ramsey County, Minnesota.

INTRODUCTION

6. This case involves issues of ongoing gender discrimination that permeate our society and disrupt the progress and promotion of women to professional leadership positions. Left unchecked, such gender discrimination will only worsen and take on insidious covert forms of gender discrimination in addition to the most blatant forms of sexual harassment highlighted in media reports.

7. By this action, Ms. Olson seeks to recover damages for false and defamatory statements made by Defendant John Lesch. Ms. Olson is the newly appointed Saint Paul City Attorney with solid professional credentials and a dedicated career in military service. Within days of newly elected Mayor Melvin Carter's announcement to appoint Ms. Olson as the Saint Paul City Attorney, he received a letter from Defendant Lesch not only questioning the selection process of department heads, but also containing several false and defamatory statements and innuendos concerning Ms. Olson's previous experience as a duly licensed and practicing attorney in her former role as General Counsel for the Minnesota National Guard. John Lesch's statements are false, defamatory and injurious to Ms. Olson's professional and personal reputation. In addition to the written statements to Mayor Melvin Carter, John Lesch has continued to make numerous telephonic contacts to the Mayor's Office demanding an audience with the Mayor regarding Ms. Olson's employment. In addition, Defendant Lesch has made verbal statements to a number of Saint Paul citizens and public servants in an effort to injure Ms. Olson's reputation and standing in the community, and to interfere with Ms. Olson's appointment as the Saint Paul City Attorney.

BACKGROUND FACTS

Lyndsey Olson

8. Ms. Olson is a licensed attorney and a member of the bar of Minnesota, the United States Court of Appeals for the Armed Forces and the United States Supreme Court. Olson has no record of professional misconduct.

9. Ms. Olson received her Bachelor's Degree in Philosophy, Law & Rhetoric in 1998 from Stephens College in Columbia, Missouri. Olson graduated from Hamline University School of Law in St. Paul, Minnesota in 2003. Ms. Olson earned an LLM in Federal Contracts and Fiscal Law in 2010 from the U.S. Army Judge Advocate General Legal Center and School.

10. In 2001, Ms. Olson joined the Minnesota National Guard. She became a member of the full-time staff in 2005. During her service with the Minnesota National Guard, Ms. Olson successfully held several positions, including the Deputy General Counsel, 34th Infantry Division; Trial Counsel/International Law Attorney, 34th Combat Aviation Brigade during Operation Iraqi Freedom, Balad, IRAQ; Deputy General Counsel for the Minnesota National Guard; and most recently General Counsel for the Minnesota National Guard. Though Ms. Olson has left her full-time position as General Counsel for the Minnesota National Guard upon being appointed as the Saint Paul City Attorney, she remains a traditional drilling member of the Minnesota National Guard as the Deputy State Staff Judge Advocate.

11. Due to her dedicated and outstanding military service, Ms. Olson received many notable recognitions and awards, including a Bronze Star Medal award for her military service as trial counsel in Operation Iraqi Freedom, a Meritorious Service Medal for service in the Minnesota Army National Guard from June 7, 2007 to February 25, 2013, and a Meritorious Service Medal for her service in the Minnesota Army National Guard from November 17, 2014

to February 1, 2018. Ms. Olson also received excellent performance evaluation ratings and was consistently recommended for promotion in the military.

12. In an environment that has historically been, and remains male-dominated, Ms. Olson rose through the ranks of the Minnesota National Guard due to her outstanding performance and service. She became the first female to hold the position of General Counsel and Deputy Staff Judge Advocate for the Minnesota National Guard, and the first female Judge Advocate General Corps Officer to be promoted to the rank of Lieutenant Colonel with the Minnesota National Guard.

13. Despite, or indeed because of, Ms. Olson's outstanding military service and awards, her military experience also subjected her to harassment and gender discrimination. Shortly after beginning her military career, Ms. Olson was the target of a superior officer's repeated and unwelcomed sexual advances. Although Ms. Olson reported the incident, little was done to address the harasser's conduct or to modify Ms. Olson's working conditions.

14. While the overt sexual harassment appeared to cease, Ms. Olson quickly became the target of repeated gender discrimination and retaliation. This harassment and bullying by a small group of males within the Minnesota National Guard escalated over time and has included assigning blame on Ms. Olson for projects not specifically assigned to Ms. Olson, assigning blame on Ms. Olson for personnel actions not determined or taken by Ms. Olson, blatant insubordination by male subordinates supervised by Ms. Olson, and the formation of a coordinated group of males that has launched rumor and disinformation against Ms. Olson creating an isolating and hostile work environment culminating in anonymous workplace complaints regarding Ms. Olson.

15. During her tenure as General Counsel, Ms. Olson learned that two anonymous Inspector General complaints were filed in succession: one regarding her supervision of male subordinates, and one alleging regulations regarding physical training tests were not followed. Concurrently, Ms. Olson discovered that small group of males, with whom she served, formed a male only group to secretly scheme a plan for Ms. Olson's removal from her position as General Counsel of the Minnesota National Guard. On information and belief the man who organized the group was the same man who had sexually harassed her years before and another one of the men in the group previously competed with Ms. Olson for promotion to the position of General Counsel. Others were dissatisfied with personnel and discipline decisions for which they held Ms. Olson responsible. On information and belief, some men in the group include retired and former Judge Advocates and male senior leaders who outrank Ms. Olson.

16. The anonymous Inspector General complaints against Ms. Olson were subsequently investigated, determined to be unsubstantiated, and closed over one year ago without action. Ms. Olson has no record of misconduct or any adverse personnel action in the Minnesota National Guard.

17. Shortly after the investigations were closed, the Minnesota National Guard received an anonymous Freedom of Information Act ("FOIA") request from a third-party agency for Ms. Olson's investigative file.

18. During the past year of Ms. Olson's position as General Counsel she learned that the same group of men has been spreading unsubstantiated rumors within the Minnesota National Guard about the investigations.

Defendant Lesch

19. On information and belief Defendant Lesch is a former member of the Minnesota National Guard. While Defendant Lesch and Ms. Olson know many individuals in common, Ms. Olson has never worked directly with Defendant Lesch nor even in the vicinity of Defendant Lesch in the military work environment.

20. On information and belief Defendant Lesch previously worked as an attorney for the Saint Paul City Attorney's Office for approximately 15 years and had previously applied for the position of St. Paul City Attorney on at least one or more occasions.

Defendant Lesch's False and Defamatory Statements

21. On or about January 3, 2018, Defendant Lesch sent a letter to Saint Paul Mayor Melvin Carter which contained a number of false and defamatory statements and innuendo regarding Ms. Olson. While the correspondence was sent under Defendant Lesch's official Minnesota House of Representatives' letterhead, it was conspicuously designated as "Personal and Confidential."

22. While lodging a general concern about the hiring process of department heads for the City of Saint Paul, Defendant Lesch's three-page correspondence to Mayor Carter contained numerous false and defamatory statements specifically related to Ms. Olson and her fitness for the office of Saint Paul City Attorney, which provided in pertinent part:

The open process was not so open as to give notice of who was up for consideration, but if it had been, and had I heard you were considering Lyndsey Olson, I would have registered grave concerns over her fit for the office. My own experience with Ms. Olson in the Minnesota National Guard revealed her to be a prosecutor who would sacrifice justice in pursuit of a political win- even going so far as to commit misconduct to do so. But my own experience in observing this trait in her is not so relevant as is the official National Guard Investigation of her for operating a "toxic work environment." Multiple Minnesota National Guard Officers have raised this issue with me about her. Having not worked with her on her team, I cannot speak personally to her habits as a manager, but these reports of her did appear to be consistent with my experience with her use of her

office to wage a political fight. This bodes poorly for a successful labor-management operation and, as a veteran of the SPCAO, I am compelled to inquire of it.

23. Defendant Lesch's correspondence to Mayor Carter also contained a verbose explanation of his concerns related to the prosecution of the protestors who demanded justice for Philando Castille tied to an improper and overreaching request for documents related to Olson and her former role with the Minnesota National Guard, the request of which provided in pertinent part:

I share this example to highlight the importance of a seasoned manager, with a track record of good judgment, for the role of Saint Paul City Attorney. My only experiences (and the experiences of Ms. Olson's former coworkers in the MN National Guard) suggest she is not that person. However, I believe all situations possess nuance where context may soften an otherwise negative impression.

This is why I am asking for a disclosure of the following:

1. The official complaint and/or supporting documentation that provided the basis for any prior investigations against Lyndsey Olson, especially investigations by the Minnesota National Guard.
2. Any information provided to the hiring panel and/or any person who made the decision to advance or hire Lyndsey Olson as Saint Paul City Attorney.
3. Ms. Olson's disciplinary record in her prior position.
4. Information about Ms. Olson's disclosures to the hiring panel and/or any person who made the decision to advance or hire Lyndsey Olson as Saint Paul City Attorney. (i.e. did she reveal her track record of investigations to anyone on your transition team or to the citizen panel members?).

Mayor Carter, this is a personal letter from me to you. I have not copied it to any member of the press or even to the Saint Paul Delegation, as I am hoping we can resolve this internally. I would ask that within a week you respond with some indication of your willingness to work with me on this, and that at that point we have some idea of how long it will be before all of the requested information can be produced.

24. On information and belief, Defendant Lesch did not, and has not made any requests to the Minnesota National Guard for Ms. Olson's military records.

25. In his role as Minnesota House Representative, Defendant Lesch did not participate in the selection process for the Saint Paul City Attorney, nor does the Minnesota State Legislature oversee the selection process for any City of Saint Paul department head appointment.

26. On information and belief, Defendant Lesch has continued to engage in efforts to contact the Mayor of Saint Paul to discuss Ms. Olson's appointment.

27. On information and belief, since sending the defamatory letter to Mayor Carter, Defendant Lesch has made several verbal statements to Ms. Olson's colleagues, city employees, and other elected and appointed officials suggesting that Ms. Olson has committed acts of misconduct and that he is secretly trying to "take her out" and remove her from her newly appointed position as the Saint Paul City Attorney.

CLAIM FOR RELIEF

COUNT I-DEFAMATION PER SE

28. Ms. Olson restates and adopts paragraphs 1 through 27 above.

29. Defendant Lesch has knowingly, intentionally and maliciously made false and defamatory written and verbal statements concerning Ms. Olson, the natural tendency of which is to hold her up to hatred, scorn, contempt, ridicule and disgrace in the mind of right-thinking persons, and to deprive her of their friendly society.

30. By knowingly, intentionally and maliciously publishing false and defamatory written and verbal statements concerning Ms. Olson, Defendant Lesch intended to, and did defame Ms. Olson and her reputation and good standing in the community, including but not limited to members of the legal profession, members of the Minnesota National Guard and other

military branches, and elected and appointed individuals for the City of Saint Paul and Ramsey County.

31. Defendant Lesch's false and defamatory statements concerning Ms. Olson have been made both orally and in writing.

32. Defendant Lesch's false and defamatory statements concerning Ms. Olson were intended to bring her into disrepute and to harm Ms. Olson's personal and professional reputation in the community.

34. Defendant Lesch's false and defamatory statements concerning Ms. Olson are libelous, slanderous and defamatory on their face.

35. Defendant Lesch's false and defamatory statements concerning Ms. Olson were made with reckless disregard of their truth or falsity and/or with malice.

36. Defendant Lesch's false and defamatory statements concerning Ms. Olson are not privileged.

37. Defendant Lesch's false and defamatory statements concerning Ms. Olson are defamatory per se because they injure Ms. Olson's professional reputation.

38. As a direct result of Defendant Lesch's publication of knowingly, intentionally and maliciously false and defamatory statements, Ms. Olson's reputation and good standing in the community has been harmed and she has been embarrassed, humiliated and has suffered emotional distress.

39. Defendant Lesch's publication of knowingly, intentionally and maliciously false and defamatory statements has negatively affected and will continue to negatively affect Ms. Olson in connection with her professions, including but not limited to her current military service

in the Minnesota National Guard, and her newly appointed position as the Saint Paul City Attorney.

40. Defendant Lesch is liable to Ms. Olson for defamation, including libel and slander, in an amount to be determined by the trier of fact.

WHEREFORE, the Plaintiff, Lyndsey Olson, prays that the Court:

- (a) Enter judgment in her favor and against Defendant John Lesch for damages in an amount in excess of \$50,000;
- (b) Award her costs and disbursements and attorneys' fees incurred herein; and
- (c) Award all other relief which the Court deems just and equitable.

FOLEY & MANSFIELD, PLLP

Dated: February 16, 2018

By: /s/ Lisa M. Lamm Bachman

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ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGEMENT

The party upon whose behalf this pleading is submitted, by and through the undersigned, hereby acknowledges that sanctions may be imposed for a violation of Minn. Stat. § 549.211.

/s/ Lisa M. Lamm Bachman
Lisa M. Lamm Bachman