

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

CYNTHIA M. FITZWATER,)
)
Plaintiff,)
)
v.)
)
REBECCA B. NEAL, Individually)
and in her capacity as Treasurer)
of the City of Harrisonburg,)
Serve at: 770 Chestnut Drive)
Harrisonburg, Virginia 22801)
)
Defendant.)

Case No. 0808-00416

A TRUE COPY
ATTESTE Heather Hancock
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COMPLAINT

The plaintiff, Cynthia M. Fitzwater, by counsel, complaining of the defendant, Rebecca B. Neal, individually and in her capacity as the Treasurer of the City of Harrisonburg, alleges and says as follows:

NATURE OF SUIT

1. This is a suit under the Virginia Fraud Against Taxpayers Act, Va. Code Ann. §8.01-216.1, *et seq.* for injunctive relief and to redress and remedy discrimination by the defendant Rebecca B. Neal ("Neal") against the plaintiff Cynthia M. Fitzwater ("Fitzwater"). Neal has discriminated, and is discriminating, against Fitzwater in the terms and conditions of Fitzwater's employment because Fitzwater has opposed conduct or practices by Rebecca Neal in violation of, and referenced in, Va. Code Ann. § 8.01-216.3 of the Virginia Fraud Against Taxpayers Act, and because Fitzwater has initiated, assisted or participated in an investigation or action covered by the Act.

Filed in the Clerk's Office the 28 day of April 2008
Writ Tax \$ 5.00 BR 4.00 Misc 1.00
Fee 50.00 Service 12.00 Misc 10.00
L.V. 4.00 Misc 5.00 Total 91.00
Heather Hancock D.C.

PARTIES

2. The plaintiff Fitzwater is a citizen of the United States and a resident of Grottoes, Rockingham County, Virginia.

3. The defendant, Neal is a citizen of the United States and a resident of the City of Harrisonburg, Virginia. Neal is the Treasurer of the City of Harrisonburg, Virginia and has served in that capacity for approximately eleven years.

FACTS

4. Fitzwater has been employed by Neal for approximately seven years in the office of the Treasurer of the City of Harrisonburg, Virginia. Fitzwater is a sworn officer, and until recently has served as the Assistant Treasurer, also referred to as the Chief Deputy Treasurer. In February 2005, in addition to other duties as Assistant Treasurer and the Chief Deputy Treasurer, Neal added supervisory responsibilities over the office staff to Fitzwater's duties, which addition constituted a promotion.

5. During her employment, Fitzwater has performed the duties of her job well, and has met all legitimate expectations of the positions she has held in the Office of the Treasurer. She has received periodic increases in salary, and until the unlawful conduct by the defendant Neal alleged herein occurred, Fitzwater had received consistently good evaluations by the defendant Neal.

6. In 2005 and 2006, Neal nominated Fitzwater for Deputy Treasurer of the year, an award given by the Treasurer's Association of Virginia, reflecting Neal's opinion of Fitzwater's good performance.

