

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

SALLY STERN-HAMILTON,

Plaintiff,

Case No.

v.

Hon.

MASON COUNTY DISTRICT LIBRARY,  
ROBERT DICKSON, in his individual and  
official capacity, and MARILYN BANNON,  
in her individual and official capacity

Mag.

Defendants.

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DAVID M. BLANCHARD (P67190)  
EDWARD A. MACEY (P72939)  
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BLANCHARD & WALKER, P.C.  
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**COMPLAINT AND JURY DEMAND**

NOW COMES Plaintiff, SALLY STERN-HAMILTON, by and through her attorneys, NACHT, ROUMEL, SALVATORE, BLANCHARD & WALKER, P.C., and hereby complains of Defendants, MASON COUNTY DISTRICT LIBRARY, ROBERT DICKSON, and MARILYN BANNON as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Sally Stern-Hamilton (“Plaintiff” or “Ms. Stern-Hamilton”) is a resident of Ludington, Michigan, County of Mason.

2. Defendant, Mason County District Library (“Defendant” or “Library”) is a local governmental agency located in Ludington, Michigan, County of Mason.

3. Defendant Robert Dickson (“Defendant” or “Mr. Dickson”) is the Director of Mason County District Library and is a resident of Ludington, Michigan, County of Mason.

4. Defendant Marilyn Bannon (“Defendant” or “Ms. Bannon”) is the President of the Mason County Library Board and is a resident of Ludington, Michigan, County of Mason.

5. This lawsuit includes claims of first amendment retaliation.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action involves claims under 42 U.S.C. § 1983.

7. Venue is proper in the Western District of Michigan pursuant to 28 U.S.C. § 1391, as it is the district where the Plaintiff lives, Defendant is located, and the events giving rise to Plaintiff’s claims took place.

### **GENERAL ALLEGATIONS**

8. Plaintiff Sally Stern-Hamilton worked as a library assistant for Defendant Mason County District Library.

9. Ms. Stern-Hamilton worked at the Ludington, Michigan library.

10. She was originally hired on April 20, 1994 and worked for more than fourteen years with positive reviews.

11. Between 2003 and 2008, Ms. Stern-Hamilton repeatedly complained to her supervisor, Defendant Dickson, about incidents where older men would follow girls or otherwise make girls uncomfortable in the library.

12. In particular, in 2008, Ms. Stern-Hamilton was approached by a young teenage girl and her grandfather. The girl reported that a man had been following her around all day and rubbing his genitals.

13. The girl had been told by her parents not to leave the library, so she hid for hours under a table at the library to avoid this man.

14. Ms. Stern-Hamilton had the girl identify the person who was stalking her. The girl identified a frequent visitor of the library who often engaged in suspicious behavior with teenage girls. Ms. Stern-Hamilton had complained about his actions to supervisors on multiple occasions.

15. Ms. Stern-Hamilton relayed to the girl and her grandfather that they had received complaints about this man before.

16. Defendant Dickson did not respond to this threat in a timely manner.

17. He did, however, reprimand Ms. Stern-Hamilton for telling the girl and her grandfather that there had been previous complaints about the older man.

18. Defendant Dickson specifically referenced the fact that the library was getting ready to raise funds on a new children's wing. No additional staff was being added, meaning that instances like those that happened to the girl would be even more likely to occur.

19. Also in 2008, a different man was stalking a different young teenage girl who was attempting to do her homework.

20. He would sit down at her desk and talk to her and not leave her alone.

21. Ms. Stern-Hamilton complained to Defendant Dickson about this behavior.

22. Instead of dealing with the older man, Defendant Dickson had the girl move to the back of the library where employees work. The man was left free to enjoy the entire library.

23. After being separated from the girl, the man complained to Ms. Stern-Hamilton that he did not appreciate that she separated him from the girl and that he would do everything in his power to maintain the relationship.

24. The girl never returned to the library when Ms. Stern-Hamilton was there.

25. In 2008, Ms. Stern-Hamilton published a fictional book entitled *The Library Diaries*, which detail the observations of a long-time library employee in a fictional Lake Michigan town called “Denialville.”

26. The book is a work of fiction, written under the pseudonym Ann Miketa.

27. However, the book critiques of government waste, societal treatment of people with mental health problems, and other issues of high valiance in modern society.

28. The book also recounts incidents, based on real stories, where the library did not appropriately respond to threats posed by potential child predators.

29. Entire chapters cover both of the incidents referenced above where men in 2008 had stalked teenage girls.

30. The book also has a chapter critiquing a former board member of the Mason County District Library Board.

31. Defendants discovered that the book was written by Ms. Stern-Hamilton.

32. Defendants explicitly suspended her on July 15, 2008 for writing this book.

33. This suspension was based on Ms. Stern-Hamilton writing a book with detailed passages regarding her attempts to have potential stalkers removed from the library, as well as management’s failure to take the proper steps to protect child patrons.

34. On July 23, 2008, Ms. Stern-Hamilton met with Defendant Dickson, Defendant Bannon, and Assistant Director Sue Carlson.

35. On July 25, 2008, Defendants terminated Plaintiff for the same reason as her suspension.

**COUNT I: FIRST AMENDMENT RETALIATION**

**(Against the Individual Defendants)**

36. Plaintiff hereby realleges and incorporates by reference paragraphs 1-35 above.

37. Plaintiff engaged in protected speech by repeatedly complaining to her supervisor about dangerous men in the library.

38. Plaintiff also engaged in protected speech by writing a book.

39. All of this speech involves a matter of public concern.

40. Plaintiff's First Amendment interests, combined with the interests of the public, outweigh the government's legitimate interest in the efficient performance of the work place.

41. Plaintiff was explicitly fired for engaging in protected speech.

42. As a result, Plaintiff was harmed and continues to be harmed in that she has suffered economic loss, damage to her professional reputation, and emotional distress.

**COUNT II: FIRST AMENDMENT RETALIATION**

**(Against Mason County District Library and the individual defendants in their official capacity)**

43. Plaintiff hereby realleges and incorporates by reference paragraphs 1-42 above.

44. Defendants' termination of Plaintiff evinces a custom or policy of retaliating against employees who criticize the administration of the library and raise safety concerns.

45. The decision to terminate Ms. Stern was made with governmental authority.

46. As a result, Plaintiff was harmed and continues to be harmed in that she has suffered economic loss, damage to her professional reputation, and emotional distress.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff Sally Stern-Hamilton prays for relief from this honorable Court in the form of back pay, front pay, emotional distress damages, punitive damages, attorneys fees under 42 U.S.C. § 1985 and all other such relief as the Court deems just and proper.

Respectfully submitted,  
NACHT, ROUMEL, SALVATORE,  
BLANCHARD AND WALKER, P.C.

s/ David M. Blanchard  
David M. Blanchard (P67190)  
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Dated: July 13, 2011

**DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff, Sally Stern-Hamilton, by and through her attorneys, NACHT, ROUMEL, SALVATORE, BLANCHARD & WALKER, P.C., and hereby demands a trial by jury in the above-captioned matter.

Respectfully submitted,  
NACHT, ROUMEL, SALVATORE,  
BLANCHARD AND WALKER, P.C.

s/ David M. Blanchard  
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Dated: July 13, 2011