

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND
50 Maryland Avenue, Rockville, Maryland 20850

OWEN SULLIVAN,
c/o Justly Prudent
16701 Melford Blvd., Suite 400
Bowie, Maryland 20715

Case No.

DEMAND FOR JURY TRIAL

Plaintiff,

v.

MONTGOMERY COUNTY, MD,
Serve By Private Process:
Office of the County Attorney
101 Monroe Street
Rockville, Maryland 20850

JENNIFER HARLING,
Serve By Private Process:
10237 Foxhall Drive
Charlotte, NC 28210

JAMES DONALDSON
Serve By Private Process:
61 Claiborne Road
Edgewater, Maryland 21037

Defendants.

COMPLAINT FOR WHISTLEBLOWER RETALIATION

Plaintiff Owen M. Sullivan, for his Complaint against Defendants Montgomery County, Maryland (the “County”), Jennifer Harling (“Defendant Harling”), and James Donaldson (“Defendant Donaldson”) alleges as follows:

1. Mr. Sullivan brings this action to seek redress for Defendants’ unlawful retaliation against him for engaging in protected whistleblower activity. Mr. Sullivan, a 68-year-old attorney and experienced labor relations professional, was terminated from his position as a Labor

Relations Specialist III with Montgomery County Government on September 5, 2025, just 24 days after he reported suspected financial malfeasance, potential fraud, and violations of Montgomery County law to the Montgomery County Inspector General.

2. Mr. Sullivan's termination followed a clear pattern of escalating retaliation. After he reported concerns about unlawful effects bargaining and potential fraud at the Montgomery County Police Department to his supervisors in June and July 2025, the County issued him a pretextual "Below Expectations" performance evaluation. Yet, the same evaluation simultaneously acknowledged that Mr. Sullivan was "highly productive" and "super responsive." When Mr. Sullivan escalated his concerns to the Inspector General on August 12, 2025, the County terminated his employment less than one month later.

3. The County's termination notice offered no substantive reason beyond Mr. Sullivan's "probationary" status. No explanation was given for why an employee whom the County's own evaluation described as "highly productive" should suddenly lose his job. The answer is clear: Mr. Sullivan was terminated because he reported government misconduct to the authorities responsible for investigating it.

4. Mr. Sullivan seeks, among other things, compensatory damages, declaratory and injunctive relief, and the expungement of false statements from his personnel file.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this action under Md. Code Ann., Cts. & Jud. Proc. § 1-501.

6. Venue is proper in this Court under Md. Code Ann., Cts. & Jud. Proc. § 6-201 because the County carries out its governmental functions in Montgomery County, Maryland,

Defendant Harling is employed in Montgomery County, and the causes of action alleged herein arose in Montgomery County.

THE PARTIES

7. Plaintiff Owen M. Sullivan is a 68-year-old attorney and resident of Montgomery County, Maryland. From January 27, 2025 until his termination on September 5, 2025, Mr. Sullivan was employed by Montgomery County Government as a Labor Relations Specialist III in the Office of Labor Relations. Mr. Sullivan resides in Rockville, Maryland.

8. Defendant Montgomery County, Maryland is a body corporate and politic organized under Article XI-A of the Maryland Constitution and the Montgomery County Charter. Montgomery County maintains its principal offices at 101 Monroe Street, Rockville, Maryland 20850. At all times relevant to this Complaint, Montgomery County was Mr. Sullivan's employer.

9. Defendant Jennifer Harling is sued in her individual capacity. At all times relevant to this Complaint, Defendant Harling served as the Chief Labor Relations Officer for Montgomery County Government's Office of Labor Relations. Defendant Harling was Mr. Sullivan's manager and the individual who signed the Notice of Termination ending Mr. Sullivan's employment on September 5, 2025. Upon information and belief, Defendant Harling resides in Charlotte, North Carolina.

10. Plaintiff James Donaldson is sued in his individual capacity. At all times relevant to this Complaint, Defendant Donaldson served as the Deputy Chief Labor Relations Officer for Montgomery County Government's Office of Labor Relations. Defendant Donaldson was Mr. Sullivan's direct supervisor and the individual who authored and issued the false and retaliatory

performance evaluation on August 6, 2025. Upon information and belief, Defendant Donaldson resides in Anne Arundel County, Maryland.

BACKGROUND

11. On or about December 30, 2024, Montgomery County hired Mr. Sullivan as a Labor Relations Specialist III in the Office of Labor Relations. Mr. Sullivan's annual salary was \$130,000, which increased to \$138,000 following a county-wide salary survey in June 2025.

12. Mr. Sullivan was assigned to provide labor relations support to the Montgomery County Police Department and the Montgomery County Sheriff's Office. His responsibilities included coordinating disciplinary processes, facilitating grievance proceedings, issuing decisions on behalf of the Chief Administrative Officer, and supporting collective bargaining activities.

13. Mr. Sullivan's direct supervisor was Defendant Donaldson. Mr. Sullivan's manager was Defendant Harling.

14. Prior to engaging in protected whistleblower activity, Mr. Sullivan received no discipline or negative feedback regarding his job performance. To the contrary, Defendant Harling publicly praised Mr. Sullivan during an office meeting, stating: "Shout out to Owen Sullivan for clearing up our CAO reply letter backlog."

Mr. Sullivan Reports Unlawful Effects Bargaining

15. During June and July 2025, Mr. Sullivan reported to Defendants Donaldson and Harling that Montgomery County was engaged in what he believed to be unlawful effects bargaining with police labor unions in violation of Montgomery County Code § 33-80(c).

16. Montgomery County Code § 33-80(c) expressly prohibits effects bargaining with police unions. The provision states that while the employer may voluntarily discuss matters

concerning the exercise of employer rights with union representatives, “such matters shall not be subject to bargaining.”

17. Mr. Sullivan informed Defendants Donaldson and Harling that Attorney Silvia Kinch, the Chief of the County’s Division of Labor Relations and Public Safety, had characterized certain sidebar agreements between the County and police unions as “unlawful.”

18. Mr. Sullivan further informed Defendants Donaldson and Harling that a former Office of Labor Relations colleague, Ryan Mariateque, who was assigned to police labor relations from 2020 to 2025, had confirmed that the County had violated Montgomery County Code § 33-80(c) dozens of times. Mr. Mariateque stated that these unlawful sidebar agreements had been signed off by Police Chief Marc Yamada, Defendant Harling, and the Office of County Attorney.

Mr. Sullivan Reports Financial Malfeasance at the Police Department

19. On July 8, 2025, Mr. Sullivan submitted a confidential memorandum to Defendant Harling reporting potential financial malfeasance and possible fraud at the Montgomery County Police Department.

20. In his July 8, 2025 memorandum, Mr. Sullivan reported that MCPD Office of Management and Budget Manager Dale Phillips had instructed staff to process an invoice of \$396,000 using State of Maryland PACT grant funds for services that had not yet been rendered and were to be received after the conclusion of the grant period. This conduct violated the County’s accounts payable policy and the intended use of state grant funding.

21. Mr. Sullivan’s memorandum noted that the Montgomery County Inspector General had previously investigated and verified these violations in a report dated April 15, 2024. The Inspector General found that Mr. Phillips had instructed his staff to process the invoice

despite having been informed on multiple occasions that contractual work paid for with state grant funds had to be completed within the designated grant period.

22. Mr. Sullivan's July 8, 2025 memorandum also reported concerns about potentially fraudulent police overtime billing. Mr. Sullivan reported information from Karla Thomas, the MCPD Financial and Grants Management Section Manager and a certified public accountant, who had documented concerns that an invoice had been created to bill Montgomery County Public Schools for compensatory leave and overtime hours that may not have been valid. Ms. Thomas's concerns included charges for a football game in March when MCPS did not have football games, and officers claiming over six hours for a single football game.

The Retaliatory Performance Evaluation

23. On August 6, 2025, less than one month after Mr. Sullivan submitted his confidential memorandum reporting financial malfeasance, Defendant Donaldson issued Mr. Sullivan a performance evaluation with an overall rating of "2-Below Expectations."

24. The August 6th performance evaluation was internally contradictory and pretextual on its face. The same evaluation that rated Mr. Sullivan "Below Expectations" overall also acknowledged the following: (a) Mr. Sullivan was "highly productive"; (b) the Sheriff's Office described Mr. Sullivan as "very responsive"; (c) the Police Department indicated Mr. Sullivan was "super responsive"; (d) Mr. Sullivan "turns around assigned work products quickly"; and (e) Mr. Sullivan received a rating of "4-Highly Successful" for Productivity.

25. The performance evaluation contained contradictory criticisms that evidence discriminatory animus rather than legitimate performance concerns. Mr. Sullivan was criticized for "inserting himself" between Attorney Kinch and County managers on one occasion when he sent follow-up information that the managers had requested. Mr. Sullivan was then criticized for

not inserting himself between the County Attorney's Office and a County manager on another occasion. These opposite criticisms for the same type of conduct cannot both be legitimate.

26. The evaluation also criticized Mr. Sullivan for taking a "passive role" at a meeting, yet Defendant Donaldson had previously instructed Mr. Sullivan "to be quieter and just listen to learn the ways of Montgomery County." Defendant Harling was present when Defendant Donaldson gave this instruction.

27. During the August 6, 2025 meeting to discuss the performance evaluation, Mr. Sullivan asked Defendant Donaldson to provide examples of when Mr. Sullivan had "blamed others," as alleged in the performance evaluation. Defendant Donaldson could not and would not provide any examples.

Mr. Sullivan Reports to the Inspector General

28. On August 12, 2025, Mr. Sullivan submitted a detailed written reply to the retaliatory performance evaluation. Mr. Sullivan sent his reply directly to the Montgomery County Inspector General, copying Defendant Donaldson, Defendant Harling, the Office of County Attorney, and Human Resources.

29. In his August 12th email to the Inspector General, Mr. Sullivan requested an investigation into his reports of financial malfeasance and possible fraud at the Montgomery County Police Department, as well as the retaliatory performance evaluation he had received.

30. Mr. Sullivan expressly cited Montgomery County Code § 33-17(g), which makes it a criminal misdemeanor for any person to "take any action against a County employee to . . . retaliate against an employee for disclosing information to a Federal, State, or County official or employee concerning an illegal or improper action in County government that the employee has a good faith belief is accurate."

31. On August 22, 2025, the Montgomery County Inspector General responded to Mr. Sullivan's complaint, stating: "While the OIG does not have jurisdiction over personnel matters, we are reviewing the matter regarding MCPD's invoicing to MCPS. We will contact you if we need any additional information." This response confirmed that the Inspector General was actively investigating the financial misconduct Mr. Sullivan had reported.

The Retaliatory Termination

32. On September 5, 2025, exactly 24 days after Mr. Sullivan reported his concerns to the Inspector General, Defendant Harling terminated Mr. Sullivan's employment.

33. The Notice of Termination was signed by Defendant Harling, the same manager to whom Mr. Sullivan had reported unlawful effects bargaining and financial malfeasance at the Police Department.

34. The Notice of Termination stated that Mr. Sullivan was being terminated as a "probationary employee" and cited Montgomery County Personnel Regulation provisions authorizing a department director to "immediately terminate a probationary employee at any time during the probationary period."

35. The Notice of Termination offered no specific, legitimate reason for the termination. No explanation was given for why an employee whom the County's own evaluation described as "highly productive" and "super responsive" was suddenly unfit to continue in his position.

36. Mr. Sullivan's probationary period lasted seven months and three weeks.

The Temporal Proximity Demonstrates Retaliation

37. The temporal proximity between Mr. Sullivan's protected whistleblower activity and the negative performance evaluation and subsequent termination establishes a clear pattern

of retaliation. Mr. Sullivan reported concerns about unlawful effects bargaining to his supervisors in June and July 2025. Mr. Sullivan submitted his confidential memorandum about financial malfeasance on July 8, 2025. Mr. Sullivan received the retaliatory “Below Expectations” performance evaluation on August 6, 2025, less than one month after his July 8 memorandum. Mr. Sullivan reported his concerns to the Inspector General on August 12, 2025. And Mr. Sullivan was terminated on September 5, 2025, exactly 24 days after his report to the Inspector General.

38. Prior to engaging in protected whistleblower activity, Mr. Sullivan had received no discipline, no negative feedback, and no indication that his employment was in jeopardy. Defendant Harling had publicly praised his work performance. The negative evaluation and termination occurred only after Mr. Sullivan reported suspected violations of law.

HARM CAUSED

39. As a direct and proximate result of Defendants’ retaliatory conduct, Mr. Sullivan has suffered and continues to suffer significant harm.

40. Mr. Sullivan lost his annual salary of \$138,000 and all associated employment benefits, including health insurance, retirement contributions, and other benefits provided to Montgomery County employees.

41. At the time of his termination, Mr. Sullivan was 68 years old. Given his age and the stigmatizing circumstances of his termination, Mr. Sullivan faces diminished prospects for obtaining comparable employment in his field.

42. Mr. Sullivan has diligently sought alternative employment since his termination. His economic losses continue to accrue.

43. The false and stigmatizing statements contained in Mr. Sullivan's August 6, 2025 performance evaluation have been placed in his personnel file maintained by Montgomery County.

44. The performance evaluation contains statements impugning Mr. Sullivan's professional competence and character, including allegations that he "does not take feedback well," "often responds defensively or blames others," is "an ineffective listener," and failed to meet expectations in multiple areas of his job performance.

45. Mr. Sullivan has applied and intends to continue applying for government positions in Maryland, including positions with other county governments and state agencies.

46. Prospective government employers routinely conduct background investigations that include contacting prior government employers. Upon information and belief, Montgomery County has a policy or practice of responding to employment verification requests from prospective employers.

47. The false and stigmatizing statements in Mr. Sullivan's personnel file are likely to be disclosed to prospective employers, foreclosing future employment opportunities and causing ongoing damage to his professional reputation.

48. Montgomery County has not provided Mr. Sullivan with a name-clearing hearing or any other opportunity to refute the false allegations contained in his performance evaluation before they are disseminated to prospective employers.

49. Mr. Sullivan has experienced significant emotional distress as a result of Defendants' retaliatory conduct, including anxiety, humiliation, and damage to his sense of professional identity and self-worth.

50. Mr. Sullivan devoted his career to public service and acted in good faith to report suspected government misconduct. Being terminated in retaliation for fulfilling his duty as a public servant has caused Mr. Sullivan substantial emotional harm.

COUNT I
Wrongful Discharge in Violation of Public Policy by Defendant County

51. Mr. Sullivan incorporates herein the allegations set forth in paragraphs 1 through 50, above.

52. Maryland recognizes a cause of action for wrongful discharge when an at-will employee is terminated in violation of a clear mandate of public policy.

53. Maryland public policy strongly protects employees who report suspected illegal activity to appropriate authorities. This public policy is clearly articulated in multiple statutory provisions, including: (a) Montgomery County Code § 33-17(g), which makes it a criminal misdemeanor to “take any action against a County employee to . . . retaliate against an employee for disclosing information to a Federal, State, or County official or employee concerning an illegal or improper action in County government that the employee has a good faith belief is accurate”; (b) Montgomery County Code § 2-151(5), which prohibits retaliation against any employee “for providing information to, cooperating with, or in any way assisting the Inspector General in connection with any activity of that Office”; and (c) Maryland Criminal Law § 9-303, which makes it a misdemeanor offense to harm or injure another person in retaliation for reporting a crime.

54. Mr. Sullivan engaged in protected whistleblower activity by reporting suspected violations of law to his supervisors and to the Montgomery County Inspector General. Specifically, Mr. Sullivan reported: (a) unlawful effects bargaining with police unions in violation of Montgomery County Code § 33-80(c); (b) misuse of state grant funds in violation of

County accounts payable policy and state grant requirements; and (c) potentially fraudulent overtime billing to Montgomery County Public Schools.

55. Mr. Sullivan had a good faith belief that the information he disclosed was accurate. The Montgomery County Inspector General had previously investigated and verified the grant fund violations, and the Inspector General confirmed it was actively reviewing the invoicing matter Mr. Sullivan reported.

56. Mr. Sullivan reported his concerns to the Montgomery County Inspector General, an appropriate governmental authority responsible for investigating fraud, waste, and abuse in County government.

57. Defendant Montgomery County terminated Mr. Sullivan's employment in retaliation for his protected whistleblower activity, in violation of the clear mandate of public policy established by the statutes cited above.

58. But for Mr. Sullivan's protected whistleblower activity, Defendant Montgomery County would not have issued him a retaliatory performance evaluation on August 6, 2025, and would not have terminated his employment on September 5, 2025.

59. As a direct and proximate result of Defendant Montgomery County's wrongful termination of Mr. Sullivan's employment, Mr. Sullivan has suffered and continues to suffer substantial harm.

COUNT II
First Amendment Retaliation against All Defendants
(42 U.S.C. § 1983)

60. Mr. Sullivan incorporates herein the allegations set forth in paragraphs 1 through 50, above.

61. The First Amendment to the United States Constitution, made applicable to state and local governments through the Fourteenth Amendment, protects public employees who speak as citizens on matters of public concern.

62. At all times relevant to this Complaint, Defendants Harling and Donaldson acted under color of state law. Specifically, Defendant Harling was a County official exercising authority conferred by the County. Defendant Donaldson was a County official exercising supervisory authority conferred by the County over Mr. Sullivan's employment.

63. On August 12, 2025, Mr. Sullivan reported his concerns about financial malfeasance, potential fraud, and violations of County law to the Montgomery County Inspector General. This communication constituted speech on a matter of public concern.

64. The misuse of state grant funds, potentially fraudulent overtime billing to Montgomery County Public Schools, and violations of County laws governing collective bargaining are quintessential matters of public concern. These issues involve the integrity of government operations, the proper expenditure of taxpayer funds, and compliance with laws enacted to protect the public interest.

65. When Mr. Sullivan reported to the Inspector General on August 12, 2025, he spoke as a citizen, not pursuant to his official job duties. Mr. Sullivan's job responsibilities as a Labor Relations Specialist did not include reporting suspected financial crimes or grant violations to the Inspector General. His decision to escalate his concerns to an external oversight body was made in his capacity as a citizen exercising his constitutional right to petition the government.

66. Mr. Sullivan's interest in speaking on matters of public concern outweighed any interest Defendants had in promoting workplace efficiency. Mr. Sullivan's reports did not disrupt

County operations, impair working relationships necessary to the performance of his duties, or undermine the County's ability to fulfill its mission.

67. Defendants subjected Mr. Sullivan to adverse employment actions because of his protected speech. Specifically, on August 6, 2025, Mr. Sullivan received a pretextual "Below Expectations" performance evaluation from Defendant Donaldson in retaliation for his internal reports of suspected wrongdoing, and on September 5, 2025, Defendant Harling terminated Mr. Sullivan's employment exactly 24 days after he reported to the Inspector General.

68. There is a direct causal connection between Mr. Sullivan's protected speech and the adverse employment actions. The close temporal proximity of 24 days between the Inspector General report and termination, combined with the pretextual nature of the stated reasons for the adverse actions, establishes that Mr. Sullivan's protected speech was a substantial or motivating factor in Defendants' decisions.

69. Defendant Harling, as Chief Labor Relations Officer, possessed final policymaking authority with respect to the termination of probationary employees in the Office of Labor Relations. Montgomery County Personnel Regulation § 7-2(e)(1) expressly authorizes a "department director" to "immediately terminate a probationary employee at any time during the probationary period." The termination decision did not require review or approval by the County Executive, County Council, Office of Human Resources, or any other County official or body.

70. When Defendant Harling terminated Mr. Sullivan in retaliation for his protected speech, she acted as the final policymaker for Montgomery County. Her decision to terminate Mr. Sullivan constituted official County policy, and Montgomery County is therefore liable for the resulting constitutional violation.

71. Alternatively, Defendant Harling's retaliatory termination of Mr. Sullivan was ratified by Montgomery County. Upon information and belief, Montgomery County officials with authority to review Harling's decision were aware of Mr. Sullivan's protected whistleblower activity and the circumstances of his termination, yet took no action to reverse or remedy the unlawful termination.

72. Defendant Harling personally participated in the violation of Mr. Sullivan's First Amendment rights. Ms. Harling was copied on Mr. Sullivan's August 12, 2025 email to the Inspector General, had direct knowledge of his protected speech, and personally signed the Notice of Termination on September 5, 2025.

73. Defendant Donaldson personally participated in the violation of Mr. Sullivan's First Amendment rights. Mr. Sullivan reported suspected unlawful effects bargaining and other violations of law directly to Defendant Donaldson in June and July 2025. Defendant Donaldson was copied on Mr. Sullivan's August 12, 2025 email to the Inspector General and had direct knowledge of Mr. Sullivan's protected speech. In retaliation for Mr. Sullivan's protected activity, Defendant Donaldson authored and issued the false and pretextual "Below Expectations" performance evaluation on August 6, 2025, which formed the basis for Mr. Sullivan's termination.

74. The right of public employees to speak as citizens on matters of public concern without retaliation was clearly established at the time of Mr. Sullivan's termination. No reasonable official could have believed that terminating an employee twenty-four days after he reported suspected fraud to the Inspector General was lawful.

75. As a direct and proximate result of Defendants' violation of Mr. Sullivan's First Amendment rights, Mr. Sullivan has suffered and continues to suffer substantial harm.

COUNT III
Stigma-Plus Claim against All Defendants, in violation of the Fourteenth Amendment
(42 U.S.C. § 1983)

76. Mr. Sullivan incorporates herein the allegations set forth in paragraphs 1 through 50, above.

77. The Fourteenth Amendment to the United States Constitution prohibits state actors from depriving any person of liberty without due process of law.

78. A public employee has a protected liberty interest in their reputation and good name.

79. When a government employer stigmatizes an employee in connection with termination by making false statements that impugn the employee's character, and those statements are likely to be disclosed to prospective employers, the employee is entitled to a name-clearing hearing.

80. At all times relevant to this Complaint, Defendants Harling and Donaldson acted under color of state law.

81. On August 6, 2025, in conjunction with the adverse employment actions leading to Mr. Sullivan's termination, Defendants placed false and stigmatizing statements in Mr. Sullivan's personnel file. These statements include allegations that Mr. Sullivan: (a) "does not take feedback well"; (b) "often responds defensively or blames others, rather than taking ownership"; (c) "is often an ineffective listener and communicates without seeking sufficient clarification"; (d) failed to build relationships with union partners; (e) "caused a disruption" and "drafted unusable proposals"; and (f) did not meet performance expectations despite being "highly productive" and "super responsive."

82. These statements impugn Mr. Sullivan's professional competence and character, implying serious defects such as an inability to accept responsibility, poor judgment, and lack of professionalism. Such statements are the type that foreclose future employment opportunities.

83. The stigmatizing statements are false. As detailed in this Complaint, the criticisms in Mr. Sullivan's performance evaluation were pretextual and internally contradictory. When asked to provide examples supporting the allegation that Mr. Sullivan "blamed others," Defendant Donaldson could not and would not provide any. The evaluation contradicted itself by rating Mr. Sullivan "Highly Successful" for Productivity while claiming he did not meet overall expectations.

84. The stigmatizing statements were made in conjunction with Mr. Sullivan's termination. The performance evaluation was issued on August 6, 2025, and Mr. Sullivan was terminated on September 5, 2025, based in part on that evaluation.

85. The stigmatizing statements are likely to be disclosed to prospective employers. Mr. Sullivan is actively seeking and intends to continue seeking government employment in Maryland. Government employers routinely conduct background investigations that include contacting prior government employers. Upon information and belief, Montgomery County has a policy or practice of responding to employment verification requests, including providing information from personnel files.

86. Defendant Harling, as Chief Labor Relations Officer, possessed final policymaking authority with respect to personnel decisions affecting employees in the Office of Labor Relations, including the placement of performance evaluations in employee personnel files and the termination of probationary employees.

87. When Defendant Harling caused false and stigmatizing statements to be placed in Mr. Sullivan's personnel file in conjunction with his termination, and failed to provide him with a name-clearing hearing, she acted as the final policymaker for Montgomery County. Her decisions constituted official County policy, and Montgomery County is therefore liable for the resulting constitutional violation.

88. Upon information and belief, Montgomery County has a policy or practice of responding to employment verification requests from prospective employers. This policy, combined with the placement of stigmatizing statements in Mr. Sullivan's personnel file without affording him a name-clearing hearing, establishes municipal liability for the deprivation of Mr. Sullivan's liberty interest.

89. Defendants failed to provide Mr. Sullivan with a name-clearing hearing or any other meaningful opportunity to refute the false and stigmatizing statements before they are disclosed to prospective employers.

90. Due process requires that Mr. Sullivan be afforded an opportunity to clear his name at a meaningful time, before his reputation is damaged by dissemination of the false statements, not after.

91. Defendant Harling personally participated in the deprivation of Mr. Sullivan's liberty interest. Ms. Harling was Mr. Sullivan's manager, had authority over his personnel file, signed his termination notice, and failed to provide him with a name-clearing hearing.

92. Defendant Donaldson personally participated in the deprivation of Mr. Sullivan's liberty interest. Defendant Donaldson authored the August 6, 2025 performance evaluation containing the false and stigmatizing statements that were placed in Mr. Sullivan's personnel file.

Defendant Donaldson knew or should have known that the stigmatizing statements would be maintained in Mr. Sullivan's personnel file and disclosed to prospective employers.

93. When confronted during the August 6, 2025 meeting and asked to provide examples supporting his allegation that Mr. Sullivan "blamed others," Defendant Donaldson could not and would not provide any examples, demonstrating that he knew the statements were false at the time he made them.

94. The right of a terminated public employee to a name-clearing hearing when stigmatizing statements are likely to be disclosed to prospective employers was clearly established at the time of Mr. Sullivan's termination. The right of a public employee to be free from false and stigmatizing statements in conjunction with termination was clearly established at the time Defendant Donaldson authored the performance evaluation. No reasonable official could have believed that placing false statements impugning an employee's character in a personnel file without providing an opportunity to refute them was lawful.

95. As a direct and proximate result of Defendants' deprivation of Mr. Sullivan's liberty interest without due process of law, Mr. Sullivan has suffered and continues to suffer substantial harm.

PRAYER FOR RELIEF

Plaintiff Owen M. Sullivan respectfully requests that this Court enter judgment on the Complaint, in favor of Plaintiff and against Defendants Montgomery County, Maryland, Jennifer Harling, and James Donaldson, as follows:

A. Declare that Defendants violated Mr. Sullivan's rights under Maryland common law, the First Amendment to the United States Constitution, and the Due Process Clause of the Fourteenth Amendment to the United States Constitution;

B. Award Mr. Sullivan appropriate amounts of back pay and front pay, in fair and reasonable amounts to be determined at trial;

C. Award Mr. Sullivan compensatory damages for the harm he suffered as a result of Defendants' conduct, in fair and reasonable amount to be determined at trial;

D. Award Mr. Sullivan punitive damages against Defendants Harling and Donaldson, in an amount that sufficiently punishes, penalizes, and/or deters their unlawful conduct;

E. Order Defendants to expunge all false and stigmatizing statements from Mr. Sullivan's personnel file;

F. Permanently enjoin Defendants from disclosing false and stigmatizing information about Mr. Sullivan to prospective employers;

G. Award Mr. Sullivan the costs and fees he incurred in connection with this action, including reasonable attorney fees; and

H. Grant Mr. Sullivan such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Maryland Rule 2-325(a), Mr. Sullivan hereby elects a trial by jury on all issues herein triable of right by a jury.

Dated: January 15, 2026

/s/ Jordan D. Howlette
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