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Menahan, Mike
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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

DEBORAH O'NEILL. Plaintiff, v. **MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS, a department of the State of Montana; and DUSTIN TEMPLE, individually.** Defendants.	Case No. ADV-25-2026-0000807-CR **COMPLAINT AND DEMAND FOR JURY TRIAL** **Presiding Judge: Hon. Mike Menahan**

COMES NOW the Plaintiff, Deb O'Neill (hereinafter "Plaintiff" or "Ms. O'Neill"), by and through her counsel, Adrienne M. Tranel of the firm AT Legal PC, and for her Complaint against the Defendants, Montana Department of Fish, Wildlife & Parks ("FWP"), and Dustin Temple (in his individual capacity) ("Temple"), collectively "Defendants", states as follows:

NATURE OF THE ACTION

This case is not about a failed romance. It is about a senior state official who used the power of his office to identify, cultivate, isolate, and exploit a subordinate employee. Over a period of years, Defendant Dustin Temple systematically groomed

Ms. O'Neill: he earned her trust through friendship, professional favor, and praise; he learned her personal vulnerabilities; and he then used that trust, those vulnerabilities, and his authority over her career to coerce her into a sexual coerced relationship that he required her to keep secret. Once she was dependent on him, Temple controlled her through deception, secrecy, ultimatums that forced her to choose between him and her career, alternating affection and cruelty, and isolation from colleagues. All the while, he concealed that he was running the same scheme on other female subordinates. When Ms. O'Neill no longer served his purposes, Temple sabotaged her career and, by his own admission, set out to hurt her. FWP knew of Temple's pattern of sexual coerced relationships with subordinates and did nothing to stop it.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Deborah O'Neill ("O'Neill") is a resident of Lewis and Clark County, Montana. She has been employed by the Montana Department of Fish, Wildlife & Parks since October 4, 2010, and continues in that employment to the present.
2. Defendant Montana Department of Fish, Wildlife & Parks ("FWP") is a department and agency of the State of Montana, with its principal offices located at 1420 East Sixth Avenue, Helena, Montana 59620. At all times relevant, FWP was responsible under the laws of agency, vicarious liability, and *respondeat superior* for the wrongful, negligent, and other improper conduct, acts, and omissions of its officers, agents, and employees, and was responsible for the

establishment of policies, customs, and practices governing the employment, supervision, and conduct of its officers and employees.

3. Defendant Dustin Temple was, at all times relevant to this suit, employed by FWP, serving as Chief of Administration, Deputy Director and thereafter, upon his appointment by the Governor of Montana in June 2023, as Director. As Deputy Director and Director, Temple was O'Neill's direct supervisor and exercised authority over her. Temple retired from FWP on December 31, 2024. He is sued in his individual capacity.

4. At all times relevant, Temple acted under color of state law and within the course and scope of his employment with FWP.

6. O'Neill's causes of action are brought pursuant to 42 U.S.C. § 1983 and the common law of the State of Montana.

7. The jurisdiction of this Court is properly invoked pursuant to Montana Code Annotated § 3-5-302(1)(b).

8. The unlawful actions complained of herein were committed in Lewis and Clark County, Montana.

9. Venue in this district is proper pursuant to Montana Code Annotated § 25-2-122(1)(a)-(b), because the events giving rise to this action occurred in Lewis and Clark County, Montana, FWP is located in Lewis and Clark County, and Temple has personal contacts with Lewis and Clark County including his previous employment and tortious acts in Lewis and Clark County.

FACTUAL ALLEGATIONS

10. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

11. O'Neill holds a Master of Science in Wildlife Sciences and a Bachelor of Science in Natural Resource Science; she has approximately three decades of experience in natural resource conservation, legislative work, budget development, and personnel management.

12. O'Neill began her employment with FWP on October 4, 2010, as a Fish and Wildlife Plan Coordinator in the Strategic Planning and Data Services Bureau. During her employment, O'Neill worked her way up through the Agency based on her competence and ability.

13. Upon information and belief, Dustin Temple began employment with FWP in 2004. Upon information and belief, in May 2013, Temple began serving as the Chief of Administration, a position he held until he was selected to become the Deputy Director in January 2021. Temple held the Deputy Director position until June 2023, when Governor Gianforte appointed him to Director of FWP.

14. During this time, O'Neill and Temple had the opportunity to work together and become friends. O'Neill and Temple's platonic friendship started in approximately 2015, and they became closer (though still platonic) friends in approximately 2017. As friends, O'Neill and Temple would frequently go to dinner and/or drinks together after work.

15. From the summer of 2017 until August 2021, Temple empowered O'Neill at work, gave her opportunities for growth, and awarded her pay increases. Temple regularly complimented O'Neill's work and said she was one of the best employees at FWP. Temple also assigned O'Neill special projects – which were often sensitive and labor-intensive –that were of particular importance to the director's office.

16. Temple's conduct between 2017 and August 2021 followed a recognized pattern of grooming: the deliberate, gradual cultivation of trust, emotional dependence, and a sense of special connection by a person in a position of power, for the purpose of later exploiting that trust. Temple singled O'Neill out for after-hours dinners and drinks, lavish praise, and assignments to sensitive "special projects" of importance to the Director's Office, creating the impression that she was uniquely valued by him.

17. Temple's professional favor and his personal attention were intertwined by design. Because Temple controlled O'Neill's assignments, raises, and promotions, his friendship carried the implicit message that her professional success was bound up with her standing with him. O'Neill, who had no reason to suspect an ulterior motive in a trusted mentor and supervisor, came to rely on Temple personally and professionally, which is precisely the dependence grooming is designed to create.

18. In the early summer of 2021, O'Neill confided in Temple, as a friend, that she and her husband were experiencing challenges in their marriage.

19. Grooming depends on the groomer learning his target's vulnerabilities. When O'Neill confided her marital difficulties, Temple did not respond as a friend or as a supervisor bound by agency policy; he catalogued the information and later used it as leverage.

20. On or about January 2021, O'Neill began reporting directly to Temple. Around this same time, as part of the grooming process, Temple appointed O'Neill to the management team, which is a leadership team of high-level managers from across the State. Joining the management team was an elevation in status for O'Neill and a demonstration of additional responsibilities being given to her.

21. Temple continued to provide O'Neill opportunities for growth until August 13, 2021, when Temple reclassified O'Neill's position, giving her a promotion and pay increase retroactive to July 31, 2021. O'Neill's new position as Special Projects and Consumer Outreach Director (later titled Special Projects Administrator), a Policy Analyst position, continued her reporting directly to Temple.

22. The timing of Temple's first advance was not coincidental. Temple made his move only after he had reclassified O'Neill's position and placed her in a promoted role that reported directly to him, and just two days after he signed off on that promotion and pay increase. Temple thereby ensured that O'Neill's newly elevated career was dependent on him at the very moment he sought a sexual coerced relationship with her.

23. As O'Neill's direct supervisor in her newly-ordained promotion, Temple began the coercion of O'Neill: Temple texted O'Neill just two days later, on August 15, 2021, that he had "an unhealthy attachment to [her]."

24. On August 16, 2021, Temple and O'Neill met for a drink at Montana City Grill, when Temple told O'Neill that she "check[ed] all the boxes" and he was interested in her. O'Neill, conditioned by years of Temple's cultivated trust and dependent on him as her supervisor, responded that she was flattered and that she cared for him, but that she was married and would not pursue a relationship.

25. The next night, August 17, 2021, Temple took O'Neill to dinner again, this time at the Silver Star. Temple explained that he understood O'Neill was married, but that he knew O'Neill and her husband were having issues. Temple continued that he "wasn't going anywhere," and "he was all about [O'Neill]." Temple said he understood O'Neill was not going to leave her husband, but if things "don't work out and you change your mind..."

26. As of this night, August 17, 2021, Temple made it very clear that he wanted a sexual coerced relationship with O'Neill and was not interested in one if O'Neill stayed with her husband. When O'Neill explained she could never be with two men, Temple issued an ultimatum: think about it and choose. Temple thus rejected O'Neill's clearly stated refusal and placed on her, his subordinate, the burden of a decision he had engineered. A supervisor's refusal to accept a subordinate's "no" is itself a tactic of coercion.

27. Temple purposefully and knowingly exploited O'Neill's vulnerabilities in her marriage, using his position of power over her, along with pressure, guilt, shame, and emotional blackmail, to gain control over her and coerce her into a sexual coerced relationship. At the time, having never been abused in this fashion, O'Neill could not identify Temple's coercive tactics for what they were.

28. Later that night of August 17, 2021, under the pressure Temple had deliberately applied over two consecutive evenings, O'Neill texted Temple that she chose him. Any apparent assent O'Neill gave was the product of years of grooming, the exploitation of a known personal vulnerability, Temple's supervisory power over her, and his concealment of material facts, including his sexual coerced relationships with other female subordinates. It was not free and informed consent.

29. In September and October 2021, O'Neill began the transition of leaving her husband, becoming further isolated and beholden to Temple as a perpetrator. Isolating a target from her existing support system is a hallmark of grooming and coercive control. By the end of 2021, Temple had become the center of O'Neill's personal life as well as the gatekeeper of her professional life, while requiring that she tell no one.

30. Unbeknownst to O'Neill at the time, Temple was also engaged in sexual coerced relationships with other women, including employees of FWP. Had O'Neill known that Temple was engaged in sexual activities with other female employees, she would never have given her consent to the coerced relationship with Temple.

31. Temple coerced O'Neill's consent through false pretenses, claiming that she was his only relationship, that he loved her, and that this was a true love relationship.

32. Because Temple held a position of power over O'Neill in her employment, she sought to advise FWP's Human Resources department about the coerced relationship. O'Neill believed that it was appropriate for HR to know about the relationship given the obvious conflict of interest Temple would have if he were in a position to hire (or not hire) O'Neill. In addition, FWP policy required notification to HR of relationships, familial or romantic, so that employees are not in a supervisory capacity to someone with whom they are in a relationship.

33. In November 2021, the first time that O'Neill asked Temple to disclose the relationship to HR, Temple said, "No. Everyone will think you're a whore who slept her way to the top." It was "too soon" after O'Neill had left her husband and Temple claimed he did not want to "do that to me" – i.e., give O'Neill a bad reputation.

34. Temple's demand for secrecy served him, not O'Neill. By refusing to permit disclosure to HR, as FWP policy required, Temple avoided accountability, prevented anyone from intervening, kept O'Neill from learning about his other coerced relationships, and kept her dependent on his account of events. Temple's warning that others would call her a "whore who slept her way to the top" weaponized shame to silence her, while he cast himself as her protector.

35. Each time O'Neill raised concerns to Temple and asked to disclose the relationship to HR, Temple assured O'Neill that their relationship would not impact her career, either for good or for bad.

36. In reality, and unbeknownst to O'Neill, Temple was using his position as Deputy Director, and then Director, to exert power and control over his female subordinates and induce them into sexual coerced relationships with him.

37. Temple never allowed his female targets to know about one another: he hid the coerced relationships from the other women, held each target to secrecy, and pitted them against one another professionally and personally. Temple's practice of holding each woman to secrecy and pitting them against one another reveals that his conduct toward O'Neill was not a personal coerced relationship gone wrong but a deliberate and repeated method of exploiting subordinates.

38. On or about February 22, 2023, Temple asked to speak with O'Neill professionally. Temple discussed his plan to suggest that the then-FWP Director, Hank Worsech, step down. Temple explained that he expected to be appointed Acting Director and asked O'Neill if she would want to become Acting Deputy Director.

39. When O'Neill responded that yes, she would like to be selected as Acting Deputy Director, she also stated that she could not accept the position because Temple said they could not be public about their coerced relationship until Temple was no longer her direct supervisor. As long as Temple was O'Neill's direct supervisor, Temple demanded that their coerced relationship must remain secret. However,

Temple gave O'Neill every indication that their coerced relationship would, one day, be public.

40. In response to O'Neill's concerns, Temple said, "That's what I'm saying. I know your aspirations. I'm giving you the option. Do you want to be with me, or do you want to be Acting Deputy Director? I know what I want, but this is up to you." O'Neill acquiesced, stated she did not need to move up the ranks, and would always pick "us" (their coerced relationship) over work.

41. In February 2023, in order to keep O'Neill close and maintain power over her, Temple appointed O'Neill to the Executive Staff to lead a Governor's initiative. Again, this was a demonstration of trust Temple intentionally instilled in O'Neill to maintain power and control over her.

42. On or about March 6, 2023, O'Neill and Temple spent a few days together on vacation at Sage Lodge where they discussed O'Neill's disappointment that she could not accept the Acting Deputy Director position. Temple became irate, gaslighting O'Neill to believe it was her decision, not his fault, and that he did not influence her.

43. Temple's statement, "Do you want to be with me, or do you want to be Acting Deputy Director?", made explicit what had been implicit since August 2021: O'Neill's career advancement was conditioned on her submission to Temple. Temple created the conflict, framed it as her choice, and then, at Sage Lodge, gaslit her into believing that the sacrifice of her career had been her own decision.

44. In the meantime, Temple selected Robin Graham for the Acting Deputy Director position. Upon information and belief, Graham was not sexually involved with Temple.

45. Once Graham became Acting Deputy Director, Temple attempted to drive a wedge between O'Neill and Graham both personally and professionally, further isolating O'Neill from her contacts and non-coercive, healthy relationships. Temple's efforts to drive a wedge between O'Neill and Graham continued his pattern of cutting O'Neill off from healthy, non-coercive relationships that might have allowed her to recognize, or escape, his control.

46. In April 2023, Temple imposed restrictions on O'Neill's role as Legislative Liaison, telling her that no one other than himself and Graham would be permitted to participate in legislative activities at the Capitol, notwithstanding O'Neill's proven performance in that role during the 2019, 2021, and 2023 legislative sessions.

47. In April 2023, Graham removed O'Neill from the agency's Executive Staff, the highest leadership body at FWP. At the same time, Graham also notified O'Neill that she would no longer be part of the management team that she had served on for over two years. Later, in early 2025, O'Neill learned that this removal from both Executive Staff and management team was at Temple's direction and was motivated by his desire to limit her professional advancement and visibility.

48. In June 2023, Temple was appointed Director of FWP by the Governor of Montana, elevating his power and authority over O'Neill and her career even further.

49. On or about October 3, 2023, Temple went to O'Neill's office and closed the door. Temple said he was planning to appoint an Acting Chief of Operations and asked if O'Neill wanted to be the Acting COO. O'Neill explained that her answer was the same as in February 2023 when he asked about the Acting DD position: if their coerced relationship could not be public, then O'Neill would choose the coerced relationship over advancing at work.

50. The next day, O'Neill suggested to Temple a possible re-organization that would give O'Neill supervision over a particular employee who would benefit from working with O'Neill and provide O'Neill with an advancement opportunity. Instead, Temple moved that employee to work for the new Acting COO, Marina Yoshioka.

51. In October 2023, Temple repeated the same tactic he previously used in February 2023. Each time an advancement opportunity arose, Temple used it as a test of O'Neill's loyalty, ensuring that she would forgo it and remain professionally subordinate to and dependent on him.

21. Upon information and belief, as of the fall of 2023, FWP Human Resources Director Jeff Kirksey knew that Temple was engaged in sexual coerced relationships with at least one female employee at FWP.

22. Despite knowing Temple's abusive pattern of conduct to his subordinates and the inappropriate use of his position of power, FWP did nothing to stop Temple from exercising his power and position to engage subordinate females in sex and sexual acts.

23. FWP also concealed Temple's multiple, manipulative coerced relationships from other women at FWP, preventing those women from knowing the abusive cycle in which they were involved with Temple.

24. In November 2023, O'Neill applied for the position of Chief of Staff. She met the minimum qualifications for the position. Despite her qualifications and experience, O'Neill was not selected for an interview.

25. Instead, in February 2024, Temple hired Melissa Watson as Chief of Staff. Upon information and belief, the selectee, Watson, was not involved in a sexual coerced relationship with Temple at that time. In approximately early 2025, O'Neill discovered that Temple was the hiring authority for the Chief of Staff position and that he prevented her from receiving an interview. At the time of the selection process for the Chief of Staff position, Temple had falsely told O'Neill that he was not the hiring authority for that position.

26. In March 2024, as the new Chief of Staff, Watson became O'Neill's direct supervisor. Temple provided Watson with dishonest and negative feedback about O'Neill's performance, poisoning Watson's perception of O'Neill from the outset of their working relationship.

27. In June 2024, O'Neill had a one-on-one meeting with Watson, in which Watson disclosed that Temple had said he was not friends with O'Neill and did not really "like" O'Neill. O'Neill confronted Temple about these comments and asked that they not continue "like this."

28. Throughout March to October 2024, Temple engaged in continuous undermining of O'Neill professionally: Temple made false statements about her to others; Temple made false claims about what O'Neill did and said; and Temple placed admonitions on O'Neill (like no calling or texting him after hours) that he did not place on other employees whom he was not coercing and manipulating. These comments and statements about O'Neill were false and intended to hurt her reputation and career.

29. In July 2024, FWP posted an opening for the position of Chief of Operations. O'Neill applied and met the minimum qualifications, as confirmed by Human Resources Manager Jeff Kirksey. Despite her qualifications and extensive relevant experience, O'Neill was not selected for an interview.

30. Watson served on the hiring committee for the Chief of Operations position. According to a committee member, the committee "just breezed by" O'Neill's application without discussion. Two committee members advocated that O'Neill receive an interview, but their advocacy was disregarded. A candidate who was not involved in a romantic coerced relationship with Temple, and about whom Temple had provided no negative feedback, was selected.

31. In October 2024, Temple definitively removed O'Neill from her role as the agency's Legislative Liaison, telling her that only members of the Director's Office should participate in legislative activities at the Capitol. Upon information and belief, no member of the Director's Office was involved in a sexual coerced relationship with Temple. Temple's only reason for removing O'Neill from her role as Legislative

Liaison was his abusive desire to prevent her from advancing and succeeding professionally.

32. Throughout these months, Temple continued to manipulate O'Neill and lead her to believe that he loved her, that he would support her professionally, and that he "continued to believe in her" professionally. In one final example of this manipulation, in November 2024, Temple told O'Neill that he told other employees that he still wanted O'Neill to participate in the legislative session and that she should return to the management team.

33. While Temple continued to coerce O'Neill and manipulate her sexually, emotionally, and professionally, in reality, Temple was actively working to discredit O'Neill and convince others that O'Neill was not qualified or likeable.

34. Temple's actions were taken for the express purpose of continuing his abusive power and coerced relationship over O'Neill, so that she would submit to him sexually and emotionally and elevate – what she thought to be, anyway – their "relationship."

35. Temple's alternation between expressions of love and professional support on the one hand, and secret sabotage, disparagement, and restrictions on the other, is a recognized manipulation tactic known as intermittent reinforcement. This cycle of reward and punishment deepens a victim's emotional dependence on her abuser and keeps her striving to regain his approval, making it far more difficult for her to recognize the abuse or leave.

31. In the meantime, Temple went on leave on or about November 8, 2024, amid increasing pressure from Governor Greg Gianforte to step down. Upon information and belief, this leave was based upon a pending state-level investigation regarding an inappropriate relationship with a subordinate.

32. Upon information and belief, the investigation into Temple revealed Temple had inappropriate relationships with subordinate employees.

33. On December 31, 2024, the public story was that Temple "retired" from FWP with the blessing of the Governor of Montana. This version of events was FWP's twist on events to prevent the real story from escaping.

34. In reality, Temple stepped down from FWP at the Governor's request because of the Governor's political concerns in the face of the November 2024 gubernatorial election, and to bury the investigation about Temple's rampant abuse of women within FWP and the misuse of his position of power.

35. Governor Gianforte, FWP, and Temple colluded to cover up the story of Temple's rampant abuse and targeting of female employees in FWP.

36. FWP knew about Temple's abuse and targeting of female employees and allowed the environment to continue.

37. In a telephone call to O'Neill placed just after midnight on January 1, 2025, Temple admitted that he had interfered with O'Neill's career and advancement within the agency, and that he had spoken poorly about her to others in the agency for the specific purpose of diminishing her opportunities for advancement. He told O'Neill that he was not accustomed to anyone being better than him at anything,

that when he became angry with her he wanted to hurt her, and that he knew taking away her involvement in the legislative session would hurt her more than anything.

38. Temple's admission confirms what the pattern of his conduct shows: his treatment of O'Neill was never about love, but about power and control. When she displeased him, he used his authority to punish her, choosing the harm he knew would wound her most.

39. On January 2, 2025, FWP's Chief Financial Officer told O'Neill that she should leave the agency because Temple had ruined her reputation. That same day, FWP's Licensing Bureau Chief told O'Neill that Temple never said anything nice about O'Neill at work. These statements confirmed that Temple had systematically disparaged O'Neill to colleagues throughout the agency, damaging her professional reputation and making it impossible for her to move up in the Agency, as she should have based on her merits.

40. Around the same time in early 2025, O'Neill learned that Temple was involved in multiple sexual coerced relationships with other women at FWP. Had O'Neill known that Temple was engaged in serial sexual coerced relationships throughout FWP, she would never have become involved with him, much less broken up her marriage because of him.

41. In other words, O'Neill's consent was predicated upon the belief that Temple's coerced relationship with her was an authentic love relationship grounded in consent.

42. Since these revelations, O'Neill has undergone systematic, trauma-informed therapy to understand the nature of her own actions and those of her abuser.

43. Through that therapy, O'Neill has come to understand that Temple's conduct bore the hallmarks of grooming and coercive control, and that the methods he used (cultivated trust, exploitation of vulnerability, secrecy, isolation, ultimatums, gaslighting, and intermittent reinforcement) are designed to prevent their target from recognizing the abuse while it is happening. O'Neill did not, and reasonably could not, understand the true nature of Temple's conduct until early 2025, when she learned of his other coerced relationships and heard his admissions.

44. On the other hand, after Temple's fall from grace with FWP and Governor Gianforte, Temple left the State of Montana and now resides in an undisclosed location. In an initial Human Rights Bureau complaint O'Neill filed against FWP, Temple refused to respond or acknowledge any involvement or responsibility.

45. In the meantime, while Temple went into hiding after his public fall from grace, O'Neill continued to suffer the repercussions of Temple's abusive coerced relationship.

46. On January 28, 2025, O'Neill met with Human Resources Manager Jeff Kirksey, disclosed her coerced relationship with Temple, and asked to go on record in the event of retaliation.

47. On February 7, 2025, O'Neill submitted a written memorandum to Kirksey documenting the hostile work environment based on her gender and her coerced

relationship with Temple. Kirksey responded that he received the memo. However, FWP never did investigate her claims.

48. On February 28, 2025, O'Neill filed a charge of discrimination with the Montana Human Rights Bureau and the Equal Employment Opportunity Commission, alleging sex-based discrimination and a hostile work environment. In March 2025, she also filed an internal grievance with FWP alleging discrimination by Watson.

49. O'Neill renewed her charge of discrimination with the Montana Human Rights Bureau on April 3, 2026.

50. Furthermore, on or about August 14, 2026, O'Neill notified the Montana Department of Administration of her civil claims and her intent to pursue those claims against a State agency.

51. O'Neill now brings suit against FWP for the following tortious conduct, as well as against Temple individually under 42 U.S.C. §1983 and for the following tortious conduct.

39. O'Neill continues to suffer real and permanent damages and losses including but not limited to lost wages and the value of lost benefits; compensatory damages based on emotional distress resulting in bodily injury to her such as jaw-clenching, sleeplessness, fatigue, and anxiety, among other physical manifestations; attorney fees and costs; and pre- and post-judgment interest.

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COUNT I
DECEIT
(Defendant Temple)

40. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

41. Defendant Temple willfully deceived O'Neill with the intent to induce her to alter her position to her injury and risk.

42. Temple's deceit included the assertion of facts he did not believe to be true, the assertion as fact of that which was not true by one who had no reasonable ground for believing it true, and the suppression of facts that he was bound to disclose or that gave a misleading impression by other facts disclosed.

43. O'Neill did not have notice of the true facts and reasonably relied on Temple's conduct to her detriment.

44. As a direct and proximate result of Temple's deceit, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

45. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT II
FRAUD
(Defendant Temple)

46. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

47. Defendant Temple made false representations of material fact to O'Neill.

48. The representations were false when made.

49. Temple knew that the representations were false, or made them recklessly without knowledge of their truth, and made them with the intent that O'Neill rely upon them.

50. O'Neill was unaware of the falsity of the representations and justifiably relied upon them, including by continuing the coerced relationship, by refraining from identifying and challenging Temple as the decision-maker who excluded her from advancement, and by ordering her professional conduct in reliance on Temple's assurances.

51. As a direct and proximate result of Temple's fraud, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

52. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT III
CONSTRUCTIVE FRAUD
(Defendant Temple)

53. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

54. By virtue of his position as O'Neill's direct supervisor, first as Deputy Director and later as Director of FWP, and by virtue of the parties' close professional and personal relationship, Defendant Temple stood in a relationship of trust and confidence with O'Neill and owed her a corresponding duty.

55. Temple breached that duty by gaining an advantage over O'Neill through misleading statements and the concealment of material facts.

56. Temple's breach of duty had the effect of deceiving O'Neill and gaining an unfair advantage over her, without regard to whether Temple acted with an intent to deceive.

57. O'Neill reasonably relied on Temple and the coerced relationship of trust between them to her detriment.

58. As a direct and proximate result of Temple's constructive fraud, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

COUNT IV
BATTERY/ SEXUAL ASSAULT
(Defendant Temple)

59. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

60. Temple intentionally and sexually touched O'Neill and that touching was harmful or offensive to O'Neill.

61. O'Neill consented to the touching at the time under false pretenses; had O'Neill known the true nature of the touching, she would not have consented to the touching.

62. Temple also intentionally touched and contacted O'Neill, using her coerced consent to achieve contact that was otherwise harmful or offensive contact with him.

63. The circumstances of Temple's touching and contact with O'Neill was obtained under coercion and manipulation; without Temple's coercion, O'Neill would have feared his touching and contact.

64. The circumstances of Temple's behaviors were coupled with the apparent present ability to carry out sexual acts against O'Neill, which were intended to cause emotional and psychological harm.

65. As a direct and proximate result of Temple's acts, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

66. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT V
DEFAMATION
(Defendant Temple)

67. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

68. Defendant Temple made false statements of material fact about O'Neill to other individuals both inside and outside of FWP.

69. The statements were false when made.

70. Temple knew that the representations were false, or made them recklessly without knowledge of their truth.

71. As a direct and proximate result of Temple's actions, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

72. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT VI
VIOLATION OF 42 U.S.C. § 1983
(Defendant Temple)

73. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

74. At all times relevant, Defendant Temple was an employee and official of FWP, a department of the State of Montana, and his acts and omissions alleged herein were committed under color of state law.

75. At all times relevant, O'Neill had a clearly established right under the Fourteenth Amendment to the United States Constitution to equal protection of the laws, including the right to be free from discrimination and/or harassment in her public employment on the basis of her sex.

76. Defendant Temple deprived O'Neill of her rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution by subjecting her to disparate and adverse treatment on the basis of her sex, including by conditioning her advancement upon the continuation of a romantic coerced relationship, by blocking and interfering with her opportunities to promote, by stripping her of job duties and responsibilities, and by disparaging

her within the agency, while not subjecting similarly situated male employees to such treatment.

77. Defendant Temple acted intentionally, maliciously, or with reckless disregard or callous indifference to O'Neill's clearly established constitutional rights.

78. No reasonable official could have believed that the conduct directed toward O'Neill was lawful in light of clearly established law.

79. As a direct and proximate result of Defendants' violation of O'Neill's civil rights, O'Neill has suffered and continues to suffer damages, including lost wages and earnings, lost promotional opportunities, impairment of her ability to earn money, damage to her professional reputation, humiliation, mental anguish, emotional distress, and medical and treatment expenses.

80. Defendant Temple's conduct was intentional, malicious, oppressive, and in reckless disregard of O'Neill's rights, entitling O'Neill to an award of punitive damages, together with compensatory damages, and attorney's fees and costs pursuant to 42 U.S.C. § 1988.

COUNT VII
NEGLIGENT HIRING/ RETENTION/ SUPERVISION/ TRAINING
(Defendant FWP)

81. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

82. FWP was responsible for the environment at FWP and for supervising the acts and conduct of employees there.

83. FWP was responsible for creating a safe working environment for O'Neill, consistent with what it knew about employees' (including Temple's) sexual misconduct.

84. FWP owed O'Neill a duty of care to hire, retain, supervise and train employees who will not cause physical injury, emotional distress, assault and battery.

85. FWP breached its duty of care when it hired and retained Temple, when FWP knew or should have known that Temple had a prior history of sexual misconduct, battery, and assault with other FWP employees.

86. FWP breached its duty when it failed to supervise and train Temple, and other employees who knew about Temple, when FWP knew or should have known that Temple had a prior history of sexual misconduct, battery, and assault with other FWP employees.

87. As a direct and proximate result of Temple's actions, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

88. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT VIII
VICARIOUS LIABILITY/ *RESPONDEAT SUPERIOR*
(Defendant FWP)

89. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

90. At all times relevant, there was an employment relationship between FWP and Defendant Temple. Said relationship existed when the injury to Plaintiff occurred.

91. FWP and Temple mutually assented to the existence of an employment relationship between them.

92. At all times relevant, Temple was acting within the scope of his relationship with FWP. Temple's employment with FWP was a substantial factor in the injuries to O'Neill. Had Temple not been allowed to continue employment with FWP and had FWP revealed the true nature of Temple's misconduct and resignation, O'Neill would have had the opportunity to realize the true nature of Temple's acts. Therefore, FWP's liability is derivative.

93. FWP authorized Temple to keep working and stay employed even after FWP learned about Temple's misconduct.

94. By virtue of Temple's status as an employee, FWP is responsible for the acts and omissions of Temple.

95. As a direct and proximate result of Temple's actions, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

96. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

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COUNT IX
PREMISES LIABILITY
(Defendant FWP)

97. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

98. FWP owed O'Neill a duty of care to maintain the premises in a reasonably safe condition and to warn of any hidden or lurking dangers.

99. Fraud, deceit, sexual assault and battery by Temple were all reasonably foreseeable risks to employees at FWP.

100. FWP knew, or by the exercise of reasonable care should have known, that one or more conditions existed on the premises that posed a risk of harm to its invitees.

101. FWP failed to exercise reasonable care to protect Plaintiff, as its invitee, by failing to protect Plaintiff from physical harm and assault.

102. As a direct and proximate result of Temple's actions, O'Neill suffered damages, including lost promotional opportunities, lost wages and benefits, damage to her professional reputation, and emotional distress.

103. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

COUNT X
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

54. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

55. Defendant Temple's conduct toward O'Neill, including conditioning her career advancement on the continuation of a romantic coerced relationship, obstructing her opportunities to promote, stripping her of her job duties and responsibilities, disparaging her reputation throughout the agency, and retaliating against her for asserting her rights, was extreme and outrageous.

56. Defendant FWP's conduct toward O'Neill, including conditioning her career advancement on the continuation of a romantic coerced relationship, obstructing her opportunities to promote, stripping her of her job duties and responsibilities, disparaging her reputation throughout the agency, and retaliating against her for asserting her rights, was extreme and outrageous.

57. Defendant Temple engaged in this conduct intentionally, or with reckless disregard of the probability of causing O'Neill severe emotional distress.

58. Defendant FWP engaged in this conduct intentionally, or with reckless disregard of the probability of causing O'Neill severe emotional distress.

59. As a direct and proximate result of Defendant Temple's conduct, O'Neill suffered severe emotional distress, including anxiety, depression, sleeplessness, humiliation, and physical manifestations of that distress for which she sought and received medical and mental health treatment.

60. As a direct and proximate result of Defendant FWP's conduct, O'Neill suffered severe emotional distress, including anxiety, depression, sleeplessness, humiliation, and physical manifestations of that distress for which she sought and received medical and mental health treatment.

61. The serious and severe emotional distress suffered by O'Neill was of a type and kind that no reasonable person could be expected to endure.

62. Defendant Temple acted willfully, wantonly, maliciously, and oppressively, thereby entitling O'Neill to an award of punitive damages in addition to compensatory damages.

63. Defendant FWP acted willfully, wantonly, maliciously, and oppressively, thereby entitling O'Neill to an award of punitive damages in addition to compensatory damages.

64. Defendant FWP is liable for the conduct of Defendant Temple under the doctrine of *respondeat superior*, as his conduct was committed within the course and scope of their employment.

COUNT XI
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

61. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

62. Defendant Temple owed O'Neill a duty to exercise reasonable care in his treatment of her as an employee of FWP.

63. Defendant FWP owed O'Neill a duty to exercise reasonable care in their treatment of her as an employee of FWP.

64. Defendant Temple breached that duty through the negligent acts and omissions described herein.

65. Defendant FWP breached that duty through the negligent acts and omissions described herein.

66. It was reasonably foreseeable that Defendant Temple's conduct would cause O'Neill serious and severe emotional distress.

67. It was reasonably foreseeable that Defendant FWP's conduct would cause O'Neill serious and severe emotional distress.

68. As a direct and proximate result of Defendant Temple's negligent acts and omissions, O'Neill sustained serious, severe, and ongoing emotional distress, including anxiety, depression, sleeplessness, and physical manifestations of that distress for which she sought and received medical and mental health treatment.

69. As a direct and proximate result of Defendant FWP's negligent acts and omissions, O'Neill sustained serious, severe, and ongoing emotional distress, including anxiety, depression, sleeplessness, and physical manifestations of that distress for which she sought and received medical and mental health treatment.

70. The serious and severe emotional distress suffered by O'Neill was of a type and kind that no reasonable person could be expected to endure.

71. Defendant FWP is liable for the conduct of Defendant Temple under the doctrine of *respondeat superior*, as his conduct was committed within the course and scope of employment.

COUNT XII
TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE/ CONTRACTUAL RELATIONS
(All Defendants)

87. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth herein.

88. O'Neill had existing and prospective employment and contractual relationships and expectancies with FWP, including her existing employment, her opportunities to advance to Acting Deputy Director and Acting Chief of Operations in 2023, and her candidacy for the Chief of Staff and Chief of Operations positions.

89. Defendant Temple had knowledge of these employment and contractual relationships and expectancies.

90. Defendant FWP had knowledge of these employment and contractual relationships and expectancies.

91. Defendant Temple intentionally and without justification interfered with these relationships and expectancies through improper means and for an improper purpose, including by conditioning O'Neill's advancement on the continuation of their romantic coerced relationship, by preventing her from receiving an interview for the Chief of Staff position while serving as the hiring authority, by providing false and negative information about her to her supervisor and to the Chief of Operations hiring committee, and by disparaging her reputation throughout the agency in order to diminish her opportunities for advancement.

92. Defendant FWP intentionally and without justification interfered with these relationships and expectancies through improper means and for an improper purpose.

93. Temple's interference was calculated to cause damage to O'Neill, was done with the unlawful purpose of causing that damage and loss, and was without right or justifiable cause.

94. FWP's interference was calculated to cause damage to O'Neill, was done with the unlawful purpose of causing that damage and loss, and was without right or justifiable cause.

95. As a direct and proximate result of Temple's tortious interference, O'Neill lost employment and advancement opportunities and suffered damages, including lost wages and benefits, lost promotional opportunities, damage to her professional reputation, and emotional distress.

96. As a direct and proximate result of FWP's tortious interference, O'Neill lost employment and advancement opportunities and suffered damages, including lost wages and benefits, lost promotional opportunities, damage to her professional reputation, and emotional distress.

97. Temple's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

98. FWP's conduct was intentional, willful, malicious, and oppressive, thereby entitling O'Neill to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE. O'Neill prays that this Court:

1. Declare Defendant Temple's conduct to be in violation of O'Neill's rights;
2. Declare Defendant FWP's conduct to be in violation of O'Neill's rights;

3. Award O'Neill damages, in an amount to be proven at trial, including but not limited to all compensatory and consequential damages suffered, past and future lost wages and the value of benefits she would have earned but for the unlawful conduct, and the impairment of her ability to earn money;
4. Award O'Neill damages, in an amount to be proven at trial, for the humiliation, embarrassment, personal indignity, damage to her professional reputation, emotional distress, and mental anguish caused by the Defendants' wrongful acts;
5. Award O'Neill punitive damages for the Defendants' intentional, oppressive, malicious, and fraudulent conduct;
6. Award O'Neill pre- and post-judgment interest as allowed by law;
7. Award O'Neill her costs, expenses, and reasonable attorney's fees, including pursuant to 42 U.S.C. § 1988; and
8. Grant O'Neill such further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff O'Neill demands a trial by jury on all issues so triable.

DATED this 30th day of October, 2026.

AT LEGAL PC

Adrienne M. Tranel

Adrienne M. Tranel, Esq.
COUNSEL FOR PLAINTIFF