

EXHIBIT “B”

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS D. KIMMETT and
SHERRY E. BELLAMAN

plaintiffs

CIVIL ACTION LAW

NO.

Jury Trial Demanded

V

TOM CORBETT, BRIAN NUTT,
WILLIAM RYAN, LOU ROVELLI,
STEVE BRANDWENE, MIKE ROMAN,
BRUCE SARTESCHI, JILL KEISER,
JAMES FURLONG, and ROBERT COYNE,

defendants

AMENDED COMPLAINT

Introductory Statement

1. This is an amended civil rights action adding additional plaintiffs, additional defendants, and additional factual averments. The complaint is brought by a Pennsylvania Senior Deputy Attorney General and an assistant of his against Tom Corbett, the Attorney General of Pennsylvania, in his individual capacity. The defendants Nutt, Rovelli, Ryan, Sarteschi, Keiser, and Brandwene, are members of

Attorney General Corbett's staff. All defendants are sued in their individual capacities. The defendants Furlong and Coyne are employees of the Pennsylvania Department of Revenue. Shortly after plaintiff began working for the Attorney General's office in September of 2006 he discovered irregularities in the Attorney General's Financial Enforcement Section (collections department). [The Financial Enforcement Section \("FES"\) of the Attorney General's office acts as a collection agency for all the Agencies, Boards, Commissions, and Universities](#) of the Commonwealth. The accounts-receivables from month to month may vary between \$300, 000, 000-\$500, 000, 000 (three hundred to five hundred million dollars). The largest account is the Pennsylvania Department of Revenue whose accounts-receivables can be as much as \$300 million, or more, at any given time. This is all taxpayers' money. The above named defendants were fully aware that pervasive wrongdoing was occurring in the collections process by government employees before and during the plaintiff's complaining to them. [Kimmett engaged in a diligent effort, with assistance from a small group of co-workers, to disclose and stop the wrongdoing.](#) He was assisted by Bellaman whose sole interest was to conduct herself as an honest and effective state employee enabling her to raise and support her family. Upon information and belief, Tom Corbett and Revenue officials later made an express decision not to formally investigate the illegal misconduct plaintiff uncovered for purely political reasons. They did so to

avoid public disclosure of possible criminal misconduct and fraud (or at least the gross malfeasance which was occurring within the ATTORNEY General's office, all with the awareness and complicity of high officials in the Department of Revenue). Corbett and the Revenue officials made this decision on or about late 2006-2007. This illegal and improper misconduct has cost the taxpayers of Pennsylvania millions of dollars in lost monies due and owing to the Commonwealth. Further, because of fraudulent payouts for services that were [unearned or earned improperly](#), it is possible that perhaps even millions of dollars, has been, and may continue to be, illegally paid out to preferred vendors. This cover-up by Mr. Corbett and the other defendants, was, and is, responsible for the unlawful and improper payout of large amounts of taxpayer funds to private collection agencies that do not, or have not, earned their commissions. Because the plaintiff complained about this wrongdoing, the defendants Corbett, Ryan, Nutt, Rovelli, Roman, and Brandwene all unlawfully agreed and acted to deny the plaintiff a promised promotion in retaliation for his persistent refusal to react favorably to their ill disguised message, which was to tolerate the illegal activity. Plaintiff alleges that the defendants intentionally tolerated a situation where records were non-existent or were possibly miss-kept to cover-up unlawful activity. Plaintiff alleges that the incompetence, mal- organization, and outright fraud about which he complained (both outside of, and within, his chain of

command) has not only cost Pennsylvania taxpayers many millions of dollars but has probably funneled hundreds of thousands if not millions of dollars of fraudulent [payments to private collection agencies](#) and [special deals to certain attorneys and accountants](#). For example, one blatantly illegal practice, which is known to all of the defendants, occurs when Attorney General personnel achieve the settlement of a claim. [After the major work is done by personnel in the Attorney General's office, the claim is then moved to a private collection agency who \(over the years\) then receives a commission of 19%, 29%, or in years past up to 40%. This would in effect cost Pennsylvania taxpayers and the Public Trust anywhere a 19% to 40% collection fee on their money \(these are some of the highest commission rates paid by any state in the nation to private collection agencies\)](#). The private collection agencies, chosen without any bidding process by the Attorney General's Office, would then collect a fat commission after having done little or nothing to earn it. The commission is charged against the delinquent accounts, and the monies, which should go to Pennsylvania taxpayers, are then fraudulently paid out to the private collection agency which has not earned and is not entitled to the fee. Sometimes records were even altered to permit these abuses. All of the above was confirmed by a high ranking Revenue official on numerous occasions. Plaintiff suffered retaliation in the form of being denied a promised promotion, by the Attorney General defendants, who conspired among

themselves, and with the Department of Revenue defendants, to place him at risk as a hard-working and honest public employee, more specifically, because of his efforts to stop the improper practices. This amended complaint adds Sherry Bellaman as a plaintiff because she suffered retaliation at the hands of Roman, Sarteschi, and Keiser directly as a result of her association with Tom Kimmett (Kimmett is her direct supervisor and she works closely with him and is knowledgeable of many of the circumstances about which he complains).

JURISDICTION AND VENUE

2. Original jurisdiction to hear complaints of constitutional violations by state officials, under badge of state authority, employing the remedial statute 42 USC §1983 is conferred on this court by 28 USC §1331 and 28 USC §1343 (a) (3) & (4).

3. Jurisdiction to hear supplemental state claims, if any, is conferred on this court by 28 USC §1367(c). The supplemental state claims alleged are civil conspiracy and the intentional infliction of emotional distress.

4. A jury trial is demanded.

5. Punitive damages are demanded of these defendants because their actions were particularly egregious, vindictive, and highly injurious to the plaintiff.

6. Attorneys fees pursuant to 42 USC §1988 are demanded.

7. Venue is in the United States District Court for the Middle District of Pennsylvania because all parties, witnesses, and evidence are common to Dauphin County Pennsylvania which is located in the Middle District.

Rights Violated and Theories of Liability

8. The defendants Corbett, Ryan, Rovelli, Roman, and Brandwene, who were later joined by Nutt, all discussed and worked together to make a retaliatory decision adverse to Kimmett's interests denying him a key promotion which he had been promised when hired. Because plaintiff complained to an AG client (Revenue) who had the authority, [wherewithal](#) and resources to prevent the wrongdoing (technically the accounts were Revenue's property) he suffered retaliation. [Plaintiff complained to Revenue, as well as to other State Agencies, Commissions, and Universities, as a citizen in furtherance of the public interest. thus he would not be deemed a public employee for purposes of the Supreme Court's recent decision in *Enquist v. Oregon Department of Attorney Generalriculture et al, Supreme Court of the United States \(No. 07- 474 October term 2007, argued April 21, 2008- decided June 9, 2008.* These defendants made this decision \(to injure the plaintiff\) because the plaintiff persisted in complaining both within, and outside of, \[the Attorney General's office in his effort to stop the unlawful diversion of the Public Trust, monies rightfully due the taxpayers of Pennsylvania, and to disclose and\]\(#\)](#)

[remedy the misconduct](#). These defendants violated the plaintiff's right to be free of retaliation for exercising his right to seeking a redress of grievances under the First Amendment and also of his right to speak out on matters of public concern. In short the plaintiff engaged in protected speech. Because plaintiff spoke out as a citizen, and because he expressed his concern outside of his chain of command, also, as a citizen, he is not subject to the provisions of *Garcetti v. Ceballos* 547 U.S. 410 (2006). [The plaintiff Tom Kimmett complained and spoke out to other State Agencies, Commissions, Universities,etc. and officials and employees within those entities](#) and to public officials (Official #1 - Bureau of Corporation Tax, handled monthly reports for private collection agencies commissions, including presentations to [Pennsylvania universities' Vice Presidents to discuss the FES operation and problems](#), the Universities Bursar's, who referred to the FES as the "black hole for collection claims"; the current administration's Office of Administration to discuss FES [violation](#) of HIPAA requirements at the expense of Pennsylvania citizens, as well as to other State agencies and commissions. The Revenue defendants also violated Kimmett's rights to equal protection when they unlawfully worked with and acted with the AG defendants to injure him in his employment. Roman, Sarteschi, and Keiser all acted further to retaliate against the plaintiff Bellaman violating her First Amendment rights of association and using

her as a vehicle to intimidate Kimmett seeking to deprive him of his right to redress.

9. The defendants Robert Coyne and Jim Furlong are employees of the Pennsylvania Department of Revenue. These defendants engaged in an unlawful agreement with the AG defendants, to discourage Kimmett and retaliate against him through constant stonewalling and a humiliating series of behaviors where these defendants bled information from Tom Kimmett so as to better circumvent his efforts, embarrassing him, and making a fool of him as they manipulated his efforts to disclose the wrongdoing in the Attorney General's Office into a cover-up. Furlong and Roman in particular worked hand in glove to countermand Kimmett's legitimate efforts and demonstrated a complicity of these defendants in the wrongdoing. Furlong bragged to some employees to not worry about reviewing or investigating their reports, he (Furlong) would just go to Roman to overrule him. These defendants worked with and in fact conspired with Attorney General Tom Corbett to violate Kimmett's First Amendment rights by suppressing his investigations and clandestinely agreeing not to disclose or remedy his efforts to prevent illegal activities which he took express pains as a citizen to stop.

Operative Facts

10. Kimmett began employment with the Attorney General's Department on or about September 2006. He is a highly qualified attorney with an accounting background who has worked in state government both in New Jersey, as a state tax auditor and Deputy Attorney General and also in Pennsylvania, as a Department of Revenue attorney and Senior Deputy Attorney General.

11. At the time that Tom Kimmett was negotiating for his employment position he was promised a promotion to replace his then, superior, in the Financial Enforcement Section (FES) where he was going.

12. When plaintiff got to the FES his efforts to learn what was going on in the Section he was hired to run were intentionally obstructed by employees (particularly Jill Keiser who was scheduled to be replaced by Kimmett), she was already in place, and she reported to his superiors by going around him i.e., she de facto refused to relinquish authority in running the Section by avoiding his (Kimmett's) authority and refusing to work with or assist Kimmett in anyway. This insubordination by Keiser was known to Brandwene and the chain of command, who refused to take any action to correct the insubordination.

13. Kimmett was forced to developed alternate ways to learn and understand the Section he was chosen to run. He began by sitting with each employee starting from the bottom up to try to learn the operation and functions of

the FES operation. He opened mail, he learned how to input and process checks, etc., etc.

14. Tom Kimmett subsequently learned, on or about late September through November 2006 that there was a persistent improper practice of unlawfully referring out commissions to favored vendors after public employees had completed the necessary work to settle a delinquent account. This abuse was confirmed in a four hour meeting with the Department of Revenue where this practice was discussed. At the conclusion of the meeting, Kimmett had further discussions with a Revenue official concerning these statements and was told that it had been ongoing for years in FES. Kimmett filed a report the next working day up his chain of command to alert officials in the Attorney General's office of the statements concerning abuse and to request that Kimmett and two CPAs from the Comptroller's Office follow-up to conduct a review.

15. This practice resulted in, and still may result in, the fraudulent payment of taxpayer money to favored vendors who did not earn commissions but collected money from the Commonwealth. The so-called "commissions" which were paid out to certain vendors, were deducted directly from taxpayers' monies. The fraudulent losses are estimated to amount to very large amounts of money, perhaps even millions of dollars. In addition to the abuse outlined above, Kimmett identified and reported what he and others believed were numerous other

abuses, improprieties, mis- and malfeasance, including some of the following:

- 1) A \$324,000 payment to a private collection agency was challenged by Kimmett because the settlement and collection were made by the Tax Litigation Section pursuant to a Stipulation of Judgment at Commonwealth Court and not by any private collection agency

Subsequently, payment was ordered to be paid to the private collection agency by Michael Roman and Robert Coyne.

(Note: this has not been processed yet – very recent)

- 2) An \$110,000 payment to a private collection agency was challenged by Kimmett because the settlement and collection were made by the Tax Litigation Section pursuant to a Stipulation of Judgment at Commonwealth Court and not by any private collection agency.

Subsequently, payment was authorized by James Furlong claiming approval by Michael Roman and Secretary of Revenue Thomas Wolf.

- 3) Improper payments to private collection agencies of \$10,000 and \$11,000 were challenged and stopped before payment was made because FES employees had settled the cases, and not by any private collection agency.

- 4) A Taxpayer with a \$913,000 tax liability was given a settlement of \$20,000 with no paperwork or backup. When the settlement was challenged, Mike Roman ordered payment to proceed; Michael Roman claimed this is just another "smelly" settlement by defendant Steve Brandwene (former Chief) that he has approved since becoming Chief.

- 5) A Taxpayer was granted in interest free settlement starting on May 1, 2001, for \$50,000 down and \$2,000 per month until \$300,000 has been paid. A subsequent audit totaling \$544,386 was included in a questionable manner, after the fact, in the original settlement. When the \$300,000 is finally paid-off sometime around 09-2011, the total liability will be approximately 1.5 million and would require a future Attorney General to sign-off on a 1.2 million settlement. Settlements are not finalized until all payments have been received. The Commonwealth will lose over \$1 million.
- 6) Approximately 250 completed Settlements/Compromises involving hundreds of thousands of dollars dating back to 1990 were found in defendant Jill Keiser's office. They had not been sent to the Referring State Agencies for Processing.
- 7) A high ranking Department of Revenue Official claimed that employees in the Financial Enforcement Section ("FES") had engaged in malfeasance on numerous occasions over a number of years and this malfeasance was the impetus for the Department of Revenue to take over the private collection agencies referral process for Revenue cases.
- 8) Hundreds of Pay-directs (payment of commissions to private collection agencies for money paid to referring State Agencies) were paid improperly costing the Public Trust and taxpayers of Pennsylvania tens of thousand of dollars.
- 9) A high ranking Revenue Official asserted that cases that were settled by FES employees were shifted to Private collection agencies in order to grant the private collection agencies improper commissions.
- 10) Numerous (30-40) Private collection agencies Compromises found in FES files involving hundreds of thousand of dollars could not be accounted for.

- 11) Private collection agencies were allowed to hold cases well beyond the six month and twelve month placement periods in the Contract and still receive commissions.
- 12) Private collection agencies were allowed to hold hundreds of thousands of dollars (sometimes as high \$700,000) each month in Commonwealth Funds without paying any interest on this money and contrary to a specific requirement of their Contract.
- 13) Resignation by one FES employees resulted in tens of thousand of dollars that was unaccounted for that was subsequently paid out to a private collection agency. [In addition, numerous records and reports that could have accounted for the missing funds were never found.](#)
- 14) Up until June 2007, FES contractually authorized payment of some of the highest commission rates in the nation to private collection agencies, all based on no-bid Contracts. [In July of 2007, Kimmett spearheaded the effort to reduce the commission rates across board on all private collection agencies.](#)
- 15) Numerous provisions of the no-bid Contracts were not enforced by FES.
- 16) FES continuously violated HIPAA requirements for cases containing Protected Health Information.
- 17) [Private collection agencies employees were allowed to work in FES and were granted unlimited access to the Revenue computer database and confidential information. Private collection agency employees routinely granted their agencies extension to hold cases beyond the six and twelve month holding periods with little of no oversight.](#)

16. Tom Kimmett complained of these unlawful practices to officials in the Department of Revenue (particularly to Mr. Furlong) and he also complained within his own office.

17. Department of Revenue officials, including Mr. Furlong, admitted their knowledge of the unlawful practices, their awareness of the state of poorly kept inadequate records in the Attorney General's office, and presumably in their own office, and they were aware of the prolific loss of taxpayer money under improper conditions. Furlong specifically admitted that the misconduct was occurring and that it had been going on for quite some time.

18. Kimmett persistently complained within and without his chain of command, to other areas in the Attorney General's Office, to Revenue officials, as well as others, that the recurrent mis- and malfeasance and possibly fraud was occurring in the unlawful payments of commission for unearned services that needed to be investigated and acted upon.

19. At various times Kimmett informed his superiors about what was going on, submitting memorandum after memorandum outlining his concerns and the abuses, in addition to a number of discussions with them. Specifically, among

others, Tom Kimmett spoke with Mr. Rovelli, Mr. Ryan, Mr. Brandwene, Mr. Nutt and many others, but to no avail.

20. Tom Kimmett had a detailed personal discussion with William Ryan, one of Mr. Corbett's top assistants, during which his promised promotion, and his findings regarding improper activities, were reviewed in the same talk. Ryan committed to discuss the matter with Mr. Corbett and get back to Tom. Instead, only a steady drizzle of negative treatment confronted Tom Kimmett on a steady basis from then until the present. And when Mr. Ryan discussed Kimmett's promotion concerns he also discussed the aforementioned [abuses and possible corruption](#). Because Ryan initiated all discussion regarding the promised promotion, it was clear to Tom Kimmett that there was a linkage in the minds of the defendants between his complaints concerning wrongdoing and the promotion (which never took place).

21. Kimmett also had discussions with Mr. Rovelli, Mr. Brandwene, and with Mr. Nutt at different times regarding these issues.

22. Kimmett was assured these matters would be submitted to Mr. Corbett for consideration. Upon information and belief Mr. Corbett was fully informed of these matters i.e. both the pervasive unlawfulness and malfeasance present in the Attorney General's Office and Kimmett's promotional concerns, which were linked by his superiors to his persistent complaints about the public

corruption which he raised both outside of, and within, the Attorney General's Office.

23. James Furlong told Tom Kimmett that "Revenue would not provide information to bring down any employee of the Attorney General's Office" [after assurances that they would](#). Furlong said it would "break the trust" between "the Secretary" (Fajt), Deputy Secretary (Coyne) and the "General" (Corbett) and Rovelli. Furlong also stated that Tom Corbett and Lou Rovelli were engaged with the problems and the issue on an ongoing basis.

24. Corbett and Coyne decided not to expose the malfeasance, misfeasance and unlawful misconduct of which they were aware, even though both knew that the unlawful payments of undeserving commissions and the unreasonably low compromising of certain taxpayers obligations were costing Pennsylvania taxpayers millions of dollars.

25. For example, in deference to a certain private collection agency [which both Roman and Furlong claimed](#) was connected to a former Attorney General, special treatment was extended and certain special opportunities were provided to that vendor. These actions, like others, may quite possibly have even been criminal in nature, but at the very least were plainly against [the public interest and trust vested in these public officials](#), yet were not acted upon.

26. In certain situations for unexplained reasons and with little documentation for support, special treatment was accorded certain taxpayers, vendors and practitioners, an example being, a \$20,000 or so compromise would be accepted as payment for a debt to the state of Pennsylvania of a little over \$900,000.

27. The losses represented by the aforementioned practices were subtracted directly from the Commonwealth's accounts- receivables, or from other obligations owed to government Agencies, Boards, Commissions, Universities, etc. (such as universities, thus raising the cost of education to the taxpayer).

28. All of the defendants named above were aware of Kimmett's efforts to disclose and eradicate the improprieties he discovered.

29. Kimmett went to the Department of Revenue to complain because the greatest loss of Commonwealth revenue was through the accounts payable to this Department. He also reached out to the Office of Administration and complained directly to Pennsylvania Universities (Bursar's) and others in an effort to stem the abuse.

30. As the technical property owner, Revenue not only had the authority to deny the Attorney General's office the authorization to collect their accounts- receivables but Revenue also had a duty to maximize collections to the benefit of the taxpayer i.e. the General Fund.

31. The defendants Furlong and Coyne not only abrogated this responsibility, but participated in the unlawful actions of the other defendants, including Corbett, in unlawfully covering up the illegal activities, but also by tacitly supporting the conspiratorial destruction of Kimmett's promotional opportunities when they ran him in a circle between the two Agencies.

32. The actions of the defendants were cruel and designed to intimidate and emotionally injure Tom Kimmett through placing undue pressure upon him seeking to induce severe anxiety and insecurity in him as a way to retaliate against him for his complaints to the Department of Revenue and drive him from his employment.

33. Kimmett filed his original complaint in this matter on August 11, 2008.

34. The next day Corbett and his spokesmen proclaimed that Kimmett's allegations were "false and baseless" knowing these pronouncements to be inaccurate and untrue.

35. Corbett used the power of his office in the knowledge that he would demand significant press attention in an intentional effort to affect the jury pool within the jurisdiction of the Middle District hoping to prejudice that jury pool against the plaintiff by defaming him while seeking to deprive him of his 1st and 7th amendment rights.

36. Immediately after Kimmett filed the original suit the defendant's Roman, Keiser, and others in the Attorney General's office began a retaliatory program of harassment and ostracism against the plaintiff Kimmett. Roman took work functions away from Kimmett and reassigned them to Keiser who had been one of the prime wrongdoers committing the improper activities Kimmett had exposed in the first place. Roman was fully aware of Keiser's complicity. Keiser was part of an internal AG clique which included, among others Brandwene, Rovelli, and Roman all of whom were engaged in the improper activities. In addition, Roman refuses to respond to emails and communications from Kimmett that is required in order for Kimmett to perform certain tasks and functions. Reports and documents routinely sent to Kimmett by Revenue as part of his job function are being diverted to others, again to make it difficult for Kimmett to perform his job duties and functions and to send a message to Kimmett for filing this action and to others that may think of challenging the Attorney General's office.

37. The defendants Keiser, Roman, and Sarteschi then engaged in an unlawful process of isolating the plaintiff by acting to alienate him from his assistants including the plaintiff Sherry E. Bellaman, consequently violating Kimmett's 1st Amendment right to seek redress and the rights of both Kimmett

and Bellaman to associate, particularly in the performance of their duties, free of unlawful state interference.

38. Bellaman, Kimmett's assistant, was threatened by the defendant Keiser who has been directed by the defendant Roman to take over [a number of Kimmett's job duties](#) and prevent him from continuing to clean up the wrongdoing he has exposed. All this has occurred since August 11, 2008.

39. Keiser, on August 13, 2008 downloaded Kimmett's original complaint, printed it out, and then proceeded to harass and pressure Kimmett's assistant Bellaman to review it while questioning her in a threatening tone. Keiser threatened Bellaman "that you had better watch yourself".

40. Bellaman was extremely upset and contacted SEAP (State Employees Assistance Program) for help. The ATTORNEY General's SEAP representative, instead of helping her, sent Bellaman to the defendant Sarteschi, the ATTORNEY General's Human Resources Director.

41. Sarteschi then directed Bellaman to a meeting in his office on August 28, 2008 and, as plaintiff sat waiting outside his door, she watched in great fear as the defendant Roman approached the office and entered with her. [Even though the meeting was set-up days in advance, Bellaman was never told that Roman would be attending.](#) This meeting under SEAP procedures was to be confidential.

42. Plaintiff Bellaman's emotional trauma was increased by this action. Sarteschi and Roman knew of Bellaman's situation. They knew that she was a direct assistant to Kimmett and that Roman was a defendant in that action. They also knew that the basis for Bellaman's emotional distress was the harassment at the hands of Keiser who had been directed by Roman to take Kimmett's functions away in the effort to ostracize and isolate him. Bellaman alleges that this misconduct by the defendants Sarteschi and Roman was intentionally designed to harm her and to strangle any support she might provide Kimmett (she has objected to being required to sign off on many of the illegal transactions complained out here in). She and Kimmett further allege that the aforementioned misconduct was also designed to deprive Kimmett of his 1st Amendment right to seek a redress of grievances in filing the original suit.

43. In the meeting Sarteschi noticeably sided with Keiser, defending her and her claims that she had never threatened Bellaman.

44. Sarteschi and Roman acted to intimidate Kimmett by harassing and intimidating his assistants as a way to isolate and frighten him and deter him from moving forward with the litigation against Roman and the other defendants including Corbett.

45. The defendant Jill Keiser has de facto assumed the plaintiff Tom Kimmett's duties. Keiser has joined in an effort with Roman and others to

personally and professionally isolate Kimmett in the performance of his duties in retaliation for filing the original lawsuit. As part of this unlawful plan Keiser has engaged in misconduct to threaten and intimidate Kimmett's assistants, particularly Bellaman seeking to deprive him of her help.

46. The events alleged in paragraphs 33 through 45 above occurred between August 11, 2008 and the filing of this amended complaint.

Count I

Kimmett against Corbett

47. Paragraphs 1 through 46 above are incorporated herein by reference.

48. Corbett has retaliated against Kimmett in violation of Kimmett's First Amendment rights for speaking out on matters of public concern and for seeking a redress of grievances.

49. Corbett knew as early as November 2006 that the plaintiff had uncovered wrongdoing in his collection department and that plaintiff was speaking out against it and complaining both inside and outside of the Attorney General's office. [Furlong had stated on numerous occasions that Coyne had spoken to Corbett directly regarding the abuses in FES.](#) Corbett knew directly or constructively of the circumstances directly expressed in paragraph 15 above and of similar situations.

50. Instead of responding through the proper legal channels Corbett chose to respond in the press branding Kimmett's disclosures in the public interest as "baseless and false" knowing that these public representations were false and intending to mislead the public and intimidate Kimmett.

51. These unlawful actions on Corbett's part, along with the actions of his minions like Roman, Sarteschi, and Keiser, which upon information and belief, are carrying out the policies set by Corbett to intimidate persons like Kimmett who practice a strong ethical commitment to their public duties above their loyalty to the leader and who believe in their right to access our courts free of retaliation.

52. As alleged above Corbett has retaliated against Kimmett for lawfully complaining in the public interest and for lawfully seeking a redress of his grievances.

Wherefore plaintiff demands judgment of the defendant Corbett for the deprivation of his federally guaranteed rights, and for Corbett's conspiring to deprive him of his federally guaranteed rights, for pain and suffering, for humiliation and embarrassment, all in an amount in excess of \$1 million for lost wages, emoluments, and interest in addition to all losses incurred in the denial of the promotional opportunity he was promised, together with fees, costs, punitive damages, interest and such other relief as the court may deem appropriate.

Count II

Kimmett against the defendants Nutt, Ryan, Rovelli,
Brandywene, Roman, and Keiser

52. Paragraphs 1 to 51 above are incorporated herein by reference.

53. Incorporating the above referenced factual allegations herein the plaintiff alleges that the defendants named in this Count retaliated against the plaintiff for speaking out on matters of public concern and for exercising his right to seek a redress of grievances, but all under the 1st Amendment to the U.S. Constitution.

54. These defendants unlawfully cooperated together to suppress and injure Kimmett in the performance of his duties acting to deny him a promised and deserved promotion, acting to treat him differently than other employees similarly situated, acting to ostracize, embarrass, and humiliate him on a daily basis.

Wherefore plaintiff Kimmett demands judgment of the defendants Nutt, Ryan, Rovelli, Brandwene, Roman, and Keiser jointly and separately for the deprivation of his federally guaranteed rights under the First Amendment together with damages for humiliation and embarrassment, pain and suffering, actual damages in an amount in excess of \$1 million for lost wages, emoluments, and interest, together with costs, fees, attorney's fees and such other relief as the court may deem appropriate.

Count III

Kimmett against Furlong and Coyne

55. Paragraphs 1 to 54 above are incorporated herein by reference.

56. The defendant's Furlong and Coyne cooperated and/or otherwise worked with the defendant's Corbett, Roman, Brandwene, Rovelli, and Ryan in express and tacit fashion to deprive the plaintiff of a promised promotion and otherwise retaliate against him for speaking out on matters of public concern and for seeking a redress of grievances. Furlong's conduct is especially egregious because Furlong secretly supplied Kimmett with information concerning the wrongdoing, malfeasance, etc., encouraging Kimmett to pursue and take down the wrongdoing and wrongdoers only to reverse course when told that a deal had been struck between Revenue and the Attorney General's office and no assistance would be provided to Kimmett.

Wherefore plaintiff demands judgment of the defendants Furlong and Coyne jointly and severally for the deprivation of his federally guaranteed rights under the 1st Amendment together with damages in an amount of excess of \$1 million for lost wages, emoluments, and interest, together with costs, fees, attorneys fees and such other relief as the court may deem appropriate.

Count IV

Bellaman against Roman, Keiser, and Sarteschi

57. Paragraphs 1 through 56 above are incorporated herein by reference.

58. The plaintiff Sherry Bellaman is a subordinate of the plaintiff Tom Kimmett's. She is aware of the improper goings on in the Attorney General's office and can cooperate many of the representations Mr. Kimmett makes. The aforementioned defendants are all aware of this

59. Bellaman has been harassed and intimidated by Keiser, Roman, and Sarteschi as alleged above, in violation of her 1st Amendment rights, and the 1st Amendment rights of the plaintiff Kimmett.

60. The above named defendants, particularly the defendant Sarteschi, knew that the plaintiff had been harassed and was emotionally distraught when her condition was intentionally used to further intimidate and deter her from her lawful associations and feared support of Tom Kimmett. In doing so Sarteschi not only violated Kimmett's and Bellaman's 1st Amendment rights but he severely increased the emotional distress Bellaman was already under in further violation of her rights.

Wherefore the plaintiff Sherry Bellaman demands judgment of the defendants Roman, Keiser, and Sarteschi for the deprivation of her 1st Amendment rights together with damages for pain and suffering, emotional distress, embarrassment and humiliation, fees, costs, attorney's fees and such other relief as the court may deem appropriate.

Respectfully submitted,

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