

VIRGINIA:

IN THE CIRCUIT COURT FOR STAFFORD COUNTY

L. SUZANNE BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<u>Case No. CL11000136-00</u>
	)	
KATHERINE SCHOENEMAN,	)	
P.O. Box 320095	)	
Alexandria, VA 22320-4095	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT**

COMES NOW the plaintiff, L. SUZANNE BROWN, by counsel, and for her amended Complaint against the defendant, KATHERINE SCHOENEMAN, respectfully states as follows:

*Parties*

1. Plaintiff L. Suzanne Brown ("Brown") is a Special Agent of the Federal Bureau of Investigation (FBI), formerly assigned to the FBI's Critical Incident Response Group (CIRG) in Stafford, Virginia.

2. Defendant Katherine A. Schoeneman ("Schoeneman") is a psychologist working for the U.S. Marshals Service in Washington, DC. She was formerly employed under a one-year contract at CIRG in Stafford, Virginia, as part of an ORISE Fellowship.

*Jurisdiction and Venue*

3. This court may exercise personal jurisdiction over the parties pursuant to Section 8.01-328.1 of the Code of Virginia, as Defendant resides in the Commonwealth.

4. This court is a permissible forum for this action under Va. Code § 8.01-262(4), as the acts giving rise to Plaintiff's cause of action occurred in Stafford County.

***Facts Common to All Counts***

5. Plaintiff has been a law enforcement officer for 25 years. She served as a police officer from approximately 1987 until December 1995, when she joined the FBI.

6. From approximately 1996 to 2007, Brown served as a Special Agent (SA), a GS-13 position on the federal government's general schedule. In 2007, Plaintiff was promoted to the position of Supervisory Special Agent (SSA), a GS-14 position.

7. In October 2009, Brown was assigned to the Behavioral Analysis Unit (BAU-1) in CIRG. She served as one of the program managers responsible for threat assessments within the BAU-1 subgroup, which handles cases involving targeted violence and threats to public officials.

8. At that time, Defendant was also assigned to BAU-1; she served as a research analyst under a one-year contract.

9. Beginning in or about October 2009, Brown discussed various work-related topics with Schoeneman, who had expressed a desire to help Brown with the review of some of her threat assessment cases. In reviewing these operational cases, Schoeneman offered her psychological observations while Brown provided her investigative and law enforcement expertise.

10. During the course of their professional interactions, Brown and Schoeneman also had many conversations that were not directly work-related, or which involved stories/anecdotes from Brown's law enforcement career prior to joining BAU-1.

11. In January 2010, Brown provided Schoeneman with an operational case file that Schoeneman had agreed to review in order to provide psychological feedback to Brown. Despite several reminders from Brown, Schoeneman failed to review the file in a timely fashion.

12. On or about February 4, 2010, Schoeneman informed Brown that she still had not looked at the case file, prompting Brown to take the case file back so as to seek assistance elsewhere.

13. Brown's decision in this regard irritated and alarmed Schoeneman, who was concerned that Brown would complain that Schoeneman was not able to handle her workload, which Schoeneman feared would reflect poorly on her and could prompt the Department of Justice (DOJ) to choose not to renew her contract.

14. At or about the same time, Schoeneman falsely alleged, in communications to multiple persons in the FBI and other offices within the DOJ, that Brown had made unwelcome or unwanted sexual advances toward Schoeneman and that Brown had engaged in other conduct which was inappropriate and which called into question Brown's judgment and fitness for duty.

15. Specifically, Schoeneman communicated these false allegations directly to Unit Chief (UC) Shawn VanSlyke, SSA Andre Simmons, SSA Jody Kramer, and Research Coordinator Yvonne Muirhead, among others, during the first week of February 2010.

16. Thereafter, on February 7, 2010, Schoeneman reduced her allegations to writing, in the form of a ten (10) page memorandum entitled "Documentation of Harassment Situation" (the "Memorandum"), which she then sent to UC VanSlyke, among others. This Memorandum would later become a part of the Office of Professional Responsibility (OPR) administrative record, as well as a part of the Office of Equal Employment Opportunity Affairs (OEEOA) investigative report.

17. In her Memorandum, and during her oral communications and interviews with FBI and OPR personnel, Schoeneman communicated the following false allegations concerning Plaintiff Brown:

- a. That Brown exhibited "sexually-oriented and aggressive behavior" toward Schoeneman between November 2009 and February 2010;
- b. That Brown made "unwanted sexual advances" toward Schoeneman which "gradually escalat[ed] over time";
- c. That Brown would bring up "a sexualized topic" or "sexual story or suggestion" during her interactions with Schoeneman "at least once per day" and that she "revisited each sexual story or suggestion numerous times";
- d. That Brown offered to provide Schoeneman with "tours of [Las Vegas] brothels" and suggested that they "go hang out together at [the] brothels";
- e. That Brown alluded to a personal "history of frequent nakedness, alcohol consumption, and sexual activity";
- f. That Brown made "specific statements that everybody at BAU-1 should start kissing each other in greeting";
- g. That Brown exhibited a "pattern of sexual comments" toward Schoeneman in "the form of indirect, implied, and suggestive statements and stories";
- h. That, at the CIRG Holiday Party in December 2009, Brown "spent the bulk of the party" talking to Schoeneman about sexual topics, and that Brown "repeatedly talked" about Schoeneman's height, legs, and attire during the party;
- i. That, from November 2009 through January 2010, Brown "regularly talked to [Schoeneman] about some of her psychological history and some of her current psychological difficulties";
- j. That Brown told Schoeneman in detail "about her history of psychological difficulties, "including trauma, depression, anger problems, and substance abuse";
- k. That Brown made "a veiled and indirect threat" about Brown's roommate in Schoeneman's presence on or about February 2, 2010;
- l. That, after Schoeneman supposedly "rebuffed" Brown's alleged "advances," Brown became "hostile and abusive" toward Schoeneman;
- m. That Brown's "ongoing focus on sexual topics" and "sexually-oriented discussions" was the direct cause of Schoeneman's feelings of discomfort and uneasiness around Brown in the workplace;

- n. That Brown "persisted" with her "sexual advances" and inappropriate sexual dialogue "despite [Schoeneman's] repeated cues to stop";
- o. That Brown "belittled," "mocked," "insulted," and "teased" Schoeneman on February 2, 2010;
- p. That Brown's alleged behavior on February 2, 2010 appeared to be an effort to "exert control over and manipulate [Schoeneman] into behaving according to [Brown's] preferences";
- q. That Brown perpetrated a "campaign of behavior toward [Schoeneman]" which contributed to Schoeneman feeling "fearful";
- r. That Brown's alleged behavior and purported admissions to Schoeneman caused Schoeneman to worry that "Brown might confront me outside in the dark. . .that she might follow me home, and/or that she might become violent"; and
- s. That Brown behaved in such a way that Schoeneman felt "uncomfortable, distressed, uneasy, anxious, apprehensive, intimidated, fearful, and unsafe".

18. As a direct and proximate result of Schoeneman's false allegations regarding Brown, the FBI's internal investigation division began investigating Schoeneman's claims. As part of the investigation, Schoeneman was interviewed by SSA Jeanne Schnese ("Schnese") on or about April 19, 2010.

19. Upon information and belief, Schoeneman contradicted her own allegations — that Brown's behavior caused her to fear for her safety and/or to worry that Brown might become violent — in a sworn statement she made on a FD-302 form summarizing her interviews with SSA Schnese.

20. On April 20, 2010, Schoeneman e-mailed Schnese, offering to "provide additional information" regarding statements Brown allegedly made to Schoeneman "on the topic of [Brown's] psychological history[.]"

21. That same day, Schnese sent a reply e-mail to Schoeneman in which she explicitly stated that she did not need such information in order to complete her case.

22. Undeterred, Schoeneman again e-mailed Schnese on May 6, 2010, claiming that she had been busy seeking "legal, ethical, and professional consultation" on the issue of whether or not she should disclose Brown's alleged admissions.

23. In her unsolicited e-mail dated May 6, 2010, Schoeneman communicated additional false allegations concerning Plaintiff Brown, including:

- a. That Brown told Schoeneman she had problems with depression, "feeling depressed," and "depressed mood";
- b. That Brown told Schoeneman about "at least one period of time in which [Brown] stayed in bed all day, day after day, for several weeks";
- c. That Brown told Schoeneman she "never [left] her bedroom for weeks as she was waiting to attend the FBI Academy";
- d. That Brown told Schoeneman about "feeling significant anger throughout her career" and about "being pissed off a lot";
- e. That Brown told Schoeneman about "heavy consumption of alcohol in the past", including being "drunk for days at a time";
- f. That Brown told Schoeneman she had "consumed alcohol while on duty as a police officer and that she was drunk" during some of her shifts;
- g. That Brown told Schoeneman she "regularly [went] to bars alone to drink" during the winter of 2009–2010, and that she drank "to relieve stress"; and
- h. That Brown's alleged behavior and purported admissions to Schoeneman caused Schoeneman to consider herself at "risk for future targeted violence".

**COUNT I (Defamation per se)**

24. Plaintiff hereby incorporates by reference all other factual allegations contained in Paragraphs 1 through 23 as if fully restated in this paragraph.

25. Defendant freely and knowingly made all of the defamatory statements about Plaintiff described in paragraphs 17 and 23, *above*.

26. Defendant made these statements knowing them to be false.

27. In making false allegations about Plaintiff, Defendant demonstrated a reckless disregard for the truth.

28. Defendant willfully and maliciously sought to harm Plaintiff by making these false statements to Plaintiff's employer and colleagues.

29. Defendant's false statements about Plaintiff imputed a lack of fitness to perform the duties of Plaintiff's office/employment, and called into question Plaintiff's character.

30. Defendant's false statements about Plaintiff have resulted in significant and ongoing harm to Plaintiff, including but not limited to:

- a. Severe and ongoing loss of reputation and standing within the FBI;
- b. Demotion from a GS-14 SSA to a GS-13 SA, and resulting salary reduction;
- c. A ten (10) day suspension without pay in 2011, and resulting lost wages;
- d. An involuntary temporary duty assignment (TDY) to the Investigative and Operations Support Section (IOSS) in Manassas, Virginia, from October 2010 through November 2011;
- e. An involuntary transfer for loss of effectiveness (LOE) to New York; and
- f. Severe and ongoing emotional distress, including anxiety and depression, as well as physiological symptoms such as vomiting, insomnia, and chest pain.

#### **COUNT II (Defamation)**

31. Plaintiff hereby incorporates by reference all other factual allegations contained in Paragraphs 1 through 30 as if fully restated in this paragraph.

32. Pleading in the alternative to Count I, Plaintiff asserts that all of the statements made by Defendant, as described in paragraphs 17 and 23, impute to Plaintiff conduct which injured Plaintiff in her profession, and, as such, constitute defamation *per se*.

33. To the extent, if any, that some or all of the false statements recited above are found not to relate to Plaintiff's fitness to perform her professional duties and/or a want of integrity in the discharge of Plaintiff's professional duties, such false statements are nonetheless defamatory.

34. Defendant knowingly and maliciously communicated these false statements of fact to assorted FBI and OPR personnel, causing injury to Plaintiff's reputation, severe and ongoing emotional distress, and continuing economic harm, as described above.

**COUNT III (Intentional Infliction of Emotional Distress)**

35. Plaintiff hereby incorporates by reference all other factual allegations contained in Paragraphs 1 through 34 as if fully restated in this paragraph.

36. As stated above, Defendant willfully and intentionally made numerous false allegations about Plaintiff, orally and in writing, between February 2010 and May 2010.

37. In so doing, Defendant displayed a reckless disregard for the truth and an utter lack of concern for the consequences of her actions.

38. Defendant's deliberate, wanton lying about Plaintiff has altered the very course of Plaintiff's life, ruined an impressive career in law enforcement spanning more than a quarter-century, and continues to cause untold pain and injury to Plaintiff.

39. Defendant knew, or should have known, that defaming Plaintiff in this way would result in severe emotional distress. Defendant's education and training as a psychologist only serve to reinforce this point.



40. Defendant's defamatory conduct caused Plaintiff to suffer severe and ongoing emotional distress, including anxiety and depression, for which Plaintiff has received professional care and been prescribed powerful medications. Plaintiff has also suffered various physiological symptoms such as vomiting, insomnia, and chest pain.

41. Defendant's defamatory conduct was outrageous, indecent, atrocious, and utterly intolerable in civilized society.

*Prayer for Relief*

WHEREFORE, Plaintiff L. Suzanne Brown respectfully asks the Court to:

- A. award Plaintiff economic damages in the amount of \$152,606;
- B. award Plaintiff non-economic damages in the amount of \$250,000;
- C. award Plaintiff punitive damages in the amount of \$350,000;
- D. award Plaintiff her fees and costs incurred in bringing this action; and
- E. award such other and further relief as the Court deems just and proper.

*Jury Demand*

Plaintiff hereby demands a trial by jury as to all issues pleaded herein, pursuant to Virginia Code § 8.01-336 and Rule 3:21 of the Rules of the Supreme Court of Virginia.

Respectfully submitted,

L. SUZANNE BROWN  
By Counsel



Jeffrey A. Hord (VSB#77638)  
ALBO & OBLON, L.L.P.  
2200 Clarendon Blvd., Suite 1201  
Arlington, Virginia 22201  
Phone: (703) 373-5824  
Fax: (703) 312-0415  
jah@albo-oblon.com

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2013, a true and accurate copy of the foregoing proposed *Amended Complaint* was sent via electronic mail and first-class mail (postage prepaid) to Defendant's counsel:

David H. Dickieson, Esq.  
Schertler & Onorato, L.L.P.  
575 7th Street, NW  
3rd Floor, South  
Washington, DC 20004  
ddickieson@schertlerlaw.com

  
Jeffrey A. Hord