

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Brent Bullis,

Court File No.: _____

Judge: _____

Case Type: Employment

Plaintiff,

vs.

COMPLAINT AND JURY DEMAND

Consulting Radiologists, Ltd. ("CRL"),

Defendant;

Allina Health System, d/b/a Abbott
Northwestern Hospital ("Abbott"),
Defendant

Plaintiff Dr. Brent Bullis, for his Complaint against Defendants ("Defendants"), states and alleges as follows:

PARTIES

1. Dr. Brent Bullis ("Plaintiff") is a resident of Eden Prairie, Hennepin County, Minnesota.
2. Defendant Consulting Radiologists, Ltd. ("CRL") is a privately-owned Minnesota corporation with approximately 70 board-certified radiologists who provide a complete range of radiology services to over 100 health care facilities in Minnesota and surrounding areas.
3. At all times relevant hereto, Plaintiff and Defendant CRL were employee and employer, respectively, within the meaning of the Minnesota Whistleblower Act ("MWA"), Minn. Stat. § 181.931, subdivisions 2 and 3.
4. At all times relevant hereto, Plaintiff and Defendant CRL were employee and employer within the meaning of Minnesota's Human Rights Act, Minn. Stat. §363A, subdivisions (15) and (16).

5. Allina Health System d/b/a Abbott Northwestern Hospital (“ANW”), a not-for-profit health system and part of the Allina Health network of hospitals and clinics, is CRL’s largest and most important client. ANW is a 686-staffed bed teaching and specialty hospital based in Minneapolis, Minnesota.

6. At all times relevant hereto, Plaintiff, as an employee of CRL and senior CRL partner, worked primarily at ANW and was ANW Chief of Staff Elect, a paid position for which ANW submitted Plaintiff’s pay to CRL, which retained the income and reimbursed Plaintiff with time off the clinical schedule. Plaintiff was scheduled to assume the role of ANW Chief of Staff on January 1, 2022, a position that, pursuant to the Bylaws of the Medical Staff of ANW, is the “chief administrative officer and principal elected official of the medical staff and shall serve as the chair of the MEC [Medical Executive Committee].”

7. At all times relevant hereto, Plaintiff and Defendant ANW were employee and employer, respectively, within the meaning of the Minnesota Whistleblower Act (“MWA”), Minn. Stat. § 181.931, subdivisions 2 and 3, and within the meaning of Minnesota’s Human Rights Act (“MHRA”), Minn. Stat. §363A, §363A, subdivisions (15) and (16).

8. Plaintiff’s contract with ANW required him to be a member of the ANW medical staff, and due to the exclusive contract for radiology at ANW with CRL, Plaintiff was required to maintain his employment with CRL to remain on the ANW medical staff.

9. At all times relevant hereto, Defendant CRL and Defendant ANW had an interrelation of operations and were an integrated enterprise and/or joint employers for purposes of the MWA and MHRA.

JURISDICTION AND VENUE

10. Plaintiff invokes the jurisdiction of this Court as violations of law occurred in the

State of Minnesota and involve Minnesota law.

11. Venue is appropriate, pursuant to Minn. Stat. § 542.09, as the acts giving rise to this Complaint occurred substantially within the borders of Hennepin County.

FACTS

A. Plaintiff's Exceptional History of Employment With CRL

12. As a physician employed by CRL for 18 years, Plaintiff had a long and successful career with CRL, where he performed work for Abbott Northwestern ("ANW") Radiology Department. When CRL terminated Plaintiff on September 2, 2021, Plaintiff was Chair of two large hospital patient care committees, a member of the Abbott Northwestern Foundation Board, Chief of Staff Elect at ANW, and he had been appointed to the position of ANW Chief of Staff, a role he was scheduled to assume on January 1, 2022. Upon terminating Plaintiff, CRL informed him that his termination was "without cause."

13. Plaintiff began his employment with CRL in 2003 and became a shareholder of CRL about one year later. Plaintiff was the CRL Body Section Head from 2008 to 2017 and a member of the CRL Board of Directors from 2014-2017. During the first few years of his employment, Plaintiff primarily covered Regina Hospital in Hastings, Minnesota. Thereafter, Plaintiff worked primarily at Abbott Northwestern, where he assumed several leadership positions.

14. For example, in 2008, Plaintiff became a member of the Radiology Peer Review/Quality Assurance Committee, which ensures practitioner accountability and assesses quality of care. In 2009, Plaintiff became the Chairperson of the Department of Radiology. In 2010, he became a member of the Patient Safety and Quality Committee and was the Chair of that committee from 2020 to 2021.

15. Plaintiff was also a member of the Medical Executive Committee at ANW from

2009 to 2021, and he was the ANW Radiology Department Medical Director from 2017-2020 and Chairperson from 2009-2017. Plaintiff held numerous other ANW and CRL leadership positions throughout his tenure with CRL, including, but not limited to Medical Staff Treasurer (2016-2018), Medical Staff Secretary (2018-2020), Patient Care Committee Member (2019-2021) and Chair (2020-2021), Abbott Northwestern Clinical Council (2020-2021), CRL board member (2014-2017), and developer and member of the Radiology Strategic Leadership Group (2011-2021).

16. In January 2020, Plaintiff became ANW Chief of Staff Elect. Upon his appointment, Plaintiff became more vocal about the unlawful conduct and legal, medical, and ethical violations he witnessed by some of his CRL colleagues and CRL leadership, with the hope that these issues could be remedied before he assumed the role of Abbott Northwestern Chief of Staff.

17. Similarly, in the summer of 2021, as Plaintiff approached the date when he would become ANW Chief of Staff, his attempts to resolve the discrimination, legal violations, and medical and ethical violations that he witnessed intensified. Again, Plaintiff hoped that if he reported the legal, medical, and ethical issues to CRL, they would be addressed and eliminated before he became Chief of Staff.

B. Plaintiff Reports CRL's Serious, Ongoing Peer Review Transgressions

18. Plaintiff brought forward to CRL the peer review transgressions by current CRL Chief of Quality, Dr. Robert Yost. Plaintiff made numerous reports of Dr. Yost engaging in multiple instances of unprofessional and unethical conduct where the quality of health care he monitored for CRL and its patients fell well below the applicable standard of care.

19. As a senior CRL partner and pursuant to his hospital title of ANW Chief of Staff Elect, Plaintiff felt obligated to address these transgressions. Specifically, Plaintiff reported

numerous instances of Dr. Yost's downgrading the severity of serious errors made by himself, his friends, and CRL leaders, which implicated patient safety and health.

20. Some of Dr. Yost's peer review issues were brought to Plaintiff because of his hospital role and title in overseeing all peer review for the hospital. Plaintiff was then terminated for addressing and bringing to light issues in his group that, under his contract with ANW as Chief of Staff Elect, he had been elected to raise and address.

21. On July 20, 2021, a meeting took place to address Dr. Yost's several chronic peer-review and behavioral issues. Plaintiff requested that two CRL Board members, Dr. Nobrega and Dr. Hite, also attend the meeting, as they had witnessed Dr. Yost's conduct first-hand. Dr. Hassell attended the meeting at Dr. Yost's request.

22. During the July 20th meeting, Plaintiff explained that Amy Jordan, an ANW staff member in charge of radiology peer review, had raised several concerns that Dr. Yost was mishandling peer-review cases and wrongfully downgrading cases from being designated a "serious miss" to "no issue," in order to prevent certain colleagues, including Dr. Jon Kane, from having their work quality questioned and more thoroughly examined.

23. Following the July 20th meeting, Dr. Nobrega and Dr. Hite commended Plaintiff for bringing the issues involving Dr. Yost to light and confirmed that Dr. Yost had repeatedly made false statements regarding the allegations against him. They assured Plaintiff that they would speak with Dr. Hassell and Dr. Arslanlar in an effort to address Dr. Yost's misconduct and have him reprimanded for his past and current transgressions at the next Board meeting in August 2021.

24. In the third week of August 2021, Plaintiff requested a meeting with Dr. Hassell to discuss patient health and safety issues, including Plaintiff's reports of Dr. Yost's transgressions, prior to the August board meeting. Dr. Hassell agreed, but postponed the board meeting to the

following week. Plaintiff was terminated prior to the rescheduled board meeting. Plaintiff's requested meeting with Dr. Hassell never occurred.

25. Plaintiff's termination prevents him from addressing these peer-review transgressions—some of which are egregious and implicate high level CRL current and former leaders—through the formal ANW medical staff process.

26. In terminating Plaintiff to prevent accountability for the peer review issues Plaintiff had raised, Defendant CRL has failed to address serious peer review issues fairly and promptly to ensure physician accountability and has promoted the escalation of peer review transgressions by supporting the doctors who have committed this unprofessional behavior, while terminating Plaintiff to prevent him from bringing these matters through a hospital-based investigatory process.

27. Defendant CRL has sent a strong message to CRL partners/radiologists, employees, and members to not speak up and to not go against leadership, or there will be severe consequences.

C. Plaintiff Reports Defendants' Billing Fraud, Patient Care Violations, Illegal Activity, and Other Fraudulent Behavior

28. Dr. Steve Hite, current CRL board member, reported to Plaintiff on August 11, 2021, that current Chairperson of ANW Radiology Department Dr. Robin Parker was regularly engaging in unprofessional, unlawful conduct constituting billing fraud and violation of patient care.

29. Dr. Hite brought this issue to Plaintiff because he was deeply disturbed by Dr. Parker's admission that when a patient comes into the hospital for a biopsy and the radiology imaging finds no abnormality to biopsy, Dr. Parker will, nevertheless, perform the procedure and biopsy the normal organ, so that CRL can bill the patient.

30. The context of Dr. Parker's admission to Dr. Hite was a conversation in which Dr. Hite told Dr. Parker that he and Dr. Plunkett, a senior radiologist with over 25 years of experience,

felt that the ANW radiology procedure rotation had become unsafe for patients, based on the high volume/number of procedures and the scheduling of unneeded biopsies, due in part to ANW Radiology Department Director Julie Singewald changing the process for how these procedures were ordered.

31. As Dr. Hite reported to Plaintiff, Dr. Parker's rationalization was that it takes too much time and effort to try to explain the situation to the patient and that no harm is done because the patient is happy with the negative result. Actually, the risk of biopsy is bleeding, infection, unneeded pain, and even rarely death. Plaintiff brought these issues to CRL.

32. Plaintiff also brought to CRL an additional billing fraud issue regularly committed by Dr. Parker: clinical history fraud on lower extremity venous ultrasound exams to ensure no loss of payment to CRL. Dr. Parker had instructed and coerced ANW ultrasound technicians to falsify patients' clinical history by adding to, and/or changing patient history so that CRL will be paid for the procedures.

33. For example, if the clinical history on the order for the procedure is only "leg pain," which is the most common indication used by the ordering physician, this history will result in an automatic denial for CRL payment from the payers, including Medicare.

34. Plaintiff was informed and reported that, to ensure payment to CRL, Dr. Parker had directed the ultrasound technicians that if a patient presents for a lower extremity venous ultrasound exam, with provided clinical history of leg pain but not swelling, the technicians are to add swelling or other billable symptoms or signs to the patient's clinical history.

35. According to the information communicated to Plaintiff by one ANW ultrasound technician, the technicians had become so tired of calls from Dr. Parker instructing them to make up clinical history that they started to include in the history the symptoms Dr. Parker requested to

stop him from calling. Thus, while the billing fraud originated with Dr. Parker, several ANW employees were involved in furthering the fraud. Since lower extremity venous ultrasound exams are performed dozens of times daily throughout the CRL network, the extent of this fraud is far-reaching.

36. When Plaintiff learned that Dr. Parker had instructed ANW ultrasound technicians to lie about the clinical history to ensure that CRL and ANW were paid, Plaintiff told the ultrasound technician who had informed him of Dr. Parker's unlawful conduct to never falsify clinical history, and Plaintiff instructed her to relay to the other ANW technicians that Plaintiff had directed them to never do this.

37. The next day, Plaintiff spoke with Dr. Parker, Chairperson of ANW Radiology Department, and Shelley Chervenak, the supervisor of ANW U.S. technicians, and Plaintiff told them what he had learned and that such requests must be stopped because falsifying patients' medical history for purposes of ensuring CRL's payment is billing fraud.

D. Plaintiff Reports Defendants' Sex Discrimination, Retaliation, And History Of Abusive Behavior Toward Dr. Sara Veldman.

38. Plaintiff observed a pattern of sex discrimination that has profoundly affected the employment conditions of CRL's female employees, including Vice Chair of Radiology, Co-Medical Director of ANW Piper Breast Center, and Breast Section Lead Dr. Sara Veldman. This conduct has been ongoing for several years.

39. In the spring of 2020, Plaintiff had a phone meeting with Dr. Norman Arslanlar and objected to the sex discrimination experienced by Dr. Veldman.

40. Dr. Arslanlar, however, refused to address the discriminatory conduct and dismissed Plaintiff's concerns by claiming that Dr. Veldman is "not as important" to CRL as other physicians.

41. On September 17, 2020, Plaintiff sent a letter to the Board in which he reported that CRL and its staff were engaging in sex discrimination and retaliation against Dr. Veldman, as well as failing to support her and provide her adequate time to perform her leadership and administrative duties.

42. Plaintiff concluded his letter with a reference to the “history of abusive and retaliatory behavior” of “multiple CRL members” toward Dr. Veldman:

Given the history of abusive and retaliatory behavior direct toward Dr. Veldman by multiple CRL members, I feel obligated to warn all involved in these matters that such behavior is against CRL and Allina/ANW behavior policies and come with the possibility of severe disciplinary consequences. These behaviors are a CRL culture problem which has been ignored by our leadership for years and needs to be addressed and resolved in the future.

43. Following Plaintiff’s letter to the Board, Defendant CRL retained an investigator to determine whether the alleged unlawful conduct was occurring.

44. Plaintiff continued to make reports throughout the course of the investigation of ongoing discrimination and other concerns, and reports that Defendant CRL limited Dr. Veldman’s administrative time in violation of its own policies.

45. Plaintiff made his last report of Dr. Shearer’s discriminatory treatment of Dr. Veldman in a meeting with Dr. Hassell, Dr. Arslanlar, Dr. Veldman, and Dr. Parker in August 2021, again reporting that Dr. Shearer had discriminatorily undermined Dr. Veldman’s authority in the Breast Section and had repeatedly failed to perform procedures that had at least once resulted in a patient’s death.

E. Defendants’ Termination in Retaliation for, and to End Plaintiff’s Protected Conduct

46. Plaintiff was terminated four months before he would have assumed his role as Defendant ANW’s Chief of Staff, Defendant CRL’s largest hospital and most important client.

47. As ANW Chief of Staff, through a separate contract with ANW, Plaintiff would have been responsible for ensuring a professional standard of care and advising ANW of any care issues or disciplinary proceedings related to any of ANW's practitioners.

48. Once Plaintiff became ANW Chief of Staff, his protected conduct would soon become significantly more threatening to Defendant CRL, as it related directly to its continuing and lucrative relationship with ANW, and more threatening to Plaintiff's CRL colleagues at ANW who were the subjects of Plaintiff's reports of violations of the standard of care, and violations of ANW bylaws and conduct codes.

49. Plaintiff was terminated prior to the postponed meeting to address Plaintiff's reports of "misses" and other patient health and safety issues.

50. Plaintiff was terminated on the very day that the investigation results of the sexual harassment of Dr. Sara Veldman by CRL physicians were officially distributed to CRL.

51. CRL's practice and procedure and/or contractual requirement in terminating physicians practicing at ANW is to obtain ANW's approval of the proposed termination. Pursuant to this practice or requirement, ANW would be required to approve CRL's termination of Plaintiff's employment.

52. On August 27, 2021, CRL leadership met with then ANW Chief of Staff and ANW President to ask for approval for Plaintiff's termination. CRL leadership told ANW leadership that the organization had decided to move in another direction without Plaintiff. ANW leadership approved and gave permission to CRL leadership to go forward with Plaintiff's termination. Plaintiff was terminated six days later on September 2, 2021.

COUNT I

RETALIATION IN VIOLATION OF MINNESOTA WHISTLEBLOWER ACT

(Consulting Radiologists, Ltd.; Allina Health System,
d/b/a Abbott Northwestern Hospital)

53. Plaintiff re-alleges and incorporates by reference each preceding paragraph as if fully rewritten here.

54. The MWA prohibits retaliation against employees for making good-faith reports of violations of law. In particular:

Subdivision 1. Prohibited action. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, locations, or privileges of employment because:

(1) The employee ... in good faith, reports a violation or suspected violation, or planned violation to any federal or state law or common law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official. ...

(4) the employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm;

Minn. Stat. § 181.932, subdivision 1.

55. The MWA defines "report" as "a verbal, written, or electronic communication by an employer about an actual, suspected, or planned violation of a statute, regulation, or common law, whether committed by an employer or a third party." Minn. Stat. § 181.932, subdivision 6.

56. As alleged above, Plaintiff engaged in statutorily protected conduct by reporting to Defendants what Plaintiff, in good faith, believed to be violations of federal law, state law, or common law or rules adopted pursuant to law.

57. Defendants retaliated against Plaintiff by terminating his employment.

58. The adverse employment actions described herein constitute violations of the MWA, Minn. Stat. § 181.931, *et seq.*

59. The unlawful employment practices complained of above were intentional and

were performed by Defendants with malice and/or reckless indifference to the laws that protect Plaintiff.

60. As a direct and proximate result of Defendants' illegal conduct, Plaintiff has suffered, and continues to suffer, emotional distress, humiliation, embarrassment, pain and suffering, loss of reputation, loss of enjoyment of life, lost wages and benefits, and has incurred attorneys' fees and expenses and other serious damages.

COUNT II

RETALIATION IN VIOLATION OF MINNESOTA HUMAN RIGHTS ACT

(Consulting Radiologists, Ltd. Allina Health System,
d/b/a Abbott Northwestern Hospital)

61. Plaintiff re-alleges and incorporates by reference each preceding paragraph as if fully rewritten here.

62. The MHRA prohibits an employer from retaliating against an employee for opposing a violation of the MHRA or participating in an investigation: "It is an unfair discriminatory practice for any ... employer ... to intentionally engage in any reprisal against any person because that person ... opposed a practice forbidden under [the MHRA] ... or participated in any manner in an investigation ... under [the MHRA]." Minn. Stat. § 363A.15(a).

63. Defendant violated the MHRA by terminating Plaintiff in retaliation for his report of Defendant's abusive, retaliatory treatment of Dr. Sara Veldman and his participation in the investigation of the sexual harassment Dr. Veldman suffered, in which Plaintiff provided evidence in his interviews with the investigator.

64. Absent direct evidence of retaliation, the familiar three-step burden-shifting analysis from McDonnell Douglas applies. Temporal proximity alone between the protected conduct and the adverse employment action can be enough to establish causation for a prima facie

case.

65. Defendant violated the MHRA by terminating Plaintiff in retaliation for Plaintiff's report of Defendant's abusive, retaliatory treatment of Dr. Sara Veldman and Plaintiff's participation in the investigation of the sexual harassment Dr. Veldman suffered, in which Plaintiff provided evidence in his interviews with the investigator.

66. Defendant terminated Plaintiff on the very day that the investigation results of the sexual harassment of Dr. Sara Veldman by CRL physicians were officially distributed to CRL.

COUNT III

BREACH OF FIDUCIARY DUTY IN VIOLATION OF MINN. STAT. § 302A.751 (Consulting Radiologists, Ltd.)

67. Plaintiff re-alleges and incorporates by reference each preceding paragraph as if fully rewritten here.

68. Defendant CRL breached its fiduciary duty to Plaintiff by failing to act in an honest, fair, and reasonable manner in the operation of the corporation, given his relationship with the corporations as a shareholder-employee, by excluding him from key corporate discussions and decisions, terminating his employment despite exemplary performance, and, attempting to force him to waive his legal rights regarding his termination in a way that would impact his claims as a shareholder-employee.

69. Under Minn. Stat. § 302A.751 Subd. 1(b)(3), the Unfair Prejudice of a Shareholder-Employee, a court may grant any equitable relief it deems just and reasonable in an action by a shareholder if the directors or those in control of the corporation have acted "fraudulently or illegally toward one or more shareholders in their capacities as shareholders or directors, or as officers or employees of a closely held corporation," or have acted in a manner "unfairly

prejudicial toward one or more shareholders in their capacities as shareholders or directors of a corporation that is not a publicly held corporation, or as officers or employees of a closely held corporation. Minn. Stat. § 302A.751, subd. 1(b)(2)-(3).

70. The term “unfairly prejudicial” should be “liberally construed.” *Berreman v. West Pub. Co.*, 615 N.W.2d 362, 373 (Minn. Ct. App. 2000). Conduct is unfairly prejudicial within the meaning of section 302A.751 if it frustrates the reasonable expectations of shareholders in their capacity as shareholders or directors of a corporation that is not publicly held. *Id.* at 374.

71. Plaintiff had a reasonable expectation of continued employment based upon CRL’s practice that it would not terminate a physician-shareholder’s employment and shareholder status unless there is a “good reason.”

72. In a similar case against CRL, the Minnesota Court of Appeals held that the district court did not err when it found that a shareholder physician with CRL, Dr. Gordon, had a reasonable expectation of continued employment with CRL due to Dr. Arslanlar’s testimony about the employment expectations of physician-shareholders at CRL.

73. Although the Court acknowledged that Dr. Gordon’s employment agreement indicated he was an at-will employee, CRL’s practice of only terminating physician-shareholders when a “good reason” existed gave rise to a reasonable expectation of continued employment. *Id.*

74. As CRL concluded in Plaintiff’s termination letter, CRL terminated Plaintiff “without cause.” By unlawfully terminating Plaintiff’s status as an employee and shareholder because of his protected conduct under the MWA and MHRA, CRL and the Board have engaged in fraudulent, illegal, and unfairly prejudicial treatment toward Plaintiff in violation of Minnesota Statutes section 302A.751.

COUNT IV**BREACH OF FIDUCIARY DUTY
IN VIOLATION OF MINNESOTA COMMON LAW
(Consulting Radiologists, Ltd.)**

75. Plaintiff re-alleges and incorporates by reference each preceding paragraph as if fully rewritten here.

76. Under the common law of Minnesota, shareholders, directors, and officers of a close corporation have a fiduciary duty to deal openly, honestly, and fairly with other shareholders.

77. Courts generally identify common law close corporations by three characteristics: (1) a small number of shareholders; (2) no ready market for corporate stock; and (3) active shareholder participation in the business. In addition, dividends are rarely distributed in a close corporation; rather, shareholders derive their income mainly from salaries and perquisites.

78. Defendant CRL is a close corporation under Minnesota common law because CRL has approximately 40-50 shareholders, there is no ready market for CRL's stock, and CRL's shareholders actively participate in its business.

79. Additionally, Defendant CRL's shareholders derive the majority of their income from salary and perquisites rather than through the receipt of dividends, further confirming that CRL is a common law close corporation.

80. CRL and its Board breached their fiduciary duties to deal openly, honestly, and fairly toward Plaintiff by unlawfully terminating his employment and shareholder status with no good reason.

81. CRL and its Board members have breached their fiduciary duties to Plaintiff in violation of the common law of Minnesota.

COUNT V**DEFAMATION**

(Consulting Radiologists, Ltd.)

82. Plaintiff re-alleges and incorporates by reference each preceding paragraph as if fully rewritten here.

83. Defendant CRL, through its employees and/or shareholders, made false statements critical of Plaintiff's radiology reports to prospective employers/radiology groups that had open radiologist positions, for which Plaintiff had applied and was well-qualified, but was not offered employment, interviewed, or even contacted.

84. Defendant CRL, through its employees and/or shareholders, made false statements that Plaintiff was "difficult to manage" to prospective employers/radiology groups that had open employment radiologist positions, for which Plaintiff had applied and was well-qualified, but was not offered employment, interviewed, or even contacted.

85. Defendant CRL, through its employees and shareholders, made unprivileged publications of those false statements to third parties.

86. Those false statements tend to harm Plaintiff's reputation and lower him in the estimation of the Twin Cities medical community, radiology community, and throughout Allina and Abbott Northwestern, and have affected Plaintiff's ability to obtain equivalent employment in the Twin Cities. Plaintiff has suffered irreparable permanent harm to his personal and professional reputation in the Twin Cities and Minnesota medical and non-medical community.

87. Those false statements impute an inability by Plaintiff to perform his job or want of professional integrity in performing employment duties and/or otherwise prejudice Plaintiff in his profession or business or impute a lack of ability with respect thereto. These statements therefore constitute defamation *per se*.

88. Defendant CRL, through its employees and shareholders, made those false statements with actual malice.

89. As a direct and proximate result of Defendant CRL's foregoing defamation and illegal conduct, Plaintiff suffered, and continues to suffer, emotional distress, humiliation, embarrassment, pain and suffering, loss of reputation, loss of enjoyment of life, lost wages and benefits, and has incurred attorneys' fees and expenses and other serious damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment against Defendants CRL and ANW for the following relief:

A. That the practices of Defendants complained of herein be adjudged, decreed, and declared to be violations of the rights secured to Plaintiff;

B. That Defendants be required to make Plaintiff whole for its adverse, retaliatory, and unlawful actions through restitution in the form of back pay, with interest of an appropriate inflation factor;

C. That Plaintiff be awarded front pay and the monetary value of any employment benefits he would have been entitled to in his position with Defendants;

D. That a permanent prohibitory injunction be issued prohibiting Defendants from engaging in the practices complained of in this Complaint;

E. That Plaintiff be awarded compensatory damages, including loss of past and future income, emotional distress, loss of reputation, and related damages in an amount to be established at trial;

F. That the Court award Plaintiff his reasonable attorneys' fees, costs, and disbursements pursuant to state law;

G. That the Court grant such other and further relief as it deems fair and equitable.

Plaintiff demands his trial by jury on all counts where available.

HALUNEN LAW

Dated: April 20, 2022

/s/ Clayton D. Halunen

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ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGMENT

The undersigned hereby acknowledges that, pursuant to Minn. Stat. § 549.211, sanctions, costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: April 20, 2022

/s/ Clayton D. Halunen

Clayton D. Halunen, #0219721