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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

HENRY J.B. DICK, Ph.D.,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, an agency
of the State of Washington; and UW Port
Captain Meegan Corcoran; Supervisor Shipboard
Science Support Group Loren Tuttle; and Human
Resources Investigator Joanne Wuitschick,
individually and with their marital communities,
if any;

Defendant(s).

NO.

COMPLAINT FOR DAMAGES

I. NATURE OF THE CASE

1. Henry Dick, Ph.D. is an internationally renowned geophysical scientist with many years' experience gathering rock samples from the ocean floor. In early 2019, he was Chief Scientist on a cruise which engaged UW personnel and equipment (including the ship RV Thompson). The UW personnel did a poor job, and wasted government funds. Anticipating a bad post-cruise review and because of his gender, the University of Washington and the individual Defendants caused a tortiously inaccurate report to allege that Dr. Dick had created a "hostile working environment" for a female technician, among other false claims, then published that report to Dr. Dick's employer and others. These actions were discriminatory on the basis of gender,

1 retaliatory and taken under color of law and in violation of Title IX of the Education Amendments
2 of 1972, 20 U.S.C. § 1681, et seq, and were defamatory and interfered with Dr. Dick’s relationship
3 with his employer, the Woods Hole Oceanographic Institute.

4 **II. PARTIES JURISDICTION, AND VENUE**

5 2. Plaintiff Henry J.B. Dick, Ph.D. is a resident of Massachusetts.

6 3. Defendant University of Washington is an arm of the State of Washington, doing
7 business in King County.

8 4. Plaintiff has complied with RCW 4.92.100.

9 5. Defendant Meegan Corcoran is an employee of the Defendant University of
10 Washington, School of Oceanography. On information and belief she is employed in Seattle,
Washington and was employed as the shore-based Port Captain for the cruise in question.

11 6. Loren Tuttle, Supervisor Shipboard Science Support Group is an employee of the
12 Defendant University of Washington, employed in Seattle, Washington.

13 7. JoAnne Wuitschick is a Human Resources Consultant employee of the Defendant
14 University of Washington, employed in Seattle, Washington responsible for the investigation of
15 Dr. Dick.

16 8. The Court has jurisdiction over the matter pursuant to RCW 2.08.010.

17 9. Venue is proper in this Court under RCW 4.12.025 because one or more Defendants
18 transacted business in King County and some of the events that gave rise to Plaintiff’s causes of
action occurred in King County, Washington.

19 **III. RELEVANT FACTS**

20 10. Henry Dick, Ph.D. is a 74 year old man who is a leading authority on exploration
21 and research of the Earth’s upper mantle and ocean crust.

22 11. At relevant times, Dr. Dick has been employed as a Senior Scientist with Tenure at
23 the Woods Hole Oceanographic Institute (“WHOI”).

1 12. His career has focused on the relationship between the Earth’s mantle flow, melting
2 and tectonics in ocean ridges. A critical component of Dr. Dick’s research relies on participating
3 and leading ocean research cruises. The purpose of these cruises is to collect data and survey the
4 ocean floor.

5 13. Dr. Dick’s primary source of funding for ocean research cruises is the National
6 Science Foundation (“NSF”). The NSF is an independent federal agency created by Congress in
7 1950 to, among other things, promote the progress of science.

8 14. Dr. Dick’s relationship with the NSF is extremely important given its role in
9 funding for his scientific research. He has been a recipient of NSF funding, and has been in good
10 standing with the NSF since 1976.

11 15. Prior to the Cruise (referenced below), and over the course of his career, Dr. Dick
12 has been chief scientist or co-chief scientist of fifteen ocean research cruises. Additionally, he has
13 been a member of the science party on sixteen other ocean research cruises. He is aware of no
14 significant interpersonal or other management complaints related to those prior cruises.

15 16. Dr. Dick was the Chief Scientist on a scientific research cruise in the Indian Ocean
16 that took place between February 21, 2019 and March 28, 2019 (hereinafter referred to as the
17 “Cruise” or the “Marion Rise Cruise”) aboard the research vessel “RV Thomas G Thompson” (
18 hereinafter “RV Thompson”).

19 17. The Cruise was funded by the NSF through a ship operations grant and cooperative
20 agreement with the University of Washington’s (“UW”) School of Oceanography along with other
21 sources, including WHOI, and was intended to map and sample the ocean floor in an area known
22 as the Marion Rise, in the southern Indian Ocean.

23 18. The RV Thompson was scheduled for the Cruise under an arrangement with
University-National Oceanographic Laboratory System (“UNOLS”). UNOLS is an organization

1 of 59 academic institutions and National Laboratories involved in oceanographic research and
2 joined for the purpose of coordinating oceanographic ships' schedules and research facilities.

3 19. The Cruise had three primary elements/goals: 1) a multibeam, magnetics, and
4 gravity survey taking roughly 50% of the science time; 2) seafloor sampling using a wire cable
5 and dredge; and 3) Sentry AUV (autonomous underwater vehicle) surveys.

6 20. Dr. Dick was the Principal Investigator ("P.I.") for the proposal that led to the
7 Cruise, and Chief Scientist for the expedition. Dr. Masako Tominaga, working for the Deep
8 Submergence Laboratory at WHOI was co-P.I., but did not physically participate in the Cruise
9 herself, sending a student instead.

10 21. Dr. Tominaga did coordinate mobilization of the Sentry underwater mapping
11 submersible and its deployment to the ship, working with the Sentry team leader Sean Kelley and
12 Kevin P. Kavanagh of the Applied Ocean Physics & Engineering Department at WHOI. WHOI
13 Senior Scientist Maurice Tivey, Ph.D. was designated Senior Geophysicist and ran the geophysical
14 survey at sea on the RV Thompson. He coordinated with Senior Scientist Emeritus Dan Fornari,
15 PhD of WHOI in locating and shipping the geophysics gear to the ship. The remaining senior
16 individuals of the Scientific Party were German Co-Chief Scientist, Professor Juergen Koepke
17 PhD, and Chinese Co-Chief Scientist Professor Huaiyang Zhou, PhD, and Senior Outreach Officer
18 Professor Michael Cheadle, PhD.

19 22. Planning for the Cruise began in 2018. As Chief Scientist, Dr. Dick's primary pre-
20 cruise logistics/planning responsibilities were obtaining, organizing and preparing for shipment of
21 the rock dredging equipment, and curatorial supplies for shipboard rock description and imaging.
22 Dr. Dick was also responsible for planning the geophysical survey track of the Cruise and locating
23 the dredging sites (which would need to be updated and/or narrowed based on the geophysical
mapping done on the first half of the Cruise).

1 23. While planning the Cruise, Dr. Dick was in regular communication with the senior
2 members of the Scientific Party, representatives from the NSF and UNOLS, and UW employees
3 including but not limited to Port Captain Meegan Corcoran, Manager of Marine Operations
4 Douglas Russell, Supervisor of the Shipboard Science Support Group Loren Tuttle, and
5 Administrative Assistant Su Tipple (collectively referred to as “UW Planning Group”).
6 Additionally, dredging technician Justin Smith participated in some pre-cruise planning.

7 24. Mr. Russell’s role involved responsibility, directly or indirectly, for contract or
8 grant oversight or management on the Marion Rise Cruise.

9 25. Mr. Kamphaus’s role involved responsibility, directly or indirectly, for contract or
10 grant oversight or management on the Marion Rise Cruise.

11 26. Mr. Tuttle’s role involved responsibility, directly or indirectly, for contract or grant
12 oversight or management on the Marion Rise Cruise.

13 27. Ms. Corcoran’s role involved responsibility, directly or indirectly, for contract or
14 grant oversight or management on the Marion Rise Cruise.

15 28. Captain Haroldson’s role involved responsibility, directly or indirectly, for contract
16 or grant oversight or management on the Marion Rise Cruise.

17 29. During pre-cruise planning, Dr. Dick made proposals to the UW Planning Group
18 for how the research would be conducted on the Cruise. A key element of the Cruise was dredging.
19 Dredging is a method used to collect samples from the ocean floor, which samples Dr. Dick would
20 subsequently analyze and study. Physically, dredging is dragging a bucket or basket (the dredge)
21 across the ocean floor to gather rocks.

22 30. The Marion Rise is a geographic formation on the bottom of the southern Indian
23 Ocean. It is located in a place where weather can be rough, and changes rapidly. Dredging is
commonly referred to in the research sailing community as “the one thing you can do in rough
weather,” and that was the plan.

1 31. Dr. Dick proposed using power dredging on the Cruise (there are various types of
2 dredging) due to anticipated rough weather conditions and rough topography in the area of the
3 southern Indian Ocean where the Cruise would conduct research. Power dredging involves using
4 the ship's main engines to drag the dredge across the ocean floor while controlling the dredge wire
5 tension on the winch.

6 32. No objections were raised in any of the meetings where Dr. Dick proposed that the
7 Cruise use power dredging, including the last one, which was attended by Marine Technician
8 Justin Smith.

9 33. Marine Technician Sonia Brugger is an employee of the Defendant University of
10 Washington who was employed as marine technician on the cruise in question.

11 34. Defendant Tuttle is Brugger's direct supervisor when she is not at sea.

12 35. Marine Technician Justin Smith is a Marine Dredging Technician and an employee
13 of Bermuda Institute of Ocean Sciences. He was employed as a University-National
14 Oceanographic Laboratory System ("UNOLS") pool technician aboard the RV Thompson for the
15 2019 Marion Rise Cruise that is the subject of this lawsuit.

16 36. Dr. Dick also informed the UW Planning Group that the WHOI group was bringing
17 six WHOI dredges for the Cruise, in addition to those provided by UW, because it expected to lose
18 half of them due to the risks involved in dredging in the exceptionally rough terrain of the SW
19 Indian Ridge, and due to inclement weather.

20 37. The WHOI group needed and had planned to use (and lose) multiple dredges due
21 to conditions in the southern Indian ocean.

22 38. No one from the UW Planning Group raised any issue with Dr. Dick's proposal.

23 39. Mr. Smith and Ms. Brugger were involved in and/or aware of the planning.

 40. Unfortunately, the UW pre-cruise planning was deficient and disorganized.

 41. The following are examples of poor pre-cruise planning.

1 42. Just eight days before the Cruise, Dr. Dick learned from RV Thompson Captain
2 Russell DeVaney, with whom he had been corresponding regarding Cruise planning, that Captain
3 Eric Haroldson, and not Captain DeVaney, would be the captain during the Cruise.

4 43. Dr. Dick had been working with Captain DeVaney, Port Captain Meegan Corcoran,
5 and other UW staff to plan and prepare for the cruise for some months.

6 44. Captain Haroldson did not attend any of the pre-cruise meetings.

7 45. Captain Haroldson was not part of the pre-cruise planning process for the Marion
8 Rise Cruise referred to herein.

9 46. Captain Haroldson and the UW decided that Captain Haroldson did not need to
10 attend the pre-cruise planning meetings.

11 47. As an example of poor pre-cruise planning, the University of Washington failed to
12 get the necessary security clearance in time for the WHOI Potential Fields Pool Equipment
13 (“PFPE”) facility to supply an instrument for the cruise. Dr. Dick contacted the relevant WHOI
14 equipment manager on January 24, 2017 to notify him that the Thompson Cruise was funded, and
15 needed a gravimeter for the geophysical survey. The manager and Dr. Tominaga arranged a
16 meeting with UW on March 20, 2018 to discuss deployment of a PFPE gravimeter on the
17 Thompson for the Marion Rise Expedition. Without this key instrument, several of the cruise
18 objectives could not be accomplished.

19 48. Transporting this gravimeter internationally requires an International Traffic in
20 Arms Regulations (“ITAR”) license. After the March 20, 2018 meeting, WHOI staff contacted
21 UW 16 times about proceeding with requesting the ITAR license, and expressed concern that UW
22 had not yet submitted the ITAR request. Ultimately the UW did not obtain the ITAR license. Had
23 UW submitted the ITAR clearance application in a timely manner, a crisis situation would have
been avoided.

1 49. As a consequence Dr. Dick and Dr. Tominaga (via WHOI staff) were forced to
2 arrange for a gravimeter at the last minute, have it flown from New Zealand to far Western
3 Australia, and installed on the Thompson there before the ship transited to Durban, South Africa
4 where the Marion Rise Cruise originated. This was a huge inconvenience and incurred additional
5 obligation and expense.

6 50. Additionally, despite numerous requests, both verbally and by email, the University
7 of Washington did not properly inform Dr. Dick of a paperwork and planning document (Cruise
8 Plan), which it claims was necessary for the cruise, until January 22, 2019, just four weeks prior
9 to the cruise departure date.

10 51. As a consequence Dr. Dick was unaware of the Cruise Plan document, and its
11 specific requirements, and thus missed deadlines necessary for planning the cruise. The University
12 of Washington had sent this information to Dr. Tominaga, who was not participating on the cruise,
13 on August 29, 2018, but failed to inform Dr. Dick effectively, then blamed him for confusion and
14 delay it had created.

15 52. When properly notified, Dr. Dick provided all the necessary information promptly.

16 53. During two pre-cruise meetings, the UW agreed to have the manufacturer service
17 the winch used for dredging. The RV Thompson had not dredged in seven years, and Dr. Dick
18 was concerned that if the winch were not well-maintained, there would be unacceptably low winch
19 speeds, causing delay.

20 54. UW, despite agreeing to do so, did not thereafter have the RV Thompson winch
21 serviced before the Marion Rise Cruise.

22 55. As a result, on this cruise the maximum winch speed was lowest Dr. Dick had
23 encountered on any vessel he had sailed on in 43 years, at only 40 meters per minute. Normal
winch speeds on UNOLS vessels run between 80 and 65 meters a minute. If it had been properly
serviced, the winch would likely have run at up to double the speed. When dredging in 3,000

1 meters of water the dredge is raised and lowered 6000 meters. What should take 80 to 95 minutes
2 with a properly functioning winch takes two and a half hours at a winch speed of 40 meters per
3 minute. The slow winch speed alone cut the Cruise's capability to dredge by 7 separate dredge
4 drops.

5 56. UW did not mention the anticipated slow winch speed at the pre-cruise planning
6 meetings, although this was critical information for creation of the pre-cruise plan.

7 57. In preparation for a dredging cruise, UW should also have ensured that the proper
8 equipment was on board for dealing with potential problems with the dredging wire. Standard
9 tools for handling wire at sea are basic requirements on this type of cruise. The lack of the proper
10 cutting tool, for example, was foreseeably an issue, and became a necessity on the cruise. This
11 lack of appropriate planning on the part of UW resulted in a significant loss of ship time, and an
12 otherwise unnecessary time-consuming deck operation to remove damaged wire.

13 58. A second incident occurred where a tangle in the trawl wire was found above the
14 dredge during retrieval. The allegedly experienced dredging technician Mr. Smith had never seen
15 this before, though Dr. Dick had seen an experienced Bosun solve the identical problem in
16 approximately 15 minutes in a near gale on a prior cruise.

17 59. Dr. Dick tried to explain how the problem could be dealt with, but was informed
18 by Mr. Smith that his advice was not needed.

19 60. The Captain, crew and dredging tech took a couple of hours or more to fix the
20 problem, including going to dinner to discuss it, creating an additional delay.

21 61. The lack of a Bosun on the UW ships has been a long-standing problem which the
22 UW has refused to address.

23 62. Once again, the ship did not have the proper equipment. This time it lacked proper
grips for securing the wire, and borrowed a cable grip from Dr. Tivey which he was otherwise
using to secure the magnetometer cable during geophysical surveying. Using this tool, the crew

1 tried pulling the wire and dredge onto the ship from below the tangle but the tool was not rated for
2 the tension required, and broke during the operation.

3 63. Excess wire was coiled on deck at the time of the mishap, which put the dredging
4 technician and crew at serious risk.

5 64. Although Captain Haroldson mentioned this incident in his Post Cruise
6 Assessment, he stated that the issue had been safely resolved, failing to mention the misuse of a
7 wire grip, which broke and endangered members of the crew and the dredge technician.

8 65. At the outset of the Cruise, Dr. Dick offered to Captain Haroldson to brief the crew
9 on the scientific objectives and methods, but Captain Haroldson declined.

10 66. Dr. Dick did give Captain Haroldson a detailed description of power dredging at
11 the initial meeting on the subject when the RV Thompson left port, and then again in a discussion
12 with the Captain attended by Mr. Smith. The Captain and Mr. Smith, however, insisted on using
13 a different method (“the inchworm”).

14 67. The UW had failed to inform Dr. Dick that the bow thruster on the Thompson was
15 unusually weak. This had serious impact on the entire cruise, rendering the Captain and Mr.
16 Smith’s dredging technique highly inefficient and unsuitable for dredging in rough weather.

17 68. While the UW blamed Dr. Dick and claimed the poor coordination with the UW
18 occurred because Port Captain Meegan Corcoran is female, in reality it was UW staff’s own poor
19 preparation, poor planning, lack of inter-staff coordination, and poor follow through on its
20 promises that caused these issues.

21 69. During research cruises, it is not uncommon to have professional disagreements or
22 for there to be tension from time to time.

23 70. During the Cruise, issues arose due to disagreements between Dr. Dick and Mr.
Smith over dredging techniques. Despite the fact that Dr. Dick had repeatedly discussed the
anticipated power dredging techniques, and the UW Planning Group—including Mr. Smith—had

1 been aware of this well in advance of the Cruise, Mr. Smith insisted on using what was termed the
2 “inch-worm” dredging technique by the scientific party, falsely claiming other methods were
3 unsafe and not allowed under the UNOLS safety protocols manual.

4 71. No method for dredging was specified in the UNOLS safety manual, as previously
5 no safety issues had been raised about dredging techniques.

6 72. The “inch-worm” technique involves dropping the dredge in a specific location,
7 then laying out wire in a specific direction using dynamic positioning, stopping and holding
8 position while the winch is used to drag the dredge across the bottom.

9 73. Ordinarily and by custom, the dredging technique used was at the discretion of the
10 chief scientist.

11 74. The inch-worm technique was inefficient because of the RV Thompson’s weak bow
12 thruster (a propeller system fitted on the bow).

13 75. The inch-worm technique could not be performed efficiently in stormy or rough
14 conditions on the RV Thompson because the bow thruster was not powerful enough to hold the
15 ship steady in such conditions.

16 76. Based on Dr. Dick’s prior ocean cruises, rough conditions were routinely
17 encountered in the southern oceans. Dr. Dick had proposed power dredging before the cruise, and
18 asked again to do it once it became clear the inch worm technique was ineffective in rough weather,
19 and inefficient due to the weak bow thruster. He also asked to do drift dredging, something he had
20 used on several previous cruises without incident and which would have worked well given the
21 power limitations of the bow thruster.

22 77. Both power dredging and drift dredging would have been better techniques for the
23 RV Thompson in view of its weak bow thruster and the difficult weather conditions encountered
on the Cruise.

1 78. Power dredging is a principal method used by the global oceanographic community
2 and is safe.

3 79. Dredging is inherently not dangerous.

4 80. Mr. Smith and Captain Haroldson insisted on using only the inch-worm technique
5 during the Cruise.

6 81. Mr. Smith's allegations that dredging techniques other than the inch-worm method
7 are unsafe are unfounded.

8 82. During the Cruise, and after, Mr. Smith could provide no support for his position
9 that power dredging was not safe enough.

10 83. Mr. Smith admitted to Dr. Dick that he had never used any other dredging technique
11 besides the inch-worm technique to dredge, and was thus unfamiliar with power dredging or drift
12 dredging.

13 84. Mr. Smith had never used any other dredging technique besides the inch-worm
14 technique to dredge.

15 85. Mr. Smith was unfamiliar with power dredging or drift dredging.

16 86. When Dr. Dick attempted to explain to Mr. Smith why the Cruise should use power
17 dredging (consistent with his proposal in pre-cruise planning) or alternatively drift dredging, Mr.
18 Smith became defiant and resistant to using any other dredging technique. He insisted that any
19 technique other than the inch-worm technique was unsafe, despite the fact that, based on Dr. Dick's
20 experience, power dredging is the most widely used technique in the global oceanographic fleet,
21 and that the Cruise had planned to use power dredging during the pre-cruise meetings.

22 87. Captain Haroldson described one such discussion in writing on March 3, 2019:
23 "This afternoon the Chief Scientist wanted to resume dredging, and was a little bit insistent on it.
Winds are backing down slowly, but there is a 20-30 foot westerly swell that doesn't seem to want

1 to diminish. After a couple hours off [sic] debate between myself and the Chief Scientist we were
2 at bit of deadlock. Justin Smith, myself, and the Chief Scientist did manage to reach a solution.”

3 88. Although Dr. Dick pointed out to Captain Haroldson that he had previously and
4 routinely used power and drift dredging under worse conditions safely and successfully, Captain
5 Haroldson refused to allow either.

6 89. Captain Haroldson explained that he did not want to lose any equipment.

7 90. Given the wasted National Science Foundation (government) resources, and other
8 wasted resources, Dr. Dick was concerned, and advocated for the use of power dredging.

9 91. Due to the insistence of the Captain and Mr. Smith on the inch-worm technique,
10 and the weather limitations placed on the dredging program by the captain, the original cruise plan
11 had to be abandoned, which plan would have allowed all dredging to follow the geophysical
12 survey.

13 92. A new cruise plan had to be developed. This was very difficult to do, particularly
14 as weather in the southern Indian Ocean is inherently unstable and difficult to predict, and it forced
15 the chief scientist to use a very inefficient method of dredging, with dredging sites chosen on the
16 fly with insufficient information for prioritizing them.

17 93. The time-consuming manner in which Mr. Smith and Captain Haroldson insisted
18 on dredging, and their refusal to operate in rough weather, lowered dredging efficiency on the
19 Cruise, resulting in a loss of about half of the anticipated successful dredge hauls.

20 94. The insistence by Mr. Smith to use the inch-worm dredging technique, and the
21 Captain’s reluctance to dredge in rough weather, caused substantial and costly delays which
22 prevented the science party from achieving the Cruise’s principle objectives.

23 95. Based on the science log kept by the science watch, which provides a record of how
time was spent each day, the calculated loss of time due to the inefficient style of dredging led to
a loss of approximately seven 24-hour days of ship time due to inefficiency. This loss of ship time

1 is equivalent to approximately \$45,000 per day and \$35,000 per day for fielding the scientific
2 party, for a total loss of approximately \$560,000.

3 96. The crew on the Cruise had little experience with dredging.

4 97. The crew's lack of experience with dredging caused issues on the Cruise.

5 98. Justin Smith had little experience with dredging.

6 99. Justin Smith's lack of experience with dredging caused issues on the Cruise.

7 100. At times during the Cruise, Mr. Smith was outwardly hostile to Dr. Dick, raised his
8 voice at him, and was unwilling to cooperate with him. When Dr. Dick proposed trying drift
9 dredging in relatively calm seas, when there could be no conceivable risk, Mr. Smith refused to
10 consider it or discuss it further.

11 101. When Dr. Dick was trying to explain the value of learning more than one dredging
12 technique, Mr. Smith raised his voice at Dr. Dick, although Dr. Dick did not respond in kind.

13 102. On one occasion during the Cruise, Mr. Smith stood up at his desk in front of Dr.
14 Dick and loudly mocked him by imitating him stating "I have done this before," repeatedly in a
15 whining voice.

16 103. Other Marine Technicians and Dr. Dick's colleagues in the science party were
17 present and observed Mr. Smith's behavior.

18 104. Mr. Smith's behavior was offensive and embarrassing to Dr. Dick.

19 105. At one point during the Cruise, in the early morning, Dr. Dick went to the science
20 operations center (or computer lab) of the RV Thompson to find out about the status of dredging
21 operations that were scheduled to begin that morning. Dr. Dick spoke with Marine Technician
22 Sonia Brugger and asked why the dredging had not started yet despite the fact that the ship had
23 arrived at the location specified for the dredging an hour early.

106. Ms. Brugger stated that she had not woken up Marine Technician Justin Smith to
commence dredging because it was not scheduled to begin for another hour. Dr. Dick explained to

1 Ms. Brugger that the start time was merely an estimated time of arrival, and that dredging should
2 have begun as soon as the Cruise reached the dredging location, particularly given all the time lost
3 on the Cruise to that point.

4 107. When Dr. Dick tried to explain to her the normal routine for such operations, Ms.
5 Brugger curtly replied that “this is how we do it on the Thompson.”

6 108. The RV Thompson had not dredged in over seven years.

7 109. When Dr. Dick tried again to explain, Ms. Brugger vehemently disagreed with him,
8 became angry, and told him if he did not like it he should go speak with the Captain.

9 110. Ms. Brugger’s unwillingness to discuss this with Dr. Dick and/or convey Dr. Dick’s
10 position to the Captain was in direct contradiction to the Captain’s Sailing Orders which stated
11 that the Marine Technician’s responsibilities included “assisting the science party to communicate
12 their procedures, missions and goals” to the Captain.

13 111. The Captain’s Sailing Orders stated that the Marine Technician’s responsibilities
14 included “assisting the science party to communicate their procedures, missions and goals” to the
15 Captain.

16 112. On another occasion during the Cruise, Dr. Dick stepped under some plastic
17 warning tape on the deck in order to take pictures of an albatross that had landed in the water close
18 to the ship’s stern.

19 113. Dr. Dick snapped two or three quick photos, and returned back under the tape in
20 less than two minutes.

21 114. The tape was up to prevent personnel from walking on deck when the dredge was
22 on-bottom and the wire was under tension, and was left up because the Captain did not want
23 science personnel on deck when the crew were trying to land the dredge on the deck when it was
at the surface.

1 115. Raising the dredge from the bottom at 3000 feet takes at least a half hour to one and
2 a half hours (and sometimes as long as two and a half hours) before it reached the surface. Dr.
3 Dick was aware that he was in no danger as there was approximately 600 meters of wire out, so
4 the dredge was in midwater, as indicated by the LED display in the aft hanger.

5 116. When the dredge is in mid water, it is not under sufficient tension to be dangerous.

6 117. At that time, the ocean was calm, and the crew would not be attempting to land the
7 dredge on the deck for another 15 minutes or more.

8 118. As Dr. Dick turned to go back behind the tape after taking photos, he saw Ms.
9 Brugger walk from the hanger across the deck to the aft of the ship. She did not look at him.

10 119. As he proceeded back to the tape Ms. Brugger turned and yelled at him
11 disrespectfully to get off the deck. Dr. Dick complied, but responded back to her that there was no
12 safety issues with him being there at that time. Ms. Brugger nevertheless came up to him after he
13 had left the taped-off area and began to berate him.

14 120. In response Dr. Dick repeated that there was no safety issue based on his many
15 years of experience with dredging, and stated that the Captain was going to get a negative cruise
16 report for the constraints he had put on the dredging program. While Dr. Dick responded in a firm
17 tone of voice to defend himself, he did not “yell” at Ms. Brugger (in fact, he had been injured due
18 to a fall earlier that morning, and was hardly in a state to be aggressive in any way).

19 121. On March 11, 2019 in an e-mail, Captain Haroldson described the interaction as
20 Dr. Dick becoming “a little agitated.” He did not describe the interaction as hostile or
21 inappropriate.

22 122. Concerned about his side of the conflict, Dr. Dick attempted to “mend fences.” At
23 lunch, he went to Ms. Brugger and apologized, and later left chocolate on Ms. Brugger’s
workspace on two occasions (she was not there when he did so). He left the same chocolate for

1 one of the cooks on one occasion, and for all the science watch, including Mr. Smith and Mr.
2 Jalickee on another occasion.

3 123. He also complemented Ms. Brugger on her work, such as when she skillfully raised
4 and lowered a heavy communications pole. In fact, he had specifically gone to watch this operation
5 because the Sentry party had complained about the inefficiency of this operation, and he wanted
6 to verify whether this was reasonable. In fact, Dr. Dick concluded this was not the case, which is
7 why he complimented Ms. Brugger.

8 124. Nevertheless, it was too late. When Dr. Dick under stress both of a fractured rib
9 and the impending failure of the dredge program and consequent waste of government funds, told
10 Ms. Brugger that the Captain would be getting a negative post-cruise assessment during the
11 incident on deck, the Crew of the RV Thompson turned against him and manufactured false claims
12 of improper conduct.

13 125. The choice to falsely claim he had created a gender-based hostile working
14 environment for Ms. Brugger occurred because of Dr. Dick's gender, male.

15 126. Indeed, Mr. Smith sent an email during the Cruise about Dr. Dick to a friend (who
16 was not on the Cruise) in which he referred to Dr. Dick as a "F***ing dick." He said "In fact his
17 surname [sic] is Dickey and very fitting!"

18 127. Mr. Smith also made seemingly ageist comments about Dr. Dick in emails. He
19 referred to Dr. Dick as a "curmudgeon," and made disparaging references to him preferring to use
20 techniques from 40 years ago which are no longer implemented in "this day and age."

21 128. Mr. Smith then endorsed a co-worker's words: "Steve [Mr. Jalickee] nicely said"
22 that Dr. Dick's support of allegedly antiquated dredging was akin to "50 years ago black people
23 sat at the back of the bus and women couldn't vote – that still doesn't make it right."

24 129. Although the University of Washington is aware of these gender- and age-based
25 slurs, it has taken no action in reference to Mr. Smith's discriminatory references.

1 130. Shortly after Ms. Brugger inappropriately yelled at Dr. Dick for being on the deck
2 and he subsequently informed her about his intent to give the Cruise a negative review, the crew
3 of the RV Thompson and University of Washington employees put the wheels in motion to
4 manufacture an unfounded negative assessment of Dr. Dick.

5 131. On or about March 10, 2019 Ms. Brugger wrote to Loren Tuttle, Supervisor,
6 Shipboard Science Support Group, University of Washington. Mr. Tuttle was not on the Cruise.
7 Ms. Brugger indicated Dr. Dick had informed her that he plans on submitting a report to UNOLS
8 about “our horrible conduct and how the ship does not operate properly.” Mr. Tuttle responded,
9 asking Ms. Brugger to make note of any negative or derogatory comments from the science party.

10 132. From this point forward, the crew of the RV Thompson, and the University of
11 Washington support team, engaged in a concerted effort against Dr. Dick. Mr. Tuttle, for example,
12 took Ms. Brugger’s side immediately, although he acknowledged that he was ignorant of specifics,
13 he said “I’m sorry that you were the target of his disrespect.” Mr. Tuttle made no effort to discuss
14 the matter with Dr. Dick and hear his side of the story.

15 133. Ms. Brugger later variously claimed 1) things were better after a conversation
16 between them and Captain Haroldson, 2) that Dr. Dick was acting friendly and trying to get to
17 know her and had left chocolate for her, 3) that he ignored her after the conversation with Captain
18 Haroldson, and 4) at the same time, gave her angry looks.

19 134. Ms. Brugger’s version of events in reference to the conflict over dredging start time
20 is also demonstrably false. For example, she claimed that the plan for the Cruise on March 4,
21 2019, agreed upon by Dr. Dick along with Captain Haroldson, Mr. Smith, and Mr. Jalickee, was
22 to start dredging at 4:00 a.m. In reality, the 4:00 a.m. time was merely an estimated time of arrival,
23 and the plan was to dredge upon reaching the site.

 135. Ms. Brugger’s action in delaying the start of dredging wasted valuable ship time.

1 136. Ms. Brugger went on to claim that the RV Thompson “arrived at dredge site 30
2 minutes early after pulling up the magnetometer.” In fact, the RV Thompson arrived on station at
3 3:00 AM and the dredge did not get into the water until 4:21 a.m. (per the watch standers’ records).
4 In other words Ms. Brugger minimized the time wasted by her actions, which was at least an hour.
5 Based on the average time for deployment of the remaining dredges this amounted to about \$8,000
6 worth of ship time.

7 137. Another example of Ms. Brugger’s efforts to negatively characterize Dr. Dick
8 occurred with regard to Ms. Brugger’s description of the incident that took place between her and
9 Dr. Dick on the deck. Ms. Brugger claimed that she saw Dr. Dick duck under the safety line, and
10 called the bridge on her radio prior to asking him to leave because she was allegedly not
11 comfortable with not having another crew member present given how allegedly aggressive Dr.
12 Dick had been to her.

13 138. Third Mate Schwartz’s post Cruise statement contradicts Ms. Brugger’s statement.
14 Third Mate Schwartz stated that he and Able Seaman Hansen were the ones who noticed Dr. Dick
15 on the deck (not Ms. Brugger) and radioed Ms. Brugger to ask Dr. Dick to leave the deck.

16 139. Because there was no deck operation going on at the time, Dr. Dick did not need
17 protective gear and was in no danger.

18 140. On March 26, 2019, Dr. Dick disclosed to Douglas Russell, UW Manager of Marine
19 Operations, evidence that there was a gross mismanagement of a federal contract and/or a gross
20 waste of Federal funds on the Marion Rise Cruise.

21 141. Later, Port Captain Meegan Corcoran, who was not on the Cruise, took over
22 University of Washington’s concerted efforts to paint Dr. Dick in an unfair negative light in
23 response to his negative assessment of the Cruise.

1 142. On April 1, 2019, by email, Meegan Corcoran asked Justin Smith to create
2 documentation to “paint the picture of what really happened out here since Henry has been very
3 vocal to NSF.”

4 143. Although she was a witness to the allegations, and an initiator of the plan to respond
5 to Dr. Dick’s communications to NSF, *and* initiated the documentation-gathering, the University
6 of Washington allowed Ms. Corcoran to play an investigator role as well, including helping edit
7 the final investigation report.

8 144. Agents of the University of Washington School of Oceanography claim they raised
9 the issue to UW Human Resources because members of the crew complained about Dr. Dick, but
10 in reality the investigation did not begin until after Dr. Dick communicated to James Austin of the
11 UNOLS Fleet Improvement Committee about the deficiencies of the Captain and crew, including
12 inexperience at dredging.

13 145. The University of Washington assigned a Human Resources employee, Joanne
14 Wuitschick, as investigator.

15 146. Ms. Corcoran was the person who requested written comments from all crew
16 members.

17 147. These requests were made with leading comments, and were intended to solicit
18 negative responses.

19 148. Many of the crew provided no negative statement about Dr. Dick. No further
20 investigation was conducted for these crew members.

21 149. The UW did not follow up with crew members who did not initially provide
22 negative statements about Dr. Dick to determine why they had not done so.

23 150. Upon information and belief, Ms. Wuitschick, with the assistance of Ms. Corcoran,
collected and reviewed fifteen written statements from UW employees and/or contractors, and
conducted a single interview, with Ms. Sonia Brugger.

1 151. At no point did UW attempt to contact Dr. Dick during its investigation.

2 152. Ms. Wuitschick never spoke with or asked for any statement from Dr. Dick during
3 her investigation, and he had no input, so his side of the story was not considered.

4 153. The UW did not receive Dr. Dick's perspective on the conflicts on the Cruise.

5 154. The UW did not seek a statement, testimony, or input from Dr. Dick during its
6 investigation.

7 155. UW did not interview a single scientist about Dr. Dick's actions.

8 156. Numerous scientists have since provided letters of support for Dr. Dick stating that
9 he behaved appropriately at all times, and that other than the dredge operations, which were
10 universally disappointing to the experienced scientists on the cruise, that the scientific operations
11 were exceptionally well run.

12 157. The University did not seek to interview or obtain input from numerous additional
13 witnesses or interview those who did not voluntarily respond to Ms. Corcoran's negatively-loaded
14 request for statements.

15 158. The University did not investigate the behavior of Justin Smith, who was
16 unprofessional towards Dr. Dick because of his gender and age, as shown by documents that were
17 obtained by UW during the course of its investigation.

18 159. Dr. Dick was respectful and polite to crew members despite the disagreements on
19 the Cruise regarding the best dredging techniques, and numerous members of the Scientific Party
20 would have so informed the UW investigation, if they had been asked.

21 160. Ms. Wuitschick drafted an investigation report, with input from others.

22 161. The UW investigation Report ("UW Report") is dated May 22, 2019.

23 162. The Report was transmitted to WHOI.

163. The Report was transmitted to representatives of the National Science Foundation.

164. The Report was transmitted to representatives of the UNOLS.

1 165. The Report is a public record of the University of Washington, available to anyone
2 who requests it.

3 166. The findings of UW investigation include (falsely) that “on multiple occasions on
4 this cruise, Dr. Dick engaged in behavior that was disrespectful, unprofessional and showed
5 disregard for the Captain's authority and safety protocols. Dr. Dick created a hostile work
6 environment through his verbal conduct and insistent behavior. Further, on more than one occasion
7 he engaged in disrespectful behavior directed at a female MT that appeared to be based on her
8 gender....”

9 167. In making the conclusion of gender bias, the UW report ignores exculpatory facts.

10 168. Dr. Dick’s efforts to “mend fences,” apologize to Ms. Brugger for the conflict, and
11 compliment her when she did a good job, was used as a further basis to claim he created a hostile
12 working environment towards her based on gender when she rejected his apology.

13 169. Dr. Dick’s apology, attempt to “mend fences” with a small gift of chocolate, and
14 compliment on Ms. Brugger’s competent conduct with the communications pole were not gender-
15 based elements of any hostile work environment

16 170. Dr. Dick’s apology came after a request by Captain Haroldson for said apology.

17 171. The UW report also baselessly alleges or implies that poor communication with
18 Port Captain Meegan Corcoran was due to her gender.

19 172. In interactions with the UW, Dr. Dick was never given an opportunity to respond
20 to the allegations, review the witness statements taken by UW, or respond to the findings in the
21 UW Report.

22 173. Ms. Wuitschick has authority to address alleged discrimination and through her
23 office to initiate corrective measures.

 174. Rather than correcting discrimination against Dr. Dick, Ms. Wuitschick
participated in it.

1 175. Prior to finalizing the UW report, Ms. Wuitschick solicited input and modification
2 on the Report from two of UW's witnesses, Ms. Corcoran and Mr. Tuttle (neither of whom were
3 on the Cruise but both of whom helped gather evidence against Dr. Dick).

4 176. Among other things, Ms. Corcoran demonstrated her bias against Dr. Dick by
5 intimidating in her comments to the UW Report that Dr. Dick should be banned from sailing again
6 on a UW vessel.

7 177. Ms. Corcoran was allowed to review and comment on the UW Report prior to its
8 finalization.

9 178. The draft of the UW Report was also reviewed by Robert Kamphaus, Manager of
10 Marine Operations at UW School of Oceanography.

11 179. Mr. Kamphaus did not attend the Cruise and had no first-hand knowledge of the
12 events.

13 180. Despite not having any first-hand knowledge whatsoever, he urged Ms. Wuitschick
14 to include a reference in the UW Report that Dr. Dick engaged in a hostile manner.

15 181. In response, Ms. Wuitschick added the following to the UW Report: "Dr. Dick
16 created a hostile work environment through his verbal conduct and insistent behavior."

17 182. The reference to a hostile work environment was not in Ms. Wuitschick's original
18 draft of the UW Report, yet a UW employee who was not on the Cruise, directed that conclusion
19 to be included in the Report, after he was aware that Dr. Dick complained about waste of NSF
20 funds.

21 183. Mr. Tuttle subsequently reviewed the draft of the UW Report on Mr. Kamphaus'
22 computer, evidencing UW's concerted team approach to attempting to paint Dr. Dick in the most
23 negative light possible.

 184. The UW also coordinated with WHOI Human Resources representatives while
producing the report.

1 185. Instead of allowing Dr. Dick an opportunity to participate in the UW investigation,
2 UW sent the report to Dr. Dick's employer (WHOI), knowing it was foreseeable that it would
3 interfere with the relationship between them.

4 186. The UW report is one-sided and unreliable.

5 187. University of Washington asserts that its report is thorough, fair, and accurate.

6 188. UW sent the Report to WHOI on May 22, 2019, claiming it had conducted a
7 thorough and fair investigation and had determined that Dr. Dick had allegedly, among other
8 things, created a "hostile work environment" through verbal conduct and insistent behavior, and
9 engaged in disrespectful behavior based on gender.

10 189. Among other conduct of the Defendants, communication of the false statements to
11 WHOI and others caused damage to Dr. Dick's reputation, income, liberty and property interests,
12 along with emotional distress.

13 190. Given the wholly one-sided nature of the UW Investigation and Report, which were
14 completely devoid of any due process for Dr. Dick, and the unsubstantiated nature of allegations
15 contained in the report, it is clear that the UW was retaliating against Dr. Dick for his Cruise reports
16 to UNOLS and the NSF.

17 191. Additionally, among other factors, the gender and age-based slurs and other
18 references by Mr. Smith, the origin of the complaints, and the conclusion of gender-based hostile
19 environment without valid basis make it clear that Dr. Dick's gender was a factor in the decision
20 to target him with a "hostile working environment" investigation.

21 192. Dr. Dick disclosed to UW management, to WHOI representatives, and to NSF
22 representatives, including those responsible for contract or grant oversight and/or management,
23 evidence of gross mismanagement of a federal contract and/or a gross waste of Federal funds.

 193. It is evidence of the validity of Dr. Dick's claims regarding the limitations put on
the dredging program that he requested a replacement cruise from the National Science

1 Foundation, providing representatives of the NSF with information, and later with detailed
2 documentation on the dredging operations on the Thompson and response NSF offered him
3 \$100,000 supplement to his original grant to participate on a forthcoming similar cruise and, in the
4 alternative, allowed him to submit a new grant proposal. Though the historic success rate of such
5 proposals is less than 50% (upon information and belief it is in the 10% - 15% range), the NSF
6 funded this proposal with \$297,889, sufficient for the full US scientific party to participate in the
7 forthcoming cruise, though the scope of the second cruise did not allow for the original full
8 scientific program of the two joint cruises to be completed.

9 194. Dr. Dick drafted a Post Cruise Assessment Report (“PCAR”), submitted on April
10 18, 2019, in which he recommended specific corrective action. Evidencing the bogus and
11 retaliatory nature of the allegations against Dr. Dick, UW’s response to Dr. Dick’s PCAR
12 identified multiple Corrective Actions it will take on future cruises, including regarding placement
13 of safety lines (related to the incident on deck with Ms. Brugger and Dr. Dick), purchase of certain
14 equipment that was not on the RV Thompson (one of the issues identified by Dr. Dick), and
15 ensuring pre-cruise planning addressed power needs for equipment (another issue raised by Dr.
16 Dick).

17 195. The official UW response to the PCAR contained two Recommendations, and nine
18 Improvement Actions regarding, inter alia, power issues, training for technicians on equipment,
19 improvement by UW Marine operations of pre-cruise planning, and holding mid-cruise meetings.
20 These were all items Dr. Dick appropriately took issue with in his PCAR, and which directly
21 undermine the allegations by the RV Thompson Crew that he was behaving unreasonably when
22 he protested these failures.

23 196. The above-referenced facts caused damage to Dr. Dick’s emotional state, causing
distress, anger, sadness, fear and the like, and caused damage to his reputation, relationship with

1 his workplace, standing in the professional community, and standing with UNOLS and the
2 National Science Foundation.

3 197. The University of Washington is responsible for the conduct of its employees and
4 agents under the doctrine of Respondeat Superior.

5 **IV. CLAIMS**

6 **A. Defamation**

7 198. The foregoing facts constitute defamation. The University of Washington acting through
8 its agents including the individual Defendants created a false narrative, communicated false
9 facts to Plaintiff's employer (WHOI) and to the National Science Foundation and others, and
10 thereby placed Plaintiff in a false light, falsely claiming he was misogynist, had created a
11 hostile work environment, was impossible to work with on the Cruise, and that he required
12 training on sexual harassment policies prior to serving on a UW research cruise again
13 (implying he was not fit to serve as a Chief Scientist). Moreover, they falsely claimed that
14 the problems that arose on the cruise were due to his failure to do proper cruise planning,
15 when in fact the opposite is true, and that he behaved in an unsafe and reckless manner,
16 including inciting mutiny.

17 199. Publication of these false statements to third parties caused damages to Plaintiff which are
18 further identified herein.

19 **B. Tortious Interference with Business Relationships**

20 200. The foregoing facts constitute the tort of intentional interference with a business
21 relationship. Dr. Dick had a valid expectation that his relationships with WHOI and the NSF
22 would continue. This was known to the individual Defendants and to the University of
23 Washington, but they intentionally interfered with those relationships for improper purposes,
causing damage to those relationships and other damages.

1 201. The intentional interference with Dr. Dick's ongoing relationships was damaged in that,
2 *inter alia*, he has been disciplined by WHOI based on the false narrative causing economic
3 loss, been barred from future leadership positions on oceanographic cruise while working for
4 WHOI, and has had substantial threat of impacts to his relationships with NSF and UNOLS
5 which have indicated that reports of misconduct are considered in future funding decisions,
6 and other damages identified herein.

7
8 **C. Gender Discrimination in Violation of Title IX, 20 U.S.C. § 1681, et seq.**

9 202. The University of Washington receives federal financial assistance for the RV Thompson
10 and received it for the Marion Rise Cruise.

11 203. Defendants, including the University of Washington, subjected Dr. Dick to discrimination,
12 excluded him from participation in future cruises without mandated remedial training, and
13 deprived Dr. Dick of the equal benefits of participation in educational activities associated
14 with the Cruise, because of his gender.

15 204. The above-referenced facts caused damage to, *inter alia*, his reputation, income, liberty
16 and property interests and emotional and mental state as well as other damages. Moreover,
17 this resulted in his being barred from future leadership positions on oceanographic cruise
18 while working for his current employer, WHOI, which is an educational institution receiving
19 federal funds.

20 **D. Gender Discrimination in Violation of RCW Chapter 49.60**

21 205. The Defendants constructed a false narrative and communicated it to WHOI and NSF in
22 order to damage Dr. Dick in significant or substantial part because of his gender, male. He
23 was also thereby deprived of the exercise of rights and proper privileges, including engaging
in commerce, science, and the full enjoyment of accommodations, advantages, facilities, and

1 privileges of the RV Thompson and the University of Washington in planning and supporting
2 his scientific mission, which was paid for by, *inter alia*, a grant he received from the National
3 Science Foundation.

4 206. The violations herein have caused damages to Plaintiff which are further identified herein.

5
6 **E. Deprivation of Equal Protection Under Color of Law in Violation of 42 U.S.C. §1983**

7 207. Acting under color of law the individual Defendants intentionally deprived Dr. Dick of his
8 constitutionally protected civil rights, including the right to equal protection of the laws
9 regardless of his gender, race, and age and the right to communicate his beliefs that the UW
and crew of the RV Thompson had wasted government funds and to oppose said waste.

10 208. The violations herein have caused damages to Plaintiff which are further identified herein.

11
12 **F. Deprivation of Due Process Under Color of Law in Violation of 42 U.S.C. §1983**

13 209. The University of Washington and the individual defendants have deprived Plaintiff of his
14 liberty interests without due process of law by publishing to his employer a one-sided review
15 which failed to allow him notice of the charges and the opportunity to be heard by an impartial
16 decisionmaker before stigmatizing publications were made to WHOI and publicly, force self-
17 publication, and that are available, in the public records of the University of Washington and
the National Science Foundation, and other branches and arms of government.

18 210. The foregoing has caused damages to Plaintiff which are further identified below.

19 211. Dr. Dick hereby demands a “name clearing” hearing.

20 **G. Other Claims**

21 212. Defendant has hidden the true reasons for its actions and some of its actions themselves
22 and as a result, Plaintiff reserves the right to conduct discovery into other matters and claims.

1 Plaintiff anticipates adding other claims where appropriate, including for violation of 41 USC
2 §4712 upon exhaustion of administrative remedies.

3
4 **V. REQUEST FOR RELIEF**

- 5 1. Plaintiff requests the following relief against Defendants:
- 6 a. Judgment against the Defendants for general and special damages in an amount to
7 be determined at trial;
 - 8 b. Damages in the form of lost wages and benefits, past and future;
 - 9 c. Damages due to lost earning capacity;
 - 10 d. Compensation for pain and suffering;
 - 11 e. Statutory and reasonable attorney's fees and costs of suit as allowed under law;
 - 12 f. Pre-judgment interest on Plaintiff's lost wages and benefits at the highest rate
13 permitted by law;
 - 14 g. A supplemental award to cover any adverse tax consequences of the judgment;
 - 15 h. Punitive damages as appropriate; and
 - 16 i. Such other relief as the court deems just and equitable, including injunctive relief
17 to prevent further violation of the laws against discrimination.

18 DATED this 21st day of May, 2021.

19 

20 Stephen A. Teller, WSBA No. 23372
21 Attorney for Plaintiff Dr. Henry Dick