

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

AMANDA CROWE  
496 E. Carrollton Street  
Magnolia, Ohio 44643

Plaintiff

vs.

THE AKRON ART MUSEUM  
c/o SHERRY R. STREB,  
ITS STATUTORY AGENT  
ONE SOUTH HIGH STREET  
AKRON, OHIO 44308

MARK T. MASUOKA  
2307 LANCASTER ROAD  
AKRON, OHIO 44313

Defendants

CASE NO.

JUDGE

**COMPLAINT**

**LIBEL, SLANDER,**  
**DEFAMATION, UNLAWFUL**  
**WORKPLACE RETALIATION**  
**AND OTHER RELIEF**

**JURY DEMAND ENDORSED**  
**HEREON**

**FIRST COUNT****(LIBEL, SLANDER AND DEFAMATION)**

1. Plaintiff Amanda Crowe, a resident of Magnolia, Ohio, was at all relevant times an employee of the Defendant The Akron Art Museum ("AAM") until March 2020 when she and many other employees were "laid off" due to the Covid-19 pandemic.
2. Plaintiff's duties and job responsibilities at AAM included but was not limited to organizing and orchestrating family events at the museum including activities for children to have hands on experience in the arts such as painting, sculpturing, other art crafts as well as educational curriculum planning.
3. Defendant Mark Masuoka was at all relevant times and until his resignation in late May 2020, the Executive Director of AAM.
4. On or about June 1, 2019 Plaintiff was overseeing a family event on the outside grounds of AAM where family's and sponsors for the event were gathered for an afternoon of outdoor art activities for children and their families and friends. The event included activities on the grassed areas surrounding the outside of the museum.
5. At approximately 1:00 p.m. Defendant Masuoka, in his capacity as Executive Director of AAM appeared at the outdoor event and in a loud and hostile manner verbally accused Plaintiff of orchestrating a family event that the residents of Akron don't want, of having the children who were making art projects making a mess, of falsely stating the event was not properly planned, had inadequate staffing and security and stated he was kicking the dog (her) and she should kick the dogs below her.
6. On or about June 4, 2019 Masuoka was conducting a meeting with employees of AAM and at that meeting claimed the existence of "cancer grass" and dangerous chemicals existing on the outside grass and grounds of AAM at the time of the June 1, 2019 family event and that Plaintiff, in orchestrating and managing the event, had exposed participants, families, children and sponsors to a dangerous health risk.
7. Defendant Masuoka had no actual knowledge or any other factual basis upon which any reasonable person could make an informed belief that the grass or outside areas of AAM had been treated with such chemicals or that anyone was being exposed to "cancer grass" or any substance that any reasonable person would conclude would make the event unsafe or unhealthy for participants.

8. Defendant Masuoka knew or should have known that his statements were false, that his claims and accusations were slanderous to the reputation of Plaintiff whose then standing in the community, AAM patrons, families and children and her co-workers was stellar and for which she was then held in high regard and esteem for her dedication to those same families, children and patrons of AAM.
9. A number of sponsors to that event as well as some persons who were at the event contacted Plaintiff expressing their outrage at how Defendant Masuoka had verbally accosted Plaintiff at the event. Others expressed concern over Masuoka's claim of "cancer grass" and health risks to families at the event.
10. Plaintiff undertook a prompt and diligent effort to ascertain the source and truthfulness of Masuoka's remarks and claims but despite every effort Plaintiff found no information or records of any treatment to the grass or outside areas that would or could in any manner substantiate Masuoka's remarks and claims.
11. Plaintiff thereafter met with the then Assistant Director of AAM Jennifer Shipman, Sherry Streb, the then Director of Human Resources and Craig Arnold, the then Facilities Director of AAM about Masuoka's claims. Shipman, Streb and Arnold each stated they knew of no factual basis for Masuoka's statements or claims.
12. On or about June 23, 2019 a group of employees of AAM transmitted a letter to the Board of Trustees of AAM outlining a series of claims of mismanagement, hostile work environment, sexual and racial harassment and the slanderous actions of Masuoka.
13. On or about June 26, 2019 those employees, including the Plaintiff, were notified by the law firm of Kastner, Westman & Wilkins, LLC that it had been engaged by the Board of AAM to investigate the claims set forth in the June 23, 2019 letter and the investigation would be conducted by attorneys John W. McKenzie and Tom Green.
14. Plaintiff and the other complaining employees were given written and verbal assurances that no retaliatory actions would be taken against them by AAM for their June 23<sup>rd</sup> letter and requested they submit to interviews by that law firm and attorneys with the promise that they would not be punished or otherwise be retaliated against by AAM for their participation in such interviews.
15. Plaintiff, based on those representations, participated in 2 long in person interviews, provided many of her records of the matters set forth in June 23<sup>rd</sup> communication and answered all questions.
16. On August 15, 2019 those attorneys made an oral report to the employees of AAM outlining their findings including but not limited to a finding that the statements made by Masuoka that there was "cancer grass" and that Plaintiff had caused patrons,

families and sponsors exposure to be exposed to a dangerous chemical and health risk was without merit or justification.

17. To date, neither AAM or Masuoka have made any public statement or announcement retracting the statements and accusations of Masuoka against Plaintiff nor have they issued any form of apology, expression of regret or similar retraction.
18. The statements of Masuoka were made as the Executive Director of AAM, as the agent and representative of AAM and with full express, implied and apparent authority to act and speak on behalf of AAM.
19. To date AAM has not disavowed Masuoka's authority to make those statements as an agent of AAM.
20. The actions and statements of Masuoka and of AAM through its agent Masuoka were at all times false and untrue, made with reckless disregard to the truth of the statements when made, were willful, malicious and wanton and in all regards slandered and injured Plaintiff causing her damage to her reputation and standing in the workplace, to the public, as well as with the many patrons, families and other valued personal and professional associates and for which she is entitled to compensatory damages, punitive damages, attorney fees and the costs of this action.

## **SECOND COUNT**

### **(UNLAWFUL WORKPLACE RETALIATION AND FRAUD)**

1. Plaintiff incorporates all of the allegations of the First Count as though fully rewritten herein.
2. During the course of her employment with AAM, and in accordance with established policies, Plaintiff reported to her superiors many workplace violations including racial slurs, sexual harassment, bullying, improper use of funds, improper diversion of grants monies, misuse of museum resources along with other infractions and deviations of established policies of AAM and its charter.
3. Plaintiff was one of the employees who joined in the June 15 letter to the Board of Trustees of AAM.
4. Plaintiff was given written and oral assurances from AAM and its legal counsel that her participation and assistance in the investigation of the issues raised in the June 15, 2019 communication and any other matters would be with the guarantee that no

actions would be taken against her or her employment at AAM in retaliation from or for such participation and disclosures.

5. Plaintiff relied on those representations of AAM through its authorized agents and legal counsel with full knowledge of AAM and its counsel that she was relying on their guarantees against retaliation in consideration of her cooperation and disclosure of information for the investigation.
6. After her interviews and after the report of AAM's attorneys to its Board, Plaintiff was systematically subjected to new and overbearing oversight, criticism, reductions of resources for her projects, diminishment of her ability to facilitate family events, disciplinary action and other unjustified and unwarranted harassment by her superiors and the management of AAM.
7. AAM advised Plaintiff in March 2020 that because of the Covid-19 pandemic that she was laid off and could convert her 401 (k) to her own IRA and would have to obtain her own health insurance. She was not advised that the layoff was only due to the shut down during the pandemic and once the museum reopened she would be recalled.
8. Upon information and belief Plaintiff states that after her layoff AAM has advertised her job but describing it as a "part-time" position.
9. Recently, persons claiming to be acting on behalf of AAM made public statements and statements to the press claiming Plaintiff is dishonest, disgruntled and untrustworthy.
10. The actions of AAM constitutes unlawful retaliation against the Plaintiff, a breach of AAM's express and implied representations and actionable fraud perpetrated upon the Plaintiff for which Plaintiff is entitled to compensatory damages, punitive damages, attorney fees and the costs of this action.

WHEREFORE, Plaintiff prays as follows:

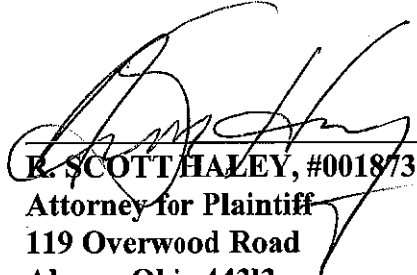
- A. For judgment in favor of Amanda Crowe on her first count against the Akron Art Museum and Mark T. Masuoka, jointly and severally, for its, his and their slander and defamation of character and for compensatory damages in excess of \$25,000.00, punitive damages, attorney fees and the costs of this action;
- B. For judgment in favor of Amanda Crowe on her second count against the Akron Art Museum for its unlawful retaliatory conduct, breach of express

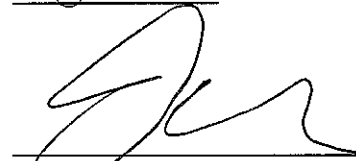
and implied representations and fraud and for an award of compensatory damages in excess of \$25,000.00, punitive damages, attorney fees and the costs of this action; and

C. For such other and further relief as is just and proper under equity and at law.

Respectfully submitted,

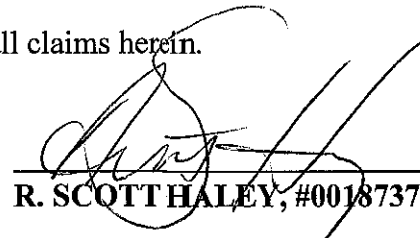
**HALEY LAW OFFICES CO., L.P.A.**

  
\_\_\_\_\_  
**R. SCOTT HALEY, #0018737**  
Attorney for Plaintiff  
119 Overwood Road  
Akron, Ohio 44313  
(330) 633-2069  
[hlo@neo.rr.com](mailto:hlo@neo.rr.com)

  
\_\_\_\_\_  
**JOHN C. COLLINS, #0005030**  
333 SOUTH MAIN ST. SUITE 304  
AKRON, OHIO 44308  
(330) 376-6906  
[jcccolpa@gmail.com](mailto:jcccolpa@gmail.com)

**JURY DEMAND**

Plaintiff demands a trial by jury on all claims herein.

  
\_\_\_\_\_  
**R. SCOTT HALEY, #0018737**