TOP STORY

Judge rules that former library director's lawsuit against Gillette family can move forward

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Former library director Terri Lesley speaks at a library board meeting in July 2023. She would be fired in this meeting after having worked at the library for about 27 years. She sued a Gillette family, the Bennetts, on several claims, alleging they conspired to deprive her of her civil rights. Last week, a judge ruled that the case can move forward.

News Record File Photo

One year after the Bennett family filed a motion to dismiss former library director Terri Lesley's lawsuit against them, the case is moving forward once again.

In the fall of 2023, a few months after she was fired from the Campbell County Public Library, Lesley sued Hugh and Susan Bennett, as well as their son Kevin Bennett, for defamation, intentional infliction of emotional distress, abuse of process, civil conspiracy, conspiracy to deprive

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Lesley of her civil rights and conspiracy to prevent her from performing her duties.
In April of 2024, the Bennetts filed a motion to dismiss.

Since then, it had been quiet, up until Thursday, when U.S. District Judge Alan B. Johnson issued an order saying that the claims of conspiracy to deprive Lesley of her civil rights, the civil conspiracy claim and her intentional infliction of emotional distress claim all were found to have sufficient factual material to move forward. Her claims of abuse of process and injurious falsehoods were dismissed.

Her attorney, Iris Halpern, said neither side was able to start discovery until the judge made a decision on the motion to dismiss.

"Now we're able to start taking depositions, requesting documents, that kind of stuff, the actual nitty gritty until litigation can start," she said.

Discovery is basically where the two sides get to fight for evidence, Halpern said.

"We would be able to depose the Bennetts, they get to depose Terri Lesley," she said. "We can start requesting documents from them, emails, text messages, et cetera."

Halpern added that the judge's decision to move this case forward is "really important."

"It puts the community on notice that there are boundaries to enacting political agendas based on animus. You can't ruin people's lives," she said.

Civil rights claim

Halpern said the biggest claim is the conspiracy to deprive Lesley of her civil rights, which is under the third clause of 42 U.S. Code Section 1985. Under this law, Lesley must show that there is a conspiracy to interfere with her rights "because of racial or class-based animus, an act in furtherance of the conspiracy and a resulting injury or deprivation."

"Viewed in the light most favorable to the Plaintiff, we find that there is sufficient factual matter to support several of these requirements and not much further discussion is required," Johnson wrote.

Essentially, she is claiming that she was discriminated against because of her advocacy, which resulted in her being harassed, threatened, and fired. A district court in the Fifth Circuit held that similar conspiracy claims from a librarian

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who was fired for refusing to remove LGBTQ+ from the library was sufficient to survive a motion to dismiss.
In the Bennetts' motion to dismiss, they argue that Lesley's claim fails because LGBTQ+ people cannot be considered a "class" under Section 1985(3), because she is not a member of this class and that the "rights" that she claims were violated are not the type protected by this type of law.

Johnson wrote that while Lesley's claim for relief only mentions animus towards the LGBTQ+ community, "it is clear from her statement of facts that at least one of the Bennetts was motivated by racial animus as well," the judge wrote. Her complaint includes an excerpt from a complaint to the library submitted by Kevin Bennett stating that he believes books with Black characters that are "cooler" than white characters should not be in the library.

The judge spent a lot of time researching this topic. He wrote that the court "has never concretely defined what it considers a class," and he cited a number of cases where the issue was touched upon but never definitively answered.

In Bray v. Alexandria Women's Health Clinic, the court did not provide a concrete definition of what constitutes a class, but it ruled that "abortion-seekers were not a valid class because animus directed towards them was not inherently 'invidiously discriminatory' in the same way that it would have been for a class of 'women in general,' in part because sex discrimination receives heightened scrutiny and abortion regulation does not."

"Based on this rather elaborate research project, while the Tenth Circuit has yet to make a specific finding on whether sex is a class, we find their general guidelines, as well as the reasoning of our fellow district courts and the other circuit courts, plus the insinuations of the Supreme Court in Bray, are sufficiently persuasive: discriminatory conspiracies motivated by a sex-based animus are within the scope of Section 1985(3)," Johnson wrote.

The second part of the issue — whether sex discrimination includes discrimination based on sexual orientation — was "relatively simple," Johnson said, due to a recent Tenth Circuit decision, where the court held that the Equal Protection Amendment incorporates a Supreme Court decision that "sex discrimination encompasses discrimination against sexual orientation or gender identity."

The court also has to consider whether relief under Section 1985(3) is limited exclusively to supporters of race-based groups. Johnson wrote that it is not.

"Because Defendant has presented no clear reason why 'supporters' should be limited to only race-based classes, we find no reason to dismiss Plaintiff's claim on the grounds that her advocacy would not result in the classes' protected characteristics being imputed to her," Johnson wrote.

Lesley also asserted her claim for relief under the "hindrance clause" of Section 1985(3), which comes into play when people hinder a state officer from "securing to all persons ... the equal protection of the laws."

The Bennetts argued that this clause only covers law enforcement, but Johnson disagreed, saying none of the cases they cited "actually state that the only possible 'authorities' are law enforcement."

But what makes the matter tricky, Johnson continued, is that there are very few cases where the hindrance claim involved a state authority that was not law enforcement. This was not reason enough for Johnson to dismiss the claim, however.

The Bennetts also argued that the hindrance clause only applies to "conspiracies aimed at interfering with rights protected against private encroachment." Again, there is not much case law on this issue, Johnson wrote. But he cited a case that found "a conspiracy with the purpose of curtailing state activity necessarily implicates the state."

"(The Bennetts') undisputed goal was to push state actors to remove books from the library based on their content, arguably in violation of the First Amendment," Johnson wrote. "State action was the explicit goal, and it seems that it was achieved."

At the minimum, the court needs more information to determine whether the Bennetts were "acting with sufficient involvement of the state, and thus we must deny this motion to dismiss," Johnson added.

But Lesley's claim under Section 1985(1), which covers conspiracy to prevent an officer of the state from performing his duties, was dismissed.

"Both the Supreme Court and the Tenth Circuit have held that this cause of action only exists for federal officers," Johnson wrote, adding that Lesley has not held federal office nor claimed to perform federal duties.

The other claims

Lesley's claim of civil conspiracy also moved forward. The Bennetts' only issue with this claim was that Lesley had not alleged the Bennetts had committed a tort — a civil wrong,

or a wrongful act. But Johnson wrote that Lesley "has alleged multiple torts in her complaint, including intentional infliction of emotional distress," and he chose not to dismiss the claim.

Speaking of intentional infliction of emotional distress, Johnson also allowed this claim to move forward. He cited a case saying that a claim of intentional infliction of emotional distress must indicate that the defendant caused severe emotional distress, either intentionally or recklessly, "by extreme and outrageous conduct."

The Bennetts allegedly "conspired with her employers to humiliate her," Johnson wrote, displaying billboards around town claiming the library indoctrinated children, "tried to convince other members of the community that she was encouraging children to have sex, wrote articles saying she exposed children to pornography, made numerous comments at public meetings that she was committing crimes, reported her to the police and threatened "charges' at another public meeting, and regularly called for her resignation, all to pressure her into removing library books, which she was not allowed to do by law."

Even after they learned the Sheriff's Office found there were no grounds for criminal charges, the Bennetts continued to claim at public meetings that Lesley was distributing obscene materials and that she was 'fighting a losing battle and the longer you resist, the worse it's gonna be.'"

"We find that such behavior could reasonably be considered outrageous, and similar behavior — making impossible demands and public humiliation in a professional context — has been recognized as outrageous by Wyoming courts," Johnson wrote.

In their motion to dismiss this claim, the Bennetts argued that as a librarian, Lesley was a public figure and that she must prove that they acted with "actual malice." Johnson wrote that the Bennetts offered no "argument about why a county librarian has 'such apparent importance' that the public (other than, apparently, the Bennetts themselves) has more of an interest in their qualifications than it would in any other government employee. We find no reason to create an argument for them, and therefore will not require actual malice to be pled at this stage."

Now, Lesley does have to show the impact of the emotional distress. Johnson noted that her claim was "sparse" when it came to supporting evidence. She mentioned that she was worried and lost sleep due to the Bennetts' harassment.

"This surpasses the requirements for a motion to dismiss, but just barely," Johnson wrote. "To sustain this claim

Plaintiff will need to provide more evidence of the impact of her emotional distress on her life."

The court did dismiss Lesley's injurious falsehood claim — defamation that is damaging to one's career — "because she has provided no basis under Wyoming law for recognizing the claim."

Johnson also dismissed Lesley's claim of abuse of process because based on what was alleged in the complaint, the Bennetts "do not appear to have actually lied to law enforcement or misused the process in any way."

"They merely filed a complaint (with the Sheriff's Office) based on the incorrect legal conclusion that books teaching children about the human body constitute 'hard-core pornography,'" Johnson wrote.

While the Bennetts continued to publicly accuse Lesley of committing crimes, this did not lead to any arrests.

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Jonathan Gallardo

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The Bennetts will finally learn that their inane actions have consequences. Stay strong Terri Lesley. The bullies in our community need to be held accountable.

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