

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

NATASHA ATKINSON, COLLIN BOYCE,  
MICHAEL DEMPS, WESLEY DEMPS,  
TERRY ISRAEL, BRUCE ODOM, DAVID  
ODOM, JWAN VANEZ RANDLE,  
RANDALL TALIFARRO,

Plaintiffs,

v.

CITY OF LANSING, LOCAL 421 OF THE  
INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS (AFL-CIO), ANDY SCHOR,  
ERIC WEBER, SAMANTHA HARKINS,

Defendants.

Case No. 20- 437 -CZ

Hon. WANDA M. STOKES

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FILED - 30th CIRCUIT COURT

AUG 12 2020

BY: \_\_\_\_\_  
Deputy Clerk

There is another civil action arising out of the same transactions and occurrences as alleged in this Complaint which are currently pending in this Court, Case No. 20-354-CZ having been assigned to Judge Wanda M. Stokes.

**PLAINTIFFS' COMPLAINT**

NOW COME, Plaintiffs, Collin Boyce, Wesley Demps, Michael Demps, David Odom, Bruce Odom, Terry Israel, Natasha Atkinson, Randall Talifarro, and Jwan Vanez Randle, by and through their attorneys Scott P. Batey and the Batey Law Firm, PLLC, and for their Complaint against Defendants state as follows:

1. Plaintiff, Natasha Atkinson, is a resident of the City of East Lansing, County of Ingham and State of Michigan.
2. Plaintiff, Collin Boyce is a resident of the City of Tucson and the State of Arizona.
3. Plaintiff, Michael Demps, is a resident of the City of Lansing, County of Ingham and State of Michigan.
4. Plaintiff, Wesley Demps, is a resident of the City of Lansing, County of Ingham and State of Michigan.
5. Plaintiff, Terry Israel, is a resident of the City of Lansing and State of Michigan.
6. Plaintiff, David Odom, is a resident of the City of Lansing, County of Ingham and State of Michigan.
7. Plaintiff, Bruce Odom, is a resident of the community of Holt, County of Ingham and State of Michigan.
8. Plaintiff, Randall Talifarro, is a resident of the City of East Lansing, County of Ingham and State of Michigan.

9. Plaintiff, Jwan Vanez Randle, is a resident of the City of Mason, County of Ingham and State of Michigan.

10. Defendant, the City of Lansing ("City") is a governmental entity duly authorized to do business in the County of Ingham and State of Michigan.

11. Defendant, Andy Schor ("Schor") is an individual who is a resident of Ingham County and is the mayor of Defendant, the City of Lansing.

12. Upon information and belief Defendant, David Purchase ("Purchase") is an individual who is a resident of Ingham County and was the Interim Fire Chief of Defendant, the City of Lansing.

13. Defendant, Eric Weber ("Weber") is a retired individual who is a resident of Ingham County and was the President of Defendant, Local 421 and a Battalion Chief for Defendant, the City of Lansing.

14. Defendant, Samantha Harkins ("Harkins") is an individual who is a resident of Ingham County and is Mayor Schor's Chief of Staff and the Deputy Mayor of the City of Lansing.

15. Defendant Local 421 is a Labor Organization located at 419 S Washington Square # 305, in the City of Lansing and County of Ingham.

16. The events producing the original injury occurred in the County of Ingham, Michigan.

17. The amount in controversy exceeds \$25,000.00, exclusive of interest and costs, and jurisdiction and venue is otherwise proper in the County of Ingham.

18. Plaintiffs bring this action for damages arising out of the acts and/or omissions of Defendants constituting unlawful racial discrimination/harassment and retaliation in violation of the Michigan Elliott-Larsen Civil Rights Act, MCLA §37.2101, *et seq.* which resulted in emotional and economic damages to Plaintiffs.

### **GENERAL ALLEGATIONS**

19. Plaintiffs incorporate by reference paragraphs 1 through 18 of the Complaint as though fully set forth herein.

20. Plaintiff, Natasha Atkinson is an African-American female who began her employment with Defendant, the City of Lansing June 26, 2019 and was most recently employed as a Scheduler and Event Coordinator with the Mayor's Office.

21. Plaintiff, Michael Demps is an African-American male who began his employment with Defendant, the City of Lansing on April 5, 2004 as a Maintenance Captain with the Fire Department.

22. Plaintiff, Wesley Demps is an African-American male who began his employment with Defendant, the City of Lansing on September 13, 1999 as a Firefighter with the Lansing Fire Department ("Fire Department").

23. Plaintiff, Terry Israel is an African-American male who began his employment with Defendant City of Lansing where he has employed as a Battalion Chief since December 27, 2019.

24. Plaintiff, Bruce Odom is an African-American male who began his employment with Defendant, the City of Lansing in May 2014 as a Department Staff Officer with the Fire Department.

25. Plaintiff, David Odom is an African-American male who began his employment with Defendant, the City of Lansing on April 15, 2002 as an Administrative Chief with the Fire Department.

26. Plaintiff, Jwan Vanez Randle is an African-American male who began his employment with Defendant, the City of Lansing in 2000 and is currently employed as the Chief of Maintenance with the Fire Department.

27. Plaintiff, Randall Talifarro is an African-American male who began his employment with Defendant, the City of Lansing in January 2011 as the Fire Chief with the Fire Department.

28. The Defendant, the City of Lansing suffers from systemic racism which Plaintiffs experienced almost immediately after beginning their careers.

29. Plaintiffs were constantly being targeted due to their race, creating hostile and offensive work environments.

30. In addition to suffering from hostile work environment, Plaintiff suffered adverse employment actions due to their race.

31. Defendant, the City of Lansing is responsible for all acts committed by its agents, representatives and employees within the scope of their employment.

32. In November, 2017 Defendant Schor was elected as Mayor of the City of Lansing and was sworn in on January 1, 2018.

33. During the first months of Defendant, Schor's term as mayor of Defendant, the City of Lansing, numerous African-Americans were terminated with Defendant, the City of Lansing, by Defendants, the City of Lansing, Local 421, Schor, and Weber.

34. Plaintiffs, David Odom, Bruce Odom, Natasha Atkinson, Randall Talifarro, and Collin Boyce as well as Martell Armstrong, Joan Jackson Johnson, and Bob Johnson, were all terminated and/or forced out of their positions by Defendant, the City of Lansing or driven out of their employment by the actions of Defendant, the City of Lansing, Local 421, Schor, Weber, and Purchase.

35. Based on information and belief, during the same period that Defendants forced these eight African-Americans out of their employment, Defendants did not end the employment of any Caucasian employees.

36. Upon information and belief, the terminated African-American employees were replaced by Caucasian employees.

37. Defendants, the City of Lansing, Local 421, Schor, and Weber through their agents, representatives and employees, were predisposed to harass, discriminate and retaliate against Plaintiffs on the basis of their race and acted in accordance with that predisposition.

38. Defendants' actions were intentional, or were carried out with reckless indifference to Plaintiffs' rights and sensibilities.

39. During the time period in question, Defendant, the City of Lansing is a governmental agency and Plaintiffs' employer and Plaintiffs are its employees within the meaning of the First Amendment of the United States Constitution and 42 U.S.C. §1983, the Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1983, 42 U.S.C. §1981, the Michigan Elliott-Larsen Civil Rights Act, MCLA §37.2101, *et seq.*, and Title VII.

40. Defendants, the City of Lansing and Local 421 are responsible for all acts committed by their officials, agents, representatives, members and employees, including, but not limited to Defendants, Schor, Harkins and Weber who were at all times acting under color of law and within the scope of their employment/official positions.

41. Plaintiffs have also sustained damages due to Defendants' violations of the Michigan Elliott-Larsen Civil Rights Act, MCLA §37.2101, *et seq.*

42. Because of the unlawful conduct of Defendants, their agents, representatives and employees, and as a direct and proximate cause of such conduct, Plaintiffs have suffered damages including humiliation, embarrassment, outrage, mental anguish and anxiety, emotional distress, loss of self-esteem, loss of earnings and other employment benefits, and a loss of capacity for the enjoyment of life.

**Natasha Atkinson**

43. On or about June 26, 2019 Plaintiff, Natasha Atkinson began her employment with Defendant, City of Lansing as an independent contractor working as an Office Assistant.

44. When Plaintiff was hired, Ms. Harkins told her “we need a young black woman in the department” when explaining Plaintiff’s role in the department.

45. It was Plaintiff’s understanding that she would be succeeding Marilyn Plummer as the Community Outreach Coordinator and that she would have a role in the Mayor’s diversity programs.

46. In July 2019 a teenaged African-American female was videotaped being brutally beaten by City of Lansing police officers and in response to the beating a group of Black Lives Matter protestors arrived at the Mayor’s office with the news media to protest the incident.



47. Prior to their arrival, security called the Mayor's office to let them know the group was on the elevator to go to the Mayor's office.]

48. Upon hearing about the impending protest, Plaintiff suggested that Mayor Schor have a prepared statement when meeting with the protesters.

49. Mayor Schor dismissed Plaintiff's suggestion and Mark Lawrence a member of the Mayor's staff told Plaintiff that Black Lives Matters was a "dog without a bone."

50. In August, 2019 Plaintiff was offered the position of the Mayor's Scheduler and Event Coordinator and was hired as a direct employee of the City.

51. In September 2019 Plaintiff began acting as a liason between the Mayor's Office and the Diversity and Inclusion Advisory Council.

52. During her employment with the City Plaintiff, Atkinson experienced intimidation and harassment while working in the Mayor's Office due to her race and her efforts to promote diversity within the City of Lansing's departments.

53. Plaintiff regularly experienced racially offensive and insensitive comments while employed at the City.

54. Defendant, Harkins told Plaintiff when she sees Nick Tate, an American-American male, her "ovaries scream out of her" and that she "LOVES black men."

55. In the fall of 2019 Plaintiff overheard a loud discussion between an African-American woman, Joan Jackson Johnson who was the Director of Human Relations and Community Services and Defendant, Harkins in which Ms. Harkins was yelling at Ms. Jackson Johnson to which Ms. Jackson Johnson replied “I’m not scared of you” and Ms. Harkins responded “I’m not scared of you.”

56. After Ms. Jackson Johnson left Defendant, Harkins office, Harkins told Plaintiff “professional black women have a bad attitude” and “chip on their shoulder [sic],” “maybe rightfully so, but they have to learn how to take direction.”

57. Plaintiff continued to experience racial discrimination in the Mayor’s office throughout her employment.

58. Ms. Harkins also told Plaintiff that Communications Manager, Valerie Marchand had “a problem with black people” and was “intimidated by Plaintiff, Atkinson.”

59. Ms. Harkins explained that Ms. Marchand grew up in Troy, Michigan and did not associate with “black people” so she was scared of Plaintiff, because Plaintiff was African-American.

60. Plaintiff, Atkinson saw that Ms. Marchand was selecting music to be played on speakers throughout the downtown area.

61. Plaintiff observed that there were “no black artists” here.

62. Ms. Marchand complained to Defendant, Harkins that Ms. Atkinson was trying to tell her how to do her job.

63. Plaintiff, Atkinson had a meeting with Ms. Marchand about the music and told her that “when you’re selecting music for the entire City, you can’t leave out a great portion of the population.”

64. Ms. Marchand left the meeting and went home crying.

65. At the 2019 Christmas party at the Lansing Country Club Plaintiff was told by Ms. McCarrick’s husband that he “only dated black women” and that Ms. McCarrick was the first white woman he dated, but she had a “body like a black woman.”

66. Ms. McCarrick’s husband offended and embarrassed Plaintiff who as a result of being so uncomfortable, in effort to hide her embarrassment stated “I guess it’s not true, once you back you can go back.”

67. Plaintiff was later verbally counseled by Defendant, Harkins for a sexually inappropriate comments, who ignored Plaintiff’s own complaints that Ms. McCarrick’s offended and embarrassed her with his comments about black woman’s bodies.

68. Plaintiff was familiar that the City of Grand Rapids had a Chief Diversity Officer who addressed racial and diversity issues for the City.

69. Shortly after starting with the City of Lansing, Plaintiff proposed a position of Chief Diversity Officer for the City of Lansing to ensure that there were mechanisms for already existing rules, laws and regulations against discrimination such as documenting complaints, coordinating efforts to investigate claims, and that the City take appropriate remedial measures.

70. Mayor Schor asked Ms. Atkinson to produce a report relating statistics concerning diversity in Defendant, the City of Lansing's offices.

71. While compiling the report, on January 10, 2020, she came into work and found her office had been ransacked.

72. During this time remodeling the front desk area of the Mayor's Office, Ms. McCarrick And Plaintiff were meeting with the contractors.

73. Plaintiff was working at the front desk and

74. Went to lunch at Envie with Ms. McCarrick and Steve, one of the contractors responsible for renovating the front desk.

75. Plaintiff, Atkinson also experienced resistance, especially from Samantha Harkins whenever she attempted to raise a discussion concerning "black issues" or to assist the community.

76. Defendant, Harkins told her she did not see the need for a Chief Diversity Officer and that the City already had an Equal Opportunity Director, but that was a completely different program.

77. Between June and November Plaintiff went to lunch with Ms. McCarrick four to five times and Ms. McCarrick paid for the lunches with City of Lansing credit cards.

78. From June 2019 to November 2019 Plaintiff continued to hold the Mayor's office accountable for diversity, equity and inclusion issues.

79. She complained to Ms. Harkins that the Mayor's office talks a good story be patting itself on the back about anti-discrimination platform, but did nothing to about those issues.

80. In November, 2019 Plaintiff, Atkinson started being shunned and ignored within the Mayor's office.

81. The cold shoulder Plaintiff, Atkinson was receiving continued to get worse until it got to the point where interaction with the staff went silent and everyone stopped talking to her.

82. Ms. Atkinson would say "hello" to Caucasian staff and they would ignore her or simply look at her without saying anything in return.

83. In January Plaintiff reported that Ms. McCarrick was using the City credit card for personal lunches to Shelby Frayer the City's Finance Director.

84. Shortly after Ms. Frayer had the meeting with Plaintiff,

85. The next day, Mayor Schor stormed into Plaintiff's office and told her "Shelby is not your boss" if you have problems you come to me.

86. In mid to late January, 2020 the Mayor's Office began preparations for the State of the City which was part of Ms. Atkinson's job, but she was told she was not going to be planning the afterglow for the State of the City.

87. Plaintiff, Atkinson later arrived at her desk to find her belongings scattered across the floor and all of her desk drawers were open.

88. She complained to Defendant, Schor who dismissed her concerns and blamed the cleaning crew.

89. On or about February 7, 2020 Plaintiff, Atkinson was terminated due to her race and complaints of racial discrimination.

90. At the time of her termination, Defendants offered no explanation and there was nothing on her record to support her termination.

91. Upon information and belief Plaintiff, Atkinson was replaced by a Caucasian.

### **Collin Boyce**

92. Plaintiff, Boyce was hired in 2016 by former City of Lansing Mayor, Virgil Bernero as the Chief Information Officer/IT Director ("CIO") for the City of Lansing.

93. As CIO, Plaintiff, Boyce was on the and attended Director's Meetings with the heads of the other departments for the City of Lansing.

94. In taking over the City of Lansing's IT Department Plaintiff, Boyce inherited a dated system that was comprised of a hodgepodge of hardware, dated software and an inept security system.

95. Under Mayor Bernero, Plaintiff, Boyce was able modernize the department and reached a point where 90% of service requests were being resolved within eight hours.

96. In November 2017 Defendant, Schor was elected as Mayor of the City of Lansing and was set to be sworn in on January 1, 2018.

97. After the election, Plaintiff, Boyce was informed by Mayor Bernero that Mayor-elect Schor was anxious to get started and that Plaintiff should start providing Mayor Schor and his staff, cellphones and computers so there was little downtime when Defendant, Schor assumed office.

98. Plaintiff, Boyce complied with Mayor Bernero's instructions and on January 1, 2018 Plaintiff spent the entire day in the newly sworn Mayor, Schor's office setting up the IT equipment so Mayor Schor and his staff could hit the ground running.

99. Shortly after being sworn in as Mayor, Defendant, Schor began to nit-pick Plaintiff's department over problems/concerns with were not created or part of Plaintiff's department.

100. Shortly after Mayor Schor was sworn in, Plaintiff, Boyce began noticing an atmosphere in which it felt like Defendants were trying to force him out of his employment with the City.

101. Plaintiff, Boyce began to notice a trend in the Mayor's office where Plaintiff's department was being blamed for shortcomings of other departments.

102. On one occasion a similarly situated Caucasian who was the Director of the Finance Department changed or created a new account code which caused the system to be unstable and Defendant, Harkins attempted to blame Plaintiff, Boyce.

103. Defendants, Schor and Harkins were creating such a hostile work environment towards Plaintiff, Boyce due to his race, that others began to notice and make comments, often in Plaintiff's presence.

104. At a Director's meeting, the City of Lansing Public Service Director told Defendants, Schor and Harkins "if you're going to force him (Boyce) out you better have a plan, because it was terrible before he started."

105. Plaintiff, Boyce made numerous complaints to Defendant, Schor that he was the victim of racial discrimination and that the Mayor and others in his office were creating a hostile work environment for Plaintiff, Boyce due to his race which interfered with his ability to do his job.



106. During this time Defendants, City of Lansing and Mayor were receiving other complaints of racial discrimination one of which included a public letter to Mayor Schor from Plaintiff, Talifarro in which Talifarro raised a number of racial problems within the City.

107. Upon seeing Plaintiff, Talifarro's letter, Defendant Schor asked Plaintiff, Boyce if he thought Schor was a "racist."

108. Plaintiff, Boyce responded to the Mayor Schor's question, by pointing out that Mayor Schor had "problems with strong people of color" and that African-Americans did not have the same access to the Mayor as their Caucasian contemporaries.

109. Plaintiff, Boyce observed that Mayor Schor rarely met with African-American heads of departments, unless he needed a scapegoat, while routinely meeting with Caucasian heads of departments.

110. Plaintiff, Boyce complained to Defendant Schor that African-American cabinet members could not get City approval to fill open positions in their departments, but that Caucasian cabinet members got their positions filled immediately.

111. To support this contention Plaintiff Boyce commented that the Police Department, City Attorney's Department and Public Service all headed by Caucasians, had vacant positions in their departments filled as soon as they found a

qualified candidate while refusing to fill vacant positions in departments with African-American department heads.

112. Plaintiff, Talifarro called Plaintiff, Boyce and informed him that Defendant, Schor had falsely accused Plaintiff, Boyce and Plaintiff, Talifarro of stealing computer software.

113. Plaintiff, Boyce continued to work 12-18 hour days despite feeling like “trash” due to the racist conduct from Defendant, Mayor Schor and others in the Mayor’s Office.

114. Plaintiff, Boyce’s hard work paid off and Defendant, City of Lansing won awards for IT under his leadership.

115. Despite his exemplary job performance, Plaintiff, Boyce continued to be targeted due to his race.

116. Defendants accused Plaintiff, Boyce of having a sexual relationship with his Administrative Assistant, Spencer Fuller.

117. In the spring of 2019 Plaintiff, Boyce received a written reprimand for bringing his children in to his office one day a week.

118. Similarly situated Caucasian employees were allowed to bring their children, grand-children and even pets into work without being disciplined.

119. Plaintiff, Boyce was disciplined due to his race.

120. When HR Director, Linda Sanchez issued Plaintiff, Boyce's disciplinary action, she apologized, told him Chief of Staff, Defendant, Harkins told her to and said "I don't know why, I bring my grand-kids in...I was told to do this by Samantha...I've got to do my job."

121. In May, 2019 Plaintiff, Boyce could no longer accept the constant racial discrimination from Defendants, City of Lansing, Mayor Schor and Samantha Harkins and he resigned his position.

122. Plaintiff, Boyce was forced out his position with the City of Lansing and was replaced by a Caucasian.

### **Michael Demps**

123. Defendant, City of Lansing was involved in a highly publicized case with a firefighter named Michael Lynn ("Lynn") who alleged racial discrimination and retaliation.

124. Prior to filing the case, Lynn filed numerous complaints of racial discrimination.

125. Plaintiff, Michael Demps was told by his supervisor, Plaintiff, Jwan Vanez Randle, that Randle's supervisor was directing them to "go after" Lynn, an African-American man employed by Defendant, the City of Lansing's Fire Department and that retaliation for Lynn's claims of racial discrimination against Defendant, the City of Lansing.

126. Plaintiff, Michael Demps was told that Complaints of racial discrimination were not tolerated and would result in adverse employment actions and a hostile work environment.

127. Plaintiff, Michael Demps was subject to undeserved severe discipline due to the disparate manner in which Defendants, the City of Lansing, Local 421, and Weber treated African-Americans.

128. In one incident, an African-American woman named Rahila Kato who worked as a fire fighter for the Fire Department complained to Plaintiff, Michael Demps, who was her supervisor, that she was “getting tired of white guys telling on us.”

129. Ms. Kato by telling her supervisor of Complaints of racial discrimination was engaging in a protected activity under state and federal law, specifically the ELCRA and Title VII.

130. Plaintiff, Michael Demps was merely receiving a complaint of racial discrimination which was part of his job duties as her supervisor, which he turned over to.

131. A Caucasian fire fighter overheard this incident and reported the comments.

132. Sue Graham, a Labor Relations Manager for Defendant, the City of Lansing’s Human Resources Department, ordered Plaintiff, Talifarro to seriously

punish Plaintiff, Michael Demps even though he merely received a complaint of racial discrimination.

133. Plaintiff, Michael Demps received a verbal warning as disciplinary action which is significant because it starts the progressive disciplinary process.

134. Later, the Fire Department conducted an investigation and determined that Plaintiff, Michael Demps committed no misconduct and did the right thing by forwarding Ms. Kato's complaint to his supervisor.

135. Defendant, Weber, despite being President of Plaintiff, Demps, Union – Defendant, Local 421 – that was supposed to represent and advocate for Plaintiff, Michael Demps, instead demanded that Plaintiff, Talifarro punish Plaintiff, Michael Demps more severely.

### **Wesley Demps**

136. Plaintiff, Wesley Demps has been employed with the City of Lansing since 1999 and is currently employed as a Firefighter.

137. During his employment with Defendant, City of Lansing Plaintiff, Wesley Demps has been discriminated against due to his race and subjected to an offensive and hostile work environment by facing false allegations due to his race and being denied employment opportunities due to his race.

138. During his employment with Defendant, City of Lansing, Plaintiff, Wesley Demps wanted to become a Battalion Chief.

139. The Collective Bargaining Agreement between the City of Lansing and Local 421 required that Plaintiff, Wesley Demps pass an examination to be consider for Battalion Chief

140. The Administrator refused to allow him to take the examination due to his race.

141. Similarly situated Caucasians were permitted to take the examination to become the Battalion Chiefs within the Fire Department.

142. In October 2019 Plaintiff, Wesley Demps was named as the Fire Department's Financial Officer.

143. Plaintiff, Wesley Demps was never provided with a job description and continuing education, despite asking for them.

144. Defendant, Interim Fire Chief Defendant, David Purchase ("Purchase") treated him in a negative manner because of Plaintiff, Demps' race.

145. Plaintiff was falsely accused of stealing time.

146. Defendant, Local 421's President continued to threaten Plaintiff, Wesley Demp's employment as Financial Officer.

147. Defendant, Local 421's President tried to negotiate Plaintiff's position was Financial Officer and have Defendant, City take over the position.

148. In March, 2020 Defendants forced Plaintiff, Wesley Demps to take a demotion back to Firefighter in effort to avoid the harassment, discrimination and threats against his job.

**Terry Israel**

149. On September 1, 1996 Plaintiff, Terry Israel is an African-American male who began his employment with Defendant City of Lansing where he has employed as a Battalion Chief since December 27, 2019.

150. Plaintiff, Israel was appointed Battalion Chief as a result of a promotion process the Defendant, City and Plaintiff's Union LIFF Local 421 agreed to in which Plaintiff, Israel had the highest score.

151. After being promoted to Battalion Chief Defendant, City of Lansing and specifically Assistant Fire Chief Michael Tobin began harassing and discriminating against Plaintiff, Israel due to his race.

152. The position of Battalion Chief is a job that lends itself well to working remotely.

153. As a Battalion Chief Plaintiff, Israel primarily ran his unit over the phone, or radio and was often on the streets visiting fire/crime scenes and his constant presence at the Fire House was not necessary or required.

154. In March, 2020 after the COVID-19 pandemic hit, Plaintiff, Israel and other similarly situated Caucasian Battalion Chiefs began to work remotely during portions of their days.

155. Plaintiff, Israel typically worked from home during the day and went to the Fire House in the evening to take care of any work that needed to be done at the Fire Station and then slept at the Fire House.

156. From mid-March 2020 until May, 2020 Plaintiff worked remotely during the day, spent the night at the Fire House, spending more than 12 hours each normal work day at the Fire House.

157. In May, 2020 Plaintiff learned that Defendant City of Lansing and Assistant Fire Chief Michael Tobin began investigating him and his working remotely and may have hired surveillance on him.

158. Defendant City of Lansing and Assistant Fire Chief Michael Tobin began the investigation into Plaintiff, Israel working remotely due to his race.

159. Plaintiff learned that Defendant, City of Lansing was not investigating any of the similarly situated Caucasian Battalion Chiefs who were working from their homes, coffee shops and even the Zoo.

160. At no time prior to learning of the investigation did Defendant, City of Lansing, Michael Tobin or anyone else, advise Plaintiff, Israel that working remotely was prohibited, not appropriate or ill-advised.



161. On May 22, 2020 Defendant, City of Lansing and Tobin attempted to demote Plaintiff, Israel to the position of Captain.

162. In their haste to take adverse employment action against Plaintiff, Israel due to his race, Defendant City of Lansing and Tobin violated the Collective Bargaining Agreement and Plaintiff was not allowed to be demoted.

163. Determined to take adverse employment action against Plaintiff, Israel, Defendant City of Lansing and Tobin, instead suspended Plaintiff, Israel two days without pay for working remotely during the day.

164. No similarly situated Caucasian Battalion Chiefs were disciplined for working remotely from their homes, coffee shops or the Zoo.

**Bruce Odom**

165. In November, 2017 Plaintiff, B. Odom underwent an extensive interviewing process for the City of Lansing Assistant Fire Chief position which consisted of a Disc Assessment Test and oral interview which a panel of leaders from other fire departments and was headed by the City of Ypsilanti Fire Chief.

166. The Disc Assessment was a written test measuring qualities the successful candidate required including intellect, character, personality and emotional intellect.

167. Plaintiff, B. Odom had the highest blended score Disc Assessment score by a significant margin and finished second to Michael Tobin in the oral interview process.

168. Overall, Plaintiff, B. Odom had the highest combined score and was awarded the position.

169. However, before Plaintiff, B. Odom could be sworn in, Plaintiff, Talifarro was asked by outgoing Mayor Bernero to hold off on promoting at the request of Defendant Schor's office.

170. Mayor Bernero told Plaintiff Talifarro that Mayor Schor had issues with how the position was filled and that Plaintiff Talifarro only invited certain people to apply. Shortly after Defendant, Schor was elected and before his inauguration, Defendant, Schor asked outgoing Mayor Virgil Bernero to suspend Plaintiff, Bruce Odom's promotion to Assistant Fire Chief.

171. At Defendant, Schor's request, Defendant, the City of Lansing's Human Resources Department conducted a thorough evaluation of the potential candidates with the assistance of an outside consulting firm and a 300-500 question DISC Assessment Test designed to measure leadership, management and teamwork skills.

172. Despite Plaintiff, Bruce Odom finishing first in this process by a large margin and having the support of then-Fire Chief Talifarro, Defendant, Schor

insisted on putting a hold on Odom's promotion to Assistant Fire Chief for no reason other than Plaintiff, Bruce Odom's race.

173. While Plaintiff, Bruce Odom was in the midst of the promotion process, he attended a City of Lansing Christmas party at which another employee of Defendant, the City of Lansing, who was friends with the members of Defendant, Local 421's board, asked why Plaintiff, Bruce Odom did not choose to leave the Fire Department. Plaintiff, Bruce Odom responded that he wanted to become an assistant chief. The other employee then told Plaintiff, Bruce Odom that the promotion was unlikely to happen because Defendant, Local 421 did not want Plaintiff, Bruce Odom to receive it.

174. Upon information and belief, Defendant Weber was a member of Defendant Schor's transition team and was actively interfering with Plaintiff, B. Odom's promotion.

175. Defendant, Schor had Plaintiff's appointment/promotion to Assistant Chief for 3 months due to the efforts of Defendant, Weber.

176. Defendant, Mayor Schor and his team, including Defendant's Weber and Harkins removed the Code Enforcement Division away from under the Fire Department, without any prior notice or discussion with the Fire Chief or Assistant Fire Chief.

177. In February, 2018, Plaintiff B. Odom was finally appointed Assistant Fire Chief and Defendant Schor and City attempted to pay him at a lower pay rate than previous AC step pay rate.

178. Upon information and belief, Plaintiff, B. Odom was paid less than similarly situated Caucasian Assistant Fire Chiefs and was less than some of his subordinate Battalion Chiefs.

179. One of Plaintiff, B. Odom's job duties as Assistant Fire Chief was to decide and hand out disciplinary actions.

180. After Defendant, Schor became Mayor, his office interfered in Plaintiff, B. Odom's disciplinary actions, which appeared to be based upon race.

181. Plaintiff, B. Odom was pressured by the Mayor's Office, including Mayor Schor, Defendant, Harkins and the City Attorney to discipline African-American officers after it had previously been determined that discipline was not appropriate.

182. The Mayor's office, including Defendant Schor, Defendant Harkins and Defendant Weber, also demanded that Plaintiff, B. Odom and Fire Chief Talifarro withdraw disciplinary actions against several Caucasian Firefighters who were investigated for several crimes.

183. In May 2018 Plaintiff, B. Odom was falsely accused of gender discrimination and was immediately forced to go thru cultural sensitivity training

because he denied a female firefighter's request to attend an "iWomen in the Fire Service" conference.

184. The Conference & Workshop requests was denied because the individual had not properly completed the request and failed to substantiate its benefits to the Fire Department's mission goals.

185. Plaintiff, B. Odom was a Champion of Women's rights and advancement in the Fire Department and had supported other female firefighters to attend this conference because they served in the capacity as supervisors and recruiters for the fire department.

186. Plaintiff, B. Odom was the first within the department to support female employees going to the iWomens Conference and had previously approved 3 other female employees that served in supervisor or recruiter positions to attend the iWomens Conference.

187. On May 30, 2018 Fire Chief Talifarro resigned as the Fire Chief of the City of Lansing due to racism in the administration of the City of Lansing and the City of Lansing Mayor's Office.

188. Upon Fire Chief Talifarro's effective resignation date, Plaintiff, B. Odom was told not to attend the Mayor's Cabinet Meetings.

189. Prior to Chief Talifarro's resignation Plaintiff, B. Odom had served the Fire Department as the sole Assistant Fire Chief without a Fire Chief in place.

190. Following Chief Talifarro's resignation, Plaintiff B. Odom as Assistant Fire Chief and being the highest-ranking authority of the Fire Department, was not advised by the Mayor's office any plans or course of action to fill the Fire Chief Position.

191. After being left in the dark by the Mayor's Office for almost a month Plaintiff, B. Odom received a call from East Lansing Fire Chief Talifarro asking him if he was aware that Mayor Schor had announced an interim Fire Chief.

192. Plaintiff, B. Odom then confirmed via social media (FB) the Mayor's announcement of interim Fire Chief, Defendant, David Purchase.

193. A few hours afterwards Plaintiff, B. Odom was called by Samantha Harkins the Associate Mayor and asked if Plaintiff, B. Odom was aware of the Interim Fire Chief announcement.

194. Plaintiff, B. Odom told her that a source from outside of the City of Lansing had informed him.

195. She then asked him if he had any questions or would like to discuss to call and set up appointment.

196. Plaintiff, B. Odom immediately scheduled an appointment which was postponed twice, until after Interim Fire Chief Purchase assumed the position and started work that he was able to have a meeting with Defendant, Harkins.

197. Defendant, Interim Fire Chief, Purchase began his first work day in his office with a meeting with Defendant, Weber in which left his office and rode around the city together and visited each of the city fire stations together.

198. Plaintiff was later told by Defendant Purchase that he was discussing Fire Department policies with Defendant, Weber while failing/refusing to get any input from Defendant, B. Odom.

199. In August 2018, a similarly situated Caucasian, Michael Tobin, was named Assistant Fire Chief without any of the interviewing processes Plaintiff went through a year earlier and without his appointment being delayed.

200. Plaintiff, B. Odom made several complaints of racial discrimination to Defendant, City of Lansing's HR Department that he was experiencing racial discrimination which was creating a hostile work environment and interfering with his ability to do his job.

201. Plaintiff, B. Odom specifically complained that his authority and ability to manage the fire department as Assistant Fire Chief was being undermined due to his race.

202. In May 2018 Plaintiff, B. Odom scheduled a meeting to discuss efforts to revise Lansing Fire Department's policies and bring them current and in line with local, state, federal law, and the national standards of profession's best practices and consideration of the Collective Bargaining Agreement.

203. Plaintiff, B. Odom scheduled the meeting with a 3rd party vendor Lexipol which provided its expertise services regarding Fire Department and Police Department Policy writing.

204. Exactly one hour before the meeting Plaintiff, B. Odom received an phone call from Defendant's HR Department telling him that the Mayor's Office and Deputy Mayor, Defendant, Samatha Harkins told him to cancel the meeting.

205. It was apparent to Plaintiff, B. Odom that canceling the meeting was purposely to undermine his efforts and his work as an Assistant Fire Chief due to his race in effort to force him to resign.

206. Chief Purchase asked Plaintiff his thoughts on an "Paramedics only" hiring process.

207. Plaintiff, B. Odom expressed that there's ample evidence that speaks to this type of hiring process leading to hiring exclusively and lacking diversity.

208. Defendant, Purchase then told Plaintiff, B. Odom that they would talk about it later, however later never came and instead Purchase and the Mayor's office pushed forward with his exclusive hiring process without Plaintiff, B. Odom's involvement.

209. Defendants, Purchase, Schor and the City of Lansing ignored Plaintiff, B. Odom's recommendation regarding the "Paramedics Only" policy and got what



they wanted in the following recruiting class, a class without any African-American recruits.

210. Plaintiff served as the Recruitment committee chair while in the position of Assistant fire Chief. Upon Interim Chief Purchase arrival, Plaintiff, B. Odom had planned meetings with Lansing Community College EMS director Marvin Helmker and the Associate Dean of Health Sciences Ronda Miller to continue efforts in growing Lansing Fire Department's relationship with the college to work with the city of Lansing in providing Paramedic training to Lansing Fire Department's employees.

211. Interim Chief Defendant, Purchase directed him not to attend his scheduled meeting that instead he would attend the meeting that Plaintiff, B. Odom had scheduled.

212. This was a program that Plaintiff, B. Odom had invested 2 years and had 100% success of 6 employees gaining their paramedic licenses.

213. Defendant, Purchase made it known to Plaintiff, B. Odom that he did not want the program to continue, by indicating that the department had not budgeted for this program.

214. It was apparent to Plaintiff, B. Odom that Defendant, Purchase was opposing all programs and project he worked on or spearheaded due to Plaintiff, B. Odom's race as an African-American.

215. There were several occasions where Mayor Schor's office communicated directly with Chief Talifarro or the Assistant Fire Chief via text or phone regarding handling personnel issues which were forward to them from IAFF local 421 union executives.

216. These predominantly involved the Mayor's office dictating corrective actions against Firefighter Lynn and Firefighter Jones.

217. In late July 2018 Plaintiff, B. Odom informed interim Fire Chief Purchase that he was retiring, 18 months prior to his 25th year.

218. The racial hostility from Defendant, Purchase, Defendant, Schor and the Mayor's Office forced Plaintiff, B. Odom to accept another job offer which cost him \$84,000.00 to buy 18 months of military service credits to retire early Plaintiff, B. Odom believe and Plaintiff, B. Odom had the afforded the same opportunity as those Assistant Fire Chiefs before him that my professional career would have led him to achieve a better position and salary than that which resulting in my harm.

219. Two weeks prior to Plaintiff, B. Odom's retirement, Interim Chief Purchase promoted his replacement Mike Tobin without using any type of formal testing and interviewing selection process, which Plaintiff, B. Odom was required to pass due to his race.

220. Upon information and belief was given a higher salary than that which Plaintiff, B. Odom had been given upon accepting the Assistant Fire Chief position due to his being Caucasian and Plaintiff being African-American.

221. A day after Plaintiff, B. Odom's retirement, Interim Chief Defendant, Purchase approached his cousin David Odom who held the position of Staff Chief, and told him that prior to his being appointed interim chief of Lansing Fire Department, he had heard rumors of David Odom, Chief Talifarro and Plaintiff, B. Odom.

222. Defendant, Purchase also told David Odom that he felt that David Odom had made promotion to fast and that if he had any aspirations of further advancement that he needed to stay away from the "racial stuff."

223. David Odom filed a complaint with the City of Lansing's HR regarding this issue.

224. Based on this Plaintiff, B. Odom believe Interim Fire Chief Purchase interactions with him we're strategically aimed to make him uncomfortable resulting in my constructive termination.

225. After Plaintiff, Randle Talifarro was forced to resign, Plaintiff, Bruce Odom became increasingly marginalized within the Fire Department and relegated to minor tasks by Defendant, the City of Lansing.

226. The obvious marginalization that Defendant, the City of Lansing inflicted upon Plaintiff, Bruce Odom made Plaintiff, Bruce Odom feel sidelined to the status of a second-class employee and forced him to resign.

**David Odom**

227. Plaintiff, David Odom was informed by Interim, Fire Chief David that he had heard “rumors” about Plaintiffs, David Odom, Randall Talifarro, and Bruce Odom before Defendant, Purchase even began working for Defendant, the City of Lansing.

228. Defendant, Purchase also told Plaintiff, David Odom that he had heard from employees in the fire suppression unit that Plaintiff, David Odom did not spend much time in fire suppression.

229. Defendant, Purchase then told Plaintiff, David Odom that Michael Lynn could not be trusted.

230. Defendant, Purchase told Plaintiff, David Odom to distance himself from Lynn if Plaintiff, David Odom wanted to advance within the department. Defendant, Purchase informed Plaintiff, David Odom that he was “tired of this black stuff” and that he did not want to see racial issues in his department.

231. Defendant, Purchase told Plaintiff, David Odom is he hoped to get promoted within the department, he had to distance himself from race issues, so

that the other employees in the fire suppression unit did not think that Plaintiff, David Odom was taking sides.

232. When Plaintiff, David Odom asked Defendant, Purchase why he had not been informed about the termination of two other employees, Defendant, Purchase responded that he had no knowledge of what Plaintiff, David Odom's job was.

233. The next day, Defendant, Purchase told Plaintiff, David Odom that he was going to discuss Odom's job description with the incoming fire chief, Michael Mackey ("Mackey").

234. Plaintiff, David Odom was confused why Defendant, Purchase had never asked him anything about his job description until 2 or 3 days before Defendant, Purchase left the department and only after Plaintiff, David Odom inquired as to why he had not been informed about two recent terminations.

235. Immediately after Plaintiff, David Odom asked Defendant, Purchase about the two terminations, Defendant, Purchase wanted to change Plaintiff, David Odom's job description and told Plaintiff, David Odom, that he was going to bring a copy of Plaintiff, David Odom's job description down to Florida to discuss with incoming-Fire Chief Mackey during a joint vacation.

236. It was apparent that this was intended as a warning to scare or threaten him for inquiring about racial incidents.

237. On the next day, Plaintiff, David Odom told Assistant Fire Chief Michael Tobin ("Tobin") about the encounters with Defendant, Purchase the previous 2 days and that he was concerned that Defendant, Purchase told him that Defendant, Purchase had heard "rumors" about him, Plaintiff Randall Talifarro, and Plaintiff Bruce Odom.

238. Tobin responded that he was not aware of this and added that their contracts were ending soon and they planned to review Plaintiff, David Odom's job and potentially alter it.

239. Tobin told Plaintiff, David Odom that the possibilities included separating his job from Ellen Vogt's or raising her position to a level 6 pay grade and keeping David Odom's at a level 5.

240. It was Plaintiff, David Odom's understanding that the jobs should have an equal pay grade.

241. Defendant, Purchase's and Mackey's actions made Plaintiff, David Odom believe that he was being subject to retaliation due to his complaints of racial discrimination by intimidating him and threatening his job, causing him significant stress and creating a hostile environment.

242. Plaintiff, David Odom informed Defendant, the City of Lansing's Human Resources Department about the retaliatory intimidation and threats he had

experienced from Defendant, Purchase and Mackey in meetings held in September 2018, on January 29, 2019, and on March 8, 2019.

243. Defendant, the City of Lansing failed to take prompt and corrective action to address these serious offenses committed by its employees.

244. Defendant, the City of Lansing refused to make a minority the head of a Fire Department program to teach in schools, even though Plaintiffs, David Odom and Randle were responsible for starting it.

245. Plaintiff David Odom complained to the Human Resource Department of racial discrimination and of his intention to retain an attorney.

246. Plaintiff complained that he was subjected to a hostile work environment and threats whenever he discussed it with his supervisor and Plaintiff was invited to Schor's office where instead of discussing Plaintiff's concerns over race discrimination, Defendant, Schor created a job promotion for Plaintiff in a patent effort to silence Plaintiff's concern on race discrimination in the city.

### **Jwan Vanez Randle**

247. Plaintiff Randle has been employed with the City of Lansing Fire Department since 2000 and has been employed as Chief of Logistics (formerly known as Chief of Maintenance) since March, 2016.

248. During a staff meeting Defendant, Purchase accused Plaintiffs Boyce and Talifarro stealing a computer program.

249. Plaintiff, Randle knew these allegations were false because he saw the computer program and believed it was due to his race.

250. Defendant, Purchase threatened, with David Odom in attendance, to recommend terminating Plaintiff, Jwan Vanez Randle if he discussed accusations made against Collin Boyce during a division head meeting.

251. Plaintiff, Randle was informed by Defendant, Purchase that he had heard "disturbing news" about him, that he had stolen equipment from a job.

252. Someone told him that when Plaintiff's wife called in about a push mower, couple of gas cans, and axes.

253. As a result of unfounded rumors that were made about Plaintiff, Randle, Defendant, Purchase accused Plaintiff, Randle of committing the rumored act and placed the burden on him to prove the accusation false.

254. The rumored act that Plaintiff, Randle stole equipment was a pattern Defendants, City of Lansing, Schor, Purchase and Harkins used to force African-Americans to leave their jobs with the City due to their race.

255. Plaintiff, Randle was baselessly accused by Defendant, Purchase of stealing Fire Department equipment.

256. During closed contract negotiations, the Defendant, Local 421 informed Plaintiff, Randle that Defendant, Purchase was attempting to demote him and eliminate his division.



257. Defendant, Purchase told Plaintiff, Randle to “watch out” for Firefighter Lynn because he was a “trouble maker.”

258. Defendant, Purchase asked Plaintiff, Randle if he knew Lynn’s character after Lynn began suffering from work place issues due to racial bias.

259. Defendant, Purchase insinuated that Plaintiff, Randle was involved in a scheme to steal equipment with Plaintiff, Talifarro and warned that he would be held liable if he was involved.

260. Plaintiffs, Randle and Talifarro were not involved in any scheme to steal equipment but did engage in a well-known

261. Defendant, Purchase intentionally set up Plaintiff, Randle to fail due to his race by refusing to provide for a full staff for Plaintiff, Randle’s division, and then accused Plaintiff, Randle of underperforming compared to when the division was fully staffed.

262. Defendant, the City of Lansing refused to make a minority the head of a Fire Department program to teach in schools, even though Plaintiffs, Randle and David Odom were responsible for starting it.

### **Randall Talifarro**

263. Plaintiff, Randall Talifarro experienced demeaning and discriminatory treatment from Defendant, the City of Lansing, the Mayor’s Office and especially Defendant, Schor.

264. Even before his term began, Defendant, Schor informed the East Lansing Mayor and City Manager that he intended to replace Plaintiff, Talifarro because of rumors Defendant, Schor supposedly had heard about Plaintiff, Talifarro.

265. Upon information and belief, the alleged rumors Defendant, Schor was referring to were fabricated by Defendant, Weber with the intent to cause Plaintiff, Talifarro to be terminated due to his race as an African-American.

266. The East Lansing Mayor and City Manager resisted this decision because of their 15 years of experience working with Plaintiff, Talifarro and their knowledge of his exemplary record.

267. They informed Defendant, Schor that any rumors he allegedly heard were inaccurate and suggested that Defendant, Schor meet with Plaintiff, Talifarro.

268. When Plaintiff, Talifarro met with Defendant, Schor, Defendant, Schor appeared uninterested and distracted, texting on his cell phone throughout the meeting.

269. Defendant, Schor falsely and baselessly accused Plaintiffs, Talifarro and Bruce Odom at a public press conference of responsibility for a tragic apartment fire at LHC Properties in Lansing, which resulted in two deaths.

270. Defendant, Schor claimed to have been told that Plaintiffs, Talifarro and B. Odom directed Lansing Code Enforcement to not "red tag" LHC Properties.

271. Without any evidence to support his allegations, Defendant, Schor disparaged Plaintiffs, Talifarro and Bruce Odom as having negligently allowed this tragic fire to occur.

272. Defendant, Schor made these insinuations due to Plaintiffs, Talifarro and B. Odom's race and uninvited them from the press conference at which he announced them, despite having been provided with emails proving that the "red tag" direction was due to a non-fee payment arising from a dispute with Defendant, the City of Lansing, the Lansing Housing Commission, and the U.S. Department of Housing and Urban Development, not any negligence on the parts of Defendants, Talifarro and Bruce Odom.

273. When his attempt to disparage Plaintiffs, Talifarro and Bruce Odom fell through, Defendant, Schor began insinuating that Martell Armstrong, an African-American man serving as Lansing Housing Commission executive director, was responsible for wrong-doing that contributed to the LHC Properties fires.

274. Defendant, Schor claimed that an alleged failure by Martell Armstrong to ensure that the property remained up to code made the fire possible.

275. Defendant, Schor's allegations were patently false as the property, was discovered to be up to code, proving Defendant, Schor's defamatory claims false.

276. Defendant, Schor's pattern of baselessly blaming African-Americans for the LHC Properties fire culminated in Defendant, Schor publically calling for Martell Armstrong to resign, resulting in the cessation of Martell Armstrong's employment.

277. During Plaintiff, Talifarro's time as fire chief for Defendant, the City of Lansing, Defendant, Weber disparately advocated for African-American and Caucasian fire fighters who were members of Defendant, Local 421.

278. Acting in his dual role as a Battalion Chief for Defendant, the City of Lansing's Fire Department and as the President of Defendant, Local 421, Defendant, Weber created a hostile work environment marked by unequal treatment for African-Americans.

279. Defendant, Weber would always zealously defend Caucasian union members, while often demanding that Plaintiff, Talifarro severely reprimand or even terminate African-American union members for relatively small offenses.

280. One day, Plaintiff Talifarro found a long print-out of a text group-chat between members of a Lansing Community College class that was interning with the Fire Department slipped under his door.

281. The enclosed conversation was extremely racist in nature, including many of the Lansing Community College students using highly-offense and derogatory racially-charged terms that evinced clear racial prejudice and bigotry.

282. Plaintiff, Talifarro decided to send all of the students home early before the end of the shift they were assigned to work so that he could investigate this incident.

283. In response, Defendant, Weber berated Plaintiff, Talifarro and threatened him with a lawsuit if he used this information in subsequent hiring processes.

284. During Plaintiff, Talifarro's time as fire chief for Defendant, the City of Lansing, Defendants, Local 421 and Weber, as well as Defendant, the City of Lansing's Human Resources Department routinely circumvented Plaintiff, Talifarro and other African-American Fire Department managers to provide only light discipline for Caucasian Fire Department employees who were charged and/or convicted of serious wrongdoings, including aggravated assault, while at the same time Defendants, Local 421, Weber, and the City of Lansing conspired to harshly punish African-American employees who were accused of even minor offenses.

285. In one incident, an African-American woman who worked as a fire fighter for the Fire Department complained to her supervisor, Plaintiff, Michael Demps, that she was "getting tired of white guys telling on us."

286. These comments were clearly protected by the Elliott-Larsen Civil Rights Act and Title VII as the woman was complaining of being treated differently due to her race.

287. A Caucasian fire fighter overheard this incident and reported it.

288. Sue Graham, a labor relations manager for Defendant, the City of Lansing's Human Resources Department, ordered Plaintiff, Talifarro to seriously punish both fire fighters for this incident, including Plaintiff, Michael Demps even though he merely listened and did not make any comment.

289. Defendant, Weber, despite being the head of the union, Defendant, Local 421, that was supposed to represent and advocate for the woman and Plaintiff, Michael Demps, instead demanded that Plaintiff, Talifarro punish Plaintiff, Michael Demps even more severely.

290. When Plaintiff, Talifarro decided not to, Defendant, Weber became angry and accused Plaintiff, Talifarro of favoring African-American fire fighters over Caucasians.

291. Plaintiff, Talifarro felt that any idea brought to Defendant, Schor by an African-American required the validation of a Caucasian employee to be given due consideration, even when the Caucasian employee had significantly less experience and qualifications on the relevant matter.

292. During the 1st Cabinet/Directors meeting of Defendant, Schor's term, Plaintiff, Talifarro was informed of a proposal to require fire inspectors to conduct annual inspection of all smoke dampeners in city buildings.

293. Plaintiff, Talifarro informed Defendant, Schor that he opposed this idea because fire inspectors are not trained for this task, the cost for training and equipment to complete it was unknown, city buildings may contain asbestos that would cost hundreds of thousands of dollars to repair, there were few blueprints that showed the location of the dampeners, and the dampeners were almost-never used in fire suppression.

294. Defendant Schor did not consider these warnings until later that afternoon when Facilities Manager Marty Reil, a Caucasian, also opposed the proposal and gave similar arguments against it.

295. Defendant, Schor would disregard any idea or concern expressed by Plaintiff, Talifarro, no matter his experience on the matter, until a Caucasian voiced support for it.

296. Plaintiff, Talifarro strongly supported Plaintiff, Bruce Odom to serve as his Assistant Fire Chief as a result of his experience and test scores in the interview process.

297. Despite Fire Chief Talifarro's belief that Plaintiff, Bruce Odom was the best candidate and Odom finished first in the Human Resources-run evaluation

process, Defendant, Schor insisted on putting a hold on Plaintiff, Bruce Odom's promotion.

298. Defendant, the City of Lansing hired a consultant to assess Plaintiff, Talifarro's performance as Fire Chief.

299. Defendant, the City of Lansing and the consultant that it hired, marginalized and sidelined Plaintiff, Talifarro throughout the process actively interfering in Plaintiff, Talifarro's ability to do his job.

300. The consultant never met with or interviewed Plaintiff, Talifarro or his assistant fire chiefs at any point before meeting with the entire staff and performing Plaintiff, Talifarro's assessment.

301. In a meeting with the city administration and Human Resources staff, the consultant degradingly referred to Plaintiff, Talifarro as the "half-time chief," because Plaintiff, Talifarro served as the joint fire chief for both Defendant, the City of Lansing and the City of East Lansing, despite the consultant coming from Palm Beach, Florida, where the fire chief headed 19 fire departments.

302. During the same meeting, the consultant that Defendant, the City of Lansing hired, falsely and baselessly accused Plaintiff, Talifarro of only offering to African-American employees a paramedic class that he taught through Lansing Community College.



303. It was apparent that the Consultant was hired by Defendants to form the basis for Plaintiff, Talifarro's termination which the consultant later confirmed stating that "last time, I came to get that guy fired," referring to Plaintiff, Chief Talifarro.

304. Defendant, the City of Lansing's Mayor's Office under Defendant, Schor ignored and marginalized Plaintiff, Talifarro, despite his role as Defendant, the City of Lansing's fire chief due to Plaintiff Talifarro's race.

305. During the seven months that Plaintiff, Talifarro served as Fire Chief in Defendant, Schor's administration, Defendant, Schor never met with him about or discussed with him any Fire Department business or other matters.

306. Plaintiff, Talifarro in his role as Fire Chief for the City of East Lansing and his relationship with the Mayor of East Lansing and in his role as Fire Chief for the City of Lansing and his relationship with former Mayor Bernero knew that typically the Fire Chief works closely with the Mayor and they actively collaborate on issues in the Department and City, so Defendant, Schor's cold shoulder was troubling.

307. Plaintiff, Talifarro scheduled 3 or 4 meetings with Defendant, the City of Lansing's Chief Operations Officer/Deputy Mayor Harkins but she canceled more than half of them.

308. During the only meeting that was held, which lasted less than 30 minutes, Harkins acted with the same distracted and disinterested attitude towards Plaintiff, Talifarro that Defendant, Schor had when he met with him before becoming mayor.

309. Neither Defendant, Schor nor Harkins ever consulted Plaintiff, Talifarro on any matter concerning fire operations, code enforcement, staffing practices, or management during the 7 months that Plaintiff, Talifarro served as fire chief after Defendant, Schor became mayor.

310. Plaintiff, Talifarro discovered that examinations used to determine promotions were being shared among Caucasian fire fighters employed by Defendant, the City of Lansing.

311. Each of the Caucasian Assistant Fire Chiefs received materials that included copies of previous exams, but African-American Assistant Fire Chiefs did not receive them.

312. Plaintiff, Talifarro sought to have these examinations replaced by ones provided by outside consultants to prevent further unethical sharing of examination materials and shared his concerns with Defendant, the City of Lansing's Human Resources Department and Defendant, Local 421.

313. Plaintiff, Talifarro became aware that the Defendant, Local 421's leadership and Assistant Fire Chief Michael Hamel, a Caucasian male, were likely

involved with a false continuing education equivalency document, which was used to determine college credits for promotion purposes.

314. Plaintiff, Talifarro also discovered that some fire fighters employed by Defendant, the City of Lansing obtained fabricated Lansing Community College transcripts to use in promotion reviews.

315. Plaintiff, Talifarro informed Defendant, the City of Lansing, but Defendant, City, failed to take any action to correct this unethical and fraudulent conduct until African-American fire fighters were promoted.

316. Defendants ongoing campaign of harassment and discrimination against Plaintiff, Talifarro continued when he was accused of managing the only department that had not submitted any information on cost-saving solutions, despite Plaintiff, Talifarro having led the Shared Services Group in investigating cost-reduction measures for 6 years.

317. Defendants, Schor and Harkins abruptly canceled, without explanation, a 3-year work initiative with business advisory firm Plante Moran that was investigating creating a regionalized ambulance authority with surrounding municipalities to increase efficiency and reduce costs which allowed them to make these false allegations against Plaintiff, Talifarro.

318. Defendants continued to harass and discriminate against Plaintiff, Talifarro due to his race and he was falsely accused of aggressively and angrily

meeting with Training Chief Teresa Robinson (“Robinson”) in order to create division after he stepped down as Defendant, the City of Lansing’s Fire Chief.

319. In reality, Plaintiff, Talifarro merely called Robinson to inform her that rumors that Michael Tobin had been promoted to assistant chief instead of her based on a recommendation made by Talifarro were false.

320. Plaintiff, Talifarro, on the phone while in the hallway at a fire chief’s conference, politely informed her of this to avoid hard feelings that may have arisen from the false rumor that Plaintiff, Talifarro had recommended Tobin instead of Robinson.

321. The call ended amicably with Robinson stating that she was fine with Tobin’s promotion.

322. Defendant, Purchase, after becoming interim fire chief following Plaintiff, Talifarro’s departure, falsely accused Plaintiff, Talifarro of misappropriating \$38,000 in funds from Defendant, the City of Lansing’s Fire Department to Defendant, the City of Lansing’s Information Technology Department for personal gain.

323. Plaintiff, Talifarro worked with Defendant, the City of Lansing’s Information Technology and Human Resources departments, at the request of former Chief operating Officer Chad Gamble to create a software platform that

could be used across divisions to provide analytics tools, especially for city code enforcement.

324. Defendant, Purchase falsely alleged that this software application had not been left with the Fire Department after Plaintiff, Talifarro stepped down.

325. However, the program actually was beta tested shortly before Plaintiff, Talifarro stepped down from Defendant, the City of Lansing's Fire Department and was used when Defendant, Purchase requested statistics on ambulance run volume from the previous year.

326. Defendant, Purchase was even presented a demonstration of the application by Plaintiff, Bruce Odom shortly after Defendant, Purchase became Interim Fire Chief.

327. After the dashboard and platform are designed and the data are entered, the application operates on a subscription basis with a private vendor, and therefore could not personally benefit Plaintiff, Talifarro or any other individual unless they subscribed to the system.

328. Defendant, Purchase further alleged falsely that Plaintiff, Talifarro misappropriated stretchers owned by Defendant, the City of Lansing's Fire Department to be used by the City of East Lansing. Plaintiff, Talifarro is unaware of any provision of stretchers to the City of East Lansing.

329. Even if such had occurred, it would have been with old, outdated stretchers and part of a common equipment sharing practice between the two cities, which included Defendant, the City of Lansing frequently borrowing fire trucks from the City of East Lansing.

330. Defendant, Purchase asked Plaintiff, Randle if Plaintiff, Talifarro was stealing equipment to give to the City of East Lansing Fire Department.

**COUNT I**  
**RACIAL DISCRIMINATION AND HARASSMENT IN**  
**VIOLATION OF MICHIGAN ELLIOTT-LARSEN CIVIL RIGHTS ACT,**  
**MCLA 37.2201, et seq**

331. Plaintiffs incorporate by reference paragraphs 1 through 330 of the Complaint as though fully set forth herein.

332. Plaintiffs belong to a protected class as African-Americans.

333. Plaintiffs were subjected to unwelcome communication and conduct due to their race.

334. The ongoing and continuing unwelcome conduct and communication was intended to and did substantially interfere with Plaintiffs' employment and/or created an intimidating, hostile, or offensive working environments for Plaintiffs.

335. Pursuant to Michigan Elliott-Larsen Civil Rights Act, MCLA 37.2201, *et seq.* Plaintiffs were guaranteed the right to be free from discriminatory

treatment and harassment and/or retaliation, including suspension from their employer and/or supervisors based upon their race.

336. Plaintiffs' race was a factor in Defendants' decisions, actions, treatment, conduct and attitude towards Plaintiffs.

337. Plaintiffs were subjected to repeated and continuous discriminatory treatment, hostile working environments and adverse employment actions up to and including suspensions, terminations and being forced out of their positions and constructively discharged due to their race, by Defendants, to the point where their status as an employee has been detrimentally affected by Defendants and Plaintiffs have been subjected to work in a hostile work environment.

338. Plaintiffs are entitled to exemplary and compensatory damages pursuant to Michigan Elliott-Larsen Civil Rights Act, MCLA 37.2201, *et seq.* as a result of each and every violation of the act, including costs and reasonable attorneys' fees.

339. Defendants were Plaintiffs' employers, co-workers, supervisors and/or labor organization under the Michigan Elliott-Larsen Civil Rights Act, MCLA 37.2201, *et seq.*

340. Defendants created an offensive and hostile work environment against Plaintiffs as a direct result of Plaintiffs' race by reason of the following acts and/or omissions:

- a. Violating the laws against discrimination by engaging in racial discrimination in the workplace;
- b. Imposing discipline based on race;
- c. Taking adverse employment actions against Plaintiffs based upon their race;
- d. Preventing Plaintiffs from having full and fair opportunities to advance in their positions based upon their race; and
- e. Creating a hostile work environment for Plaintiffs by discriminating against them, harassing them, and retaliating against them due to their race.

341. Defendant, the City of Lansing owed Plaintiffs as African-American employees a duty to refrain from discriminating against them as employees due to their race.

342. Defendants owed Plaintiffs as African-Americans a duty to refrain from discriminating against them, harassing them and treating them differently as a direct result of their race.

343. Defendants breached and violated their duties owed to Plaintiffs, by reason of the following acts and/or omissions:

- a. Failing to screen and place in supervisory positions, persons who would be capable of being competent and law-abiding supervisors, and with particular reference to enforcing laws against discrimination in the workplace;



- b. Giving supervisory authority to persons who were known to have propensities as would make them unfit to serve in the capacity of supervisor over employees;
- c. Failing to properly educate and train its employees and supervisors, particularly with reference to the unlawfulness of discrimination in the workplace; and
- d. Failing to properly warn or advise its employees and supervising personnel to refrain from discriminating against employees.

344. As a direct and proximate result of the actions of Defendants, Plaintiffs were the subject of discriminatory conduct on the part of Defendants.

WHEREFORE, Plaintiffs respectfully request judgment in their favor and against Defendants in an amount in excess of \$75,000.00, together with costs, interest and attorney fees and any other relief this Honorable Court deems appropriate and just.

**COUNT II**  
**RETALIATION**

345. Plaintiffs incorporate by reference paragraphs 1 through 344 of the Complaint as though fully set forth herein.

346. Pursuant to the Michigan Elliott-Larsen Civil Rights Act, MCLA 37.2201, et seq., Plaintiffs are guaranteed the right to be free from discrimination from their employer and/or supervisors based upon their race.

347. Plaintiffs' race was a factor in Defendants' employment decisions.

348. Defendant, the City of Lansing was Plaintiffs' employer within the meaning of the Elliott-Larsen Civil Rights Act, MCLA 37.2201, *et seq.*

349. During the course of their employment with Defendant, the City of Lansing, Plaintiffs were subjected to constant unwelcome racial discrimination creating a hostile work environment by Defendants.

350. The racial discrimination created a hostile work environment and had the purpose and/or effect of substantially interfering with Plaintiffs' employment and/or creating an intimidating, hostile, and offensive employment environment.

351. Plaintiffs complained to upper management of Defendant, the City of Lansing and the named Defendants that they were being discriminated against due to their race and that they were being subjected to a hostile work environment.

352. Defendants had actual and constructive notice that it was creating an intimidating, hostile and offensive work environment for Plaintiffs.

353. Despite having notice of the racial discrimination and conduct toward Plaintiffs, Defendants failed to take any remedial action, but instead took adverse employment action against Plaintiffs based upon their race and in retaliation for their complaints of racial discrimination.

354. The racial discrimination and conduct by Defendants and Defendants' failure to take any remedial action violate the Michigan Elliott- Larsen Civil Rights Act, MCL 37.2101 *et seq.*

355. As a proximate result of the Defendants' retaliation against Plaintiffs, Plaintiffs have sustained injuries including, but not limited to, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation, mortification, outrage, anxiety, emotional distress, loss of self-esteem, loss of earnings and other employment benefits and a loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiffs respectfully request judgment in their favor and against Defendants in an amount in excess of \$75,000.00, together with costs, interest and attorney fees and any other relief this Honorable Court deems appropriate and just.

Respectfully submitted,

**BATEY LAW FIRM, PLLC**

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Dated: August 12, 2020

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

NATASHA ATKINSON, COLLIN BOYCE,  
MICHAEL DEMPS, WESLEY DEMPS,  
TERRY ISRAEL, BRUCE ODOM, DAVID  
ODOM, JWAN VANEZ RANDLE,  
RANDALL TALIFARRO,

Plaintiffs,

Case No. 20-437-CZ

Hon. WANDA M. STOKES

v.

CITY OF LANSING, LOCAL 421 OF THE  
INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS (AFL-CIO), ANDY SCHOR,  
ERIC WEBER, SAMANTHA HARKINS,

Defendants.

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**DEMAND FOR JURY TRIAL**

NOW COME, Plaintiffs, Collin Boyce, Wesley Demps, Michael Demps,  
David Odom, Bruce Odom, Terry Israel, Natasha Atkinson, Randall Talifarro, and

Jwan Vanez Randle, by and through their attorneys, Scott P. Batey and the Batey Law Firm, PLLC, and hereby demands a trial by jury on all issues allowed by law.

Respectfully submitted,

**BATEY LAW FIRM, PLLC**

By: /s/Scott P. Batey  
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Dated: August 12, 2020