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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DARZEIL HALL and LAMARR JOHNSON,

Plaintiffs,

-v-

Case No. - -CZ  
Hon.

STATE OF MICHIGAN ATTORNEY GENERAL  
BILL SCHUETTE; ROBERT IANNI; MICHIGAN  
STATE POLICE; F/LT. KEN DILG; LT. HEATHER  
SCHULTZ; and SGT. PAUL DiPIETRO,

Defendants.

16-000354-CZ  
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CATHY M. GARRETT

**COMPLAINT AND JURY DEMAND**

**There is no other pending or resolved civil action between the parties arising out of the transactions or occurrences alleged in the complaint.**

NOW COME Plaintiffs Darzeil Hall and Lamarr Johnson, by and through their attorney, Leonard Mungo, and for their complaint, state as follows:

**Jurisdiction and Parties**

1. This is an action to enforce the civil rights of Plaintiffs Darzeil Hall and Lamarr Johnson, who are African American, pursuant to the Elliott-Larsen Civil Rights Act, MCL 37.2101 (f), which provides that “a person shall not... [c]oerce, intimidate, threaten, or interfere with a person ...on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.”
2. This is also an action to enforce civil rights arising out the employment relationship between Plaintiff Darzeil Hall, an African American, and Defendants Michigan State

Police, F/Lt. Ken Dilg, Lt. Heather Schultz, and Sgt. Paul DiPietro, pursuant to the Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq.

3. At all times material herein, Plaintiffs have sought to enforce their civil rights through proceedings brought in Wayne County, Michigan.
4. Defendant State of Michigan Attorney General Bill Schuette enforces laws throughout the State of Michigan, including Wayne County.
5. Defendant Robert Ianni was, at all times material herein, employed by and an agent of the Attorney General (although he has since retired).
6. Defendant Michigan State Police is a state-wide government entity that does business in all counties, including Wayne County, Michigan, and is subject to the jurisdiction of this court.
7. Defendants F/Lt. Ken Dilg, Lt. Heather Schultz, and Sgt. Paul DiPietro are agents of the Michigan State Police.
8. At all times material herein, Plaintiffs were employed with Defendant Michigan State Police.
9. The events giving rise to this cause of action occurred in Wayne County, Michigan.
10. The amount in controversy is in excess of \$25,000.00, exclusive of interest, costs, and attorney fees.

#### **Common Allegations**

11. Plaintiffs are African-American males.
12. On or about January 3, 2012, Plaintiffs filed an action in Wayne County Circuit Court against the Michigan State Police to enforce civil rights arising out of their employment relationship with the Michigan State Police.

13. Plaintiffs' action, Wayne County Circuit Court Case No. 12-000078-CZ, was assigned to the Honorable Annette Berry.
14. Plaintiffs' action proceeded to a trial before a jury, which was presided over by Judge Berry.
15. On December 23, 2013, a jury rendered a verdict in favor of Plaintiffs.
16. Plaintiffs subsequently filed a motion for costs and attorney fees, which was scheduled for hearing before Judge Berry on April 2, 2015.
17. On April 2, 2015, at the time scheduled for the hearing on Plaintiffs' motion for attorney fees and costs, Judge Berry stated on the record that an employee of the Attorney General's office, Robert Ianni (who has since retired), approached her and told her she had "screwed" the Attorney General through her handling of Plaintiffs' case.
18. Judge Berry eventually rendered an opinion on Plaintiffs' motion for attorney fees and costs.
19. Since the conclusion of the jury trial in Plaintiffs' employment discrimination case, Plaintiff Hall has been and remains a trooper, and currently performs patrols throughout Wayne and Oakland Counties.
20. Shortly after the formidable \$5.27 million jury verdict awarded Plaintiffs for being unlawfully discriminated against by Defendant Michigan State Police, Plaintiffs were subjected to the following harassment:
  - a. Hall had his take-home vehicle taken away from him without cause while his similarly situated white trooper counterparts retained their vehicles;

- b. Hall had his “FOB” code, which he had previously been permitted to use to gain access to the fitness center in the Southeast Criminal Investigation Division building in Livonia, deactivated without justification by Captain Monica Yesh;
  - c. Hall was falsely accused of recklessly driving, but the vehicle referenced in the accusation is not owned by Hall, and Hall’s privacy was invaded by the Post Commander making inquiries into Hall’s family members without cause;
  - d. Since Hall’s successful civil rights lawsuit against Defendant MSP, Hall has unjustly received a “needs improvement” overall annual performance rating; during his 20 years of service Hall has never before received an overall annual performance rating of “needs improvement” from Defendant MSP;
  - e. Hall was unjustly accused by Defendants of not properly handling a traffic accident;
  - f. Hall was falsely accused by Defendants of falsifying his daily time reports;
  - g. Hall was falsely accused by Defendants of spreading rumors that the MSP is out to get him as a result of his successful discrimination lawsuit against Defendant MSP.
21. At all times material herein, Plaintiff Hall’s immediate supervisor was Sgt. Paul Pietro, who is under the command of Lt. Heather Schultz and F/Lt. Ken Dilg.
22. Since the conclusion of the jury trial in Plaintiff’s employment discrimination case, Plaintiff Hall has been subjected to discriminatory and retaliatory conduct by the Michigan State Police as a direct result of and in retaliation for filing his previous employment discrimination claim (Wayne County Circuit Court Case No. 12-00078-CZ).

**Count I – Violation of the Elliott-Larsen Civil Rights Act, MCL 37.2701(f)**  
**By Robert Ianni, as Agent for Attorney General Bill Schuette**

23. Plaintiff re-alleges and incorporates by reference paragraphs 1-22.

24. By presiding over Plaintiffs' previous employment discrimination action, Judge Annette Berry was aiding in the exercise of the rights granted to Plaintiffs under the Elliott-Larsen Civil Rights Act.
25. Robert Ianni, who was acting as agent for Bill Schuette (whose office represented Defendants in said case), knew or should have known that Judge Berry was presiding and would continue to preside over Plaintiffs' employment discrimination case.
26. Robert Ianni, who was acting as agent for Bill Schuette, made statements to Judge Berry that were disparaging and very critical of her handling of Plaintiffs' employment discrimination case.
27. Robert Ianni, who was acting as agent of Bill Schuette, knew or should have known that such statements would have the effect of coercing, intimidating, threatening, or interfering with Judge Berry's exercise of her duties with respect to Plaintiffs' employment discrimination case, which was brought pursuant to the Elliott-Larsen Civil Rights Act.
28. Robert Ianni, while acting as agent for Bill Schuette, interfered with Plaintiffs' exercise of their rights under the Elliott-Larsen Civil Rights Act.
29. As a direct and proximate result of Robert Ianni's conduct, which was undertaken as an agent of Bill Schuette, Plaintiffs have suffered mental anguish, physical and emotional distress, injury to Plaintiffs' professional reputation and career and esteem within the law enforcement community.

WHEREFORE, Plaintiffs request that this court enter judgment against Defendants as follows:

- a. Compensatory damages in whatever amount above \$25,000 they are found to be entitled to, past and future;
- b. Exemplary damages in whatever amount above \$25,000 they are found to be entitled to, past and future;
- c. An award of lost wages and the value of fringe benefits, past and future;
- d. An award of interest, costs, and reasonable attorney fees; and
- e. Noneconomic damages for mental anguish, humiliation, embarrassment, mortification, and injury to reputation and career.

**Count II – Retaliation by Defendants Michigan State Police, F/Lt. Ken Dilg, Lt. Heather Schultz, and Sgt. Paul DiPietro against Plaintiff Darzeil Hall in Violation of the Elliott-Larsen Civil Rights Act**

30. Plaintiffs re-allege and incorporate by reference paragraphs 1-29.
31. Plaintiff Hall’s previous employment discrimination lawsuit constituted bringing a proceeding against Defendant Michigan State Police to challenge violations of the Elliott-Larsen Civil Rights Act.
32. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Plaintiff Hall, for the first time in his lengthy career with the Michigan State Police, was issued a “needs improvement” rating on his annual performance evaluation.
33. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Plaintiff Hall was wrongfully accused by Lt. Heather Schultz of falsifying daily time reports.

34. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Plaintiff Hall was wrongfully accused and disciplined by Lt. Heather Schultz for using department equipment for non-department/non-duty purposes.
35. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Plaintiff Hall is the only trooper at his detachment who has not been permitted to have a “take home” car.
36. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Plaintiff Hall has overheard Sgt. Paul DiPietro making negative remarks about Plaintiff Hall’s previous employment discrimination lawsuit.
37. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Sgt. Paul DiPietro, with the intent to demean Plaintiff, has shouted directives in a derogatory and condescending tone at Plaintiff Hall in the presence of other troopers.
38. Sgt. DiPietro has made derogatory and critical comments concerning Plaintiff’s discrimination lawsuit to Plaintiff Hall and in the presence of other troopers.
39. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Sgt. Paul DiPietro, with the intent to publically humiliate and embarrass Plaintiff, has handed Plaintiff Hall documents of a private nature related to the (unwarranted) discipline of Plaintiff Hall in the presence of other troopers.
40. Following the entry of a jury verdict in his favor in his previous employment discrimination lawsuit, Sgt. Paul DiPietro has engaged in and continues a pattern of harassment of Plaintiff Hall.

41. Sgt. DiPietro informed Plaintiff Hall that the aforementioned harassment was undertaken at the direction of F/Lt. Ken Dilg.
42. Sgt. DiPietro has a reputation for racially profiling African American and Hispanic motorists by making unethical, unlawful stops of their motor vehicles, while not employing the same enforcement standards to white motorists.
43. Sgt. DiPietro has clearly demonstrated racial animus against African Americans and specifically Plaintiff Hall by perpetuating unlawful discriminatory adverse treatment.
44. Plaintiff filed a Blue Team complaint against Sgt. DiPietro for racially profiling African American motorists; said complaint identified said racial profiling practices by Sgt. DiPietro as follows:
  - a. Between August 9, 2014, and August 15, 2015, DiPietro made a total of 93 arrests.
  - b. Of the 93 arrests only 8 were Caucasian/white; 4 were Hispanic and 81 were African American/black.
  - c. Ultimately the Post Commander, F/Lt. Ken Dilg, and his Captain, Monica Yesh, are responsible for said conduct by Sgt. DiPietro, but they have not taken action to stop said unlawful conduct.
45. Defendant Sgt. DiPietro continues his pattern of retaliation against Plaintiff Hall for the aforesaid reasons.
46. Defendants Michigan State Police, F/Lt. Ken Dilg, Lt. Heather Schultz, and Sgt. Paul DiPietro have taken the actions described in paragraphs 32-45 above in retaliation for Plaintiff Hall having brought a proceeding against the Michigan State Police challenging

its discriminatory employment practices, in violation of Section 701 of the Elliott-Larsen Civil Rights Act, MCL 37.2701.

47. Defendants' actions were intentional, with reckless indifference to Plaintiff Hall's rights and sensibilities.

48. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Hall has sustained loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, humiliation and embarrassment, and loss of professional reputation.

**Prayer for Relief**

PLAINTIFF REQUESTS that this court enter judgment against Defendants as follows:

- a. a judgment for lost wages and benefits, past and future, in whatever amount above \$25,000.00 he is found to be entitled;
- b. compensatory damages in whatever amount above \$25,000 he is found to be entitled, past and future;
- c. Exemplary damages, past and future, in excess of \$25,000 commensurate with the wrong and Defendants' ability to pay;
- d. an award of interest, costs, and reasonable attorney fees; and
- e. Noneconomic damages for mental anguish, humiliation, embarrassment, mortification, and injury to reputation and career.

Date: January 11, 2016

*/s/ Leonard Mungo*  
Leonard Mungo (P43562)  
The Mungo Law Firm, PLC  
Attorney for Plaintiffs

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LT. HEATHER SCHULTZ; and SGT. PAUL DiPIETRO,

Defendants.

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**JURY DEMAND**

Now come the Plaintiffs, Darzeil Hall and Lamarr Johnson, by and through their attorneys, The Mungo Law Firm, PLC, and hereby demand a jury trial in this cause.

Dated: January 11, 2016

/S/ LEONARD MUNGO  
Leonard Mungo (P43562)  
**THE MUNGO LAW FIRM, PLC**  
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