

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Edison Jules**

4943 Bixby Ridge Drive W.  
Groveport, Ohio 43125

Plaintiff,

v.

**Village of Obetz**

Louise Crabtree  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

**Village of Obetz**

Greg Scott  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

**Village of Obetz**

John Souders  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

**Village of Obetz**

James Triplett  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

**Village of Obetz**

Bonnie Wiley  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

Case No. 2:11-cv-582

Judge: Marbley

Magistrate Judge: Deavers

**Village of Obetz**  
James Wiley  
4175 Alum Creek Dr.  
Obetz, Ohio 43207

**And**

**Chief of Police  
Kenneth Hinkle**  
4175 Alum Creek Dr  
Obetz, Ohio 43207  
In his Individual capacity

Defendants.

**SECOND AMENDED COMPLAINT**  
**(Jury Demand Endorsed Hereon)**

EDISON JULES, Plaintiff, files this Second Amended Complaint, hereby stating and alleging the following:

**Jurisdiction and Venue**

1. Jurisdiction is proper in the United States District Court for the Southern District of Ohio pursuant to 28 U.S.C. 1331, 1343(a) and 1367;
2. Venue is proper in this District under 28 U.S.C. 1391(b)(2). All acts complained of herein occurred within the Southern District of Ohio, Eastern Division. This case was originally filed July 1, 2011. An Amended Complaint was filed August 26, 2011 and an Answer November 29, 2011.
3. Plaintiff previously filed a right to sue letter in EEOC Charge 22A-2010-03711 for Title VII Violations. [Attached as Exhibit 1]

4. Plaintiff previously filed a right to sue letter in EEOC Charge 22A-2011-01255 for ADA violation(s). [Attached as Exhibit 2]

#### **PARTIES**

5. Plaintiff, EDISON JULES, hereinafter "Mr. Jules" or "Officer Jules", resides at 4943 Bixby Ridge Drive W. Groveport, Ohio 43125. Plaintiff was an employee of Defendant, Village of Obetz Police Department, hereinafter "Obetz", at all times relevant herein.
6. Mr. Jules is of African birth and a nationalized citizen of the United States. He is Black in Color.
7. Village Council Members Defendants also "Defendant Obetz" are elected village representatives of the Village of Obetz in Franklin County, State of Ohio. The Village of Obetz acts through its Council members. Defendant Council Members were the employers of the Plaintiff at all times relevant herein. Defendants are subject to Federal and State Law.
8. Defendant Hinkle is the Chief of Police of the Defendant Obetz. Defendant Hinkle has a duty to obey the law and maintain a non-hostile work environment. Defendant Hinkle is the supervisor of the Plaintiff. Defendant Hinkle is subject to individual liability under Ohio revised Code §4112.02.

## FACTS

9. In March of 2007, Obetz employed Mr. Jules as a full-time police officer. Plaintiff was fully qualified for his position as a police officer at all times relevant herein.
10. In May of 2007 Officer Jules had twice requested bicycle training from his supervisor, Sgt. Rigsby, White, American born. When Officer Jules turned in his applications for training, Sgt. Rigsby destroyed them. The first one he shredded, the second he threw in the trash can.
11. Officer Ryan DeBolt, White, American born, had his application for training accepted. Because Officer Jules complained about his own application being destroyed, the Chief of the Obetz Police Department, Kenneth Hinkle, White, United States born, responded by canceling Officer DeBolt's training to "investigate" Officer Jules' complaint. This cancellation caused ill will in the Department toward Officer Jules.
12. Sgt. Rigsby also made a comment about Officer Jules' I.D. photo. He stated the reason that Officer Jules could not be seen in photo was because Officer Jules was not smiling. (Because of his particular race, Officer Jules skin tone and skin composition often cause a non-reflective phenomenon in photographs causing the skin appearance to be totally black as if a shadow) Officer Jason Woods was offended by this remark and reported it to the

Obetz Chief. To remedy this type of stereotypical behavior, Sgt. Rigsby was to attend diversity training as directed by the Chief. He never went. He was not disciplined.

13. In December of 2009, the Chief of Police stated in front of other officers for Officer Jules to "Straighten up or I will put my foot up your -ss." and "Don't come in my office with a chip on your shoulder or I will f--k you up."
14. Chief Hinkle does not address officers who are White and/or American born in this manner.
15. On May 11, 2009, Officer Jules suffered a severe medical event on duty while operating a police vehicle. Officer Jules was transported and immediately hospitalized at Grant Hospital in Columbus for 5 days. The condition, diagnosed as a hemorrhagic stroke, affected Officer Jules ability to walk, talk, and work and significantly affected his memory. Officer Jules will have effects of various kinds for the rest his life, including effects on his memory.
16. The Obetz employees were aware of Officer Jules, medical condition and the adverse affects it had on his memory. When Officer Jules returned to work 2 weeks later, he specifically made his supervisor, Obetz Sgt. Gamblin, aware of his condition. The Obetz Chief, Ken Hinkle, was made aware of the condition by Officer Jules' doctor.

17. Sgt. Gamblin suggested Officer Jules use a blackberry communication device/PDA to augment his memory function. Officer Jules used the device to accommodate and assist himself in remembering Mayor's Court Dates along with other workplace assignments. On the weekend before Mayor's Court on February 24, 2010, Officer Jules lost his blackberry. Officer Jules reported the loss to Sgt. Gamblin. Officer Jules told Sgt. Gamblin that if they needed him for any reason to come to his home and get him if he were off duty.
18. On February 24, 2010, Officer Jules was at home off duty. He failed to appear for duty at Mayor's Court because his blackberry had been lost. Officer Jules lives 7 minutes from Mayor's Court. Although Officer Jules remained at home ready to respond to any call to duty, no one came to Officer Jules' home.
19. Officer Jules was charged with a violation of Obetz's Rules of Conduct 1.29 requirement to attend Trials or Hearings. Officer Jules had not missed any appearances at Court before this one incident. Officer Jules was terminated for this incident.
20. Officer Jacob Short, White, United States of America born, failed to call or report for special duty assignment in 2009. Officer Short was a no call/no show for regular duty one other day in 2009. Chief Hinkle issued only verbal reprimands to Officer Short.

21. During the investigation, the Mayor, Chief and other management employees, including Sgt. Gamblin, were fully aware of Officer Jules using a blackberry to accommodate himself to remember dates. Officer Jules also testified at hearing regarding his disciplinary charges stating that "to the best of my knowledge" he had never before missed a Mayor's Court Date. For making that statement, Officer Jules was accused of lying even though he had no memory of ever having missed a prior Mayor's Court date. No work or court record exists that Officer Jules had missed any Mayor's Court date before 2/24/10. Officer Jules never received any notification for non-appearance at any Mayor's Court Date before 2/24/10.
  
22. Despite the fact that Officer Jules' medical condition affects his memory, that no other officer has ever been terminated for a first time offense of missing a Mayor's Court date, that Officer Jules' own Sergeant suggested and approved of him carrying a blackberry to assist his memory and that Officer Jules had told his Sgt. he had lost his blackberry but remained fully available to be called to Mayor's court on minutes notice, no one called. No one took into account his accommodation of using and then losing his blackberry as an accommodation to mitigation of terminating him for his first time ever offense of missing a mayor's court date. Other officers without disabilities have missed Mayor's Court dates have not been terminated.

**Count 1: Violation of Title VII of the Civil Rights Act of 1964 as Amended 42 U.S.C.**

**2000e, Race, Color and National Origin. Defendant Obetz.**

23. Plaintiff hereby incorporates by reference Paragraphs 1 through 22 above as though fully set forth herein;
24. Plaintiff is of African Ancestry and birth. Plaintiff is a naturalized citizen of the United States of America. Plaintiff's Color is Black.
25. The Defendant Obetz by its Village Council Members is an employer within the meaning of the Act.
26. The Defendant treated the Plaintiff more adversely than other Caucasian coworkers born in the United States of America and who's Color is White. These coworkers committed the same or similar offenses and were not fired.
27. As a result of the discrimination, the Plaintiff suffered damages.
28. Plaintiff states a cause of action under Title VII of the Civil Rights Act of 1964 as Amended 42 U.S.C. 2000e for Race, Color and National Origin.

**Count 2: Violation of the Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code Race, Color and National Origin. (Disparate Treatment) Defendant Obetz.**



29. Plaintiff hereby incorporates by reference Paragraphs 1 through 28 above as though fully set forth herein;

30. Plaintiff is African born; a naturalized citizen of the United States of America who's Color is Black. Plaintiff is subject to the Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code.

31. The Defendant Obetz by its Village Council Members is an employer within the meaning of the Code.

32. The Defendant treated the Plaintiff more adversely than other Caucasian coworkers born in the United States of America and whose Color is White. These coworkers committed the same or similar offenses and were not fired.

33. As a result of the discrimination, the Plaintiff suffered damages.

34. Plaintiff states a cause of action under Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code. (Disparate Treatment)

**Count 3: ADA Violation 42 U.S.C. § 12112. Defendant Obetz.**

35. Plaintiff hereby incorporates by reference Paragraphs 1 through 34 above as though fully set forth herein;

36. Plaintiff has a medical condition that affects one or more of his major life functions. Plaintiff has permanent memory affects.
37. The Defendant Obetz by its Village Council Members is an employer within the meaning of the Act.
38. Plaintiff used a Blackberry® PDA to augment his ability to remember dates. Court dates for Obetz were part of the dates Plaintiff entered on his Blackberry®.
39. When Plaintiff lost his Blackberry®, he reported to his supervisor that would be available for any call to duty by remaining at his home over the weekend and his days off in case he was needed for duty or court.
40. When Plaintiff did not appear for a scheduled Mayor's Court date on the Monday after the Friday he lost his Blackberry®, Obetz took no action at all to notify Plaintiff of his court appearance. Until Plaintiff was able to obtain a new Blackberry®, he had no way of communicating with Obetz. Driving seven minutes to Plaintiff's residence under the above circumstances was a denial of a reasonable accommodation to the Plaintiff. Firing Plaintiff because of this unreasonable denial was a violation of the ADA.
41. As a result of the discrimination, the Plaintiff suffered damages.

42. Plaintiff states a cause of action under ADA 42 U.S.C. § 12112.

**Count 4: Violation of the Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code, Race, Color and National Origin. (Disparate Treatment Hostile Work environment) Defendant Obetz and Defendant Hinkle.**

43. Plaintiff hereby incorporates by reference Paragraphs 1 through 42 above as though fully set forth herein;

44. Plaintiff is African born; a naturalized citizen of the United States of America who's Color is Black. Plaintiff is subject to the Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code.

45. The Defendant Obetz by its Village Council Members is an employer within the meaning of the Code.

46. The Defendant Hinkle is an employer within the meaning of the Code.

47. Defendant Hinkle is the Chief of Police of the Defendant Obetz. Defendant Hinkle has a duty to obey the law and maintain a non-hostile work environment.

48. Despite complaints to the Defendant Chief Hinkle about conduct directed at Plaintiff because of his Race, Color and National Origin by Plaintiff and

another coworker, Defendant Hinkle took no effective disciplinary action against the coworkers engaging in unlawful discriminatory acts.

49. Defendant Hinkle failed to enforce disciplinary orders to attend diversity training. Defendant Hinkle himself engaged in demeaning conduct directed at Plaintiff. Defendant Hinkle's unlawful conduct also acted to ratify and condone the hostile work environment of the Plaintiff.

50. As a result of the discrimination, the Plaintiff suffered damages.

51. Plaintiff states a cause of action against Defendants Hinkle and Obetz for violation of the Ohio Revised Code §4112.02 and .99 of the Ohio Revised Code, race, color and national origin. (Disparate treatment hostile work environment)

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Court to grant the following relief:

Judgment for Plaintiff against the Defendants jointly and severally in an amount for all damages including all back pay, front pay and any benefits that would have been available, either paid or unpaid, as proven by the Plaintiff;

Compensatory and punitive damages to be determined at trial;

Attorney's fees and costs in bringing this action;

Injunctive relief including reinstatement; and

Such other equitable and injunctive relief as the Court shall deem just and proper.

Respectfully Submitted,  
s/ Daniel H. Klos  
Daniel H. Klos (0031294)  
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Columbus, Ohio 43214  
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Counsel for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands trial by jury in all matters triable to a jury.

Respectfully submitted,  
s/ Daniel H. Klos  
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