

Todd M Coleman
8124 Kansas Ave
Kansas City, KS 66111
Telephone: (816)-225-0587

FILED

MAR 23 2018

TIMOTHY M. O'BRIEN CLERK
By TWN Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Todd M Coleman)
)
Plaintiff,)
vs.)
)
Unified Government of Wyandotte County,)
Kansas City Kansas Fire Department,)
International Association of Firefighters Local 64,)
Robert Wing,)
Blake & Uhlig, P.A.,)
Scott Brown)

Case Number No. 2:18-cv-2135-JAR-
TJJ

Defendants.

COMPLAINT

COMES NOW the plaintiff, Todd M Coleman, pro se, and files this complaint against the defendants as follows:

PARTIES

1. Plaintiff, Todd M Coleman is an individual representing himself pro se with residence at 8124 Kansas Ave. Kansas City, KS 66111. Plaintiff Todd M Coleman is hereinafter referred to as "Plaintiff" "Todd M Coleman" or "Mr. Coleman" or "Todd Coleman".

2. Defendant, The Unified Government of Wyandotte County. Service can be made at the Clerks Office at 701 N 7th Street, Suite 323, Kansas City, Kansas 66101, or the Mayors Office at 701 N 7th Street, Suite 926, Kansas City, Kansas 66101. Hereinafter referred to as “Unified Government” or “UG” or “The Unified Government of Wyandotte County”
3. Defendant, International Association of Firefighters Local 64. Service can be made at primary place of business listed as 7540 Leavenworth Road Kansas City, KS 66109 or IAFF Local 64. PO Box 6243. Kansas City, KS 66106. Hereinafter referred to as “Local 64” or “the Union” “LAFF Local 64”.
4. Defendant, Robert Wing, hereinafter referred to as “Bob Wing”, “Mr. Wing”. Service can be made at primary place of business listed as 7540 Leavenworth Road, Kansas City, Kansas 66109 or IAFF Local 64. PO Box 6243. Kansas City, KS 66106.
5. Defendant, Scott Brown, hereinafter referred to as “Scott Brown”, “Mr. Brown” and can be served at 753 State Avenue, Suite 475, Kansas City, Kansas 66101
6. Defendant, Blake & Uhlig P.A., hereinafter referred to as “Blake & Uhlig” or “Blake & Uhlig P.A.” can be served at 753 State Avenue, Suit 475, Kansas City, Kansas 66101.
7. Defendant, Kansas City Kansas Fire Department hereinafter referred to as “Fire Dept.”, “KCK Fire”, “KCKFD” and can be served at 815 N 6th Street, Kansas City, Kansas 66101.

FACTS PERTAINING TO THE PARTIES

8. Todd M Coleman is an individual residing at 8124 Kansas Ave. Kansas City, Kansas 66111. He is 47 years old.
9. Defendant, The Unified Government of Wyandotte County is a city government acting through it’s agents. The Kansas City Kansas Fire Department, Kansas City Kansas Police Department, Unified Government Human Resources Department are among many of it’s agents. Located at 701 N 7th Street. Kansas City, Kansas 66101
10. Defendant, International Association of Firefighters Local 64 is an organization representing firefighters and paramedics who are employed by the Kansas City Kansas Fire Department in contract negotiations and grievance procedure. Hereinafter referred to as “Local 64”, “The Union”.
11. Defendant, Robert Wing is the business manager for the International Association of Firefighters Local 64. Robert Wing handled all inquiry regarding this grievance/claim for the International Association of Firefighters Local 64. Robert Wing’s primary place of business listed as 7540 Leavenworth Road, Kansas City, Kansas 66109.
12. Defendant, Scott Brown is the labor attorney appointed by the International Association of Firefighters Local 64 to handle this grievance/claim for Todd M Coleman. Scott Brown is listed as Partner for the firm of Blake & Uhlig P.A. Primary place of business is listed as 753 State Avenue, Suite 475, Kansas City, Kansas 66101.
13. Defendant, Blake & Uhlig P.A. is the law firm who employs Scott Brown as “Partner” within the law firm. Blake & Uhlig represents itself as having experienced labor attorneys and has offices at 753 State Avenue, Suite 475, Kansas City, Kansas 66101.

14. Defendant, Kansas City Kansas Fire Department and its administrative staff act as agents for the Unified Government of Wyandotte County. The chief of the fire department and his administrative personnel are responsible for enacting decisions and enforcing policy for the Unified Government of Wyandotte County and the Kansas City Kansas Fire Department. Hereinafter referred to as "Fire Chief", "Chief" and can be served at 815 N 6th Street, Kansas City, Kansas 66101.

FACTS PERTAINING TO THE CASE

15. On July 28th, 2016, Mr. Coleman was summoned to KCK Fire headquarters at 815 N 6th Street Kansas City, Kansas 66101 and was met by John J Simma prior to entering the Chiefs office.

16. At the meeting on July 28th, 2016, Mr. Coleman was asked a series of questions regarding his residency. Mr. Coleman did not deny owning property in another state. Mr. Coleman explained that the property was purchased from his mother in 2012. Exhibit A&B

17. During the meeting the Fire Chief (John Paul Jones) produces a picture of a property that is in no relation to the property in question and contends that this is the property in question. When told he has a picture of the wrong property, he reasserted the question as to the property in question and was told that is not a picture of the property in question. It is the wrong property and wrong address.

18. The end of the meeting on July 28th, 2016, resulted in the suspension, without pay, pending termination and outcome of the investigation.

19. On July 28th, 2016, immediately following the meeting reference 7,8,9 & 10, Mr. Coleman filed a grievance, Step 2 form with assistance from John J Simma. The grievance procedure is supported in the Memorandum of Agreement between Local 64 and the Unified Government. Exhibit V.

20. In the days following the meeting on July 28th, 2016, Mr. Coleman supplied to Local 64, all paperwork in support of residency and made copies of paperwork at the Local 64 offices located at 7540 Leavenworth Road Kansas City, Kansas 66109. Exhibits C through L.

21. Mr. Coleman contends that he meets the requirements set forth in the Unified Governments residency policy. Exhibit M.

22. Mr. Coleman also contends that property listed in the investigation is temporarily used for business as he runs a non-profit lawn service out of the garage and basement areas. Exhibits N & O.

23. In Aug, 2016, In a subsequent meeting with Robert Wing at Local 64 offices, Mr. Coleman was told that because of his paperwork and records, the union will be taking up his case. Mr. Coleman asked Robert Wing directly if he should bring in his own counsel as well. Robert Wing responded that others have done that and regretted that decision. Mr. Coleman was also told that any interference from an outside lawyer, other than one Local 64 had provided would cause them to relinquish the case and absolve Local 64 of any responsibility.

24. In a meeting on Oct 19th, 2016, the only claims made against Mr. Coleman by agents of the Unified Government were that 1. They believe Mr. Coleman to be in violation of the residency policy. 2. That they believe Mr. Coleman hurried to put together evidence to the contrary. 3. That Mr. Coleman does not spend 50% of his time within the county limits of Wyandotte.

25. There is no wording in the Unified Government's residency policy that even remotely resembles that employees must spend 50% of their time within the county limits of Wyandotte.

26. The meeting on Oct 19th, 2016, culminated in the mediator (Patrick Dunn) requesting a copy of the investigation the Unified Government has on Mr. Coleman.

27. In the meeting on Dec 12th, 2016, Mr. Coleman was handed a large file containing the investigation performed by the Unified Government on Mr. Coleman. Mr. Coleman was given 45min to 1 hour to write down as many inconsistencies or disagreements with the investigation he found.

28. Mr. Coleman was also informed that the investigation was started by an anonymous email. There is no ability to cross examine any witness pertaining to the statements made violating Mr. Coleman's 6th Amendment rights.

29. Mr. Coleman found 10 inconsistencies, within the investigation provided, within the time frame provided. Exhibit P. There was also a compact disc that Mr. Coleman was not provided the equipment to view at that time

30. Mr. Coleman has not been able to view that investigation in it's entirety nor has he ever seen it aside from that 1 hour, as Local 64 and Robert Wing refuse to turn it over to Mr. Coleman for further review for more inconsistencies.

31. At best, the investigation is flawed. Inconsistent and untrue statements found within 10 minutes, in an investigation of this size, certainly question its validity.

32. At th Dec 22nd, 2016, meeting, Robert Wing asked several questions concerning the consistent application of the residency policy. Specifically, the difference between new hires and those with some years on the fire department. The fire chief (John Paul Jones) contends that the policy has always been enforced consistently and always results in termination if violated.

33. The statement by the fire chief (John Paul Jones) is factually untrue. In fact, on several occasions, ranked members have been contacted by on-duty agents concerning residency and given the ability to rectify if their residency would be in question.

34. Refers to the statements in 49. This points to inconsistent application of the residency policy itself by on-duty agents of the Unified Government. Mr. Coleman is prepared to provide witnesses testimony to this fact.

35. Mr. Coleman also raised the concern that the policy itself, as written, violates certain rights and privileges afforded by the Constitution of the United States. Mr. Coleman certainly DOES NOT contend that the Unified Government has the right to uphold a residency policy. Only that the current one, as written, violates certain rights to privacy and can be used to violate other rights afforded by the Constitution of the United States to it's citizens. Exhibit M.

36. The conclusion of the meeting on Dec 22nd, 2016, resulted in Robert Wing asking for a return to work agreement from agents present acting on behalf of the Unified Government.

37. According to Robert Wing, there was no response from the Unified Government. Effectively denying the claim made by Mr. Coleman

38. On Dec 23rd, 2016, Robert Wing corresponded that he was going to meet with Doug Bach, Unified Government County Administrator, about a "last chance" agreement. Mr. Coleman received no correspondence as to whether the meeting even occurred.

39. On Jan 1st, 2017, Mr. Coleman received correspondence that Robert Wing was going to appeal the issue to Step 4, arbitration, this week. Robert Wing stated we can still pursue a settlement agreement, but that it needs to move on to final resolve. Attorneys will now be involved.

40. Mr. Coleman did not meet with Scott Brown (attorney obtained by Local 64) until June of 2017. Scott Brown advised he will contact the Unified Government to obtain copies of the investigation. He also advised that it would take him about a week to get it and a week to go through it.

41. On July 10th, 2017, after inquiry by Mr. Coleman as to the status of Scott Brown, Robert wing advised Mr. Coleman that the Unified Government is not cooperating with the information request. Robert Wing also replied that the arbitrator can order them to comply and they (Unified Government) are obviously going to be difficult.

42. Referencing 57. Mr. Coleman is unaware that an arbitrator has been chosen or even exists to this point. Local 64 and Robert Wing already have a copy of the investigation stemming back to the Oct 19th, 2016, request.

43. On July 25th, 2017, more than 6 months after the appeal to Step 4 and the choosing of an arbitrator referenced by Robert Wing on Jan 1st, 2017, Robert Wing corresponds that he will file a charge with the Public Employees Relation Board unless they have the Unified Government's documents by Friday (July 28th).

44. In Aug 2017, In a meeting with Scott Brown at the Blake & Uhlig offices with John J Simma present, Scott Brown contends that the Unified Government is contending that Mr. Coleman does not spend 50% of his time in Wyandotte County. He also states that his argument would be against the 50% policy. This is the only argument brought up during the meeting.

45. On Sept 11th, 2016, Mr. Coleman was informed by Robert Wing that Scott Brown is writing an opinion letter.

46. On Sept 29th, 2017, Mr. Coleman received an opinion by email, dated Sept 25th, 2017. Exhibit P.

47. On Oct 26th, 2017, Mr. Coleman sent a scathing email out of frustration to Robert Wing. Exhibit R.

48. On Oct 30th, 2017, Mr. Coleman filed a charge against a labor organization with National Labor Relations Board for engaging in unfair labor practices within the meaning of section(8)(b). Case #14-CB-208967. Exhibit Q

49. Reference 40. Charges dismissed by the National Labor Relations Board, on appeal, for lack of jurisdiction.

50. On Dec 14th, 2017, Mr. Coleman filed a claim with Kansas Public Employees Relations Board case #75-CAE-1-2018. Was told by Mr. Tim Triggs (Labor Conciliator) over the phone, that the case will be dismissed. When asked why by Mr. Coleman, Mr. Triggs responded that the Kansas PERB is not set up to handle disputes by employees against a labor union. Exhibits S and T

51. As of the date of writing this complaint, Mr. Coleman has not received any correspondence as to the decision of the Kansas PERB but does have Local 64's written response. Exhibit U.

52. On Feb 14th, 2018, Mr. Coleman received correspondence from Robert Wing that on advice from legal counsel, Mr. Coleman's grievance regarding violation of the residency policy of the Unified Government is withdrawn for lack of merit.

53. Mr. Coleman has exhausted all possible remedies and now brings this matter to court.

54. Plaintiff is justified in his claims involving tort of outrage and outrageous government conduct in this matter. Due to such outrageous government conduct, Todd M Coleman has been unable to obtain effective assistance of counsel to date and must proceed pro se in this matter.

55. All of the defendants violated Todd M Coleman's rights under the 5th Amendment by prolonging his legal matter without good cause and with the objective of depleting his assets and ability to file prior to certain statutes of limitations. Therefore, the doctrine of special circumstances applies with regard to Todd M Coleman's lack of legal representation and his necessity to proceed pro se.

56. Plaintiff has demanded that defendants take action to make plaintiff whole for his losses. Defendants have refused plaintiff's demands.

PRELIMINARY STATEMENT

Defendants violated numerous national laws, statutes, ordinances and regulations, including but not limited to: due process right not to be deprived of property under the 5th amendment (as incorporated to the states through the 14th amendment) and plaintiff's right to be heard which was denied due to the influence of Robert Wing and Local 64's attorney Scott Brown.

Local 64 has a memorandum of agreement with the Unified Government that includes a grievance procedure that gives Todd M Coleman a property interest. Exhibit V.

The Unified Government's past practices are in conflict with that property right referenced 25 and 26.

This case warrants claims involving tort of outrage, bad faith, outrageous government conduct and manifest injustice. The defendants acts and failures to act are criminal in nature as they are indicative of legalized stealing from the plaintiff. Accordingly, plaintiff is justified in alleging each of the following claims against the defendants.

CAUSES OF ACTION

Violations of Plaintiffs' 5th Amendment Rights

(as incorporated to the States through the 14th Amendment)

57. The Plaintiff incorporates by reference paragraphs 1 through 56 of this petition

58. The conduct of the defendants in depriving Todd M Coleman of his property, without due process of law constitutes a violation of plaintiff's rights under the 5th Amendment to the United States Constitution, as incorporated to the States through the 14th Amendment.

59. The defendants owed Todd M Coleman a duty under the 5th and 14th Amendments not to violate his rights under the United States Constitution as a citizen of the United States. The defendants' overt acts of fraud denied him due process of law by ineffective assistance of counsel.

60. Plaintiff relied in good faith that the attorney and other officials would act legally and ethically in resolving his claim/grievance.

61. The illegal and unethical conduct of the defendants constitutes denial of plaintiff's due process rights under the 5th and 14th Amendments to the United States Constitution.

62. The defendants breached the duty owed Todd M Coleman and willfully deprived him of his property and his right to be heard.

63. As a result of the defendants' conduct to deprive Todd M Coleman of his due process rights, plaintiff has suffered damages in excess of \$75,000.

WHEREFORE, plaintiff respectfully requests judgments of the court against the above named defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; and (iv) any other relief deemed just and equitable by the court.

2. FRAUD AND MISREPRESENTATION

64. Plaintiff incorporates by reference paragraphs 1 through 63 of this Petition.

65. By participating in a plan to engage in overt acts to fraudulently deprive Todd M Coleman of his income and assets while using the grievance procedure system as their "front," all of the defendants had full knowledge that their acts and failures to act were substantially certain to result in injury and detriment to Todd M Coleman and his family.

66. At all relevant times, the defendants recognized that engaging in the fraudulent overt acts to deprive Todd M Coleman of his income and property would result in mental anguish and severe detriment to Todd M Coleman and his family.

67. At all relevant times, Todd M Coleman was without knowledge or means of knowing that the grievance procedure was untrustworthy, and was trusting and relying on Local 64, Robert Wing and Scott Brown's knowledge to conduct proceedings legally and ethically so that a fair resolution could be obtained.

68. At all relevant times, Todd M Coleman believed and relied that Scott Brown, Robert Wing and Unified Government officials were acting in good faith, believing that proceedings would be conducted in an ethical manner.

69. At all relevant times, Todd M Coleman was unaware of the defendants' participation in a plan to deprive him of his property and income, and that they were acting with willful rendering of imperfect performance in their respective positions.

70. The defendants' conduct was to inflict emotional distress on Todd M Coleman by abusing their power.

71. The conduct of the defendants to engage in the aforementioned plan constitutes fraud by commission/silence and intentional fraud.

72. As a result of the defendants' fraud by commission/silence and intentional fraud, plaintiff has been damaged in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against the above named defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; and (iv) any other relief deemed just and equitable by the court.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73. Plaintiff incorporates by reference paragraphs 1 through 72 of this petition

74. The defendants' conduct in participating in a devious plan to deprive plaintiff of his income and property without resolution for almost 2 years is extreme and outrageous.

75. At all relevant times, the defendants' participation in this effort was intentional and with full knowledge that their conduct was substantially certain to result in severe emotional distress and bodily harm to plaintiff.

76. The conduct of the defendants to participate in a devious plan to deprive plaintiff of his income and property over almost 2 years was in bad faith, and violated the duties of good faith and fair dealing toward the plaintiff in this matter.

77. The conduct of the defendants was so outrageous in character, and so extreme in degree, as to go beyond all bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society. Reciting the facts in this matter to an average person causes resentment toward all defendants, and leads them to exclaim: "Outrageous!"

78. Due to the defendants' acts and failures to act, plaintiff suffered extreme emotional distress, mental anguish and bodily harm.

79. The outrageous conduct of the defendants constitutes intentional infliction of emotional distress.

80. As a result of the outrageous conduct by all defendants, plaintiff has been damaged in excess of \$75,000.00.

WHEREFORE, plaintiff respectfully requests judgments of the court against all of the defendants awarding to plaintiff (i) damages in excess of \$75,000.00 for each defendant; (ii) pre- and post-judgment interest; (iii) costs, including reasonable attorney fees, for this action; (iv) injunctive relief enjoining all defendants from continuing the intentional infliction of emotional distress; and (v) any other relief deemed just and equitable by the court.

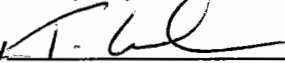
Respectfully submitted,

Todd M Coleman

8124 Kansas Ave.

Kansas City, KS 66111

Phone: (816)-225-0587

By 

Todd M Coleman, pro se

DEMAND FOR A JURY TRIAL

Plaintiff respectfully requests that the issues in this matter be heard by a jury.

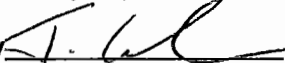
Respectfully submitted,

Todd M Coleman

8124 Kansas Ave.

Kansas City, KS 66111

Phone: (816)-225-0587

By 

Todd M Coleman, pro se

DESIGNATION OF TRIAL

Plaintiff designates Kansas City, Kansas as the location for the trial in this matter.

Respectfully submitted,

Todd M Coleman

8124 Kansas Ave.

Kansas City, KS 66111

Phone: (816)-225-0587

BY 

Todd M Coleman, pro se