

STATE OF INDIANA)	IN THE ALLEN SUPERIOR COURT
)§:	
COUNTY OF ALLEN)	
ELBERT STARKS,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CITY OF FORT WAYNE,)	
)	
Defendant.)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Elbert Starks, by counsel, Loren K. Allison, and files his Complaint and Jury Demand against the defendant, City of Fort Wayne, in violation of Title VII of the C.R. Act of 1964, 42 U.S.C. 2000, *et seq.*, and states as follows:

1. Elbert Starks is a black male resident of the City of Fort Wayne, Allen County, Indiana and at the times of the facts alleged below, was an employee of the City of Fort Wayne and it's Fire Department;
2. The Defendant and Starks meet the jurisdictional requisites of Title VII;
3. The Plaintiff was first employed by the Department on June 6, 1997. Through his efforts and job performance, he was promoted to the rank of Captain on January 1, 2009;
4. In 2017 and ongoing thereafter, Starks was subjected to racially hostile comments from co-workers which created a hostile work environment. Starks reported the comments to his union representative and Chief Eric Lahey, but the alleged efforts on the part of the Department were calculated to make Starks at fault for the fact pattern. As a result, the

Chief's immediate remedy was to transfer Starks (the only black) from the Fire Station where the incidents occurred, rather than discipline white co-workers who created the racially hostile environment. Moreover, this was a violation of the collective bargaining agreement.

5. Starks felt his best option to survive what he considered the collective racial animus of Fire Department management was to resign as Captain and become a Private/Firefighter and member of the rank and file on January 31, 2018.
6. The Fort Wayne Professional Fire Fighters Union wrote a letter to the Mayor of Fort Wayne on behalf of Starks and other similarly situated employees (Black, Hispanic, and Asian) who felt bullied and harassed. Plaintiff himself authored a letter to the Mayor on March 7, 2018 complaining of racial discrimination, as part of the union's efforts.
7. On March 27, 2018, Starks filed EEOC Charge No.: 470-2018-02008 for racial discrimination and retaliation for reporting activity in violation of Title VII. In his initial charge, Starks noted that he asked to be reinstated to his role as Captain on three occasions but was not permitted to in retaliation for his requesting that the racial hostility of the Department towards him end. A copy of that charge is attached and incorporated hereinafter and made a part hereof and marked as Exhibit A.
8. Diagnosed with a disability, the pattern of hostility towards Starks continued with him filing a second EEOC charge for racial discrimination and retaliation on April 16, 2018 and a charge with the Metropolitan Human Relations Commission on November 6, 2018 for the Defendant's violation of the Americans With Disabilities Act to reasonably accommodate his disability. Those charges have yet to be settled/have a right to sue letter

issued.

9. On October 3, 2018, Starks was involuntarily compelled to resign from the Department due to the ongoing racial and retaliatory hostility and disability discrimination.
10. The EEOC issued a “right to sue” letter on his initial charge on September 21, 2018, permitting Starks to pursue the instant matter in a court of general jurisdiction, a copy of which is attached and incorporated hereinafter and made a part hereof and marked as Exhibit B.

WHEREFORE, the Plaintiff asks for back pay, front pay, compensatory damages including a longevity bonus, an educational bonus, retirement monies, medical costs, emotional distress, fees, costs, reasonable attorney’s fees and all other relief the Court deems just and proper.

Respectfully submitted,

/s/ Loren K. Allison, #10486-98

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Counsel for Plaintiff