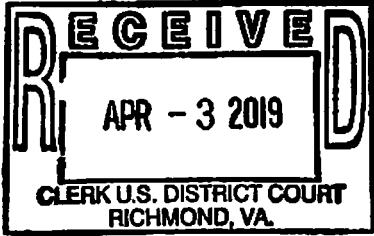


Pro Se 1 (Rev. 12/16) Complaint for a Civil Case



UNITED STATES DISTRICT COURT

for the Eastern District of Virginia

Richmond Division

Rosa Dianne Roncales

Case No. 3:19-cv-00234-MHL

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

County of Henrico

Jury Trial: (check one) [X] Yes [ ] No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

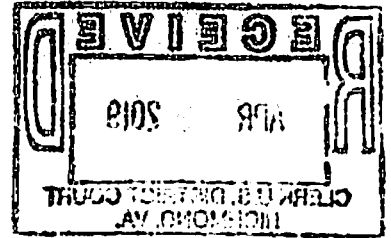
Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: Rosa Roncales
Street Address: 1900 Avondale Ave
City and County: Richmond
State and Zip Code: Virginia 23227
Telephone Number: 804-873-5606
E-mail Address: roncalesrd@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

RECEIVED



U.S. DISTRICT COURT  
MICHIGAN, MI

U.S. DISTRICT COURT  
MICHIGAN, MI

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U.S. DISTRICT COURT  
MICHIGAN, MI

**Pro Se 1 (Rev. 12/16) Complaint for a Civil Case**

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**Defendant No. 1**

Name County of Henrico, please serve Joseph P. Rapisarda Jr.  
Job or Title (if known) County Attorney  
Street Address 4301 East Parham Rd  
City and County Henrico 23228  
State and Zip Code Virginia  
Telephone Number 804-501-4000  
E-mail Address (if known)

**Defendant No. 2**

Name \_\_\_\_\_  
Job or Title (if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address (if known) \_\_\_\_\_

**Defendant No. 3**

Name \_\_\_\_\_  
Job or Title (if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address (if known) \_\_\_\_\_

**Defendant No. 4**

Name \_\_\_\_\_  
Job or Title (if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address (if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

First Amendment; 42. U.S.C. § 1983

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

**1. The Plaintiff(s)**

**a. If the plaintiff is an individual**

The plaintiff, *(name)*, is a citizen of the State of *(name)*.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)* and has its principal place of business in the State of *(name)*.

*(if more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)**

**a. If the defendant is an individual**

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

**Pro Se 1 (Rev. 12/16) Complaint for a Civil Case**

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b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under  
the laws of the State of *(name)* \_\_\_\_\_, and has its  
principal place of business in the State of *(name)* \_\_\_\_\_.  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_,  
and has its principal place of business in *(name)* \_\_\_\_\_.

*(if more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake is more than \$75,000, not counting interest and costs of court, because *(explain)*:  
\$250,000 due to lost income and personal and career damages

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attachment

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Henrico Fire to convert Ms. Roncales's termination to a voluntary resignation.

An award of compensatory and punitive damages in excess of \$250,000

Plaintiff's costs and reasonable attorneys' fees in this action pursuant to case.

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**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/3/19

Signature of Plaintiff *Rosa Roncales*  
Printed Name of Plaintiff Rosa Roncales

**B. For Attorneys**

Date of signing:

Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_

**Statement of Claim**

**Ms. Roncales began her employment with the Henrico Fire Department on September 21, 2015.**

**Prior to her hire, Ms. Roncales worked for three (3) years with the Petersburg Fire Department.**

**Upon successfully completing an accelerated academy for employees with previous fire experience, Ms. Roncales was assigned to Station 13 in Short Pump.**

**Ms. Roncales was notable within the Henrico Fire Department as she was one of a very few female firefighters and was openly gay.**

**Throughout her employment with the Henrico Fire Department, Ms. Roncales performed her duties satisfactorily, and, up until her termination from employment, she received no informal or formal disciplines of any kind.**

**Ms. Roncales recalls politics being an open topic of conversation at the Henrico Fire Department. Conservative media outlet Fox News was played on station televisions, and firefighters outwardly demonstrated their support for known conservative organizations like the National Rifle Association.**

**According to Ms. Roncales, the overall political atmosphere of the Henrico Fire Department was conservative.**

**Shortly after the election of Donald Trump as President in November of 2016, Ms. Roncales posted a graphic on her personal Facebook page of a Swastika draped in an American flag with the following quote from Sinclair Lewis, “[w]hen fascism comes to America, it will be wrapped in a flag and carrying a cross.” Following her Facebook post, she was confronted by Lieutenant Robby Owens and Station Captain Ronnie Thomas. Lieutenant Owens and Captain Thomas called Ms. Roncales into a private office and asked her directly why she posted the graphic and what she meant by it. The fact that Ms. Roncales posted this graphic on her Facebook page quickly spread among the Henrico Fire Department, and Ms. Roncales received a lot of pushback from her colleagues. Suddenly, firefighters Ms. Roncales didn’t even know within the Henrico Fire Department began friend-requesting her on Facebook, apparently in an attempt to keep tabs on what Ms. Roncales was posting.**

**On January 20, 2017, Ms. Roncales protested the election of Donald Trump at his inauguration in Washington, DC along with thousands of others across the city.**

**Ms. Roncales attended the protest on her own time and wore no clothing or other marking that would identify her as a member of Henrico Fire Department.**

**Ms. Roncales, along with over 200 other protestors, were arrested as a group and charged with a number of felonies including inciting to riot, rioting, and destruction of property.**

On Monday, January 23, 2017, in accordance with established Henrico Fire Department protocol, Ms. Roncales reported the incident and her arrest to her direct supervisor, Lieutenant Whaley. At the request of Captain Thomas, Ms. Roncales provided the Henrico Fire Department with her arrest paperwork.

Ms. Roncales specifically requested that Lieutenant Whaley keep her arrest confidential outside of those within her chain of command or those on a “need to know” basis. He assured her that he would.

Shortly after reporting the fact of her arrest to Lieutenant Whaley, Ms. Roncales began receiving phone calls and text messages from members of both the Henrico and Petersburg Fire Departments. The content of these calls and text messages revealed specific details regarding Ms. Roncales’s arrest that she disclosed only to Lieutenant Whaley, suggesting that individuals within Ms. Roncales’s chain of command leaked these details to others.

Ms. Roncales returned to work on Monday, January 30, 2017.

By that time, local and national news outlets had already reported on her specific arrest (despite there being at least seven (7) other Richmonders arrested alongside Ms. Roncales).

While on approved leave following her arrest, Ms. Roncales had been assigned to administrative work.

Monday, January 30, 2017, Ms. Roncales was provided with, and signed, an Inter-Office Memorandum that she would be questioned as part of an administrative investigation by Battalion Chief Scotty Roberts and District Chief Eugene Gerald. Shortly after receiving this memorandum, she contacted her attorney who subsequently advised her not to answer any questions. Shortly after this call, Ms. Roncales emailed Fire Chief Bryan Biers regarding her attorneys’ instruction. She also stated in her email her belief that individuals within the Henrico Fire Department disclosed her arrest to third parties, including the media.

Ms. Roncales was told that if she did not subject herself to questioning her employment would be terminated.

Her attorneys requested a mere 24 hours to review the Garrity Law so that they could properly advise Ms. Roncales as to her legal rights. The Henrico Fire Department refused, and told Ms. Roncales that she had until 2 PM to subject to the “interrogation” (the language used consistently by the Henrico Fire Department throughout the administrative investigation) or face termination. Ultimately, Ms. Roncales agreed.

Ms. Roncales participated in two interrogations with Battalion Chief Roberts and District Chief Gerald – first on January 30<sup>th</sup> and again on February 7<sup>th</sup>. Both interrogations were audio recorded. While the charges levied against Ms. Roncales were admittedly serious, the conduct of Battalion Chief Roberts and District Chief Gerald during both interrogations was akin to conducting a biased criminal investigation as opposed to an administrative investigation.



Ms. Roncales was told that if they “caught her” in a lie, she would be fired.

While Ms. Roncales does not recall each and every question posed, she does recall some of the specific questions on February 7<sup>th</sup>, as it was clear based upon the content of the questions that the Henrico Fire Department had been speaking with law enforcement – likely the DC Police Department.

On February 7<sup>th</sup>, Ms. Roncales was asked specifically if she had a “gas mask” in her backpack. She answered truthfully, that no, she did not have a gas mask. Ms. Roncales did have a standard respirator in her backpack. Ms. Roncales was not asked if she had a respirator. She was not asked generally if she had any devices “like” a gas mask or some device used to protect against the breathing of harmful chemicals, or something to that effect.

Ms. Roncales was also asked what clothing she was wearing, which she also answered truthfully.

Significantly, Ms. Roncales was also asked during the February 7<sup>th</sup> meeting why she went to the protest and if she agreed with the political view of the protestors (or something to that effect). She said that yes, she did agree with the political view of the protestors.

Ms. Roncales continued to perform administrative work until April 4<sup>th</sup>. On that date, Ms. Roncales was instructed to meet with Deputy Fire Chief Alec Oughton and Fire Chief Tony McDowell. When Ms. Roncales entered the room, there was a pad of paper and a pen sitting on the desk. Ms. Roncales was informed that this meeting would not be recorded as the others had. It was then represented to Ms. Roncales that the DC Police Department had video of her watching the windows of a McDonalds being broken by protestors. Ms. Roncales denied this accusation, and said something to the effect that her attorneys would argue this point in court. In fact, Ms. Roncales’s attorneys had possession of video demonstrating that Ms. Roncales was not present when the McDonalds windows were broken. This was the point that Ms. Roncales attempted to convey when confronted with this false accusation. Deputy Fire Chief Oughton and Fire Chief McDowell told Ms. Roncales that they did not believe her. They then asked Ms. Roncales why she tried to “disguise herself” during the protest. Ms. Roncales truthfully replied that she wore nondescript, black clothing because she feared being “doxxed” (a term used to describe the research and publication of personal details so others can target and harass that individual) by the Alt-Right, and that she did not want to be recognized as a member of the Henrico Fire Department. Ms. Roncales’s representation that she did not want to be recognized as a firefighter appeared to anger Chief McDowell. He then told Ms. Roncales that she was terminated from employment, and that her actions “had made things harder for female firefighters.”

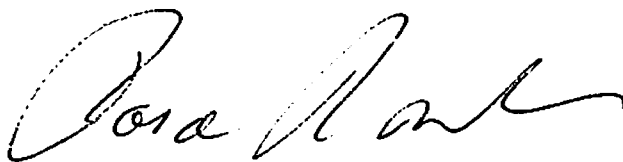
On April 5<sup>th</sup>, Ms. Roncales received correspondence from Fire Chief McDowell that she had been terminated for “discrepancies” in the information she provided during the administrative investigation and the information provided by the DC Police Department. In particular, that she “withheld the fact that [she] had a ‘respirator’ in her backpack” and that she had failed to

disclose information regarding aspects of her attire (e.g., covering markings on her shoes and backpack and using a scarf to occasionally cover her face), despite never being asked these questions specifically. The correspondence also included misrepresentations of what Ms. Roncales said during the meeting.

As a result of the publicity surrounding Ms. Roncales's arrest, her home address and place of employment was published on a number of websites and message boards affiliated with the Alt-Right along with specific threats of bodily harm. Ms. Roncales was so fearful that she was forced to relocate. A simple search of "Rosa Roncales" on Google reveals hundreds, if not thousands, of hits. Some websites purporting to be aimed toward members of law enforcement contained discussions regarding Ms. Roncales's employment with the Henrico Fire Department, calling for her immediate termination from employment.

In stark contrast to the immediate and widespread local and national news coverage of Ms. Roncales's arrest, the identity and fact of arrest of many of the protestors were never disclosed publicly. Out of the seven (7) Richmonders arrested, Ms. Roncales was the only protestor that received local media attention. In fact, the identity of Ms. Roncales's partner, who was arrested along with Ms. Roncales, never made public news despite her working as a teacher for a local public school.

July 7, 2018, Ms. Roncales, along with the other 200+ protestors arrested, was cleared of all charges and her case was dismissed.



4/3/2019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

Rosa D. Boncales  
Plaintiff(s),

v.

Civil Action Number: 3:19-cv-00234-MHL

County of Henrico  
Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint For a Civil Case.  
(Title of Document)

Rosa Boncales  
Name of Pro Se Party (Print or Type)

Rosa Boncales  
Signature of Pro Se Party

Executed on: 4/3/19 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_.  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)  
Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of Pro Se Party (Print or Type)

\_\_\_\_\_  
Signature of Pro Se Party

Executed on: \_\_\_\_\_ (Date)