

**In The United States District Court
For The Southern District of Ohio
Eastern Division**

SERRINA JACKSON	:	Case No.
962 E. 20 TH AVENUE	:	
COLUMBUS, OH 43211	:	Judge
	:	
Plaintiff,	:	Magistrate Judge
	:	
vs.	:	
	:	
JOE RICHARD	:	
393 DANER ROAD	:	
COLUMBUS, OH 43213	:	
	:	
and	:	
	:	
COLUMBUS DIVISION OF FIRE	:	
3639 PARSONS AVENUE	:	
COLUMBUS, OH 43207	:	
	:	
and	:	
	:	
CITY OF COLUMBUS, OHIO	:	
c/o ZACH KLEIN	:	
COLUMBUS CITY ATTORNEY	:	
77 N. FRONT STREET	:	
COLUMBUS, OH 43215	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants the City of Columbus and Columbus City of Fire hereby give notice of the removal of this action from the Court of Common Pleas, Franklin County, Ohio Case No. 20-cv-003067 to the United States District Court for the Southern District of Ohio, Eastern Division, on the following facts:

1. Attached as Exhibit A is the Amended Complaint that the Plaintiff filed in the Court of Common Pleas, Franklin County, Ohio on February 5, 2021. The Amended Complaint asserts claims under 42 U.S.C. § 2000e, within the federal question jurisdiction of this Court. Plaintiff moved to amend her complaint on February 3, 2021 and attached a copy of the Amended Complaint. The Court granted the motion and ordered the Clerk to file the Amended Complaint instantler on February 5, 2021.
2. The Defendants, were served with a copy of the Plaintiff's Amended Complaint via the Franklin County Court of Common Pleas' e-filing system on February 8, 2021.
3. Co-Defendant, Joe Richard, through counsel, consented to removal via email on February 9, 2021. The e-mail is attached as Exhibit B.
4. The Amended Complaint alleges that the Plaintiff was subject to sexual harassment and gender discrimination and retaliation in violation of 42 U.S.C. § 2000e.
5. This action is a civil action of which this Court has original jurisdiction because Plaintiff's Amended Complaint raises claims within the federal question jurisdiction of this Court under 28 U.S.C. § 1331, specifically her claim under 42U.S.C. § 2000e.
6. This action may be removed to and adjudicated by this Court, pursuant to 28 U.S.C. §§ 1441 and 1446, because this civil action arises under the laws of the United States.
7. This Notice of Removal is filed and subject to and with full reservation of rights, including but not limited to defenses and objections to venue, improper service of process, and personal jurisdiction. No admission of act, law, or liability is intended by this Notice of Removal, and all defenses, motions, and pleas are expressly reserved.

8. This Notice of Removal was filed within 30 days of actual notice and receipt by the Defendants of the Amended Complaint.
9. As required by 28 U.S.C. § 1446(d), a Notice of Filing or Removal directed to the state court, the Franklin County Common Pleas Court, along with this notice will be promptly filed in the Court of Common Pleas, Franklin County, Ohio. A true and accurate copy of Defendants' Notice of Removal Directed to State Court is attached hereto as Exhibit C.
10. To the extent Plaintiff's Amended Complaint sets forth claims under state law, such claims are within this Court's supplemental jurisdiction under 28 U.S.C. § 1367(a).

WHEREFORE, Defendants City of Columbus and Columbus Division of Fire respectfully request that this matter be removed to the Southern District of Ohio, Eastern Division, and that all proceedings herein be conducted in the United States District Court for the Southern District of Ohio, Eastern Division.

Dated this 9th day of February 2021.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN**

/s/ Alana V. Tanoury
Alana V. Tanoury (0092265)
Assistant City Attorney
77 N. Front St., 4th Floor
Columbus, Ohio 43215-9013
(614) 645-6945
(614) 645-6949 (Fax)
avtanoury@columbus.gov
Attorney for Defendants
City of Columbus and Columbus Division of Fire

EXHIBIT A

IN THE COURT OF COMMON PLEAS IN AND FOR FRANKLIN COUNTY, OHIO

SERRINA JACKSON
962 E. 20TH AVENUE
COLUMBUS, OH 43211

Plaintiff,

vs.

JOE RICHARD
393 DANER ROAD
COLUMBUS, OH 43213

and

COLUMBUS DIVISION OF FIRE
3639 PARSONS AVENUE
COLUMBUS, OH 43207

and

CITY OF COLUMBUS, OHIO
c/o ZACH KLEIN
COLUMBUS CITY ATTORNEY
77 N. FRONT STREET
COLUMBUS, OH 43215

Defendants.

Case No. 20-CV-003067

Judge Colleen O'Donnell

CATEGORY C (PERSONAL INJURY)

JURY DEMAND ENDORSED HEREON

FIRST AMENDED CIVIL COMPLAINT FOR MONETARY DAMAGES

Parties and Jurisdiction

1. Plaintiff Serrina Jackson ("Plaintiff") is an adult individual residing at 962 E. 20th Avenue, Columbus, OH 43211. At all times relevant hereto, Plaintiff has resided in Franklin County, Ohio.

2. Defendant Joe Richard ("Defendant Richard") is an adult individual residing at 393 Daner Road, Columbus, OH 43213. At all times relevant hereto, Defendant Richard has resided in Franklin County, Ohio.

3. Defendant Columbus Division of Fire (“CDF”) is an entity authorized to do business in the State of Ohio, including, but not limited to, engaging in actions as a support system for all public safety services that cover Franklin County.

4. At all times relevant herein, Defendant City of Columbus (“City of Columbus”) is a municipality in the State of Ohio.

5. CDF employs four (4) or more employees with the State of Ohio, and, therefore, CDF is an “employer” as defined by the R.C. 4112.01(A)(2).

6. At all times relevant hereto, Defendant Richard was employed as the Battalion Chief of the CDF, a supervisory position and was acting within the scope of his employment at CDF. Defendant Richard retired from CDF in October of 2019.

7. State courts have concurrent subject matter jurisdiction over actions until Title VII of the Civil Rights Act of 1964.

8. Venue is proper because all parties reside in Franklin County, Ohio and most, if not all, of the below actions took place within Franklin County, Ohio.

Procedural Requirements

9. Plaintiff timely filed a charge of discrimination with the Ohio Civil Rights Commission – dually filed with the Equal Employment Opportunity Commission – alleging sex discrimination as it relates to the subject matter of this Amended Complaint.

10. A Notice of Right to Sue has been issued from the U.S. Department of Justice, and this Amended Complaint is filed within ninety (90) days of receiving said Notice of Right to Sue.

11. Plaintiff has satisfied any and all administrative requirements in accordance with the law.

Background Facts

12. Plaintiff incorporates paragraphs 1-11 as if fully rewritten herein.

13. Prior to Plaintiff’s employment with CDF, Defendant Richard had a history of sexual harassment and discrimination of female employees at CDF of which CDF and the City of Columbus knew or should have known.

14. Plaintiff started at the Cadet program with CDF in April of 2019.

15. Prior to starting the Cadet program in April of 2019, Plaintiff was required to go to CDF’s office to complete paperwork with a member of CDF’s Human Resources department. Plaintiff arrived about thirty minutes early with her daughter. Since Plaintiff and her daughter were early, they sat in a room waiting for the individual from Human Resources. Defendant Richard then walked into the same room. Defendant Richard acted like a leg of the table Plaintiff was sitting at was loose. Defendant Richard then got under the table and, when Plaintiff looked down to see what he was doing, she noticed he was looking up her dress.

16. On May 15, 2019, Defendant Richard twice requested that Plaintiff come into his office. The first incident occurred at lunch, and the second request occurred a little bit before 2:30 p.m. After his second request, Plaintiff’s supervisor, Kylie Salvador, walked Plaintiff over to Defendant Richard’s office. Defendant Richard then dismissed Kylie.

17. After dismissing Kylie, Defendant Richard rubbed his fingers across Plaintiff’s lips and said, “I wonder what these would feel like.” He also touched Plaintiff’s breasts and said, “I wonder what those would look like outside your shirt.”

18. Defendant Richard then asked Plaintiff to see her knee. Plaintiff had previously had issues with her knee that prevented her from doing certain physical exercises as part of the Cadet program. Plaintiff pulled her pant leg up to show Defendant Richard her knee. Defendant Richard

talking back and stop undermining your superiors. How bad do you want to be here? What would your dead father and dead fiancé think?” Plaintiff then left the room in tears.

23. A supervisor is one who is empowered by an employer to take tangible employment action against a victim.

24. Defendant Richard was a supervisor of Plaintiff at all relevant times hereto.

25. Plaintiff felt compelled to do what Defendant Richard asked since he was the Battalion Chief and supervisor.

26. In the days following the May 15, 2019 incident, Defendant Richard would ask Plaintiff for oral and vaginal sex.

27. Defendant Richard followed Plaintiff into a CVS on High Street in Columbus, Ohio. This occurred sometime in May of 2019 after the incident on May 15, 2019 occurred.

28. Defendant Richard followed Plaintiff to other locations on High Street as well. At these locations, he never got out of his vehicle.

29. Defendant Richard also made inappropriate comments to Plaintiff about her weight, makeup, and the clothing she would wear. This occurred both before and after the May 15, 2019 incident.

30. Defendant Richard called Plaintiff’s cell phone and requested that she download the Marco Polo app so that she could send him inappropriate, sexual videos. Plaintiff did not comply with his request.

31. Defendant Richard also said to Plaintiff, “When are you going to start giving me reciprocity, because I’m the only reason you’re still here.”

32. The last time Plaintiff saw Defendant Richard in person was on September 26, 2019.

First Claim for Relief –Sexual Harassment in Violation of O.R.C. 4112.02

33. Plaintiff hereby incorporates paragraphs 1-32 as if fully rewritten herein.

34. Defendant Richard’s actions, as set forth above, constituted quid pro quo sexual harassment in violation of O.R.C. 4112.02, as the harassment was directly linked to the grant and/or denial of a tangible economic benefit to Plaintiff.

35. The actions by Defendant Richard constituted hostile work environment sexual harassment in violation of O.R.C. 4112.02:

- a. the harassment was unwelcome;
- b. the harassment was based on Plaintiff’s sex;
- c. the conduct was so severe and/or pervasive as to affect the terms, conditions, and/or privileges of Plaintiff’s employment and/or any matter directly or indirectly related to her employment; and

d. CDF and the City of Columbus, through its agents or supervisory personnel, knew or should have known of the harassment and failed to take immediate and appropriate corrective action.

36. Defendants’ actions, and each of them, proximately caused injuries and damages to the Plaintiff, including the following:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Second Claim for Relief – Sexual Harassment in Violation of Title VII

37. Plaintiff hereby incorporates paragraphs 1-36 as if fully rewritten herein.

38. The Defendants have discrimination against and harassed Plaintiff on the basis of her sex in violation of Title VII.

39. Defendant Richard’s actions, as set forth above, constituted quid pro quo sexual harassment in violation of Title VII, as the harassment was directly linked to the grant and/or denial of a tangible economic benefit to Plaintiff.

40. The actions by Defendant Richard constituted hostile work environment sexual harassment in violation of Title VII:

- a. the harassment was unwelcome;
- b. the harassment was based on Plaintiff’s sex;
- c. the conduct was so severe and/or pervasive as to affect the terms, conditions, and/or privileges of Plaintiff’s employment and/or any matter directly or indirectly related to her employment; and
- d. CDF and the City of Columbus, through its agents or supervisory personnel, knew or should have known of the harassment and failed to take immediate and appropriate corrective action.

Third Claim for Relief – Gender Discrimination in Violation of O.R.C. 4112.02

41. Plaintiff hereby incorporates paragraphs 1-40 as if fully rewritten herein.

42. The aforementioned actions against Plaintiff constituted disparate treatment and discrimination of Plaintiff when compared to similarly situated male employees and cadets.

43. The aforementioned actions against Plaintiff constitutes discrimination against Plaintiff based upon her sex in violation of O.R.C. 4112.02 with respect to the tenure, terms,

conditions, privileges of employment, and other matters directly and/or indirectly related to her employment, by treating her differently than similarly-situated co-workers.

44. The aforementioned actions against Plaintiff were done maliciously and/or intentionally or with reckless disregard for the rights of Plaintiff and were motivated by Plaintiff's gender.

45. Defendants' actions, and each of them, proximately caused injuries and damages to the Plaintiff, including the following:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Fourth Claim for Relief – Gender Discrimination in Violation of Title VII

46. Plaintiff hereby incorporates paragraphs 1-45 as if fully rewritten herein.

47. The aforementioned actions against Plaintiff constituted disparate treatment and discrimination of Plaintiff when compared to similarly situated male employees and cadets.

48. The aforementioned actions against Plaintiff constitutes discrimination against Plaintiff based upon her sex in violation of Title VII with respect to the tenure, terms, conditions, privileges of employment, and other matters directly and/or indirectly related to her employment, by treating her differently than similarly-situated co-workers.

49. The aforementioned actions against Plaintiff were done maliciously and/or intentionally or with reckless disregard for the rights of Plaintiff and were motivated by Plaintiff's gender.

50. Defendants' actions, and each of them, proximately caused injuries and damages to the Plaintiff, including the following:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Fifth Claim for Relief – Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress

51. Plaintiff hereby incorporates paragraphs 1-50 as if fully rewritten herein.

52. Defendants owed a duty to Plaintiff to refrain from intentional injury. The wrongful conduct of Defendants, as alleged herein, has resulted in and/or has continued to result in the intentional infliction of emotional distress and negligent infliction of emotional distress to Plaintiff for which Defendants are jointly and severally liable.

53. Defendants have breached their duty to Plaintiff based on their conduct, actions, and/or inactions as alleged herein.

54. Defendants conduct as alleged herein proximately caused damage to Plaintiff arising from the intentional and negligent infliction of severe emotional distress upon her for which Plaintiff is entitled to recovery under Ohio law against Defendants, jointly and severally.

55. Defendants conduct as described herein was willful, malicious, spiteful, with ill will, and/or reckless disregard for Plaintiff's legal rights.

56. Defendants' actions, and each of them, proximately caused injuries and damages to the Plaintiff, including the following:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Sixth Claim for Relief – Negligence, including Willful, Wanton, and Reckless Misconduct and Ordinary Negligence

57. Plaintiff hereby incorporates paragraphs 1-56 as if fully rewritten herein.

58. Defendants, and each of them, as set forth above, engaged in gross negligence, willful, wanton, and reckless misconduct, which directly and proximately caused the following injuries and damages to Plaintiff:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

59. Plaintiff pleads, in the alternative, at all times relevant hereto, Defendants, and each of them, were negligent and said negligence proximately resulted in injury to Plaintiff.

60. Defendants, and each of them, were negligent and said negligence directly and proximately caused the following injuries and damages to Plaintiff:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Seventh Claim for Relief – Respondeat Superior

61. Plaintiff hereby incorporates paragraphs 1-60 as if fully rewritten herein.

62. At all times relevant hereto, Defendant Richard was an employee and agent of CDF and City of Columbus, acting within the scope of his employment and agency, and his actions are deemed to be the actions of CDF and City of Columbus.

63. To the extent that Defendant Richard was acting outside the scope of his agency, CDF and City of Columbus ratified his unlawful behavior by, including, but not limited to, failing to address and report prior allegations of wrongful conduct of Defendant Richard, retaining him as an employee, and engaging in other tortious conduct as set forth above.

64. Accordingly, CDF and City of Columbus are liable for the wrongful acts and omissions of its employees and agents.

65. As a direct and proximate result of the tortious conduct of Defendants, Plaintiff suffered the following injuries and damages:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic

damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Eighth Claim for Relief – Negligent Retention and Supervision

66. Plaintiff hereby incorporates paragraphs 1-65 as if fully rewritten herein.

67. Defendant Richard was not competent to perform the duties for which he was hired and/or empowered to do. He carried out his duties in a negligent and tortious fashion with complete and utter disregard for the safety and well-being of Plaintiff.

68. CDF and City of Columbus knew or should have know that Defendant Richard was not competent or qualified to perform his employment duties. CDF and City of Columbus breached their duty of care and were negligent in retaining and/or empowering Defendant Richard as an employee of CDF, which directly and proximately caused the following injuries and damages to Plaintiff:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

Ninth Claim for Relief – Violation of O.R.C. 2907.03

69. Plaintiff hereby incorporates paragraphs 1-68 as if fully rewritten herein.

70. Defendant Richard’s actions, as set forth above, constituted sexual battery upon Plaintiff in violation of O.R.C. 2907.03.

71. Defendant Richard’s actions, as set forth above, proximately caused injuries and damages to the Plaintiff, including the following:

a. embarrassment, humiliation, loss of enjoyment of life, pain, suffering, mental anguish, depression, loss of self-esteem, and other disabling injuries and non-economic damages which deny Plaintiff a normal way of life, all of which will continue into the future and are permanent;

b. hospital, doctor, therapist, and/or other healthcare expenses, and Plaintiff will with reasonable certainty incur said expenses in the future, all of which are permanent.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, for compensatory damages in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00). Plaintiff further demands a judgment against Defendants, jointly and severally, for punitive damages in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00). Plaintiff further demands court costs, attorney fees, and other such relief as the Court may deem appropriate.

Respectfully submitted,

/s/ John K. Fitch
John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, OH 43215
614.545.3930; 614.545.3929 – Fax
John@thefitchlawfirm.com
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands, pursuant to Rule 38 of the Ohio Rules of Civil Procedure, a trial by jury on all issues herein.

/s/ John K. Fitch

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)

EXHIBIT B

From: [Larry James](#)
To: [Dean, Theresa M.](#)
Cc: [Natalie Bryans](#); [Tanoury, Alana V.](#)
Subject: Re: [EXTERNAL] Courtesy NEF RE: 20CV003067
Date: Tuesday, February 9, 2021 8:18:47 AM

Yes you do

Sent from my iPhone

On Feb 9, 2021, at 7:56 AM, Dean, Theresa M. <TMDean@columbus.gov> wrote:

Larry and Natalie,

We are going to remove today. I just want to confirm that we have Defendant Richard's consent.

Thank you,
Theresa

Theresa M. Dean
Assistant City Attorney, Labor and Employment Section

Zach Klein

Columbus City Attorney

(614) 645 -0816

(614) 645-6949 (fax)

77 North Front St., 4th Floor

Columbus, Ohio 43215

This correspondence, and any accompanying documents may contain confidential information which is legally privileged. This information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby advised that any disclosure, copying, distribution, or taking of any action in reliance of the contents of this correspondence is prohibited. Please contact the sender if you have received this correspondence in error.

From: efiling@franklincountyohio.gov [mailto:efiling@franklincountyohio.gov]
Sent: Monday, February 8, 2021 4:17 PM
To: Dean, Theresa M. <TMDean@columbus.gov>
Subject: [EXTERNAL] Courtesy NEF RE: 20CV003067

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

NOTICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: 20CV003067
Judge: COLLEEN ODONNELL
<="" td="">
Official File Stamp (except Proposed Orders): 02-05-2021 15:27:41
Court: GENERAL DIVISION,
COURT OF COMMON
PLEAS
CIVIL DIVISION
Case Title: SERRINA JACKSON -VS-
JOE RICHARD ET AL
Document(s) Submitted: ORDER TO AMEND
COMPLAINT
Filed by or on behalf of: JUDGE COLLEEN
ODONNELL

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the Court's e-Filing system.

The following people were notified electronically:

NATALIE P BRYANS for
JOE RICHARD
JOHN K FITCH for SERRINA
JACKSON
KIRSTIN A PETERSON for
SERRINA JACKSON
LARRY H JAMES for JOE
RICHARD
THERESA M DEAN for
COLUMBUS DIVISION OF
FIRE, CITY OF COLUMBUS
OHIO
ALANA TANOURY for
COLUMBUS DIVISION OF
FIRE, CITY OF COLUMBUS
OHIO

The following people need to be notified by mail:

DAVE YOST

Confidentiality Notice -- This email and any attachments are confidential and are protected by applicable legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, downloading, distribution, or use of this email or any attachment is prohibited. If you have received this email in error, please notify the sender and delete the email, any attachments, and any copies thereof from your system.



EXHIBIT C

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

Serrina Jackson,	:	
Plaintiff,	:	
vs.	:	Case No. 20-cv-003067
Joe Richard, et al.,	:	Judge O'Donnell
Defendants.	:	

DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL
DIRECTED TO STATE COURT

To: John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215

Please take note that the Defendants in the above-captioned case filed a Notice of Removal, a copy of which is attached hereto, on February 9, 2021, with the Office of the Clerk of the United States District Court for the Southern District of Ohio, Eastern Division. Defendants have removed this case based upon the existence of federal question jurisdiction. Accordingly, pursuant to 28 U.S.C. § 1446(d), no further proceedings may be had herein.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN**

/s/ Alana V. Tanoury
Alana V. Tanoury (0092265)
Theresa M. Dean (0086004)

Assistant City Attorneys
77 N. Front St., 4th Floor
Columbus, Ohio 43215-9013
(614) 645-6945
(614) 645-6949 (Fax)
tmdean@columbus.gov
avtanoury@columbus.gov
Attorneys for Defendants
City of Columbus and Columbus Division of Fire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Notice of Filing of Notice of Removal Directed to State Court has been served by operation of this Court's electronic filing system, this 9th day of February 2021 on the following:

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215
(614) 545-3930
(614) 545-3929 (fax)
john@thefitchlawfirm.com
kirstin@thefitchlawfirm.com
Attorneys for Plaintiff

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4567
(614) 229-4559 (fax)
ljames@cbjlawyers.com
nbryans@cbjlawyers.com
Attorney for Defendant Joe Richard

/s/ Alana V. Tanoury
Alana V. Tanoury

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal has been served by operation of this Court's electronic filing system, this 9th day of February 2021 on the following:

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215
(614) 545-3930
(614) 545-3929 (fax)
john@thefitchlawfirm.com
kirstin@thefitchlawfirm.com
Attorneys for Plaintiff

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4567
(614) 229-4559 (fax)
ljames@cbjlawyers.com
nbryans@cbjlawyers.com
Attorney for Defendant Joe Richard

/s/ Alana V. Tanoury
Alana V. Tanoury

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Serrina Jackson

(b) County of Residence of First Listed Plaintiff Franklin (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attached.

DEFENDANTS

Joe Richard, City of Columbus, Columbus Division of Fire

County of Residence of First Listed Defendant Franklin (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See attached.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 2000e

Brief description of cause:

Employment discrimination case brought under Title VII

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

02/09/2021 /s/ Alana V. Tanoury

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

CIVIL COVER SHEET ATTACHMENT

Plaintiff's Attorneys

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215
(614) 545-3930
(614) 545-3929 (fax)
john@thefitchlawfirm.com
kirstin@thefitchlawfirm.com

Defendant Joe Richard's Attorneys

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4567
(614) 229-4559 (fax)
ljames@cbjlawyers.com
nbryans@cbhlawyers.com

Defendant City of Columbus and Columbus Division of Fire's Attorney

Alana V. Tanoury (0092265)
Assistant City Attorney
77 N. Front St., 4th Floor
Columbus, Ohio 43215-9013
(614) 645-6945
(614) 645-6949 (Fax)
avtanoury@columbus.gov

**SUPPLEMENTAL CIVIL COVER SHEET
FOR CASES REMOVED FROM STATE COURT**

*This form must be attached to the Civil Cover Sheet at the time
the case is filed in the United States District Court*

State Court County: _____		
Case number and caption:		
_____	_____	_____
Case Number	Plaintiff(s)	vs Defendant(s)

Jury Demand Made in State Court:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If "Yes," by which party and on what Date:				
_____		_____		
Party		Date		

Were there parties not served prior to removal?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Were there parties dismissed/terminated prior to removal?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Were there answers filed in State Court?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is there a pending TRO in State Court?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

If you have answered "yes" to any of the above please list parties not served, the parties dismissed/terminated and the parties that filed their answers on the reverse of this page.

On the reverse of this page please list all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address and phone number, including area code.

Are copies of all state case pleadings attached to your removal?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If your answer is "No", when will they be filed:	_____			
List the parties that are removing the case:	_____			
_____	_____			
_____	_____			
_____	_____			

Parties Not Served	Parties Dismissed	Answers Filed
<i>I.E. Defendant John Doe</i>	<i>I.E. Defendant John Doe</i>	<i>I.E. Defendant John Doe</i>

Party and Type	Attorney(s)
<i>I.E. Plaintiff John Doe</i>	<i>I.E. Attorney(s) Name Firm Address City, State, Zip Telephone and Fax Number Supreme Court Number</i>

USE A SEPARATE SHEET OF PAPER IF NECESSARY

SUPPLEMENTAL CIVIL COVER SHEET ATTACHMENT

Plaintiff's Attorneys

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215
(614) 545-3930
(614) 545-3929 (fax)
john@thefitchlawfirm.com
kirstin@thefitchlawfirm.com

Defendant Joe Richard's Attorneys

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4567
(614) 229-4559 (fax)
ljames@cbjlawyers.com
nbryans@cbhlawyers.com

Defendant City of Columbus and Columbus Division of Fire's Attorney

Alana V. Tanoury (0092265)
Assistant City Attorney
77 N. Front St., 4th Floor
Columbus, Ohio 43215-9013
(614) 645-6945
(614) 645-6949 (Fax)
avtanoury@columbus.gov

**In The United States District Court
For The Southern District of Ohio
Eastern Division**

Serrina Jackson, :
 :
 Plaintiff, : **Case No.**
 :
 vs. : **Judge**
 :
 Joe Richard, et al., : **Magistrate Judge**
 :
 Defendants. :

CERTIFICATE OF COMPLIANCE WITH 28 U.S.C. § 1446(d)

The City of Columbus and Columbus Division of Fire, by their counsel, hereby certify that, in accordance with 28 U.S.C. § 1446(d), they have given written notice of the filing of this Notice of Removal to all parties to this action and that they have filed a copy of the Notice of Removal with the Clerk of the Court of Common Pleas, Franklin County, Ohio.

Dated this 9th day of February 2021.

Respectfully submitted,
**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN**

/s/ Alana V. Tanoury
Alana V. Tanoury (0092265)
Assistant City Attorney
77 N. Front St., 4th Floor
Columbus, Ohio 43215-9013
(614) 645-6945
(614) 645-6949 (Fax)
avtanoury@columbus.gov
Attorney for Defendants
City of Columbus and Columbus Division of Fire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Certificate of Compliance with 28 U.S.C. § 1446(d) has been served by operation of this Court's electronic filing system, this 9th day of February 2021 on the following:

John K. Fitch (0008119)
Kirstin A. Peterson (0099040)
The Fitch Law Firm, LLC
900 Michigan Avenue
Columbus, Ohio 43215
(614) 545-3930
(614) 545-3929 (fax)
john@thefitchlawfirm.com
kirstin@thefitchlawfirm.com
Attorneys for Plaintiff

Larry James (0021773)
Natalie Bryans (0097697)
Crabbe, Brown & James, LLP
500 S Front Street, Suite 1200
Columbus, Ohio 43215
(614) 229-4567
(614) 229-4559 (fax)
ljames@cbjlawyers.com
nbryans@cbjlawyers.com
Attorney for Defendant Joe Richard

/s/ Alana V. Tanoury
Alana V. Tanoury