

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JANOS ROPER,	:	Case No. 1:21cv512
	:	
Plaintiff	:	
	:	
v.	:	<u>NOTICE OF REMOVAL</u>
	:	
CITY OF CINCINNATI, et al.	:	(Hamilton County Common Pleas
	:	Case No. A2102467)
Defendants	:	
	:	

Defendants City of Cincinnati and Jason Vollmer (collectively “City”) files this Notice of Removal of the above state court action to the United States District Court for the Southern District of Ohio, Western Division, from the Court of Common Pleas for Hamilton County, Ohio, as provided by 28 U.S.C. § 1441. The City was served on July 22, 2021. A true and correct copy of the Complaint filed in the state court action is attached as Exhibit A.

In accordance with 28 U.S.C. § 1446, the City makes the following statements setting forth the grounds for removal:

1. Pursuant to 28 U.S.C. § 1441(a), the City may remove any civil action over which a district court has jurisdiction to the district and division embracing the place where a state court action is pending.

2. The City is entitled to remove this action because this Court has original jurisdiction over the claims of the Complaint pursuant to 28 U.S.C. § 1331. The state court case arises out of an administrative appeal under ORC § 2506.01 and

complaint for a writ of mandamus under ORC § 2731.04, and an equal protection claim under 42 USC § 1983.

3. This Notice of Removal is timely filed, pursuant to 28 U.S.C. § 1446(b), because City was served on July 22, 2021.

4. Removal to this court is proper under 28 U.S.C. § 1446(a) because the Southern District of Ohio is the district within which the lawsuit was pending prior to removal.

5. The City of Cincinnati is the named defendant, who consents to removal.

6. Concurrently with its filing of this Notice of Removal, the City served written notice to Plaintiff and with the Court of Common Pleas, Civil Division, Hamilton County, Ohio, in accordance with 28 U.S.C. § 1446(d).

The City requests that the state court action, case number A2102467, now pending in the Court of Common Pleas for Hamilton County, Ohio, be removed to the United States District Court for the Southern District of Ohio, Western Division.

Respectfully submitted,

ANDREW W. GARTH (0088905)
CITY SOLICITOR

/s/ Katherine C. Baron

Katherine C. Baron (0092447)

Heidi S. Rosales (0066022)

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Trial counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify on August 10, 2021 that a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be sent electronically unless otherwise indicated:

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EXHIBIT A

Complaint

Filed July 19, 2021



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
July 19, 2021 03:41 PM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1089375**

JANOS ROPER

A 2102467

vs.

**CITY OF CINCINNATI FIRE
DEPARTMENT**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH JURY
DEMAND**

PAGES FILED: 21



VERIFY RECORD

EFR200

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JANOS ROPER)	CASE NO.
4216 Roundhouse Dr.)	
Cincinnati, OH 45245)	JUDGE:
Plaintiff,)	
)	
v.)	
)	
CITY OF CINCINNATI)	
Fire Department)	
386 E. 9th St.)	
Cincinnati, OH 45202)	
)	
-and-)	
)	
JASON VOLLMER)	
c/o City of Cincinnati)	
Fire Department)	
386 E. 9th St.)	
Cincinnati, OH 45202)	
)	
Defendants.)	
)	

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

**JURY DEMAND ENDORSED
HEREIN**

Plaintiff JANOS ROPER, by and through undersigned counsel, as his Complaint against the Defendants, states and avers the following:

PARTIES, JURISDICTION, & VENUE

1. Roper is a resident of the city of Cincinnati, Hamilton County, state of Ohio.
2. Defendant CITY OF CINCINNATI is a city within the state of Ohio.
3. Defendant CITY OF CINCINNATI operates a city fire department centrally located at 386 E. 9th St., Cincinnati, OH 45202.
4. CITY OF CINCINNATI (“CFD”) is in charge of its Fire Department, where plaintiff is currently employed.

5. The relevant location of the events and omissions of this Complaint took place was at CFD's location and at the surrounding areas it serves.
6. CFD is, and was at all times hereinafter mentioned, Roper's employer within the meaning of Title VII of the Civil Rights Act of 1964 ("Title VII") 42 U.S.C §2000e, the Americans with Disability Act ("ADA") 42 U.S.C. § 12101, R.C. § 4113 et seq., and R.C. § 4112 et seq.
7. Upon information and belief, Defendant JASON VOLLMER is a resident of Ohio.
8. Defendant Vollmer is, and was at all times hereinafter mentioned, an owner, manager, supervisor, and/or agent of CFD, and as such, is an employer within the meaning of R.C. § 4112 et seq.
9. At all times referenced herein, Defendant Vollmer was Plaintiff's employer within the meaning of R.C. 4112.01(A)(2).
10. Therefore, personal jurisdiction is proper over Defendants pursuant to Ohio Revised Code §2307.382(A)(1), (2), (3), and/or (6).
11. Venue is proper pursuant to Civ. R. 3(B)(1), (2), (3), and/or (6).
12. This Court is a court of general jurisdiction over the claims presented herein, including all subject matters of this Complaint.
13. Within 300 days of the conduct alleged below, Roper filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC", Charge No. 22A-2020-01243) against Defendants ("EEOC Charge").
14. On or about April 23, 2021, the EEOC issued and mailed a Dismissal and Notice of Rights letter to Roper regarding the EEOC Charge.

15. Roper received the Dismissal and Notice of Rights from the EEOC in accordance with 42 U.S.C. § 2000e-5(f)(1), which has been attached hereto as Plaintiff's Exhibit 1.
16. Roper has filed this Complaint on or before the 90-day deadline set forth in the Dismissal and Notice of Rights.
17. Within 300 days of the conduct alleged below, Roper filed a Charge of Discrimination with the EEOC (Charge No. 22A-2020-01244) against Defendants (“EEOC Charge 2”).
18. On or about April 23, 2021 the EEOC issued and mailed a Dismissal and Notice of Rights letter to Roper regarding the EEOC Charge 2.
19. Roper received the Dismissal and Notice of Rights from the EEOC in accordance with 42 U.S.C. § 2000e-5(f)(1), which has been attached hereto as Plaintiff's Exhibit 2.
20. Roper has filed this Complaint on or before the 90-day deadline set forth in the Dismissal and Notice of Rights.
21. Roper has properly exhausted all administrative remedies pursuant to 29 C.F.R. § 1614.407(b).

FACTS

22. Roper is a current employee of CFD.
23. Roper has been employed with CFD since on or about January 2, 2000.
24. Roper is currently employed by CFD as a safety officer/captain.
25. At all times noted herein, Roper was qualified for his position with Defendant and could fully perform the essential functions of his job, with or without a reasonable accommodation.
26. Roper is mixed-race (Asian, Caucasian, and African American), and thus is in a protected class for his race.

27. Roper is disabled (discussed *infra*), and thus is also in a protected class for disability.
28. Roper's early employment was generally positive, or at least without significant issue.
29. In or around 2019, Roper applied for and took a promotional exam with CFD.
30. During the exam, CFD had technical issues, resulting in Roper (and multiple other test takers) losing substantial points on their tests.
31. Immediately after the test, Roper reported the issues to Erica Burks (HR, African American) in writing via email.
32. Roper's email to Burks included protected wage complaints regarding his pay during the test, protected whistleblowing complaints regarding false and unlawful information from vendors of the test, protected complaints regarding outright falsely graded questions (and questions messed up due to the aforementioned technical issues), and protected complaints of racial discrimination regarding the testing itself, among other protected and non-protected complaints.
33. These protected complaints from Roper alleged a disparate impact on certain test takers over others, based upon their inclusion within a protected class (for Roper, specifically his race and disability protected classes).
34. After Roper's issues with the exam and his protected complaints, he was passed over for a promotion.
35. CFD's refusal to promote Roper, despite his application and qualification for the role, was an adverse employment action against him.
36. CFD's purported reason (or lack thereof) for passing over Roper for the promotion was pretextual.

37. CFD actually passed over Roper for the promotion discriminatorily against his race and/or in retaliation against his previous protected complaints.
38. Roper's protected complaint to Burks was generally ignored, so he dual-filed a Charge of Discrimination with the EEOC and Ohio Civil Rights Commission ("OCRC") in or around late 2020. This was a protected activity.
39. In or around March 2020, Roper had a performance evaluation with Jason Vollmer (district chief, Caucasian).
40. Prior to this evaluation, Roper was consistently rated extremely well.
41. In this March 2020 evaluation, however, Vollmer rated Roper poorly (though still within a passing grade).
42. Vollmer cited multiple issues for this lowered grade, such as Roper's alleged failure to set up decontamination processes after certain fires (despite that this was not one of Roper's job functions), that he accurately followed traffic rules (Roper's grade was lowered *for following the law*), and other things.
43. Vollmer also instructed Roper to stop following traffic laws in this meeting. This was a demand that Roper break the law at Vollmer's behest.
44. Roper rebutted these alleged problems, and Vollmer increased his grade modestly in response, but still kept Roper at a low grade.
45. Vollmer's low grade of Roper was due to Roper's race. Disparately, Vollmer did not rate Caucasian firefighters poorly for following the rules or for not completing duties outside their job functions.
46. Also disparately, Vollmer did not enforce other rules on Caucasian firefighters while he did enforce them on Roper.

47. Roper repeatedly tried to work out the issues with Vollmer for the next few months, to no avail.
48. Vollmer's continued harassment, retaliation, and discrimination against Roper has been severe and pervasive throughout Roper's employment.
49. Roper, like any reasonable person would be in his situation, was offended by Vollmer's consistent harassment, retaliation, and discrimination.
50. Vollmer's and CFD's efforts to retaliate against and discriminate against Roper interfered with Roper's ability to perform his essential job functions. These efforts have continued throughout Roper's employment.
51. In or around summer 2020, Roper reported Vollmer's actions to Cincinnati's Civil Service Commission citing the discriminatory reasoning for Vollmer's ratings (discrimination complaints).
52. Roper, at the same time, also reported Vollmer's instruction to break traffic laws and falsification of government documents at the same time (whistleblower complaints). These protected complaints were both verbal and in writing.
53. Roper's complaints to Cincinnati's Civil Service Commission were protected activities.
54. Despite Roper's repeated protected complaints to his superiors and outside agencies, his complaints were largely ignored.
55. In or around September 2020, Roper was out of work due to a resurgence of an illness. He was out for approximately one month's time.
56. After Roper returned from his time out due to his illness, Vollmer treated him disparately worse.

57. Upon information and belief, Vollmer perceived Roper as disabled, placing him also in the protected disability class. Alternatively, this serious health condition and illness interfered with Roper's ability to complete his everyday functions, placing him in the protected class for disability.
58. Roper, tired of the continued lack of response from CFD and discrimination from Vollmer, dual-filed a second Charge of Discrimination with the OCRC and EEOC. This was another protected activity.
59. From on or about March 6 – April 23, 2021, Roper took off work for health reasons. He used his regular PTO days for this time off.
60. During this PTO time off, Roper missed a training regarding HIPAA.
61. On or about May 5, 2021, Vollmer gave him two reprimands on the same day.
62. These were the only two reprimands Roper received in recent memory during his employment with CFD and were false and pretextual.
63. These reprimands were adverse actions against Roper and were given in retaliation for Roper's multiple protected complaints against Vollmer.
64. Since the above, Vollmer and CFD have continued to discriminate against and retaliate against Roper for his protected classes and actions by, among other things, continually passing over him for promotion(s), assigning him pretextual and false reprimands, treating him disparately compared to his Caucasian coworkers and able-bodied coworkers (and/or those CFD and Vollmer do not perceive as disabled).
65. Vollmer's actions, adverse actions, and adverse employment actions against Roper on behalf of CFD materially and negatively impact Roper's ability to perform his essential job functions.

66. As a result of the above, Roper has suffered damages.

COUNT I: RACE DISCRIMINATION UNDER R.C. § 4112 et seq.
(Defendant CFD Only)

67. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

68. Roper is African American, and thus is in a protected class for his race.

69. R.C. § 4112 *et seq.* provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee's race.

70. As noted above, Roper's results on the promotional exam were negative compared to his colleagues outside his protected class(es).

71. The issues with the promotional exam result in a disparately negative impact against African American examinees, including Roper.

72. As a result of the disparate impact of the promotional exam, Roper was rated substantially lower than he should have been. This was a harm against his ability to receive a promotion to district chief and an adverse employment action against him.

73. CFD is aware of the disparate impact of the promotional exam but continues to use it as a material metric for employment decisions of examinees (including Roper).

74. There is a causal connection between the use of the disparately-impacting exam and the negative impact on Roper's results and CFD's decision to promote him.

75. This disparate impact on Roper's ability to be promoted is causally linked to his protected class(es).

76. As a result of the disparate impact from CFD's exam practices, CFD has taken adverse employment action(s) (described *supra*) against Roper.

77. Defendant's purported reasons for the adverse employment actions against Roper are pretext.

78. Defendant's purported reasons for this disparate impact is pretext.

79. Defendant actually allows this disparate impact to discrimination against its employees for their races.

80. Roper incurred emotional distress damages as a result of Defendant's conduct described herein.

81. As a result of the above, Roper has suffered damages.

COUNT II: RACE DISCRIMINATION UNDER TITLE VII
(Defendant CFD Only)

82. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

83. Roper is African American, and thus is in a protected class for his race.

84. Title VII provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee's race.

85. As noted above, Roper's results on the promotional exam were negative compared to his colleagues outside his protected class(es).

86. The issues with the promotional exam result in a disparately negative impact against African American examinees, including Roper.

87. As a result of the disparate impact of the promotional exam, Roper was rated substantially lower than he should have been. This was a harm against his ability to receive a promotion to district chief and an adverse employment action against him.

88. CFD is aware of the disparate impact of the promotional exam, but continues to use it as a material metric for employment decisions of examinees (including Roper).

89. There is a causal connection between the use of the disparately-impacting exam and the negative impact on Roper's results and CFD's decision to promote him.
90. This disparate impact on Roper's ability to be promoted is causally linked to his protected class(es).
91. As a result of the disparate impact from CFD's exam practices, CFD has taken adverse employment action(s) (described *supra*) against Roper.
92. Defendant's purported reasons for the adverse employment actions against Roper are pretext.
93. Defendant's purported reasons for this disparate impact is pretext.
94. Defendant actually allows this disparate impact to discrimination against its employees for their races.
95. Roper incurred emotional distress damages as a result of Defendant's conduct described herein.
96. As a result of the above, Roper has suffered damages.

COUNT III: HOSTILE WORK ENVIRONMENT
ON THE BASIS OF RACE DISCRIMINATION
(Defendant CFD Only)

97. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
98. Roper, as an African American, is in a protected class for his race.
99. During his employment with CFD, Roper was subjected to offensive and harassing conduct based on his race.
100. Defendants knew or should have known of the harassing conduct against Roper.
101. Defendants condoned, tolerated and ratified this harassing conduct.

102. This harassing conduct was severe and/or pervasive.
103. This harassing conduct was offensive to Roper.
104. This harassing conduct interfered with Roper's ability to perform his job duties.
105. Defendants' offensive and harassing conduct created a hostile and/or abusive work environment for Roper.
106. Defendants' offensive and harassing conduct created a hostile and/or abusive work environment for the reasonable person similarly-situated to Roper.
107. Roper incurred emotional distress damages as a result of Defendants' conduct described herein.
108. As a direct and proximate result of Defendant's failure to promote Roper based upon race discrimination, Roper has suffered and will continue to suffer damages.

COUNT IV: FAILURE TO PROMOTE BASED ON RACE DISCRIMINATION
(Defendant CFD Only)

109. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
110. Roper is African American. At all times relevant, Roper was a member of a statutorily-protected class under R.C. §4112.14(B) for his race.
111. During his employment, Roper applied for promotions at CFD.
112. Roper was fully qualified for these opportunities.
113. Roper was interviewed for these opportunities.
114. Defendants' purported reasons for failing to promote Roper was pretextual.
115. Defendants actually failed to promote Roper based on his race.
116. Roper's race was a determinative factor in Defendants' decision not to promote him.

117. Upon information and belief, Defendants promoted people outside Roper's protected race class in place of Roper.

118. Defendants violated R.C. §4112 et seq. when it failed to promote Roper based on his race.

119. Roper incurred emotional distress damages as a result of Defendants' conduct described herein.

120. As a direct and proximate result of Defendants' acts and omissions, Roper has suffered and will continue to suffer damages.

COUNT V: DISABILITY DISCRIMINATION UNDER R.C. § 4112 et seq.
(Defendant CFD Only)

121. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

122. Roper is disabled (described supra), and thus is in a protected class for his disability.

123. R.C. § 4112 *et seq.* provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee's disability.

124. As noted above, Roper's results on the promotional exam were negative compared to his colleagues outside his protected class(es).

125. The issues with the promotional exam result in a disparately negative impact against able-bodied examinees, including Roper.

126. As a result of the disparate impact of the promotional exam, Roper was rated substantially lower than he should have been. This was a harm against his ability to receive a promotion to district chief and an adverse employment action against him.

127. CFD is aware of the disparate impact of the promotional exam, but continues to use it as a material metric for employment decisions of examinees (including Roper).

128. There is a causal connection between the use of the disparately-impacting exam and the negative impact on Roper's results and CFD's decision to promote him.
129. This disparate impact on Roper's ability to be promoted is causally linked to his protected class(es).
130. As a result of the disparate impact from CFD's exam practices, CFD has taken adverse employment action(s) (described *supra*) against Roper.
131. Defendant's purported reasons for the adverse employment actions against Roper are pretext.
132. Defendant's purported reasons for this disparate impact is pretext.
133. Defendant actually allows this disparate impact to discrimination against its employees for their disabilities.
134. Roper incurred emotional distress damages as a result of Defendant's conduct described herein.
135. As a result of the above, Roper has suffered damages.

COUNT VI: DISABILITY DISCRIMINATION UNDER THE ADA
(Defendant CFD Only)

136. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
137. Roper is disabled (described *supra*), and thus is in a protected class for his disability.
138. The ADA provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee's disability.
139. As noted above, Roper's results on the promotional exam were negative compared to his colleagues outside his protected class(es).

140. The issues with the promotional exam result in a disparately negative impact against able-bodied examinees, including Roper.
141. As a result of the disparate impact of the promotional exam, Roper was rated substantially lower than he should have been. This was a harm against his ability to receive a promotion to district chief and an adverse employment action against him.
142. CFD is aware of the disparate impact of the promotional exam, but continues to use it as a material metric for employment decisions of examinees (including Roper).
143. There is a causal connection between the use of the disparately-impacting exam and the negative impact on Roper's results and CFD's decision to promote him.
144. This disparate impact on Roper's ability to be promoted is causally linked to his protected class(es).
145. As a result of the disparate impact from CFD's exam practices, CFD has taken adverse employment action(s) (described *supra*) against Roper.
146. Defendant's purported reasons for the adverse employment actions against Roper are pretext.
147. Defendant's purported reasons for this disparate impact is pretext.
148. Defendant actually allows this disparate impact to discrimination against its employees for their disabilities.
149. Roper incurred emotional distress damages as a result of Defendant's conduct described herein.
150. As a result of the above, Roper has suffered damages.

COUNT VII: HOSTILE WORK ENVIRONMENT
ON THE BASIS OF DISABILITY DISCRIMINATION
(Defendant CFD Only)

151. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
152. Roper is in a protected class for his actual or perceived disabilities (described *supra*).
153. During his employment with CFD, Roper was subjected to offensive and harassing conduct based on his race.
154. Defendants knew or should have known of the harassing conduct against Roper.
155. Defendants condoned, tolerated and ratified this harassing conduct.
156. This harassing conduct was severe and/or pervasive.
157. This harassing conduct was offensive to Roper.
158. This harassing conduct interfered with Roper's ability to perform his job duties.
159. Defendants' offensive and harassing conduct created a hostile and/or abusive work environment for Roper.
160. Defendants' offensive and harassing conduct created a hostile and/or abusive work environment for the reasonable person similarly-situated to Roper.
161. Roper incurred emotional distress damages as a result of Defendants' conduct described herein.
162. As a direct and proximate result of Defendant's failure to promote Roper based upon race discrimination, Roper has suffered and will continue to suffer damages.

COUNT VIII: FAILURE TO PROMOTE
BASED ON DISABILITY DISCRIMINATION
(Defendant CFD Only)

163. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
164. Roper is African American. At all times relevant, Roper was a member of a statutorily-protected class for his actual or perceived disabilities (discussed *supra*).
165. During his employment, Roper applied for promotions at CFD.
166. Roper was fully qualified for these opportunities.
167. Roper was not given any interviews for the positions.
168. Defendants' purported reasons for failing to promote Roper was pretextual.
169. Defendant actually failed to promote Roper based on his race.
170. Roper's race was a determinative factor in Defendants' decision not to promote him.
171. Upon information and belief, Defendants promoted people outside Roper's protected race class in place of Roper.
172. Defendant violated R.C. §4112 et seq. when it failed to promote Roper based on his race.
173. Roper incurred emotional distress damages as a result of Defendants' conduct described herein.
174. As a direct and proximate result of Defendants' acts and omissions, Roper has suffered and will continue to suffer damages.

COUNT IX: RETALIATION

175. Roper restates each and every prior paragraph of this complaint, as if it were fully restated herein.

176. As a result of the Defendants' discriminatory conduct described above, Roper complained of the discrimination, harassment, and disparate treatment he was experiencing.

177. Subsequent to Roper' complaints to management about harassment, bullying, and disparate treatment toward him, Defendants took adverse actions against Roper, including, but not limited to, passing over him for promotions.

178. Defendants' actions were retaliatory in nature based on Roper's opposition to the unlawful discriminatory conduct.

179. Pursuant to R.C. § 4112 *et seq.*, it is an unlawful discriminatory practice to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice.

180. As a direct and proximate result of Defendant's retaliatory discrimination against and discharge of Roper, he has suffered and will continue to suffer damages.

COUNT X: VIOLATION OF OHIO WHISTLEBLOWER STATUTE R.C. § 4113.52
(Defendant CFD Only)

181. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

182. As set forth above, Roper repeatedly made oral and written reports to Defendant about unethical, unlawful, and/or policy-violating behavior.

183. Roper repeatedly and consistently reported to Defendant what he reasonably believed to be unethical and/or illegal conduct in the workplace in violation of the law and

company policies, including but not limited to, falsification of government documents and instructions to act unlawfully.

184. In the alternative, Roper reasonably believed he was reporting unethical and/or illegal behavior, in violation of the law and company policies, that constituted criminal acts that threatened the public's health or safety.

185. CFD has taken adverse employment actions against Roper, including but not limited to, passing over him for promotions.

186. Defendant's purported reasons for the adverse employment actions against Roper were pretext.

187. Defendant retaliated against Roper by taking adverse employment actions against him.

188. Defendant's actions against Roper's employment were in violation of R.C. § 4113.52.

189. As a direct and proximate result of Defendant's conduct, Roper suffered and will continue to suffer damages, including economic, emotional distress and physical sickness damages.

COUNT XI: VIOLATIONS OF PUBLIC POLICY

190. Roper restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

191. A clear public policy exists and is manifested in Ohio and federal statutes, and/or administrative regulations, or in the common law, in favor of providing workers with a healthy and safe work environment, and against instructing employees to break the law and/or falsify government documents.

192. Roper repeatedly made reports to Defendants about the unethical, unlawful, and/or policy-violating behavior that was going on there, including, but not limited to, instructions to break the law and falsify government documents.

193. Defendants' adverse employment action(s) against Roper's employment jeopardize these public policies by undermining the authority of Gubernatorial orders, federal relief policies, and state statutes.

194. Defendants' retaliation against Roper was motivated by Roper's conduct related to these public policies.

195. Defendants' purported reason for their adverse employment actions taken against Roper are pretextual.

196. Defendants' adverse employment actions Roper jeopardizes these public policies.

197. Defendants' adverse employment actions Roper were motivated by conduct related to these public policies.

198. Defendants had no overriding business justification for taking adverse employment actions Roper.

199. As a direct and proximate result of Defendants' conduct, Roper has suffered and will continue to suffer damages, including economic, emotional distress and physical sickness damages.

DEMAND FOR RELIEF

WHEREFORE, Roper demands from Defendants the following:

a) Issue a permanent injunction:

i. Requiring Defendants to abolish discrimination, harassment, and retaliation;

- ii. Requiring allocation of significant funding and trained staff to implement all changes within two years;
 - iii. Requiring removal or demotion of all supervisors who have engaged in discrimination, harassment, or retaliation, and failed to meet their legal responsibility to promptly investigate complaints and/or take effective action to stop and deter prohibited personnel practices against employees;
 - iv. Creating a process for the prompt investigation of discrimination, harassment, or retaliation complaints; and
 - v. Requiring mandatory and effective training for all employees and supervisors on discrimination, harassment, and retaliation issues, investigations, and appropriate corrective actions;
- b) Issue an order requiring Defendants to expunge Plaintiff's personnel file of all negative documentation;
 - c) Issue an order to CFD to promote Plaintiff to district chief;
 - d) An award against each Defendants for compensatory and monetary damages to compensate Plaintiff for physical injury, physical sickness, lost wages, emotional distress, and other consequential damages, in an amount in excess of \$25,000 per claim to be proven at trial;
 - e) An award of punitive damages against each Defendants in an amount in excess of \$25,000;
 - f) An award of reasonable attorneys' fees and non-taxable costs for Plaintiff's claims as allowable under law;
 - g) An award of the taxable costs of this action; and

h) An award of such other relief as this Court may deem necessary and proper.

Respectfully submitted,

/s/ Evan R. McFarland

Evan R. McFarland (0096953)

Brianna R. Carden (0097961)

Matthew G. Bruce (0083769)

Trial Attorney

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Email: Evan.McFarland@SpitzLawFirm.com

Attorneys for Plaintiff Janos Roper

JURY DEMAND

Plaintiff Janos Roper demands a trial by jury by the maximum number of jurors permitted.

/s/ Evan R. McFarland

Evan R. McFarland (0096953)

EXHIBIT B

Classification Form

Filed July 19, 2021



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
July 19, 2021 03:41 PM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1089375**

JANOS ROPER

A 2102467

vs.

**CITY OF CINCINNATI FIRE
DEPARTMENT**

FILING TYPE: CLASSIFICATION

PAGES FILED: 1

EFR200



COURT OF COMMON PLEAS HAMILTON COUNTY, OHIO	CLASSIFICATION FORM WWW.COURTCLERK.ORG	AFTAB PUREVAL CLERK OF COURTS
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CASE NUMBER: _____ PLAINTIFF: _____

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS (please only check one):

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Other Tort – C360 <ul style="list-style-type: none"> <input type="checkbox"/> Personal Injury – C310 <input type="checkbox"/> Wrongful Death – C320 <input type="checkbox"/> Vehicle Accident – C370 <input type="checkbox"/> Professional Tort – A300 <ul style="list-style-type: none"> <input type="checkbox"/> Personal Injury – A310 <input type="checkbox"/> Wrongful Death – A320 <input type="checkbox"/> Legal Malpractice – A330 <input type="checkbox"/> Medical Malpractice – A340 <input type="checkbox"/> Product Liability – B350 <ul style="list-style-type: none"> <input type="checkbox"/> Personal Injury – B310 <input type="checkbox"/> Wrongful Death – B320 <input type="checkbox"/> Worker's Compensation <ul style="list-style-type: none"> Non-Compliant Employer – D410 ~ Appeal – D420 <input type="checkbox"/> Administrative Appeals – F600 <ul style="list-style-type: none"> Appeal Civil Service – F610 ~ Appeal Motor Vehicle – F620 ~ Appeal Unemployment – F630 ~ Appeal Liquor – F640 Appeal Taxes – F650 Appeal Zoning – F660 <input type="checkbox"/> Certificate of Qualification – H600 | <ul style="list-style-type: none"> <input type="checkbox"/> Other Civil – H700-34 <ul style="list-style-type: none"> <input type="checkbox"/> Appropriation – H710 <input type="checkbox"/> Accounting – H720 <input type="checkbox"/> Beyond Jurisdiction – 730 <input type="checkbox"/> Breach of Contract – 740 <input type="checkbox"/> Cancel Land Contract – 750 <input type="checkbox"/> Change of Venue – H760 <input type="checkbox"/> Class Action – H770 <input type="checkbox"/> Convey Declared Void – H780 <input type="checkbox"/> Declaratory Judgment – H790 <input type="checkbox"/> Discharge Mechanics Lien – H800 <input type="checkbox"/> Dissolve Partnership – H810 <input type="checkbox"/> CONSUMER SALES ACT (1345 ORC) – H820 <input type="checkbox"/> Check here if relief includes declaratory judgment, injunction or class action recovery – H825 <input type="checkbox"/> Habeas Corpus – H830 <input type="checkbox"/> Injunction – H840 <input type="checkbox"/> Mandamus – H850 <input type="checkbox"/> On Account – H860 <input type="checkbox"/> Partition – H870 <input type="checkbox"/> Quiet Title – H880 <input type="checkbox"/> Replevin – H890 <input type="checkbox"/> Sale of Real Estate – H900 <input type="checkbox"/> Specific Performance – 910 <input type="checkbox"/> Restraining Order – H920 <input type="checkbox"/> Testimony – H930-21 <input type="checkbox"/> Environmental – H940 <input type="checkbox"/> Cognovit – H950 <input type="checkbox"/> Menacing by Stalking – H960 <ul style="list-style-type: none"> <input type="checkbox"/> Repo Title – Transfer of Title Only – 970 <input type="checkbox"/> Repo Title – With Money Claim – H980 <input type="checkbox"/> Injunction Sexual Predator – 990 <input type="checkbox"/> SB 10 – Termination – H690 <input type="checkbox"/> SB 10 – Reclassification – H697 |
|--|--|

DATE: _____

ATTORNEY (PRINT): _____

OHIO SUPREME COURT NUMBER: _____

EXHIBIT C

April 23, 2021 Right to Sue
(Charge No. 22A-2020-01243)

Filed July 19, 2021



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
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AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1089375**

JANOS ROPER

A 2102467

vs.

**CITY OF CINCINNATI FIRE
DEPARTMENT**

FILING TYPE: FILING

PAGES FILED: 3

EFR200



VERIFY RECORD

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Janos Roper**
4216 Roundhouse Drive
Cincinnati, OH 45245

From: **Indianapolis District Office**
101 West Ohio Street
Suite 1900
Indianapolis, IN 46204

*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

22A-2020-01243

Jeremy A. Sells,
State & Local Coordinator

(463) 999-1161

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

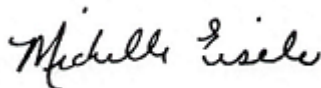
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



April 23, 2021

Enclosures(s)

Michelle Eisele,
District Director

(Date Issued)

cc: **HR Director**
CITY OF CINCINNATI, FIRE DEPARTMENT
City Hall, Room 214
801 Plum Street
Cincinnati, OH 45202

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc:

EXHIBIT D

April 23, 2021 Right to Sue
(Charge No. 22A-2020-01244)
Filed July 19, 2021



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
July 19, 2021 03:41 PM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1089375**

JANOS ROPER

A 2102467

vs.

**CITY OF CINCINNATI FIRE
DEPARTMENT**

FILING TYPE: FILING

PAGES FILED: 3

EFR200



VERIFY RECORD

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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To: **Janos Roper**
4216 Roundhouse Drive
Cincinnati, OH 45245

From: **Indianapolis District Office**
101 West Ohio Street
Suite 1900
Indianapolis, IN 46204

*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

22A-2020-01244

Jeremy A. Sells,
State & Local Coordinator

(463) 999-1161

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Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

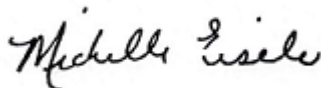
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(See the additional information attached to this form.)

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On behalf of the Commission



April 23, 2021

Enclosures(s)

Michelle Eisele,
District Director

(Date Issued)

cc: **HR Director**
CITY OF CINCINNATI, CIVIL SERVICE COMMISSION
City Hall, Room 214
801 Plum Street
Cincinnati, OH 45202

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Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

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You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc:

EXHIBIT E

Summons to

City of Cincinnati Fire Department

Filed July 20, 2021

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JANOS ROPER
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 2102467
SUMMONS

CITY OF CINCINNATI FIRE DEPART
DEFENDANT

CITY OF CINCINNATI FIRE DEPARTMENT
386 E 9TH ST
CINCINNATI OH 45202

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

JANOS ROPER
4216 ROUNDHOUSE DR
CINCINNATI OH 45245

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
**AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.**

You are hereby summoned and required to serve upon the plaintiff's
attorney, or upon the plaintiff, if he/she has no attorney of record, a
copy of an answer to the complaint within twenty-eight (28) days after
service of this summons on you, exclusive of the day of service. Your
answer must be filed with the Court within three (3) days after the
service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to
file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered
against you for the relief demanded in the attached complaint.

Name and Address of attorney
MATTHEW G BRUCE
11260 CHESTER ROAD
SUITE 825
CINCINNATI OH 45246

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN Deputy

Date: July 20, 2021



EXHIBIT F

Summons to

Jason Vollmer

Filed July 20, 2021

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JANOS ROPER
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 2102467
SUMMONS

CITY OF CINCINNATI FIRE DEPART
DEFENDANT

JASON VOLLMER
386 E 9TH ST
CINCINNATI OH 45202

D - 2

You are notified
that you have been named Defendant(s) in a complaint filed by

JANOS ROPER
4216 ROUNDHOUSE DR
CINCINNATI OH 45245

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
**AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.**

You are hereby summoned and required to serve upon the plaintiff's
attorney, or upon the plaintiff, if he/she has no attorney of record, a
copy of an answer to the complaint within twenty-eight (28) days after
service of this summons on you, exclusive of the day of service. Your
answer must be filed with the Court within three (3) days after the
service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to
file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered
against you for the relief demanded in the attached complaint.

Name and Address of attorney
MATTHEW G BRUCE
11260 CHESTER ROAD
SUITE 825
CINCINNATI OH 45246

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN Deputy

Date: July 20, 2021



EXHIBIT G

Service Return

City of Cincinnati Fire Department

Filed July 26, 2021



NON-CERTIFIED MAIL PERMIT # 48
THIRD PARTY COMPLAINT
A 2102467 D1
CITY OF CINCINNATI FIRE DEPARTMENT
FILED: 07/26/2021 6:55:58

Date Produced: 07/26/2021

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0943 8867. Our records indicate that this item was delivered on 07/22/2021 at 04:39 p.m. in CINCINNATI, OH 45202. The scanned image of the recipient information is provided below.

Signature of Recipient :

ACR 232
CO-19

Address of Recipient :

329 E 4th
Cin Ohio

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 16461047SEQ1

EXHIBIT H

Service Return

Jason Vollmer

Filed July 26, 2021



ORIGINAL CERTIFIED MAIL RETURN
SUMMONS & COMPLAINT
A 2102467 D2
JASON VOLLMER
FILED: 07/26/2021 6:55:58

Date Produced: 07/26/2021

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0943 8874. Our records indicate that this item was delivered on 07/22/2021 at 04:39 p.m. in CINCINNATI, OH 45202. The scanned image of the recipient information is provided below.

Signature of Recipient :

ACR 232
CO-19

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Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

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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.)

<p>I. (a) PLAINTIFFS</p> <p>Roper, Janos</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Evan R. McFarland (The Spitz Law Firm, 11260 Chester Rd., Suite 825, Cincinnati, OH 45246, (216) 291-0244 x 173); Brianna R. Carden (Same); Matthew G. Bruce (Same)</p>	<p>DEFENDANTS</p> <p>City of Cincinnati Fire Department; Vollmer, Jason</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i> Katherine C. Baron (The City of Cincinnati Solicitor's Office, 801 Plum Street, Room 214, Cincinnati, Ohio 45202, (513) 352-4705) Heidi Rosales (Same)</p>
---	--

<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>		Click here for: Nature of Suit Code Descriptions.				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	PROPERTY RIGHTS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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 *(specify)*
 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)*:
 Title VII of the Civil Rights Act of 1964

Brief description of cause:
 Discrimination on basis of race and disability

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: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE: 08/10/2021 SIGNATURE OF ATTORNEY OF RECORD: /s/ Katherine C. Baron

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**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: <u>Hamilton</u>		
Case number and caption:		
<u>A 2102467</u>	<u>Janos Roper</u>	<u>City of Cincinnati Fire</u>
Case Number	Plaintiff(s)	vs Defendant(s)

Jury Demand Made in State Court:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If "Yes," by which party and on what Date:		
<u>Janos Roper</u>	<u>July 19, 2021</u>	
Party	Date	

Were there parties not served prior to removal?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Were there parties dismissed/terminated prior to removal?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Were there answers filed in State Court?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there a pending TRO in State Court?	<input type="checkbox"/> Yes	<input checked="" 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 checked="" 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:		
<u>City of Cincinnati Fire Department</u>	_____	_____
<u>Jason Vollmer</u>	_____	_____
_____	_____	_____

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)
<p><i>I.E. Plaintiff John Doe</i></p> <p>Plaintiff Janos Roper</p> <p>Defendant City of Cincinnati Fire Department</p> <p>Defendant Jason Vollmer</p>	<p><i>I.E. Attorney(s) Name</i></p> <p><i>Firm</i></p> <p><i>Address</i></p> <p><i>City, State, Zip</i></p> <p><i>Telephone and Fax Number</i></p> <p><i>Supreme Court Number</i></p> <p>Evan R. McFarland (0096953) Brianna R. Carden (0097961) Matthew G. Bruce (0083769) The Spitz Law Firm 11260 Chester Road, Suite 825 Cincinnati, Ohio 45246 Phone: (216) 291-0244 x 173 Fax: (216) 291-5744 Trial Counsel for Plaintiff</p> <p>Katherine C. Baron (0092447) Heidi Rosales (0066022) City Solicitor's Office 801 Plum Street, Room 214 Cincinnati, Ohio 45202 Phone: (513) 352-4705 Fax: (513) 352-1515 Trial Counsel for City of Cincinnati Fire Department and Jason Vollmer</p>

USE A SEPARATE SHEET OF PAPER IF NECESSARY