

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL

Devin Sullivan, Mohamud Salad,
Timothy Ivory, Anabel Herrera,
Stanley Hafoka, Nathaniel Gomez-Haustein,
Cedric Dodds, and Chelsea Cox,

Court File No. _____

Plaintiffs,

v.

County of Ramsey,

Defendant.

Plaintiffs, by their attorneys, Nichols Kaster, PLLP, bring this action against the County of Ramsey (“Defendant”) for damages and other relief, stating the following as their claims against Defendant:

INTRODUCTION

1. Plaintiffs are eight correctional officers of color who were segregated and prevented from doing their jobs by Defendant solely because of the color of their skin.
2. Defendant’s discriminatory conduct came on the heels of the murder of George Floyd, an unarmed Black man in Minneapolis, Minnesota.
3. On May 25, 2020, Minneapolis Police Officer Derek Chauvin (“Chauvin”) killed George Floyd by kneeling on Floyd’s neck for over nine minutes.
4. On Friday, May 29, 2020, Chauvin was charged with third-degree murder and manslaughter.

5. By mid-afternoon, Chauvin had been arrested by officers of the Minnesota Bureau of Criminal Apprehension (“BCA”) and Chauvin was transported to the Ramsey County Adult Detention Center (“ADC”), where Plaintiffs work.

6. That same day, Plaintiffs went to work expecting to do their jobs just as they had every day before that.

7. However, Defendant’s Superintendent, Steve Lydon, ordered that all correctional officers of color, including Plaintiffs, were prohibited from interacting with or guarding Chauvin, or going anywhere on the 5th floor, where Chauvin was held.

8. Additionally, several Plaintiffs were excluded from responding to an emergency call and not permitted to complete the emergency protocol until white officers arrived because the protocol required officers to go the 5th floor, where Chauvin was being held.

9. Lydon refused to allow Plaintiffs to complete their professional responsibilities because of their race and the color of their skin.

10. Plaintiffs’ reassignment and Lydon’s blatant discrimination broke the trust between employees and management.

11. Lydon’s segregation order caused Plaintiffs immediate and long-lasting damage.

12. While Lydon’s segregation order was the most overtly discriminatory act that has occurred during Plaintiffs’ employment, it was not in isolation; the leadership and culture at Ramsey County have chronically failed to promote the interests of employees of color.

PARTIES

13. Devin Sullivan is a natural person residing in Minnesota. Sullivan is an Acting Sergeant at ADC.

14. Mohamud Salad is a natural person residing in Minnesota. Salad is a Corrections Officer at the ADC.

15. Timothy Ivory is a natural person residing in Minnesota. Ivory is a Corrections Officer at the ADC.

16. Anabel Herrera is a natural person residing in Minnesota. Herrera is a Corrections Officer at the ADC.

17. Stanley Hafoka is a natural person residing in Minnesota. Hafoka is a former Corrections Officer / Acting Sergeant at the ADC.

18. Nathaniel Gomez-Haustein is a natural person residing in Minnesota. Gomez-Haustein is a Corrections Officer at the ADC.

19. Cedric Dodds is a natural person residing in Minnesota. Dodds is a Corrections Officer at the ADC.

20. Chelsea Cox is a natural person residing in Minnesota. Cox is a Corrections Officer at the ADC.

21. Defendant Ramsey County is a Minnesota public corporation.

JURISDICTION AND VENUE

22. This Court has subject matter jurisdiction pursuant to Minn. Stat. § 484.01.

23. This Court has personal jurisdiction over Defendant and venue is proper in this Court because a substantial part of the events at issue in this lawsuit took place in Ramsey County, Minnesota, which is located in the Second Judicial District.

FACTUAL ALLEGATIONS

Ramsey County Adult Detention Center

24. Plaintiffs are all employees of the Ramsey County Adult Detention Center (“ADC”).

25. The ADC is a 500-bed pretrial corrections facility that detains individuals following their arrest until a court disposition is reached.¹

26. The ADC also houses individuals being held for probation or parole violations.²

27. The ADC currently employs approximately 150 detention, law enforcement and medical staff.³

28. The Office of the Ramsey County Sheriff operates ADC.⁴

29. Sheriff Bob Fletcher is the Ramsey County Sheriff and held this position during the relevant time period.

30. Steve Lydon was the ADC Superintendent during the relevant time period.

Defendant Implements Discriminatory Segregation Order

31. On Friday, May 29, 2020, Derek Chauvin, the white former police officer who killed George Floyd, an unarmed Black man, was arrested and processed at ADC.

32. Chauvin would eventually be housed on ADC’s 5th floor segregation unit.

33. ADC Superintendent Steve Lydon was on duty on May 29, 2020.

34. Lydon was notified by Ramsey County Sheriff Bob Fletcher that the BCA was transporting Chauvin to the ADC.

¹<https://www.ramseycounty.us/your-government/leadership/sheriffs-office/sheriffs-office-divisions/detention-services/adult-detention-center-jail> (last visited 2/5/2021).

² Id.

³ Id.

⁴ Id.

35. Lydon told Lieutenant Renaldo Walker that he did not want any minority officers working with Chauvin.

36. Lydon said something to the effect of “let’s not have officers of color working with [Chauvin] on the 5th floor.”

37. Walker told Lydon he did not think that was a good idea and asked what he should do if any officer questioned the order.

38. Lydon told Walker that any concerned officer should come to him directly.

39. Thereafter, Walker conferred with Melissa Hildebrant, the scheduling sergeant.

40. Walker told Hildebrant of Chauvin’s arrival and Lydon’s directive that all officers of color be removed from the 5th floor and the 1st floor booking area.

41. Hildebrant expressed that Lydon’s order was offensive and the order indicated a lack of trust and professionalism towards minority officers. Nonetheless, Lydon’s order was executed.

42. Consistent with Lydon’s order, officers of color, including Plaintiffs, were interrupted while performing their normal duties and ordered away from the 1st floor booking area and the 5th floor, where Chauvin was to be housed.

43. After Chauvin was processed and taken to the 5th Floor, an “A-Team Response” was called on the 1st Floor, which means there is an emergency, and all available correctional officers are to drop what they are doing to assist the affected inmate.

44. Once the emergency is relieved, protocol requires that the inmate who is the subject to the A-Team call be taken to the segregation unit on the 5th floor. Normally, all officers who respond to the call assist in transporting the inmate to the 5th floor to ensure there are no issues.

45. On May 29th, several officers of color, including Plaintiffs Sullivan, Salad, Ivory, Dodds, Herrera, Hafoka and Cox, responded to the call and rushed to the 1st floor. When they arrived, the officers of color were prevented from assisting with the call and were told they could not transport the inmate to the 5th floor because of Lydon's order segregating the officers of color from Chauvin.

46. Following the A-Team call, the officers of color made several requests to speak with Lydon about his segregation order.

47. After some time, Lydon finally responded to the requests and met with the affected officers. During the meeting, Lydon admitted that he gave an order segregating the officers of color from Chauvin and the 5th floor.

48. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

49. The following week, Sheriff Bob Fletcher met with approximately fifty officers and employees to discuss Lydon's segregation order. Fletcher attempted to address the claims of discrimination, but defended Lydon, stating he was not a racist.

50. During the meeting, Fletcher admitted that he had not yet investigated and did not know all the facts of what occurred.

51. Since then, Ramsey County denied in the press that there was any truth to the claims that officers of color were prohibited from being on the same floor as Chauvin.

52. Lydon's segregation order caused immediate and long-lasting damage to Plaintiffs.

53. Further, Defendant has failed to develop a concrete plan to ensure that this discriminatory behavior does not happen again.

54. Instead, several of the Plaintiffs continue to work in a hostile work environment.

55. In June 2020, Plaintiffs filed charges of discrimination with the Minnesota Department of Human Rights (“MDHR”) for race and color discrimination.

56. On January 4, 2021, Plaintiffs received their file closure letter from the MDHR.

Facts Specific to Each Plaintiff

Plaintiff Devin Sullivan

57. Plaintiff Devin Sullivan is an African-American man with black skin who is employed as an Acting Sergeant at the ACD, where he has worked for more than a decade.

58. He is also a Major in the U.S. Army Reserve, and he commanded the largest Company in the Minnesota Army National Guard from 2014-17.

59. On the afternoon of May 29, 2020, Sullivan was working his normal shift when he was informed by a Lieutenant that a very high-profile inmate, Derek Chauvin, was being transported to their jail.

60. Sullivan’s normal work responsibilities included booking, transporting and supervising the transport of inmates with behavioral issues as well as high-risk and high-profile inmates, all of whom are typically housed on the 5th floor of the facility.

61. Accordingly, when Chauvin arrived, Sullivan began the routine booking process, including a pat down of Chauvin.

62. Lydon was present during the booking process, which was unusual.

63. As Sullivan began the pat down, Lydon questioned Sullivan about why he was involved. Lydon said he did not want Sullivan doing anything he would not normally do.

64. Sullivan responded said that he would normally take the lead when a high-profile inmate was being booked.

65. Lydon then changed his tune and told Sullivan he did not want him to continue

with the booking and that he did not want Sullivan to transport Chauvin to the 5th Floor.

66. When Lydon asked who would transport Chauvin, Sullivan pointed to two white officers. Lydon said that was acceptable.

67. After the booking process was complete, Chauvin was changed into jail clothing and escorted to housing by the two white transfer release officers.

68. A short time later, Plaintiff Stanley Hafoka, who was assigned to the 5th floor housing unit, entered the booking area and told Sullivan that he was reassigned from housing to booking because Lydon did not want him or any minorities around Chauvin.

69. Hafoka said that all minority officers who were on the 5th floor were no longer permitted to have any contact with Chauvin or permitted anywhere on the 5th floor.

70. Sullivan pulled up the cameras in the booking office and saw that all the people of color on the 5th floor were being reassigned.

71. Sullivan called Lieutenant Renaldo Walker and asked if it was true that all the minority staff were being moved off the 5th floor.

72. Walker confirmed the segregation order and told Sullivan that if anyone had questions to give them Lydon's number.

73. Walker, who is also a minority, was not reassigned due to Lydon's order. Walker, however, has lighter skin and appears white.

74. Other non-white officers with lighter skin tone were also not moved after Lydon's order.

75. Sullivan asked if anyone told Lydon that it is illegal to assign staff based on the color of their skin.

76. Walker repeated that if anyone had a question to contact Lydon directly.

77. Sullivan then called the Assistant Superintendent Scott Brommerich, Walker's supervisor, and told him about Lydon's order. Brommerich said the situation was "ridiculous" and he was on his way to speak to Lydon.

78. A little while later, the "A-Team Response" was called on the 1st floor due to an uncooperative inmate.

79. Sullivan and several other officers of color responded to the emergency.

80. When they arrived, Sullivan and the other officers of color were prohibited from assisting with the emergency or transporting the inmate to the 5th floor, which was typical according to protocol, because of Lydon's segregation order.

81. During the A-Team call, several medical staff of color also responded and asked Sullivan, who is an acting sergeant, if they too were prevented from assisting because of Lydon's segregation order. Sullivan was unsure what to tell them at that point.

82. Following the call, Sullivan returned to the booking area.

83. Once there, Lieutenant Lugene Werner, who is white, asked Sullivan if he would help her explain Lydon's segregation order to the 1st floor booking staff.

84. Sullivan politely refused, stating that if he was to explain this it would look like he supported the discriminating order, and it would be especially insulting because he was a person of color.

85. Sullivan said that throughout his career, he had followed many orders that he had not liked or agreed with, but this was the first time he had to refuse an order.

86. Sullivan then went to the 3rd floor with Lieutenant Walker, Assistant Superintendent Brommerich and Sergeant Hafoka to talk with the officers of color who were segregated due to Lydon's order.

87. All of the officers were extremely upset and offended, and many were openly contemplating whether they wanted to continue working there.

88. This was concerning to Sullivan because the day before, a Minneapolis police precinct was burned down and now they were housing Chauvin, who triggered the protests.

89. Plaintiff Sullivan was worried the jail could be vulnerable to a similar fate.

90. Sullivan explained to everyone that, even though he was extremely offended and insulted that Lydon would assume that he could not perform his job professionally because his skin was black, he could not walk away from his fellow officers in a potential crisis.

91. Sullivan said that he planned to remain there with his staff and team members in the event they get over run like the precinct in Minneapolis.

92. During the discussion, the officers of color indicated they wanted to hear from Superintendent Lydon.

93. A while later, Lydon met with Sullivan and the other officers on the 3rd floor and admitted he had issued the segregation order and prohibited officers of color from guarding Chauvin or entering the 5th floor.

94. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

95. Sullivan believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

96. Sullivan understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

97. Sullivan is not aware of a similar situation where white officers were segregated

from an inmate.

98. Sullivan was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

99. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Sullivan and the officers of color at the ADC.

Plaintiff Mohamud Salad

100. Plaintiff Mohamud Salad is an African-American man with black skin who works as a correctional officer at the ADC, where he has worked for approximately 2.5 years.

101. On the afternoon of May 29, 2020, Salad was working his normal shift when he learned that Chauvin had been processed and was going to be held on the 5th floor.

102. Salad was on the 3rd Floor when Plaintiff Anabel Herrera came out of the control room crying. Herrera explained Lydon's order to Salad and indicated that she was removed from the 5th floor.

103. Salad's normal duties would have required him to go to the 5th floor, but Lydon's order prohibited him from doing so.

104. Soon thereafter, Plaintiffs Chelsea Cox and Stanley Hafoka, as well as other officers of color, arrived on the 3rd floor. They also were reassigned from the 5th floor by Lydon's segregation order.

105. All of the affected officers were upset by Lydon's order, and many people were yelling and crying.

106. While the officers were on the third floor, the "A-Team Response" was called from the 1st floor. Salad and the other officers of color rushed down the stairwell to the 1st floor.

107. When they arrived, however, Salad and the other officers of color were told that

they could not assist in transporting the inmate to the 5th floor because of Lydon's order.

108. Unable to assist, Salad and the other officers of color returned to the 3rd floor.

109. Later, Lieutenant Walker, Assistant Superintendent Brommerich, Sergeant Hafoka and Sergeant Sullivan came to the 3rd floor to talk to the segregated officers. Lieutenant Walker attempted to explain Lydon's order, but the officers asked to speak directly to Lydon.

110. A little while later, Lydon met with correctional officers and admitted there had been an order to prohibit officers of color from the 5th floor.

111. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

112. Salad believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

113. Salad understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

114. Salad is not aware of a similar situation where white officers were segregated from an inmate.

115. Salad was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

116. Among other things, Salad has had to miss some work as the result of the distress from May 29, 2020, and surrounding events.

117. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Salad and the officers of color at the ADC.

Plaintiff Timothy Ivory

118. Plaintiff Timothy Ivory is an African-American male with black skin who works as a correctional officer at the ADC.

119. Ivory has worked at Ramsey County for approximately three years but has been in the correctional officer role since approximately April 2020.

120. On the afternoon of May 29, 2020, Ivory was working his assigned shift as a "roamer" on the 5th floor.

121. Ivory was informed by the control office that the officers on the 5th floor needed to clear out and clean the lower-level segregation unit. The segregation unit has approximately five cells with a common area behind glass.

122. Ivory and other officers started to move the inmates to other units and clean the cells. As they were doing so, Sergeant Rick Paul came to the 5th floor and told Ivory and another officer of color that they were to report to the 3rd floor.

123. At the time, Ivory was in field training and his training officer was not on the 5th Floor. Ivory was told to move to the 3rd floor without his training officer.

124. When Ivory got downstairs, he heard calls on the radio for white officers to go up to the 5th floor.

125. Several officers of color were on the 3rd floor and they were discussing that they were moved because Lydon did not want officers of color interacting with Chauvin.

126. As officers began congregating on the 3rd floor, Ivory and the other officers of color began asking Lieutenant Renaldo Walker and Assistant Superintendent Brommerich about the order. Walker confirmed that he received orders from Lydon that the officers of color were to come down to the 3rd floor.

127. While Walker was talking, Plaintiff Stanley Hafoka was visibly shaken and upset. Hafoka said that they were segregated due to their race and color of their skin.

128. The employees impacted by Lydon's segregation order, including Ivory, were upset and some were crying.

129. Later that afternoon, the "A-Team Response" was called on the 1st floor.

130. Ivory and several other officers of color responded to the call but were prohibited from taking the inmate to the 5th floor due to Lydon's segregation order.

131. Unable to help with the A-Team call, Ivory and the other officers returned to the 3rd floor.

132. While there, they again spoke with Assistant Superintendent Brommerich and Lieutenant Walker and requested to speak directly with Lydon about the segregation order.

133. Eventually, Lydon met with the officers to discuss his order. During the meeting, Lydon admitted there had been an order to prohibit officers of color from the 5th floor.

134. Lydon denied that he was a racist and defended his decision but said he had changed his mind about the order.

135. Ivory believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

136. Ivory understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

137. Ivory is not aware of a similar situation where white officers were segregated from an inmate.

138. Ivory was, and continues to be, deeply humiliated, distressed, and negatively

impacted by the segregation order.

139. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Ivory and the officers of color at the ADC.

Plaintiff Anabel Herrera

140. Plaintiff Anabel Herrera is a Hispanic woman with brown skin who is employed as a correctional officer at ADC, where she has worked since 2017.

141. On the afternoon of May 29, 2020, Plaintiff Herrera was working her normal shift, assigned as a "roamer" on the 5th floor of the housing unit.

142. Around 3 p.m., she was working in 5B, a housing unit with offenders, when she was informed that Derek Chauvin was being processed and was going to be held on the 5th floor.

143. Herrera and Officer Jarvis Moore, with whom Herrera was working that day, were told that they needed to clear the 5th floor to prepare for Chauvin's arrival.

144. They were told to clean all the cells even though Chauvin would only be housed in one unit.

145. Herrera and Moore moved the inmates out of the segregation unit where Chauvin was to be housed, and then started cleaning the cells. Plaintiff Stanley Hafoka was also cleaning along with some of the inmates who were designated cleaners.

146. The cleaning involved removing urine and other unsanitary materials.

147. While they were cleaning, a white correctional officer told Herrera that the Scheduling Sergeant, Melissa Hildebrandt, wanted to speak with her. Herrera called Hildebrandt, who told Herrera that her assignment was changed, and she was to report to the 3rd floor.

148. Plaintiff Stanley Hafoka told Herrera that he also was reassigned away from the 5th floor.

149. When Herrera arrived on the 3rd floor, she realized that the facility's employees of color were all on that floor and were being segregated from the 5th floor.

150. Upset by this, Herrera spoke with Hildebrandt and asked who ordered the segregation. Hildebrandt said she had nothing to do with it and to speak to Superintendent Lydon.

151. Herrera then went to speak with Lydon. She asked Lydon why all the officers of color were being moved.

152. Lydon claimed that he was doing it to protect them because if something happened to Chauvin, the officers of color would be blamed.

153. Herrera responded that she has never done anything unprofessional and Lydon had never segregated officers for any other high-profile inmate.

154. After the conversation, Herrera returned to the 3rd floor with the other officers of color and resumed her duties.

155. Sometime later, the "A-Team Response" was called on the 1st floor.

156. Herrera and several other officers of color responded to the call but were prohibited from taking the inmate to the 5th floor due to Lydon's segregation order.

157. Later, Lieutenant Walker, Assistant Superintendent Brommerich, Sergeant Hafoka and Sergeant Sullivan came to the 3rd floor to talk to the segregated officers. Lieutenant Walker attempted to explain Lydon's order, but the officers asked to speak directly to Lydon.

158. A little while later, Lydon met with correctional officers and admitted there had been an order to prohibit officers of color from the 5th floor.

159. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

160. In the meeting the following week, Sheriff Bob Fletcher, while claiming to address

the issue, defended Lydon and stated he was not a racist.

161. Herrera believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

162. Herrera understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

163. Herrera is not aware of a similar situation where white officers were segregated from an inmate.

164. Herrera was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

165. Among other things, Herrera has had to miss some work as the result of the distress from May 29, 2020, and surrounding events.

166. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Herrera and the officers of color at the ADC.

Plaintiff Stanley Hafoka

167. Plaintiff Stanley Hafoka is a Pacific Islander American man with brown skin who was employed, during the relevant timeframe, as an Acting Sergeant at the ADC.

168. He worked at Ramsey County for approximately ten years.

169. On the afternoon of May 29, 2020, Hafoka was working his normal shift, doing checks on the 5th floor of the facility, where the segregation and high-risk units are located.

170. Hafoka was informed around 3:00 p.m. that Derek Chauvin was expected to be processed that afternoon and held on the 5th floor.

171. Plaintiffs Anabel Herrera and Hafoka were informed that they needed to clean the

5th floor to prepare for Chauvin's arrival.

172. Cleaning the area involved removing urine and other unsanitary materials, which was not a normal part of Hafoka's duties as an Acting Sergeant.

173. Nevertheless, Herrera and Hafoka, along with officer Jarvis Moore, began cleaning as instructed.

174. Around that time, Hafoka was told that he was being reassigned away from 5th floor housing to the booking area.

175. Herrera also told Hafoka that she was reassigned to the 3rd floor and all officers of color were being reassigned away from the 5th floor.

176. Hafoka immediately went down to speak with Superintendent Lydon. Lydon asked Hafoka to support the reassignment and told Hafoka that he was a natural born leader who the others would follow. Hafoka, however, refused to support the order.

177. After speaking with Lydon, Hafoka went to the 1st floor and spoke with Plaintiff Devin Sullivan about Lydon's order. Both were upset and shocked by the order and called Assistant Superintendent Brommerich to explain what occurred. Brommerich said he would speak with Superintendent Lydon.

178. Hafoka then went to 3rd floor where the officers of color were reassigned. All of the officers on the 3rd floor were incredibly upset and some were crying.

179. As the officers of color were segregated on the 3rd floor, the "A-Team Response" was called on the 1st floor.

180. Hafoka and several other officers of color responded to the call but were prohibited from taking the inmate to the 5th floor due to the order to segregate.

181. Shortly after the A-team call, Hafoka went to Sergeant Sullivan's office. Lieutenant

Werner arrived shortly thereafter and asked Sullivan to explain Lydon's segregation order to the booking staff. Sullivan politely refused.

182. Hafoka and Sullivan then returned to the 3rd floor.

183. On the 3rd floor, Lieutenant Walker talked with the segregated officers and told to direct any concerns to Superintendent Lydon.

184. Devastated by the segregation order, Hafoka gathered his belongings and told Walker that he could no longer work that day.

185. As Hafoka left the building, Superintendent Lydon was entering, and Lydon asked Hafoka if he was leaving. Hafoka confirmed that he was. Lydon then stated something to the effect of, "One thing about making mistakes is that at least we make them in here instead of our in the real world where we can't fix them."

186. Hafoka believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

187. Hafoka understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

188. Hafoka is not aware of a similar situation where white officers were segregated from an inmate.

189. Hafoka was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

190. Among other things, Hafoka has been so disgusted by the leadership's actions that he gave up a promotion and pay following the events surrounding May 29th.

191. In August 2020, Plaintiff Hafoka was forced to take a leave from work due to his

mental health condition.

192. During the leave, he received only partial pay.

193. Plaintiff Hafoka's employment with Defendant terminated on December 18, 2020.

194. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Hafoka and the officers of color at the ADC.

Plaintiff Nathaniel Gomez-Haustein

195. Plaintiff Nathaniel Gomez-Haustein is a Hispanic man with brown skin who is employed as a correctional officer at the ADC, where he has worked since the end of 2017.

196. On the afternoon of May 29, 2020, Plaintiff Gomez-Haustein was working his normal shift, assigned to central control.

197. Central control employees have access to cameras throughout the facility.

198. Around 3 p.m., Derek Chauvin was processed and taken to the 5th floor.

199. Around that time, Gomez-Haustein noticed on the cameras that all employees of color were on the 3rd floor, rather than dispersed throughout all floors as is normal.

200. Gomez-Haustein was shocked and contacted Plaintiff Herrera to ask her whether administration removed all employees of color from the 5th floor.

201. Herrera was very upset and said that yes, they had all been moved away from the 5th floor.

202. Later that afternoon, the "A-Team Response" was called on the 1st floor.

203. Several officers of color responded to the call but were prohibited from taking the inmate to the 5th floor due to the order to segregate.

204. Gomez-Haustein watched on the cameras in central control as the officers of color responded and then were segregated from the white officers and prevented from assisting with the

emergency or transporting the inmate to the 5th floor.

205. Gomez-Haustein later spoke with Plaintiff Chelsea Cox, who confirmed that the officers of color were removed from the 5th floor.

206. Superintendent Lydon met with the segregated correctional officers later on May 29, 2020 and admitted there had been an order to prohibit officers of color from the 5th floor.

207. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

208. Gomez-Haustein could not attend the meeting but heard about Lydon's rationale from the other Plaintiffs.

209. In the meeting the following week with Sheriff Bob Fletcher, Plaintiff Gomez-Haustein spoke up and questioned why the same officers who were being praised for their leadership were also the ones who were segregated by Lydon's order and have not been promoted within the department.

210. Gomez-Haustein believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

211. Gomez-Haustein understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

212. Gomez-Haustein is not aware of a similar situation where white officers were segregated from an inmate.

213. Gomez-Haustein was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

214. As a result of Defendant's discriminatory conduct, among other things, Gomez-

Haustein's mental health has worsened and he has been on a medical leave since approximately July 24, 2020.

215. During his leave, Gomez-Haustein initially received partial pay, but now receives no pay.

216. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Gomez-Haustein and the officers of color at the ADC.

Plaintiff Cedric Dodds

217. Plaintiff Cedric Dodds is an African-American man with black skin who is employed as a correctional officer at the ADC, where he has worked for approximately three years.

218. On the afternoon of May 29, 2020, Dodds was working an overtime shift starting at 3 p.m. and assigned as an "extra" on various floors.

219. As Dodds began his shift, Officer Jarvis Moore informed Dodds that "they are moving us off the 5th floor." Dodds did not understand at the time that Moore meant the officers of color were being segregated from Chauvin.

220. Shortly thereafter, the "A-Team Response" was called and Dodds responded to the first floor.

221. When he arrived, Dodds was informed by Lieutenant Walker that he was needed to assist with taking the inmate to the 5th floor.

222. Dodds later learned that Chauvin had been processed and was being held on the 5th floor, and that Lydon had ordered all employees of color to stay off of the 5th floor.

223. Other non-white officers who are lighter-skinned and appear "white" were not moved off the 5th floor.

224. Superintendent Lydon met with correctional officers later on May 29, 2020 and

admitted there had been an order to prohibit officers of color from the 5th floor.

225. Lydon denied he was racist and defended his decision but said he had nevertheless changed his mind about the order.

226. Dodds asked to go to the meeting but was moving inmates to and from Court when the meeting occurred. Dodds heard of Lydon's statements from other officers who were in attendance.

227. Dodds believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

228. Dodds understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

229. Dodds is not aware of a similar situation where white officers were segregated from an inmate.

230. To the contrary, Dodds saw on facility cameras that a white Lieutenant was granted special access to Chauvin on May 30, 2020.

231. The white Lieutenant went into Chauvin's unit, sat on his bed, and patted his back while appearing to comfort him.

232. On information and belief, the white Lieutenant also allowed Chauvin to use a cell phone.

233. Chauvin was placed in the newly cleaned segregation unit by himself.

234. In addition, this was not the first time Dodds was segregated because of his race during his employment at ADC. On a previous occasion, Dodds and two other correctional officers of color were reassigned due to an inmate's racist attitude.

235. Dodds was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

236. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Dodds and the officers of color at the ADC.

Plaintiff Chelsea Cox

237. Plaintiff Chelsea Cox is a mixed-race woman with black-brown skin employed as a correctional officer at ADC, where she has worked for approximately four years.

238. On the afternoon of May 29, 2020, Plaintiff Cox was working her normal shift, assigned as a "roamer."

239. Around 3:00 p.m., Cox was working in the booking area when Sergeant Devin Sullivan pulled her aside.

240. Sullivan informed Cox that Chauvin had been processed and was being held on the 5th floor, and that Superintendent Lydon had pulled employees of color off the 5th floor.

241. Sullivan appeared visibly shaken and upset.

242. Cox was also shocked and upset upon learning of the segregation order.

243. Cox checked her schedule for the remainder of the weekend and learned that not only had she been reassigned on May 29th, but that her shift on May 31st had also been changed so that she would not be on the 5th floor during her shift.

244. Later the same afternoon, the "A-Team Response" was called on the 1st floor.

245. Cox and several other officers of color responded to the call but were prohibited from taking the inmate to the 5th floor due to the order to segregate.

246. Following the A-Team call, Cox went to the 3rd floor with the other officers of color. Cox and the other officers spoke with Lieutenant Walker and requested to speak directly

with Superintendent Lydon.

247. Superintendent Lydon met with correctional officers later on May 29, 2020 and admitted there had been an order to prohibit officers of color from the 5th floor.

248. Lydon denied he was racist and defended his decision, but said he had nevertheless changed his mind about the order.

249. Cox believes Lydon's actions were discriminatory because he openly singled out and segregated officers of color because of their skin color.

250. Cox understood that the decision to segregate them had been made because Lydon believed they could not be trusted to professionally perform their responsibilities around Chauvin solely because of the color of their skin.

251. Cox is not aware of a similar situation where white officers were segregated from an inmate.

252. To the contrary, Cox saw on facility cameras that a white Lieutenant was granted special access to Chauvin on May 30, 2020.

253. The white Lieutenant went into Chauvin's unit and sat on his bed.

254. On information and belief, the white Lieutenant also allowed Chauvin to use a cell phone.

255. Chauvin was placed in the newly cleaned segregation unit by himself.

256. Cox was, and continues to be, deeply humiliated, distressed, and negatively impacted by the segregation order.

257. Lydon's order and Defendant's failure to adequately address it have caused a hostile work environment for Cox and the officers of color at the ADC.

CAUSES OF ACTION

COUNT I

Minnesota Human Rights Act (Race and Color Discrimination)

Minn. Stat. § 363A.08

(All Plaintiffs)

258. Plaintiffs incorporate the paragraphs above by reference.

259. The purpose of the MHRA is “to secure for persons in this state, freedom from discrimination” as “discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy.” Minn. Stat. §363A.02, subd. 1.

260. The provisions of the MHRA are to be “construed liberally for the accomplishment of the purpose thereof.” Minn. Stat. Stat. §363A.04; see Abel v. Abbott Nw. Hosp., 947 N.W.2d 58, 76 (Minn. 2020).

261. The MHRA makes it an unfair employment practice for an employer to “discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment” because of race or color. Minn. Stat. Ann. § 363A.08.

262. The MHRA defines “discriminate” to “include[] segregate or separate.” Minn. Stat. § 363A.03, subd. 13.

263. Defendant openly singled out and segregated Plaintiffs and prohibited Plaintiffs from completing their job duties solely because of their skin color.

264. Plaintiffs understood the decision to segregate had been made because Defendant did not trust them to carry out their work responsibilities professionally around Chauvin – solely because of the color of their skin.

265. Credibility and trust is critical to maintaining safety in a jail environment.

266. Defendant's segregation order tarnished Plaintiffs' credibility and reputation and prohibited them from completing their job duties professionally.

267. Plaintiffs are not aware of a similar situation where white officers were segregated from an inmate.

268. The leadership and culture at Ramsey County have chronically failed to promote the interests of employees of color.

269. As a result of Defendant's violations of Minn. Stat. §363A.08, Plaintiffs were and continue to be deeply humiliated, distressed, and negatively impacted by Defendant's segregation order. Some of the Plaintiffs have also suffered and continue to suffer loss of income and other damages. Minn. Stat. § 363A.29, subd. 4. They also are entitled to attorneys' fees and costs. Id.

270. Plaintiffs are also entitled to treble damages under Minn. Stat. § 363A.29, subd. 4.

271. Defendant's conduct described herein was a willful violation of the MHRA.

272. Defendant committed the above acts with malice, reckless disregard or deliberate disregard for Plaintiffs' rights and safety. As a result, Plaintiffs are entitled to punitive damages.

COUNT II
Minnesota Human Rights Act (Hostile Environment)
Minn. Stat. Stat. § 363A.08
(All Plaintiffs)

273. Plaintiffs incorporate the paragraphs above by reference.

274. The MHRA makes it an unfair employment practice for an employer to "discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment" because of race or color. Minn. Stat. Ann. § 363A.08.

275. The provisions of the MHRA are to be “construed liberally for the accomplishment of the purpose thereof.” Minn. Stat. Stat. §363A.04; see Abel v. Abbott Nw. Hosp., 947 N.W.2d 58, 76 (Minn. 2020).

276. Defendant openly discriminated against Plaintiffs and other officers of color by implementing a segregation order and prohibiting them from doing their jobs solely because of the color of their skin.

277. The segregation order and Defendant’s conduct, including its failure to adequately address the order, have caused a hostile work environment for Plaintiffs and officers of color at the ADC.

278. The segregation order in and of itself may support a claim for relief. See Kenneh v. Homeward Bound, Inc., 944 N.W.2d 222, 232 (2020) (“A single, severe incident may support a claim for relief.”)

279. In addition, Defendant has failed to take adequate measures to prevent and correct the discrimination.

280. As a result of Defendant’s violations of Minn. Stat. §363A.08, Plaintiffs were and continue to be deeply humiliated, distressed, and negatively impacted by Defendant’s segregation order. Some of the Plaintiffs have suffered and continue to suffer loss of income and other damages. Minn. Stat. § 363A.29, subd. 4. Plaintiffs are also entitled to attorneys’ fees and costs. Id.

281. Plaintiffs are also entitled to treble damages under Minn. Stat. § 363A.29, subd. 4.

282. Defendant’s conduct described herein was a willful violation of the MHRA.

283. Defendant committed the above acts with malice, reckless disregard or

deliberate disregard for Plaintiffs' rights and safety. As a result, Plaintiffs are entitled to punitive damages.

PRAYER FOR RELIEF

Wherefore, Plaintiffs, individually and on behalf of the Class, pray for the following relief:

- A. That the practices of Defendant be determined and adjudged to constitute discrimination in violation of the MHRA;
- B. For all relief available under the MHRA, §363A.29, subd. 4, including equitable and compensatory relief and damages arising from loss of past and future income and benefits, treble damages, with interest on such amounts, damages for mental anguish and suffering, punitive damages, and a civil penalty;
- C. For such other and further relief available by statute;
- D. For Plaintiffs' attorneys' fees, costs and disbursements incurred herein;
- E. For a jury trial on all issues; and
- F. For such further and other relief as the Court deems just and equitable.

Dated: February 5, 2021

NICHOLS KASTER, PLLP

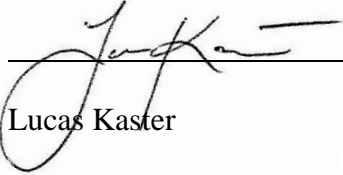


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**ACKNOWLEDGMENT REQUIRED BY
MINN. STAT. § 549.211**

I hereby acknowledge that, pursuant to Minn. Stat. § 549.211, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find I acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings, or to harass, or committed a fraud upon, the Court.



Lucas Kaster