

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

Mary Jane Colston  
1700 East 13<sup>th</sup> St. Apt. 501  
Cleveland, Ohio 44114

Plaintiff,

vs.

Cleveland Public Library  
c/o Felton Thomas, Director  
325 Superior Ave.  
Cleveland, Ohio 44114

and

Felton Thomas  
Director Cleveland Public Library  
325 Superior Ave.  
Cleveland, Ohio 44114

and

Melvin Abrams individually and as  
Asst, Chief of Security  
Cleveland Public Library  
325 Superior Ave.  
Cleveland, Ohio 44114

and

*Michael Janero individually and as*  
Chief of Security  
Cleveland Public Library  
325 Superior Ave.  
Cleveland, Ohio 44114

and

Sharon Tufts  
Cleveland Pubic Library  
325 Superior Ave.  
Cleveland, Ohio 44114

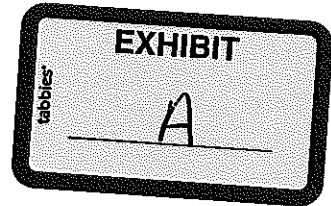
and

CASE NO.:

JUDGE

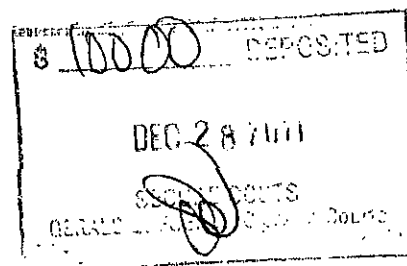
RONALD SUSTER  
CV 11 772326

Complaint



COMPLAINT

(TRIAL BY JURY REQUESTED)



DEC 28 P 2:18

John Doe(s) 1-20 individually and as )  
Security Officers for Cleveland )  
Public Library )  
1-20 )  
Cleveland Public Library )  
)  
)  
)  
)  
Defendants. )

Now comes **MARY JANE COLSTON** and for her Complaint states as follows:

**STATEMENT OF FACTS**

1. Plaintiff Mary Jane Colston is an African-American Female and a resident of Cuyahoga County, the State of Ohio.
2. At all times relevant hereto, Defendant, the Cleveland Public Library is a Public body functioning in Cuyahoga County, the State of Ohio.
3. At all times relevant hereto, Defendants Felton Thomas, Melvin Abrams, Michael Janero, Sharon Tufts and John Doe(s) 1-20 were employees of the Cleveland Public Library.
4. Plaintiff is employed as the *only female Security Officer* of The Cleveland Public Library beginning employment on or about June 8, 2008. Defendants have a policy of discrimination against hiring and retaining female Security officers.
5. Due to this discrimination, Plaintiff has been subject to ongoing and continuing outrageous sexual harassment in employment by several members of the Cleveland Public Library Security force and Security management since she began her employment with the Cleveland Public Library.

6. Defendants' sexual harassment - since she began her employ and continuing – have made Plaintiff's work place permeate with sexual discrimination, harassment, intimidation, ridicule, and insult and is so severe and pervasive that it has altered Plaintiff's conditions of employment and creates an abusive working environment.
7. Therefore, on November 18, 2009 - *with this outrageous conduct being too much for an ordinary person to bear* - Plaintiff complained to upper Cleveland Public Library Administration about her treatment. Thereafter, the Library conducted an investigation into the harassment<sup>1</sup>.
8. On or about April 2, 2010 Defendants received official notification from the investigation that Defendants had violated Plaintiffs' statutory rights, Ohio Constitutional Rights, and United States Constitutional Rights; in addition Defendants were acting in violation of its own policies, of Harassment, Work Place Bullying, and Discrimination regarding its employees and that Defendants discriminate against the hiring and retention of female Security officers.
9. However, after the investigation Defendants' actions and policies failed to exercise reasonable care to correct and prevent any further sexual harassment and Plaintiff *continued* to suffer sexual harassment at the hands of Defendants in the Security force.
10. Therefore, Plaintiff once again made a formal complaint to Cleveland Public Library Administration. And again, the Library conducted an investigation, but

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<sup>1</sup> The Library cannot deny, and will, admit that its employees sexually harassed Plaintiff but refuse to the investigation.

its actions and policies failed to exercise reasonable care to correct and prevent any further sexual harassment to Plaintiff.

11. On or about June 27, 2011 Defendants - *again* - received official notification, from its second investigation<sup>2</sup>, that again, Plaintiffs' statutory rights, Ohio Constitutional Rights, and United States Constitutional Rights had been violated; in addition Defendants were in violation of its own Discrimination, Retaliation, and Workplace Bullying policies regarding its employees and that Defendants discriminate against the hiring and retention of female Security officers.
12. Defendants' actions and policies knowingly, recklessly, and negligently allowed employees to continue to violate the Plaintiff's statutory and constitutional rights from the beginning of her employment with the Library to well after the resignation of some of its' offending employees, as incidents as recent as November 2011, continue to produce a working environment for Plaintiff that is permeated with sexual harassment and discrimination. Defendants knew, or should have known, that Plaintiff was continuing to be harassed.
13. Moreover, after making formal complaints about this harassment, Plaintiff has been *retaliated against* by receiving numerous adverse employment actions that would dissuade any reasonable worker from ever making or supporting a charge of discrimination including but not limited to:
  - suspensions,
  - improper layoff,

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<sup>2</sup> Again, the Library cannot deny that Plaintiff was harassed but will not turn over the investigation.

- involuntary overtime,
- denial of benefits,
- denial of sick time
- failure to promote,
- And refusal to remove Plaintiff from night shift and weekends even though more senior officers have asked for the same night and weekend shifts.

#### FIRST CAUSE OF ACTION

14. Plaintiff incorporates by reference paragraphs 1-13 as if fully realleged herein.
15. Throughout her employment with the Cleveland Public Library, Plaintiff was subjected to a sexually hostile atmosphere and has been discriminated against by all Defendants with respect to the terms and conditions of employment because of his gender.
16. On or around April 2, 2010 Defendants received formal notification from its investigation of Plaintiff's claims of sexual harassment that Plaintiff was in fact harassed and discriminated against on the basis of her gender and Defendants have failed to remedy the hostile environment to this day.
17. Because of Defendants' unlawful conduct, Plaintiff suffers non-economic and economic injuries, including but not limited to pain and suffering and the loss of salary and benefits and other privileges and conditions of employment.
18. Defendants' discriminatory conduct against Plaintiff due to her gender and failing to take steps to eliminate a sexually hostile environment violate O.R.C. Section 4112.02 for which Defendants are liable for compensatory and punitive damages pursuant to O.R.C. 4112.99.

## SECOND CAUSE OF ACTION

19. Plaintiff incorporates by reference paragraphs 1-18 as if fully realleged herein.
20. Defendants negligently hired, retained, supervised and/or failed to train and instruct Defendants Felton Thomas, Michael Janero, Melvin Abrams, Sharon Tufts, and John Doe(s) 1-20 because these Defendants have harassed, discriminated, and retaliated against Plaintiff in her terms and conditions of employment and are liable to Plaintiff in tort and Defendants knew or should have known that Defendants' incompetence, acts, policies, and omissions would lead to further harassment, discrimination and retaliatory treatment.
21. Defendants' negligent hiring, retention, supervision, failure to train, and instruct Defendants has directly caused and resulted in unlawful and discriminatory employment conditions that have caused Plaintiff economic and non-economic injuries as part of her employment with Defendants.
22. As a result of Defendants' actions and failure, Plaintiff suffered compensatory, consequential, non-economic and incidental injuries for which Defendants are liable in compensatory and punitive damages.

## THIRD CAUSE OF ACTION

23. Plaintiff incorporates by reference paragraphs 1-22 as if fully realleged herein.
24. After Plaintiff complained to Defendants about her treatment and the hostile environment she was forced to endure, Defendants engaged in malicious acts of retaliation by significantly reducing working hours, and placing Plaintiff with an threatening co-worker, suspensions, improper layoff, involuntary overtime, denial of benefits, denial of sick time, failure to promote, and refusal

to remove Plaintiff from night shift and weekends even though more senior officers have asked for the same night and weekend shifts and other acts and conditions of employment with no justifiable business reasons.

25. As a result of Defendants' retaliation, Plaintiff suffered compensatory, consequential, non-economic and incidental damages and injuries for which Defendants are liable in compensatory and punitive damages.

#### **FOURTH CAUSE OF ACTION**

26. Plaintiff incorporates by reference paragraphs 1-25 as if fully realleged herein.
27. Plaintiff is the *only female employee* of the Defendants' Security force, and was forced to endure devious, underhanded, unlawful and discriminatory, harassing, and retaliatory treatment, which can only be described as extreme and outrageous.
28. As a result of Defendants' scheming and unlawful conduct Plaintiff has suffered severe, extreme, emotional distress and sought professional help for the distress for which Defendants are liable.

#### **FIFTH CAUSE OF ACTION**

29. Plaintiff incorporates by reference paragraphs 1-28 as if fully realleged herein.
30. Defendants' unlawful and discriminatory conduct subjecting Plaintiff to an hostile environment without a properly eliminating violent and outrageous conduct and in violation of Defendants' own policies is a deprivation of Plaintiff's interests and in violation of Plaintiff's substantive and procedural due process rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution

for which Defendants are liable for compensatory, consequential, non-economic and incidental damages.

#### **SIXTH CAUSE OF ACTION**

31. Plaintiff incorporates by reference paragraphs 1-30 as if fully realleged herein.
32. Throughout her employment with the Cleveland Public Library, Plaintiff was subjected to a sexually hostile atmosphere and has been discriminated against by all Defendants with respect to the terms and conditions of employment because of his gender.
33. On or around April 2, 2010 *AND* in March 2011 Defendants received formal notifications from its investigations of Plaintiff's claims of sexual harassment that Plaintiff was in fact harassed and discriminated against on the basis of her gender and Defendants have failed to remedy the hostile environment to this day.
34. Because of Defendants' unlawful conduct, Plaintiff suffers non-economic and economic injuries, including but not limited to pain and suffering and the loss of salary and benefits and other privileges and conditions of employment.
35. Defendants' discriminatory conduct against Plaintiff due to her gender and failing to take steps to eliminate a sexually hostile environment violate Title VII, The Civil Rights Act of 1964, and 42 U.S.C.A. § 2000e -2 for which Defendants are liable for compensatory and punitive damages.

#### **CONCLUSION**

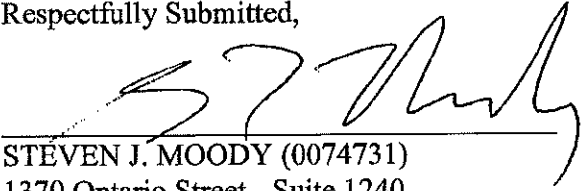
***WHEREFORE***, Plaintiff Mary Jane Colston states that she continues to suffer as a result of ongoing and continuing violation of her rights. Plaintiff seeks an amount in



excess of \$25,000 to fully, fairly and justly compensate her for her injuries, damages and loss and respectfully prays that the Court enter judgment in her favor and award her compensatory damages, consequential damages, all costs and reasonable attorney's fees and grant such additional or alternative relief as the court may determine to be just and equitable.

**A TRIAL BY JURY IS REQUESTED.**

Respectfully Submitted,



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Attorney for Plaintiff



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**DOCKET INFORMATION**

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Case Number: CV-11-772326

Case Title: MARY JANE COLSTON vs. CLEVELAND PUBLIC LIBRARY, ET AL

Image Viewer: [AlteraTIFF](#)

**DOCKET INFORMATION**

From Date	Sort	Type	Type	Type	Type	SearchType
/ /	<input checked="" type="radio"/> Ascending <input type="radio"/> Descending					Start Search

Date	Side	Type	Description	Image
01/26/2012	D4	SR	CERTIFIED MAIL RECEIPT NO. 18703300 RETURNED 01/26/2012 FAILURE OF SERVICE ON DEFENDANT JANERO/MICHAEL/ - UNABLE TO FORWARD NOTICE MAILED TO PLAINTIFF(S) ATTORNEY	
01/23/2012	D3	SR	CERTIFIED MAIL RECEIPT NO. 18703299 RETURNED BY U.S. MAIL DEPARTMENT 01/19/2012 ABRAMS/MELVIN/ MAIL RECEIVED AT ADDRESS 01/17/2012 SIGNED BY OTHER.	
01/23/2012	D2	SR	CERTIFIED MAIL RECEIPT NO. 18703298 RETURNED BY U.S. MAIL DEPARTMENT 01/19/2012 THOMAS/FELTON/ MAIL RECEIVED AT ADDRESS 01/19/2012 SIGNED BY OTHER.	
01/13/2012	D5	SR	SUMS COMPLAINT(18703301) SENT BY CERTIFIED MAIL. TO: SHARON TUFTS CLEVELAND PUBLIC LIBRARY 325 SUPERIOR AVE CLEVELAND, OH 44114-0000	
01/13/2012	D4	SR	SUMS COMPLAINT(18703300) SENT BY CERTIFIED MAIL. TO: MICHAEL JANERO CLEVELAND PUBLIC LIBRARY 325 SUPERIOR AVE CLEVELAND, OH 44114-0000	
01/13/2012	D3	SR	SUMS COMPLAINT(18703299) SENT BY CERTIFIED MAIL. TO: MELVIN ABRAMS CLEVELAND PUBLIC LIBRARY 325 SUPERIOR AVE CLEVELAND, OH 44114-0000	
01/13/2012	D2	SR	SUMS COMPLAINT(18703298) SENT BY CERTIFIED MAIL. TO: FELTON THOMAS DIRECTOR CLEVELAND PUBLIC LIBRARY 325 SUPERIOR AVE CLEVELAND, OH 44114-0000	
01/13/2012	D1	SR	SUMS COMPLAINT(18703297) SENT BY CERTIFIED MAIL. TO: CLEVELAND PUBLIC LIBRARY C/O FELTON THOMAS DIRECTOR 325 SUPERIOR AVE CLEVELAND, OH 44114-0000	
01/09/2012	D5	CS	WRIT FEE	
01/09/2012	D4	CS	WRIT FEE	
01/09/2012	D3	CS	WRIT FEE	
01/09/2012	D2	CS	WRIT FEE	
01/09/2012	D1	CS	WRIT FEE	
12/28/2011	N/A	SF	JUDGE RONALD SUSTER ASSIGNED (RANDOM)	

12/28/2011 P1 SF LEGAL RESEARCH  
12/28/2011 P1 SF LEGAL NEWS  
12/28/2011 P1 SF LEGAL AID  
12/28/2011 P1 SF COMPUTER FEE  
12/28/2011 P1 SF CLERK'S FEE  
12/28/2011 P1 SF DEPOSIT AMOUNT PAID STEVEN J. MOODY  
12/28/2011 N/A SF CASE FILED  
12/28/2011 P1 SR COMPLAINT WITH JURY DEMAND FILED. SERVICE REQUEST -  
SUMMONS BY CERTIFIED MAIL TO THE DEFENDANT(S).

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### SERVICE INFORMATION

Case Number: CV-11-772326

Case Title: MARY JANE COLSTON vs. CLEVELAND PUBLIC LIBRARY, ET AL

Party Role	Name	Service	Date	Response	Date
P(1)	MARY JANE COLSTON	N/A			
D(1)	CLEVELAND PUBLIC LIBRARY	SUMS COMPLAINT CERTIFIED MAIL	01/13/2012		
D(2)	FELTON THOMAS	SUMS COMPLAINT CERTIFIED MAIL	01/13/2012	COMP ON OTHER	01/19/2012
D(3)	MELVIN ABRAMS	SUMS COMPLAINT CERTIFIED MAIL	01/13/2012	COMP ON OTHER	01/17/2012
D(4)	MICHAEL JANERO	SUMS COMPLAINT CERTIFIED MAIL	01/13/2012	UNABLE TO FORWARD	01/26/2012
D(5)	SHARON TUFTS	SUMS COMPLAINT CERTIFIED MAIL	01/13/2012		
D(6)	JOHN DOES 1-20 INDIVIDUALLY AND AS SECURITY OFFICERS FOR CLEVELAND PUBLIC LIBRARY 1-20 CLEVELAND PUBLIC LIBRARY	N/A			

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