

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**HOWARD BARTLETT and  
CHRISTINA BARTLETT**  
husband and wife,

Plaintiffs

Hon. \_\_\_\_\_  
File No. \_\_\_\_\_

**HEIDI WASHINGTON**, Individually  
and not in her Official Capacity as  
Director of Department of Corrections  
For the State of Michigan; **SHERMAN  
CAMPBELL**, Individually and not in his  
Official Capacity as Warden of the  
Gus Harrison Correctional Facility;  
**SHARON R. OPEL**, Individually and  
not in her Official Capacity as Human  
Resource Officer for the Gus Harrison  
Correctional Facility; **SCOTT WAGGONER**,  
Vice President/Trustee of Local 26M; **JEFF FOLDIE**,  
Manager and Director of Grievance and  
Arbitration for Defendant SEIU Local 26M;  
**WILLIAM BADGER**, Union Steward SEIU,  
Local 26M, and **SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 26M**,  
Jointly and Severally,

Defendants

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**COMPLAINT AND JURY DEMAND**  
**JURISDICTION, VENUE AND PARTIES**

1. This is a civil action brought pursuant to 42 U.S.C. 1983, 1985(3), 1986 and further alleging a claim of Breach of Duty of Fair Representation against SEIU Local 26M and its officers, seeking declaratory relief and money damages against the Defendants for purposeful discrimination under color of law, in violation of the Equal Protection Clause of the 14<sup>th</sup> Amendment to the United States Constitution.

2. This Court has jurisdiction pursuant to 28 U.S.C. 1331, 1343(a)(3), 1342(a)(4) and 1367(a). Jurisdiction for declaratory relief sought is also premised upon 28 U.S.C. 2201 and 2202, venue lies in the Eastern District of Michigan pursuant to 28 U.S.C. 1391(b). Further this Court has jurisdiction as to Plaintiffs' state causes of action pursuant to 28 U.S.C. 1367.

Plaintiffs are citizens of the United States and are residents of Cement City, Lenawee County, Michigan within the Eastern District of Michigan; further Plaintiff Howard Bartlett was honorably discharged from the United States Marine Corps and served his country in the Desert Storm deployment.

3. Acting under color of law, Defendant, Heidi Washington, is a governmental official and was at all relevant times the duly appointed Director of the State of Michigan Department of Corrections.

4. Acting under color of law, Defendant, Sherman Campbell, is a governmental official, and was at all relevant times the duly appointed Warden of the Gus Harrison Correctional Facility located in Adrian, MI.

5. Acting under color of law, Defendant, Sharon R. Opel, is a governmental official and was at all relevant times the duly appointed Human Resource Officer for the Gus Harrison Correctional Facility located in Adrian, MI.

6. Defendant, Scott Waggoner, was at all relevant times the local Union President of the Adrian Correctional Facility and was a Trustee and a member of the Executive Board of Defendant Service Employees International Union, Local 26M.

7. Defendant, William Badger, was at all relevant times a Union steward for Defendant, Service Employees International Union Local 26M and held that position at the Gus Harrison Correctional Facility in Adrian, MI.

8. Defendant, Jeff Foldie, at all relevant times was the Director of Grievances and Arbitration for Defendant Service Employees International Union, Local 26M.

9. Defendant, Service Employees International Union, Local 26M, is a labor Union, recognized by the State of Michigan, pursuant to its rules and regulations and at all relevant times was the certified bargaining agent representing all Correction Officers at the Gus Harrison Regional Correction Facility, in Adrian, MI which included Plaintiff, Howard Bartlett.

**STATEMENT OF FACTS RE: WASHINGTON, CAMPBELL, AND OPEL**

10. On or about June 28, 2017, Defendants, Campbell, and Defendant Opel, gave notice to Plaintiff and Defendant Badger that Plaintiff was being charged with a violation of certain rules and regulations of the Department of Corrections and Gus Harrison Correctional Facility and that a disciplinary conference was to be held on July 7, 2017.

11. A copy of the charges was presented to Plaintiff and the Defendant Union on June 28, 2017.

12. On or before June 28, 2017, based upon good-faith information and belief, Correction Officer John Doe, was served with the identical charges brought against Plaintiff on; Correction Officer John Doe is an African-American male and worked at the Adrian prison.

13. As of June 28, 2017, Plaintiff had (21) years of service with the Michigan Department of Corrections and had no prior discipline on his record.

14. As of July 7, 2017, the State of Michigan and the Michigan Department of Corrections was being sued by the United States Department of Justice, as it relates to an alleged violation of Title VII of the Civil Rights Act, wherein employees of the Huron Valley Correctional Facility had alleged sex

discrimination by the State of Michigan and Department of Corrections. (U.S. District Court, Ed Mich; Case No. 2:16-cv-12146).

15. On July 13, 2017, the Office of Auditor General for the State of Michigan released its audit of the Huron Valley Women's Correctional Facility. The audit made specific reference to the employees at the Huron Valley Authority not complying with Michigan Department of Corrections inmate searches uniform work rules, which applied to all state prisons.

On June 28, 2018, Plaintiff was charged with violating the identical section of the Uniform Michigan Department of Corrections rules and regulations; however, the female correction officers at the Huron Valley Women's Correctional Facility, based upon good-faith information and belief, who were identified in the July 13, 2017, audit report, have not been charged with a violation of any departmental rules and regulations and have not been disciplined.

16. On the same date, that being July 13, 2017, Defendant Campbell and Defendant Opel notified Plaintiff by way of a telephone call to his home, that as a result of the disciplinary hearing held on July 7, 2017, his employment with the Michigan Department of Corrections would be terminated, forthwith.

17. Based upon good faith information and belief, Correctional Officer John Doe, was also served with a notice of termination of employment on or before July 13, 2017.

18. It was common knowledge throughout the Gus Harrison Correctional Facility that Lt. David Sidler, Defendants Campbell and Opel, disliked Correctional Officer John Doe, an African-American male. In order that John Doe not bring a lawsuit alleging race discrimination, even though Plaintiff had no disciplinary record, Plaintiff would also be terminated in order to provide a defense as to any civil rights lawsuit by Correctional Officer, John Doe.

19. The Defendants actions in terminating Plaintiff's employment in order to have a defense in terminating Correctional Officer John Doe, was based on Plaintiff's race, that being a white male, with (21) years of service with the Michigan Department of Corrections and which abridged his rights to equal protection of the laws, in violation of the 14<sup>th</sup> Amendment to the United States Constitution; the Correction Officers at the Huron Valley Woman's Correction Facility where alleged to have violated the same Department of Correction rules and regulations, which Plaintiff and John Doe were charged with, however; the correction officers at the Huron Valley Prison did not receive the same punishment as did Plaintiff and John Doe.

20. As a direct and proximate result of the actions as herein stated, including conspiracy, among the Department of Correction Defendants, Plaintiff has suffered, and will continue to suffer, substantial damages, including, but not limited to, loss of wages and other benefits he would have received as an employee of the Michigan Department of Corrections.

**STATEMENT OF FACTS AS TO DEFENDANTS, SCOTT WAGGONER,  
JEFF FOLDIE, WILLIAM BADGER AND SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 26M**

21. Plaintiff hereby incorporates paragraphs 1 - 20 above to avoid repetition.

22. Defendant, SEIU, Local 26M, Defendants, Scott Waggoner, Jeff Foldie and William Badger, owed Plaintiff a Duty of Fair Representation to provide him with a well-trained and qualified representative to handle his disciplinary hearing on July 7, 2017.

23. After the July 13, 2017 termination of Plaintiff's employment, the Defendants, SEIU, Local 26M, and its Agents, William Badger, Scott Waggoner and Jeff Foldie, filed a step-two grievance on behalf of Plaintiff, alleging that his rights under the collective bargaining agreement, which included a just cause standard for discipline, had been violated.

24. Defendant Campbell and Defendant Opel responded to the Union's step-two grievance by denying same.

25. On November 14, 2017, Plaintiff received a letter from the Union that it would not be taking Plaintiffs' grievance to arbitration; on December 4, 2017, Plaintiff filed an appeal to the Union's Executive Board, requesting that his grievance be submitted to arbitration. Plaintiff has previously received notice that his grievance would not be scheduled for arbitration.

26. On 20, 2017, the Defendant, SEIU, Local 26M, sent Plaintiff a letter stating that his appeal was rejected and that the union would not proceed to arbitration, as to the step-two grievance filed on Plaintiff's behalf.

27. The December 20, 2017, letter from the Union in part stated:

*"Since the appeal did not contain any additional information or facts to give the grievance merit for arbitration, the Board has voted to uphold the Committee's decision not to arbitrate the grievance, and it will be closed."*

This statement by the union was not true, as Plaintiff provided additional information as to why his grievance should be submitted to arbitration.

28. On December 29, 2017, Plaintiff, through his attorney, sent a letter to Defendant Jeff Foldie and Defendant SEIU, Local 26M, requesting information as to what appeal procedure, Plaintiff had as a result of the denial of his request to submit the step-two grievance to arbitration. The Union never responded to Plaintiff's request for information.

29. On December 29, 2017, Plaintiff, through his attorney, sent a letter to Defendant Washington, the Director of the Department of Corrections; Jonathon Patterson, Director of Department of Corrections Personnel Department; and a letter to Director of Legal Affairs for the Department of Corrections, requesting to know what appeal rights he had as it relates to the Union's determination not to take his grievance to arbitration.

Patterson responded by way of a telephone call, stating that Plaintiff did not have any additional appeal rights.

30. On March 4, 2018, Plaintiff sent an additional letter to Defendant Jeff Foldie requesting to know what rights of appeal he had as it relates to the Union's denial of his request to go to arbitration. Foldie once again refused to respond to Plaintiff's request for information as to his appeal rights.

31. Plaintiff's counsel was advised by the Jonathon Patterson, Personnel Director for the Michigan Department of Corrections, that Plaintiff had no additional appeal rights once the Union decided not to take his grievance to arbitration.

32. On January 23, 2018, Plaintiff's counsel sent a letter to the State Civil Service Commission, requesting to know if Plaintiff had any rights under the Michigan Constitution, Statutes of the State of Michigan or Administrative Rules to appeal his termination of employment. The attorney for the Civil Service Commission advised Plaintiff's counsel that Plaintiff had no additional appeal, except for filing an Unfair Labor Practice Charge against the Union; further that the time limit for filing an unfair labor practice charge was either (90) days or (6) months depending upon the circumstances. In the case now before this Honorable Court, the Union never responded to Plaintiff's (2) letters and therefore, the (6) month Statute of Limitations applies.

33. The acts of the Defendants, SEIU, Local 26M, Defendant Scott Waggoner, Defendant Jeff Foldie, and Defendant William Badger, constitutes a breach of the Union's Duty of Fair Representation owed to Plaintiff.

### COUNT I

#### VIOLATION OF Section I OF THE 14<sup>TH</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, "EQUAL PROTECTION OF THE LAWS" ACTIONABLE UNDER 42 U.S.C. 1983

34 Plaintiff hereby incorporates paragraphs 1 through 33 above to avoid repetition.

35. The Michigan Department of Corrections operates under uniform rules and regulations, approved by Defendant, Heidi Washington, and which are

to be uniformly applied to each correctional facility under her jurisdiction and control.

36. On July 13, 2017, Plaintiff received a “hurry up” telephone call from Defendant Sharon R. Opel, advising Plaintiff that Defendant Campbell, the Director of the Gus Harrison Correctional Facility, had determined to terminate Plaintiff’s (21) years of service with the Michigan Department of Corrections. On the same date, that being July 13, 2017, Defendant Washington received and authorized re-release of a news article notifying the public at large that several female Correction Officers at the Huron Valley Woman’s Correctional Facility; were violating the same rules for which Plaintiff was discharged.

37. Based upon good faith information and belief, the Michigan Department of Corrections has not taken any action against the female Correction Officers at the Huron Valley Woman’s Correctional Facility, who had been identified as violating the same work rules as those which Plaintiff and John Doe were charged with.

38. The actions of the Defendants constitute a violation of the equal protection clause of the 14<sup>th</sup> Amendment to the United States Constitution.

39. The Defendants, Washington, Campbell and Opel, were acting under the official policies of the State of Michigan, Department of Corrections, when they took this discriminatory action against Plaintiff and John Doe.

40. The actions of the Defendants, Washington, Campbell and Opel, acting under color of law, were conspiratorial acts which had the effect of denying Plaintiff “equal protection of the laws” as guaranteed under §1 of the 14<sup>th</sup> Amendment to the United States Constitution.

41. Plaintiff was denied equal protection of the law when the female employees at the Huron Valley Woman’s Correctional Facility were charged with the same and identical violations of the standard departmental rules and regulations and were not disciplined nor terminated.

42. As a direct and proximate result of the Defendants actions, Plaintiff has suffered and will continue to suffer substantial damages including,



but not limited to, the loss of wages that Plaintiff would have received from the Defendant governmental unit; further, Plaintiff has suffered great emotional distress, humiliation, embarrassment and loss of self-esteem.

**PLAINTIFF REQUESTS** that this Court enter judgments against Defendants for the following relief:

a. A declaratory judgment pursuant to 28 USC 2201 declaring that Defendants' actions in terminating Plaintiff's employment was unlawful and violative of the rights of Plaintiff under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

b. An award to Plaintiff of back pay or damages for lost earnings in the amount he would have earned, with interest from the date that he would have been employed but for the unlawful discrimination against him.

c. An award to Plaintiff of compensatory damages sufficient to compensate him for his mental anguish and emotional distress, embarrassment and humiliation, and damage to his professional reputation as a result of Defendants' actions.

d. An award to Plaintiff of punitive damages against Defendant government officials, because of the reckless indifference with which they violated Plaintiff's rights to equal protection of the laws.

e. An award to Plaintiff of the costs and disbursements of this action including reasonable attorney fees pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, 42 USC 1988(b).

f. An award to Plaintiff of other and additional legal and/or equitable relief to which he may be entitled.

## COUNT II

**CONSPIRACY BY AND BETWEEN DEFENDANTS WASHINGTON, CAMPBELL AND OPEL IN CONSORT WITH DEFENDANT, SEIU LOCAL 26M, DEFENDANTS WAGGONER, FOLDIE AND BADGER IN VIOLATION OF 42 U.S.C. 1983(3) AND 42 U.S.C. 1986.**

43. Plaintiff hereby incorporates paragraphs 1 through 42 above to avoid repetition.

44. Based upon good faith information and belief, Defendant Campbell and Defendant Opel, for a significant period, wanted to terminate the employment of John Doe, an African-American. On the evening of April 4, 2017, Correction Officer John Doe was working the 3<sup>rd</sup> shift on an overtime basis and was assigned to the same unit as was Plaintiff.

45. The published rules and regulations for which Plaintiff had been charged with violating, and for which Plaintiff had been found to have violated, do not require pat-down searches of inmates for corrections officers assigned to the third shift.

46. Plaintiff was not charged with a violation of the general rules and regulations for the Department of Corrections, but instead was charged with violating Work Rules Number 27 - Dereliction of Duty, Number 38 - Reporting Requirements; and Number 47 - Falsification, Destroying, Removing Documents or Filing False Reports. The Defendants did not charge the Plaintiff with a violation of DOC Policy Directive 04.04.110. The findings of the Office of Auditor General specifically states that the pat-down of inmates by corrections officers only apply to those officers assigned to the first and second shift; Plaintiff was assigned to third shift and therefore did not have a duty to pat down five inmates.

47. On the morning of April 5, 2017, the Deputy Warden at the Adrian prison, received an inmate note, commonly referred to as a "kite" stating that Plaintiff and John Doe did not do any physical pat-down searches of inmates.

48. Thereafter an investigation was conducted by the Internal Affairs Section of the Michigan Department of Corrections and Plaintiff along with Correction Officer, John Doe, were charged with violation of the departmental rules and regulations, relating to pat-down searches.

49. Based upon good faith information and belief, a conversation took place between Defendant Campbell, Defendant Opel and 3<sup>rd</sup> shift Duty

Lieutenant, David Sidler, wherein it was discussed that John Doe would be charged and in order to forestall a civil rights complaint alleging race discrimination, that Plaintiff would also have to be charged. At the time this decision was made, Plaintiff had (21) years of service and no disciplinary action was noted in his personnel file. Further, all the Defendants had actual knowledge that the 3<sup>rd</sup> shift employees at the beginning of their shift did not have to pat down (5) inmates as being the standard operating procedure.

50. The actions of the Defendants constitute a conspiracy which is an element of stating a cause of action under 42 U.S.C. 1985 (3) and 42 U.S.C. 1986.

51. The conspiracy as above set forth was for the purpose of depriving, either directly or indirectly, Plaintiff of the equal protection of the laws, and/or equal privileges and/or immunities under the law.

52. The fact that under normal circumstances, Plaintiff would not have been terminated but for the Defendants' desire to have a white correction officer terminated at the same time as an African-American Correction Officer, that being John Doe, was in furtherance of the conspiracy.

53. As a direct and proximate result of said conspiracy, Plaintiff suffered great emotional distress, physical injury, the loss of his employment, and the loss of his pension, loss of defined contribution pension benefits which he would have received for approximately (16) more years when Plaintiff would have reached the age of (65).

54. Plaintiff, as a result of being unlawfully terminated as a result of the conspiracy by and between the Defendants, has suffered extreme emotional distress, embarrassment, humiliation, outrage and has received medical care and treatment for said emotional distress.

55. The agents of Defendant, SEIU Local 26M, being Defendants Waggoner, Foldie and Badger, conspired among themselves and in consort with Defendants Washington, Campbell and Opel to have Plaintiff's employment terminated in part because he was a white male and the Defendants, for

personal reasons wanted to fire John Doe, an African-American correction officer; in order to ensure that the State Defendants had a “legitimate business reason” for terminating Plaintiff’s employment, demonstrated that they took equal action against both a white correction officer and an African-American correction officer.

56. At the same time this conspiratorial act was taking place by and between the Defendants, the State of Michigan, Auditor General’s Office was conducting an internal audit as to whether or not the Correction Officers at the Huron Valley Woman’s Correctional Facility, were performing their inmate searches.

On the same day that Plaintiff was terminated, that being July 13, 2017, Defendant Washington information officer responded to the Audit Report, concurring that the Correction Officers at the Huron Valley Woman’s Correctional Facility, who were assigned to the 3<sup>rd</sup> shift was not doing inmate pat-down searches.

Based upon good faith information and belief, none of the Corrections Officers at the Huron Valley Woman’s Correctional Facility have been disciplined for violating the identical rules and regulations for which Plaintiff was charged and terminated.

57. By refusing to take Plaintiff’s grievance to arbitration, Defendant SEIU Local 26M, not only acted in a discriminatory, arbitrary and/or bad-faith manner, it joined with the Governmental Defendants, who were operating under color of law, in seeing to it that Plaintiff would not have his day in front of an Arbitrator to plead his case.

58. In participating with the State Defendants in the conspiracy as above set forth, the Defendant, SEUI Local 26M, and its officers and agents were active parties in facilitating the actions with the State Defendants and assisted in injuring Plaintiff as it relates to his property and by depriving him of any rights or privileges of a United States citizen including protection under Section I of the 14<sup>th</sup> Amendment of the United States Constitution, by not providing

Plaintiff with equal protection of the laws; in this case, the standards used to judge the female employees at the Huron Valley Woman's Facility; said actions on the part of Defendant, SEIU Local 26M and its officers and agents constitute a violation of 42 U.S.C. 1986.

**PLAINTIFF REQUESTS** that this Court enter judgments against Defendants for the following relief:

a. A declaratory judgment pursuant to 28 USC 2201 declaring that Defendants actions in terminating Plaintiff' employment was unlawful and violative of his rights under the Equal Protection Clause of the Fourteenth Amendment.

b. An award to Plaintiff of back pay or damages for lost earnings in the amount he would have earned, with interest from the date that he would have been employed but for the unlawful discrimination against him.

c. An award to Plaintiff of compensatory damages sufficient to compensate him for his mental anguish and emotional distress, embarrassment and humiliation, and damage to his professional reputation as a result of Defendants' actions.

d. An award to Plaintiff of punitive damages against Defendant government official because of the reckless indifference with which they violated Plaintiff's rights to equal protection of the laws.

e. An award to Plaintiff of the costs and disbursements of this action including reasonable attorney fees pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, 42 USC 1988(b).

f. An award to Plaintiff of other and additional legal and/or equitable relief to which he may be entitled.

**COUNT III**

**BREACH OF DUTY OF FAIR REPRESENTATION RE:  
DEFENDANTS, SEIU LOCAL 26M, DEFENDANTS, SCOTT WAGGONER, JEFF  
FOLDIE AND WILLIAM BADGER**

59. Plaintiff hereby incorporates paragraphs 1 through 58 above to avoid repetition.

60. On October 6, 2017 the Union received the Step II answer from Kendall Perry, MDOC Labor Relations Specialist, denying the grievance filed by the Union.

61. The initial grievance filed by the Union, in part stated:

*“During the grievance conference, the Union asserted the arguments made at the disciplinary conference still apply, the searches were not required, the searches the Grievant stated he completed were voluntary and was not going to cause life or death; the Grievant is a (20) year employee, the Grievant admitted that he “did it and it won’t not happen again,” and the Grievant was remorseful. The kite was included in the disciplinary packet and it states the Grievant, “blatantly lied” about completing the shake-downs and the kite also states, “you want us to follow rules, then so should your officers.”*

This statement was made at the disciplinary hearing and was made part of the formal grievance filed by the Union.

62. During the disciplinary hearing on July 7, 2017, the statements made by the Plaintiff and the Union which were incorporated in the written grievance were statements that the Plaintiff performed his duties as required by the Michigan Department of Corrections rules and regulations.

63. At the time the Union filed a grievance on behalf of Plaintiff and on December 7, 2017, the date the Union decided not to take Plaintiff’s grievance to arbitration, the Defendant SEIU Local 26M, through its Executive Board, knew that there was a pending lawsuit dealing with the Huron Valley Woman’s Correctional Facility and that the Office of the Auditor General had performed an audit at said Huron Valley Woman’s Correctional Facility and determined through the audit that the women Correction Officers were not performing shake-downs as required by Departmental rules and regulations; yet no action was taken against those female employees/members of the Union.

64. The action of the Defendant SEIU Local 26M, Defendant Waggoner, Defendant Foldie and Defendant Badger constitutes actions which are arbitrary, discriminatory and/or were made with bad faith intent as set forth in Count II

above and further, the bad faith conduct of the Union's Executive Board in determining not to take Plaintiff's grievance to arbitration clearly shows that the Defendants were willing to sacrifice Plaintiff in order to protect several female Correction Officers at the Huron Valley Woman's Correctional Facility and to provide for a cover in the termination of John Doe, an African American Correction Officer.

65. Defendant, William Badger, was not properly trained to represent Plaintiff at the July 7, 2017 disciplinary hearing wherein the rumor throughout the department was that Correction Officer John Doe was the target of the investigation and in order for the State Defendants not to be charged with race discrimination brought by Correction Officer, John Doe, that the department would also terminate the employment of a (21) year employee with no disciplinary record and who was a member of the white race, that being Plaintiff.

**WHEREFORE, PLAINTIFF RESPECTFULLY REQUESTS** that this Honorable Court make a determination that Plaintiff has set forth a cause of action alleging a breach of duty of fair representation and that this matter shall proceed to trial.

**Further, PLAINTIFF REQUESTS** that this Court enter judgments against Defendants for the following relief:

a. A declaratory judgment pursuant to 28 USC 2201 and 2202, declaring that Defendants' actions in terminating Plaintiff's employment was unlawful and violative of the rights of Plaintiff under the Equal Protection Clause of the Fourteenth Amendment.

b. An award to Plaintiff of back pay or damages for lost earnings in the amount he would have earned, with interest from the date that he would have been employed but for the unlawful discrimination against him.

c. An award to Plaintiff of compensatory damages sufficient to compensate him for his mental anguish and emotional distress, embarrassment

and humiliation, and damage to his professional reputation as a result of Defendants' actions.

d. An award to Plaintiff of punitive damages against Defendant government official because of the reckless indifference with which they violated Plaintiff's rights to equal protection of the laws.

e. An award to Plaintiff of the costs and disbursements of this action including reasonable attorney fees pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, 42 USC 1988(b).

f. An award to Plaintiff of other and additional legal and/or equitable relief to which he may be entitled.

**COUNT IV.**

**LOSS OF CONSORTIUM**

66. Plaintiff incorporates by reference paragraphs 1 through 65.

67. At all relevant times, Plaintiff, Christina Bartlett, was the lawfully wedded spouse of Plaintiff, Howard Bartlett.

68. As a proximate result of the causes of action as above set forth, Christina Bartlett suffered loss of consortium, loss of society and companionship, and other damages.

69. Christina Bartlett's damages were proximately caused by the actions of Defendants, as previously described.

**PLAINTIFF REQUESTS** that this Honorable Court enter judgment against Defendants, in an amount that will fairly and adequately compensate Christina Bartlett for her injuries, together with costs of this action, interest and attorney's fees.

Dated: May 13, 2018

/S/ Jamil Akhtar

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**JURY DEMAND**

A demand for trial by jury is hereby made.

Dated: May 13, 2018

/S/ Jamil Akhtar  
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**VERIFIED COMPLAINT**

The foregoing facts are within my personal knowledge and if called to testify, I could and would completely testify thereto. I, Howard Bartlett, hereby adopt each and every paragraph above as my declaration of said statement being truthful. I am over (21) years of age. I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 13 th. day of May 2018

/S/ Howard Bartlett  
Howard Bartlett, Plaintiff