

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DIVISION

SUFFOLK, SS

CIVIL ACTION NO.:

16-3226 E

RHOAN DALMAR,

PLAINTIFF

V.

BOSTON RED SOX BASEBALL  
CLUB LTD. PARTNERSHIP

DEFENDANT

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2016 OCT 21 P 1:23  
MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE

**PLAINTIFF'S COMPLAINT AND JURY DEMAND**

NOW COMES, Rhoan Dalmar, Plaintiff in the above-captioned action and hereby files his Complaint and shows the court as follow:

**THE PARTIES**

1. Plaintiff, Rhoan Dalmar, is an individual who resides at [REDACTED] [REDACTED] in the county of Norfolk with his wife and two young daughters.
2. Plaintiff at all time relevant hereto was a Fire Marshal with the City of Boston and has worked for the Boston Fire Department for more than 15 years.
3. Defendant, Boston Red Sox Baseball Club Limited Partnership (Boston Red Sox), is a Massachusetts limited partnership with a principal place of business at 4 Yawkey Way, Boston, MA 02215.

4. The Defendant owned and operated the Fenway Park baseball stadium (hereinafter Fenway Park) which at all times relevant hereto met the definition of a place of public accommodation as defined by M.G.L. c. 272, s. 92A, 98 and 98A.

### **PROCEDURAL BACKGROUND**

5. Plaintiff has complied with all the statutory requirements that serve as prerequisites to filing this action.
6. On or about January 16, 2014 Mr. Dalmar filed a Complaint with the Massachusetts Commission Against Discrimination (MCAD) accusing the Defendant of unlawfully denying him access to Defendant's baseball stadium because of his race.
7. On August 4, 2015 the MCAD credited the Plaintiff's allegation by issuing a finding that Probable Cause existed to support the Plaintiff's allegations.
8. Plaintiff now brings this action seeking to redress the harm that he suffered as result of the Defendant violation of M.G.L. c. 272, s. 98.

### **THE FACTS**

9. On or about October 23, 2013 Plaintiff, in his capacity as a Boston Fire Marshal, went to Fenway Park to perform a safety inspection during the baseball World Series Championships.
10. Plaintiff was accompanied by two colleagues, Fire Marshal Ingemi who is white, and Fire Marshal Cox who is black.
11. The Plaintiff and his colleagues entered Fenway Park around the seventh inning of the baseball game.

12. Plaintiff then attempted to gain access to a section of the park referred to as the Green Monster where an inspection was to take place.
13. All three Fire Marshals stood in line in order to gain entrance to the Green Monster.
14. All three individuals were dressed in plain clothes and possessed the same credentials which included their Fire Marshal badge and an all access badge that was previously issued to them by the Boston Red Sox.
15. The all access badge contained the Plaintiff's name, picture identification and the words "Boston Fire Department".
16. The purpose of the badge was to give the Plaintiff unfettered access to all areas of the park so that Plaintiff would be able to conduct the necessary fire safety inspection on behalf of the Boston Fire Department.
17. The all access badge was worn around the necks of all there Fire Marshals and was in plain view.
18. Marshal Ingemi stood ahead of both Plaintiff and Marshal Cox in line.
19. The security officer at the entrance to the Green Monster allowed Mr. Ingemi entry without issue and Mr. Ingemi was allowed to move freely about the Green Monster.
20. Both Plaintiff and Marshal Cox were detained by the security officer and asked to provide additionally identifications despite having their Boston Fire Marshal's badge and the identical all access badge as Marshal Ingemi.
21. Plaintiff asked the officer why their credentials were being questioned when their colleague was allowed to enter only seconds earlier without even having to flash his Boston Fire Marshal badge.
22. The security officer became even more agitated and began shouting at Plaintiff and at Marshal Cox.

23. Plaintiff again expressed his disapproval over the unequal, unprofessional and disrespectful treatment he was receiving.
24. The security officer then asked Plaintiff and Marshal Cox if they wished to take the matter outside where it could apparently be resolved physically.
25. Plaintiff again reminded the officer that he was being very unprofessional and demanded to speak with his supervisor.
26. The officer stated that he was in charge and that if Plaintiff didn't like what was taking place, Plaintiff was free to get off the premises.
27. During the heated exchange between Plaintiff, Marshal Cox and the security officer, Marshall Ingemi, upon noticing the commotion, returned to inquire about why his colleagues were being denied entry when he was not even required to show an id.
28. Inspector Ingemi also voiced his disapproval over the disparate treatment that his colleagues were receiving and requested to speak to the officer's supervisor.
29. All three inspectors proceed downstairs to speak with the supervisors.
30. Plaintiff was again confronted and asked to provide identification in order to move about the Green Monster.
31. When Plaintiff asked why he should have to identify himself yet again the officer provided no explanation. Instead Plaintiff was asked to leave Fenway Park because he was being disorderly and the Boston Police was called to escort Plaintiff from Fenway Park.
32. Plaintiff left feeling extremely humiliated especially in light of the large crowd that was present and his being acquainted with some of the very officers that escorted from the premises.

33. The Fenway Park assignment and those involving sporting facilities were very coveted assignment for Plaintiff and his colleagues.
34. Because of the treatment that Plaintiff received from the Defendant, Plaintiff has been reluctant to accept any assignments involving the Defendant or its facility.
35. Plaintiff has also vowed never to patronize the Defendant because he feels that people of his race are clearly not welcomed at the Defendant's facilities.
36. Plaintiff is now very self-conscious about his race and the treatment he will receive when he is assigned to work in certain areas of Boston. Consequently, he would rather forego the overtime pay and avoid certain assignments.

**COUNT I**  
**VIOLATION OF M.G.L. CH. 272, S. 98**

37. Plaintiff repeats and re-alleges Paragraph 1 through 36 of this Complaint and incorporates them herein by reference.
38. The Defendant violated M.G.L. Ch. 272 s.98 when its employee detained and denied Plaintiff access to Defendant's facility solely on the basis of Plaintiff's race.
39. Defendant violated MGL Ch. 272 s. 98 when its employee had police officers remove the Plaintiff from the Defendant's facility solely on the basis of the Plaintiff's race.

**COUNT II**  
**DEFAMATION OF CHARACTER**

40. Plaintiff repeats and re-alleges Paragraph 1 through 36 of this Complaint and incorporates them herein by reference.
41. The Defendant defamed the Plaintiff when it instructed Boston Police Officers to remove the Plaintiff from its crowded facility by falsely accusing the plaintiff of

engaging in disorderly conduct when the Plaintiff was merely trying to perform his job.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against the Defendant in an amount deemed reasonable and for all other costs, interests, reasonable attorney's fees and for such other and further relief as this court deems necessary and proper.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL COUNTS SO TRIABLE**

Respectfully Submitted,  
Rhoan Dalmar  
By his Attorney



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Dated: October 21, 2016

CIVIL ACTION COVER SHEET

TRIAL COURT OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT  
COUNTY OF SUFFOLK

DOCKET NO. 16-3226 E

PLAINTIFF(S)  
**Dalmar, Rhoan**

DEFENDANT(S)  
**Boston Red Sox Baseball Club, Ltd. Partnership**

Plaintiff Atty Ainsworth Jones  
Address 929 Massachusetts Avenue, Suite 01  
City Cambridge State MA Zip Code 02139  
Tel. +1 (617) 868-2518 BBO# 641,136

Type Defendant's Attorney Name  
Defendant Atty Elaine Weddington Steward  
Address 4 Yawkey Way  
City Boston State MA Zip Code 02215

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)  
CODE NO. TYPE OF ACTION (specify) TRACK  
**B99 Other Tort (specify) - Fast Track**

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2016 OCT 21 PM 2:23  
MICHAEL JOSEPH BRYAN  
CLERK / MAGISTRATE

The following is a full, itemized and detailed statement of the facts on which plaintiff seeks to let the money damages. For this form, disregard double or treble damage claims; indicate simple damages only.

**TORT CLAIMS**

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
    1. Total hospital expenses
    2. Total doctor expenses
    3. Total chiropractic expenses
    4. Total physical therapy expenses
    5. Total other expenses (describe)
  - B. Documented lost wages and compensation to date
  - C. Documented property damages to date
  - D. Reasonably anticipated future medical expenses
  - E. Reasonably anticipated lost wages and compensation to date
  - F. Other documented items of damages (describe)
  - G. Brief description of plaintiff's injury, including nature and extent of injury (describe)
- Subtotal \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):  
\_\_\_\_\_  
TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

16-1046B, Robert Cox v. Boston Red Sox, Suffolk County

I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.

Signature of Attorney of Record \_\_\_\_\_  
A.O.S.C. 3-2007

Date: 10/21/16