

IN THE COMMON PLEAS COURT  
LUCAS COUNTY, OHIO  
CIVIL DIVISION

\* \* \* \* \*

**KOMAKO GOOLSBY**  
2625 Sigsher Drive  
Toledo, Ohio 43615,

Plaintiff,

vs.

**CITY OF TOLEDO**  
**d/b/a Toledo Fire and Rescue Department**  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**ASSISTANT CHIEF JOHN KAMINISKI**  
c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**BATTALION CHIEF SHARYL CLOSE**  
c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

:  
: Case Number: **CI2025-03477**  
:  
: JUDGE: **Cook, Gary G.**  
:  
:  
: **COMPLAINT WITH JURY DEMAND**  
: **ENDORSED HEREON**  
:  
:  
: Richard A. Mitchell, Esq. (0041906)  
: MITCHELL LAW, LLC  
: 1709 Spielbusch Ave., Ste. 101  
: Toledo, OH 43604  
: Phone: (419) 283-6350  
: Email: rm709madison@gmail.com  
:  
: *Attorney for Plaintiff*

## CAPTAIN KRISTIN TANNER

c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**CHIEF MICHAEL ROMSTADT**

c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**LIEUTENANT JEFFREY WHEELER**

c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**LIEUTENANT STARR STOCKTON**

c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**LIEUTENANT JOSEPH ZUBER**

c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**LIEUTENANT ERIC PINKHAM**

c/o City of Toledo, Toledo Fire and Rescue  
Department

One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

and

**FIREFIGHTER BRIAN BARCHICK**  
c/o City of Toledo, Toledo Fire and Rescue  
Department  
One Government Center  
640 Jackson St.  
Toledo, Ohio 43604,

Defendants.

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Now comes Plaintiff, Komako Goolsby, by and through counsel, as her Complaint against Defendants, hereby states as follows:

### **PARTIES**

1. Plaintiff, Komako Goolsby is an individual and resident of the City of Toledo, Lucas County, Ohio with a residential address as set forth in the caption hereto (hereinafter “Plaintiff”, “Plaintiff Goolsby”).

2. Defendant City of Toledo is an Ohio political subdivision with its principal place of business as set forth in the caption hereto (hereinafter “Defendant City of Toledo”).

3. Upon information and belief, Defendant Assistant Chief John Kaminski, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Kaminski”).

4. Upon information and belief, Defendant Battalion Chief Sharyl Close, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Close”).

5. Upon information and belief, Defendant Captain Kristin Tanner, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Tanner”).

6. Upon information and belief, Defendant Chief Michael Romstadt, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Romstadt”).

7. Upon information and belief, Defendant Lieutenant Jeffrey Wheeler, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Wheeler”).

8. Upon information and belief, Defendant Lieutenant Starr Stockton, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Stockton”).

9. Upon information and belief, Defendant Lieutenant Joseph Zuber, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Zuber”).

10. Upon information and belief, Defendant Lieutenant Eric Pinkham, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Pinkham”).

11. Upon information and belief, Defendant Firefighter Brian Barchick, is an individual and resident of the City of Toledo, Lucas County, Ohio and employee of Defendant City of Toledo with an address as set forth in the caption hereto (hereinafter “Defendant Barchick”).

12. Defendants Kaminski, Close, Tanner, Romstadt, Wheeler, Stockton, Zuber, Pinkham and Barchick will be collectively referred to herein as the “Employee Defendants”.

### **JURISDICTIONAL STATEMENT**

9. Plaintiff states that pursuant to Ohio Revised Code Section 2305.01 the Lucas County Common Pleas Court has original jurisdiction of this civil lawsuit.

10. Personal jurisdiction is proper over Defendants pursuant to R.C. § 2307.382(A)(1) and (3).

11. Venue is proper in this Court as the majority, if not all, events alleged in the Complaint occurred in Lucas County, Ohio.

12. Venue is proper in this Court pursuant to Civ.R. 3(C)(1) as this is the county in which the Employee Defendants reside.

13. Venue is proper in this Court pursuant to Civ.R. 3(C)(2) as this is the county in which Defendant City of Toledo has its principal place of business.

14. Venue is proper in this Court pursuant to Civ.R. 3(C)(6) as this is the county in which all or part of Plaintiff’s claims for relief arose.

15. Pursuant to Civ.R. 8(A), Plaintiff states that the amount in controversy exceeds Twenty-five Thousand Dollars (\$25,000.00).

## **BACKGROUND AND FACT**

9. Plaintiff realleges the foregoing paragraphs as if fully set forth herein.

10. Within two years of the conduct alleged herein, Plaintiff Goolsby filed Charges of Discrimination with the Ohio Civil Rights Commission (“OCRC”) against the Defendants.

11. The OCRC issued and mailed a Notice of Right to Sue and letter and Letter of Determination to Plaintiff Goolsby regarding the Charges of Discrimination brought by Plaintiff Goolsby against Defendants. (A true and accurate copy of said letters are attached hereto and incorporated herein by reference as “Exhibit A”).

12. Within two years of the conduct alleged herein, Plaintiff Goolsby filed Charges of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”) against the Defendants.

13. The EEOC issued and mailed a Determination and Notice of Rights Letter to Plaintiff Goolsby regarding the Charges of Discrimination brought by Plaintiff Goolsby against Defendants. (A true and accurate copy of said letter is attached hereto and incorporated herein by reference as “Exhibit B”).

14. Plaintiff Goolsby has properly exhausted her administrative remedies pursuant to R.C. § 4112.051.

15. Plaintiff Goolsby has timely filed this Complaint.

16. At all times relevant hereto Plaintiff Goolsby was an employee of Defendant City of Toledo.

17. Plaintiff Goolsby continues to be an employee of Defendant City of Toledo.

18. Defendant City of Toledo oversees the operations of the Toledo Fire and Rescue Department.

19. Defendant City of Toledo was at all times hereinafter mentioned an employer within the meaning of R.C. § 4112.01 *et seq.*

20. Plaintiff Goolsby is female.

21. Plaintiff Goolsby is African-American.

22. Since September 2022, Plaintiff Goolsby has been a Captain with the Toledo Fire and Rescue Department, being the first African-American female to attain such rank.

23. At all times material herein, Plaintiff Goolsby was qualified for her positions.

24. As set forth herein, Plaintiff Goolsby was subjected, by Defendants, to discriminatory treatment, harassment, a hostile work environment, racial discrimination, gender discrimination, different terms and conditions of employment, micromanagement, threats, intimidation, bullying, false accusations, ridicule and disparate treatment (the “Discriminatory Treatment”).

25. Employee Defendants engaged in or participated in the Discriminatory Treatment asserted herein.

26. As a result of the conduct described herein, Plaintiff Goolsby repeatedly complained about and reported to Defendant the City of Toledo the Discriminatory Treatment she was experiencing.

27. In reporting the Discriminatory Treatment, Plaintiff Goolsby was reasonably opposing discrimination.

28. In reporting the Discriminatory Treatment, Plaintiff Goolsby was engaging in protected activity.

29. Throughout her employment with Defendant City of Toledo, Plaintiff Goolsby has opposed unlawful discrimination not just for herself but also for other African-American Firefighters.

30. Defendant City of Toledo ratified the discriminatory conduct, and Discriminatory Treatment, of certain of the Employee Defendants, and others, in failing to conduct an investigation into such discriminatory conduct and Plaintiff Goolsby’s complaints.

31. As a result of the discriminatory conduct, and Discriminatory Treatment, Plaintiff Goolsby suffered adverse employment action.

32. Other employees of Defendant City of Toledo, outside of Plaintiff Goolsby’s protected classes based on race and gender were given more favorable treatment than Plaintiff Goolsby.

33. Plaintiff Goolsby states that her complained of discriminatory conduct, and Discriminatory Treatment, includes, but is not limited to, the following:

(A) On September 19, 2022, Plaintiff Goolsby was promoted to Captain, making her the First African-American Female Captain. Since that time Defendant City of Toledo has allowed employees to disrespect her authority consistently. On June 7, 2024, Fire Chief Allison Armstrong (Caucasian) sent Plaintiff Goolsby a letter stating that she must attend a hearing on June 25th, 2024, because she was being charged with backing into the Engine House without a backer and allegedly ordering a driver to do the same. Plaintiff Goolsby was told the violations occurred back in late April, 2024. Defendant City of Toledo did not follow it's investigation process before charging Plaintiff Goolsby. Plaintiff Goolsby was never interviewed. Caucasian employees are given the benefit of an investigation and interview when allegations and charges are

made. At the same time of this investigation, Defendant Captain Kristin Tanner (Caucasian) sent an email to several employees inquiring if they ever had a problem with Plaintiff Goolsby and if they had a personal journal. Captains outside of Plaintiff Goolsby's protected classes are not subjected to this type of witch hunt.

- (B) Although subordinate to the rank of Plaintiff Goolsby, Defendant Lt. Joseph Zuber (Caucasian) harasses her constantly. Defendant Zuber has filed at least five internal affairs complaints. Plaintiff Goolsby does not work with him and yet he makes allegations that subject Plaintiff Goolsby to multiple investigations. At times he has gotten directly in the face of Plaintiff Goolsby in attempts to intimidate her. Plaintiff Goolsby has made complaints regarding this behavior to Defendant City of Toledo. Defendant Zuber receives no discipline or counseling for his hostile behavior towards Plaintiff Goolsby or for the false accusations he makes against Plaintiff Goolsby. Caucasian Captains are not subjected to multiple investigations when complaints are filed against them. In November of 2022, Defendant Zuber went to several fire stations making bullying and harassing statements about Plaintiff Goolsby and the article she participated in that appeared in the local Sojourner Truth newspaper.
- (C) Defendant Battalion Chief Sharyl Close (Caucasian) refuses to speak to Plaintiff Goolsby directly when they are working. Instead, she gives me commands through Plaintiff Goolsby's subordinates.
- (D) In March 2024, Defendant Assistant Chief John Kaminski subjected Plaintiff Goolsby to an investigation for allegedly falsifying a report and stacked several other charges against her. Plaintiff Goolsby was found not to be in violation of such. Nonetheless, this information was leaked to the Toledo Blade newspaper as resulting in discipline when Plaintiff Goolsby only received counseling. Caucasian Firefighters and Captains routinely receive counseling, and the information is not leaked to the Blade.
- (E) In October of 2022, shortly after Plaintiff Goolsby's promotion to Captain, Defendant Zuber, made an allegation that a finger pulse ox went missing while she was in charge of a crew. Defendant Kaminski made a huge deal about it and demanded Plaintiff Goolsby's Captain bars be taken away, loss of bidding rights and a 15-day suspension. Defendant Kaminski's recommendation was excessive, severe and harsh. It was also not commensurate with the violation. Plaintiff Goolsby was still unfairly disciplined. This information also somehow made it to the Blade. Caucasian

comparatives are not treated in such a manner for policy violations nor are they reported to the Blade. No less than three weeks later, Defendant City of Toledo emailed a directive telling everyone it is okay to lose a 'pulse ox' as they have plenty. No one will be disciplined, and they will bring a replacement to the station.

- (F) Defendant Lieutenant Pinkham (Caucasian) along with other Caucasian firefighters degraded and harassed Plaintiff Goolsby and other African-American female employees of Defendant City of Toledo on Facebook without consequences. Pinkham and the Caucasian Firefighters displayed Proud Boys and Trump clothing while holding rifles. This occurred while they were on duty. Pinkham was not disciplined for his degrading and inflammatory remarks about Plaintiff Goolsby and other African- American Firefighters at Fire Station #4, while the minority employee who complained about Defendant Pinkham, in another discrimination complaint unrelated, was disciplined.
- (G) March 2024, Defendant Chief Michael Romstadt (Caucasian) took to Facebook publicly and repeatedly, to slander and falsely accuse Plaintiff Goolsby of not "acting as an officer". Other Caucasian Firefighters commented on his Facebook post in the negative, agreeing with him. There were no consequences for his violation of Defendant City of Toledo's social media policy. Plaintiff Goolsby is consistently held to all such policies. This is the same conduct Defendant Firefighter Brian Barchick (Caucasian) engaged in when in August of 2022, when he took to Facebook and made false, accusatory, slanderous and malicious statements about Plaintiff Goolsby. Defendant Barchick was never reprimanded nor disciplined for his actions either.
- (H) Since prior to March of 2024, Defendant Lieutenant Starr Stockton (Caucasian), who previously worked in Internal Affairs, has continuously harassed Plaintiff Goolsby and refuses to speak to her. Defendant Stockton speaks negatively about Plaintiff Goolsby and has accused her of reverse racism to employees. Defendant Stockton solicits negative opinions about Plaintiff Goolsby and even accused her of cheating on the Captain's exam in 2022. Plaintiff Goolsby complained to Battalion Chief Verdell Franklin about Defendant Stockton's bullying and harassment on several occasions.
- (I) In February 2023, Defendant Lieutenant Jeffrey Wheeler (Caucasian) threatened to mail something to the house of Plaintiff Goolsby. Plaintiff Goolsby was warned this

could be anything. Although Plaintiff Goolsby did not receive anything, she was worried about what she was going to receive in the mail. Plaintiff Goolsby does not and has never worked with Defendant Wheeler. Yet, Defendant Wheeler was telling other Firefighters that he was going to send something to the home of Plaintiff Goolsby. Plaintiff Goolsby believes this was a threat that put her family at risk. Plaintiff Goolsby made complaint to Defendant City of Toledo, who took no action against Defendant Wheeler.

- (J) On numerous occasions, Plaintiff Goolsby complained about race and sex discrimination to Defendant City of Toledo. Subsequent to her complaints, the harassment and discipline escalated. There is a causal connection between Plaintiff Goolsby constantly being under investigation, threatened with discipline and harassed and her complaints of discrimination.
- (K) Plaintiff Goolsby has made complaints of race and sex discrimination to Defendant City of Toledo on several occasions. On March 5th, 2024, Plaintiff Goolsby spoke with City of Toledo DE&I (Diversity, Equity and Inclusion) concerning her belief that she has been subjected to ongoing harassment because of her race and gender. On April 11, 2024, Plaintiff Goolsby wrote an email to Battalion Chief Keane concerning how the discrimination has escalated because the previous harassment had not been addressed. Plaintiff Goolsby informed Battalion Chief Keane that the disrespect had spilled over to the public where an employee's spouse (Defendant Zuber) led bogus charges against her and spoke to her disrespectfully via public radio. Plaintiff Goolsby has spoken with Chief Verdell Franklin numerous times about the sex and race discrimination of which he has acknowledged. Plaintiff Goolsby has complained of harassment and terms and conditions of employment several times since becoming Captain. To date, Defendant City of Toledo has not adequately addressed her concerns. Instead, Plaintiff Goolsby is subjected to monthly investigations, disrespect from subordinates, and hostile working conditions. It is clear, the Toledo Fire and Rescue Administration and City of Toledo Officials are attempting to find a reason to terminate her employment, rescind her Captain bars, or force her to resign. There is a direct causal connection between Plaintiff Goolsby's complaints of discrimination and the hostile working conditions and environment she is subjected to.

(L) On April 11, 2024, Plaintiff Goolsby made complaint to Defendant City of Toledo, through Battalion Chief Keane, regarding the continuing discrimination she has endured, as a direct result of such complaint, Defendants charged her with additional policy violations.

**COUNT I: RACE DISCRIMINATION IN VIOLATION OF R.C. § 4112.01 *et seq.***

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

35. Plaintiff Goolsby is African-American.

36. Plaintiff Goolsby is a member of a protected class based on her race under R.C. § 4112.01 *et seq.*

37. Defendants discriminated against Plaintiff Goolsby on the basis of her race throughout her employment.

38. Throughout her employment, Plaintiff Goolsby was fully competent to perform her essential job duties.

39. Defendant City of Toledo treated Plaintiff Goolsby less favorably than other similarly situated employees based on her race.

40. At all times material herein, similarly situated non-African-American employees were treated more favorably than Plaintiff Goolsby.

41. Defendants treated Plaintiff Goolsby differently than other similarly situated employees based on her race.

42. As a result of the conduct described herein, Plaintiff Goolsby repeatedly complained about and reported to Defendant the City of Toledo the Discriminatory Treatment she was experiencing.

43. Defendant City of Toledo failed to investigate Plaintiff Goolsby's complaints and reports regarding the Discriminatory Treatment she was experiencing, which included complaints of race discrimination.

44. As a result of the conduct described herein, Plaintiff Goolsby suffered adverse employment actions.

45. The adverse employment actions suffered by Plaintiff Goolsby were based on her race.

46. Defendants violated R.C. § 4112.01 *et seq.* by discriminating against Plaintiff Goolsby due to her race.

47. Defendants violated R.C. § 4112.01 *et seq.* by subjecting Plaintiff Goolsby to the Discriminatory Treatment due to her race.

48. Defendant City of Toledo violated R.C. § 4112.01 *et seq.* by allowing Plaintiff Goolsby to be subjected to the Discriminatory Treatment by the Employee Defendants, and others, which was due to her race.

49. Defendants' discrimination against Plaintiff Goolsby based on her gender violates R.C. 4112.01 *et seq.*

50. Plaintiff Goolsby suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*

51. As a direct and proximate result of Defendants' conduct, Plaintiff Goolsby has suffered and will continue to suffer damages, including economic and emotional distress damages.

**COUNT II: GENDER DISCRIMINATION IN VIOLATION OF R.C. § 4112.01 *et seq.***

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

59. Plaintiff Goolsby is female.

60. Plaintiff Goolsby is a member of a statutorily protected class based on her gender under R.C. § 4112.02.

61. Defendants discriminated against Plaintiff Goolsby on the basis of her gender throughout her employment.

62. Throughout her employment, Plaintiff Goolsby was fully competent to perform her essential job duties.

63. Defendant City of Toledo treated Plaintiff Goolsby less favorably than other similarly situated employees based on her gender.

64. At all times material herein, similarly situated male employees were treated more favorably than Plaintiff Goolsby.

65. Defendants treated Plaintiff Goolsby differently than other similarly situated employees based on her gender.

66. As a result of the conduct described herein, Plaintiff Goolsby repeatedly complained about and reported to Defendant the City of Toledo the Discriminatory Treatment she was experiencing.

67. Defendant City of Toledo failed to investigate Plaintiff Goolsby's complaints and reports regarding the Discriminatory Treatment she was experiencing, which included complaints of gender discrimination.

68. As a result of the conduct described herein, Plaintiff Goolsby suffered adverse employment actions.

69. The adverse employment actions suffered by Plaintiff Goolsby were based on her gender.

70. Defendants violated R.C. § 4112.02 by discriminating against Plaintiff Goolsby due to her gender.

71. Defendants violated R.C. § 4112.02 by subjecting Plaintiff Goolsby to the Discriminatory Treatment due to her gender.

72. Defendant City of Toledo violated R.C. § 4112.02. by allowing Plaintiff Goolsby to be subjected to the Discriminatory Treatment of the Employee Defendants, and others, which was due to her gender.

73. Defendants' discrimination against Plaintiff Goolsby based on her gender violates R.C. 4112.01 *et seq.*

74. Plaintiff Goolsby suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*

75. As a direct and proximate result of Defendants' conduct, Plaintiff Goolsby has suffered and will continue to suffer damages, including economic and emotional distress damages.

**COUNT III: HOSTILE WORK ENVIRONMENT**  
**ON THE BASIS OF RACE AND GENDER DISCRIMINATION**

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

78. Throughout her employment with Defendant City of Toledo, Plaintiff Goolsby has been subjected to offensive and harassing conduct, and Discriminatory Treatment, by Defendants, and others, based on her race.

79. Throughout her employment with Defendant City of Toledo, Plaintiff Goolsby has been subjected to offensive and harassing conduct, and Discriminatory Treatment, by Defendants, and others, based on her gender.

80. Defendant City of Toledo knew or should have known of the offensive and harassing conduct and Discriminatory Treatment against Plaintiff Goolsby by Defendants, and others.

81. Defendant City of Toledo condoned, tolerated, and ratified this offensive and harassing conduct and Discriminatory Treatment.

82. This offensive and harassing conduct and Discriminatory Treatment was severe and/or pervasive.

83. This offensive and harassing conduct and Discriminatory Treatment was offensive to Plaintiff Goolsby.

84. This offensive and harassing conduct and Discriminatory Treatment interfered with Plaintiff Goolsby's ability to perform her job duties.

85. Defendants' offensive and harassing conduct and Discriminatory Treatment created a hostile and/or abusive work environment for Plaintiff Goolsby.

86. Defendants' offensive and harassing conduct and Discriminatory Treatment created a hostile and/or abusive work environment for the reasonable person similarly situated to Plaintiff Goolsby.

87. Plaintiff Goolsby suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to R.C. 4112.01 *et seq.*

88. As a direct and proximate result of Defendants' conduct, Plaintiff Goolsby has suffered and will continue to suffer damages, including economic and emotional distress damages.

#### **COUNT IV: RETALIATION IN VIOLATION OF R.C. § 4112.02(I)**

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

53. At all times material herein, Defendant City of Toledo was a "person" as defined by R.C. § 4112.01 *et seq.*

54. At all times material herein, the Employee Defendants were each a "person" as defined by R.C. § 4112.01 *et seq.*

55. As a result of the conduct described herein, Plaintiff Goolsby repeatedly complained about and reported to Defendant the City of Toledo the Discriminatory Treatment she was experiencing.

56. By complaining about and reporting the Discriminatory Treatment, Plaintiff Goolsby was reasonably opposing the discrimination.

57. Opposing discrimination constitutes a protected activity under Ohio law.

58. Defendants were aware of Plaintiff Goolsby's participation in this protected activity.

59. Subsequent to Plaintiff Goolsby's complaints of discrimination and the Discriminatory Treatment, certain of the Employee Defendants' discriminatory behavior escalated.

60. Defendants' actions were retaliatory in nature based on Plaintiff Goolsby's opposition to the unlawful discriminatory conduct.

61. Pursuant to R.C. § 4112.02(I), it is an unlawful discriminatory practice "to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section..."

62. Plaintiff Goolsby's suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*

63. As a direct and proximate result of Defendants' retaliatory discrimination against Plaintiff Goolsby, she suffered and will continue to suffer damages, including economic and emotional distress damages.

**COUNT V: UNLAWFUL AIDING, ABETTING, AND INCITING  
OF DISCRIMINATION IN VIOLATION OF R.C. § 4112.02(J)**

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

65. At all times material herein, Defendant City of Toledo was a "person" as defined by R.C. § 4112.01 *et seq.*

66. At all times material herein, the Employee Defendants were each was a "person" as defined by R.C. § 4112.01 *et seq.*

67. Pursuant to R.C. § 4112.02(J), it is unlawful "[f]or any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice..."

68. The Employee Defendants aided, abetted, incited, coerced, and/or compelled discriminatory treatment of Plaintiff Goolsby.

69. The Employee Defendants aided, abetted, incited, coerced, and/or compelled the Discriminatory Treatment of Plaintiff Goolsby.

70. The Employee Defendants aided, abetted, incited, coerced, and/or compelled Defendant City of Toledo's Discriminatory Treatment of Plaintiff Goolsby.

71. The Employee Defendants violated R.C. § 4112.02(J) and § 4112.99 by aiding, abetting, and inciting discrimination and retaliation.

72. Defendant City of Toledo violated R.C. § 4112.02(J) and § 4112.99 by aiding, abetting, and inciting discrimination and retaliation.

73. Plaintiff Goolsby suffered emotional distress as a result of the Employee Defendants conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*

74. Plaintiff Goolsby suffered emotional distress as a result of Defendant City of Toledo's conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*

75. As a direct and proximate result of Employee Defendants' conduct, Plaintiff Goolsby has suffered and will continue to suffer damages, including economic and emotional distress damages.

76. As a direct and proximate result of Defendant City of Toledo's conduct, Plaintiff Goolsby has suffered and will continue to suffer damages, including economic and emotional distress damages.

#### **COUNT VI: RESPONDEAT SUPERIOR**

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

78. Any and all acts of Defendant City of Toledo's officers, agents and employees, including, but not limited to, the Employee Defendants, were completed in furtherance of their normal employment duties and within the scope of their employment and agency.

79. Defendant City of Toledo at all times had control, or a right of control, over its officers, agents and employees.

80. Defendant City of Toledo is liable for the torts and negligent acts or omissions of their officers, agents and employees committed within the scope of their employment and agency.

#### **DEMAND FOR RELIEF**

WHEREFORE, Plaintiff Komako Goolsby demands from Defendants, jointly and severally, the following:

- (a) An award against each Defendant for compensatory and monetary damages to compensate Plaintiff Komako Goolsby for lost wages, emotional distress, and other consequential damages, in an amount in excess of \$25,000 per claim to be proven at trial;
- (b) An award of punitive damages against each Defendant in an amount in excess of \$25,000;
- (c) An award of reasonable attorneys' fees and non-taxable costs for Plaintiff Komako Goolsby's claims as allowable under law;
- (d) An award of the taxable costs of this action; and
- (e) An award of such other relief as this Court may deem necessary and proper.

Respectfully Submitted:

/s/ Richard A. Mitchell  
Richard A. Mitchell

Richard A. Mitchell, Esq. (0041906)

MITCHELL LAW, LLC  
1709 Spielbusch Ave., Ste. 101  
Toledo, OH 43604  
Phone: (419) 283-6350  
Email: rm709madison@gmail.com

*Attorney for Plaintiff*

**JURY DEMAND**

Plaintiff respectfully demands a jury trial as to all issues so triable within cause.

/s/ Richard A. Mitchell  
Richard A. Mitchell

**PRAECIPE - TO THE CLERK:**

Please mail in accordance with the Ohio Rules of Civil Procedure a copy of the Complaint by certified U.S. mail, return receipt requested to the names and addresses of the parties as listed in the caption hereto.

/s/ Richard A. Mitchell  
Richard A. Mitchell

# EXHIBIT A

# OHIO CIVIL RIGHTS COMMISSION

## Board of Commissioners:

Valerie A. Lemmie – Chair  
Lori Barreras  
William W. Patmon, III  
Vernon Sykes  
Charlie Winburn



Angela Phelps-White,  
Executive Director

**Charging Party,**

Komako Lynnette Goolsby

**v.**

**Respondent,**

City of Toledo Fire and Rescue

**Charge No.** TOL72(007825)06242024  
22A-2024-03972

## NOTICE OF RIGHT TO SUE

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

## FOR THE COMMISSION

*Stacy A. Latta*

Stacy A. Latta  
Toledo Regional Director

Date mailed: April 3, 2025



Mike DeWine, Governor

Jim Tressel, Lt. Governor

Angela Phelps-White, Executive Director

CIV.Ohio.gov

April 3, 2025

Komako Lynnette Goolsby  
2625 Sigsher Drive  
Toledo, OH 43615  
[Onfire31@yahoo.com](mailto:Onfire31@yahoo.com)

Date Mailed: April 3, 2025

Dale R. Emch, Law Director  
City of Toledo  
One Government Center, Suite 2250  
Toledo, OH 43604  
[Dale.Emch@toledo.oh.gov](mailto:Dale.Emch@toledo.oh.gov)

### LETTER OF DETERMINATION

Komako Lynnette Goolsby v. City of Toledo Fire and Rescue  
TOL72(007825)06242024/22A-2024-03972

#### FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission ("Commission") alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegations against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered does not support a recommendation that Respondent unlawfully discriminated against Charging Party. Specifically, the Commission found insufficient information to show Charging Party was subjected to unlawful harassment, or that she was demoted. Information shows Charging Party entered into a letter of agreement as discipline for two administrative charges filed against her. Information shows the administrative charges did not affect Charging Party's promotion to Captain. The information provided was insufficient to show that Charging Party was treated differently with regard to the application of workplace rules or otherwise subjected to different terms and conditions of employment. There was insufficient information to show that Respondent's actions were in retaliation for Charging Party's participation in statutorily protected activity.

#### DECISION:

The Ohio Civil Rights Commission determines it is **NOT PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be **DISMISSED**.

Please refer to the enclosed **NOTICE OF RIGHT TO SUE** for additional information on Charging Party's suit rights. (**Charging Party Only**)

#### NOTICE OF RIGHT TO REQUEST RECONSIDERATION:

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of the Commission's determination. The application must be in writing and state specifically the grounds upon

Commissioners

Marie A. Lemmie, Chair

Barreras

Jim Patmon, III

Don Sykes

One Government Center  
640 Jackson St., Suite 936  
Toledo, OH 43604

Phone: 419 | 245 2900  
Toll Free: 888 | 278 7101  
TTY: 800 | 750 0750 English  
TTY: 888 | 269 0678 Spanish

which it is based. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. This request must be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215. Any application for reconsideration received after the ten-day period has expired will be deemed untimely.

The Commission's Rules do not permit any employee of the Commission to grant any extension to this ten-day filing period. If you wish to appear before the Commissioners to present oral arguments in support of your request for reconsideration, you must specifically make a request to appear in writing.

**FOR DUAL FILED CHARGES ONLY:**

If your charge was filed with both the Commission and the U. S. Equal Employment Opportunity Commission (EEOC), you have the right to request that the EEOC conduct a review of the Commission finding. The request for such a review must be sent directly to the EEOC State and Local Coordinator at 115 W. Washington St., Suite 600S, Indianapolis, IN 46204. To secure such a review, you must request it in writing within **FIFTEEN (15) days** of Commission's finding, unless you request a reconsideration by Commission. In that event, our final finding, and the time for you to request review by EEOC, will be determined by Commission's action on your reconsideration request.

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW:**

A determination of the Commission that constitutes a Final Order is subject to judicial review, wherein the court reviews the contents of this letter and determines if there are sufficient factual findings supporting why the Commission did not issue a complaint. A petition for judicial review must be filed in the proper common pleas court within **THIRTY (30) days** of the date the Commission mailed this Final Order. The right to obtain judicial review and the mode and procedure thereof is set forth in Ohio Revised Code § 4112.06.

The judicial review process is not a means to reexamine the investigation or further pursue your allegations through the Commission. You may consult with an attorney for information on available options.

A Probable Cause finding is not a Final Order and is not subject to judicial review by a court. All other determinations of the Commission constitute a Final Order and are subject to judicial review by a court.

FOR THE COMMISSION,

*Stacy A. Latta*

Stacy A. Latta  
Toledo Regional Director

SAL/hxr

cc: Representative for Charging Party:  
None of Record

Representative for Respondent:  
Angela C. Seiple, Esq.  
City of Toledo Law Department  
One Government Center, Suite 2250  
Toledo, OH 43604  
[angela.seiple@toledo.oh.gov](mailto:angela.seiple@toledo.oh.gov)

# EXHIBIT B



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Indianapolis District Office  
115 W. Washington St., South Tower Suite 600  
Indianapolis, IN 46204  
(463) 999-1240  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: July 18, 2025

**To:** Kamako Goolsby  
2625 Sigsher Drive  
Toledo, OH 43615

**Re:** Kamako Goolsby v. City of Toledo Fire & Rescue  
EEOC Charge Number: 22A-2024-03972

EEOC Representative and email: Jeremy Sells  
State, Local, and Tribal Program Manager  
[jeremy.sells@eeoc.gov](mailto:jeremy.sells@eeoc.gov)

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### **DETERMINATION OF CHARGE**

The EEOC issues the determination that substantial weight has been accorded to the findings of the state or local fair employment practices agency that investigated your charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) received this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

Please retain this notice for your records.

On Behalf of the Commission:

Digitally Signed By: Richard Burgamy – July 18, 2025

Richard Burgamy  
Acting District Director

cc: Angela C Seiple Esq.  
City of Toledo Law Department  
One Government Center, Suite 2250  
Toledo, OH 43604

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

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

### IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) received the document. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a “complaint” that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

### ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:  
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

### HOW TO REQUEST YOUR CHARGE FILE

To request a copy of your charge file, contact the Fair Employment Practices Agency that investigated your charge.

### NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA)

The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at:  
[http://www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

### “Actual” disability or a “record of” a disability

If you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability:

- ✓ **The limitations from the impairment no longer must be severe or significant** for the impairment to be considered substantially limiting.

