

IN THE COURT OF COMMON PLEAS  
HANCOCK COUNTY, OHIO

ETHAN BOES	)	CASE NO.
1501 County Road 18	)	
Van Buren, OH 45889	)	JUDGE:
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>COMPLAINT FOR DAMAGES</u></b>
	)	
THE CITY OF FINDLAY	)	<b><u>Jury Demand Endorsed Herein</u></b>
720 S Main Street	)	
Findlay, OH 45840	)	
	)	
Defendant.	)	

Plaintiff, Ethan Boes, by and through undersigned counsel, as his Complaint against the Defendant, states and avers the following:

**PARTIES, JURISDICTION, & VENUE**

1. Boes is a resident of the city of Van Buren, county of Hancock, state of Ohio.
2. The City of Findlay Fire Department (“Findlay”) located at 720 S Main Street, Findlay Ohio, 45840.
3. All of the material events alleged in this Complaint occurred in Hancock County.
4. Therefore, personal jurisdiction is proper over Defendant pursuant to R.C. §2307.382(A)(1)-(3).
5. Venue is proper pursuant to Civ. R. 3(C)(3).
6. Within two years of the conduct alleged below, Boes filed a Charge of Discrimination with the Ohio Civil Rights Commission (“OCRC”) and EEOC against Defendant.
7. Following 180 days or more after the filing of the Charges, the EEOC issued and mailed Right to Sue Letters for the Charges of Discrimination against Defendant.

8. Pursuant to R.C. § 4112.05, the right to sue letter from the EEOC satisfies Boes' Ohio administrative requirements to file claims under R.C. § 4112.01 *et seq.*
9. Boes has filed his claims in this matter within the proscribed time allowed for following the receipt of the Right to Sue letter.
10. Boes has properly exhausted his administrative remedies under Ohio law.

### **FACTS**

11. Boes is a former employee of Findlay.
12. Boes was hired by Findlay on or around October 1, 2018.
13. Boes was employed by Findlay in the position of Firefighter.
14. Boes is male.
15. Boes is and was in protected class because of his gender.
16. Throughout his time at Findlay, Boes was subjected to unwelcomed sexual comments.
17. Boes' coworkers and managers perceived him to be homosexual because he did not want to watch shows that depicted pornographic imagery.
18. Boes was pushed into stereotypical feminine roles such as grocery shopping and doing laundry.
19. Boes was mistreated by employees due to stereotypes and discrimination regarding whether Boes adhered to proscribed gender roles.
20. Boes was denied the opportunity to join the special team in 2020.
21. Boes was denied the opportunity to train throughout 2020.
22. Boes was denied the opportunity to join the TRT team in 2021.
23. During the fall of 2021, Boes complained to Joel Rampe, Captain, about the unequal treatment.

24. Boes complained about discrimination to Rampe.
25. Upon information and belief, Boes' complaints were not investigated.
26. Findlay claimed that Boes was not receiving training because Boes was not "confident in [his] own abilities."
27. Thereafter, Boes was again denied the opportunity to join the TRT team.
28. In December 2021, Boes received a write-up for an alleged open door on the firetruck during a call.
29. Even though Boes was not the only employee assigned to the truck and capable of closing the door, Boes was the only employee disciplined.
30. In April 2022, Boes complained of a hostile work environment to Matt Traver, Battalion Chief.
31. Boes complained to Traver about the discriminatory treatment he received, including the treatment about his perceived sexuality.
32. Boes requested to transfer to a different station.
33. Boes was transferred to a new station on May 14, 2022, but the transfer did not end the discrimination or hostile treatment of Boes.
34. On June 12, 2022, a door was left open on a firetruck during a call.
35. Again, Boes was not the only employee assigned to the truck and capable of closing the door, yet Boes was the only employee disciplined.
36. Boes did not receive a write-up for the June 12, 2022 incident until July 15, 2022.
37. On July 21, 2022, additional action was taken against Boes for the June 12, 2022 incident.
38. Boes was informed that he had to either resign or be terminated for the alleged violation.

39. Findlay later included an allegation that Boes drove a firetruck through traffic lights without emergency lights on.
40. This allegation was used to encourage Boes to resign.
41. Faced with an unlawful termination on his record, Boes was forced to resign effective July 25, 2022.
42. Defendant made Boes' working conditions so intolerable that a reasonable person in his shoes would have felt compelled to resign.
43. Since Boes' constructive discharge, upon information and belief, Findlay has provided negative references to potential future employers of Boes.

**COUNT I: GENDER DISCRIMINATION IN VIOLATION OF R.C. § 4112.01 ET SEQ.**

44. Boes restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
45. Boes is a member of a statutorily protected class based on his gender under R.C. § 4112.02.
46. Defendant treated Boes differently than other similarly situated employees based on his gender.
47. Defendant engaged in gender discrimination by engaging in conduct regarding the conformity with stereotypical gender roles.
48. Defendant perceived Boes to be a homosexual because he did not conform to stereotypical gender roles.
49. Defendant perceived Boes to be "less of a man" and segregated him within the workplace from other coworkers.
50. Defendant, by and through its employees, used derogatory language towards Boes leading to the perception that he was "gay" as well as, other demeaning homosexual terms.

51. Defendant's conduct created a hostile working environment for Boes.
52. Defendant's conduct was unwelcomed by Boes and severe and/or pervasive towards Boes.
53. Defendant's conduct was based on Boes' gender or his perceived inability to act as if a "male" should act in his eyes of his fellow employees.
54. Defendant constructively discharged Boes' employment based on the unlawful discrimination.
55. Defendant violated R.C. § 4112.01 *et seq.*
56. Boes suffered emotional distress as a result of Defendant's conduct and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*
57. As a direct and proximate result of Findlay's conduct, Boes suffered and will continue to suffer damages.

**COUNT II: RETALIATION IN VIOLATION OF R.C. § 4112.02(D)**

58. Boes restates each and every prior paragraph of this complaint, as if it were fully restated herein.
59. As a result of the discriminatory conduct described above, Boes complained to the captain about the discrimination and harassment that he was experiencing.
60. Subsequent to Boes reporting discrimination, he suffered adverse actions during his employment, including constructive discharge.
61. Subsequent to Boes reporting discrimination, he suffered adverse actions after his employment ended, including negative references to potential employers about his employment.
62. Defendant's actions were retaliatory in nature based on Boes' opposition to the unlawful discriminatory conduct.

63. 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...”
64. Boes suffered emotional distress as a result of Defendant’s conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*
65. As a direct and proximate result of Defendant’s retaliatory discrimination against and termination of Boes, he suffered and will continue to suffer damages.

**DEMAND FOR RELIEF**

WHEREFORE, Boes demands from Defendant the following:

- (a) An award against Defendant of compensatory and monetary damages to compensate Boes 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 Defendant in an amount in excess of \$25,000;
- (c) An award of reasonable attorney’s fees and non-taxable costs for Boes’ 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/ Fred M. Bean*

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*Attorney For Plaintiff Ethan Boes*

**JURY DEMAND**

Plaintiff Ethan Boes demands a trial by jury by the maximum number of jurors permitted.

*/s/ Fred M. Bean*

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Fred M. Bean (0086756)  
**THE SPITZ LAW FIRM, LLC**