

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

**Tiffani Eaton-Davis**

Plaintiff,

Civil Action No. \_\_\_\_\_

-vs-

Hon. \_\_\_\_\_

**Education Achievement Authority,  
Carla West, Veronica Conforme,  
And John/Jane Does 1 – 5,**

Defendants.

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**COMPLAINT AND JURY REQUEST**

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**NOW COMES** the above named Plaintiff, by and through her attorneys,  
THE RASOR LAW FIRM, and for her Complaint against the above-named  
Defendants, states as follows:

**INTRODUCTION**

1. This is an action for money damages brought pursuant to Title VII of the Civil Rights Act of 1964, §2000e *et seq.*, and 42 U.S.C. §§ 1981 and 1983 for employment discrimination.

2. This Court has jurisdiction as a result of the damages sustained by the Plaintiff and the amount in controversy in this case is well in excess of this Court's jurisdictional threshold.

3. This lawsuit arises out of events occurring within Detroit, County of Wayne, State of Michigan.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the defendants reside and have offices within the district, because plaintiffs reside in this district, and because the events giving rise to plaintiffs' claims occurred, in this district.

**PARTIES**

5. Plaintiff Tiffani Eaton-Davis (hereinafter Ms. Davis) is a black female citizen and resident of Detroit, Michigan, in the Eastern District of Michigan.

6. Defendant Carla West (hereinafter Carla) is an employee of The EAA and made and/or participated in the decision to terminate Ms. Eaton.

7. Defendant Education Achievement Authority (hereinafter EAA) is a governmental body of the State of Michigan, created pursuant to the laws of the

State of Michigan, which at all relevant times employed Plaintiff in Wayne County, Michigan. The EAA has been plagued with declining enrollment, insufficient funding, and accusations of ineffectiveness and unsafe conditions.

8. Veronica Conforme (hereinafter Veronica) is the EAA Chancellor and made and/or participated in the decision to terminate Plaintiff.

9. John/Jane Does are individuals who participated in the violations described herein and who have not yet been identified.

### **COMMON FACTUAL ALLEGATIONS**

10. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

11. On January 27, 2014, Ms. Eaton was offered a position with the Education Achievement Authority of Michigan at Pershing High School as an English teacher.

12. There was an unusually high amount of fighting and violence that occurs at Pershing High School, but Ms. Eaton was not warned of violent conditions prior to accepting employment even though administration was aware of it.

13. She was never provided an employee handbook and was untrained to handle violent disputes amongst gang members.

14. On April 30, 2014, at approximately 12:15pm, while Ms. Eaton was sitting at her desk a fight broke out between students, Kiren and Cordell.

15. There was no sign of altercation between the two boys before punches were thrown.

16. Kiren should not have been in the classroom on the day of the incident because he was suspended due to another allegation.

17. The school failed to hold a hearing and put Kiren back in class without warning Ms. Eaton of his misconduct or the facts of his suspension.

18. At the commencement of the fight, Ms. Eaton grabbed for the walkie-talkie after the fight began and radioed for security by saying "Security to 155b."

19. During the fight, several desks were overturned and students who were not involved in the fight were forcefully pushed out of the way by the fight's intensity.

20. At least one student pulled out a cell phone, recorded the fight, and later posted it online.

21. Kiren and Cordell were throwing punches, striking each other, rolling over several desks and hitting the floor.

22. No sizable male students intervened to break up the fight at this time.

23. When Kiren mounted Cordell, straddled his head and punched him several times in the face, it was evident that Cordell was cornered and Kiren was not going to let up.

24. Security was nowhere in sight and Ms. Eaton had received no reply via the walkie-talkie.

25. Teachers from Pershing High School previously notified administration about the re-occurring lack of security.

26. Ms. Eaton decided letting the two students continue to fight was not an option because she knew the severity of the fight and risk of physical injury to Cordell.

27. Ms. Eaton considered leaving the classroom to seek reinforcements, but knew that her fellow teachers in adjoining classrooms, Ms. Ormond and Mrs. Mingo, were already preventing their students from entering Ms. Eaton's classroom to witness or provoke the fight.

28. After exhausting and ruling out her list of options and as the only adult in the room, she decided she needed to regain order by intervening.

29. Being a petite woman, incapable of physically intervening, she placed her personal items on the desk, walked to the front corner of the room, grabbed an aluminum broomstick and began hitting the back of Kiren, while screaming "Get off of him, Get off of him."

30. The broomstick hits seemed to surprise Kiren, who then got off of Cordell.

31. At this point, with the help of another student, DeAndre Chappell, Ms. Eaton was able to separate Kiren and Cordell.

32. Kiren and Cordell continued to fight after pushing past Ms. Eaton and DeAndre, but security finally arrived, grabbed Cordell from Ms. Eaton, slammed his head on the desk, and placed him in handcuffs.

33. The two boys were escorted out of the room by security guards.

34. On May 3rd, the guards recalled that Cordell had a swollen and bruised head, and that he looked really bad.

35. Ms. Eaton resumed teaching for the rest of the class period, and then left the school premises at the conclusion of the school day.

36. On May 1st, 2014, the students informed Ms. Eaton that the video was on YouTube, and one mentioned that Kiren's mother said she was going to come up to the school to "whip her a\*\*."

37. Midway through her fifth period on May 1, 2014, Principal Dr. King came into her classroom and told her to go to Human Resources ("HR") downtown.

38. Ms. Davis arrived at EAA Headquarters at around 12:40 pm, and sat in the third floor lobby for about two hours waiting to speak with HR.

39. Ms. Carla West and Dr. King asked her to sit in a small room and to write on a yellow pad her statement and account of what happened in class on the day of the fight.

40. After each of them took turns reading it, they inquired about Ms. Davis's knowledge of the online video.

41. Ms. Davis replied that she knew Desmond Sanders had posted the video online.

42. Ms. West then offered Ms. Davis the opportunity to either resign or be terminated.

43. Ms. West briefly left the room with Dr. King, and returned with her superior, who told Ms. Davis that it would be a better career choice if she resigned because she would have a “clean slate” and it would not go on her “public record.”

44. Ms. West’s supervisor continued to pressure Ms. Davis into resigning by telling her that she could not receive unemployment because she had not worked with the EAA for six months, but, from personal experience, Ms. Davis knew this was a lie.

45. Ms. Davis was presented with resignation papers, but refused to sign them and made it clear that they would have to terminate her, which they did.

46. On May 13, 2014, Ms. Davis received a reinstatement letter from J. Wm. Covington, Chancellor of the EAA, which stated that her teaching position at Pershing High School would be reinstated effective immediately and she would receive retroactive pay from the date of termination.

47. Ms. Davis received an additional letter of reinstatement on May 16, 2014, which stated that the EAA is planning to conduct a District-wide training focused on safety and de-escalation protocols.

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48. A final reinstatement letter was sent, dated May 22, 2014, which made clear that if Ms. Davis decided not to accept the reinstatement offer through written statement or by showing on June 2, 2014, that termination would be recommended to the EAA Board of Directors.

49. Plaintiff did not take the job because she is afraid of returning to the classroom and suffers from psychological distress from the incident.

50. Plaintiff's doctors have indicated it would be unsafe for her to return to work.

50. As a result of Defendants' actions, Plaintiff has suffered and will continue to suffer, including but not limited to:

- a. Emotional distress;
- b. Loss of personal freedom and liberty;
- c. Pain and suffering;
- d. Fright and shock;
- g. Horror, outrage and indignity;
- h. Economic damages including lost wages and/or loss of earning capacity;
- i. Exemplary damages;
- j. Loss of services, gifts and/or gratuities;
- k. An award of punitive damages;
- l. An award of hedonic damages;
- m. Reasonable attorney fees and costs;
- n. All other such relief which appears reasonable and just under the circumstances.



**COUNT I**

**VIOLATION OF TITLE VII'S PROHIBITION AGAINST EMPLOYMENT DISCRIMINATION – GENDER / SEX DISCRIMINATION**

52. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

53. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. § 2000e et seq., for relief based upon the unlawful employment practices of the above named Defendant, EAA.

54. Specifically, Ms. Davis complains of Defendant EAA is violation of Title VII's prohibition against discrimination in employment based, in whole or in part, upon an employee's gender and/or sex.

55. During her employment with EAA at Pershing High School, Ms. Davis was a protected individual under Title VII against gender and/or sex-based discrimination by her employer, Defendant EAA.

56. Several male employees took action to physically intervene in fights among students, and were not terminated or reprimanded for their infractions of company policy.

57. Ms. Davis was therefore treated in a disparate manner and was subjected to Defendant's unfair policies and practices insofar as that he was

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treated in an unequal manner and unlike male employees similarly situated with her.

58. Defendant EAA further denied Ms. Davis equal employment opportunities because of her female gender including, but not limited to, the following:

- a. The Defendant did not discipline or discharge similarly situated male employees, who physically intervened to stop similar fights.
- b. Ms. Davis had consistently satisfied and or/exceeded all the requirements of the position.
- c. As a result of Defendant EAA's employment policies, procedures and practices, Ms. Davis was unjustly and discriminatorily deprived of equal employment opportunities because of her gender, female.

59. Defendant EAA's conduct was a direct and proximate cause of the injuries, damages and harm suffered by Ms. Davis.

60. Furthermore, Defendant EAA intentionally and/or with reckless indifference, engaged in the above stated discriminatory practices against Ms. Davis, contrary to Ms. Davis's federally protected rights as guaranteed to her under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, as amended, and 42 U.S.C. §1981.

**WHEREFORE**, Plaintiff requests that this court enter judgment against Defendant in whatever amount she may be found to be entitled, together with

interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

**COUNT II**

**ELLIOT LARSEN CIVIL RIGHTS ACT –  
GENDER / SEX DISCRIMINATION**

61. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

62. This claim is authorized and instituted pursuant to the provisions of the Michigan Elliot Larsen Civil Rights Act.

63. Specifically, Ms. Davis complains of Defendant EAA violation of ELCRA'S prohibition against discrimination in employment based, in whole or in part, upon an employee's gender and/or sex.

64. During her employment with EAA at Pershing High School, Ms. Davis was a protected under ELCRA against gender-based discrimination by her employer, Defendant EAA.

65. Several male employees took action to physically intervene in fights among students, and were not terminated or reprimanded for their infractions of company policy.

66. Ms. Davis was therefore treated in a disparate manner and was subjected to Defendant's unfair policies and practices insofar as that she was

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treated in an unequal manner and unlike male employees similarly situated with her.

67. Defendant EAA, further denied Ms. Davis equal employment opportunities because of her gender and/or sex, female, including but not limited to, the following:

- a. The Defendant did not discipline or discharge similarly situated male employees, who physically intervened to stop similar fights.
- b. Ms. Davis had consistently satisfied and or/exceeded all the requirements of the position.
- c. As a result of Defendant EAA's employment policies, procedures and practices, Ms. Davis was unjustly and discriminatorily deprived of equal employment opportunities because of her gender and/or sex, female.

68. Defendant EAA's conduct was a direct and proximate cause of the injuries, damages and harm suffered by Ms. Davis.

69. Furthermore, Defendant EAA intentionally and/or with reckless indifference, engaged in the above stated discriminatory practices against Ms. Davis, contrary to Ms. Davis's state protected rights as guaranteed to her under ELCRA.

**WHEREFORE**, Plaintiff requests that this court enter judgment against Defendant in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

**COUNT III**

**VIOLATION OF TITLE VII, § 1981, AND ELCRA'S PROHIBITION  
AGAINST EMPLOYMENT DISCRIMINATION – RACIAL  
DISCRIMINATION**

***Disparate Treatment***

70. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

71. At all material times, Plaintiff was an employee, and Defendant was her employer, covered by and within the meaning of the Title VII of the Civil Rights Act of 1964, and 42 U.S.C § 1983, § 1981, and Michigan's ELCRA.

72. Plaintiff's race was at least one factor that made a difference in Defendant's treatment of Plaintiff.

73. A Caucasian female broke up a fight between two students at Pershing High School by grabbing and putting one of the students in a headlock. But, she was not disciplined nor terminated.

74. Defendant, through its agents, representatives, and employees, treated Plaintiff differently from similarly situated non-African-American employees in the terms and conditions of employment, based on unlawful consideration of race.

75. Defendant's actions were intentional in disregard for Plaintiff's rights and sensibilities.

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76. As a direct and proximate result of Defendant's unlawful actions Plaintiff has sustained and continues to sustain injuries and damages.

**WHEREFORE**, Plaintiff requests that this court enter judgment against Defendant in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

**COUNT IV**

**VIOLATION OF TITLE VII, 1981, and MICHIGAN'S ELCRA  
PROHIBITION AGAINST EMPLOYMENT DISCRIMINATION –  
RACIAL DISCRIMINATION**

***Hostile Work Environment***

77. At all material times, Plaintiff was an employee, and Defendant was her employer, covered by and within the meaning of the Title VII of the Civil Rights Act of 1964 § 1983, § 1981, and ELCRA.

78. Plaintiff was subjected to unwelcome verbal or physical conduct due to her race.

79. The unwelcome conduct complained of was based on Plaintiff's racial status.

80. The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with Plaintiff's work performance and/or creating an intimidating, hostile or offensive work environment.

81. As a direct and proximate result of Defendant's unlawful actions Plaintiff has sustained and continues to sustain injuries and damages.

**WHEREFORE**, Plaintiff requests that this court enter judgment against Defendant in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

**COUNT V**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

*All Defendants*

82. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 81 as though fully set forth herein.

83. The conduct described above was extreme and outrageous and exceeds the bounds of human decency.

84. The conduct was done with the intent to cause emotional distress and/or so reckless that a reasonable person would know that emotional distress would result.

85. The conduct caused emotional distress.

86. Plaintiff suffered and continues to suffer damages.

**WHEREFORE**, Plaintiff requests that this Honorable Court enter judgment against Defendants, and each of them, in whatever amount she may be found to be

entitled, together with interest, costs, reasonable attorney fees, and such other relief as this Court deems just under the circumstances.

**COUNT VI**

**42 U.S.C. §1983 – VIOLATION OF THE 4th AND 14th AMENDMENTS**

***Individuals Only***

87. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 86 as though fully set forth herein.

88. Plaintiff had a constitutional right under the Fourth Amendment to be free from a deprivation of liberty, property, bodily security, and integrity without due process of law.

89. At all times relevant, Defendants, acting under color of law, were required to obey the laws of the United States including those laws identified and described in the 4th Amendment to the United States Constitution.

90. The conduct of Defendants violated Plaintiff's rights under the Fourth Amendment of the United States Constitution, as incorporated by the Fourteenth Amendment.

91. The conduct of the Defendants violated 42 U.S.C. 1983.

92. Defendants' acts were intentional, objectively unreasonable, unnecessary, excessive, reckless, and/or grossly negligent in violation of Plaintiff's clearly established rights under the United States Constitution.

93. Defendants are therefore not entitled to qualified immunity.



94. The constitutional right which Defendants violated was clearly established at the time that the violation occurred and a reasonable person in the Defendants' position would have understood that the conduct violated said right.

95. At all times material to Plaintiff's Complaint, Defendants owed a duty to Plaintiff, to not expose, create, and/or enhance the risk that she would be exposed to an act of violence by her students.

96. Defendants' actions exposed and placed the Plaintiff at risk, and Plaintiff's injuries were the natural and foreseeable consequences of Defendants' actions.

97. Defendants knew and/or should have known that their actions endangered Plaintiff.

98. Defendants' wrongful conduct includes but is not limited to the following:

- a. choosing to supervise its employees in a relaxed manner;
- b. allowing dangerous students back into school when they should not have been allowed pursuant to school guidelines, procedures, and common sense;
- c. not warning, training, supervising, and/or equipping the Plaintiff to handle the violent situation;
- d. refusing to communicate with local law enforcement;
- e. failure to have proper equipment in place for Plaintiff to respond to a violent situation; and,

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- f. acting with deliberate indifference as to whether Plaintiff would sustain injury and whether injury was likely to occur.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, each and every one of them, in whatever amount the Court or jury determines to be fair, just and adequate compensation for the injuries and damages sustained together with interest, Court costs and attorney's fees.

**FURTHERMORE**, Plaintiff asks that this Court enter an Order requiring Defendants to immediately adopt policies, procedures and customs, as well as adequate staffing, to prevent further injuries to the public.

**COUNT VII**

**42 U.S.C. §1983 – VIOLATION OF CIVIL RIGHTS THROUGH SUPERVISION, CUSTOMS, POLICIES, ACQUIESCENCE, AND TRAINING**

99. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 97 as though fully set forth herein.

100. Defendants had an obligation to train their employees regarding the constitutional rights of citizens under the Fourth Amendment, including, but not limited to, the requirement that they not take action to increase the risk of danger to persons such as Plaintiffs.

101. Defendants had an obligation to supervise its employees to insure that the constitutional rights of citizens under the Fourth Amendment were not

violated, including the right not to be subjected to be free from a deprivation of liberty, property, bodily security, and integrity without due process of law, and not to exposed to a greater risk of danger at the hands of the State.

102. Defendants failed to comply with the aforementioned obligations and had a custom or policy of acting with deliberate indifference to violations of the constitutional rights of the State's citizens and had a custom or policy of failing to train and/or failing to supervise parole officers regarding the protection/violation of those constitutional rights and/or failing to discipline parole officers who violated those constitutional rights.

**WHEREFORE**, Plaintiff herein prays for judgment against the Defendants herein, each and every one of them, in whatever amount the Court or jury determines to be fair, just and adequate compensation for the injuries and damages sustained together with interest, Court costs and attorney's fees.

**FURTHERMORE**, Plaintiff ask that this Court enter an Order requiring Defendants to immediately adopt policies, procedures and customs, as well as adequate staffing, to prevent further injuries to the public.

**COUNT VIII**

**VIOLATION OF EQUAL PROTECTION CLAUSE**

103. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 102 as though fully set forth herein.

104. Defendants purposefully discriminated against the Plaintiff based on her membership in one or more protected classes, specifically being an African-American and being a woman.

105. Plaintiff was treated differently than other individuals similarly situated.

106. Defendant acted with an intent and/or purpose to discriminate against the Plaintiff based upon her race, gender, and/or sex.

107. Plaintiff was injured a result.

**WHEREFORE**, Plaintiff herein prays for judgment against the Defendants herein, each and every one of them, in whatever amount the Court or jury determines to be fair, just and adequate compensation for the injuries and damages sustained together with interest, Court costs and attorney's fees.

**FURTHERMORE**, Plaintiff ask that this Court enter an Order requiring Defendants to immediately adopt policies, procedures and customs, as well as adequate staffing, to prevent further injuries to the public.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that a final judgment be entered in favor of the Plaintiff against the Defendants, and each of them, in whatever amount in excess of this Court's jurisdictional limits that the Plaintiff may be found to be entitled to upon the trial of this cause, plus interest, costs, and attorney fees.

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Respectfully submitted,

/s/ Jonathan R. Marko  
Jonathan R. Marko (P72450)  
Attorney for Plaintiff  
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**JURY DEMAND**

**NOW COMES**, Plaintiff, Tiffany Davis, by and through her attorneys, THE RASOR LAW FIRM PLLC, and hereby demands a trial by jury.

Respectfully submitted,

/s/ Jonathan R. Marko  
Jonathan R. Marko (P72450)  
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Dated: May 20, 2015

RASOR LAW FIRM, PLLC