



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**May 10, 2018 15:23**

By: RICHARD C. HABER 0046788

Confirmation Nbr. 1381257

MOZELLE JACKSON

CV 18 897540

vs.

CAVLIERS HOLDING, LLC, ET AL.

**Judge:** MICHAEL P. SHAUGHNESSY

**Pages Filed:** 10



## THE PARTIES

1. Plaintiff Mozelle Jackson is a resident of Cuyahoga County, Ohio. Ms. Jackson is a “person” and an “employee” as those terms are defined by Ohio Revised Code § 4112.01.

2. Defendant Cavaliers Holdings, LLC is a Delaware corporation with a principal place of business in Cuyahoga County, Ohio. Cavaliers Holdings, LLC is a “person” and an “employer” as those terms are defined by Ohio Revised Code § 4112.01.

3. Defendant Cavaliers Operating Company, LLC is a Delaware corporation with a principal place of business in Cuyahoga County, Ohio. Cavaliers Operating Company, LLC is a “person” and an “employer” as those terms are defined by Ohio Revised Code § 4112.01.

4. Howard Luckoff is a resident of the State of Michigan. Mr. Luckoff is a “person” and an “employer” as those terms are defined by Ohio Revised Code § 4112.01. Mr. Luckoff is the General Counsel of Rock Ventures, the organization that “serves and connects” the business interests of Dan Gilbert, the Chairman and majority owner of Cavaliers Holdings, LLC and Cavaliers Operating Company, LLC. In that capacity, Mr. Luckoff regularly serves as a representative of and/or counsel for Cavaliers Holdings, LLC and Cavaliers Operating Company, LLC.

5. Len Komoroski is a resident of Cuyahoga County, Ohio. Mr. Komoroski is a “person” and an “employer” as those terms are defined by Ohio Revised Code § 4112.01. Mr. Komoroski is the Chief Executive Officer of Defendants Cavaliers Holdings, LLC and Cavaliers Operating Company, LLC.

6. Defendants XYZ Company 1-5 and John/Jane Doe 1-5 are entities and/or individuals, other than those specifically identified as Defendants, responsible for interfering with any of the legal rights which are now, or upon amendment may be, the subject of this

litigation. Upon discovery, the Complaint will be amended to include the names of such entities and/or individuals.

7. Under the “single employer” or “integrated entity” doctrine, Defendants Cavaliers Holdings, LLC and Cavaliers Operating Company, LLC constitute a single employer/integrated entity given, among other things, the following factors: (a) the interrelated nature of these entities in areas such as corporate offices and structure, record keeping, bank accounts, and equipment; (b) the commonality in management amongst these organizations in areas such as supervisory authority, directors, and officers; (c) the centralized nature of their human resources, employee relations, and legal functions; and/or (d) the fact that these entities share common ownership and financial control. As such, Defendants Cavaliers Holdings, LLC and Cavaliers Operating Company, LLC will be referred to herein as simply the “Cavaliers.”

#### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over Plaintiff’s claims insofar as they arise under Ohio statutory and common law.

9. Venue is proper in this Court pursuant to Civ. R. 3(B)(1), (2), (3), and (6) because the Cavaliers have their principal place of business in Cuyahoga County, Defendant Komoroski resides in Cuyahoga County, the Defendants conducted activity in Cuyahoga County giving rise to Plaintiff’s claims for relief, and all or part of Plaintiff’s claims for relief arose in Cuyahoga County.

#### **FACTUAL ALLEGATIONS**

10. Ms. Jackson was hired by the Cavaliers in March 2010 as their Chief Financial Officer. In that capacity, Ms. Jackson had oversight responsibility for accounting/finance, human resources, information technologies and sourcing. Thereafter, Ms. Jackson assumed

oversight responsibility for the Cavaliers' legal, facility operations and process improvement function.

11. In joining the Cavaliers, Ms. Jackson welcomed the opportunity to be a part of an organization guided by the "ISMS" espoused by its majority owner, Dan Gilbert. Among Mr. Gilbert's "ISMS" is his directive to always "Do the right thing," specifically:

The high road is not a shortcut. Stick to the highest standard of integrity, without compromise. Character is what you do when no one is looking over your shoulder! Doing the wrong thing is **never worth it**. How can you go wrong doing the right thing? Remember, eventually three things always come out: the sun, the moon, and the truth.<sup>1</sup>

12. In October 2011, Ms. Jackson was promoted to Executive Vice President and Chief Financial Officer.

13. As recently as September 2017, Ms. Jackson received additional responsibilities and assumed the title of Executive Vice President – Chief Financial and Administrative Officer. In that capacity, Ms. Jackson still had oversight responsibility for the Cavaliers' accounting/finance, human resources, sourcing, legal, facility operations and process improvement functions.

14. Throughout her employment Ms. Jackson has consistently received strong performance reviews and praise for her work, professionalism, and integrity. Importantly, prior to the events described herein, the Cavaliers never expressed any intention of terminating Ms. Jackson's employment or otherwise suggested that her job was in jeopardy.

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<sup>1</sup> <https://www.quickenloans.com/press-room/fast-facts/#isms> last visited May 8, 2018 (emphasis in the original).

15. In March 2018, Ms. Jackson was advised of a workplace incident involving a Cavaliers' employee, commonly referred to as a "team member." The team member was known by the Cavaliers [REDACTED].<sup>2</sup>

16. Upon receiving notice, and with Ms. Jackson's knowledge, the Cavaliers' human resources and operations team members and ultimately legal counsel conducted an investigation into the workplace incident.

17. The [REDACTED] team member was [REDACTED] during the pendency of the investigation. Before the investigation was completed, the team member – [REDACTED]

18. On Thursday March 15, 2018, the Cavaliers conducted a conference call involving Mr. Luckoff, outside counsel, members of the in-house legal team, human resources, security, the President of Business Operations and Plaintiff for purposes of discussing [REDACTED]

19. As of the date of this conference call, a [REDACTED]

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<sup>2</sup> An unredacted version of this Complaint was supplied to the Defendants before this case was filed. Given the nature of the allegations, out of an abundance of caution, Plaintiff redacted portions of the complaint so as to avoid even the slightest argument that the information was protected by the attorney client privilege otherwise confidential. When given the opportunity to identify with specificity information may be privileged or confidential, they failed to do so. Even though Plaintiff disagrees with the suggestion that this Complaint contains anything that is protected from public disclosure, Plaintiff nevertheless redacted certain portions of this initial Complaint before filing. All Defendants have notice of the information that has been redacted from this Complaint. As well, contemporaneous with the filing of this Complaint, Plaintiff has filed a motion seeking leave of this Court to file an unredacted copy of this Complaint under seal. In doing so, Plaintiff also reserves the right to move this Court to unseal the unredacted version of this Complaint.

20. On March 19, 2018, Ms. Jackson observed members of the Cavaliers' information technologies team, the legal team and human resources team deleting electronically stored evidence which Ms. Jackson reasonably believes was relevant to [REDACTED] of the [REDACTED] team member.

21. By deleting such evidence, the Cavaliers and their employees were acting to preemptively obstruct and prevent the soon-to-be-terminated disabled team member from exercising his rights under R.C. § 4112.02 to advance and prosecute a claim for discrimination.

22. On March 20, 2018, Ms. Jackson verbally raised concerns to the Cavaliers' in-house counsel concerning the deletion of evidence relevant to [REDACTED] team member's termination.

23. Despite Ms. Jackson's objections, the Cavaliers did not take any remedial steps to reverse or otherwise address the apparent destruction of evidence.

24. On March 23, 2018, Ms. Jackson, through counsel, delivered a letter to Mr. Komoroski.

25. In that letter, Ms. Jackson, through counsel, specifically referenced Ohio's prohibition on employment discrimination against qualified individuals [REDACTED] and memorialized the Cavaliers' acknowledged concern that [REDACTED] from the underlying workplace incident was [REDACTED].

26. In that letter, Ms. Jackson, through counsel, explained the fundamental obligation to preserve evidence and to prevent its spoliation or destruction.

27. In that letter, Ms. Jackson, through counsel, detailed the significant ramifications that could result from the destruction of evidence, both to the Cavaliers and to representatives of the Cavaliers, including Ms. Jackson.

28. In that letter, Ms. Jackson, through counsel, once again demanded that the Cavaliers take prompt remedial action. Specifically, Ms. Jackson demanded that the Cavaliers retrieve and fully preserve any electronically stored information concerning [REDACTED] team member that had been deleted.

29. In that letter, Ms. Jackson, through counsel, warned the Cavaliers that it would be unlawful for them to retaliate against her because of her objections to the destruction of evidence.

30. Rather than simply taking action to rectify the destruction of evidence as requested, the Defendants promptly retaliated against Ms. Jackson.

31. Specifically, after receiving the letter, outside counsel for the Cavaliers requested a meeting to address the issues raised therein.

32. The meeting took place on April 10, 2018. Mr. Luckoff, Mr. Komoroski and their outside counsel and Ms. Jackson and her counsel participated in the meeting.

33. Mr. Luckoff spoke first to open the meeting. Mr. Luckoff explained that he was present, and speaking, on behalf of Mr. Gilbert and the entire Cavaliers' organization. Mr. Luckoff then stated that the entire Cavaliers' organization thought "extremely highly of" Ms. Jackson and that she was a "highly valued team member."

34. Shockingly, Mr. Luckoff then explained that Ms. Jackson had caused there to be "a lot of noise in the system," and, as a result, "separation [of her employment] was inevitable." Indeed, Mr. Luckoff made it crystal clear that Ms. Jackson would soon be out of a job. Mr. Luckoff stated that they wished for the parting to be amicable, but if Ms. Jackson were to "fight them on this" she should understand that "Dan Gilbert is a billionaire and had the money to fight in Court for as long as it takes."

35. Mr. Luckoff explained that if Ms. Jackson chose to fight the Cavaliers, they would “ruin” her exemplary professional reputation by publishing unfounded allegations of poor job performance without regard to their veracity on the internet.

36. Mr. Luckoff brazenly explained that it did not matter if the disparaging allegations were true because, once posted on the internet, they would still ruin her professional reputation. Mr. Luckoff stated that people tend to believe what they read on the internet.

37. Indeed, Mr. Luckoff went so far as to emphasize that Mr. Gilbert would be an active participant in the Cavaliers’ efforts to “ruin” Ms. Jackson’s professional reputation, as he would proudly sit on the witness stand and testify “under oath” to the unfounded performance issues.

38. These threats were made in the presence of the Cavaliers’ Chief Executive Officer Len Komoroski who sat idly by without disavowing or repudiating them. Thus, the threats were made either with the express approval of the Cavaliers, or were thereafter ratified by the Cavaliers through their acts and omissions.

39. The Cavaliers’ threats, communicated through Mr. Luckoff, were intended to dissuade a reasonable person from making or supporting a claim of discrimination or acting in a manner to protect the rights of those who would complain of discrimination.

40. Though the Cavaliers have not yet made good on their threats to unlawfully terminate her employment and ruin her professional reputation, Ms. Jackson is now forced to work in a hostile environment tainted by threats of retaliation and intimidation.

41. Moreover, Ms. Jackson is forced to work for an employer that – despite its purported insistence that all employees “Do the right thing” -- tolerates the destruction of

evidence, condones efforts to obstruct employees' exercise of protected rights and treats an employee's efforts to "do the right thing" as ground for termination.

**COUNT ONE**  
**(Retaliation – Ohio R.C. § 4112.02(I))**

42. Plaintiff restates each allegation above as if fully rewritten herein.

43. Ms. Jackson engaged in protected activity, by among other things, opposing the Cavaliers' efforts to destroy evidence relevant to an employee's potential claims of discrimination, thereby obstructing that employee's potential efforts to advance claims of discrimination.

44. Defendants knew of Ms. Jackson's protected activity.

45. Defendants subjected Ms. Jackson to materially adverse actions in the form of threats, including, but not limited to, advising her that her separation was inevitable, that she must resign or her employment would be terminated, threatening to ruin her professional reputation, and threatening to publish derogatory information, regardless of its truth, on the internet.

46. A causal connection exists between Ms. Jackson's protected conduct and the materially adverse actions taken by the Defendants.

47. Defendants' conduct violated Ohio R.C. § 4112.02(I).

48. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered, and will continue to suffer, damages, including, but not limited to, economic damages, emotional pain and suffering, and other losses to be proven at trial.

49. Defendants' conduct was intentional, malicious, willful, and in complete and conscious disregard for Plaintiff's legal rights. Thus, Plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff prays for the following relief:

A. Any and all remedies available under Ohio R.C. § 4112, including, but not limited to, past and future economic and non-economic damages in an amount in excess of \$25,000, punitive damages, interest, all attorneys' fees, expert fees, and costs.

B. Any other relief that this Court deems appropriate.

Respectfully submitted,

/s/ Richard C. Haber

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**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

/s/ Richard C. Haber

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