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Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
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Confirmation Nbr. 3427997

EARLINE L. ROBINSON

CV 25 113398

vs.

Judge: CARL J. MAZZONE

CITY OF CLEVELAND HEIGHTS

Pages Filed: 11

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY OHIO**

) Case No:
EARLINE L. ROBINSON)
25964 Highland Road)
Richmond Heights, Ohio 44143)
Plaintiff,)
v.)
City of Cleveland Heights)
40 Severance Circle)
Cleveland Heights, OH 44118) JUDGE:
Defendant.)

COMPLAINT

(Jury Demand Endorsed Hereon)

INTRODUCTION

1. NOW COMES Plaintiff, Earline Robinson (“Plaintiff” or “Ms. Robinson”) and brings her Complaint for unlawful employment discrimination because of her race, African American, age, and related retaliation claims, regarding the terms and conditions of her employment involving disparate treatment and violations of Ohio Revised Code § 4112 *et seq.* This action is brought against Defendant City of Cleveland Heights, Ohio. After first complaining to Defendant in regards to her compensation and then seeking a meeting with the Mayor, Ms. Robinson was adversely discriminated against by the Defendant. Defendant has engaged in adverse employment actions against Ms. Robinson and denied her equal terms and conditions of employment with Defendant City of Cleveland Heights.

NATURE OF ACTION

2. This is an action brought under O.R.C. § 4112.01 *et seq.*
3. This action is brought before this Court to correct unlawful employment practices based on race, age, retaliation, adverse employment actions, and intentional infliction of emotional distress. This action seeks, back-pay, front-pay and other relief including loss of the opportunity for promotions, compensatory damages, the value of lost fringe benefits, punitive damages, and any other relief to which this court determines Plaintiff is entitled according to law.

JURISDICTION AND VENUE

4. This action is instituted and authorized under this Court's jurisdiction with respect to the claims based on the common and statutory law of the State of Ohio. Venue is proper in this Court as the acts complained of herein have occurred in Ohio, within the jurisdiction of this Court in Cuyahoga County.

5. This civil action arises under the Constitution and laws of the State of Ohio. Plaintiff is alleging a violation of her rights under O.R.C. § 4112 *et seq.* Plaintiff filed a dual filed charge of employment discrimination in February 2023, which charge was subsequently closed in December 2023.

Parties and Background

6. Plaintiff is a citizen of the United States and resident of Richmond Heights, Ohio.

7. At all times relevant, Plaintiff was employed by the City of Cleveland Heights, Ohio and was a resident of Cuyahoga County, Ohio.

8. Plaintiff, an African American female over the age of forty, had been employed as an Accounts Payable Coordinator by the City of Cleveland Heights, Ohio ("Defendant Cleveland Heights") since October 12, 2022.

9. Defendant City of Cleveland Heights is an Ohio municipal corporation organized as a mayor-council form of government with its principal offices located in Cleveland Heights, Ohio.

10. Since at least March of 2023, Defendant engaged in egregious, intentional, willful and wanton discriminatory conduct including adverse employment actions against

Plaintiff, which conduct warrants the imposition of punitive damages against Defendant.

STATEMENT OF FACTS

11. Plaintiff incorporates by reference each and every allegation, averment and statement set forth above in paragraph numbers 1 through 10 as if fully restated, and further states as follows.

12. Plaintiff was hired started working for the City of Cleveland Heights on May 5, 1984. Plaintiff was hired for the position of Income Tax Clerk I which she applied for at that time. Plaintiff remained in that position from May 21, 1984, until July 15, 1984. When transitioning issues occurred between the Regional Income Tax Agency to the newly established City of Cleveland Heights Income Department., Plaintiff was transferred to the Finance Department with no increase. Her new position was Typist I with receptionist duties, and she remained in that position from 1984 until 1987. Plaintiff was later promoted to Accounting Clerk I and remained in that position from 1987 until 1991. She was then promoted to Accounting Clerk II, and held this title from 1991 until 2018. Plaintiff performed her job in a satisfactory manner up to and through the time of her adverse employment on or about March 20, 2023.

13. The adverse employment actions Plaintiff complained about were not a onetime incident but included numerous Plaintiff initiated conversations about her compensation between May 2022 and February 2023. Ms. Robinson had complained to her supervisors on several occasions about the pay disparity she was forced to endure.

14. During her employment, Ms. Robinson was paid less than younger white Accounts Payable employees who had less responsibilities and less years of service. Plaintiff was the lowest paid employee in her department. After a compensation study was done in 2018, Plaintiff repeatedly asked Defendant's Human Resources about the difference in her pay and the other Caucasian staffs' pay.

15. Ms. Robinson subsequently requested a meeting with the Mayor to discuss her concerns. In response, the Defendant City Administrator informed her that she could not meet with the Mayor regarding her pay concerns. The City Administrator proceeded to report the exchange with her direct supervisor. A few weeks later, Ms. Robinson received a written reprimand from her supervisor for overriding the budget.

16. This reprimand was in retaliation for her complaints about her compensation.

Neither the Mayor nor the City Administrator ever acknowledged her compensation concerns.

17. There were no complaints about Ms. Robinson until after she complained about her compensation. Ms. Robinson, before her complaint, was viewed as one of the best staff in Accounts Payroll without any record of complaints.

18. Ms. Robinson was informed by Defendant Human Resources that her concerns regarding unfair pay would be reviewed.

19. To date, Ms. Robinson's concerns about her compensation have not been addressed.

20. Defendant was aware of Plaintiff's complaints before her March 2023 adverse employment action of removing her duties. Plaintiff complained regularly about the

discriminatory treatment and pay disparity she suffered to supervision and Human Resources.

21. Each time Plaintiff complained, Defendant's discriminatory treatment and adverse actions would continue as before.

COUNT ONE

RACE DISCRIMINATION O.R.C. § 4112 *et seq.*

22. Plaintiff incorporates by reference each and every allegation, averment and statement set forth above in paragraph numbers 1 through 21 as if fully restated, and further states as follows.

23. Plaintiff brings this action under Ohio Revised Code § 4112.02 and Ohio Revised Code § 4112.99 which prohibit acts of employment discrimination in Ohio on the basis of race.

24. Defendant has violated Ohio law in that they took adverse employment action against Plaintiff after she complained of pay disparity when compared to Caucasian workers in Accounts Payable which resulted in a change in Ms. Robinson's employment duties.

25. Defendant has violated Ohio law in that it limited Plaintiff's employment while retaining Caucasian workers in violation of Ohio workplace discrimination laws and utilizing or failing to utilize policies which resulted in adverse employment action and disparate treatment against Plaintiff.

26. As a direct and proximate result of Defendant's continuing actions and inactions enumerated above, Plaintiff has suffered and will continue to suffer the injuries set forth herein and will continue to suffer such damages until made whole.

27. Defendant has willfully and/or intentionally and/or with callous and reckless indifference, violated Plaintiff's rights under Ohio law prohibiting race discrimination in employment, so as to entitle Plaintiff to an award of punitive damages.

COUNT TWO
AGE DISCRIMINATION O.R.C. § 4112 *et seq.*

28. Plaintiff incorporates by reference each and every allegation, averment and statement set forth above in paragraph numbers 1 through 27 as if fully restated, and further states as follows.

29. Defendant was aware of Plaintiff's age and complaints resulting from her interactions with the Mayor's office staff which occurred between October 2022 and March 2023.

30. Defendant had been notified of Plaintiff's complaints and directed that Ms. Robinson not to approach the Mayor with her compensation concerns.

31. Plaintiff complained about the violations of her terms and conditions of employment numerous times.

32. As a direct and proximate result of Defendant's continuing actions and inactions enumerated above, Plaintiff has suffered and will continue to suffer age-based injuries set forth herein and will continue to suffer such damages until made whole.

33. Defendant has willfully and/or intentionally and/or with callous and reckless indifference, violated Plaintiff's rights under Ohio law prohibiting adverse employment discrimination on the basis of age, so as to entitle Plaintiff to an award of punitive damages.

COUNT THREE
RETALIATION O.R.C. § 4112 *et seq*

34. Plaintiff incorporates by reference each and every allegation, averment and statement set forth above in paragraph numbers 1 through 33 as if fully restated, and further states as follows.

35. Plaintiff has suffered racial and adverse action discrimination as detailed above.

36. Plaintiff complained to Defendant representatives about the discrimination she was suffering.

37. After her complaints, Defendant failed to promptly investigate and resolve her complaints and report back to Ms. Robinson.

38. Following her complaints to Defendant representatives, Plaintiff was constructively discharged after having been told that she was banned from meeting with Defendant Mayor.

39. At the time of her adverse employment action, Plaintiff was the only female African-American working for Defendant Accounts Payable department.

40. Defendant has violated Ohio law in that it refused to assign Plaintiff duties and jobs in retaliation for her ongoing complaints about the discriminatory treatment she was receiving in violation of Ohio workplace discrimination anti-retaliation laws.

41. Defendant has violated Ohio law in that it adversely limited Plaintiff's employment on the job while expanding the duties of her Caucasian comparators, who had not made complaints on the job in violation of Ohio workplace discrimination anti-retaliation laws.

42. As a direct and proximate result of Defendant's continuing actions and inactions enumerated above, Plaintiff has suffered and will continue to suffer the injuries set forth herein and will continue to suffer such damages until made whole.

43. Defendant have willfully and/or intentionally and/or with callous and reckless indifference, violated Plaintiffs' rights under Ohio law prohibiting retaliation in employment, so as to entitle Plaintiff to an award of punitive damages.

COUNT FOUR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

44. Plaintiff incorporates by reference each and every allegation, averment and statement set forth above in paragraph numbers 1 through 43 as if fully restated, and further states as follows.

45. Defendant engaged in egregious, intentional, willful and wanton discriminatory conduct against Plaintiff which conduct warrants the imposition of punitive damages against them.

46. Defendant intended to cause Plaintiff emotional distress or knew or should have known that their acts or omissions would result in discrimination so extreme and outrageous as to go beyond all possible bounds of decency and was such that it can be considered as utterly intolerable in a civilized society.

47. Defendant knew, or should have known, that their collective discriminatory conduct would result in serious emotional distress to Plaintiff.

48. Defendant's conduct as set forth, herein above, was the direct and proximate cause of the mental anguish suffered by Plaintiff that was of such a serious nature that no reasonable person could be expected to endure it.

49. Punitive damages are warranted against Defendant because Defendant permitted and sanctioned the actions and inactions of Defendant representatives, who carried out adverse employment actions and discriminatory acts by denying Plaintiff employment opportunities, such actions and inactions adversely affected Plaintiff on the basis of her race, age, and retaliation, which conduct and omissions warrants the imposition of punitive damages against Defendant, in an amount in excess of \$25,000.00

WHEREFORE, Plaintiff prays that this Court enter judgment on her Complaint in her favor and against Defendant City of Cleveland Heights, as follows:

- a. Plaintiff demands to be compensated in the position of Accounts Payroll Coordinator with back-pay as compensation for the wages she would have earned had she not been discriminated against, in an amount greater than \$25,000.00 to be determined at trial;
- b. Plaintiff demands compensation for all lost benefits suffered due to her discriminatory adverse treatment, in an amount to be determined at trial;
- c. Plaintiff demands emotional distress damages in an amount greater than \$25,000.00 to be determined at trial;
- d. Plaintiff demands punitive damages in the amount of \$250,000.00;
- e. Plaintiff demands attorneys' fees and costs pursuant to all applicable statutes in an amount to be determined at trial; and
- f. Any and all other relief that this Honorable Court determines is appropriate and just.

Respectfully submitted,

/s/Lawrence Mays
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Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by the maximum allowable jury pursuant to Ohio law.

/s/Lawrence Mays
Attorney for Plaintiff