

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHAEL RICHARDSON
and
ROBERT YANAGI,

Plaintiffs,

vs.

Case No. 18- 003810 -CD

HON. David J. Allen

THE DETROIT LIONS, INC.,
a Michigan Corporation and
THE NATIONAL FOOTBALL LEAGUE,
an unincorporated association,
jointly and severally,

Defendants.

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GASIOREK, MORGAN, GRECO,
MCCAULEY & KOTZIAN, P.C.

**GASIOREK, MORGAN, GRECO,
McCAULEY & KOTZIAN, P.C.**
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There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint.

COMPLAINT AND DEMAND FOR JURY TRIAL

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NOW COME Plaintiffs, MICHAEL RICHARDSON and ROBERT YANAGI, by their attorneys, GASIOREK, MORGAN, GRECO, MCCAULEY & KOTZIAN, P.C., and for their Complaint against the above-named Defendants, state as follows:

PARTIES

1. Plaintiff, MICHAEL RICHARDSON (hereinafter "Richardson"), is an individual residing in the City of Taylor, County of Wayne, State of Michigan.

2. Plaintiff, ROBERT YANAGI (hereinafter "Yanagi"), is an individual residing in the Charter Township of Northville, County of Wayne, State of Michigan.

3. Defendant, THE DETROIT LIONS, INC., (hereinafter "DETROIT LIONS") is a Michigan corporation, and has a principal place of business, resident agent and registered office in the City of Detroit, County of Wayne, State of Michigan.

4. Defendant, THE NATIONAL FOOTBALL LEAGUE (hereinafter NFL"), is an unincorporated association consisting of thirty-two professional football franchises.

5. The Detroit Lions are an NFL franchise.

6. At all relevant times, the Detroit Lions were an agent of the NFL.

JURISDICTION AND VENUE

7. The amount in controversy, excluding any costs, attorney fees or interest, exceeds Twenty-Five Thousand (\$25,000.00) Dollars and is otherwise within the jurisdiction of this Honorable Court pursuant to MCL §600.605 and MCL §37.2801.

8. Venue is proper in this Circuit Court pursuant to MCL §600.1621 and MCL §37.2801.

COMMON FACTUAL ALLEGATIONS

9. Richardson's date of birth is February 17, 1966.

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10. Richardson is African American.
11. Yanagi's date of birth is October 1, 1959.
12. Yanagi is Japanese American.
13. Richardson commenced employment with the Defendants on or about October 17, 1989 as a janitor.
14. Richardson was promoted to Office Manager in 1990 and also began working in the video department.
15. Richardson was promoted to Assistant Video Director for the Detroit Lions in 1991, a position that he held throughout the rest of his career.
16. Richardson's promotion marked the first time that an African American was hired as an Assistant Video Director in the NFL.
17. Yanagi commenced employment with the Defendants on or about July 27, 2004 as the Video Operations Director for the Detroit Lions, a position that he held until his termination.
18. Yanagi is the first Japanese-American Video Operations Director in the NFL.
19. Yanagi, during his entire tenure with the Detroit Lions, was Richardson's direct supervisor.
20. Richardson and Yanagi worked at the Detroit Lions' training facility located in the City of Allen Park, a location within Wayne County.
21. Richardson and Yanagi, at all relevant times, were subject to the rules and regulations of both the Detroit Lions and the NFL.
22. The Detroit Lions and the NFL jointly determined the terms and conditions of Richardson's and Yanagi's employment.

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23. The NFL, at all relevant times, mandated and/or controlled the employee benefits offered to employees such as Richardson and Yanagi. Such benefit plans included, but are not limited to, post-season compensation, the NFL pension plan, the NFL Capital Accumulation (401k) Plan, and the NFL Non-Players Insurance Trust.

24. Upon information and belief, the Detroit Lions and the NFL had employees execute employment agreements in 2017.

25. Richardson and Yanagi were, at all times, valued employees who performed all the duties of their positions as Assistant Video Director and Video Operations Director, respectively, in a manner that demonstrated that they were qualified for their positions.

26. In or around January 2016, the Detroit Lions hired a new General Manager.

27. Shortly thereafter, Richardson met with the General Manager. During the meeting, the General Manager assigned additional job duties to Richardson and criticized Richardson's work performance even though he was unfamiliar with Richardson's work.

28. Upon information and belief, the General Manager did not assign additional job duties to the younger Caucasian employee in the Detroit Lions video department.

29. On or about December 10, 2017, Richardson suffered an injury to his shoulder while carrying equipment.

30. As a result of the shoulder injury, Richardson received medical treatment from the Detroit Lions and filed a workers' compensation claim.

31. On or about December 19, 2017, Richardson made a complaint to an employee in the Detroit Lions Human Resources Department regarding racist comments by an employee in the Detroit Lions Scouting Department and disparate treatment by an employee in the Detroit Lions Team Operations Department.

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32. During that meeting, Richardson also mentioned that Yanagi had asked the employee in the Scouting Department to stop making jokes about his race.

33. Upon information and belief, the Detroit Lions General Manager, after Richardson's complaint, began soliciting feedback from the Detroit Lions coaches about Richardson's work performance.

34. Richardson's average score of the evaluations submitted to the Detroit Lions General Manager were 2.8 out of 5.

35. Upon information and belief, one of the coaches that Richardson had complained to Detroit Lions Human Resources about gave Richardson a score of 1 in every category on the survey.

36. In late December 2017, a few days after Richardson's complaint to Human Resources, Richardson met with the General Manager and the Assistant to the General Manager for the Detroit Lions.

37. During that meeting, the Detroit Lions General Manager acknowledged Richardson's complaint of race discrimination to Human Resources and instead of addressing Richardson's concerns, the General Manager raised concerns about Richardson's work performance.

38. In December 2017, Yanagi also complained to the Detroit Lions Human Resources that the General Manager treated him differently because of his race and therefore he was concerned about losing his job.

39. Yanagi was aware of and supported Richardson's complaint of race discrimination.

40. The Detroit Lions General Manager also solicited feedback about Richardson's work performance from Yanagi.

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41. Yanagi reported to the Detroit Lions General Manager that he was satisfied with Richardson’s work performance.

42. On or about January 19, 2018, Defendants terminated the employment of both Plaintiffs without justification.

43. The Detroit Lions General Manager informed the Plaintiffs that their employment was being terminated because “all of the coaches” wanted them terminated.

44. The proffered reason for termination is not true and/or a pretext for discrimination.

45. After the termination of Richardson and Yanagi, the video department consisted of two Caucasian employees who were both significantly younger than Richardson and Yanagi.

46. Upon information and belief, Yanagi’s replacement is younger than he and Caucasian.

47. Upon information and belief, Richardson’s replacement is younger than he.

48. A determining factor in Defendants’ decision to terminate the employment of Richardson was his age, race and/or in retaliation for his workers’ compensation claim and/or his complaints about race discrimination.

49. A determining factor in Defendants’ decision to terminate the employment of Yanagi was his age, race, and/or in retaliation for his complaint about race discrimination and/or his support of Richardson’s race discrimination complaint.

50. Reinstatement is impossible or impracticable.

COUNT I – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT – RACE DISCRIMINATION

51. Plaintiffs repeat and incorporate by reference each and every paragraph of this Complaint as though fully set forth herein verbatim.

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52. At all relevant times, Defendants were an “employer” as that term is defined by the Michigan Elliott-Larsen Civil Rights Act, MCL §37.2101, et seq. (“ELCRA”).

53. At all relevant times, Defendants had a duty under the ELCRA not to discharge or otherwise discriminate against Plaintiffs because of their race.

54. Defendants violated the ELCRA by discriminating against Plaintiffs because of their race, including but not limited to:

- a. Terminating Plaintiffs’ employment because of their race;
- b. Treating Plaintiffs differently than similarly situated Caucasian employees;
- c. Discriminating against Plaintiffs with respect to compensation or the terms, conditions, or privileges of employment;
- d. Otherwise discriminating against and disparately treating Plaintiffs on the basis of their race with respect to the terms, conditions and privileges of their employment.

55. As a direct and proximate result of Defendants’ discriminatory and illegal acts, which acts were based on unlawful considerations of Plaintiffs’ race, Plaintiffs have suffered damages, including but not limited to: (1) the loss of employment, (2) loss of past and future employment income and employee benefits, (3) personal injuries including but not limited to mental, emotional and psychological distress, anxiety, humiliation, embarrassment, derogation, and physical ailments, (4) a sense of outrage and injury to their feelings, and (5) injury to their professional reputations.

WHEREFORE, Plaintiffs respectfully request that this Court enter its Judgment against Defendants, jointly and severally, in whatever amount is shown to be established by the proofs in this cause, together with interest, costs and reasonable attorneys' fees.

COUNT II – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT – AGE DISCRIMINATION

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56. Plaintiffs repeat and incorporate by reference each and every paragraph of this Complaint as though fully set forth herein verbatim.

57. At all relevant times, Defendants were an “employer” as that term is defined by the ELCRA.

58. At all relevant times, Defendants had a duty under the ELCRA not to discharge or otherwise discriminate against Plaintiffs because of their age.

59. Defendants violated the ELCRA by discriminating against Plaintiffs because of their age, including but not limited to:

- a. Terminating Plaintiff’s employment because of their age;
- b. Denying Plaintiffs employment opportunities because of their age;
- c. Treating older employees, including Plaintiffs, differently than similarly situated younger employees;
- d. Discriminating against Plaintiffs with respect to compensation or the terms, conditions, or privileges of employment;
- e. Otherwise discriminating against and disparately treating Plaintiffs on the basis of their age with respect to the terms, conditions and privileges of their employment.

60. As a direct and proximate result of Defendants’ discriminatory and illegal acts, which acts were based on unlawful considerations of Plaintiffs’ age, Plaintiffs have suffered damages, including but not limited to: (1) the loss of employment, (2) loss of past and future employment income and employee benefits, (3) personal injuries including but not limited to mental, emotional and psychological distress, anxiety, humiliation, embarrassment, derogation, and physical ailments, (4) a sense of outrage and injury to their feelings, and (5) injury to their professional reputation.

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WHEREFORE, Plaintiffs respectfully request that this Court enter its Judgment against Defendants, jointly and severally, in whatever amount is shown to be established by the proofs in this cause, together with interest, costs and reasonable attorneys' fees.

**COUNT III – VIOLATION OF THE
ELLIOTT-LARSEN CIVIL RIGHTS ACT – RETALIATION**

61. Plaintiffs repeat and incorporate by reference each and every paragraph of this Complaint as though fully set forth herein verbatim.

62. At all relevant times, Defendants were an “employer” as that term is defined by the ELCRA.

63. Under the ELCRA, specifically, MCL §37.2701, Defendants were prohibited from:

- a. Retaliating or otherwise discriminating against Plaintiffs because they made or filed a complaint about race discrimination; and
- b. Retaliating or otherwise discriminating against Plaintiffs because they expressed their opposition to race discrimination which violated the ELCRA.

64. Defendants violated the aforementioned prohibitions imposed by the ELCRA by terminating Plaintiffs’ employment and otherwise retaliating against them because they made or filed a complaint and/or expressed their opposition to race discrimination.

65. As a direct and proximate result of Defendants’ aforementioned intentional violation of Plaintiffs’ civil rights, as set forth by the ELCRA, Plaintiffs have and will continue to suffer damages, including but not limited to: the loss of employment; the loss of salary, commissions, fringe benefits, and bonuses, both past and future; humiliation, shock, mental, emotional and physical distress; and damage to their personal and professional reputations.

WHEREFORE, Plaintiffs request that this Court enter a Judgment against Defendants, jointly and severally, for damages and exemplary damages, in whatever amount is shown to be

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established by the proofs, and injunctive or equitable relief, together with interest, costs, and reasonable attorney fees.

COUNT IV – VIOLATION OF MCL § 418.301(13) (PLAINTIFF RICHARDSON ONLY)

66. Plaintiff repeats and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein verbatim.

67. The Worker’s Disability Compensation Act of 1969, MCL § 418.301(13), (“WDCA”) provides:

A person shall not discharge an employee or in any manner discriminate against an employee because the employee filed a complaint or instituted or caused to be instituted a proceeding under this act or because of the exercise by the employee on behalf of himself or herself or others of a right afforded by this Act.

68. Defendants terminated Richardson’s employment and/or discriminated and/or retaliated against him for asserting his rights under the WDCA.

69. A causal link exists between Richardson’s worker’s compensation injury, claim and time off, and the retaliation and ultimately the termination that he was subjected to.

70. Richardson’s worker’s compensation injury and/or claim was a significant factor in the Defendants’ retaliatory behavior and ultimately the decision to terminate Richardson’s employment.

71. Defendants’ termination, discrimination, and/or retaliation violated MCL § 418.301(13).

72. As a direct and proximate result of the Defendants’ wrongful conduct, Richardson has suffered damages, including but not limited to, loss of past and future income and employee benefits, mental anguish and emotional distress, and loss of professional reputation.

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WHEREFORE, Plaintiff requests that this Honorable Court enter Judgment against the Defendants, jointly and severally, in whatever amount is shown to be established by the proofs in this case, together with interest, costs and reasonable attorney fees.

Respectfully submitted,

**GASIOREK, MORGAN, GRECO
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By: /s/ Angela Mannarino
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Dated: April 5, 2018

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Case No. 18- -CD

HON. _____

THE DETROIT LIONS, INC.,
a Michigan Corporation.

Defendant.

DEMAND FOR TRIAL BY JURY

Plaintiffs, MICHAEL RICHARDSON and ROBERT YANAGI, by their attorneys, GASIOREK, MORGAN, GRECO, McCAULEY & KOTZIAN, P.C., demand a trial by jury for the claims that they have asserted in this cause of action.

Respectfully submitted,

**GASIOREK, MORGAN, GRECO
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Dated: April 5, 2018

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