

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOY PHILLIPS,)
)
Plaintiff,)
)
v.)
)
CITY OF SOUTH BEND, acting by and)
through its Police Department, and)
RONALD TEACHMAN, Individually and)
in his official capacity as Chief of Police,)
)
Defendant.)

COMPLAINT

Plaintiff Joy Phillips, by counsel, respectfully makes her Complaint for Damages.

Nature of Case

1. Plaintiff seeks to vindicate her rights Under the Civil Rights Act of 1964 and under the Equal Protection Clause of the Fourteenth Amendment due to discrimination based on her sex.

Jurisdiction

2. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. § 1333 and § 1343. Plaintiff's causes of action arise under Title VII of the Civil Rights Act of 1964.

3. Plaintiff timely filed charges of discrimination with the Equal Employment Opportunity Commission on October 23, 2014 and on December 10, 2014. She received her Right to Sue letter on August 11, 2015.
4. Venue is proper in the South Bend Division because the Defendant resides in this division and the events complained of occurred in this division.

Parties

5. Joy Phillips (female) is an adult citizen of the United States who resides in South Bend, Indiana.
6. The City of South Bend is a government unit located in St. Joseph County, Indiana. It operates the South Bend Police Department.
7. Ronald Teachman (male), is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.

Facts

8. Joy Phillips (“Phillips”) has been employed by the South Bend Police Department (“SBPD”) as a sworn police officer since April 19, 1999.
9. During this time Phillips performed exemplary police work, receiving numerous commendations.
10. On three instances Phillips sought promotion from the rank of Patrolman to Sergeant.

11. Most recently, Phillips sought promotion to the rank of Sergeant when the SBPD announced openings for three Sergeant positions.
12. Phillips was the only female who applied.
13. Instead of Phillips, Chief of Police Ronald Teachman promoted three male applicants to the rank of Sergeant who had less experience than Phillips and had who had histories of serious disciplinary violations.
14. Phillips has been subjected to a continuous barrage of demeaning remarks, sexual innuendo, and unwanted sexual advances by fellow officers and superiors.
15. The demeaning remarks and sexual innuendo persisted even after Phillips alerted superior officers to the problem.
16. Phillips filed a Charge of Discrimination on October 23, 2014. Shortly thereafter, Teachman replaced Phillips as Commander of the Interim Hostage Negotiation Team and replaced her with a less qualified male.
17. When Phillips complained that she was subjected to unwanted sexual advances by a fellow officer the officer was not punished and Phillips was subjected to an Internal Affairs investigation for defaming a fellow officer.
18. At all times Teachman acted in the scope of his employment by the City of South Bend and under color of Indiana law.

Legal Claims

19. Teachman's failure to promote Phillips in favor of less qualified males constitutes discrimination on the basis of her sex in violation of the Equal Protection Clause of the Fourteenth Amendment.

20. Teachman's failure to correct the barrage of demeaning remarks and behaviors directed by fellow police officers at Phillips due to her sex constitutions sex discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.
21. The demeaning remarks and behaviors directed at Phillips because of her sex created a hostile work environment within the meaning of Title VII of the Civil Rights Act of 1964.
22. Phillips' replacement as Commander of the Hostage Negotiation Team, along with other unjustified discipline and investigations, constitutes retaliation for protected activity under Title VII of the Civil Rights Act of 1964.

Relief

23. Plaintiff seeks all relief allowable by law, including back pay, front pay, reinstatement, and compensatory and punitive damages, and attorneys fees.

WHEREFORE, Plaintiff prays that the Court will enter judgment against Defendants and in favor of Plaintiff, and grant Plaintiff all just and proper relief.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49
BROWN TOMPKINS LORY
608 E. Market Street
Indianapolis, IN 46202
317/631-6866

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JOY PHILLIPS

(b) County of Residence of First Listed St. Joseph
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeffrey S. McQuary, Brown, Tompkins Lory & Mastrian
608 East Market Street, Indianapolis, Indiana 46202 (Tx: 317-631-6866)

DEFENDANTS

CITY OF SOUTHBEND, acting and through its Police Department, and
RONALD TEACHMAN, Individually and in his official capacity as Chief

County of Residence of First Listed Defendant St. Joseph
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1983; 28 U.S.C. § 1333 and § 1343 and 28 U.S.C. § 1367

Brief description of cause:

Sex Discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

9 Nov. 15

SIGNATURE OF ATTORNEY OF RECORD

Jeffrey S. McQuary

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOY PHILLIPS,)
)
Plaintiff,)
)
v.)
)
CITY OF SOUTH BEND, acting by and)
through its Police Department, and)
RONALD TEACHMAN, Individually and)
in his official capacity as Chief of Police,)
)
Defendant.)

SUMMONS IN A CIVIL ACTION

TO RESPONDENT: (Name) Ronald Teachman, Chief of Police
South Bend Police Department
(Address) 701 W. Sample Street
South Bend, IN 46601

A lawsuit has been filed against you.

Within 21 days after service of this Summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff an Answer to the attached Complaint or Motion under Rule 12 of the Federal Rules of Civil Procedure. The Answer or Motion must be served on the Plaintiff or Plaintiff's attorney, whose name and address are:

Jeffrey S. McQuary, #16791-49
BROWN TOMPKINS LORY & MASTRIAN
608 E. Market Street
Indianapolis, IN 46202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the Complaint. You also must file your Answer or Motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the Court unless required by Fed. R. Civ. P.4(l))

This summons for (*name of the individual and title, if any*) _____
was received by me on (*date*) _____.

☐ I personally served the summons on the individual at (*place*) _____
_____ on (*date*) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (*name*) _____,
a person of suitable age and discretion who resides there, on
(*date*) _____, and mailed a copy of the individual's last known address; or

☐ I served the summons on (*name of individual*) _____, who is designated
by law to accept service of process on behalf of (*name of organization*) _____
_____ on (*date*) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (*specify*): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOY PHILLIPS,)
)
Plaintiff,)
)
v.)
)
CITY OF SOUTH BEND, acting by and)
through its Police Department, and)
RONALD TEACHMAN, Individually and)
in his official capacity as Chief of Police,)
)
Defendant.)

SUMMONS IN A CIVIL ACTION

TO RESPONDENT: (Name) South Bend Police Department
(Address) 701 W. Sample Street
South Bend, IN 46601

A lawsuit has been filed against you.

Within 21 days after service of this Summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff an Answer to the attached Complaint or Motion under Rule 12 of the Federal Rules of Civil Procedure. The Answer or Motion must be served on the Plaintiff or Plaintiff's attorney, whose name and address are:

Jeffrey S. McQuary, #16791-49
BROWN TOMPKINS LORY & MASTRIAN
608 E. Market Street
Indianapolis, IN 46202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the Complaint. You also must file your Answer or Motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the Court unless required by Fed. R. Civ. P.4(l))

This summons for (*name of the individual and title, if any*) _____
was received by me on (*date*) _____.

☐ I personally served the summons on the individual at (*place*) _____
_____ on (*date*) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (*name*) _____,
a person of suitable age and discretion who resides there, on
(*date*) _____, and mailed a copy of the individual's last known address; or

☐ I served the summons on (*name of individual*) _____, who is designated
by law to accept service of process on behalf of (*name of organization*) _____
_____ on (*date*) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (*specify*): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: