

CHASE CANFIELD, INDIVIDUALLY)
AND IN HIS OFFICIAL CAPACITY AS)
THE DIRECTOR OF HUMAN)
RESOURCES OF AKRON)
PUBLIC SCHOOLS)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

TOD WAMMAS, INDIVIDUALLY)
AND IN HIS FORMER OFFICIAL)
CAPACITY AS DIRECTOR OF LABOR)
RELATIONS & EEOC COMPLIANCE)
OFFICER OF AKRON PUBLIC)
SCHOOLS)
4399 POINT COMFORT DRIVE)
NEW FRANKLIN, OHIO 44319)

-and-)

WILLIAM WHITE, INDIVIDUALLY)
AND IN HIS OFFICIAL CAPACITY)
WITH AKRON PUBLIC SCHOOLS)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

THERESA FRANK, INDIVIDUALLY)
AND IN HER OFFICIAL CAPACITY)
WITH AKRON PUBLIC SCHOOLS)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

KATRINA GIBSON, INDIVIDUALLY)
AND IN HER OFFICIAL CAPACITY)
WITH AKRON PUBLIC SCHOOLS)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

BARBARA A. SYKES, INDIVIDUALLY)
AND IN HER OFFICIAL CAPACITY AS)
PRESIDENT OF THE AKRON BOARD)
OF EDUCATION)

10 N MAIN STREET)
AKRON, OHIO 44308)
-and-)

RENE MOLENAUR, INDIVIDUALLY)
AND IN HER OFFICIAL CAPACITY AS)
VICE PRESIDENT OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

SUMMER L. HALL, INDIVIDUALLY)
IN HER OFFICIAL CAPACITY AS)
BOARD MEMBER OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

GREGORY HARRISON, INDIVIDUALLY)
IN HIS OFFICIAL CAPACITY AS)
BOARD MEMBER OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

NATHAN JAROSZ, INDIVIDUALLY)
IN HIS OFFICIAL CAPACITY AS)
BOARD MEMBER OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

KARMAYA KELLY, INDIVIDUALLY)
IN HER OFFICIAL CAPACITY AS)
BOARD MEMBER OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)

-and-)

PHILLIP MONTGOMERY, INDIVIDUALLY
IN HIS OFFICIAL CAPACITY AS)
BOARD MEMBER OF THE AKRON)
BOARD OF EDUCATION)
10 N MAIN STREET)
AKRON, OHIO 44308)
)
DEFENDANTS)

COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF,

Plaintiff, DARIAN Johnson, alleges the following:

JURISDICTIONAL ALLEGATIONS

1. (a) Jurisdiction is founded on the existence of a federal question. This action arises under the *Constitution of the United States* and the *United States Code*. This Court also has jurisdiction based upon the following statutes: *Title VII of the Civil Rights Act of 1964* (Pub. L. 88-352) (*Title VII*), as amended., 42 U.S.C. 2000e et seq.] 28 U.S.C. 1331; 28 U.S.C. 1343; 42 U.S.C. 1983; and 42 U.S.C. § 1985.

(b) On May 20, 2026, the Equal Employment Opportunity Commission (EEOC) issued a letter of no findings, with the right to file suit. The Plaintiff received this letter on about May 25, 2025. (Exhibit 1.)

2. This Court has supplemental jurisdiction over related claims arising under Ohio state law pursuant to 28 U.S.C. §1367(a) because the Ohio law claims, including defamation, malicious prosecution, and bad faith, as they are directly related to the transactions of plaintiff's federal law claims, they are part of continuing transactions, and they form part of the same case or controversy under *Article III of the United States Constitution*.

3. Plaintiff Johnson is a resident of Summit County and the State of Ohio. When his causes of action arose, and at all times relevant, he was a resident of Summit County and the State of Ohio.

4. All actions described herein relating to incidents that gave rise to Johnson's causes of action occurred within the County of Summit and the State of Ohio.

5. Defendants, Akron Public Schools ("APS"), and the Akron City District Board of Education (the Board) are political subdivisions of the State of Ohio, with their principal office located in Summit County, within the State of Ohio. Akron City District Board of Education is the governing body of APS.

6. Defendant, Barbara A. Sykes, is the president of the Board; Defendant Rene Molenaar ("Molenaar") is the vice-president of the Board; Defendants Summer L. Hall, Gregory Harrison, Nathan Jarosz, Karmaya Kelly, and Phillip Montgomery are Board members, and each is believed to be a resident of the County of Summit at all relevant times.

7. Defendant, Mary Outley, is the Superintendent of Akron Public Schools, and Defendant, Debra Foulk, is the Business Manager of Akron Public Schools, and at all times relevant both conducted business in the County of Summit and are believed to be residents of the County of Summit.

8. Defendant, Chase Canfield, is the Director of Human Resources of Akron Public Schools, and Defendant, Tod Wammes, is the former Director of Labor Relations & the EEOC Compliance Officer of Akron Public Schools, and at all relevant times both conducted business in the County of Summit and are believed to be residents of the County of Summit.

9. Defendants, William White, Treasa Gibson, and Katrina Rhodes, are also employees with Akron Public Schools and at all relevant times they conducted business in the County of Summit and are believed to be residents of the County of Summit.

VENUE

10. Paragraphs 1-9 are incorporated as if fully restated herein.

11. Venue is proper and appropriate in this district, under 28 U.S.C. section 1391(b), as the entire, and/or substantial part of all the events and causes of action alleged herein and all said actions occurred within the County of Summit, in the State of Ohio.

FIRST CAUSE OF ACTION

EMPLOYMENT DISCRIMINATION BASED ON AGE, RACE AND SEX BY THE CREATION OF A HOSTILE AND INTIMIDATING WORK ENVIRONMENT

12. Johnson was hired by APS in June of 2024 as a supervisor of facility services or a supervisor of custodial services. He was assigned to supervise various custodial and maintenance staff throughout the district. Johnson was promoted from a temporary position to a supervisory position. After Johnson's promotion, his senior female staff members, senior supervisors, and other former and current APS employees repeatedly told him that he was "too young", "not experienced enough," and should have never received a supervisory position. Some were extremely upset that Johnson was promoted over them and vowed that they would have his job, and that the Administration would regret they ever hired him.

13. Darian Johnson is an individual and now a former employee of the Akron Public-School System. (APS) Johnson was employed with APS beginning in June of 2024 until the termination of his contract, in retaliatory fashion, by the Board on May 26, 2026. (Exhibit 2.) Plaintiff Johnson alleges that other employees of APS, who were older, committed more serious and egregious acts than the act/s the Board terminated him for, but they were not terminated.

14. Before his employment at APS, Johnson had a notable personality in the community for quite some time. He had worked with judges, lawyers, the President of City Council, the Local Chapter of the NAACP, and worked with other prominent members of the community. He enjoyed a reputation in the community as a hard worker, a civic leader, and a person willing to stand up for others.

15. His annual performance evaluations conducted by APS rated him and his performance as outstanding throughout his career, until he was placed under the supervision of one of his harassers. Before his termination, APS or one of its agents destroyed his performance evaluations. Plaintiff alleges that APS or one of its agents raided his personnel file and destroyed all performance evaluations before commencement of termination proceedings to gain an advantage.

16. From the date of his promotion, Defendants William White and Debra Foulk, and several other former and current employees of APS set out on a path to undermine, belittle, degrade him and ultimately cause him to lose his job.

17. As a result of these defendants' and several other former and current employees of APS's actions, Johnson was subjected to a hostile and intimidating work environment throughout his tenure based on his age, race, and sex.

18. Johnson repeatedly complained to his supervisors and Board Members about the hostile and intimidating work environment, but his complaints were ignored and went unaddressed. Board Members knew of the hostile and intimidating environment Johnson was facing but failed to take any steps to prevent it. These same complaints were the subject of Johnson's OCRC and EEOC complaints and the subject of the EEOC investigation.

19. Based on Johnson's complaints, the former APS superintendent, with the approval of the Board, employed a third party, the law firm of Tracy Vroom, to conduct an independent investigation into Johnson's allegations that he was subjected to a hostile and intimidating work environment based on his age, race, and sex.

20. The third-party investigation was concluded in or around May of 2025, and the report was sent to Defendants Wammes and Outley. The report noted that several employees were outraged that he was hired over them, that employees were being coached to undermine Johnson's authority and to follow him around in order to find reasons to have Johnson fired. The report concludes that Johnson was being subjected to a hostile and intimidating work environment based on his age, race, and sex, and recommended that the Board and AOA Administration take certain corrective steps. (Exhibit 3)

21. Defendants, Superintendent Outley and Wammes (who was the EEOC Coordinator at the time, knew the report of the hostile and intimidating work environment Johnson was facing, but chose to ignore it and failed to take any steps to prevent it. In fact, Superintendent Outley escalated the harassment by placing Johnson under the direct supervision of defendant Debra Foulk, who is one of the very individuals Johnson complained of. Defendant Foulk, in turn, used Johnson's complaints as a motivation to find a way to terminate him and ultimately did cause him to be terminated.

22. As his Supervisor, Defendant Foulk used her position to further intimidate, undermine, belittle, and degrade Johnson; often screaming and yelling at him and calling him foul names. Defendant Outley knew of Foulk's mistreatment of Johnson but chose to ignore it. Foulk has never been disciplined for her repeated abuse of Johnson; in fact, no employee has ever been disciplined for harassing Johnson.

23. Plaintiff alleges that Defendant Outley saw this mistreatment of Johnson as retaliation for filing an EEOC complaint. The Board was also informed of the mistreatment of Johnson but chose to ignore it. Plaintiff further alleges that the Board uses grievance procedures as a mere

pretext for responding to EEOC Complaints. The Board relied on the same individuals creating a hostile and intimidating environment and acted upon their information.

Wherefore, plaintiffs requests the relief set forth below.

SECOND CAUSE OF ACTION

TITLE VII RETALIATION

24. Paragraphs 1- 23 are incorporated as if fully restated herein.

25. At all relevant times, Johnson was an "employee" of APS, as that term is defined by Title VII, 42 U.S.C. § 2000e, et seq. At all relevant times, APS was an "employer" as that term is defined by Title VII, 42 U.S.C. § 2000e, et seq.

26. During his employment, Johnson engaged in statutorily protected activity by, among other things, complaining of Title VII violations, including but not limited to, complaining about a hostile and intimidating work environment based on his age, race, and sex, and filing a complaint with EEOC.

27. The Board, Defendants Outley, Foulk, Wammes, and Canfield subjected Johnson to retaliation because he opposed, objected to, and complained against Defendants' violations of Title VII. Defendants Outley, Foulk, Wammes, and Canfield viewed Johnson as a problem and threat to the APS's system of exclusive networking and mutual favoritism.

28. Title VII prohibits an employer from discriminating against an employee because the employee "has opposed any practice made an unlawful employment practice by Title VII or because [the employee has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

29. Johnson repeatedly notified Defendants that he was suffering from workplace discrimination based on his sex, age, and race, to no avail. During his employ Johnson had to face a virtual nightmare of harassment, and the Defendants herein chose to ignore it. In response to the harassment, Defendant Outley placed Johnson under the direct Supervision of Defendant Foulk, who restructured Johnson's position, then used her position to further intimidate, harass, undermine, belittle, and degrade Johnson, often calling him foul names.

30. During the EEOC's and OCRC's investigation into this matter, Defendant Foulk, Wammes and Canfield and other individuals and employees devised a scheme to have Johnson terminated; causing Defendant Outley to institute a parallel investigation into Johnson's allegedly removing documents from Foulk's desk in an attempt to circumvent any findings of the EEOC or OCRC, and to terminate Johnson.

31. Superintendent Outley's decisions: to place Johnson under the supervision of Foulk, to place him on administrative leave; and lead the charge to terminate Johnson were all adverse employment actions, and events that the Board and Superintendent Outley knowingly caused, were ill motivated, and cumulated and resulted from Johnson's complaints of discrimination.

32. During this parallel investigation, in fact just a couple of days before the proceedings were to start, Defendant Canfield sent a threatening letter to Johnson, threatening criminal prosecution. Defendant Canfield's letter was ill-motivated and designed to get Johnson to drop his request for a termination hearing and resign. To date, no criminal charges have been filed against Johnson.

33. The above-pled actions of the Board, Outley, Foulk, Canfield, and Wammes, constitute retaliation in violation of Title VII of the Civil Rights Act of 1964. The actions of the Board, Outley, and Foulk, in subjecting Johnson to the adverse actions complained of above were willful, deliberate, and intended to cause Johnson harm, and/or were committed with reckless disregard for the harm caused to Johnson and were in derogation of Johnson's federally protected rights.

34. The Board, Outley, Foulk, Canfield, and Wammes lacked justification for subjecting Johnson to the adverse employment actions, and any alleged legitimate justifications are mere pretexts for retaliation.

Wherefore, plaintiffs requests the relief set forth below.

THIRD CAUSE OF ACTION

VIOLATION OF 42 U.S. CODE § 1985 BY CONSPIRING TO VIOLATE PLAINTIFF'S RIGHT TO ASSISTANCE OF COUNSEL AND OF THE EQUAL PRIVILEGE TO PUBLIC EMPLOYMENT

35. Paragraphs 1- 34 are incorporated as if fully restated herein;

36 42 U.S. 1985 is violated when two or more individuals conspire to deprive any person or class of people of equal protection or equal privileges and immunities under the law. Johnson held a protected "property interest" in his Job because the State of Ohio chose to give his position Civil Service status under the provisions of Chapter 3319 of the Ohio Revised Code.

37. During the Boards/APS's parallel to EEOC's investigation, Defendants Canfield and Wammes conspired, for the purpose of depriving Johnson either directly or indirectly of his civil rights of equal protection of the laws, and/or of equal privileges and immunities under the

federal laws. Defendants Canfield and Wammes did so by falsely representing to Johnson that Board Policy did not allow counsel to participate in, record, or ask questions during pre-disciplinary meetings/interrogations. Defendants Canfield and Wammes told these falsities, knowing said statements were false, and did so with malice for the purpose of violating Johnson's civil liberties and depriving him of the assistance of counsel.

38. Defendants, Debra Foulk, Chase Canfield, Tod Wammes, Theresa Rhodes, and Katrina Gibson, conspired, for the purpose of depriving Johnson either directly or indirectly, of the equal privilege to public employment by engaging in and colluding to provide false evidence against Johnson to justify the termination of his employment.

39. On information and belief, defendant Foulk used her position, authority, and influence to harass and intimidate Wammes into leading the charge to terminate Johnson, and to harass and intimidate Theresa Rhodes and Katrina Gibson into providing false evidence and testimony against Johnson.

Wherefore, plaintiffs requests the relief set forth below.

FOURTH CAUSE OF ACTION

VIOLATION OF 42 USCA SECTION 1983 By VIOLATING PLAINTIFF'S DUE PROCESS RIGHTS, BY SUBJECTED UNCONSTITUTION TERMINATION PROCEDURE THAT WAS PLAGUED WITH IMPROPRIETIES

40. Paragraphs 1- 39 are incorporated as if fully restated herein;

41. Plaintiff alleges that he was terminated by the Board through a procedure that is inherently biased and flawed. The Board used a process in which it claims fact findings are made by an impartial referee. However, the Referee is paid by APS. The obvious incentive of said referee is to make APS happy for fear they won't be asked to be a referee again. A system of a party-paid fact finder is inherently biased against an employee.

42. The Plaintiff alleges that giving a Referee a direct financial stake in the outcome creates a clear conflict of interest and a "profit motive" to find in favor of APS, so APS will continue to select that person as a referee. A referee should not sit in judgment of a case when they have a direct, personal, financial interest in ruling against the employee. Such a system is fundamentally flawed.

43. Plaintiff further alleges that throughout the termination proceedings the Referee repeatedly had lunch with two of the Board's attorneys and the Director of Human Resources, at the expense of the Board.

44. These actions gave rise to possible ex parte communications and gave a clear appearance of impropriety. Next, in importance of the referee's duty of rendering a righteous judgment is that of doing it in such a manner as would beget no suspicion of the fairness or integrity of the proceedings and to avoid even the appearance of impropriety in all his activities.

45. The Board's system used to terminate Johnson bears no resemblance to justice; it is not one that the public or this Court should place any confidence in its integrity and impartiality. The Board's termination procedures were fraught with impropriety and destroyed fundamental fairness.

Wherefore, plaintiffs requests the relief set forth below.

FIFTH CAUSE OF ACTION

DEFAMATION

46. Paragraphs 1-45 are incorporated as if fully restated herein;

47. The Board, and Defendants Outley, Canfield, and Wammes, made false and disparaging statements about Johnson to the general public and to the media, including, but not limited to, accusing Johnson of being a thief.

48. The Board's and the other Defendants' statements were false and disparaging and were intended to damage Johnson's status in the community, his reputation in general, and to damage his employment prospects.

49. The Board and/or the Defendants either had actual knowledge that their statements were false or knew or should have known they were false but nonetheless acted with reckless disregard for the truth of their statements relating to the alleged theft of papers and keys.

50. The statements by the Board and/or the other Defendants were directed to the general community and potential employers of Johnson with the clear purpose of damaging his status in the Akron Community and persuading employers to refrain from hiring him.

51. The statements by the Board and/or the Defendants were intended to damage Johnson's reputation amongst his peers, in the community, and with potential employers. Such communications were

defamatory per se as they relate to Johnson's work ethic as an employee, and his moral fiber, entitling Johnson to presumptive damages.

52. Johnson is a fairly young man, and had a bright future in Akron, and the defamatory statements and the actions of the Board and/or other defendants were willful, wanton, and malicious, and permanently damaged Johnson's standing in the community and employment future; entitling Johnson to punitive damages and attorney's fees.

Wherefore, plaintiffs requests the relief set forth below.

SIXTH CAUSE OF ACTION

MALICIOUS PROSECUTION

53. Paragraphs 1- 52 are incorporated as if fully restated herein;

54. Defendant Canfield willfully, wantonly, and maliciously filed criminal charges against Johnson, on the eve of the termination proceedings that were false and malicious, with a wrongful purpose and with intent to injure Johnson and to frustrate his ability to defend himself during the termination proceedings.

54. Three (3) days before the termination hearings began, Defendant Canfield, who is APS's Director of Human Resources, filed a police report with the Akron Police Department accusing Johnson of theft in office (related to building keys. (Exhibit 4) Defendant Canfield admittedly acknowledged that before making said allegations. He had no personal knowledge as to whether Johnson had returned the building keys. Defendant Canfield filed said report solely to prejudice the proceedings. Defendant Canfield made such allegations with malicious intent, to gain a tactical advantage, and to hamper Johnson's ability to defend himself in the termination proceeding.

55. To date, no criminal charges have been filed against Johnson.

Wherefore, plaintiffs requests the relief set forth below.

PRAYER FOR RELIEF

56. As a direct and proximate cause of the Board's and/or all other named Defendants' actions, Johnson has suffered lost wages and benefits, economic benefits of potential employment, loss of status in the community, unnecessary litigation costs, extreme embarrassment, humiliation, anxiety, physical upset, emotional distress, and permanent damage to his reputation and employment history. Because of the permanent harm caused herein, Plaintiff Johnson should be entitled to a Judgment exceeding ten million dollars (\$10,000,000) jointly and severally.

WHEREFORE, respectfully requests the following relief, jointly and severally against the Defendants:

- A. Accept jurisdiction over this matter;
- B. Declare that Defendants have violated Johnson's rights under the *Title VII of the Civil Rights Act of 1964* (Pub. L. 88-352) (*Title VII*), as amended., 42 U.S.C. 2000e et seq.] 28 U.S.C. 1331; 28 U.S.C. 1343; 42 U.S.C. 1983; 29 U.S. Code § 2615; and
- C. Reinstatement of Johnson's position, office, authority, access, supervising responsibilities, salary, benefits, and all other terms of his position. an award of Back Pay, and future loss of wages and benefits, plus interest;
- D An award of compensatory damages under 42 U.S.C. 1983, and *Title VII of the Civil Rights Act of 1964*, fully compensating the plaintiff for the damages suffered as a direct and proximate result of defendants' actions.
- E. An award of punitive damages under 42 U.S.C. 1983, and *Title VII of the Civil Rights Act of 1964*, and State Law for the defendants' intentional, reckless, and callous disregard for the plaintiffs' federally and state-protected rights.
- F. An award of expert witness fees, witness fees, court costs, reasonable attorney fees, if applicable, pursuant to 29 U.S.C. 2617(a)(3) and 42 USCA Section 1988, and *Title VII of the Civil Rights Act of 1964* and State law. Award Johnson all costs and reasonable attorney's fees incurred in connection with this action and in connection with the pretextual termination proceedings, and all other claims alleged in this complaint.
- G. Award Johnson compensatory damages for emotional pain and suffering in an amount to be determined by the jury;
- H. An Award of Punitive Damage for Bad Faith, Malicious prosecution, and Defamation;
- I. Such other and further relief as the court finds proper.

Respectfully submitted

/s/ Cedric B. Colvin
CEDRIC B. COLVIN #0078995
810 S. Main Street #129
Akron, Ohio 44311
330-283-8937
cbcolvin@sbcglobal.net