

Other Tort		
Date		Judge
6/27/2022	Petition	Bill Klapper
	Document title: PETITION FOR DAMAGES	
	Document ID: 4569411	
	Praecipe	Bill Klapper
	Document title: PRAECIPE	
	Document ID: 4569415	
	Praecipe	Bill Klapper
	Document title: PRAECIPE	
	Document ID: 4569412	
7/1/2022	Return	Bill Klapper
	Document title: RETURN OF SERVICE ON SUMMONS FOR WYCO DA	
	OFFICE	
	Document ID: 4559738	
7/5/2022	Return	Bill Klapper
	Document title: RETURN OF SERVICE ON SUMMONS FOR UG OF WYCO	
	Document ID: 4559732	
7/20/2022	Unified Government's Motion to Quash Service	Bill Klapper
	MOT: Motion (Generic)	
	Exhibit A: Affidavit of Katina Redmond	
	INF: Exhibit	Bill Klapper
	Exhibit B: Return of Service	
	INF: Exhibit	
7/25/2022	Hearing Scheduled (Motion 08/12/2022 10:00 AM)	Bill Klapper
7/28/2022	Attorney of Record Alexander L Edelman	Bill Klapper
	Entry of Appearance	
	INF: Entry of Appearance	
	Summons - Alias: Issued on 07/29/2022; to Unified Government of	Bill Klapper
	Wyandotte County and Kansas on 07/29/2022; Assigned to Process	
	Server. Service fee of \$0.00.	
	Motion and Order to Appoint Special Process Server	Bill Klapper
	MOT: Appoint	
	Request for Alias Summons	
8/12/2022	PLE: Summons - Alias	Bill Klapper
	Hearing Scheduled (09/09/2022 10:00 AM)	
	Motion to Quash Service)	

FILED

2022 JUN 27 AM 10:34

CLERK OF DISTRICT COURT
WYANDOTTE COUNTY, KANSAS

BY

DEPUTY

IN THE TWENTY-NINTH JUDICIAL DISTRICT
DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

AARON CIRCLE BEAR,

Plaintiff,

v.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY AND
KANSAS CITY, KANSAS

and

WYANDOTTE COUNTY DISTRICT
ATTORNEY'S OFFICE

Defendants.

Case No.

2022CV385

Div.

6

Petition Pursuant to K.S.A. Chapter 60

PETITION FOR DAMAGES

COMES NOW Plaintiff Aaron Circle Bear (hereinafter "Plaintiff"), by and through his undersigned counsel and for his Petition for Damages against Defendant Unified Government of Wyandotte County and Kansas City, Kansas. (hereinafter "Defendant UG"), and Defendant Wyandotte County District Attorney's Office (hereinafter "Defendant DA") (hereinafter, collectively, "Defendants") states and alleges as follows:

PARTIES

1. Plaintiff is a citizen of the United States, and at all times pertinent to this Petition for Damages, resided in Wyandotte County, Kansas and was an "employee" within the meaning of the Kansas Act Against Discrimination, KSA § 44-1002(b) ("KAAD") and Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e *et seq.* ("Title VII").

2. Defendant UG is a political subdivision organized under the laws of the State of Kansas. At all times pertinent to this Petition for Damages, Defendant UG was a "person" within the meaning of the KAAD and Title VII.

3. Defendant DA is a political subdivision organized under the laws of the State of Kansas. At all times pertinent to this Petition for Damages, Defendant DA was a "person" within the meaning of the KAAD and Title VII.

4. Defendants are Plaintiff's joint employers.

5. Defendants shared and co-determined the essential terms and conditions of Plaintiff's employment.

6. Both Defendants exercised significant control over Plaintiff and other employees.

7. Both Defendants had the right to terminate Plaintiff under certain circumstances.

8. Both Defendants promulgated work rules that governed Plaintiff's employment.

9. Both Defendants promulgated assignments to Plaintiff.

10. Both Defendants set the conditions of employment for Plaintiff, including compensation, benefits, and hours.

11. Both Defendants controlled the day-to-day supervision of Plaintiff's employment, including his discipline.

12. Both Defendants controlled Plaintiff's employment records, including payroll records and insurance records.

13. This is an employment discrimination and retaliation lawsuit based upon and arising under the KAAD and Title VII.

JURISDICTION AND VENUE

14. All of the unlawful acts and practices set forth below were committed within Wyandotte County, Kansas.

15. Jurisdiction and venue are proper in the District of Kansas pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1391.

EXHAUSTION OF ADMINISTRATIVE PROCEDURES

16. On or about September 15, 2021, Plaintiff timely filed a Charge of Discrimination against both Defendants with the Equal Employment Opportunity Commission ("EEOC"), which were dually filed with the Kansas Human Rights Commission ("KHRC") against Defendant, alleging discrimination due to race, sex, religion and national origin and retaliation. The Charges of Discrimination are attached hereto as Exhibit A and Exhibit B and incorporated by reference as if fully set forth herein.

17. On or about March 29, 2022, the U.S. Department of Justice ("DOJ") issued to Plaintiff a Notice of Right to Sue on each charge and this lawsuit was filed within 90 days of the issuance of the DOJ's Notice of Right to Sue. The Notices of Right to Sue for Plaintiff is attached hereto as Exhibit C and Exhibit D and incorporated by reference as if fully set forth herein.

18. The aforesaid Charge of Discrimination provided the KHRC, EEOC, and the DOJ sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this judicial complaint may be and is as broad as the scope of a KHRC,

EEOC or DOJ investigation, which could reasonably be expected to have grown out of the Charges of Discrimination

19. Plaintiff has exhausted all of his administrative remedies and has satisfied all private, administrative, and judicial prerequisites to the institution of this action and it has been filed within the requisite statute of limitations.

BACKGROUND

20. Plaintiff is a Native American male.

21. Plaintiff is a gay man and fails to conform to sex stereotypes.

22. Plaintiff follows the religious practices of his ancestors, and his right to engage in these practices is protected under the American Indian Religious Freedom Act of 1978 (hereinafter "AIRFA") 42 U.S.C. § 1996, as amended.

23. Plaintiff was employed at Wyandotte County Courthouse located at 710 N. 7th St., Kansas City, Kansas 66101, where he began his employment in or around January 21, 2021.

24. Plaintiff began his employment with Defendants as an investigator in Defendant DA's Community Integrity Unit (hereinafter, the "CIU"), which is overseen by Wyandotte County District Attorney Mark Dupree, Sr. (hereinafter "D.A. Dupree").

25. The CIU investigates cases of wrongful conviction and misconduct of law enforcement personnel.

26. Plaintiff applied for the Chief Investigator position in the CIU, for which he was qualified due to his approximately eleven (11) years of experience in law enforcement.

27. In or around December 2020 or January 2021, Colin Brown (hereinafter "Brown"), a Caucasian male, with two (2) years of law enforcement experience, and who had been a part-

time investigator for the CIU was hired as Chief Investigator instead of Plaintiff and was Plaintiff's supervisor.

28. Shortly after Plaintiff's employment with the CIU began, Brown and the CIU's Senior Assist District Attorney James Antwon Floyd (hereinafter "Floyd") asked Plaintiff to have a "sit down" meeting with them, saying they wanted to know where Plaintiff "stood."

29. Brown and Floyd told Plaintiff there were subjects that were talked about, such as politics and the use of profanity, and they wanted to know if discussing those subjects was off limits to Plaintiffs. Plaintiff did not object to such discussions.

30. Within a week of this "sit down," it became apparent to Plaintiff that it was not just political discussions and the use of profanity that were at issue in the CIU.

31. Plaintiff heard many highly inappropriate conversations in which his coworkers said things that were extremely discriminatory in nature.

32. The CIU's culture was toxic, discriminatory, and hostile for the entirety of Plaintiff's employment with Defendants.

33. In particular, Brown often expressed deeply offensive and discriminatory views regarding minorities, people with intellectually and/or physically disabilities, members of the gay and lesbian community, transgender people, and people receiving welfare and unemployment benefits.

34. Floyd also frequently expressed deeply offensive and discriminatory views about Muslims.

35. Brown went so far as to say members of some of these groups need to be killed, and further said the only problem would be where "to put all the ovens at to burn the bodies."

36. Further, Brown and Floyd frequently disparaged Native Americans during conversations with Plaintiff.

37. Plaintiff found these comments to be particularly disturbing, not only because he is a member of some of the groups Brown was referring to, but also because the very people Brown said deserved to die, collectively, made up a majority of the population the CIU was created to serve.

38. Brown also referred to African Americans as "shit bags" who did "shit bag things."

39. Additionally, shortly after Plaintiff began his employment with Defendants, Plaintiff asked Defendants' employee Shanell Phoenix-Daniels to find out what policies or processes Plaintiff needed to follow in order to burn sage, or "smudge" in his office.

40. Smudging is a spiritual practice that is part of Plaintiff's religion and is used to cleanse spaces and individuals.

41. Phoenix-Daniels asked what Plaintiff was burning and inquired if it was like burning incense.

42. Plaintiff invited Phoenix-Daniels into his office and showed her his shell and sage and explained the process.

43. A few days later, Phoenix-Daniels informed Plaintiff that he was given the "OK" to smudge his office without any guidelines to follow.

44. Plaintiff purchased two (2) air purifiers (one (1) for his office and one (1) for the CIU common area and continued to run them while also shutting his office door while smudging in an effort to be as respectful as possible to his fellow employees.

45. However, when Plaintiff did smudge, Plaintiff was harassed by his fellow employees, including but not limited to assertions that Plaintiff should be drug-tested because of

the sage's aroma; a challenge to an "incense war" by Brown; and statement by Brown and Floyd to other DA employees that Plaintiff was smoking weed (marijuana) due to the sage's aroma.

46. Plaintiff felt demeaned and harassed for practicing his religion because of the harassment he experienced due to his smudging.

47. Plaintiff also endured discrimination based on his sexual orientation and not conforming to sex stereotypes.

48. Floyd overheard a telephone conversation and was aware of problems Plaintiff was having in regard to getting a rather expensive prescription covered by his insurance.

49. Floyd, who Plaintiff believes was aware of Plaintiff's sexual orientation, asked Plaintiff if the medication was for AIDS.

50. Floyd had previously expressed his belief that only homosexuals and people who have sexual relations with monkeys get AIDS.

51. Brown and Defendant UG employee David Kelly also frequently made negative remarks about gay people – gay men and transgender people in particular.

52. Plaintiff was chided for wearing certain clothing and keeping his fingernails well-manicured.

53. Plaintiff displayed several commemorative coins in his office, some of which have a symbols or themes associated with the LGBT community (for example, some are from other law enforcement agencies and have a gay pride symbol or message on them).

54. Brown, while looking at Plaintiff's displayed coins, made the comment, "I only put out the ones that are important to me." Plaintiff replied, "[t]hey are all important to me."

55. Brown and Floyd consistently harassed Plaintiff and stated that he was being too "particular" regarding finding a place to live and blamed this on Plaintiff's being Native American.

56. Brown and Floyd said Plaintiff was being "posh" because he's Native American and had "high class welfare" from the federal government.

57. Speaking about Plaintiff as if he were not even in the room, Brown said, "[t]he government just feeds him money, and so, he's established this high standard of living. He comes here to Wyandotte County, and boom (he's) at the bottom of the barrel now."

58. Brown further said Plaintiff gets a check "from the government because (he) was fucking born."

59. Floyd told Plaintiff he would "treat (him) like the plants" because Plaintiff was "noncommittal."

60. Floyd would also threaten Plaintiff that Floyd would tell D.A. Dupree that Plaintiff was not doing his job so D.A. Dupree would fire Plaintiff.

61. Plaintiff believes Floyd made all these comments and belittled him about finding an apartment because Plaintiff does not conform to gender stereotypes and because of Plaintiff's religion and race.

62. On several occasions during the Spring of 2021, Plaintiff shared his concerns with four (4) of Defendant UG's assistant district attorneys, Candice Alcaraz, Njeri Mwangi, Tonda Hill, and Darrion Walker, about the discrimination he was experiencing and about his concerns about his coworkers' negatively biased attitude toward the very people the CIU was supposed to help.

63. These assistant district attorneys advised Plaintiff that he should take his concerns to Defendant UG's Human Resources Department.

64. Plaintiff was afraid to follow this advice because, even if he were able to enter a complaint anonymously, his CIU coworkers would easily figure out that Plaintiff had made the complaint because the CIU consisted of only four (4) employees.

65. Plaintiff was concerned about retaliation and the possibility of increased hostility.

66. Plaintiff believed there were also three (3) other assistant district attorneys, Kayla (Last Name Unknown), Garrett Relph, and Daniel Overmeier who were aware of the harassment and discrimination as Plaintiff witnessed them participating in some of the conversations.

67. Plaintiff documented his concerns while he worked up the courage to report his concerns to Defendant UG's Human Resources Department.

68. On or around May 11, 2021, Plaintiff was called to a meeting at D.A. Dupree's office.

69. Upon Plaintiff's arrival at the Wyandotte County Courthouse, Plaintiff attempted to gain entry into the parking garage, as he had always done, however, his badge no longer functioned. Plaintiff entered the facility through the main doors and proceeded through security.

70. While waiting outside D.A. Dupree's office, Plaintiff went to see an assistant district attorney to ask what was going on; this assistant district attorney advised Plaintiff that Floyd and Brown were eating their lunch in the "war room," a room just down the hall, which struck Plaintiff as odd because, in Plaintiff's experience, eating lunch in that room had not been their usual practice.

71. As the meeting between D.A. Dupree and Plaintiff began, D.A. Dupree asked Plaintiff how he was doing.

72. In response, Plaintiff tried to raise his concerns about the culture of the CIU and the discrimination he had experienced, but, in fewer than fifteen (15) seconds, D.A. Dupree abruptly cut Plaintiff short, saying, "[s]o, let me say this: [t]oday's going to be your last day in this office."

73. D.A. Dupree told Plaintiff that from what he had been "hearing," there was a lack of "compatibility" in the CIU.

74. D.A. Dupree told Plaintiff he was "trying to figure out on whose part (the lack of compatibility) is."

75. As Plaintiff began to raise his concerns, D.A. Dupree made a point of saying that Plaintiff had not previously brought Plaintiff's concerns to him.

76. Plaintiff explained that he was concerned about making things worse between his coworkers and himself, and further that Plaintiff had decided he needed to take his concerns and discrimination complaint to Deputy Chief District Attorney Damon Mitchell, following what Plaintiff understood to be the chain of command.

77. At that point, Plaintiff began to tell D.A. Dupree about the religious discrimination Plaintiff had endured.

78. As soon as Plaintiff said, "my culture, my religion," D.A. Dupree again abruptly cut Plaintiff short and told Plaintiff to send him an email. D.A. Dupree stated, "I can deal with that on the back end, but, as of this meeting, you're done in this office."

79. Plaintiff said he would email D.A. Dupree but, again, tried to voice Plaintiff's concerns.

80. Once again, D.A. Dupree cut Plaintiff short, saying the meeting was "officially over at this point," and further indicated that Plaintiff's continued employment in the CIU would slow the unit's progress towards justice.

81. Plaintiff's termination meeting lasted less than five (5) minutes.

82. Prior to terminating him, D.A. Dupree never once asked Plaintiff about what D.A. Dupree had "heard" about the lack of "compatibility" in the CIU; nor did anyone else ask Plaintiff about the alleged "incompatibility."

83. Upon information and belief, the circumstances involved in his termination are a clear violation of Defendants' policies regarding investigating complaints and regarding terminating employees.

84. Upon information and belief, D.A. Dupree decided to terminate Plaintiff because of his race, religion, sex, not conforming to gender stereotypes and because of complaints Plaintiff's coworkers made about him due to these things.

85. Upon information and belief, Floyd and Brown had lunch in the "war room" the day he was terminated because of their involvement with his termination.

86. Following Plaintiff's termination, he made reports to Defendants' Human Resources Department about the discrimination and harassment he had endured as well as the discriminatory comments made against other protected individuals.

87. Despite these reports to Human Resources, Plaintiff was not reinstated to his position.

88. During Plaintiff's meeting with Human Resources Manager Shakeva Christian, Plaintiff was told an investigation would be conducted.

89. A few days following that meeting, Plaintiff received an email from Christian informing him that the District Attorney's Office would be investigating the complaint against itself, which caused Plaintiff great concern that it would be difficult for a fair and objective investigation to take place when the office Plaintiff complained about was investigating itself.

90. Defendants discriminated against Plaintiff, allowed Defendants' employees to discriminate against and harass Plaintiff, and terminated him because of his race, sex, religion and national origin and Defendants retaliated against Plaintiff because of his complaints of discrimination.

COUNT I
RACE/NATIONAL ORIGIN DISCRIMINATION IN VIOLATION OF TITLE VII

91. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs.

92. Defendant UG is an employer under Title VII.

93. Defendant DA is an employer under Title VII.

94. Plaintiff is Native American.

95. Plaintiff is a qualified individual as defined by Title VII, due to his race/national origin.

96. Defendants unlawfully and intentionally discriminated against Plaintiff based on his race/national origin and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

97. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

98. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.

99. As a further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

100. By failing to take prompt and effective remedial action, Defendants in effect condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT II
SEX DISCRIMINATION IN VIOLATION OF TITLE VII

101. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs

102. Defendant is an employer under the Title VII.

103. Plaintiff is a gay male and does not conform to gender stereotypes.

104. Plaintiff is a qualified individual as defined by Title VII due to his sex.

105. Defendants unlawfully and intentionally discriminated against Plaintiff based on his sex and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

106. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

107. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

108. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

109. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT III
RELIGIOUS DISCRIMINATION IN VIOLATION OF TITLE VII

110. Plaintiff incorporates by reference the allegations contained in the above and below stated paragraphs as though fully set forth herein.

111. Plaintiff follows the religious practices of his ancestors, and his right to engage in these practices is protected under AIRFA.

112. Plaintiff is a qualified individual under Title VII due to his adherence to his traditional religious and spiritual practices.

113. Defendants unlawfully and intentionally discriminated against Plaintiff based on his religion and spiritual practices and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

114. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

115. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

116. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

117. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this

count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT IV
RETALIATION IN VIOLATION OF TITLE VII

118. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs.

119. Plaintiff is Native American.

120. Plaintiff is a gay male and does not conform to gender stereotypes.

121. Plaintiff practices the religion and spiritual practices of his ancestors.

122. Plaintiff is a qualified individual as defined by Title VII due to his race, his sex, his religion and Defendants' awareness of his race, sex, and religion at all times relevant herein.

123. Plaintiff is a member of a protected class because of his race.

124. Plaintiff is a member of a protected class because of his sex.

125. Plaintiff is a member of a protected class because of his religion.

126. Plaintiff opposed the discrimination against him when he complained of it to the ADAs.

127. Plaintiff opposed discrimination when he complained of it to D.A. Dupree at his termination meeting.

128. Plaintiff opposed discrimination when he complained of it to Defendant UG's H.R. department.

129. Plaintiff engaged in protected activity under Title VII when he opposed race discrimination.

130. Plaintiff engaged in protected activity under Title VII when he opposed religious discrimination.

131. Defendants took adverse employment action against Plaintiff in retaliation for this protected activity, in violation of Title VII, including terminating Plaintiff's employment and failing to rehire Plaintiff following his termination.

132. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

133. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

134. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay; for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT V
RACE DISCRIMINATION IN VIOLATION OF KAAD

135. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs.

136. Defendant UG is an employer under the KAAD.

137. Defendant DA is an employer under the KAAD.

138. Plaintiff is Native American.

139. Plaintiff is a qualified individual as defined by the KAAD, due to his race.

140. Defendants unlawfully and intentionally discriminated against Plaintiff based on his race and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

141. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

142. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.

143. As a further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

144. By failing to take prompt and effective remedial action, Defendants in effect condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs,

expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT VI
SEX DISCRIMINATION IN VIOLATION OF KAAD

145. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs

146. Each Defendants is an employer under the KAAD.

147. Plaintiff is a gay male and does not conform to gender stereotypes.

148. Plaintiff is a qualified individual as defined by the KAAD due to his sex.

149. Defendants unlawfully and intentionally discriminated against Plaintiff based on his sex and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

150. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

151. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

152. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

153. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT VII
RELIGIOUS DISCRIMINATION IN VIOLATION OF KAAD

154. Plaintiff incorporates by reference the allegations contained in the above and below stated paragraphs as though fully set forth herein.

155. Plaintiff follows the religious practices of his ancestors, and his right to engage in these practices is protected under AIRFA.

156. Plaintiff is a qualified individual under the KAAD due to his adherence to his traditional religious and spiritual practices.

157. Defendants unlawfully and intentionally discriminated against Plaintiff based on his religion and spiritual practices and acted in bad faith by interfering with, recklessly disregarding, and denying his legal rights when they terminated Plaintiff's employment.

158. Defendants' actions against Plaintiff were outrageous because Defendants had an evil motive and/or reckless indifference to the rights of others.

159. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

160. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

161. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

COUNT VIII
RETALIATION IN VIOLATION OF KAAD

162. Plaintiff hereby incorporates by reference as if fully stated herein the allegations contained in the foregoing paragraphs.

163. Plaintiff is Native American.
164. Plaintiff is a gay male and does not conform to gender stereotypes.
165. Plaintiff practices the religion and spiritual practices of his ancestors.
166. Plaintiff is a qualified individual as defined by Title VII due to his race, his sex, his religion and Defendants' awareness of his race, sex, and religion at all times relevant herein.
167. Plaintiff is a member of a protected class because of his race.
168. Plaintiff is a member of a protected class because of his sex.
169. Plaintiff is a member of a protected class because of his religion.
170. Plaintiff opposed the discrimination against him when he complained of it to the ADAs.
171. Plaintiff opposed discrimination when he complained of it to D.A. Dupree at his termination meeting.
172. Plaintiff opposed discrimination when he complained of it to Defendant UG's H.R. department.
173. Plaintiff engaged in protected activity under Title VII when he opposed race discrimination.
174. Plaintiff engaged in protected activity under Title VII when he opposed religious discrimination.
175. Defendants took adverse employment action against Plaintiff in retaliation for this protected activity, in violation of Title VII, including terminating Plaintiff's employment and failing to rehire Plaintiff following his termination.

176. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been deprived of income, including wages and benefits as well as other monetary and non-monetary benefits.

177. As further direct and proximate result of Defendants' actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress and mental anguish and pain, and related compensatory damages.

178. By failing to take prompt and effective remedial action, Defendants, in effect, condoned, ratified and/or authorized the discrimination against Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for all damages available under law including, but not limited to: back pay, lost benefits, and front pay, for all damages stated herein, for actual, compensatory, and special damages in an amount which is fair and reasonable, a finding that he is the prevailing party in this matter, all costs, expenses, expert witness fees and attorneys' fees incurred herein, for elimination of his detrimental job record, and for equitable relief, for pre and post judgment interest at the highest lawful rate, and for such other relief as the Court deems just and proper. Moreover, Plaintiff asserts that he is entitled to recover punitive damages and to the extent that KSA 60-3703 does not apply to this count, seeks them; to the extent it does apply, Plaintiff will later amend to include a request for them.

Demand for Jury Trial

Plaintiff demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all matters set forth in this Petition or arising therefrom, and, pursuant to D. Kan. Rule 40.2(a), requests such trial be held in Kansas City, Kansas.

Dated: June 24, 2022

By: /s/ Sarah C. Liesen

Sarah C. Liesen KS #26988

208 W. Linwood Blvd.

Kansas City, Missouri 64111

Tel: (816) 301-4056

Fax: (816) 463-8449

sliesen@elmlawkc.com

ATTORNEY FOR PLAINTIFF

EXHIBIT A

EEOC Form 6 (11/05)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA Rcvd EEOC 09/15/2021 <input checked="" type="checkbox"/> EEOC 563-2021-02790	
KANSAS HUMAN RIGHTS COMMISSION and EEOC <small>State or local Agency, if any.</small>			
Name (Indicate Mr., Ms., Mrs.) Aaron Circle Bear c/o Edelman, Liesen & Myers, L.L.P.		Home Phone (Incl. Area Code) (816) 301-4056	Date of Birth
Street Address 208 W. Linwood Blvd.		City, State and ZIP Code Kansas City, Missouri 64111	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) --			
Name Unified Government of Wyandotte County and Kansas City, KS		No. Employees, Members 2000+	Phone No. (Include Area Code) (913) 573-5311
Street Address 701 N. 7th Street		City, State and ZIP Code Kansas City, KS 66101	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest: Latest: January 21, 2021 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): Additional Respondent: Wyandotte County District Attorney's Office, 710 7th St, Kansas City, KS 66101, (913) 573-2851. I, Aaron Circle Bear, bring this Charge of Discrimination against Respondent Unified Government of Wyandotte County and Kansas City, Kansas, (UG) and Wyandotte County District Attorney's Office (DA) listed above. Respondents are employers within Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq ("Title VII"). The specific facts that give rise to my claims of race, sex, religion and national origin discrimination are as follows:			

EXHIBIT A

I am a Native American male. I am also a gay man. Further, I follow the religious practices of my ancestors, and my right to engage in these practices is protected under the American Indian Religious Freedom Act of 1978 (AIRFA) 42 U.S.C. § 1996, as amended.

I started working for Respondents on or about January 21, 2021, as an investigator in Respondent's Community Integrity Unit (CIU), which is overseen by Wyandotte County District Attorney Mark Dupree, Sr. This department investigates cases of wrongful conviction and law enforcement misconduct. I applied for the Chief Investigator position, for which I was qualified due to my approximately eleven years of experience in law enforcement. Colin Brown, a Caucasian male, with two years of law enforcement experience was the CIU's Chief Investigator and was my supervisor.

Shortly after my employment with the CIU began, Mr. Brown and the CIU's Senior Assistant District Attorney James Antwon Floyd, asked me to have a "sit down" meeting with them. At the meeting they said they wanted to know where I "stand." They said there were subjects that were talked about and they wanted to know if discussing those subjects was off limits to me. They offered as examples discussing politics and using profanity, which I did not object to.

Almost immediately, within a week, it became apparent to me that it was not just discussions of politics and use of profanity that were at issue in the department. I heard many highly inappropriate conversations in which my coworkers said things that were very discriminatory in nature. The CIU's culture was toxic, discriminatory, and hostile for the entirety of my employment with Respondent.

In particular, Investigator Brown often expressed deeply offensive and discriminatory views regarding minorities, intellectually and/or physically handicapped people, members of the gay and lesbian community, transgender people, and people receiving welfare and unemployment. Assistant District Attorney James Antwon Floyd also frequently expressed deeply offensive and discriminatory views about Muslims. Mr. Brown even went so far as to say members of some of these groups need to be killed, and further said the only problem would be where "to put all the ovens at to burn the bodies." Further, Brown and Floyd frequently disparaged Native

EXHIBIT A

Americans during conversations with me. I found these comments to be particularly disturbing, not only because I am a member of some of the groups he was referring to, but also because the very people Mr. Brown said deserved to die, collectively make up a majority of the population we were hired to serve. Mr. Brown also referred to African Americans as "shit bags" who did "shit bag things."

Additionally, shortly after I began my employment with Respondent, I asked Respondent's employee Shanelle Phoenix-Daniels to find out what policies or processes I needed to follow in order to burn sage, or "smudge," in my office. Smudging is a spiritual practice that is part of my religion and is used to cleanse spaces and individuals. Ms. Phoenix-Daniels asked what I was burning and inquired if it was like burning incense. I invited her to my office and showed her my shell, sage and explained the process. A few days later Ms. Phoenix-Daniels informed me that I was given the "ok" to smudge in my office without any guidelines to follow. I purchased two air purifiers (one for my office and one for the common area that is shared in the CIU) and continued to run them while also shutting my office door while smudging in an effort to be as respectful as possible to fellow employees. However, when I did smudge, I was harassed by my fellow employees. Comments were made that I should be drug-tested because of the sage's aroma, and I was challenged to an "incense war" by Mr. Brown. When other DA employees came into the CIU both Mr. Brown and Mr. Floyd informed them I was smoking weed (marijuana) due to the aroma. I felt demeaned and harassed for practicing my religion because of the way I was treated regarding this.

I also endured discrimination based on my sexual orientation and not conforming to sex stereotypes. Mr. Floyd overheard a telephone conversation and was aware of problems I was having getting a rather expensive prescription covered by my insurance. Mr. Floyd, who I believe was aware of my sexual orientation, asked me if the medication was for AIDS. Mr. Floyd had previously expressed his belief that only homosexuals and people who have sexual relations with monkeys get AIDS. Mr. Brown and UG employee David Kelly also frequently made negative remarks about gay people – gay men and transgender people in particular.

EXHIBIT A

I was chided for wearing certain clothing and keeping my fingernails well-manicured. At one point, Mr. Brown entered my office and was looking at my coin collection, I have several coins some that have a homosexual tone (meaning they are from other law enforcement agencies with a gay pride theme). Mr. Brown while looking at my coins made the comment "I only put out the ones that are important to me." I replied, "They are all important to me."

Both Brown and Floyd consistently harassed me and stated I was being too "particular" regarding finding a place to live and blamed this on my being Native American. They said I was being "posh" because I'm Native American and had "high class welfare" from the federal government. Speaking about me, as if I weren't even in the room, Brown said, "The government just feeds him money, and so, he's established this high standard of living. He comes here to Wyandotte County, and, boom, (he's) at the bottom of the barrel now." Brown further said I get a check "from the government because (I) was fucking born." Mr. Floyd told me he would "treat me like the plants" because I was "noncommittal." He would also threaten me that he would tell Mark Dupree I was not doing my job so Dupree would fire me. I believe that he made all of these comments and belittled me about finding an apartment because of I do not conform to gender stereotype, my religion and ethnicity.

On several occasions in or around March and until my termination, I shared my concerns with four UG assistant district attorneys, Candice, Njeri, Tonda, and Darrion, about the discrimination I was experiencing, and my concerns about my coworkers' negatively biased attitude toward the very people the CIU was supposed to help. These attorneys advised me I should take my concerns to the Human Resources Department. I was afraid to do so because, even if I were able to enter a complaint anonymously, my CIU coworkers would easily figure out that I made the complaint, because the unit consisted of only four employees. I was concerned about retaliation and the possibility of increased hostility towards me. There were also three other assistant district attorneys, Kayla, Eric and Daniel, who were aware of these practices as I witnessed them participating in some of these conversations.

EXHIBIT A

I continued to document my concerns while I worked up the courage to report these concerns to Respondent's Human Resource Department. However, I was terminated before I could do this. On or around May 14, 2021, I was called into a meeting at Mr. Dupree's office. Upon my arrival at the Wyandotte County Courthouse, I attempted to gain entry into the parking garage, as I had always done. My badge, which I used to gain entry to the facility, no longer functioned. I then entered the facility through the main doors and proceeded through security. While I waited outside Mr. Dupree's office, I went to see one of the assistant district attorneys to see what was going on, who advised me that Anton Floyd and Colin Brown were eating their lunch in the "war room," a room just down the hall. This struck me as odd, because in my experience, eating lunch in that room had not been their usual practice.

As the meeting between Mr. Dupree and me began, he asked me how I was doing. I tried to raise my concerns about the culture of the CIU and the discrimination I had experienced, but, in fewer than fifteen seconds, Mr. Dupree abruptly cut me short, saying, "So, let me say this: Today's going to be your last day in this office." Mr. Dupree told me that from what he'd been "hearing" there was a lack of "compatibility" in the CIU. He said he was "trying to figure out on whose part (the lack of compatibility) is." As I began to raise my concerns, Mr. Dupree made a point of saying I had not previously brought my concerns to him. I explained that I was concerned about making things worse between my coworkers and myself. I explained further that I had decided I needed to take my concerns and discrimination complaints to Mr. Damon Mitchell (Chief Deputy District Attorney), again, following what I understood to be the chain of command. At that point, I began to tell Mr. Dupree about the religious discrimination I had endured. As soon as I said, "my culture, my religion," he again abruptly cut me short. He told me I could send him an email. He stated, "I can deal with that on the back end, but, as of this meeting you're done in this office." I said I would email him, but again, tried to voice my concerns. Again, Mr. Dupree cut me short, saying the meeting was "officially over at this point." He further indicated that my continued employment in the CIU would slow the unit's progress toward justice. The termination "meeting" lasted less than five minutes.

EXHIBIT A

Prior to firing me, Mr. Dupree never once asked me about what he had heard about the lack of "compatibility" in the CIU. Nor did anyone else. To my understanding, this is a clear violation of Respondent's policies regarding investigating complaints and regarding terminating employees. I believe that he decided to terminate me because of my race, religion, sex, my not conforming to gender stereotypes and because of the complaints my coworkers made about me due to these things. I feel like Anton Floyd and Colin Brown were down the hall because of their involvement with my termination.

Following my termination, I made reports to Human Resources about the discrimination and harassment I endured as well as the discriminatory comments made against other protected individuals. Despite this, I was never reinstated to my position. While meeting with Shakeva Christian, Human Resources Manager, I was advised an investigation would be conducted. A couple days later I received an email from Mrs. Christian informing me that the District Attorney's office would be investigating the complaints against it. This made me concerned that it would be difficult for a fair and objective investigation to take place when the office I was complaining about was investigating itself.

As a direct and proximate result of the actions and conduct of the above-described Respondent as set forth herein, I have been subjected to race, sex, and religious discrimination in contravention of state and federal law. Respondent, as an employer, knew or should have known of its long-standing obligation under the law to maintain a place of employment free of discrimination, yet Respondent failed to take reasonably adequate steps to prevent discrimination. Respondent discriminated against me due to my race, sexual orientation, and religion.

As a result of Respondent's actions, I have suffered loss of income, loss of a portion of my security deposit on my apartment, a loss of self-esteem, and extreme emotional anguish. I am seeking back-pay, front-pay, emotional distress damages, punitive damages, attorneys' fees and costs, and any other remedy the Commission deems appropriate.

EXHIBIT A

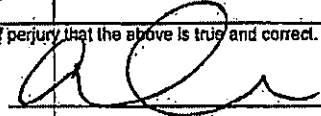
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.
<div data-bbox="199 430 391 514">20210914 Date</div> <div data-bbox="399 367 829 514"> Charging Party Signature</div>	SIGNATURE OF COMPLAINANT

EXHIBIT B

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA Rcvd EEOC 09/15/2021 <input checked="" type="checkbox"/> EEOC 563-2021-02791	
KANSAS HUMAN RIGHTS COMMISSION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Aaron Circle Bear c/o Edelman, Liesen & Myers, L.L.P.		Home Phone (incl. Area Code) (816) 301-4066	Date of Birth
Street Address 208 W. Linwood Blvd.		City, State and ZIP Code Kansas City, Missouri 64111	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Unified Government of Wyandotte County and Kansas City, KS		No. Employees, Members 2000+	Phone No. (include Area Code) (913) 573-5311
Street Address 701 N. 7th Street		City, State and ZIP Code Kansas City, KS 66101	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest January 21, 2021 <input checked="" type="checkbox"/> CONTINUING ACTION	
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EXHIBIT B

I am a Native American male. I am also a gay man. Further, I follow the religious practices of my ancestors, and my right to engage in these practices is protected under the American Indian Religious Freedom Act of 1978 (AIRFA) 42 U.S.C. § 1996, as amended.

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Shortly after my employment with the CIU began, Mr. Brown and the CIU's Senior Assistant District Attorney James Antwon Floyd, asked me to have a "sit down" meeting with them. At the meeting they said they wanted to know where I "stand." They said there were subjects that were talked about and they wanted to know if discussing those subjects was off limits to me. They offered as examples discussing politics and using profanity, which I did not object to.

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EXHIBIT B

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EXHIBIT B

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EXHIBIT B

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EXHIBIT B.

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EXHIBIT B

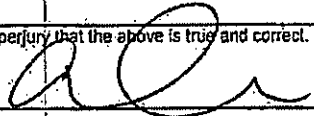
<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>		<p>NOTARY - When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p>		<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.</p>
<p>20210914</p>		<p>SIGNATURE OF COMPLAINANT</p>
<p>Date</p>	<p>Charging Party Signature</p>	

EXHIBIT C



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

150 M Street, N.E.
Karen Ferguson, EMP, 4CON, Room 9.514
Washington, DC 20530

March 29, 2022

Mr. Aaron Circle Bear
c/o Sarah Liesen, Esquire
Law Offices of Edelman, Liesen & Myers
208 W. Linwood
Kansas City, MO 64111

Re: EEOC Charge Against Unified Gov't of Wyandotte County & Kansas City, Kansas, et al.
No. 563202102790

Dear Mr. Circle Bear:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Kansas City Area Office, Kansas City, KS.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Kansas City Area Office, EEOC
Unified Gov't of Wyandotte County & Kansas City, Kansas, et al.

**EXHIBIT D**

U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

150 M Street, N.E.
Karen Ferguson, EMP, 4CON, Room 9.514
Washington, DC 20530

March 29, 2022

Mr. Aaron Circle Bear
c/o Sarah Liesen, Esquire
Law Offices of Edelman, Liesen & Myers
208 W. Linwood Blvd.
Kansas City, MO 64111

Re: EEOC Charge Against Unified Gov't of Wyandotte County & Kansas City, KS, et al.
No. 563202102791

Dear Mr. Circle Bear:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

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Sincerely,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Kansas City Area Office, EEOC
Unified Gov't of Wyandotte County & Kansas City, KS, et al.