

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TERESA WILLIAMS,

Case No.

Plaintiff,

vs.

Hon.

**CITY OF IRON MOUNTAIN,
IRON MOUNTAIN POLICE DEPARTMENT,
ED MATTSON,** in his individual and official capacities,
JOSEPH DUMAIS, in his individual and official capacities,
and **GARTH BUDEK,** in his individual and official capacities,
jointly and severally,

Defendants.

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COMPLAINT AND DEMAND FOR TRIAL BY JURY

There is no other civil action pending in this Honorable Court or any other Court arising out of the same transaction and occurrence.

NOW COMES Plaintiff, **TERESA WILLIAMS,** for her Complaint against the City of Iron Mountain, the Iron Mountain Police Department, Ed Mattson, Joseph Dumais, and Garth Budek, stating the following:

INTRODUCTION

1. Plaintiff Teresa Williams was employed with the Iron Mountain Police Department from October 2017, until she was forced to resign or face termination. On information and belief, Plaintiff was the first and only female officer in the history of the department. During her employment with the IMPD, Plaintiff was groped, sexually harassed, and held to a completely different standard of expectations and treatment than her male counterparts. Her supervisor, Defendant Joseph Dumais, the deputy director of the department, referred to Plaintiff's hire as the first female officer as a "lawsuit waiting to happen." Nonetheless, Dumais would grope and force Plaintiff to kiss him within weeks of her employment. Plaintiff was an outcast during her entire employment. She was sexually harassed, belittled, and habitually undermined. When Plaintiff submitted complaints, her abusers found ways to discipline her and threatened her with further discipline for discussing the matter further. When she pressed the issue of sexual harassment, she was ultimately forced to resign or face termination.

Within this Complaint, Plaintiff alleges that she received unequal treatment, subjected to a hostile work environment, and was ultimately terminated based on her gender and in retaliation for protected complaints pursuant to 42 U.S.C. § 1983, the Fourteenth Amendment of the Constitution, Michigan's Elliot-Larsen Civil Rights Act, M.C.L. § 37.2101 *et. seq.*, and Intentional Infliction of Emotional Distress.

PARTIES

2. Plaintiff Teresa Williams is a female who was employed with the City of Iron Mountain, specifically its police department, and resides in Dickinson County, Michigan.

3. The Iron Mountain Police Department is a department of Defendant City of Iron Mountain, a governmental entity.

4. Defendant Ed Mattson is an employee of Defendant City of Iron Mountain, specifically the director of the Iron Mountain Police Department. Upon information and belief, he is a resident of Dickinson County, Michigan, and at all relevant times was employed by the City of Iron Mountain and acting pursuant to his authority on its behalf. Defendant Mattson is sued in his individual and official capacities.

5. Defendant Joseph Dumais is an employee of Defendant City of Iron Mountain, specifically the deputy director of the Iron Mountain Police Department. Upon information and belief, he is a resident of Dickinson County, Michigan, and at all relevant times was employed by the City of Iron Mountain and acting pursuant to his authority on its behalf. Defendant Dumais is sued in his individual and official capacities.

6. Defendant Garth Budek is an employee of Defendant City of Iron Mountain. Upon information and belief, he is a resident of Dickinson County, Michigan, and at all relevant times was employed by the City of Iron Mountain and acting pursuant

to his authority on its behalf. Defendant Budek is sued in his individual and official capacities.

7. The amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorney fees.

JURISDICITON AND VENUE

8. This Court has original jurisdiction over Plaintiff's claims arising under 42 U.S.C. § 1983 and the Equal Protection Clause of the U.S. Constitution.

9. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state law claims.

10. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b) as all acts and omissions giving rise to this complaint occurred in Dickinson County.

GENERAL ALLEGATIONS

11. Plaintiff Teresa Williams ("Plaintiff" or "Mrs. Williams") is a woman and a member of a protected class based on her gender.

12. Plaintiff began working for the Iron Mountain Police Department ("IMPD"), a department of Defendant City of Iron Mountain, as a Road Patrol Officer on or around October 17, 2017.

13. Upon information and belief, Plaintiff was the first (and as of the date of this Complaint, only) female officer in the history of the IMPD.

14. The IMPD is a small department with approximately fifteen officers total, including supervisors.

15. Notably, the IMPD has a mutual aid agreement/reciprocal relationship with other departments and surrounding agencies within the area—including nearby Florence, Wisconsin.

16. At all relevant times here, the IMPD was managed and overseen by Director of Police and Fire Services Ed Mattson (“Mattson”).

17. Initially, Plaintiff was partnered with Defendant Sgt. Garth Budek (“Budek”). Budek was a senior road patrol officer and Plaintiff’s training officer at nights.

18. Importantly, Budek is very close friends and the “right hand man” of then Sgt. Joseph Dumais (“Dumais”).

The harassment and unequal treatment of Plaintiff due to her gender

19. On paper, the IMPD has a harassment policy which states that it has a “commitment to maintaining a working environment for all employees that is free from intimidation, humiliation, or insult, whether it be physical or verbal abuse, or other actions of a sexual, ethnic, racial, or religious nature.” *Exhibit A*

20. As a minority in the department, Plaintiff felt it was important to socialize and become accepted by her colleagues.

21. Early into her employment, Plaintiff was invited to socialize at a local bar with her supervisors Defendants Budek and Dumais. Initially, Plaintiff was extremely excited by their invitations as to her it meant she was being accepted as part of the department. However, Plaintiff eventually learned that this was not the case.

22. On one occasion at Sol Blu, a drinking establishment in Iron Mountain, Dumais told Plaintiff that she had to take a “IMPD shot” with him as part of her “initiation” into the IMPD. Dumais explained that the IMPD shot involved taking a shot of fireball liquor then making out with each other. Upon explanation, Plaintiff refused and said the whole thing was made up. Dumais responded that it was required and that everyone had to do it as standard protocol. To allegedly demonstrate, Dumais took an initial shot along with a former county dispatcher (male) then kissed him. Ultimately, Plaintiff buckled to the pressure and took the “IMPD shot” with Dumais who, as a result, kissed Plaintiff and stated that she was now “officially part of IMPD.” After, Dumais and Plaintiff were talking in the back section of the Solbergs. Dumais attempted to get Plaintiff to take a second “IMPD shot” with him, but she continuously refused. Ultimately, Dumais pressured Plaintiff into taking the second IMPD shot, however this time Dumais put his hand between Plaintiff’s legs and grabbed her genitals. Plaintiff froze in fear.

23. From this point forward, it was clear to Plaintiff that she would be subject to ongoing harassment and treatment by her all male colleagues, however, also struggled

to be accepted as a member of the department. For this reason, Plaintiff continued to socialize with Dumais and Budek.

24. In another incident, Plaintiff drove Budek and Dumais to their homes after a night at a local bar. Plaintiff first dropped off Dumais and proceeded to drop off Budek. As she was approaching a stop sign, Budek instructed Plaintiff to stop so that he could “tell her something.” Upon stopping, Budek shifting Plaintiff’s car into park. Next, Budek proceeded to tell Plaintiff “how hot her ‘ass’ looked in her duty pants” and forcing himself on the Plaintiff. In the process, Budek grabbed Plaintiff’s hand and pulled her closer ultimately placing her hand on his gentiles over his pants. Budek leaned in to kiss Plaintiff, who turned away, so he began kissing her neck. Plaintiff affirmatively told Budek to stop, however, he overpowered her and now placed her hand beneath his pants. At some point, Plaintiff stopped resisting and Budek let her hand go. Once this happened, Plaintiff quickly shifted the car into drive and drove off. Upon arriving at Budek’s home, he thanked her for driving and asked Plaintiff “at least for a hug.” Plaintiff agreed to the hug, but was again met with neck kisses as well as groping over her upper thigh. Plaintiff again told Budek to stop. Budek then apologized and began crying stating that what he did was “not fine” and that he “did not want her mad at him.” In the moment, Plaintiff told Budek it was fine and that he needed to get into his house. Budek agreed and left the vehicle.

25. In another incident, Plaintiff again was tasked with driving Dumais and Budek home after a night at a local bar. As before, Plaintiff dropped off Dumais first. Upon reaching Budek's home, he stated that it was "difficult to work with her" because he is distracted looking at her and he found it hard to restrain himself. Next, Budek began rubbing Plaintiff's thigh and said, "how are we going to resolve this issue?" Budek then looked up and down at Plaintiff's body, licked his lips, and asked Plaintiff to move closer. Plaintiff refused. Budek then grabbed Plaintiff's head with both his hands in attempt to force her to kiss him. She resisted. Ultimately, Budek let her go and exited the car.

26. Similarly, there were countless incidents of Budek groping Plaintiff's butt or thigh, and/or making sexual comments about Plaintiff while working.

27. In another incident, Plaintiff was asked to go out to a drink at Greenleaf's Bar with Budek and his wife. Plaintiff felt safe as Budek's wife was present. After, Plaintiff was invited to watch a movie with Budek and his wife. At some point, Budek's wife excused herself. After, Budek grabbed Plaintiff's hand and guided her downstairs. Once there, Budek pressured Plaintiff to perform oral sex on him. After, Budek told Plaintiff that she could never tell anyone. From this point forward, the work environment with Budek became extremely hostile.

28. Shortly after, there was an incident during a traffic stop in which Plaintiff and Budek were in disagreement on which turned hostile. Budek screamed at Plaintiff

and belittled her while she was driving. Budek called Plaintiff a “Bitch” and a “cunt.” Plaintiff told Budek that he was being “an asshole” Plaintiff drove home in tears. The next morning, Dumais never asked what happened, but informed Plaintiff there was never going to be an incident again. After, the schedule was changed and Plaintiff was assigned a new partner, Officer Hellman.

29. One night while patrolling, the topic of the schedule change came up. Hellman initially stated that he heard it was over an argument between Plaintiff and Budek. After, Hellman began laughing and Plaintiff asked why. Hellman responded that it was “kinda funny” but “very inappropriate.” After some resistance, Hellman informed Plaintiff that Dumais and Budek made a bet as to which officer would have sex with Plaintiff first after she was hired. Plaintiff was appalled.

30. Following these incidents, Budek would be promoted to sergeant and Dumais would be promoted to the second in command of IMPD.

The unequal treatment of Plaintiff

31. Following the schedule change, Plaintiff rarely worked with Budek. However, he would belittle her every chance he could. Further, Plaintiff turned down overtime opportunities to avoid shifts for which she would be working with Budek.

32. Unfortunately, Plaintiff was also subject to disparate treatment, scrutiny, and discipline from Defendants. Plaintiff complained about this unequal treatment and harassment but her complaints fell upon deaf ears.

33. On July 15, 2018, Plaintiff was forced to respond to a call relating to a “suicidal woman potentially with a knife” while her male partner remained at the station to socialize. Ultimately, Plaintiff obtained assistance from a Dickinson County deputy and a Michigan State trooper. The situation proved extremely dangerous as Plaintiff was required to disarm the knife from the woman. Plaintiff returned to the station to ask why they did not assist her. Rather than validate Plaintiff’s concerns, the male IMPD officers complained to Plaintiff about her “attitude” over the radio following the incident. Later, Dumais met with Plaintiff regarding the incident and agreed that Plaintiff should not have been forced to respond to the call alone, however, issued no warnings or discipline. Instead, Dumais focused on Plaintiff’s radio demeanor.

34. In December 2018, Plaintiff was notified by a lieutenant to “watch her back around Dumais.” Specifically, Plaintiff was told Dumais never wanted her hired and planned to using anything he could against her. Further, Plaintiff was told that Dumais said it was a “lawsuit nightmare” to have a female officer around.

35. In or around March 2019, Dumais was promoted from Lieutenant to the Deputy Director position—second in command of the IMPD. Concurrently, Budek was promoted to Sergeant.

36. The ongoing sexual harassment of Plaintiff continued both verbally and in writing, including but not limited to Dumais texting Plaintiff “if I was in your pants you would know it.”

37. In January 2020, Plaintiff received a call from an acquaintance, Mike Milan, who asked if Plaintiff was still employed with the IMPD. Plaintiff responded that she was actually on her way to work. According to Milan, Dumais had been telling folks outside of the department that Plaintiff was not going to be along much longer. Milan also stated that Dumais was commenting about Plaintiff's relationship and significant other. Upon arriving at work, Plaintiff approached Defendant Mattson and asked if she was being terminated. Mattson responded no. Plaintiff informed Mattson of Dumais alleged comments and how it is violation of policy. *Exhibit B* Mattson dismissed Plaintiff's concerns and said was probably "bar talk."

38. On or around October 18, 2020, Dumais commented to Plaintiff in a pretentious manner that he had heard Plaintiff "was getting married and that is something she should be happy about" and should be "telling everyone." Plaintiff responded that she preferred to keep her personal life to herself. After, Dumais made Plaintiff stay past the end of her shift, unpaid, to complete a form that he waited until ten minutes before the end of her shift to mention. From that point forward, Dumais would exclaim that Plaintiff was "too good to hang out with us anymore."

39. From this point forwarded, Defendants relentlessly targeted Plaintiff for discipline. Importantly, her male colleagues were held to completely different standard and were never disciplined for similar conduct as that alleged of the Plaintiff.

40. On October 27, 2020, Plaintiff was asked to meet Dumais in his office with the door closed. Plaintiff vocalized to Dumais that she did not feel comfortable meeting him alone with the door closed and asked if she could have someone with him in the room. Dumais responded that Plaintiff couldn't have anyone in the room. Plaintiff reiterated her discomfort being alone with Dumais in the room. Dumais proceeded to berate Plaintiff saying he was "sick and tired of hearing her pity story" and that he outranks her. Plaintiff was brought to tears. Dumais next stated he "was done" and told Plaintiff to leave.

41. Shortly after, Plaintiff received an unpaid suspension for alleged unprofessional activity and for failing to answer her radio in response to a "two officer call" involving a "hit and run" accident. The officer, Officer Opolka, had only been on the job for a little over a year, however, it is the type of matter that Plaintiff and other officers routinely handle alone. Comparatively, the circumstances as they relate to the dangerous knife situation on July 15, 2018, involving Plaintiff. Despite requesting backup for the dangerous call, Plaintiff received no assistance from her male colleagues and no officers were disciplined. Instead, Plaintiff was lectured about her attitude.

42. On November 4, 2020, Plaintiff returned from her suspension. Upon her arrival, Plaintiff was notified that she was again being suspended this time for alleged insubordination relating the meeting with Dumais on October 27th.

43. On November 10, 2020, Plaintiff was targeted and suspended again. This time was for Plaintiff allegedly not taking the fastest route to a call and, as a result, was two minutes slower than they believed she should have arrived. Additionally, Plaintiff was reprimanded for being defiant with the officer who groped and harassed her, Dumais.

44. On November 18, 2020, the Plaintiff met with her union representatives, including Sgt. Solka, Sgt. Ray, and union representative Hal Telling, and advised them that she felt she was being discriminated against. Plaintiff also discussed the hostile work environment she was being subjected to. She stated that she was afraid of getting disciplined for things the men routinely do. Further, that Defendant Mattson was wrongfully letting everyone else know of her private discipline in violation of policy. *Exhibit B* Next, Plaintiff was advised against being a “whistleblower” and that she would be terminated if it was determined to be unfounded. Plaintiff was told that nothing could be done about the release of private information. Solka and Ray suggested that Plaintiff should make sure to document every conversation on a body camera or email—something no male counterpart had to do. Plaintiff questioned whether anyone else needed to do this. Finally, Plaintiff was told that officers would be disciplined if it ever happened again.

45. As before, Plaintiff felt hopeless and pressured by the Defendants and her union to agree to a lower discipline.

46. On February 21, 2021, Plaintiff woke up with excruciating neck pain, relating to a previous work related injury. A few hours into Plaintiff's shift, she asked six of her male colleagues if they were able to cover for her. All refused despite routinely covering for each other. Plaintiff was forced to continue working while in significant pain. Plaintiff contacted Sgt. Ray to state that the pain was excruciating, and she needed to go to the hospital but was told that she would possibly be terminated if she left.

47. In February 2022, Defendants sought to terminate Plaintiff allegedly for dereliction of duty. Plaintiff disputed the allegations but was told she would not be terminated if she agreed to Defendants' characterizations of the events. Again, Plaintiff reluctantly agreed. As such, Plaintiff was placed on a suspension and last chance agreement. Plaintiff returned to work on February 28, 2022.

48. On March 19, 2022, Plaintiff learned that Defendants, again, divulged her discipline publicly. Specifically, Plaintiff was contacted by an officer of the neighboring Kingsford Public Safety Department ("KPSD"), who inquired why Plaintiff was "on suspension." Plaintiff responded that she was not on suspension and inquired who he heard that from. The officer stated that "all of KPSD officers were talking about it." After, Plaintiff notified her union president, Sgt. Adam Ray. After, Plaintiff received an email instructing Plaintiff to only deal with Defendants Mattson and Dumais directly on any further issues.

Defendants retaliate against Plaintiff due to her protected complaints

49. On or around March 9, 2022, met with the Defendants Mattson and Dumais, now Deputy Director of Police, to discuss several issues including, but not limited to, officers discussing her discipline outside of the department, switching her schedule, and her ongoing harassment—including her past sexual harassment. During the conversation, Mattson stated that Budek was “struggling emotionally” and wanted to “come clean to his wife.” Mattson continued that he understood the work related incidents to be “fully clothed touching” and that he “didn’t care about anything that happened elsewhere.” Mattson continued that he was discussing this with her to help Budek (as opposed to addressing the sexual harassment and assault of an officer on a subordinate at all). Mattson stated that it was not a “disciplinary issue” for her.

50. Plaintiff responded that the portrayal was “f**ked up.” Plaintiff continued stating that, among other things, Budek was her senior officer and would be the one subject to discipline. Mattson responded that there will be no discipline for anyone. Next, Plaintiff stated that Budek previously calling her a “cunt” would have been grounds for termination at most jobs.

51. Mattson inquired why Plaintiff didn’t say anything to which Plaintiff responded that she was scared of continued retaliation, even from the current conversation, as Budek is close friends with both officers. Plaintiff elaborated that

things are terrible with Budek ever since. Further, that she has been telling them about Budek's hostile treatment for years but these complaints have been ignored.

52. Rather than taking the matter into his own hands, Mattson asked Plaintiff what it is he should do. Plaintiff, scared of further retaliation, said she "didn't know." Around this point, Defendant Dumais requested Plaintiff provide them with an answer by the end of her shift so they could "move on." During the meeting, Mattson was adamant that "no one" hear about the harassment by Budek against Plaintiff

53. At the end of Plaintiff's shift, she notified Defendants that she planned to speak with an attorney as to what she should do.

54. On March 21, 2022, Mattson sent an email to Plaintiff which confirmed the conversation, but completely misrepresented the statements during the meeting. Plaintiff was also placed under a gag order or face further discipline. Plaintiff was completely gaslit. *Exhibit C*

Plaintiff is constructively discharged from employment at IMPD

55. On April 14, 2022, Plaintiff's husband ("Mr. Williams") was subject to a traffic stop and investigated for driving while intoxicated in neighboring Spread Eagle, WI, by the Florence County Sheriff's Department ("FCSD"). Notable, IMPD and FCSD have a mutual aid agreement and are aware of Plaintiff as being an IMPD officer. During the stop, Mr. Williams called Plaintiff on speaker phone to let her know he would be late home due to the stop. Mr. Williams was asked to complete field

sobriety tests. Plaintiff stated that she would be on her way. During the first test, the officer hung up the phone on Plaintiff.

56. Upon arriving at the scene, Plaintiff observed Mr. Williams secured in the FCSD squad car. Plaintiff asked what he was being charged with and was told an OWI. Plaintiff also observed that the officers extensively searched Mr. Williams vehicle without permission. Plaintiff returned to her vehicle. Plaintiff was notified that Mr. Williams was being arrested for an OWI. Plaintiff asked if she was able to drive home in Mr. Williams truck but received no answer. Plaintiff exited her vehicle to inquire about the truck. Plaintiff was informed the truck was to be towed. Plaintiff returned to her vehicle and left. At no point did FCSD officers say anything to Plaintiff regarding her interfering or being a threat.

57. On April 15, 2022, Plaintiff was informed by Mattson that the FCSD were now planning to seek charges against Plaintiff for disorderly conduct and obstructing justice. On information and belief, their charges were at the request of Defendants. As a result, Plaintiff was placed on unpaid suspension pending investigation.

58. Soon after, Plaintiff was notified that she was to be terminated unless she resigned from the IMPD immediately.

59. On or around April 21, 2022, ED Mattson and Dumais held a “investigative” meeting with Plaintiff. Under threat of imminent termination, Plaintiff resigned her employment from IMPD.

60. Plaintiff submitted a resignation statement outlining her ongoing harassment and discriminatory treatment. *Exhibit D* Within the letter, Plaintiff specifically noted that she was aware Defendants Budek and Dumais had made a bet as to who could sleep with her first. *Exhibit D*

61. As a result of Defendants’ conduct, Plaintiff has suffered substantial harm, including significant financial loss, embarrassment, stress, frustration, and an end to her law enforcement career.

Plaintiff is tortured by the Defendants for standing up for herself

62. On July 13, 2022, Plaintiff timely filed a charge of discrimination and harassment based on sex and retaliation with the Equal Employment Opportunity Commission (“EEOC”). *Exhibit E* Within the EEOC acceptance of the charge, it was stated that the IMPD would be notified within ten days of that date. *Exhibit E*

63. Upon learning of Plaintiff’s protected EEOC Charge, Defendants intentionally inflicted severe emotional distress upon the Plaintiff. Within months, Defendants would go on to defame, target, and retaliate against Plaintiff, as well as her children.

64. On July 26, 2022, Plaintiff's criminal charges become front page news in the local and regional media, despite the charges pending for some time. On information and belief, the Defendants notified the press shortly after receiving notice of Plaintiff's EEOC Charge. *Exhibit F*

65. Plaintiff's youngest minor son was charged with destruction of property relating to alleged accidental damage to a picnic table at a public park. Despite multiple children being present, only Plaintiff's son was charged with a crime. Notably, the police report indicates that another individual caused damage but was not charged. Further, countless comparable incidents have occurred in which no one has been charged with a crime. Subsequently, these charges were dropped.

66. In late 2022, an unidentified IMPD officer contacted the Michigan State Police Department to report a "tip" that Plaintiff's oldest child was allegedly seen with a pistol at school. The claims were completely baseless. As a result, Michigan State Police visited Plaintiff's house to question her and investigate.

67. In December 2022, Plaintiff applied for a concealed pistol license ("CPL") with the Dickinson County Clerk's office but was rejected without justification or explanation. On information and belief, the rejection was due to the involvement of Defendants.

68. On February 7, 2023, Plaintiff was issued her right to sue letter relating to her claims of gender discrimination, sexual harassment, hostile work environment, and retaliation pursuant to Title VII. *Exhibit G*

COUNT I
EQUAL PROTECTION VIOLATION - 42 U.S.C. § 1983
(Against all Defendants)

69. All preceding paragraphs are incorporated by reference.

70. Plaintiff is a member of a protected minority class based on her gender.

71. Plaintiff is granted the right of equal protection under the law by the Fourteenth Amendment of the Constitution.

72. The Fourteenth Amendment protects government employees from actions by their employers which violate the Equal Protection Clause.

73. The Defendants acted under color of law and pursuant to statute, custom, usage or practice, unlawfully, maliciously, and intentionally, and with deliberate indifference and callous disregard of Plaintiff's rights, and deprived Plaintiff of her liberty and property interests without due process of law, and denied Plaintiff equal protection under the law, in violation of the Fourteenth Amendment to the Constitution of the United States, and 42 U.S.C. § 1983.

74. Plaintiff was denied her right of equal protection under the law as she was harassed, disciplined, and constructively discharged, for allegedly engaging in the same

conduct for which male competitors had received only warnings or no discipline at all because of her gender.

75. Plaintiff was denied equal protection when she was continuously undermined and harassed in her employment with Defendants.

76. Plaintiff was denied equal protection when she was constructively discharged from his employment with Defendants.

77. Defendants' treatment of Plaintiff held discriminatory intent and was in fact discriminatory in that it holds no rational or lawful basis for such overwhelming differences in treatment and is thus in violation of 42 U.S.C § 1983.

78. The actions of Defendants caused injury to Plaintiff by depriving her of her rights and privileges as secured by the U.S. Constitution.

79. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and has incurred attorney fees.

COUNT II
SEX DISCRIMINATION - TITLE VII, 42 U.S.C. § 2000e
(Against All Defendants)

80. All preceding paragraphs are incorporated by reference.

81. At all relevant times, Plaintiff and Defendants were covered by and within the meaning of the Title VII, 42 U.S.C. § 2000e *et seq.*

82. Plaintiff's gender/sex was a factor that made a difference in Defendants' discriminatory and disparate treatment of her.

83. Defendants frequently made harassing comments to Plaintiff based on her gender and harbored an environment which did not protect Plaintiff from harassing comments based on her gender.

84. Defendants treated Plaintiff different than similarly situated male comparators.

85. Defendants subjected Plaintiff to discipline and ultimately constructive discharge.

86. Defendants' actions were intentional, with reckless indifference and in disregard of Plaintiff's rights and sensibilities.

87. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT III
HOSTILE WORK ENVIRONMENT - SEX
TITLE VII, 42 U.S.C. § 2000e
(All Defendants)

88. All preceding paragraphs are incorporated by reference.

89. Plaintiff was subjected to continued harassment, sexual comments, seclusion, retaliation, and other hostile treatment based on her gender and rejection of unwelcome sexual conduct and communications, including sexual advances from her supervisors.

90. The sexual conduct and communications substantially interfered with Plaintiff's employment and created a hostile and offensive work environment that became threatening and intimidating.

91. The hostile environment caused by Defendants caused Plaintiff great stress at work frequently bringing Plaintiff to tears.

92. Plaintiff was sexually harassed and discriminated against by supervisory officers.

93. Defendants were aware of the harassment and treatment of Plaintiff, yet failed to take any remedial action.

94. Plaintiff suffered harm because of the harassment.

95. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss vacation and sick days, loss of career opportunities, humiliation and embarrassment,

mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT IV
SEXUAL HARASSMENT - TITLE VII, 42 U.S.C. § 2000e
(Against City of Ion Mountain)

96. All preceding paragraphs are incorporated by reference.

97. Defendants Budek and Dumais were Plaintiff's supervisors, with the authority to affect the terms and conditions of Plaintiff's employment.

98. Plaintiff was subjected to unwelcome sexual advances because of her sex by Budek and Dumais.

99. On information and belief, Budek and Dumais made a bet as to who would sleep with Plaintiff first. This "bet" was public knowledge among Plaintiff's male colleagues.

100. Defendants Budek and Dumais possessed authority and/or influence to offer tangible job benefits in exchange for sexual favors and to threaten job injury for Plaintiff's failure to submit.

101. Plaintiff's submission to Budek's sexual advances was an implied condition of her employment such that her refusal to submit would and did result in a tangible job detriment.

102. Plaintiff's continued rejection of subsequent sexual advances from Budek did result in tangible job detriment.

103. Plaintiff's refusal to sweep previous sexual harassment under the rug ultimately factored in the decision to harass, discipline, and constructively discharge Plaintiff.

104. Defendants are liable for Budek and Dumais' harassment.

105. Defendants' actions were intentional, with reckless indifference and in disregard of Plaintiffs' rights and sensibilities.

106. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT V
SEX DISCRIMINATION - ELLIOT-LARSEN CIVIL RIGHTS ACT
M.C.L. § 37.2101 et. seq.
(Against All Defendants)

107. All preceding paragraphs are incorporated by reference.

108. At all relevant times, Plaintiff and Defendants were covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*

109. Defendants treated and disciplined Plaintiff different than similarly situated male employees.

110. Plaintiff's gender was a factor that made a difference in Defendants' decision with work assignments, training, treatment, and discipline to Plaintiff, including her constructive discharge.

111. As discussed elsewhere herein, Defendants subjected Plaintiff to ongoing sexual harassment and a resulting hostile work environment.

112. Defendants' actions were intentional, with reckless indifference and in disregard of Plaintiff's rights and sensibilities.

113. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT VI
SEX DISCRIMINATION (HOSTILE WORK ENVIRONMENT)
ELLIOT-LARSEN CIVIL RIGHTS ACT, M.C.L. § 37.2101 et. seq.
(Against All Defendants)

114. All preceding paragraphs are incorporated by reference.

115. Plaintiff faced severe harassment in the workplace due to her gender.

116. The harassment and discriminatory treatment Plaintiff was subjected to was severe enough to alter the conditions of her employment.

117. Defendants' actions were intentional, with reckless indifference and in disregard of Plaintiff's rights and sensibilities.

118. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT VII
RETALIATION - 42 U.S.C. § 1983
(Against All Defendants)

119. All preceding paragraphs are incorporated by reference.

120. Plaintiff engaged in activity protected by 42 U.S.C. § 1983 when she complained of equal protection violations under the Fourteenth Amendment at various times throughout her employment, within her resignation letter, and to the EEOC.

121. Defendants retaliated against Plaintiff because she reported and opposed Defendants' discriminatory conduct.

122. Defendants retaliated against Plaintiff when she affirmatively rejected sexual advances or comments sexual in nature.

123. Defendants' disciplinary actions against Plaintiff in retaliation for her protected complaints and comments violates 42 U.S.C. § 1983.

124. Defendants' actual or constructive termination of Plaintiff's employment on this basis violates 42 U.S.C. § 1983.

125. Defendants continued retaliating against Plaintiff following her termination by targeting her family through false accusations and discriminatory prosecution.

126. Defendants contacted the local press to publicize Plaintiff's pending criminal charges intent on publicly embarrassing and humiliating her in response to Plaintiff submitting a charge with the EEOC.

127. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and has incurred attorney fees.

COUNT VIII
RETALIATION - TITLE VII, 42 U.S.C. § 2000e
(Against City of Iron Mountain)

128. All preceding paragraphs are incorporated by reference.

129. Plaintiff engaged in activity protected by Title VII when she complained of her unequal treatment and harassment on the basis of her gender and rejection of sexual advances.

130. Defendants retaliated against Plaintiff because she reported and opposed Defendants' discriminatory conduct.

131. Defendants retaliated against Plaintiff when she affirmatively rejected sexual advances or comments sexual in nature.

132. Defendants' disciplinary actions against Plaintiff in retaliation for her protected complaints and comments violates Title VII.

133. Defendants' actual or constructive termination of Plaintiff's employment on this basis violates Title VII.

134. Defendants continued retaliating against Plaintiff following her termination by targeting her family through false accusations and discriminatory prosecution.

135. Defendants contacted the local press to publicize Plaintiff's pending criminal charges intent on publicly embarrassing and humiliating her in response to Plaintiff submitting a charge with the EEOC.

136. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss vacation and sick days, loss of career opportunities, humiliation and embarrassment,

mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT IX
RETALIATION - ELLIOT-LARSEN CIVIL RIGHTS ACT,
M.C.L. § 37.2101 et. seq.
(Against All Defendants)

137. All preceding paragraphs are incorporated by reference.

138. Plaintiff engaged in protected activity when she opposed discriminatory practices and reported that she believed she was being treated unfairly and differently than her fellow male officers.

139. Plaintiff engaged in protected activity when she reported sexual harassment by her fellow male officers.

140. As a result of Plaintiff's protected activity, Plaintiff received unequal treatment and was subject to unequal discipline, including her constructive discharge.

141. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT X
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
M.C.L. § 37.2101 et. seq.
(Against All Defendants)

142. All preceding paragraphs are incorporated by reference.

143. Defendants knowingly, intentionally, and willfully caused Plaintiff severe emotional distress.

144. Defendants intentionally and/or recklessly engaged in extreme and outrageous conduct towards Plaintiff.

145. Defendants knew or should have known that each of these and other actions individually and/or collectively would cause severe emotional distress.

146. Each of these acts individually and/or collectively, were undertaken with intent to cause Plaintiff severe emotional distress and/or were undertaken recklessly without regard to whether they would cause the Plaintiff severe emotional distress.

147. As a result of the actions of the Defendants, Plaintiff was caused to suffer severe emotional distress including but not limited to anxiety, depression, mental anguish, embarrassment, humiliation and isolation.

148. Plaintiff continues to receive treatment for her emotional distress.

149. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of

vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Honorable Court:

- a. Declare that the aforementioned practices and actions of Defendants constitute unlawful practices in violation of § 1983, Title VII, the ELCRA, and tort law;
- b. Award Plaintiff all lost wages and benefits, past and future, to which she is entitled;
- c. Award Plaintiff appropriate equitable relief;
- d. Award Plaintiff compensatory damages;
- e. Award Plaintiff exemplary damages;
- f. Award Plaintiff punitive damages;
- g. Award Plaintiff reasonable attorney fees, costs and interest; and
- h. Award such other relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Jack W. Schulz
Jack W. Schulz (P78078)
SCHULZ LAW PLC
645 Griswold St Ste 4100
Detroit, MI, 48226
(313) 246-3590
jack@michiganworkerlaw.com

Attorneys for Plaintiff

DATE: February 13, 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TERESA WILLIAMS,

Case No.

Plaintiff,

vs.

Hon.

**CITY OF IRON MOUNTAIN,
IRON MOUNTAIN POLICE DEPARTMENT,
ED MATTSON, in his individual and official capacities,
JOSEPH DUMAIS, in his individual and official capacities,
and GARTH BUDEK, in his individual and official capacities,
jointly and severally,**

Defendants.

Jack W. Schulz (P78078)
SCHULZ LAW PLC
645 Griswold St Ste 4100
Detroit, MI, 48226
(313) 246-3590
jack@michiganworkerlaw.com
Attorneys for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff Teresa Williams hereby demands for a trial by jury.

Respectfully submitted,

By: /s/ Jack W. Schulz
Jack W. Schulz (P78078)
SCHULZ LAW PLC
645 Griswold St Ste 4100
Detroit, MI, 48226
(313) 246-3590
jack@michiganworkerlaw.com

Iron Mountain Police Department

Chief of Police
David J. Lee

111 East Fleischem
Iron Mountain, IA 49801
906-774-1234
fax 906-774-1143

HARASSMENT POLICY

I. PURPOSE

The purpose of the Order is to state the Iron Mountain Police Department's commitment to maintaining a working environment for all employees that is free from intimidation, humiliation, or insult, whether it be physical or verbal abuse, or other actions of a sexual, ethnic, racial or religious nature.

II. POLICY

Sexual, ethnic, racial or religious, harassment is an offense, first against this Department, and second, an offense against any specific employee or group of employees. Offenses refer to physical or verbal actions that have the purpose or effect of creating a hostile, offensive, or intimidating working environment that have the sexual, ethnic, racial or religious basis. Examples would include, but are not limited to, physical contact of a sexual nature, sexual, ethnic, racial or religious related jokes, comments, insults, cartoons, innuendo, or personal conduct or mannerisms that could be construed as offensive in these described areas.

It is the Department's Policy to take affirmative action to prevent such unwarranted and unwanted conduct from occurring and to deal with all such reported incidents in a fair, impartial, and expeditious manner. All complaints or incidents will be investigated on a case by case basis. In those instances where a violation has been shown to occur, immediate action will be taken to remedy the situation and to prevent its recurrence.

It is each employees' responsibility to help to eliminate all forms of prohibited harassment and unwanted conduct. It will be every supervisors' responsibility to prevent such behavior from occurring within their work environment.

All persons who violate this Policy will be subjected to disciplinary procedures up to and including discharge.

III. PROCEDURES

A. A member of the Department should clearly tell the offending party to stop the offensive conduct because it is perceived to be a violation of this Order. The

rationale behind this is to ensure that the potential offender realizes the conduct is being perceived as offensive, and not just as harmless activity.

1. If the unwanted conduct continues the offended employee should contact their supervisor.
 2. Employees are free to contact their supervisor directly, without notifying the offending party.
 3. Members of the Department wishing to make a complaint about a violation of the Harassment Policy should contact their supervisor.
- B. Due to the nature of harassment complaints, and the possibility that a supervisor may be involved, members wishing to make a harassment complaint may make direct contact with the Chief of Police.
- C. Members of the Department are not prohibited from making complaints through the Michigan Department of Civil Rights under the Elliott-Larsen Act or the U.S. Equal Employment Opportunity Commission under the U.S. Civil Rights Act of 1964. Members are, however, encouraged to make their initial with the Department.

IV. REVISION RESPONSIBILITY

- A. Responsibility for the continuous updating and revision of this Order lies with the Chief of Police. Continuous shall mean when necessary or mandated by law.
- B. In the event this Procedure conflicts with or supersedes any previous Department Order, Procedure, or Directive, to that extent the conflicting or superseded Order is cancelled.

This Policy is a WRITTEN ORDER and shall be effective, October 08, 1992.

BY ORDER OF THE CHIEF,

DAVID J. LEE, CHIEF OF POLICE

MJB _____
HJO _____
LJT _____
KED _____
PEF _____

EJH _____
WJR _____
MSP _____
MKM _____
ECM _____

October 08, 1992
WO-10-92
DJL/hjo

Iron Mountain Police Department

Chief of Police
David J. Lee

214 East Ludington
Iron Mountain, MT 49801
906-774-1234
Fax 906-774-3774

September 22, 1992

TO: ALL DEPARTMENT MEMBERS
FROM: CHIEF DAVID J. LEE
REF: RELEASING INFORMATION OF PERSONNEL

IN ACCORDANCE WITH CITY POLICY GOVERNING **RELEASING OF INFORMATION ON PERSONNEL** THAT IS CURRENTLY EMPLOYED OR THAT HAS BEEN EMPLOYED BY THIS AGENCY OR ANY OTHER DEPARTMENT WITHIN THE CITY OF IRON MOUNTAIN, THE FOLLOWING WILL BE DONE IF INQUIRES ARE MADE:

1. NO ONE FROM THIS AGENCY WILL GIVE ANY INFORMATION OUT ON ANY CURRENT EMPLOYEE OR PAST EMPLOYEE OF THE CITY OF IRON MOUNTAIN, **EXCEPT FOR THE FOLLOWING:**
 - A. DATE OF HIRE
 - B. DATE EMPLOYEE LEFT
 - C. POSITION HELD
2. IF ANY ADDITIONAL INFORMATION IS REQUESTED THE REQUESTER SHALL BE INSTRUCTED TO CONTACT THE CHIEF FINANCIAL OFFICER, MR. JAMES BRINKER.

THIS POLICY IS A WRITTEN ORDER AND SHALL BE OBEYED BY ALL OFFICERS EFFECTIVE OF THIS DATE, SEPTEMBER 22, 1992.

BY ORDER OF THE CHIEF,

DAVID J. LEE, CHIEF OF POLICE

MJB _____	EJH _____	_____	_____
HJO _____	WJR _____	_____	_____
LJT _____	MSP _____	_____	_____
KED _____	MKM _____	_____	_____
PEF _____	_____	_____	_____

September 22, 1992
W.O. 07-92
DJL/hjo

Information

Iron Mountain Police Department <impd@cityofironmountain.com>

Mon 3/21/2022 8:16 AM

To: T Carr <tcarr@cityofironmountain.com>

Cc: J Dumais <jdumais@cityofironmountain.com>

Officer Carr:

I had planned on talking with you the week of 3-14 through 3-18 when you had the jury trial but I did not see you that week in the office that week. On 3/9/22, you, I and Deputy Director Dumais spoke about your proposed schedule change to temporarily switch to nights as well as your relationship with then officer Budek that was more than friends back in 2018. The schedule change was granted as a result of the conversation to assist with you getting back into a routine from your latest suspension. The discussion about the relationship with then officer Budek was in general a conversation about if co-workers have a relationship outside of work it is to remain professional while working. At this time you expressed that back in 2018 you and Budek had a "Blow up" where you were so upset afterwards that you almost drove the squad car off of the roadway while going home. You advised that you told Budek that he was "Being and Asshole" and he responded with "You are being a Bitch" and "You are being a Cunt".

What I want to make clear is that on 03/09/22, I asked you what you thought should be done four years later about the "Blow Up". This was asked as at this time, it was the first time that the Administration had heard about the "Name Calling". I asked for your opinion that you did not want to give that evening and even after being allowed to think about it overnight did not want to give an answer to Deputy Director Dumais. Your response to Deputy Director Dumais the next morning was that you did not want to answer that question until you had time to "Consult with your attorney". Just so we are clear, we were just looking for your opinion. This administration will do as it always does and deal with issues as it sees fit.

I will end this e-mail like all of our conversations have ended in the past, if there is anything we can do as an administration to help you succeed at IMPD please don't hesitate to get with Deputy Director Dumais or myself.

At this time you are ordered to, "**Reply All**" and acknowledge that you received this e-mail. As you will see only you and Deputy Director Dumais are attached to this correspondence.

Ed

Edwin C. Mattson
Director of Police and Fire Services
City of Iron Mountain

4/21/22 - RESIGNATION STATEMENT:

It comes with great sadness that I am doing this today, but yet on the other hand a sigh of relief.

From this day forward I do not have to be afraid of you guys anymore. I wish I could say that I'm grateful for everything you guys have done for me, but you guys have caused me so much anxiety, and heartache.

The amount of corruption and deceitfulness I have seen, has left me faithless in the justice system. It breaks my heart to leave the law enforcement world. This job meant the world to me. But it was evident that I was never going to be completely excepted, and would continue to deal with various types of harassment and discrimination.

It absolutely blows my mind how you guys favor certain officers, and they can get away with anything.

For instance, the situations with Sgt. Budek. When you guys met with me on my night shift, to tell me how Sgt. Budek just had to come forward because he couldn't eat or sleep, said there was inappropriate touching with me and that he betrayed my trust.

The only thing you guys were worried about was sweeping it under the rug and moving forward. You didn't even ask me what happened. You didn't even ask me how it has affected me.

A good boss would have asked those questions and done the right thing, instead of favoring their golden child. You guys were too concerned about keeping the information between us and not letting anyone else know, not even Solka and Adam.

But I still don't believe for a second that Budek just felt the need to come forward. Budek just felt the need to come forward. Budek is an egotistical prick that doesn't care about how he affects others. As long as he gets his way. I believe the admin knew about the information from the beginning.

After the issues between Budek and I, Joe didn't even ask what happened. Again, failure as a boss. Joe was just quick to say no more issue and sweep it under the rug. Then made a huge schedule change affecting everyone, just to avoid Budek and I working together.

I believe the admin knew about this from the beginning because of the information that was told to me after this incident. I was told by another officer within IMPD, that Joe and Budek made a bet when I was hired, to see who could sleep with me first.

The officer that told me that, definitely would not lie about something like that. And quite frankly he thought the bet was funny but yet inappropriate.

I still 100% believe that Sgt. Budek should have been terminated for calling me a cunt. That is the #1 word a male should never call a female. Let alone it crossed the lines of sexual harrassment.

Amongst all of this there is so much more, and I will not be silenced anymore. I will continue to stand tall, and stand up for what is right.

You guys may have won this battle but I will leave here today, knowing I still have my integrity and my dignity. I will not let IMPD destroy my self worth anymore.

Teresa Carr 4/21/22



**U.S. Equal Employment Opportunity Commission
Detroit Field Office**

Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226
1-800-669-4000
TTY: 1-800-669-6820
Fax: 313-226-4610

Via Email: jack.w.schulz@gmail.com

Respondent: CITY OF IRON MOUNTAIN (IRON MOUNTAIN POLICE DEPARTMENT)
EEOC Charge No.: 471-2022-04025

July 13, 2022

Jack W. Schulz
Schulz Law PLC
P.O. Box 44855
Detroit, Michigan 48244

Dear Mr. Schulz:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The Equal Pay Act (EPA)
- The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

The quickest and most convenient way to obtain the contact information and the status of your charge is to use EEOC's Online Charge Status System, which is available 24/7. You can access the system via this link (<https://publicportal.eeoc.gov/portal>) or by selecting the "My Charge Status" button on EEOC's Homepage (www.eeoc.gov). To sign in, enter your EEOC charge number, your zip code and the security response. An informational brochure is enclosed that provides more information about this system and its features.

While the charge is pending, this office should be notified of any change in your client's address, or where they can be reached if they have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

Sherry L. Crank

Sherry L. Crank
Sr. Investigator Support Asst.
(980) 296-1289

Office Hours: Monday – Friday, 8:00 a.m. - 3:30 p.m.
www.eeoc.gov

Enclosure(s): cc: Teresa Williams-Carr (via email): Smousy_tresy@yahoo.com

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Some Restrictions Apply

Former Iron Mountain police officer charged with disorderly conduct, obstructing officer



Iron Mountain police car (WLUC file image) (WLUC)

By [TV6 News Team](#)

Published: Jul. 26, 2022 at 3:41 PM EDT



FLORENCE, Wis. (WLUC) - A former Iron Mountain police officer faces charges in Florence County following an altercation with two Florence County Sheriff's Office deputies in April.

Teresa M. Carr, a former officer for the Iron Mountain Police Department, first appeared in Florence County Circuit Court Thursday on charges of disorderly conduct and obstructing an officer. These misdemeanor charges are the result of a complaint filed by Florence County Sheriff Dan Miller based on a report given by deputies Austin Babich and Ryan McLain of the Florence County Sheriff's Office.

According to the complaint, Babich was on patrol April 14 in Florence Township along US-2 and 141 when his radar registered a vehicle traveling at 69 mph in a 55 mph zone.

The complaint said Babich stopped the vehicle, which was registered to Flex Fleet Rental LLC and had a Utah license plate. Babich reported that the driver, Jacob Lyle Williams, gave him a Wisconsin driver's license and immediately told him that his wife was a cop in Iron Mountain and asked if he knew her. Williams then told Babich that his updated address was in Iron Mountain.

Based on Williams' appearance, including a red face, red eyes, and shaking hands, and an "odor of intoxicants" coming from his vehicle, Babich said he determined that Williams was likely under the influence. After running a record check, Babich requested a backup deputy. Once Deputy McLain arrived, Babich returned to Williams' vehicle.

While Babich was in his squad vehicle, Williams had reportedly called his wife, later identified as Carr. Babich said he asked Williams to step out of the vehicle, which Williams relayed to Carr over the phone, asking her if he should. Babich said he could hear Carr over the phone say that she was "on her f____ way" and that Williams became agitated about the request. The complaint says that Babich asked Williams to step out of the vehicle four times before he complied.

Still on the phone with Carr, Williams was asked to walk back to Babich's squad car, during which Babich said Williams demonstrated multiple signs of impairment. Babich asked Williams to perform field sobriety tests and again, Williams relayed the request to Carr. Babich reported hearing Carr over the phone telling Williams that law enforcement did not have probable cause and that Williams should not take the field sobriety tests.

The complaint said after three requests from Babich, Williams agreed to perform the tests. However, Babich reported that Williams became agitated and began to argue about performing them, then demanded to speak to his wife and said law enforcement was "out to get him." Babich said he asked Williams six more times to perform the field sobriety tests, to which Williams would not answer, but said law enforcement was attempting to trick him. He asked Babich what would happen if he refused.

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Legal

Babich told Williams that if he refused, he would be arrested for operating while intoxicated. He asked Williams again if he would do the tests. Failing to respond, Babich told Williams that he was under arrest. He was handcuffed and put in the back of Babich's car.

Babich and McLain said that they began to search Williams' vehicle for evidence related to an OWI based on the positive field sobriety test. McLain reported finding what he suspected was methamphetamine residue, which he confirmed when it tested positive.

Babich reported that at this time, Carr arrived and walked up to the driver's side door of Williams' vehicle and told Babich and McLain that they did not have probable cause to search the truck, before she slammed the door shut. The complaint said that Carr began to demand why they were searching the vehicle and why he was being arrested.

Babich and McLain said Carr then began to threaten the deputies, saying, "Better hope neither of you come through my city if you are drinking."

McLain reported that Carr then called him an "arrogant f____" and insisted that the deputies let her take Williams' vehicle. McLain explained that the vehicle would instead be towed because Carr was not the registered owner.

The complaint states that the deputies asked Carr several times to return to her vehicle and that they would speak with her after their search. Eventually, she complied.

The Iron Mountain Police Department told TV6 that Carr was employed with the City of Iron Mountain as a police officer beginning in Oct. 2017. She was placed on leave from the department right after the April 14 incident, as the Forest County Sheriff's Office— at the request of Florence County Sheriff Dan Miller— conducted a criminal investigation related to her involvement. The case was then referred to and handled by the Forest County District Attorney to avoid any conflict of interest due to frequent work between the Iron Mountain Police Department and the Florence County Sheriff's Office.

Carr submitted her resignation to the Iron Mountain Police Department on April 21.

She is scheduled to appear in Florence County Circuit Court again on September 16 for a pre-trial conference.

Williams was released from Florence County Jail after a \$1,000 bond was paid. He had a probable cause conference in the Florence County Circuit

EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (*ISSUED ON REQUEST*)

To: Mrs. Teresa Williams-Carr
801 W. Brown St.
Iron Mountain, MI 49801

From: Detroit Field Office
477 Michigan Avenue, Room 865
Detroit, MI 48226

EEOC Charge No.
471-2022-04025

EEOC Representative
JUSTIN LEONE,
Investigator

Telephone No.
3137740035

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By:Michelle Eisele
02/01/2023

Michelle Eisele
District Director

Enclosures(s)

cc: Ed Mattson
Iron Mountain Police Department
111 E. Fleshiem Street
Iron Mountain, MI 49801
Nathaniel R Wolf
Mika Meyers PLC
900 MONROE AVE NW MIKA MEYERS PLC
Grand Rapids, MI 49503

Jack Schulz
Schulz Law PLC
P.O. Box 44855
Detroit, MI 48244