

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ricky Morrison

2294 Hamilton Avenue
Poland, Ohio 44514

Plaintiff,

v.

Mahoning County

c/o Mahoning County Board of Commissioners
120 Market Street
Youngstown, Ohio 44503

Carol Rimedio-Righetti (in her official and
personal capacities)

Mahoning County Commissioner
21 West Boardman Street
3rd Floor, Administration Building
Youngstown, Ohio 44503

David Ditzler (in his official and personal
capacities)

Mahoning County Commissioner
21 West Boardman Street
3rd Floor, Administration Building
Youngstown, Ohio 44503

Anthony Traficanti (in his official and personal
capacities)

Mahoning County Commissioner
21 West Boardman Street
3rd Floor, Administration Building
Youngstown, Ohio 44503

Gina DeGenova (in her official and personal
capacities)

Mahoning County Prosecuting Attorney
21 West Boardman Street
6th Floor, Administration Building
Youngstown, Ohio 44503

and

Case No. 4:22-cv-02314

Judge Benita Y. Pearson

Magistrate Judge Carmen E. Henderson

Audrey Tillis (in her official and personal capacities)
Mahoning County Administrator
21 West Boardman Street
3rd Floor, Administration Building
Youngstown, Ohio 44503

Defendants.

FIRST AMENDED AND SUPPLEMENTAL COMPLAINT WITH JURY DEMAND

NATURE OF ACTION

1. This is a civil-rights action for violations of the United States Constitution under 42 U.S.C. § 1983 (including violations of the First and Fourteenth Amendments to the Constitution), with pendent claims for violations of Ohio law. The pendent claims are for statutory civil liability for criminal acts including intimidation, tampering with records, tampering with evidence, telecommunication fraud, bribery, interference with civil rights, dereliction of duty, failure to report crimes, and defamation; and for violations of Ohio’s Open Meetings Act.
2. Plaintiff Ricky Morrison, a Mahoning County maintenance worker, engaged in constitutionally protected free speech, freedom of association, freedom of assembly, and petitioning his government by attending—as a private citizen—a county-elections-board meeting in support of a campaign-challenger to incumbent Defendant Mahoning County Commissioner Carol Rimedio-Righetti. After he did so, she and her fellow Commissioner David Ditzler, and Defendant Mahoning County Administrator Audrey Tillis—flouting Ohio’s Open Meetings Act in a secret meeting—unlawfully terminated him from his position with Mahoning County.
3. In the days that followed, Defendant Gina DeGenova (acting Mahoning County prosecutor) went well beyond the role of a normal lawyer by knowingly providing a materially false and fraudulent cover up for Morrison’s unlawful termination, as a gratuity to Commissioners Rimedio-

Righetti and Ditzler for their political support. And certain Defendants failed to report felonies as required by law.

4. Alternatively, Rimedio-Righetti, Ditzler, Traficanti, and Tillis are liable for failure to train and supervise, which resulted in Morrison's unlawful termination.

PARTIES

5. Plaintiff Ricky Morrison is a maintenance worker with Mahoning County. He resides in Poland, Ohio, located in Mahoning County. He is afflicted with cancer.

6. Defendant Mahoning County is a political subdivision as defined in Ohio Rev. Code § 2744.01. Its Board of Commissioners is a "public body" subject to Ohio's Open Meetings Act, R.C. 121.22(B)(1)(a). Mahoning County employs Rimedio-Righetti, Ditzler, Traficanti, Tillis, and, through the Prosecutor's Office, DeGenova, and is vicariously liable for acts and omissions taken under its customs, policies, or practices. Mahoning County is also responsible for training and supervising its employees in carrying out their duties in a lawful manner.

7. Defendant Carol Rimedio-Righetti is a Mahoning County Commissioner and at all relevant times was acting under color of state law. She resides in Mahoning County. She is sued in both her official and personal capacities.

8. Defendant David Ditzler is a Mahoning County Commissioner and at all relevant times was acting under color of state law. He resides in Mahoning County. He is sued in both his official and personal capacities.

9. Defendant Anthony Traficanti is a Mahoning County Commissioner and at all relevant times was acting under color of state law. He resides in Mahoning County. He is sued in both his official and personal capacities.

10. Defendant Gina DeGenova is the acting Mahoning County prosecuting attorney and at all relevant times was acting under color of state law. She resides in Mahoning County. She is sued in both her official and personal capacities.

11. Defendant Audrey Tillis is the Mahoning County administrator and at all relevant times was acting under color of state law. She resides in Mahoning County. She is sued in both her official and personal capacities.

JURISDICTION AND VENUE

12. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331, 1343, and 2201, for federal claims under 42 U.S.C. 2000e *et seq.* and 42 U.S.C. §§ 1983 and 1988, which provide for attorney and expert fees. This Court has supplemental jurisdiction over the state-law claims under 28 U.S.C. § 1367.

13. This Court has personal jurisdiction over the Defendants, who reside in and conduct business in this District.

14. Venue is proper under 28 U.S.C. § 1391, because the events giving rise to the claims took place within this District.

FACTS

Ricky Morrison is afflicted with cancer, is forced to close his landscaping business, begins treatment, and takes and performs well a county job.

15. In 1998, Morrison started his own landscaping business. Over the years, his business grew and became more successful.

16. Unfortunately, on May 16, 2022, Morrison, married and father of two teenage daughters, was diagnosed with bladder cancer. On June 10, 2022, Morrison underwent surgery to remove part of his bladder. Only time will tell if the surgery was successful.

17. Due to the cancer diagnosis and ensuing treatment, Morrison could not perform the necessary functions that came with running his own landscaping business. For example, he could no

longer ride the mowers for fear the movement would rupture his bladder. And he could no longer have contact with certain landscaping chemicals.

18. Having been forced to sell his business, Morrison desperately needed other employment—preferably a job that carried medical benefits.

19. Fortunately, Mahoning County was hiring for a position in its maintenance department. Based on information and belief, Mahoning County was planning to hire up to five people for this position. But Morrison was one of only two applicants.

20. Ultimately, Morrison was hired for the position and began work on September 12, 2022.

21. During this time, Morrison performed exceptionally well, was on time every day, was never disciplined, and even worked extra hours when his employer needed additional assistance.

22. Conversely, another co-worker hired around the same time as Morrison didn't perform to such a level. This co-worker was repeatedly reprimanded for being late for work.

23. When the County hired Morrison, Traficanti knew that Morrison had cancer and was undergoing treatment.

Ricky Morrison exercises his First Amendment rights when he attends a public meeting on his own private time.

24. In or about July 2022, Morrison, as a private citizen, posted a Facebook message supporting candidate-for-Mahoning-County-Commissioner Geno DiFabio in his campaign against the incumbent, Defendant Rimedio-Righetti. In early November 2022, just before election day, a county co-worker told Morrison that Rimedio-Righetti was aware of the post and unhappy about it.

25. On Monday, November 28, 2022, Morrison, as a private citizen off work, attended a Mahoning County Board of Elections meeting. The public meeting addressed the counting of absentee and provisional ballots in the hotly contested 2022 Mahoning County Commissioner race between incumbent Rimedio-Righetti and her challenger.

26. The meeting was not during Morrison’s scheduled workday—Monday through Friday from 4:00 am to 12:00 pm. Nor was his attendance part of his ordinary or *ad hoc* job duties as a county maintenance worker.

27. When Morrison arrived, he sat next to his preferred candidate, DiFabio.

28. Rimedio-Righetti was seated directly behind DiFabio and saw Morrison sitting with and speaking with him. DiFabio and Morrison discussed the election and vote counting.

29. During the meeting, the elections board announced that Rimedio-Righetti was successful in her re-election bid, winning by just 137 votes. The narrow margin of victory prompted a mandatory recount.

30. As Morrison and Rimedio-Righetti were leaving, Morrison congratulated her on her re-election.

31. Rimedio-Righetti told Morrison that he looked familiar.

32. He responded that he worked for Mahoning County’s maintenance department.

33. Rimedio-Righetti said, “Are you Dave Bucci?”

34. Morrison responded, “No. I’m Ricky—” but before he could say his last name, Rimedio-Righetti retorted in disgust, “Ricky Morrison. You work for us. Unreal!” Rimedio-Righetti then abruptly turned away and exclaimed loudly—and in irritation, “Wow!” She walked away without saying another word to Morrison.

35. Morrison’s presence, electoral discussion, and association with DiFabio apparently spoke volumes.

Morrison, who needs his health insurance for his family and cancer treatment, is pummeled by swift retaliation in the form of firing for exercising his First Amendment rights.

36. On Friday, December 2, 2022, just four days after the public meeting he attended, Morrison was called into his supervisor Allan Landfried’s office. Landfried reports up to Defendant Tillis.

37. With the Christmas holiday season underway, Landfried told Morrison that “the Commissioners” had decided to terminate him. When Morrison asked why, Landfried could provide no reason and expressed similar shock and dismay at Morrison’s termination. Landfried even agreed to pay Morrison for the entire day’s work even though he had only worked half of his shift.

38. Landfried presented Morrison with a pre-prepared termination letter Landfried had signed. Landfried required Morrison to sign his acknowledgement of the termination. The letter was on the Mahoning County Board of Commissioners’s letterhead.¹ Copied on the letter were Karen U’Halie, director of human resources; Jacquelyn Montgomery, senior OBM analyst; Ryan Stanko, OBM budget analyst; Mark Bartol, president of AFSCME Local 1156; and Phil Naples, vice president of AFSCME Local 1156. And the letter was copied to Morrison’s Mahoning County personnel file, which is a matter of public record.

39. After Morrison signed the letter, Landfried made a photocopy of it and returned the original to Morrison. Morrison was required to return his county equipment and keys and retrieve his personal belongings. He was then escorted out of the building’s public exit in what he felt to be a humiliating walk of shame.

40. As explained further below, Morrison was shocked and devastated by the commissioners’ conduct. Not only were he and his family relying on his job income, but he was also relying on the health insurance for his ongoing cancer treatment.

41. Morrison called DiFabio and informed him about the firing.

¹ Letter (purportedly) from A. Landfried to R. Morrison dated Dec. 2, 2022 (attached as Ex. 1).

Commissioner Traficanti tells multiple people that the other two commissioners' engineered Morrison's firing but that he staunchly opposed it.

42. DiFabio then contacted Mahoning County Commissioner Anthony Traficanti for an explanation. Traficanti confirmed that Morrison was terminated because he was sitting and talking with DiFabio at the public hearing, and emphasized, "You know what you know."

43. DiFabio called Morrison and told him about what Traficanti had said.

44. On Saturday, December 3, 2022, Traficanti called Morrison directly. Morrison's wife, Tara, listened to the 20-minute telephone call:

- a. Traficanti apologized for the firing and said he felt "horrible" because Morrison was such a "good kid."
- b. Traficanti acknowledged speaking to DiFabio the day before and understood that DiFabio had relayed the information to Morrison.
- c. Traficanti stated the commissioners met in what he characterized as an "executive session" on "Thursday," which would have been December 1, 2022. During that meeting, Traficanti said, Rimedio-Righetti and Ditzler voted to terminate Morrison, which Traficanti opposed. Traficanti said they were "screaming back and forth" and "I told them this isn't right."
- d. Traficanti said he "walked out" and "slammed the door."
- e. Morrison asked Traficanti why he was terminated and Traficanti stated "you know that— you know," referring to his attendance at the elections-board meeting, support of DiFabio, and association and speaking with DiFabio at that meeting earlier that week.
- f. Traficanti even offered to help Morrison find another job somewhere and told him that he could come to his office anytime to visit.

45. Traficanti's told at least one third party that present in the secret meeting to discuss Morrison's termination were Defendants Commissioners Rimedio-Righetti, Ditzler, and Traficanti; Defendant Tillis; and two other persons. Neither DeGenova nor any assistant prosecuting attorney was present.

The Board of Commissioners habitually holds secret meetings, violating the most basic tenets of Ohio's Open Meetings Act.

46. The purported "executive session" Traficanti described violated Ohio's Open Meetings Act. During the commissioners' meeting that Thursday, December 1, 2022—contrary to the mandates of that Act (Ohio Rev. Code § 121.22(G) and (H))—no vote was taken to go into executive session and no public vote was taken on Morrison's termination.² The secret meeting wasn't even announced in advance is required by Ohio Rev. Code § 121.22(F). Instead, Defendants Rimedio-Righetti and Ditzler decided to fire Morrison with no public notice and in secret, hidden from any public scrutiny.

47. Ironically, that meeting was not the first one held in secret. It was the Mahoning County Board of Commissioners's custom, policy, pattern, and practice to hold secret meetings to engage in improper and questionable discussions, in violation of Ohio law requiring that meetings be held in public so that the commissioners' conduct can be scrutinized.

48. The local newspaper, *The Vindicator*, reported that another such secret meeting occurred as recently as November 17, 2022 during which the commissioners, then-Prosecuting Attorney Paul Gains, Defendant DeGenova, and others were present.³ Based on information and belief, Gains's retirement and DeGenova's appointment were discussed during that secret meeting.

² Video of Mahoning County Board of Commissioners Meeting (Dec. 1, 2022), <https://youtu.be/h8Oxj9AURCc.com>.

³ Ed Runyan, *Officials' gathering scrutinized*, THE VINDICATOR (Dec. 11, 2022), <https://www.vindy.com/news/local-news/2022/12/officials-gathering-scrutinized/>; see also *Commissioners are forgetting transparency*, THE VINDICATOR (Dec. 18, 2022), <https://www.vindy.com/opinion/editorials/2022/12/commissioners-are-forgetting-transparency/>.

49. Based on information relayed again by Traficanti to others, during the November 17, 2022 secret meeting, Gains threatened to make public damaging information about the commissioners if they did not vote to appoint DeGenova as acting prosecuting attorney and support her permanent appointment at the Mahoning County Democratic Party's January 7, 2023 meeting.

50. Following Gains's threats, which DeGenova witnessed without objection, the commissioners at their November 22, 2022 meeting appointed DeGenova as acting prosecuting attorney.

51. Based on information and belief, the commissioners are not the only people who Gains has influenced to support DeGenova in her bid to obtain the Democratic Party's appointment.

52. As a matter of habit, the Board of Commissioners consistently has the prosecuting attorney or one of the assistant prosecutors attend commissioners' meetings—even the secret ones that every competent prosecutor knows are illegal.

53. At least two meetings in less than one month, held in secret, during which illicit behavior occurred at the hands of multiple Mahoning County public officials, is common practice and routine in Mahoning County government.

Defendants try to cover-up their misconduct by engaging in further illicit (criminal and unethical) acts—and DeGenova helps them *despite* having learned directly from Commissioner Traficanti the truth about the other two commissioners' role in the retaliation.

54. On December 9, 2022, Morrison's counsel emailed a letter to Commissioners Rimedio-Righetti, Ditzler, and Traficanti demanding Morrison's immediate and unconditional reinstatement from his unlawful termination in retaliation for exercising his First Amendment rights.⁴

⁴ Letter from S. Chandra to C. Rimedio-Righetti, *et al.* (Dec. 9, 2022) (attached as Ex. 2).

55. Following the letter's delivery, on December 11, 2022, *The Vindicator* reported the following Rimedio-Righetti's comments:⁵

- a. "Rimedio-Righetti said she wouldn't comment on Morrison, but added: 'Not everything you read in a letter is completely accurate.' Rimedio-Righetti said she hasn't read Chandra's letter."
- b. "He said who he was and I said, 'Oh, wow,' Rimedio-Righetti said." (There was no explanation for what about a county maintenance worker identifying himself as "Ricky Morrison" would cause any commissioner, much less Rimedio-Righetti, to exclaim, "Oh, wow.")
- c. "She said the commissioners didn't fire Morrison and that he was on probation." (An employee's "probationary" status does not legally justify unconstitutional First Amendment retaliation. The First Amendment protects all public employees who are not high-level, fiduciary policymakers.)

56. The same *Vindicator* article reported the following regarding Ditzler's comments:⁶

- a. "Commissioner David Ditzler, who read Chandra's letter, also said the commissioners didn't vote on firing Morrison and that he was on probation." (Again, a public employee's so-called "probationary" status does not green-light First Amendment retaliation.)
- b. "The decision rests with the county administrator and the facilities manager, Ditzler said, adding that those two 'are the most apolitical people in the world.'"

⁵ David Skolnick, *Fired worker: Dismissal politically driven*, THE VINDICATOR (Dec. 11, 2022), <https://www.vindy.com/news/local-news/2022/12/fired-worker-dismissal-politically-driven/>.

⁶ *Id.*

- c. “Ditzler said: ‘It’s an employment issue. I can’t talk about it at all.’” These statements were false.
- d. “When asked if it was in retaliation, Ditzler said, ‘No, it wasn’t retaliation, absolutely not.’” This statement was false.

57. By publishing these statements, combined, Ditzler was falsely and publicly accusing Morrison of having some sort of secret “employment issue” that would justify apolitical people firing him.

58. On December 11, 2022, following Rimedio-Righetti and Ditzler’s comments to the media, Morrison’s counsel emailed a taxpayer-demand⁷ to DeGenova⁸ demanding Morrison’s unconditional reinstatement to his job, to mitigate the irreparable harm he was suffering from being deprived of health insurance while afflicted with cancer. The letter also demanded that county officials preserve evidence.

59. On December 12, 2022, DeGenova acknowledged receiving the email, claiming she was “looking into” the issue with Morrison’s employment that counsel had raised.

60. According to Defendant Traficanti’s statements to third parties, shortly after that, DeGenova spoke with Traficanti. DeGenova demanded of Traficanti, “You need to come up here,” meaning her office, adding, “We need to go over this.”

61. According to Traficanti, “I told [DeGenova] everything. She knew.” That is, Traficanti told DeGenova about the commissioners’ secret meeting at which Rimedio-Righetti and Ditzler—over Traficanti’s opposition—voted to fire Morrison in retaliation for Morrison’s attendance at the Board

⁷ See Ohio Rev. Code § 733.56–733.59 (authority for Ohio taxpayer demands and lawsuits when officials are abusing municipal corporate powers).

⁸ Letter from S. Chandra to G. DeGenova (Dec. 11, 2022) (attached as Ex. 3).

of Elections meeting, his support of and association with DiFabio, and his election-related discussions with DiFabio.

62. Traficanti's statements to DiFabio, Morrison, and DeGenova starkly conflict with Rimedio-Righetti and Ditzler's public statements.

63. On December 13, 2022, DeGenova sent an email to Morrison's counsel finding Morrison's termination "void *ab initio*" and instructing him to return to work the next day.⁹ But DeGenova, who claimed to have performed an "investigation" went well beyond what a normal lawyer would say. Instead of simply saying that Morrison was reinstated and generally demurring on the issue of liability, DeGenova—knowing full well from her discussion with Traficanti and possibly others that what she was saying was *false*—went so far as to excuse the commissioners' unconstitutional, retaliatory termination of Morrison, exonerate their role in his firing, and falsely scapegoat Defendant Tillis for supposedly having acted alone without authority:

Upon receipt of your correspondence, as Prosecutor, I conducted an investigation into the circumstances surrounding the December 2, 2022 "termination" of your client, Ricky Morrison. My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners, and that that [*sic*] the county administrator's action was not politically motivated.

A Board of County Commissioners may only act as a Board and through formal resolution. Because Mr. Morrison's "termination" was initiated by the county administrator and no Board action was taken, Mr. Morrison's "termination" is void *ab initio*. The Commissioners will not ratify the action taken by the county administrator. Accordingly, please notify Mr. Morrison that he should report to work tomorrow, December 13, 2022. He will suffer no loss in pay or interruption of health care benefits.

64. Defendant DeGenova's knowing falsehood was particularly egregious in that, as a lawyer, she violated Ohio Rule of Professional Conduct 4.1 (imposing on lawyers a duty to be truthful to third parties):

In the course of representing a client a lawyer shall not knowingly do either of the following:

⁹ Email from G. DeGenova to S. Chandra (Dec. 13, 2022) (attached as Ex. 4).

- (a) make a false statement of material fact or law to a third person;
- (b) fail to disclose a material fact when disclosure is necessary to avoid assisting an *illegal* or *fraudulent* act by a client.

Ohio Prof. Cond. R. 4.1. (Emphasis in original.)

65. DeGenova, knowingly both (a) made false statements of material fact to Morrison’s counsel, the media, and others and (b) failed to disclose material facts when disclosure was necessary to avoid assisting Defendants Rimedio-Righetti, Ditzler and the County’s illegal and fraudulent acts of retaliation and cover up against Morrison.

66. A normal lawyer, realizing the County’s exposure, would have simply acknowledged Morrison’s reinstatement. The lawyer wouldn’t have claimed to have “investigated” yet promulgate a factually and legally false narrative contradicting the account of one statutory-client officeholder—Commissioner Traficanti, and scapegoating another, County Administrator Tillis.

67. Instead, Defendant DeGenova’s unusual conduct was calculated to corrupt and improperly influence Defendants Rimedio-Righetti and Ditzler by giving them a valuable thing or benefit, namely covering up their personal exposure to public opprobrium, civil liability, and individual punitive damages (for which there is no indemnification from the county or its insurer, and no discharge in bankruptcy) resulting from the retaliatory conduct. DeGenova did so in consideration for their past and expected continued support for her appointment as prosecutor.

68. As part of this gratuity (and inducement), Defendant DeGenova then sent the statement in the email to the media for no legitimate reason.¹⁰ DeGenova’s act of disseminating the self-serving

¹⁰ See, e.g., Robert McFerren, *Mahoning County employee gets job back after being wrongly terminated*, WFMJ Channel 21 (Dec. 13, 2022, 5:31 PM), <https://www.wfmj.com/story/47930061/mahoning-county-employee-gets-job-back-after-being-wrongly-terminated>; David Skolnick, *Fired county worker who backed DiFabio reinstated*, THE VINDICATOR (Dec. 14, 2022), <https://www.vindy.com/news/local-news/2022/12/fired-county-worker-who-backed-DiFabio-reinstated/>.

and falsehood-ridden email was not done as part of this action (which was not filed), but, rather, was an attempt to save face and rehabilitate the public's view of Defendants' illicit behavior.

69. Defendant DeGenova's email, statement, and related acts neither bore any reasonable relationship to any pending judicial proceeding, nor occurred during the pendency of a judicial proceeding. Nor were her email, statement, and related acts part of any prosecutorial function.

70. Defendant DeGenova's email, statement, and related acts failed to facilitate the disclosure of pertinent information and failed to help ascertain the truth. Rather, they had the opposite effect.

DeGenova's email and statement exonerated and excused wrongdoing by public officials.

DeGenova's email and statement, which were published, caused pertinent information to be hidden and covered-up the truth. It also prevented at least one witness (Traficanti) from speaking publicly, because DeGenova had established the (false) party line to which all officials were expected to hew, regardless of its falsity.

71. Defendant DeGenova's actions were done to interfere with the truth-seeking ability of Morrison. Consequently, DeGenova's email hindered the production of the proper result.

72. Defendant DeGenova, who is the acting prosecuting attorney, was voted into the position by the commissioners she now seeks to protect. DeGenova desperately needs and desires the commissioners' continued support and non-opposition in her bid to obtain the appointment from the Mahoning County Democratic Party at their scheduled January 7, 2023 meeting.

73. In her email, DeGenova claimed to have conducted an "investigation," yet failed to provide any details of the purported investigation, such as to whom she spoke and what documents she reviewed. Her entire "investigation" was supposedly completed in just one day. But she did speak with Traficanti who told her the opposite of what she told Morrison's counsel and the world through media.

74. Defendant DeGenova never spoke with Morrison or his counsel as part of her “investigation.” A reasonably competent and qualified attorney would know to interview or seek to interview the victim making allegations before drawing conclusions about an incident.

75. DeGenova spoke with Commissioner Traficanti and knew full well that her statement exonerating the commissioners was false. She authored and disseminated a false narrative to exonerate Rimedio-Righetti and Ditzler.

76. Based on information and belief, DeGenova planned to exonerate Rimedio-Righetti and Ditzler the entire time regardless of the evidence.

77. DeGenova’s email is a materially false and fraudulent writing for the following reasons:

- a. DeGenova claimed “the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners...” This directly conflicts with Traficanti’s statement to her and others that Rimedio-Righetti and Ditzler both voted to terminate Morrison, under Traficanti’s opposition.
- b. DeGenova claimed the termination “was not politically motivated.” This directly conflicts with Traficanti’s statement to her and others that the termination was based on Morrison’s attendance at the Board of Elections meeting, his support of and association with DiFabio, and his election-related discussions with DiFabio—Rimedio-Righetti’s opponent in the 2022 commissioner’s race.
- c. DeGenova claimed “Because Mr. Morrison’s ‘termination’ was initiated by the county administrator and no Board action was taken, Mr. Morrison’s ‘termination’ is void *ab initio*.” DeGenova’s claim that the county administrator initiated the termination directly conflicts with what Traficanti told her and others, and with the Board’s March 26, 2020 Resolution 20-03-029, which granted the county administrator the ability to hire and fire

county employees.¹¹ Her own office, if not she, prepared that resolution.

(Commissioners have not yet complied with a public-records request for any resolution rescinding or modifying the authority they delegated to Tillis. Nor have they yet, as requested, produced the metadata for the termination letter given to Morrison, to show whose hands the letter passed through.)

- d. DeGenova's last claim also conflicts with Ditzler's comments to *The Vindicator* that "the decision rests with the county administrator and the facilities manager..."¹²

78. On Thursday, December 15, 2022, following the commissioners' meeting, Traficanti spoke to an individual, with whom he and Morrison are both friendly. Traficanti instructed this individual to have Morrison contact him.

79. That night, Morrison and Traficanti spoke twice on the phone for over 13 minutes.

80. During the first call, Traficanti made the following admissions:

- a. "I just wanted to come up and shake your hand and welcome you back and let you know that I'm glad you got reinstated."
- b. "And I never wanted you to leave to begin with, as you already know."
- c. "And, you know, there's more that I— I wanted to say and I want to say, but I can't now because of the litigation. But one day I will be able to have my say. But I think you know with your whole heart I was always in your corner."
- d. "I didn't support this, and you know that, Ricky."

¹¹ Resolution 20-03-029 dated Mar. 26, 2020 at 2 (attached as Ex. 5) ("BE IT FURTHER RESOLVED, that the Board of County Commissioners, pursuant to its authority granted by R.C. 305.29, hereby appoints Audrey Tillis to serve as County Administrator during this time of emergency and, pursuant to R.C. 305.30, hereby delegates to her and authorizes her to take any and all action, and to exercise all powers granted under R.C. 305.30, as she determines to be necessary for the continuity of county operations during this time of crisis.").

¹² David Skolnick, *Fired worker: Dismissal politically driven*, THE VINDICATOR (Dec. 11, 2022), <https://www.vindy.com/news/local-news/2022/12/fired-worker-dismissal-politically-driven/>.

- e. “And I think in the end the truth will definitely come out...”
 - f. “And you know your buddy Geno really did a nice job for you today. I just want you to know he's really stuck up pretty hard for you, so...”
 - g. “She— she [Tillis] is the county administrator. She used to be our budget director, and now she's the county administrator. And that is very— very odd about Audrey, okay, but like I said again, I don't know how that all happened. I had said my peace, and it was a big argument, and I had left, so I don't know. I wouldn't take part in that any further, you understand me?”
 - h. “Oh, yeah, absolutely.” (Said in response to Morrison stating, “I know you said that you ran out the door and you slammed the door because you were mad.”)
 - i. “You know, that’s— that's the whole thing that— you know, the truth will come out, but right now because of the litigation, I wish I could say more, but I can't.” (There was no litigation.)
 - j. “You'll hardly ever see her [Tillis]. She's up on our floor and inside her office. She is administrator. She had authority to hire and fire, like, during COVID, and there was a resolution that we gave her to allow her to do that. But honestly, Ricky, the truth is going to come out.”
 - k. “You're a good worker.”
81. During the second call, Traficanti made the following admissions:
- a. “Ricky, I don't want to get into it because of the litigation right now, okay? I can only say what I said to you, okay, at this point.” (Said in response to Morrison asking who was present at the meeting when Rimedio-Righetti and Ditzler voted to terminate him.)
 - b. “I just— I just don't want to because of the liability right now. But— you know, if you ask Allan sometime, say, Allan, what went on in that room? Could you tell me?” (Said in

- response to Morrison asking whether his supervisor Allan Landfried was present at the meeting when Rimedio-Righetti and Ditzler voted to terminate him.)
- c. “Right. Right.” (Said in response to Morrison stating that his supervisor Allan Landfried said “this was the commissioners’ decision, not my decision.”)
 - d. “And listen, I’m trying to be as decent as I can to you and understand all this, because I’m not happy about it either. And I wish I could say more, but because of the litigation, you know, I am not in a position to say anymore about that, okay.” (Said in response to Morrison asking if Audrey Tillis and Gina DeGenova were present at the meeting when Rimedio-Righetti and Ditzler voted to terminate him.)
 - e. “I can tell you he always said— because, you know, I asked him, and he said, oh, he works— is impeccable, does a very good job. He likes you.” (Said in response to Morrison asking whether his supervisor Allan Landfried was involved in the decision to terminate him.)
 - f. “Yeah. You’re a worker. I mean, that’s your reputation. I just want you to know that. I think I told you that a while back— even before all this happened that you’re a great worker.”

82. If Rimedio-Righetti, Ditzler, and DeGenova’s version of events were truthful, then Traficanti would have simply stated that the “truth *came out*.” But he didn’t say that. To the contrary, Traficanti stated “the truth will come out”—meaning Defendant DeGenova’s publicly disseminated statements were fraudulent, as were Rimedio-Righetti and Ditzler’s comments.

83. On Saturday, December 17, 2022, Traficanti spoke to former commissioner-candidate Geno DiFabio, who Morrison had exercised his constitutional right to support. Traficanti told DiFabio that he could not say much because of the pending litigation and he had to protect “the County’s interest,” but that “the truth will come out.” (Again, there was no pending litigation.)

84. Traficanti thanked DiFabio, saying that he was “doing the right thing.” DiFabio had been repeatedly and publicly decrying the retaliation against Morrison, including speaking on various local radio talk shows, posting on social media, and making statements at the Board of Commissioners’s and Board of Elections meetings.

85. As to what DiFabio was “doing,” in the days following Morrison’s termination and reinstatement, DiFabio made multiple public statements condemning the retaliation against Morrison. DiFabio spoke on several local radio talk shows and made statements at the December 13, 2022 Board of Elections meeting and at the December 15, 2022 Board of Commissioners meeting.

86. On December 13, 2022, the Board of Elections officially announced the result of the recount in the commissioners’ race—Rimedio-Righetti won by only 130 votes. Ironically, December 13 was the same date DeGenova announced the results of her purported “investigation.”

87. Morrison did not attend the December 13, 2022 meeting at the Mahoning County Board of Elections because of the chilling effect that Defendants’ unlawful and retaliatory termination had on him. He very much wanted to do so. But, in part because of his desperate need to support his family and for health insurance, he was terrified.

88. In addition to the public attention garnered by DiFabio’s efforts, several news articles appeared in the local newspaper, *The Vindicator*. *The Vindicator* not only ran stories on Morrison, but also on the secret November 17 meeting held by the commissioners and prosecuting attorney’s office.

89. Regional media reporting was highly critical of the commissioners’ firing of Morrison and very skeptical—even doubtful—of DeGenova’s excuses. This coverage provoked even more admissions and questionable statements by Defendants.

90. On a December 20, 2022, *The Vindicator* reported “Commissioner David Ditzler denies that

the Mahoning County commissioners knew that maintenance employee Ricky Morrison was suffering from cancer when they terminated his employment.”¹³

91. Ditzler’s comment conflicts with the position DeGenova advanced: that Mahoning County Administrator Audrey Tillis was responsible for the termination—not the commissioners. Ditzler’s comment not only confirms that the commissioners were aware of the decision to fire Morrison when it was ordered, but they were the ones who engineered the termination.

92. During the week of December 19, 2022 while at a local establishment, Traficanti was asked “who ordered the ‘code red’!?”—referring to a local radio talk-show host who questioned who ordered Morrison’s termination and referred to it as the “code red.” This was a phrase made popular by the Tom Cruise film *A Few Good Men* in which Jack Nicholson is repeatedly questioned about a devastating act that he eventually (spoiler alert) confesses.¹⁴

93. Traficanti responded that he knew what they [Rimedio-Righetti, Ditzler, Tillis, and DeGenova] were doing and what was going to happen, but that he withdrew from the situation because he did not agree with them and what they were doing [the unlawful and retaliatory termination and ensuing cover-up]. When pressed for answers, Traficanti told the patrons that he could not say anything more because of the pending litigation.

After Morrison filed his initial complaint in this case, Traficanti publicly confirmed his accusations against the other Defendants, while other Defendants offered shifting and false denials calculated to harm Morrison and his reputation.

94. In a published report on December 28, 2022, following the initial filing of this lawsuit, Traficanti didn’t dispute to *The Vindicator* newspaper that he had had the above-described conversations regarding the commissioners’ secret meeting, confirmed that it occurred, and added,

¹³ Ed Runyan, *Commissioner denies firing was political*, THE VINDICATOR (Dec. 20, 2022), <https://www.vindy.com/news/local-news/2022/12/commissioner-denies-firing-was-political/> (cleaned up).

¹⁴ Clip from *A Few Good Men*, https://www.youtube.com/watch?v=aa80_sKNgM4 at 5:58.

“I did not support the firing and termination of Ricky Morrison. I opposed it and was not for it whatsoever, and I welcome his reinstatement. I did what I felt was right in my heart that he should not have been let go. It’s a shame that had to happen.”¹⁵

95. In that same newspaper story, Defendant Ditzler falsely and to perpetuate the retaliation and fraud against Morrison claimed, this lawsuit is “more theater than fact. The commissioners had nothing to do with the firing. If we vote, we do it through resolution.”¹⁶

96. Defendant Ditzler refused to comment on Traficanti’s allegation about the secret meeting, but claimed, “By law, the commissioners do their business through resolution.”¹⁷ Except, apparently, when commissioners are retaliating in secret against employees for exercising their First Amendment rights.

97. Again refusing to answer a question about the commissioners meeting in secret to discuss Morrison’s firing, Ditzler said: “I won’t discuss specifics with litigation in this case. I’m reacting to the circus around it. I look forward to speaking openly at some point in time.”¹⁸ Any “circus” was created by ringmaster Defendants’ retaliatory actions and cover-up lies.

98. To perpetuate the retaliation, fraud, and cover up, Defendant Ditzler—in contrast to his claim to *The Vindicator* that he couldn’t comment—falsely told a third party that he didn’t know what Traficanti was talking about and that there was no secret meeting in which Morrison was discussed.

99. But by saying all of these things, Defendant Ditzler was falsely saying that Morrison was lying about what Traficanti and Landfried had told him and claiming there was a justification for his wholly unjustified firing.

¹⁵ David Skolnick, *County employee sues officials, alleging intimidation, fraud, bribery*, THE VINDICATOR (Dec. 28, 2022), <https://www.vindy.com/news/local-news/2022/12/county-employee-sues-officials-alleging-intimidation-fraud-bribery/>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

100. To perpetuate the retaliation, fraud, and cover up, Defendant Rimedio-Righetti told TV-station WFMJ following the filing of this lawsuit, “A lot of what we’re seeing is not the truth; there’s more to this, and it’s not a political thing at all.” By saying this, she was admitting her knowledge of the motive behind Morrison’s sudden firing supposedly by Tillis alone, which would be impossible were she not in a secret meeting to discuss it.¹⁹ But by saying that there was “more to this, and it’s not a political thing at all,” Rimedio-Righetti was also falsely saying that Morrison was lying about what Traficanti and Landfried had told him and claiming there was a justification for his wholly unjustified firing.

101. To perpetuate the retaliation, fraud, and cover up, Defendant DeGenova, to both *The Vindicator* and WFMJ, also falsely “categorically den[ie]d each allegation of wrongdoing” against her—despite knowing that Traficanti had told her the opposite of what she told Morrison’s counsel and the world, through the media, in violation of Ohio Prof. Cond. R. 4.1.²⁰ DeGenova also claimed that the allegations against her showed she was the “target of multiple factions and interest groups,” baselessly, falsely, and maliciously depicting Morrison as some sort of fringe extremist with an agenda.

102. But by saying these false things and by claiming to media that the firing was not retaliatory, Defendant DeGenova was falsely saying that Morrison was lying about what Traficanti and Landfried had told him and claiming there was a justification for his wholly unjustified firing.

¹⁹ Sydney Canty, *Mahoning county employee who was wrongfully terminated sues commissioners, other officials*, WFMJ, <https://www.wfmj.com/clip/15365390/mahoning-county-employee-who-was-wrongfully-terminated-sues-commissioners-other-officials>.

²⁰ David Skolnick, *County employee sues officials, alleging intimidation, fraud, bribery*, THE VINDICATOR (Dec. 28, 2022), <https://www.vindy.com/news/local-news/2022/12/county-employee-sues-officials-alleging-intimidation-fraud-bribery/>; Sydney Canty, *Mahoning county employee who was wrongfully terminated sues commissioners, other officials*, WFMJ (Dec. 26, 2022), <https://www.wfmj.com/clip/15365390/mahoning-county-employee-who-was-wrongfully-terminated-sues-commissioners-other-officials>.

Ricky Morrison is emotionally devastated by being fired and losing his living and health insurance.

103. As a result of this horrific ordeal and the ongoing gaslighting²¹ by public officials, Morrison has suffered devastating harm.

104. After Morrison's firing, Morrison's young daughter asked to go ice skating with her friends. But Morrison did not allow her to go because the family had been deprived of medical benefits and he feared what would happen if she was injured while ice skating. This was humiliating for him as a father. He did not tell his daughter what he was experiencing.

105. Morrison did not inform his teenage daughters of his cancer diagnosis because he did not want them to worry. Unfortunately, his daughters learned of their father's cancer from the inevitable media coverage resulting from Defendants' illegal acts. Defendants are seasoned politicians and know that if they act improperly, especially in a manner as egregious as they have here, news coverage is likely to follow.

106. The lack of medical benefits and uncertainty of his future ability to obtain cancer treatment caused severe and undue stress upon Morrison.

107. Even upon his return to work, Morrison has been faced with fear, increased stress, and uncertainty. He is concerned about who all was involved in his unlawful termination and ensuing cover-up. He constantly reasonably worries that these same authority figures will plot to cause his demise.

108. And upon Morrison's return to work on December 14, 2022 following his retaliatory firing, one co-worker orally castigated and harassed him, and acted in a physically threatening manner. On or about December 20, 2022, other co-workers got up and left a lunchroom as soon as Morrison sat

²¹ *'Gaslighting' is 2022's word of the year*, PBS.ORG (Nov. 28, 2022) ("behavior that's mind manipulating, grossly misleading, downright deceitful"), <https://www.pbs.org/newshour/arts/gaslighting-is-merriam-websters-2022-word-of-the-year>.

down. All of this loss of reputation, stigma, and misery was created by Defendants' actions—including their actions to perpetuate falsehoods about their conduct—and was foreseeable.

109. Morrison was victimized by Defendants' retaliatory conduct. And then Defendants' efforts to cover up their retaliation through falsehoods exacerbated his victimization.

110. Morrison has incurred, and will continue to incur, legal fees and expenses to obtain the justice he deserves.

CLAIMS

CLAIM 1

FIRST AMENDMENT RETALIATION UNDER 42 U.S.C. § 1983 BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS MAHONING COUNTY, CAROL RIMEDIO-RIGHETTI, DAVID DITZLER, AUDREY TILLIS, AND GINA DEGENOVA IN THEIR OFFICIAL AND PERSONAL CAPACITIES

111. Plaintiff incorporates all previous allegations.

112. Political speech lies at “the heart of the First Amendment.” *Lane v. Franks*, 134 S. Ct. 2369, 2377 (2014).

113. Plaintiff Ricky Morrison was a public employee who engaged in First Amendment–protected free speech, free association, free assembly, and the right to petition the government as a private citizen on a matter of public concern. He did so by attending a public meeting at the Mahoning County Board of Elections, sitting, associating with, and discussing the election with candidate Geno DiFabio. His assembly/association/petition with DiFabio, the symbolic speech associated with the same, and their discussion was not part of his ordinary or *ad hoc* job duties as a maintenance worker for Mahoning County.

114. Attendance at a public meeting concerning the counting of absentee and provisional ballots is a matter of public concern, as is associating/supporting a political candidate for office and related discussions.

115. Morrison's attendance at the meeting, association with and support of DiFabio, symbolic speech with his presence, and their election-related discussions were not part of his ordinary or *ad hoc* job duties. Morrison was acting as a private citizen by attending the meeting, associating with DiFabio, and discussing the election with him.

116. By attending the meeting, associating with DiFabio, and discussing the election, Morrison engaged in constitutionally protected conduct or activity under the First and Fourteenth Amendments.

117. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova knew Morrison had engaged in constitutionally protected conduct or activity. Morrison's constitutional rights were clearly established and a reasonable public official would have known about them.

118. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova took adverse actions against Morrison—including all the retaliatory acts described above—that would deter a person of ordinary firmness from continuing to engage in that conduct. These included, but were not limited to:

- a. Terminating Morrison from his maintenance position with Mahoning County;
- b. Terminating Morrison's medical benefits;
- c. Communicating these things to Morrison, stripping him of his County-issue equipment, making him pick up his personal effects, and be publicly escorted from the County building in what Morrison predictably experienced as a humiliating walk of shame;
- d. Gaslighting Morrison by claiming that his termination was not retaliatory or politically motivated;
- e. Gaslighting Morrison by claiming that the commissioners' did not order the termination, leaving him baffled and in anxiety as to why Tillis and his supervisor might do this to him;

- f. Gaslighting Morrison by falsely claiming Tillis acted on her own in an unauthorized fashion, outside of her authority, in terminating Morrison, when Rimedio-Righetti and Ditzler (a majority of commissioners)—and as DeGenova knew through Traficanti—secretly voted to fire Morrison and directed his firing;
- g. Forcing Morrison and his family to hire counsel and incur additional expenses to demand his reinstatement and otherwise seek justice;
- h. Intimidating Morrison from attending the next Board of Elections meeting during which the results of the recount in an election he cared so much about were announced;
- i. Placing Morrison in a position where he faced opprobrium from his co-workers;
- j. Continuing to perpetuate and disseminate false and fraudulent claims about their misconduct to gaslight Morrison and make more difficult his ability to obtain redress for the harms done to him.

119. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova took the above-mentioned adverse actions while acting under color of state law.

120. Morrison's First Amendment-protected assembly, association, petition, and speech were a substantial and motivating factor²² in the adverse actions he suffered at the hands of Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova.

121. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova lack any countervailing interest that outweighs Morrison's interest in attending a public meeting, associating with a political candidate, and election-related speech.

122. The contours of Morrison's rights to assembly, association, speech, expression, and petitioning his government on matters of public concern as a private citizen were sufficiently clearly

²² See, e.g., *Laster v. City of Kalamazoo*, 746 F.3d 714, 733 (6th Cir. 2014).

established when he exercised them to apprise a reasonable public employee that retaliating against him for exercising those rights was unlawful.

123. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova were at all relevant times sufficiently empowered Mahoning County officials that their acts constitute the customs, policies, and practices of Mahoning County. Defendants Rimedio-Righetti, Ditzler, and DeGenova are the highest-ranking officials holding electoral offices in the county, and Tillis is the highest-ranking senior administrator. All are policymakers.

124. As a direct and proximate result of this unlawful campaign of retaliation that Mahoning County endorsed and adopted as its own, Morrison has suffered and will continue to suffer economic and non-economic damages for which Defendants Mahoning County, Rimedio-Righetti, Ditzler, Tillis, and DeGenova are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

125. Defendants Mahoning County, Rimedio-Righetti, Ditzler, Tillis and DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 2

INTIMIDATION USING A FALSE OR FRAUDULENT WRITING UNDER OHIO REV. CODE §§ 2921.03(A) AND (C) AND CIVIL LIABILITY FOR CRIMINAL ACTS UNDER OHIO REV. CODE § 2307.60 (INCORPORATING R.C. 2921.03) BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANT GINA DEGENOVA IN HER PERSONAL CAPACITY

126. Plaintiff incorporates all previous allegations.

127. Under the relevant part of Ohio Rev. Code § 2921.03(A), "No person, knowingly and... by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner, shall attempt to influence, intimidate, or hinder a

public servant, a party official, or an attorney or witness involved in a civil action or proceeding in the discharge of... the duties of the public servant, party official, attorney, or witness.” (Cleaned up.)

128. Under Ohio Rev. Code § 2901.22(B), “A person acts knowingly, regardless of purpose, when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.”

129. Ohio Rev. Code § 2921.03(C) provides for a civil cause of action for damages, including attorney fees and costs, for violations of Ohio Rev. Code § 2921.03(A).

130. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2921.03(A) are criminal acts, indeed felonious, under § 2921.03(B).

131. Defendant DeGenova knew her December 13, 2022 email contained materially false and fraudulent writings. Such statements included, but are not limited to:

- a. “...I conducted an investigation into the circumstances surrounding the December 2, 2022 ‘termination’ of your client, Ricky Morrison.”
- b. “My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners...”
- c. “...the county administrator’s action was not politically motivated.”
- d. “...Mr. Morrison’s ‘termination’ was initiated by the county administrator and no Board action was taken...”

e. “The Commissioners will not ratify the action taken by the county administrator.” (They directed the actions.)

132. Defendant DeGenova also knowingly recorded and used these materially false and fraudulent writings with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder public servants in the discharge of their duties, including but not limited to Defendant Traficanti, by falsely exonerating Rimedio-Righetti, Ditzler, and Tillis’s unlawful and retaliatory termination of Morrison.

133. Defendant DeGenova also knowingly recorded and used these materially false and fraudulent writings with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence and hinder public servants in the discharge of their duties, including but not limited to jurors and judges in potential proceedings, by falsely exonerating Rimedio-Righetti, Ditzler, and Tillis’s unlawful and retaliatory termination of Morrison.

134. Defendant DeGenova knowingly recorded and used these materially false and fraudulent writings with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder Democratic Party officials in the discharge of their duties, namely the decision to appoint a prosecuting attorney on January 7, 2023, by falsely exonerating her endorsers’ Rimedio-Righetti and Ditzler’s unlawful and retaliatory termination of Morrison and avoiding public knowledge of her office’s and her own role in Morrison’s termination.²³

135. Defendant DeGenova knowingly recorded and used these materially false and fraudulent writings with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder Morrison’s attorneys and witnesses involved in a potential civil

²³ See, e.g., *Buddenberg v. Weisdack*, 939 F.3d 732 (6th Cir. 2019) (holding generally that lawyers who participate in First Amendment retaliation can be held liable).

action or proceeding (including Morrison and others with knowledge from coming forward) in the discharge of in the discharge of their duties, by falsely exonerating Rimedio-Righetti, Ditzler, and Tillis's unlawful and retaliatory termination of Morrison.

136. Defendant DeGenova did all of this despite knowing from Traficanti that what she had written in the writings was false and fraudulent.

137. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which DeGenova is liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

138. Defendants DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter her and others from engaging in this type of unlawful conduct.

**CLAIM 3
CIVIL LIABILITY FOR CRIMINAL ACTS (TAMPERING WITH RECORDS) UNDER OHIO
REV. CODE §§ 2307.60 AND 2913.42(A)(1) AND (2) BY PLAINTIFF RICKY MORRISON
AGAINST DEFENDANT GINA DEGENOVA IN HER PERSONAL CAPACITY**

139. Plaintiff incorporates all previous allegations.

140. Under Ohio Rev. Code § 2913.42(A)(1) "No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall... [f]alsify... any writing, computer software, data, or record" or, under § 2913.42(A)(2) "[u]tter any writing or record, knowing it to have been tampered with as provided in division (A)(1) of this section."

141. Under Ohio Rev. Code § 2901.22(B), "A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of

an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.”

142. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2913.42(A)(1) and (2) are criminal acts, indeed felonious under § 2913.42(B)(4), especially where the writing, data, computer software, or record is kept by or belongs to a local or state governmental entity like Mahoning County.

143. Defendant DeGenova, knowing that she had no privilege to do so and with purpose to defraud and knowing she was facilitating a fraud, falsified, with her December 13, 2022 email, a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. “...I conducted an investigation into the circumstances surrounding the December 2, 2022 ‘termination’ of your client, Ricky Morrison.”
- b. “My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners...”
- c. “...the county administrator’s action was not politically motivated.”
- d. “...Mr. Morrison’s ‘termination’ was initiated by the county administrator and no Board action was taken...”
- e. “The Commissioners will not ratify the action taken by the county administrator.” (They directed the actions.)

144. Defendant DeGenova, knowing she had no privilege to do so, with purpose to defraud and knowing she was facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to Morrison’s counsel and to the media, to affect Morrison.

145. The writing, data, computer software, or record by DeGenova is kept by or belongs to a local or state governmental entity, namely, Mahoning County.

146. Defendant DeGenova did all of this despite knowing from Traficanti that the writing, computer software, data, or record was false and that the writing and record she was uttering was tampered with.

147. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which DeGenova is liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

148. Defendants DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter her and others from engaging in this type of unlawful conduct.

CLAIM 4
CIVIL LIABILITY FOR CRIMINAL ACTS (TAMPERING WITH EVIDENCE) UNDER OHIO
REV. CODE §§ 2307.60 AND 2921.12(A)(2) BY PLAINTIFF RICKY MORRISON AGAINST
DEFENDANT GINA DEGENOVA IN HER PERSONAL CAPACITY

149. Plaintiff incorporates all previous allegations.

150. Under Ohio Rev. Code § 2921.12(A)(2), no person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall make, present, or use any record, document, or thing, knowing it to be false and with purpose to corrupt the outcome of any such proceeding or investigation.

151. Under Ohio Rev. Code § 2901.22(B), "A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high

probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.”

152. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2921.12(A) are criminal acts, indeed felonious under § 2921.12(B).

153. Defendant DeGenova knew her statements in her December 13, 2022 email were materially false and fraudulent writings. Such statements included, but are not limited to:

- a. “...I conducted an investigation into the circumstances surrounding the December 2, 2022 ‘termination’ of your client, Ricky Morrison.”
- b. “My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners...”
- c. “...the county administrator’s action was not politically motivated.”
- d. “...Mr. Morrison’s ‘termination’ was initiated by the county administrator and no Board action was taken...”
- e. “The Commissioners will not ratify the action taken by the county administrator.” (They directed the actions.)

154. Defendant DeGenova knew that an investigation was in progress and that an official proceeding was about to be or likely to be instituted, given the content of the demand letter she received from Morrison’s counsel demanding preservation of evidence and threatening such action.

155. Defendant DeGenova made, presented, or used this email, knowing it to be false and with purpose to corrupt the outcome of any such proceeding or investigation.

156. Defendant DeGenova even took the additional actions of providing the email to Morrison’s counsel and to the media for publication.

157. Defendant DeGenova did all of this despite knowing from Traficanti that the record, document, or thing was false.

158. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which DeGenova is liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

159. Defendants DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter her and others from engaging in this type of unlawful conduct.

CLAIM 5
CIVIL LIABILITY FOR CRIMINAL ACTS (TELECOMMUNICATIONS FRAUD) UNDER OHIO
REV. CODE §§ 2307.60 AND 2913.05(A) BY PLAINTIFF RICKY MORRISON AGAINST
DEFENDANT GINA DEGENOVA IN HER PERSONAL CAPACITY

160. Plaintiff incorporates all previous allegations.

161. Under Ohio Rev. Code § 2913.05(A), no person, having devised a scheme to defraud, shall knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, telecommunications service, or voice over internet protocol service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud.

162. Under Ohio Rev. Code § 2901.22(B), "A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact."

163. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2913.05(A) are criminal acts, indeed felonious under § 2913.05(E).

164. Defendant DeGenova knew her December 13, 2022 email contained materially false and fraudulent writings. Such statements included, but are not limited to:

- a. "...I conducted an investigation into the circumstances surrounding the December 2, 2022 'termination' of your client, Ricky Morrison."
- b. "My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners..."
- c. "...the county administrator's action was not politically motivated."
- d. "...Mr. Morrison's 'termination' was initiated by the county administrator and no Board action was taken..."
- e. "The Commissioners will not ratify the action taken by the county administrator." (They directed the actions.)

165. Defendant DeGenova, having devised this scheme to defraud, knowingly disseminated, transmitted, or caused to be transmitted or disseminated by means of a wire, radio, satellite, telecommunication, telecommunications device, telecommunications service, and voice over internet protocol service writings, data, signals, pictures, sounds, and images with purpose to execute and otherwise further her scheme to defraud.

166. Defendant DeGenova knowingly disseminated or transmitted her December 13, 2022 email, or caused it to be disseminated or transmitted, to Morrison's counsel and the news media by means of a wire, telecommunication, telecommunications device, or telecommunications service.

167. Defendant DeGenova did so with purpose to execute and further the scheme to defraud, specifically, to defraud Morrison by falsely publicly exonerating Rimedio-Righetti and Ditzler's

unlawful and retaliatory termination of Morrison, to defraud party officials of her own culpability in covering the retaliatory firing for her political benefit from the commissioners, and to deprive the public of honest services.

168. Defendant DeGenova did all of this despite knowing from Traficanti that the writing, data, sign, signal, picture, sound, or image was fraudulent.

169. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which DeGenova is liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

170. Defendants DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter her and others from engaging in this type of unlawful conduct.

CLAIM 6
CIVIL LIABILITY FOR CRIMINAL ACTS (BRIBERY) UNDER OHIO REV. CODE § 2307.60
(INCORPORATING R.C. 2921.02(A) AND (B)) BY PLAINTIFF RICKY MORRISON AGAINST
DEFENDANTS GINA DEGENOVA, CAROL RIMEDIO-RIGHETTI, AND DAVID DITZLER IN
THEIR PERSONAL CAPACITIES

171. Plaintiff incorporates all previous allegations.

172. Under Ohio Rev. Code § 2921.02(A), “No person, with purpose to corrupt a public servant or party official, or improperly to influence a public servant or party official with respect to the discharge of the public servant’s or party official’s duty, whether before or after the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit.”

173. Under Ohio Rev. Code § 2921.02(B), “No person, either before or after the person is elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to

corrupt or improperly influence the person or another public servant or party official with respect to the discharge of the person's or the other public servant's or party official's duty.”

174. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2921.02(A) and (B) are criminal acts, indeed felonies, under § 2921.03(H).

175. Defendant DeGenova's false and fraudulent statements contained in her December 13, 2022, email were disseminated with purpose to corrupt and improperly influence Defendants Rimedio-Righetti and Ditzler by promising, offering, and giving them a valuable thing or benefit, namely covering up their personal exposure to public opprobrium, civil liability, and punitive damages resulting from their retaliation against Morrison, in consideration for their past and expected continued support for her appointment as prosecutor. These acts were also intended to influence party officials beyond those two commissioners, who would vote on her permanent appointment as prosecuting attorney on January 7, 2023.

176. Such false and fraudulent statements included, but are not limited to:

- a. "...I conducted an investigation into the circumstances surrounding the December 2, 2022 'termination' of your client, Ricky Morrison.”
- b. “My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners...”
- c. "...the county administrator's action was not politically motivated.”
- d. "...Mr. Morrison's 'termination' was initiated by the county administrator and no Board action was taken...”
- e. “The Commissioners will not ratify the action taken by the county administrator.” (They directed the actions.)

177. Likewise, Defendants Rimedio-Righetti and Ditzler with purpose to corrupt and improperly to influence Defendant DeGenova regarding her duties to be truthful in service to the County and public (*see, e.g.*, statutes implicated in this Complaint and Ohio Prof. Cond. R. 4.1 (lawyer's, including public lawyer's, duty to be truthful to third parties²⁴)) and party officials voting on January 7, 2023, promised, offered, and gave DeGenova a valuable thing or benefit, namely their continued political support as the highest-ranking elected officials in Mahoning County, and solicited and accepted for themselves the valuable thing and benefit of DeGenova's false exoneration to corrupt or improperly influence DeGenova's discharge of her duty.

178. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

179. Defendants DeGenova, Rimedio-Righetti, and Ditzler's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 7
CIVIL LIABILITY FOR CRIMINAL ACTS (INTERFERING WITH CIVIL AND STATUTORY RIGHTS) UNDER OHIO REV. CODE §§ 2307.60 AND 2921.45 BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS CAROL RIMEDIO-RIGHETTI, DAVID DITZLER, AUDREY TILLIS, AND GINA DEGENOVA IN THEIR PERSONAL CAPACITIES

180. Plaintiff incorporates all previous allegations.

²⁴ Prof. Cond. R. 4.1 provides:

In the course of representing a client a lawyer shall not knowingly do either of the following:

- (a) make a false statement of material fact or law to a third person;
- (b) fail to disclose a material fact when disclosure is necessary to avoid assisting an *illegal* or *fraudulent* act by a client.

(Emphasis in original.)

181. Under Ohio Rev. Code § 2921.45, no public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right. This provision carries a criminal penalty.

182. Under Ohio Rev. Code § 2901.22(B), "A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact."

183. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action.

184. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova are public servants. Under color of their office, employment, or authority, each knowingly deprived, conspired to deprive, or attempted to deprive Morrison of his constitutional and statutory rights as detailed above, including his right to exercise his constitutional right to freedom of assembly, freedom of association, freedom to petition his government, and freedom of speech.

185. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

186. Defendants Rimedio-Righetti, Ditzler, Tillis, and DeGenova's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 8

CIVIL LIABILITY FOR CRIMINAL ACTS (FAILURE TO REPORT A CRIME) UNDER OHIO REV. CODE §§ 2307.60 AND 2921.22(A) BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS CAROL RIMEDIO-RIGHETTI, DAVID DITZLER, AND ANTHONY TRAFICANTI IN THEIR PERSONAL CAPACITIES

187. Plaintiff incorporates all previous allegations.

188. Under Ohio Rev. Code § 2921.22(A)(1), no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement. This provision carries a criminal penalty.

189. Under Ohio Rev. Code § 2901.22(B), “A person acts knowingly, regardless of purpose, when the person is aware that the person’s conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.”

190. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action.

191. Defendant Gina DeGenova’s above-mentioned activities constitute Intimidation (False and Fraudulent Writing) in violation of Ohio Rev. Code § 2921.03(A), Tampering with Records in violation of Ohio Rev. Code § 2913.42(A)(1) and (2), Tampering with Evidence in violation of Ohio Rev. Code § 2921.12(A)(2), Telecommunications Fraud in violation of Ohio Rev. Code § 2913.05(A), and Bribery in violation of Ohio Rev. Code § 2921.02(A) and (B). Each of these violations constitute felonies.

192. Defendants Carol Rimedio-Righetti, David Ditzler and Anthony Traficanti knew DeGenova engaged in this activity and knowingly failed to report the information to law enforcement.

193. Not only did Defendants Rimedio-Righetti, Ditzler, and Traficanti fail to report these felonious crimes in violations Ohio Rev. Code § 2921.22(A)(1), but they violated their duty to this community and the people they are supposed to be serving. Their actions and failures further highlight the on-going cover-up of their earlier violations.

194. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

195. Defendants Rimedio-Righetti, Ditzler, and Traficanti's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 9
VIOLATION OF OHIO'S OPEN MEETINGS ACT (OHIO REV. CODE § 121.22(G) AND (H),
ET SEQ. BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANT MAHONING COUNTY
THROUGH ITS BOARD OF COMMISSIONERS

196. Plaintiff incorporates all previous allegations.

197. The Mahoning County Board of Commissioners is a "public body" subject to Ohio's Open Meetings Act, Ohio Rev. Code § 121.22(B)(1)(a).

198. The Open Meeting Act requires public bodies in Ohio to take official action, deliberate on official business, and otherwise conduct the public's business only in open meetings where the public may attend and observe unless specifically authorized by law.

199. The Open Meetings Act is designed to prevent public officials from meeting secretly to deliberate on public issues without accountability to the public.

200. The Open Meetings Act is to be read broadly in favor of openness.

201. Public bodies must provide advance notice to the public indicating when and where each meeting will take place.

202. The public body must take full and accurate minutes of all meetings and make these minutes available to the public, except in the case of permissible executive sessions.

203. No vote or other decision-making on a matter discussed may take place during an executive session.

204. A “meeting” is any prearranged gathering of a public body by a majority of its members to discuss public business. Ohio Rev. Code § 121.22(B)(2).

205. A public body may go into executive session only on bases enumerated in Ohio Rev. Code § 121.22(G). Failure to comply with the notice and executive-session mandates of the Open Meetings Act and to take actions only by formal resolution in a public meeting violates the Open Meetings Act. Ohio Rev. Code § 121.22(H).

206. On November 17, 2022, Defendants Carol Rimedio-Righetti, David Ditzler, and Anthony Traficanti met in secret with then-Prosecuting Attorney Paul Gains and Gina DeGenova, without public notice. There, according to Traficanti, Gains threatened the commissioners who thereafter decided to back DeGenova’s appointment as acting prosecutor. None of the requirements for a public meeting or executive session were met.

207. On December 1, 2022, Defendants Carol Rimedio-Righetti, David Ditzler, and Anthony Traficanti met in secret to discuss the termination of Ricky Morrison. Defendants Rimedio-Righetti and Ditzler voted to terminate Morrison, while Traficanti voted against it.

208. Although Defendant Traficanti described this December 1 meeting to Morrison as an “executive session,” none of the requirements for an executive session were met. There was no notice and no proper purpose.

209. Defendants had training on these issues and knew that (although their ignorance would be no excuse).

210. During the December 1, 2022 Board of Commissioners meeting, none of the commissioners voted to go into executive session. Additionally, following the secret meeting, the commissioners did not return to the public meeting and did not vote publicly on Morrison’s termination.

211. Instead, Defendants Rimedio-Righetti, Ditzler, and Traficanti operated in secret—out of the watchful eye of the public and media.

212. Defendants Rimedio-Righetti and Ditzler operated covertly to maximize the intimidation and retaliatory messages they wanted to send: “If you support our opponents and don’t support us, we will ruin you.” Defendants Rimedio-Righetti and Ditzler also operated covertly to preserve their plausibly deniability.

213. Defendants Rimedio-Righetti and Ditzler’s punished Morrison for crossing the powers-that-be.

214. Ohio Rev. Code § 121.22(T)(1) allows any individual to file suit in common pleas court to enforce the Open Meetings Act. Here, this federal Court has supplemental jurisdiction over this claim because it is “so related to claims in the action within” this Court’s “original jurisdiction that [it] form[s] part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367.

215. Plaintiff Morrison is entitled to injunctive relief and statutory civil-forfeiture damages for the Board of Commissioners’s multiple Open Meetings Act violations.

CLAIM 10
CIVIL LIABILITY FOR CRIMINAL ACTS (DERELICTION OF DUTY) UNDER OHIO REV. CODE § 2307.60 (INCORPORATING R.C. 2921.44(E) BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS GINA DEGENOVA, CAROL RIMEDIO-RIGHETTI, AND DAVID DITZLER IN THEIR PERSONAL CAPACITIES

216. Plaintiff incorporates all previous allegations.

217. Under Ohio Rev. Code § 2921.44(E), “No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant’s office, or recklessly do any act expressly forbidden by law with respect to the public servant’s office.”

218. Under Ohio Rev. Code § 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of Ohio Rev. Code § 2921.44(E) are criminal acts under § 2921.44(F).

219. Defendants DeGenovo, Rimedio-Righetti, and Dizler’s conduct, as detailed above throughout this Complaint and in the claims above, violated § 2921.44(E). They recklessly failed to perform duties expressly imposed by law with respect to their office, and recklessly did acts expressly forbidden by law with respect to their office. These included, but were not limited to intimidation, tampering with records, tampering with evidence, telecommunications fraud, bribery, interference with civil and statutory rights, the failure to report crimes by others, failure to report crimes, and, the case of the commissioners, violations of the Open Meetings Act, and engaging in unconstitutional retaliatory acts.

220. As a direct and proximate result of Defendants’ conduct, Morrison has suffered and will continue to suffer damages for which the named Defendants are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

221. Defendants DeGenova, Rimedio-Righetti, and Dizler’s acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 11

DEFAMATION UNDER OHIO LAW BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS CAROL RIMEDIO-RIGHETTI, DAVID DITZLER, GINA DEGENOVA IN THEIR PERSONAL AND OFFICIAL CAPACITIES, AND MAHONING COUNTY

222. Plaintiff incorporates all previous allegations.

223. Defendants Rimedio-Righetti, Ditzler, and DeGenova published and caused to be further published statements about Morrison knowing that they were false, with reckless disregard for the truth, and negligently. These actions were calculated to make others disbelieve Morrison and to harm his reputation.

224. For example, Defendant Rimedio-Righetti told TV-station WFMJ following the original filing of this lawsuit, “A lot of what we’re seeing is not the truth; there’s more to this, and it’s not a political thing at all.”²⁵ Beyond admitting her knowledge of the motive behind Morrison’s sudden firing—and thus her having participated in a secret meeting to discuss it, by saying that there was “more to this, and it’s not a political thing at all,” she was also falsely accusing Morrison of lying about what Traficanti and Landfried had disclosed to him and claiming that Morrison’s wholly unjustified firing was justified.

225. Defendant Ditzler falsely told *The Vindicator* that Morrison’s allegations were ““more theater than fact. The commissioners had nothing to do with the firing. If we vote, we do it through resolution.”²⁶ Ditzler’s comments were falsely accusing Morrison of lying about what Traficanti and Landfried had disclosed to him and claiming that Morrison’s wholly unjustified firing was justified.

226. Defendant Ditzler also falsely told at least one third party, and on information and belief others, that he didn’t know what Traficanti was talking about and that there was no secret meeting in

²⁵ Sydney Canty, *Mahoning county employee who was wrongfully terminated sues commissioners, other officials*, WFMJ, <https://www.wfmj.com/clip/15365390/mahoning-county-employee-who-was-wrongfully-terminated-sues-commissioners-other-officials>.

²⁶ David Skolnick, *County employee sues officials, alleging intimidation, fraud, bribery*, THE VINDICATOR (Dec. 28, 2022), <https://www.vindy.com/news/local-news/2022/12/county-employee-sues-officials-alleging-intimidation-fraud-bribery/>.

which firing Morrison was discussed, again, falsely accusing Morrison of lying about what Traficanti and Landfried had disclosed to him and claiming that Morrison's wholly unjustified firing was justified.

227. And by earlier telling the *Vindicator* that the commissioners didn't vote on firing Morrison, that Morrison was on probation, that the decision rests with the county administrator and the facilities manager, that those two "are the most apolitical people in the world," and that "[i]t's an employment issue. I can't talk about it at all,"²⁷ Defendant Ditzler had already insinuated that Morrison's wholly unjustified firing was somehow justified as an apolitical "employment issue" with Morrison.

228. Defendant DeGenova published and caused to be further published false statements that Morrison's firing was not politically retaliatory and that "categorically den[ie]d each allegation of wrongdoing" against her.²⁸ DeGenova also claimed that the allegations against her showed she was the "target of multiple factions and interest groups,"²⁹ baselessly, falsely, and maliciously depicting Morrison as some sort of fringe extremist with an agenda. These statements, too, falsely accused Morrison of lying about what Traficanti and Landfried had disclosed to him and claimed that Morrison's wholly unjustified firing was justified.

229. As a direct and proximate result of their defamatory statements, which Mahoning County endorsed and adopted as its own official statement, Plaintiff Morrison has suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to, harm to his reputation, emotional distress, humiliation, embarrassment, and economic opportunities.

²⁷ David Skolnick, *Fired worker: Dismissal politically driven*, THE VINDICATOR (Dec. 11, 2022), <https://www.vindy.com/news/local-news/2022/12/fired-worker-dismissal-politically-driven/>.

²⁸ David Skolnick, *County employee sues officials, alleging intimidation, fraud, bribery*, THE VINDICATOR (Dec. 28, 2022), <https://www.vindy.com/news/local-news/2022/12/county-employee-sues-officials-alleging-intimidation-fraud-bribery/>.

²⁹ *Id.*

230. Defendants DeGenova, Rimedio-Righetti, and Ditzler's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

**CLAIM 12
(ALTERNATIVE CLAIM)**

FOURTEENTH AMENDMENT VIOLATION UNDER 42 U.S.C. § 1983 FOR FAILURE TO TRAIN AND SUPERVISE EMPLOYEES RESULTING IN A WRONGFUL DISCHARGE BY PLAINTIFF RICKY MORRISON AGAINST DEFENDANTS MAHONING COUNTY, CAROL RIMEDIO-RIGHETTI, DAVID DITZLER, ANTHONY TRAFICANTI, AND AUDREY TILLIS IN THEIR OFFICIAL AND PERSONAL CAPACITIES

231. Plaintiff incorporates all previous allegations.

232. Defendant Anthony Traficanti previously stated that Defendants Carol Rimedio-Righetti and David Ditzler voted against him in deciding to terminate Morrison. Traficanti also previously stated that Morrison's termination was in retaliation for Morrison's attendance at the Board of Elections meeting, association/support of DiFabio, and their election-related discussions.

233. In direct conflict with Defendant Traficanti, Defendants Rimedio-Righetti and Ditzler shifted the blame for Morrison's termination to the county administrator, Defendant Audrey Tillis. And, in further conflict with Traficanti, Rimedio-Righetti and Ditzler claimed the termination was not retaliatory or politically motivated.

234. Defendants Rimedio-Righetti and Ditzler's claims against Defendant Tillis were further advanced by Defendant Gina DeGenova's purported "investigation," in which DeGenova insinuates that Tillis lacked the authority to terminate Morrison and that the Board did not authorize it.

235. Defendants Rimedio-Righetti, Ditzler, and DeGenova's position does not comport with the commissioners' own Resolution No. 20-03-029, from March 26, 2020, which grants the county administrator (Tillis) the ability and authority to hire and fire county employees. This Resolution has never been rescinded.

236. Despite Defendants Rimedio-Righetti, Ditzler, and DeGenova's flawed and faulty excuses, they continue to shift the blame to Defendant Tillis.

237. If the factfinder were to believe Defendants Rimedio-Righetti, Ditzler, and DeGenova's claims, then Rimedio-Righetti, Ditzler, and Traficanti would still be liable for failure to train and supervise Defendant Tillis.

238. As a result, Defendants Rimedio-Righetti, Ditzler, and DeGenova have dragged Traficanti into the fray and opened him up to liability as well.

239. By Defendant Ditzler's own admission to *The Vindicator*, he claimed to have known Defendant Tillis terminated Morrison when it occurred. Yet, neither Defendant Rimedio-Righetti, Ditzler, nor Traficanti took any action to correct Tillis's purported wrongful discharge.

240. Defendants Rimedio-Righetti, Ditzler, Traficanti, and Tillis displayed a deliberate indifference to the actions leading up and causing Morrison's termination, failed to exercise due care, and acted in a reckless manner by failing to take any actions after the termination.

241. If Defendant Tillis did not have the authority to terminate Morrison, then Defendants Rimedio-Righetti, Ditzler, and Traficanti failed to properly train and supervise her to prevent her from engaging in such unlawful, retaliatory, and prohibited acts. And Defendants Rimedio-Righetti, Ditzler, and Traficanti should have taken additional actions to prevent such behavior from occurring in the future. Instead, they did nothing.

242. Similarly, if Defendant Tillis instructed/ordered another Mahoning County employee to carry out Morrison's termination, Tillis would be liable for her failure to properly train and supervise that employee.

243. Defendants Rimedio-Righetti, Ditzler, Traficanti and Tillis engaging in the above-mentioned adverse actions while acting under color of state law.

244. Defendants Rimedio-Righetti, Ditzler, Traficanti, and Tillis were at all relevant times sufficiently empowered Mahoning County officials that their acts constitute the customs, policies, and practices of Mahoning County.

245. As a direct and proximate result of these actions, Morrison has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, the loss of salary, wages, and benefits, and other terms, privileges, and conditions of employment.

246. Defendants Mahoning County, Rimedio-Righetti, Ditzler, Traficanti, and Tillis's acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

PRAYER FOR RELIEF

For the reasons stated above, Plaintiff respectfully requests the following relief from the Court:

- A. Declare that Defendants' acts and conduct constitute violations of federal and state law and the United States Constitution;
- B. Enjoin Defendants from further retaliating against Morrison and from further implementing any previous acts of retaliation;
- C. Enter judgment in Morrison's favor on all claims for relief;
- D. Award Morrison full compensatory damages, economic and non-economic, including, but not limited to, damages for back pay, front pay, pain and suffering, mental anguish, emotional distress, humiliation, and inconvenience that he has suffered and is reasonably certain to suffer in the future;
- E. Declare that Defendant's acts taken while it was in violation of the Open Meetings Act are invalid;
- F. Enjoin Defendant from further violations of the Open Meetings Act;
- G. Award Morrison a \$500 civil-forfeiture penalty for each violation of the Open Meetings Act;

- H. Award Morrison punitive damages as appropriate for all intentional and malicious violations of federal and state law and constitutional rights;
- I. Award pre-judgment and post-judgment interest at the highest lawful rate;
- J. Award Morrison his reasonable attorney fees, expert fees, and all other costs and expenses of this suit;
- K. Award all other relief in law or equity to which Morrison is entitled and that the Court deems equitable just, or proper.

JURY DEMAND

Plaintiff Ricky Morrison demands a trial by jury on all issues within this complaint.

Dated: December 30, 2022

Respectfully submitted,

/s/ Subodh Chandra
Subodh Chandra (0069233)
Donald P. Screen (0044070)
Melissa S. Obodzinski (0102556)
THE CHANDRA LAW FIRM LLC
The Chandra Law Building
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Per consent
Martin P. Desmond (0077377)
Attorney at law
P.O. Box 14052
Youngstown, OH 44514
330.559.4505 (p)
Mpm4@hotmail.com

Attorneys for Plaintiff Ricky Morrison

CERTIFICATE OF SERVICE

Plaintiff Morrison, through counsel, will serve by email today a courtesy copy of the above-filed First Amended Complaint upon the announced, designated insurance-defense counsel for Defendant Mahoning County Board of Commissioners, to whom waivers of service for all Defendants have already been delivered and who was advised on December 19, 2022, by the undersigned, of the inherent conflict-of-interest issues regarding any planned joint representation of Defendants in this case:

John McLandrich
Mazenec, Raskin & Ryder Co., L.P.A.
100 Franklin's Row
34305 Solon Road
Cleveland, OH 44139

Plaintiff Morrison will also send a courtesy copy by email to:

Gina DeGenova
Acting Prosecuting Attorney
Mahoning County Prosecuting Attorney's Office
21 W. Boardman St., 6th Floor
Youngstown, OH 44503

/s/ Subodh Chandra
One of the attorneys for Plaintiff Ricky Morrison

Board of Mahoning County Commissioners

21 West Boardman Street, Suite 200 Youngstown, OH 44503 ~ Phone: (330) 740-2130/Fax: (330) 740-2006



County Commissioners

David C. Ditzler • Carol Rimedio-Righetti • Anthony T. Traficanti

Clerk of the Board

Nancy M. Laboy

December 2, 2022

Ricky L. Morrison
2294 Hamilton Avenue
Youngstown, OH 44514

Hand-Delivered

RE: Probationary Termination

Dear Ricky:

This letter is to inform you that your employment as a Custodian with the Mahoning County Facilities Department is being terminated at the end of business, Friday, December 2, 2022.

You are required to return all County property, including but not limited to keys, fobs, I.D. badge, etc.

Sincerely,

Allan L. Landfried
Director of Facilities

Cc: Karen D. U'Halie, Director of Human Resources
Jacquelyn Montgomery, Sr. OMB Analyst
Ryan Stanko, OMB Budget Analyst
Mark Bartol, President – AFSCME Local 1156
Phil Naples, Vice President – AFSCME Local 1156
Personnel File

I acknowledge receipt of the "Notice of Termination" letter dated December 2, 2022.

Ricky Morrison
Employee Signature

12-02-2022
Date

Employee Printed Name

Employee received the "Notice of Termination" letter dated December 2, 2022 on the date signed below but declined to sign for receipt of the letter.

Witness Signature

Date

Witness Printed Name





THE CHANDRA LAW BUILDING
1265 W. 6TH STREET, SUITE 400
CLEVELAND, OHIO 44113-1326
OFFICE 216.578.1700
FAX 216.578.1800

December 9, 2022

Via email to crighetti@mahoningcountyoh.gov,
dditzler@mahoningcountyoh.gov, and atraficanti@mahoningcountyoh.gov

Mahoning County Commissioner Carol Rimedio-Righetti
Mahoning County Commissioner Anthony Traficanti
Mahoning County Commissioner David Ditzler
21 West Boardman Street, 3rd Floor
Youngstown, OH 44503

Re: Unconstitutional termination of Ricky Morrison in violation of the First and Fourteenth Amendments to the U.S. Constitution and Ohio law

Dear Commissioners:

Our firm represents Mr. Ricky Morrison, a former county employee whom you unlawfully terminated in violation of the First and Fourteenth Amendments to the United States Constitution.

We demand that—to mitigate the harm you have inflicted—you immediately and unconditionally reinstate Mr. Morrison to his original position and salary/benefits. He is a **cancer patient** and you have inflicted irreparable harm on him by stripping him of the healthcare he needs **now**.

We explain below the constitutional principles we believe are at stake, what Mr. Morrison experienced, how you individually and the County are liable, and what we expect and why. We also explain specifically our demand for evidence and data preservation. We expect a response by **Friday, December 16, 2022**.

1. The First Amendment guarantees public employees free-speech and free-association rights, as well as the right to petition the government for redress.

The First Amendment, applied to state political subdivisions through the Fourteenth Amendment, guarantees public employees the right to freedom of speech and association in their capacity as private citizens. It also guarantees us all the right to petition our government for redress.

To establish a First Amendment-retaliation claim, a public employee must demonstrate that

- (1) the employee engaged in constitutionally protected speech or conduct;



- (2) an adverse action was taken against the employee that would deter a person of ordinary firmness from continuing to engage in that conduct; and
- (3) there is a causal connection between elements one and two—that is, the adverse action was motivated at least in part by his protected conduct.

See, e.g., *Benison v. Ross*, 765 F.3d 649, 658 (6th Cir. 2014); *DeCrane v. Eckart*, 12 F.4th 586, 594 (6th Cir. 2021) (our firm’s case—the leading First Amendment–retaliation case in the Sixth Circuit).

A public employee must show that his speech was made as a private citizen and on a matter of public concern. *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006). Courts engage in a three-step inquiry to determine whether public employees’ speech is protected. *Buddenberg v. Weisdack*, 939 F.3d 732, 739 (6th Cir. 2019) (our firm’s case):

- *First*, the court must determine whether the speech addressed a matter of public concern. *Connick v. Myers*, 461 U.S. 138, 143 (1983). Speech involves a matter of concern when it relates to “any matter of political, social, or other concern to the community” or is the “subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public.” *Lane v. Franks*, 573 U.S. 228, 240 (2014) (citations omitted).
- *Second*, the court must determine whether the employee spoke as a private citizen or as an employee pursuant to his official duties. *Garcetti*, 547 U.S. at 421. The First Amendment does not protect speech made by a public employee pursuant to her official duties. *Garcetti*, 547 U.S. 421. The critical question is whether the speech at issue is *ordinarily* within the scope of the employee’s professional duties. *Lane*, 573 U.S. at 240.
- *Third*, the court must balance the interests of the parties and determine whether the employee’s speech interest outweighs “the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.” *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968).

2. How you violated Ricky Morrison’s rights.

Before he worked for Mahoning County, Mr. Morrison ran a successful landscaping business in the area. Unfortunately, during the summer of 2022, Mr. Morrison was diagnosed with cancer and desperately needed better medical and retirement benefits. He was forced to close his business and seek other employment—preferably a job that carried medical benefits.

As luck would have it, Mahoning County was hiring for a position in its maintenance department. Mr. Morrison, we understand, was one of only two applicants and was ultimately hired for the position. He began work on September 12, 2022. During this time, Mr. Morrison performed exceptionally well, was on-time every day, was never written up or disciplined in any way, and even worked extra hours when the County needed additional assistance.

Conversely, another co-worker hired around the same time as Mr. Morrison did not perform to such a level. This other co-worker was repeatedly late for work and received several reprimands for his poor performance.

On Monday, November 28, 2022, Mr. Morrison, as a private citizen, attended a public meeting at the Mahoning County Board of Elections. The meeting, which was to begin at 3:00 pm, was being convened to address the recounting of votes in the hotly contested Mahoning County Commissioner race between incumbent Democrat Carol Rimedio-Righetti and Republican challenger Geno Difabio.

The meeting was not during Mr. Morrison's scheduled workday. Mr. Morrison worked Monday through Friday from 4:00am to 12:00pm. His attendance at the meeting was indisputably not a part of his ordinary, or even *ad hoc*, job duties as a County maintenance worker. He was not a policymaker.

Mr. Morrison arrived at the meeting and took a seat next to Mr. Difabio, whom Mr. Morrison had, as a private citizen, supported for the Commissioner's position. Ms. Rimedio-Righetti was seated directly behind Mr. Difabio and would have seen Mr. Morrison sitting with and speaking with him. During the meeting, it was announced that Ms. Rimedio-Righetti was successful in her re-election bid, winning by a mere 137 votes.

Mr. Morrison's presence and association with Mr. Difabio in the meeting apparently spoke volumes. Afterward, as they were leaving, Mr. Morrison congratulated Ms. Rimedio-Righetti on her re-election.

Ms. Rimedio-Righetti told Mr. Morrison that he looked familiar and he informed her that he worked for Mahoning County's maintenance department.

Ms. Rimedio-Righetti said, "Are you Dave Bucci?"

Mr. Morrison responded, "No. I'm Ricky—" and before he could say his last name, Ms. Rimedio-Righetti said, in a disgusted tone, "Ricky Morrison. You work for us. Unreal!" Ms. Rimedio-Righetti then abruptly turned and stated in a loud irritated voice, "Wow!" and walked away without saying another word to Mr. Morrison.

On Friday, December 2, 2022, Mr. Morrison was called into his supervisor's office and informed that "the Commissioners" had decided to terminate him. (We expect that any such decision by the Board of Commissioners was made in violation of Ohio's Open Meetings Act.) When asked for the reason, the supervisor could not give one and expressed his similar shock and dismay at the termination. The supervisor even agreed to pay Mr. Morrison for the entire day's work even though he had only worked half of his shift.

Mr. Morrison, still in shock at the Commissioners' conduct, called Mr. Difabio and informed him of his termination. Mr. Difabio contacted one of the Commissioners for an explanation. The Commissioner confirmed that Mr. Morrison was terminated because he was sitting and talking with Mr. Difabio at the public hearing.

Your termination of Mr. Morrison violated his free-speech, freedom-of-association, and government-petition rights guaranteed by the First and Fourteenth Amendments to the Constitution.

You have also stripped a cancer patient of his vitally needed healthcare benefits during his needed cancer treatment. A county human-resources representative confirmed for Mr. Morrison on or about December 5, 2022 that he has been cut-off from his health-insurance benefits—despite *his having paid for them in advance out of his paycheck*.

Mr. Morrison was expressing himself by sitting with, associating with, and speaking with Mr. Difabio at an elections board hearing—actions he undertook as a private citizen. The expression was on a matter of public concern, namely, election-results and vote-counting. None of this was a part of his official (or even *ad hoc*) duties as a county maintenance worker. And there is no conceivable interest by the County as an employer in retaliating against maintenance-worker Mr. Morrison by stripping him of his job, salary, benefits, and healthcare for his First Amendment-protected conduct, political speech being at the pinnacle of such protection. None.

Finally, as shown above, there really is no question that Mr. Morrison’s sudden firing, absent any record of performance problems, was causally connected to his First Amendment-protected activity. A commissioner has admitted as much.

For violation of these clearly established rights by high-level policymakers, not only will the County be liable under 42 U.S.C. § 1983 (the federal civil-rights statute), but you Commissioners as *individuals* will be as well. As individuals, you may also be liable under R.C. 2307.60 (Civil Action for Damages for Criminal Acts) in combination with R.C. 2921.45 (Interference with Civil and Statutory Rights). See discussion and our firm’s leading Supreme Court of Ohio cases here: <https://www.chandralaw.com/practice-areas/crime-victims-civil-action-for-damages-for-criminal-acts-under-ohio-revised-code-nbsp230760#>.

3. Each of you, the County, and County employees must preserve evidence and data.

We are notifying all of you individually, the County, and county managers, supervisors, and employees including supervisors and employees in Mr. Morrison’s department that you all must preserve all electronically stored information (ESI), copies, and backup, as contemplated by Rule 34 of both the Federal and Ohio Rules of Civil Procedure, along with all paper files maintained, that may be relevant to this action. ***These records include but are not limited to the following:***

- (1) all cellphone records;
- (2) all emails, text messages, and private and public social-media-service messages—including those sent and received on personal electronic devices (such as cellphones, tablets, and laptops) or contained in cloud-based storage services; and
- (3) all records of any communications about Mr. Morrison, whether by name or impliedly;

Again, this preservation should include communications on personal devices including employee cellphones.

As you may be aware, merely “backing up” a computer or other device by copying data to a USB drive, CD, or DVD may be insufficient to adequately meet the requirements for preserving ESI because doing so can omit potentially relevant data such as deleted files, configuration files, file-allocation tables, logs, and other artifacts. To avoid these issues, you may need to bit-by-bit images of hard drives in bit-stream copies, where all areas, used and unused, of a hard drive are copied. If a file is deleted before a backup is made, the deleted file will not be copied unless it is a bit-stream copy. All deleted files that are reasonably recoverable should be immediately undeleted. No procedures should be implemented to alter any active, deleted, or fragmented data. And no electronic data should be disposed of or destroyed.

We further trust that you will preserve such electronic data and paper files, and that you will promptly notify us if any such records have been destroyed.

4. Conclusion.

We take Mr. Morrison’s case very seriously. Our determination and success in such matters can be ascertained by reviewing our website, www.ChandraLaw.com.

If, by **Friday, December 16, 2022 (one week from today)**, you do not immediately and unconditionally reinstate Mr. Morrison to mitigate the harm inflicted on him—and **being inflicted upon him as a health-insurance-deprived cancer patient**, we will act swiftly and accordingly.

In the meantime, you must preserve all evidence and data related to this matter. Our firm is adverse to you and the County. This is not legal advice to you. You should engage and contact your own lawyers.

We thank you for your prompt attention to this matter.

Sincerely,



Subodh Chandra



Subodh Chandra <subodh.chandra@chandralaw.com>

Demand for immediate and unconditional reinstatement of Ricky Morrison and preservation of evidence and data

Subodh Chandra <subodh.chandra@chandralaw.com>

Sun, Dec 11, 2022 at 12:11 PM

To: "DeGenova, Gina" <Gina.DeGenova@mahoningcountyoh.gov>

Cc: Anthony Traficanti <atraficanti@mahoningcountyoh.gov>, Carol Rimedio-Righetti <crighetti@mahoningcountyoh.gov>, David Ditzler <dditzler@mahoningcountyoh.gov>, Audrey Tillis <atillis@mahoningcountyoh.gov>

I am attempting to correct the email address for Audrey Tillis, county administrator.

On Sun, Dec 11, 2022 at 12:00 PM Subodh Chandra <subodh.chandra@chandralaw.com> wrote:

Dear Prosecutor DeGenova:

I trust you have been well. Congratulations to you on your appointment as prosecuting attorney. You have been entrusted with a weighty responsibility. As someone who was once similarly entrusted as a city law director, I know just how heavy the leadership mantle can be at times, as you weigh what individual client decisionmakers want against what is in the public interest. I always tried to choose the public interest. I hope you do so as well.

Such a moment confronts you now, early in your tenure. Please see the attached letter. As it explains, county commissioners engineered the firing of county maintenance worker Ricky Morrison in express retaliation for him exercising his First Amendment rights.

By doing so, Mahoning County officials have deprived Mr. Morrison of health insurance to cover cancer treatment he so badly needs. Certain commissioner comments in the linked article suggest they remain defiant and in deep denial, and will not do what is right. And one commissioner has instead deflected blame to the county administrator, thus teeing up a conflict of interest:

<https://www.vindy.com/news/local-news/2022/12/fired-worker-dismissal-politically-driven/>

It is up to you, as the county's lead lawyer, to rectify the situation. Please consider this a taxpayer-demand letter to you on the Morrisons' behalf. And please ensure that Mr. Morrison is reinstated to his job immediately with full salary and benefits, including health insurance, so that there is no disruption to his cancer care.

You have the opportunity to act in the public interest, here. After all, as the county's lawyer, you are in a position to correct this injustice by telling the county commissioners and administrator that they must correct this and correct it now. Based on this taxpayer-demand letter, you even have the authority to bring a lawsuit against them to correct this abuse of power.

And It is moments like these that define our character as public servants. As it gets to know you, the public wants to know: what is your character? Will you be the people's lawyer and a champion of workers—or will you rubber-stamp and fail to correct an unconstitutional injustice to a cancer-stricken line county worker and his family in the Christmas season?

The public will soon know.

My mobile number is (216) 965-6463 if you wish to discuss this.

----- Forwarded message -----

From: **Subodh Chandra** <subodh.chandra@chandralaw.com>

PLAINTIFF'S
EXHIBIT

3

Date: Fri, Dec 9, 2022 at 5:36 PM

Subject: Demand for immediate and unconditional reinstatement of Ricky Morrison and preservation of evidence and data

To: Carol Rimedio-Righetti <crighetti@mahoningcountyoh.gov>, Anthony Traficanti <atraficanti@mahoningcountyoh.gov>, David Ditzler <dditzler@mahoningcountyoh.gov>

CC: Donald Screen <don.screen@chandraLaw.com>, Melissa Obodzinski <melissa.obodzinski@chandraLaw.com>, Dilyn Hazen <dilyn.hazen@chandraLaw.com>

Please see the attached letter and act by December 16, 2022. Thank you.

Sincerely yours,

—

Mr. Subodh Chandra (he/him)

T H E

CHANDRA

L A W F I R M L L C

The Chandra Law Building

1265 W. 6th Street, Suite 400

Cleveland, OH 44113.1326

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Biography: <https://www.chandraLaw.com/about/meet-the-team/subodh-chandra>

Twitter: @ChandraLawFirm • @SubodhChandra • Facebook: The Chandra Law Firm LLC

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—

Mr. Subodh Chandra (he/him)

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2022-12-09 Chandra to Mahoning County Commissioners demanding reinstatement of Ricky Morrison and data and evidence preservation.pdf

200K



Subodh Chandra <subodh.chandra@chandralaw.com>

Demand for immediate and unconditional reinstatement of Ricky Morrison and preservation of evidence and data

DeGenova, Gina <Gina.DeGenova@mahoningcountyoh.gov>

Tue, Dec 13, 2022 at 12:40 PM

To: Subodh Chandra <subodh.chandra@chandralaw.com>

Cc: "Traficanti, Anthony" <atraficanti@mahoningcountyoh.gov>, "Rimedio-Righetti, Carol" <crighetti@mahoningcountyoh.gov>, "Ditzler, David" <dditzler@mahoningcountyoh.gov>, "Tillis, Audrey" <atillis@mahoningcountyoh.gov>

Subject to Evidence Rule 408

Mr. Chandra:

Upon receipt of your correspondence, as Prosecutor, I conducted an investigation into the circumstances surrounding the December 2, 2022 "termination" of your client, Ricky Morrison. My investigation revealed that the decision to terminate Mr. Morrison was made by the county administrator, not the Board of Commissioners, and that that the county administrator's action was not politically motivated.

A Board of County Commissioners may only act as a Board and through formal resolution. Because Mr. Morrison's "termination" was initiated by the county administrator and no Board action was taken, Mr. Morrison's "termination" is void *ab initio*. The Commissioners will not ratify the action taken by the county administrator. Accordingly, please notify Mr. Morrison that he should report to work tomorrow, December 13, 2022. He will suffer no loss in pay or interruption of health care benefits.

Sincerely,

Gina DeGenova

Mahoning County Prosecutor, *Acting*

Mahoning County Prosecutor's Office

21 W. Boardman Street, 5th Floor

Youngstown, OH 44503

Telephone: 330-740-2330

Fax: 330-740-2829



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From: Subodh Chandra <subodh.chandra@chandralaw.com>
Sent: Sunday, December 11, 2022 12:00 PM
To: DeGenova, Gina <Gina.DeGenova@mahoningcountyoh.gov>
Cc: Traficanti, Anthony <atraficanti@mahoningcountyoh.gov>; Rimedio-Righetti, Carol <crighetti@mahoningcountyoh.gov>; Ditzler, David <dditzler@mahoningcountyoh.gov>; audrey.tillis@mahoningcountyoh.gov
Subject: [EXTERNAL] Fwd: Demand for immediate and unconditional reinstatement of Ricky Morrison and preservation of evidence and data

Dear Prosecutor DeGenova:

I trust you have been well. Congratulations to you on your appointment as prosecuting attorney. You have been entrusted with a weighty responsibility. As someone who was once similarly entrusted as a city law director, I know just how heavy the leadership mantle can be at times, as you weigh what individual client decisionmakers want against what is in the public interest. I always tried to choose the public interest. I hope you do so as well.

Such a moment confronts you now, early in your tenure. Please see the attached letter. As it explains, county commissioners engineered the firing of county maintenance worker Ricky Morrison in express retaliation for him exercising his First Amendment rights.

By doing so, Mahoning County officials have deprived Mr. Morrison of health insurance to cover cancer treatment he so badly needs. Certain commissioner comments in the linked article suggest they remain defiant and in deep denial, and will not do what is right. And one commissioner has instead deflected blame to the county administrator, thus teeing up a conflict of interest:

<https://www.vindy.com/news/local-news/2022/12/fired-worker-dismissal-politically-driven/>

It is up to you, as the county's lead lawyer, to rectify the situation. Please consider this a taxpayer-demand letter to you on the Morrissons' behalf. And please ensure that Mr. Morrison is reinstated to his job immediately with full salary and benefits, including health insurance, so that there is no disruption to his cancer care.

You have the opportunity to act in the public interest, here. After all, as the county's lawyer, you are in a position to correct this injustice by telling the county commissioners and administrator that they must correct this and correct it now. Based on this taxpayer-demand letter, you even have the authority to bring a lawsuit against them to correct this abuse of power.

And It is moments like these that define our character as public servants. As it gets to know you, the public wants to know: what is your character? Will you be the people's lawyer and a champion of workers—or will you rubber-stamp and fail to correct an unconstitutional injustice to a cancer-stricken line county worker and his family in the Christmas season?

The public will soon know.

My mobile number is (216) 965-6463 if you wish to discuss this.

----- Forwarded message -----

From: **Subodh Chandra** <subodh.chandra@chandraLaw.com>

Date: Fri, Dec 9, 2022 at 5:36 PM

Subject: Demand for immediate and unconditional reinstatement of Ricky Morrison and preservation of evidence and data

To: Carol Rimedio-Righetti <crighetti@mahoningcountyoh.gov>, Anthony Traficanti <atraficanti@mahoningcountyoh.gov>, David Ditzler <dditzler@mahoningcountyoh.gov>

CC: Donald Screen <don.screen@chandraLaw.com>, Melissa Obodzinski <melissa.obodzinski@chandraLaw.com>, Dyllyn Hazen <dyllyn.hazen@chandraLaw.com>

Please see the attached letter and act by December 16, 2022. Thank you.

Sincerely yours,

—

Mr. Subodh Chandra (he/him)



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**RESOLUTION
RES 20-03-029**

WHEREAS, on March 13, 2020, the President of the United States issued a declaration of national emergency due to the 2020 COVID-19 outbreak in the United States; and

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D, declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19; and

WHEREAS, on March 19, 2020, the Board of Mahoning County Commissioners adopted a resolution to allow for the taking of necessary action to respond to the current COVID-19 crisis; and

WHEREAS, Governor DeWine and public health officials, in response to the growing crisis, have urged people to avoid gatherings to minimize close contact and potential exposure to others who may be carrying the virus. In response, all K-12 schools have been closed temporarily, colleges have cancelled in-person classes for the rest of the Spring 2020 semester, and major college and professional sporting events have been cancelled. In addition, on March 12, 2020, Governor DeWine and Ohio Department of Health Director Amy Acton signed an order prohibiting mass gatherings in the state of Ohio. Thereafter, restaurants and bars were ordered closed, as well as salons and barber shops, spas, fitness centers, bowling alleys, movie theaters, indoor water parks, adult day care centers, Bureau of Motor Vehicle locations, and more. As a result of the growing crisis, many businesses have closed temporarily or have business limited hours, and some banks have closed their walk-in lobbies temporarily. Further, in unprecedented action, the 2020 primary election was suspended in an effort to minimize in-person contacts between people on election day so as to reduce potential exposure to persons carrying the COVID-19 virus; and

WHEREAS, the federal and state governments have issued warnings about the spread of the COVID-19 virus, encouraging people to avoid congregating and interacting with others, and urging people to stay home in order to prevent the further spread of the COVID-19 virus; and

WHEREAS, under Executive Order 2020-01D, Governor DeWine requested the Ohio Department of Administrative Services and other departments and agencies of the state to suspend purchasing and contracting requirements contained in Chapters 125 and 153 of the Ohio Revised Code during this period of emergency in order to allow for the procurement of any necessary resources or supplies to protect the health, safety and welfare of the citizens of Ohio; and

WHEREAS, the Board of Mahoning County Commissioners, in order to follow these directives of the Governor and the Director of the Ohio Department of Health, and to likewise allow for the continuity of county operations during this national emergency, desires to take further action to protect the public from the effects of the further spread of the virus; and

WHEREAS, pursuant to R.C. 307.86(A)(1), the Board of County Commissioners is authorized to make emergency purchases where the cost is under one hundred thousand dollars without competitive bidding when it makes a determination, by a unanimous vote of its members, that a real and present emergency exists, provided that, where the cost is in excess of fifty thousand dollars, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited; and

WHEREAS, pursuant to R.C. 305.29, the Board of County Commissioners may appoint a county administrator and may authorize said county administrator, under R.C. 305.30(G) and (H), to contract on behalf of the board within limits provided by a resolution of the board, provided that the resolution authorizing such actions shall also specify the types of contracts upon which the administrator may act without further resolution of the board and, further, to allow and pay claims for goods received and services rendered within limits provided by a resolution of the board, provided that the county department receiving those goods and services certifies their receipt before the administrator allows the claim; and

WHEREAS, pursuant to R.C. 305.30(J), a county administrator so appointed is authorized to “[p]erform any or all functions conferred or incumbent upon the board of county commissioners in the case of a disaster or emergency, provided that the board, by resolution, has delegated the specific functions or all of the functions to the administrator”;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby determines that a real and present emergency exists and that the current state of emergency as declared by the President of the United States and the Governor of the State of Ohio constitutes a “disaster” and an “emergency” as those terms are defined in R.C. 5502.21(E) and (F).

BE IT FURTHER RESOLVED, that the Board of County Commissioners, pursuant to its authority granted by R.C. 305.29, hereby appoints Audrey Tillis to serve as County Administrator during this time of emergency and, pursuant to R.C. 305.30, hereby delegates to her and authorizes her to take any and all action, and to exercise all powers granted under R.C. 305.30, as she determines to be necessary for the continuity of county operations during this time of crisis.

BE IT FURTHER RESOLVED, upon finding that a real and present emergency exists and that said emergency requires the suspension of current policies and procedures for the protection of the public, and pursuant to the authority granted to it under R.C. 305.30(G), the Board hereby authorizes the County Administrator, on behalf of the Board during this time of emergency or until further resolution of this Board, to make emergency purchases as permitted under R.C. 307.86(A)(1) for all goods and services required to maintain continuity in all county operations, in amounts less than one hundred thousand dollars each; provided that, where the cost is in excess of fifty thousand dollars, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited.

BE IT FURTHER RESOLVED, that the Board hereby authorizes the County Administrator to execute any and all documents necessary to procure said goods and services under these emergency circumstances.

BE IT FURTHER RESOLVED, that, pursuant to the authority granted to it under R.C. 305.30(H), the Board hereby authorizes the County Administrator to allow and authorize payment for all claims for goods received and services rendered, as necessary to maintain continuity in county operations during this time of emergency or until further resolution of this Board, provided that the county department receiving those goods and services certifies their receipt before the administrator allows the claim.

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall be effective immediately.

It was moved by Mr. Traficanti, and seconded by Mrs. Rimedio-Righetti, that the foregoing Resolution be approved this 26th day of March, 2020.

