

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

**Christopher Green**

2469 Camelot Drive  
Columbiana, Ohio 44408

Plaintiff,

v.

**City of East Liverpool**

c/o Charles Payne, Director of Law  
126 West Sixth Street  
East Liverpool, Ohio 43920

**Gregory Bricker** (in his official and personal capacities)

City of East Liverpool Mayor  
126 West Sixth Street  
East Liverpool, Ohio 43920

**David Dawson** (in his official and personal capacities)

City of East Liverpool Safety Service Director  
126 West Sixth Street  
East Liverpool, Ohio 43920

**Fred Flati** (in his official and personal capacities)

City of East Liverpool Police Department Captain  
126 West Sixth Street  
East Liverpool, Ohio 43920

**Darin Morgan** (in his official and personal capacities)

City of East Liverpool Police Department Captain  
126 West Sixth Street  
East Liverpool, Ohio 43920

**Chad Tatgenhorst** (in his official and personal capacities)

City of East Liverpool Police Department Captain  
126 West Sixth Street  
East Liverpool, Ohio 43920

Case No. 4:23-cv-00445

Judge John R. Adams

Magistrate Judge Carmen E. Henderson

<p>and</p> <p><b>Robert Ramsey</b> (in his personal capacity) Liverpool Township Police Department Officer 2485 Boring Lane East Liverpool, Ohio 43920</p> <p>Defendants.</p>	
<b>FIRST AMENDED COMPLAINT WITH JURY DEMAND</b>	

**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 pendant claims for violations of Ohio law. Ohio state-law claims include statutory civil liability for criminal acts including intimidation, tampering with records, tampering with evidence, telecommunications harassment, and interference with civil and statutory rights.
2. Plaintiff Christopher Green, a patrol officer with the East Liverpool Police Department at the relevant time, engaged in constitutionally protected free speech—as a private citizen—by reporting misconduct and criminal behavior by other police officers to the Federal Bureau of Investigation. After he did so, East Liverpool Mayor Gregory Bricker, Safety Service Director David Dawson, Captain Fred Flati, Captain Darin Morgan, Captain Chad Tatgenhorst, and Officer Robert Ramsey engaged in a retaliatory campaign to investigate and report false and fraudulent allegations against Green, which resulted in his unlawful suspension and termination from the police department.
3. Green reported the following incidents to the FBI, among others:
  - a. Officers John Headley and Tatgenhorst’s scheme to overbill for time worked as school resource officers, resulting in thefts.

- b. Captain Tatgenhorst's scheme to report attendance at K-9 training and being paid for such training that he did not attend, resulting in theft, false reporting, and unconstitutional searches, seizures, arrests, and prosecutions.
- c. Captain Tatgenhorst's false accusation that Green conducted an improper stop, the propriety of which was already confirmed by Captains Wright and Headley.
- d. Captain Tatgenhorst's interference and obstruction into the drug investigation of Jacob Boyle, Jordan Fields (Tatgenhorst's nephew), and Fields's wife.
- e. Captain Tatgenhorst's complaint against Green concerning Nero's bite during an arrest.
- f. Captain Headley and Officer Ramsey's use of excessive force against a handcuffed, detained, and non-threatening individual.
- g. Captain Tatgenhorst's interference in the drug investigation of Juan Carlos Sprott (Tatgenhorst's daughter's boyfriend/fiancé).

#### **PARTIES**

- 4. Plaintiff Christopher Green ("Green") lives in Columbiana, Ohio.
- 5. Defendant City of East Liverpool ("East Liverpool"), in Columbiana County, Ohio is an Ohio political subdivision as defined in Ohio Revised Code § 2744.01, of which the City of East Liverpool Police Department ("ELPD") is a part. East Liverpool, through ELPD, formerly employed Green and Defendant Robert Ramsey, and currently employs Defendants Fred Flati, Darin Morgan, and Chad Tatgenhorst. East Liverpool also currently employs Defendants Gregory Bricker and David Dawson. East Liverpool is liable for acts and omissions taken under its customs, policies, or practices. East Liverpool is also responsible for training and supervising its employees in carrying out their duties in a lawful manner.
- 6. Defendant Gregory Bricker ("Bricker") lives in Columbiana County, Ohio. Bricker was elected mayor of East Liverpool in 2019, took office in 2020, and still holds that position. At all

times relevant, Bricker was acting under color of state law. He is sued in both his official and personal capacities.

7. Defendant David Dawson (“Dawson”) lives in Columbiana County, Ohio. Dawson was appointed as the safety-service director for East Liverpool in 2020 and still holds that position. At all times relevant, Dawson was acting under color of state law. He is sued in both his official and personal capacities.

8. Defendant Fred Flati (“Flati”) lives in Columbiana County, Ohio. Flati is a police officer with ELPD during all relevant times, was previously a patrol officer, and is currently a captain. At all relevant times, Flati was acting under color of state law. He is sued in both his official and personal capacities.

9. Defendant Darin Morgan (“Morgan”) lives in Columbiana County, Ohio. Morgan is a police officer with ELPD during all relevant times, was previously a patrol officer, and currently is a captain. At all relevant times, Morgan was acting under color of state law. He is sued in both his official and personal capacities.

10. Defendant Chad Tatgenhorst (“Tatgenhorst”) lives in Columbiana County, Ohio. Tatgenhorst is a police officer with ELPD during all relevant times, was previously a patrol officer, and is currently a captain. At all times relevant, Tatgenhorst was acting under color of state law. He is sued in both his official and personal capacities.

11. Defendant Robert Ramsey aka Moose (“Ramsey” or “Moose”) lives in Columbiana County, Ohio. Ramsey was a police officer with ELPD during several relevant time periods, and was a patrol officer. Currently, and during several relevant time periods, Ramsey is a police officer with the Liverpool Township Police Department. At all relevant times, Ramsey was acting under color of state law. He is sued in his personal capacity.

### 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 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

#### **Christopher Green begins an honorable law-enforcement career.**

15. Green grew up in East Liverpool and graduated from East Liverpool High School in 2003. While in high school, Green was a stand-out in football, wrestling, and track, gaining notoriety throughout the community.

16. Green attended the University of Mount Union and played football until an injury ended his football career. Following his injury, Green left Mount Union and moved to Florida.

17. In 2006, Green returned to East Liverpool and began his mixed martial arts career.

18. In 2007–08, Green was hired as a corrections officer by a private firm.

19. In 2008, Green attended Kent State University and graduated in 2013 with a bachelor's degree in criminal justice. During his time at Kent State, Green worked as a mentor at a local juvenile facility.

20. Green is married and has a two-year old son with their second child on the way.

21. In June 2013, Green completed Basic Police Officer Training conducted by the Ohio State Highway Patrol.

22. In or around February 2013, Green was hired as a patrol officer with ELPD.
23. ELPD's basic chain of command includes one chief, five captains, and 16–20 patrol officers.
24. ELPD bases its promotions on the highest test scores.
25. ELPD makes assignments to specialty units and positions based on experience and subjective selection by the police chief.
26. Based on information and belief, historically, ELPD's police chief was involved in the pre-employment process and discipline process, making recommendations to the safety-service director, who traditionally adopted the chief's recommendations. But in Green's case, the decision to terminate was made by Defendant Director Dawson, over objection from Chief Lane, with Defendant Mayor Bricker's approval.
27. John Lane was ELPD's police chief before Green was hired and still is.
28. During Green's employment with ELPD, the mayor and their respective safety-service directors were as follows: James Swagger & Ryan Estell; Ryan Stovall & Brian Allen; then Defendants Bricker & Dawson.
29. Throughout his career, Green has received several awards for his heroic work. In 2017, Green received a Certificate of Merit from the City of East Liverpool for saving someone's life. In 2020, Green received a Certificate of Merit and Lifesaving Pin from ELPD for two instances in which he saved others' lives.

**Green is assigned as a school resource officer.**

30. From 2015–16, Green served as a school resource officer for ELPD, in addition to his patrol-officer duties.
31. Green worked as a school resource officer with John Headley and Defendant Tatgenhorst, who were patrol officers at the time.

32. During this period, ELPD learned that Headley and Defendant Tatgenhorst were clocking time and receiving income for time that they did not work.

33. To avoid a conflict of interest, East Liverpool and/or ELPD engaged the Mingo Junction Police Department to conduct an investigation, which confirmed Headey and Defendant Tatgenhorst's scheme and thievery.

34. Green was neither implicated, nor involved, nor aware of the scheme.

35. Based on information and belief, Headley and Defendant Tatgenhorst were not disciplined.

36. Despite their involvement in this illicit and dishonest behavior, ELPD later promoted Headley and Defendant Tatgenhorst to captain positions.

**Green is assigned to the Columbiana County Drug Task Force.**

37. In 2017, Green was assigned to the Columbiana County Drug Task Force.

38. During his time with the Task Force, Green was exposed to fentanyl during an arrest and nearly died. Fortunately, Green was able to recover and continue his work as a police officer.

39. The incident made national news and Green received an invitation from Representative Bill Johnson to attend the State of the Union address. Green was also interviewed for an article in *Time Magazine* concerning drug-related issues in the East Liverpool area. Unfortunately, the fame hampered Green's ability to work undercover, so he left the Task Force after only a year.

**Green is assigned as a K-9 officer.**

40. In or around May 2018, Green was assigned as an ELPD K-9 officer. He raised funds to secure the dog's purchase and attend training.

41. In or around June 2018, Green, then-safety service director Brian Allen, Chief Lane, and Defendant Captain Tatgenhorst picked Green's K-9 partner (Nero) and Green and Nero began training the following month. In August 2018, they graduated from the K-9 training school and began their work as K-9 officers.

42. Defendant Captain Tatgenhorst, with whom Green had worked as a school resource officer, was the other ELPD K-9 officer and had been in that position since 2013.

43. After becoming a K-9 officer, Green had access to ELPD's K-9 records, including certification and training records for the handlers and the K-9s. K-9 officers are required to attend a requisite amount of continuous training to comply with the law and to keep proper documentation of that training.

44. Green reviewed ELPD's K-9 records—including Defendant Captain Tatgenhorst's training records—and soon realized that Defendant Captain Tatgenhorst was not attending the required K-9 training, but was improperly claiming that he had—and was improperly being paid for it. It concerned Green that this was just like Tatgenhorst's earlier known scheme as a school resource officer—getting paid for work he did not perform.

45. Tatgenhorst's illicit behavior went beyond just being paid for work he didn't do, but resulted in a myriad of constitutional violations for improper searches and seizures, false arrest, and faulty prosecutions. His failure to attend the required K-9 training could result in his K-9 being de-certified and jeopardize all his prior searches, arrests, and prosecutions. If criminal-defense counsel came to know of this for their clients where Tatgenhorst's K-9 sniffs led to arrest and conviction, the floodgates would open for reversals of criminal convictions and ensuing civil lawsuits.

46. Green reported Defendant Captain Tatgenhorst's behavior to Chief Lane and Captain Thomas Clark in the fall of 2018. Green spoke to Captain Clark for several hours.

47. Within days, Chief Lane, Captain Clark, Defendant Captain Flati, Defendant Captain Morgan, and Defendant Captain Tatgenhorst met at the local FOP lodge to discuss what Green reported. Afterward, Chief Lane told Green about the meeting and warned Green to be careful.

48. Yet, again, no discipline was issued against Defendant Captain Tatgenhorst.

**Defendant Captain Tatgenhorst launches into a series of retaliatory acts, including making multiple false, fraudulent, and defamatory statements, against Green.**

49. In or around January 2019, during a traffic stop, an unrelated third party stopped and created an incident with Green and Nero. Afterward, Green met with Captain Pat Wright to review the police reports and body-camera videos. Captain Wright agreed that Green acted properly. Captain Headley also confirmed that Green acted properly.

50. Defendant Captain Tatgenhorst still complained to Captain Wright, alleging that Green acted improperly, and requested that Green be written up. The matter was forwarded to Chief Lane, who determined that Green acted properly and did not have him written up.

51. In or around spring 2019, Green and Nero assisted the U.S Post Office by conducting K-9 sniffs on suspicious packages. During one sniff, Nero alerted Green to a package addressed to Chris Kraft.

52. The Task Force set up a controlled delivery of the package, during which Kraft arrived at the Post Office, retrieved the package, and was stopped by task-force officers as he was leaving. Kraft began to cry and claimed the package was for someone else.

53. Defendant Captain Tatgenhorst showed up at the scene and immediately claimed Nero's sniff was not proper. Tatgenhorst's claims were unfounded.

54. Meanwhile, Kraft was transported to the police station. Kraft made a statement claiming the drugs in the package were for Jacob Boyle—a nurse at a local hospital. Kraft also consented to the search of his house, during which more drugs were located.

55. ELPD Officer Justin Watkins, who was assigned to the task force, opened an investigation.

56. While the investigation was ongoing, Green made an unrelated traffic stop on a vehicle with a cracked windshield, tinted license-plate covering, and no right-turn signal. The vehicle was registered to Jacob Boyle, who was driving. Also in the car were Defendant Captain Tatgenhorst's

nephew Jordan Fields and Fields's wife. Nero did not alert to drugs being in the vehicle. Green issued Boyle an oral warning.

57. A few days later, Rachel Tatgenhorst (the wife of Defendant Captain Tatgenhorst and Jordan Fields's aunt) sent Green Facebook messages trying to gather information on the vehicle stop.

58. A few days later, Boyle, Fields, and his wife went to the police station and filed a complaint against Green alleging Nero scratched the car and there was no reason for the stop. Captain Wright photographed the vehicle and Chief Lane questioned Green and Watkins about the investigation. Chief Lane cleared Green of any wrongdoing.

59. Although Green was cleared, Watkins's investigation was nonetheless hindered.

60. In or around July 2019, a grandmother arrived at the police station claiming her grandson was attacking his father. Green, Nero, and other officers responded to the scene. Nero bit the assailant-grandson as he was trying to escape and elude capture. The grandson was charged and convicted of crimes related to this incident and other matters, and was sentenced to prison.

61. In or around October/November 2019, Defendant Captain Tatgenhorst emailed a complaint against Green to Chief Lane and then-Safety Service Director Brian Allen concerning Nero's biting of the convict-grandson.

62. Chief Lane conducted an investigation, which included obtaining opinions from K-9 experts from multiple locations, all of whom agreed it was a good stop/apprehension and that Green and Nero acted properly. Chief Lane cleared Green and Nero of any wrongdoing.

**Green reports wrongdoing internally to the safety service director.**

63. In or around December 2019, after enduring years of false accusations, Green emailed a detailed complaint directly to then-Safety Service Director Brian Allen against Defendant Captain Tatgenhorst, alleging multiple violations.

64. Upon reviewing the number and seriousness of the infractions, Allen recommended that Defendant Captain Tatgenhorst be disciplined.

65. Unfortunately, before that discipline could be implemented, Defendant Mayor Bricker was sworn in as mayor and replaced Allen with Defendant Safety Service Director David Dawson, who took no further action to discipline Defendant Captain Tatgenhorst.

**Green becomes aware of civil-rights violations: several ELPD officers use excessive force against a handcuffed and detained individual.**

66. In or around March 2020, Captain John Headley, and patrol officers Tony Savina, Jesse Smith, Justin Watkins, and Defendant Officer Robert “Moose” Ramsey responded to a police call at Heights Manor, a low-income housing project.

67. Defendant Officer Ramsey was working an extra shift that night at Heights Manor.

68. The officers chased and apprehended the suspect, who was then handcuffed.

69. Defendant Officer Ramsey then asked the other officers if “anyone on,” meaning does anyone have their body-cameras recording on. When the officers responded “no,” Defendant Officer Ramsey unjustifiably kicked the subdued suspect—who was not otherwise a threat—in the testicles/groin.

70. Defendant Officer Ramsey and Headley then moved the suspect from the area where the other officers were located and continued to beat the suspect, who was still handcuffed.

71. A third party is believed to have witnessed the attack and recorded part of it.

72. Patrol officers Smith and Watkins did not participate in the attack.

73. A few days later, Smith and Watkins told Green that the police report from that night was not accurate and did not reflect what actually happened.

74. Green, who was not a supervisor, recommended that Smith and Watkins report the matter directly to Chief Lane.

75. Smith and Watkins reported the matter to Chief Lane, who assigned Captains Thomas Clark and Defendant Captain Darin Morgan to investigate the matter.

76. Based on information and belief, Smith and Watkins also documented what really occurred that night.

77. Headley, Savina, and Defendant Officer Ramsey tried to get Smith and Watkins to change their statements, but they refused.

78. Captains Clark and Defendant Captain Morgan went, unannounced, to Smith and Watkins's respective homes to interview them. Captain Clark and Defendant Captain Morgan tried to intimidate and cajole Smith and Watkins into changing their statements during these home interviews.

79. Captain Clark and Defendant Captain Morgan also interviewed Savina and Headley.

80. Shortly thereafter, the investigation was concluded, mysteriously finding no violations.

81. Defendant Officer Ramsey retired shortly thereafter—with no discipline being issued.

**Green assists law-enforcement authorities from West Virginia in a drug investigation only to have Defendant Captain Tatgenhorst interfere in the investigation.**

82. In or around March 2020, a deputy with the Hancock County Sheriff's Department contacted Green to ask if anyone in ELPD was investigating Juan Carlos Sprott for drug trafficking.

83. Juan Carlos Sprott, an undocumented immigrant, was the boyfriend/fiancé of Brooke Tatgenhorst (the daughter of Defendant Captain Tatgenhorst).

84. According to the Hancock County deputy, Sprott was just seen leaving the scene of a purported drug deal with a major drug dealer and was believed to be heading back to East Liverpool with the drugs.

85. Green alerted the ELPD officers on duty to be on the lookout for Sprott's vehicle. Green also put the ELPD officers in contact with the Hancock County deputy to coordinate the investigation.

86. In the following weeks, Defendant Captain Tatgenhorst contacted several local departments to inquire about the investigation, including the Columbiana County Drug Task Force and the Hancock County Sheriff's Department.

87. Following Defendant Captain Tatgenhorst's inquiries, the investigation stalled.

88. Sprott was later deported.

89. For the second time, drug investigations involving relatives of Defendant Captain Tatgenhorst were hindered and thwarted by Tatgenhorst's interference.

**Green is assigned to the school resource officer position for a second time.**

90. In or around August 2020, the then-school resource officer was removed from the position after it was learned he sent an inappropriate photo to an underage student. No other discipline was taken against that officer.

91. When the school-resource-officer position opened up, Green applied because he was concerned several captains were actively trying to harm him and his career.

92. Chief Lane agreed with Green that several captains were targeting him and assigned Green to the school-resource-officer position, in part to protect him from retaliation by the captains.

**Green meets with Defendant Mayor Bricker.**

93. In or around January 2020, Chief Lane went to the residence of former safety-service director Brian Allen. While there, Chief Lane told Allen that "those guys" were trying to get Green terminated. Based on information and belief, by "those guys," Chief Lane was referring to Defendant Mayor Bricker, Defendant Safety Service Director Dawson, and the captains.

94. Then, in April 2020, Green learned that an investigator from the Columbiana County Prosecutor's Office requested his and Nero's files.

95. Finally, in or around November 2020, Green asked for and received a meeting with Defendant Mayor Bricker.

96. Green asked Defendant Mayor Bricker whether he was trying to harm Green and his career, as well as Nero. Defendant Mayor Bricker denied it.

97. Green asked Defendant Mayor Bricker why he asked the Columbiana County Prosecutor to investigate him. Defendant Mayor Bricker denied it.

98. Defendant Mayor Bricker stated that he hated or disliked former safety-service director Brian Allen.

99. Defendant Mayor Bricker stated there were several lawsuits (pending and/or forthcoming) against Green, but refused to provide any details about the purported lawsuits.

100. Following Green's meeting with Defendant Mayor Bricker, Chief Lane confirmed that Defendant Mayor Bricker had previously told him to terminate Green multiple times, but that Chief Lane refused to do so finding no reason to justify any firing.

101. Although he directed Green's firing, Defendant Mayor Bricker—at this time—took no action to bring it about.

102. *But that would all change after Green reported to federal authorities the misconduct and corruption within the ELPD.*

**Green reports misconduct and criminal activity within ELPD to the Federal Bureau of Investigation.**

103. In or around January 2021, Green called the Youngstown office of the Federal Bureau of Investigation ("FBI") and spoke with an FBI special agent. The agent set up a meeting with Green at Green's house.

104. During the meeting, Green reported the rampant misconduct and criminal activity within ELPD to the FBI special agent, including the following incidents:

- a. Then-officers John Headley and Defendant Tatgenhorst's scheme to overbill for time worked as school resource officers resulting in thefts.

- b. Defendant Captain Tatgenhorst's scheme to report attendance at K-9 training and being paid for such training for which he did not attend, resulting in theft, false reporting, and unconstitutional searches, seizures, arrests, and prosecutions.
- c. Defendant Captain Tatgenhorst's false accusation that Green conducted an improper stop, the propriety of which was already confirmed by Captains Wright and Headley.
- d. Defendant Captain Tatgenhorst's interference and obstruction into the drug investigation of Jacob Boyle, Jordan Fields (Tatgenhorst's nephew), and Fields's wife.
- e. Defendant Captain Tatgenhorst's complaint against Green concerning Nero's biting of the convict-grandson during the arrest.
- f. Captain Headley and Defendant Officer Ramsey's use of excessive force against a handcuffed, detained, and non-threatening individual.
- g. Defendant Captain Tatgenhorst's interference in the drug investigation of Juan Carlos Sprott (Tatgenhorst's daughter's boyfriend/fiancé).

105. Green's report of the misconduct and criminal activity within ELPD to the FBI was not made in the normal course of his patrol officer's *ordinary* or *ad hoc* job duties. It was not speech required or directed by his employer. He spoke as a private citizen on a matter of public concern—corruption within the ELPD. Green made this report to the FBI because of the public concern that ELPD and its officers were breaking the law with impunity.

106. Shortly after this meeting, Green informed Chief Lane that he met with and reported to the FBI the above-described misconduct and criminal activity within ELPD.

107. Almost immediately, Green began to face increased retaliation and intimidation at Defendants' hands.

**East Liverpool tries to “retire” Green’s K-9 companion Nero.**

108. Within days of informing Chief Lane of his report to the FBI, Chief Lane informed Green that East Liverpool’s administration was going to “retire” Nero because they did not want to deal with him anymore.

109. At the time, Green was the only K-9 officer and, if East Liverpool were to retire Nero, ELPD’s K-9 unit would effectively be disbanded.

110. Under Ohio Rev. Code § 9.62, which provides, “Upon the disbanding of the canine or equine unit of a law enforcement agency, the agency shall give the law enforcement officer to whom a police dog or horse is assigned the first chance to purchase the animal, for one dollar. An officer who purchases an animal under this section shall assume all responsibility for the animal thereafter.”

111. Green met with East Liverpool law director Charles Payne. Green wanted to be involved in drafting the paperwork for Nero’s retirement and purchase as provided in Ohio Rev. Code § 9.62. Payne sent the paperwork to Defendant Safety Service Director Dawson, who did not approve it.

112. Green threatened to file a lawsuit if East Liverpool tried to improperly sell or take Nero. Green retained Attorney Jennifer Ciccone to assist him in purchasing Nero. Since ELPD’s K-9 unit would be disbanded after Nero’s retirement, the handler (Green) is afforded the first opportunity to purchase the dog (Nero) for \$1. Attorney Ciccone sent a letter to East Liverpool stating this agreement and Green’s offer to purchase Nero for \$1.

113. Chief Lane, several Captains, Law Director Payne, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker met and agreed to sell Nero to Green for \$1.

114. But before the sale was complete, Defendant Mayor Bricker changed his position and sought outside legal counsel.

**The Allen family feud.**

115. On or about February 24, 2021, Green, Nero, Officer Justin Watkins, and Defendant Captain Fred Flati responded to a fight call at the residence of former safety-service director Brian Allen's parents.

116. Brian Allen and his brothers David and Daniel had been arguing/fighting with their nephew Dillon Allen, who Green knew to have drug-use issues. The argument occurred in the driveway and street in front of the residence.

117. Dillon Allen's father (Gale Allen) had died a few days earlier from a drug overdose.

118. Following the funeral, Dillon went to the Allen residence to return his father's deer head and retrieve other property that belonged to his father. Dillon went to the residence despite being told not to go there because of disrespect he had shown his grandmother.

119. Because of Dillon's history of drug use, the Allen family was concerned he was going to sell the property to purchase drugs.

120. Green was the first officer on the scene. When he arrived, the parties were only arguing. Green witnessed no physical altercations and, in his opinion, saw no evidence of an assault.

121. Green noticed a white powdery substance on Dillon's nose. When Green asked Dillon about the substance, Dillon wiped his nose. Dillon admitted to using Suboxone, but claimed he did not use any other drugs since his father died a few days earlier. Based on his experience investigating drugs and knowledge of drug addicts' propensity to lie, Green was skeptical of Dillon's response.

122. Green asked Dillon what he wanted to see done, and Dillon said he did not want to sue; did not want anything from them; and just wanted to get his property and leave. Green understood this to mean that Dillon did not want to file criminal charges.

123. Officer Justin Watkins and Defendant Captain Flati arrived at the scene and Green relayed the information to them, specifically the white powdery substance that he noticed on Dillon's nose.

124. Defendant Captain Flati, who was the senior officer in charge at the scene, did not think the existence of a white powdery substance on Dillon's nose was relevant to what occurred. Evidently, whether or not a witness/victim is under the influence of drugs was not something that Defendant Captain Flati deemed relevant.

125. Although Defendant Captain Flati observed no visible injuries to any party, he determined that Brian Allen was the aggressor based on Dillon's statement, even though the Allens disagreed.

126. Despite his belief that this was a domestic-violence incident and Brian Allen was the aggressor, Defendant Captain Flati failed to arrest Brian Allen at the scene—even though ELPD's standard procedure and practice is to arrest the aggressor during a domestic-violence incident, or obtain a signed waiver/refusal from the victim. And Defendant Captain Flati also failed to obtain the waiver/refusal from Dillon.

127. Instead, Defendant Captain Flati instructed Green to ask Dillon if he wanted to press charges.

128. Green asked Dillon if he wanted to press criminal charges and, despite his initial statement to Green, Dillon now said he wanted to press criminal charges.

129. Green, Officer Watkins, and Defendant Captain Flati agreed not to arrest anyone that night and, instead, referred Dillon and the Allen brothers to the East Liverpool law director if they wanted to file criminal charges.

130. Defendant Captain Flati agreed the matter was better left to the discretion of the law director/prosecutor.

131. The scene was cleared and Green left. Green prepared a short-narrative report to document the incident.

132. On or about March 1, 2021, Defendant Captain Flati met with Chief Lane and accused Green of mishandling the Allen family feud. On March 3, 2021, Flati signed a letter addressed to

Chief Lane reiterating their discussion. Flati falsely accused Green of “adversely affecting this investigation” and “gross misconduct.”

133. Chief Lane instructed Green not to investigate the Allen incident any further and assigned Defendant Captain Darin Morgan to investigate. Because he was no longer assigned to the investigation, Green did not review the Ring Doorbell video, which recorded a portion of the incident, or any other evidence, which were obtained after the date of the incident.

134. On or about March 4, 2021, Green met with Chief Lane and Defendant Captain Flati, who ordered Green to sign the “domestic violence” charge against brothers Brian, David, and Daniel Allen. Green asked to see the evidence that supported a charge of “domestic violence” because the evidence that he was aware of did not satisfy the elements of “domestic violence.”

135. In response to Green’s request to see the evidence and questioning the appropriateness of the “domestic violence” charge, Defendant Captain Flati accused Green of continuing to hinder the investigation. Flati then handed Green a written complaint recommending his suspension. Green turned to Chief Lane and asked how many times was he going to let them target him.

136. Chief Lane and Defendant Captain Flati then summoned Officer Watkins to the meeting to have him sign the “domestic violence” charge. Chief Lane and Flati threatened Green and Watkins that they would be written up for insubordination if they refused to sign the “domestic violence” charge. Based upon this threat, Green and Watkins were compelled to sign the “domestic violence” complaint.

137. During this meeting, Defendant Captain Flati informed Green that he keeps a folder with records of all the issues he has addressed with Green.

138. On March 4, 2021, Defendant Captain Flati prepared notes, which contained false and fraudulent allegations against Green. Green did not, at the time, see Flati’s notes.

139. On March 5, 2021, Green, believing that Defendant Captain Flati was trying to cause him harm, sent a text message to Officers Jesse Smith and Jonathan Kerchofer. Green sent the text to Smith because Smith was in training to become the union representative. Green sent the text to Kerchofer because Kerchofer worked on shifts supervised by Flati and was believed to have information on Flati violating department policies. The text stated, “As u prolly know Fred is coming after me so any ammo would be great, I won’t name drop anyone, things like not backing officers on calls no camera late to work things like that I can use.”

140. One of these officers notified Defendant Captain Tatgenhorst of Green’s text message. Tatgenhorst notified Flati, who notified Chief Lane.

141. On or about March 8, 2021, Green sent a letter to Chief Lane concerning the Allen incident and the ensuing meetings. In the letter, Green reported misconduct by Defendant Captain Flati.

142. In his letter, Green reported to Chief Lane that (1) Defendant Captain Flati failed to wear his ELPD policy-required body camera and ballistic vest during the Allen incident, then made a false statement as to why; (2) Flati made false allegations against Green for an incident involving Captain Clark taking a photo of Chief Lane; (3) Flati sent Green a picture of a penis with a band around it stating “I Voted” in November 2020 and again in December 2020; and (4) Flati released from custody an individual who had an active arrest warrant.

143. On that same date, Defendant Captain Flati sent a signed letter to Chief Lane, in which Flati accused Green of retaliating against him by sending the text message to Officers Smith and Kerchofer.

144. When the “domestic violence” charge was to proceed to trial, the prosecutor offered to reduce the charge to disorderly conduct—if the Allen brothers agreed to admit there was probable cause to charge them with domestic violence. The Allen brothers refused to admit there was probable cause for the “domestic violence” charge and the case was dismissed.

145. The prosecution later filed an “assault” charge against the Allen brothers. Brian and Daniel Allen were convicted of assault, but David Allen was acquitted.

**Defendant Officer Robert Ramsey investigated Green and wrote a report containing knowingly false and fraudulent information.**

146. Defendant Officer Robert “Moose” Ramsey, who previously retired from the ELPD after allegations arose that he used excessive force against a detained individual, was hired by Liverpool PD.

147. On or about March 3, 2021, Liverpool PD Chief Jayson Jackson notified Defendant Officer Ramsey that he received information that one of his officers was allegedly “dirty.” Chief Jackson ordered Defendant Officer Ramsey to conduct an investigation into the allegations and to report his findings to him.

148. Chief Jackson obtained this information from Liverpool PD Officer Jay Cargnel, who stated his wife Chelsea’s masseuse (Tracey Woods) made statements that Liverpool PD Officer Beau Tatgenhorst (“Beau”) was accused of selling drugs and was being watched by an unknown agency.

149. Beau is the son of Defendant Captain Chad Tatgenhorst. Beau is a police officer with Liverpool PD. Beau previously applied for a patrol officer’s position with ELPD, but was denied the position. During the interview process with ELPD, Beau admitted to previously engaging in illegal drug activity and selling drugs. Beau’s admission was well-known throughout ELPD.

150. As part of his investigation, Defendant Officer Ramsey interviewed Chelsea Cargnel. Chelsea claimed Woods stated this information during a treatment session. Chelsea further claimed Woods stated she received this information from Green during one of his treatment sessions.

151. Defendant Officer Ramsey contacted Woods to set up an interview.

152. During the interview, Defendant Officer Ramsey informed Woods that he was there because his chief wanted the allegations investigated.

153. Defendant Officer Ramsey then asked Woods, “Have you had a chance or an opportunity to have a conversation with anyone about any officer being dirty at the Liverpool Township Police Department?”

154. Woods said “Dirty?” And Defendant Officer Ramsey replied “Dirty. As far as not on the up and up, on the take, doing something illegal.”

155. Woods responded, “Not that I’m aware.” After denying any knowledge, Woods stated that she could not discuss any further conversations with clients/patients because of HIPAA, but that she could discuss friend-to-friend type conversations.

156. Defendant Officer Ramsey told Woods that “it’s been like an ongoing thing with one person” and “this guy just needs to shut his freaking mouth and go on about his business.”

157. Woods then stated that “maybe stuff needs looked into,” to which Defendant Officer Ramsey replied “I know that stuff that information [*sic*] is not true and accurate.”

158. Defendant Officer Ramsey never interviewed Green or, based on information and belief, Beau about the allegations.

159. On March 9, 2021, Liverpool PD Chief Jayson Jackson signed a report entitled “Investigation of Allegations of Beau Tatgenhorst being ‘Dirty.’” Based on information and belief, the report was written by Defendant Officer Ramsey or the information contained therein was provided by Ramsey.

160. The report was materially false and fraudulent. Specifically, the report failed to include Woods’s answer to Defendant Officer Ramsey’s question regarding the rumors. Woods’s answer “Not that I’m aware” was not included in the report, despite this being the very reason why Defendant Officer Ramsey was investigating Green. The failure to include Woods’s denial, which would have contradicted the original information obtained by Chief Jackson and Defendant Officer

Ramsey, strikes at the very heart of the report's reliability and the reliability of the entire *investigation* (for lack of a better term) and ensuing recommendation.

**Green is placed on administrative leave for retaliatory, false, fraudulent, defamatory, and pretextual reasons.**

161. On or about March 12, 2021, Green was called into Chief Lane's office. When he arrived, Chief Lane and Defendant Captain Darin Morgan were present. Chief Lane informed Green that he was being placed on paid administrative leave. Based on information and belief, Chief Lane was wearing his body camera and recorded the meeting.

162. Chief Lane and Defendant Captain Morgan then escorted Green to Defendant Mayor Bricker's office where Bricker and Defendant Safety Service Director Dawson were present.

163. Green asked why he was being placed on administrative leave. Chief Lane informed Green that he was being placed on administrative leave because he was spreading rumors about a Liverpool PD officer and ELPD officer both being "dirty."

164. Green was forced to turn in his gun, badge, taser, vest, keys, and Nero.

165. Green signed a letter acknowledging that he would be available during work hours and was not permitted to speak about the administrative leave.

166. Despite Green being prohibited from speaking about the matter, Defendants East Liverpool, Defendant Mayor Bricker, and Defendant Safety Service Director Dawson immediately provided Defendant Captain Flati's false-and-fraudulent writings to the media, even though Defendant Captain Flati's writing were part of the ongoing Allen criminal case.

**Defendant Mayor Bricker ordered Defendant Captain Morgan to conduct an internal investigation into allegations against Green.**

167. Based on information and belief, in or around February 2021, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan asked Chief Lane to conduct an internal investigation of Green. Chief Lane found no merit to the allegations against Green and

refused to conduct any further internal investigation, because the allegations were already investigated and no misconduct had been found.

168. Based on information and belief, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan then requested Defendant Mayor Bricker order and/or conduct an internal investigation into their allegations against Green. The captain(s)' request violated ELPD policy, which required them to go through the proper chain of command—meaning Chief Lane. Defendant Mayor Bricker was not in ELPD's chain of command.

169. Before Green's reports to the FBI, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan had only gone to Chief Lane with their complaints against Green—not the mayor. But after Green's reporting to the FBI, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan now went to Defendant Mayor Bricker to seek retaliation.

170. As Defendant Mayor Bricker later admitted during Green's arbitrator hearing, it is not normal to usurp Chief Lane's authority and to directly order an officer to conduct an internal investigation without Chief Lane's authorization.

171. Chief Lane did not authorize or order any further internal investigation into Green.

172. Despite this, on or about March 12, 2021, Defendant Mayor Bricker ordered Defendant Captain Morgan to conduct an internal investigation into the allegations that Green (1) was untruthful with Defendant Captain Flati when responding to the Allen incident; (2) engaged in retaliatory behavior against Defendant Captain Flati after Defendant Captain Flati reported Green's alleged misconduct; and (3) made false, vicious, or malicious statements about a Liverpool PD officer and ELPD officer.

173. Defendant Mayor Bricker had no authority to order Defendant Captain Morgan to conduct an internal investigation and, as explained below, Defendant Mayor Bricker's order violated Ohio Revised Code § 737.05 and § 737.06, which caused harm to Green.

174. Ohio Revised Code § 737.05 [Composition and control of police department] provides, "The police department of each city shall be composed of a chief of police and such other officers, patrolmen, and employees as the legislative authority thereof provides by ordinance. The director of public safety of such city shall have the exclusive management and control of all other officers, surgeons, secretaries, clerks, and employees in the police department as provided by ordinances or resolution of such legislative authority. He may commission private policemen, who may not be in the classified list of the department, under such rules and regulations as the legislative authority prescribes."

175. Ohio Revised Code § 737.06 [Chief of police] provides, "The chief of police shall have exclusive control of the stationing and transfer of all patrolmen, auxiliary police officers, and other officers and employees in the police department, and police auxiliary unit, under such general rules and regulations as the director of public safety prescribes."

176. By directly ordering Defendant Captain Morgan to investigate Green, Defendant Mayor Bricker violated ELPD policy and Ohio Revised Code §§ 737.05 and 737.06, resulting in a violation of Green's statutory rights. Bricker's order further highlighted the pretextual and retaliatory motive of the Defendants in seeking to banish and harm Green.

177. Even though Defendant Captain Morgan had never conducted an internal investigation on the order of a mayor, Defendant Captain Morgan still went forward with the investigation.

178. As part of his witch hunt, Defendant Captain Morgan interviewed Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Officer Ramsey, all of whom provided false

information to bolster the allegations against Green and intimidate/retaliate against him for reporting the misconduct and criminal activity to the FBI.

179. In a desperate attempt to bolster the false allegations against Green, Defendant Captain Morgan even investigated other allegations against Green from several years prior—allegations that had already been investigated and concluded with no misconduct being found. Defendant Captain Morgan was not ordered to investigate these other matters, but nonetheless went beyond his order and searched for other reasons to harm Green. Defendant Captain Morgan’s attempt to resurrect dead allegations was both desperate and retaliatory. (On information and belief, absent new information, no other ELPD officer over the last 25 years ever had the department reinvestigate and restate allegations that had already been determined to be meritless.)

180. One such matter involved an incident occurring on West 9th Street in East Liverpool—from two years earlier—in which allegations were made concerning how Green handled the matter. Despite this West 9th Street matter being investigated at the time and no misconduct found, Defendant Captain Morgan still included it in his report. Morgan purportedly included this ancient, unfounded allegation to try to bolster the other bogus allegations against Green.

181. Another such matter involved Defendant Captain Flati taking photos within the police department—which happened one year earlier. Green complained of Flati’s behavior to Chief Lane, but no further action was taken. Again, Defendant Captain Morgan chose to include a completely irrelevant incident in his report to smear Green.

182. Despite police-department policy requiring officers to report misconduct of supervisors, which Green often did, Defendant Captain Morgan flipped the script and accused Green of retaliation for following this department policy. (Ironically, Defendant Safety Service Director Dawson sent Chief Lane an email on July 16, 2021, reiterating the policy requiring such reporting.)

183. On March 29, 2021, Defendant Mayor Bricker informed Defendant Captain Morgan that Shallow Creek Kennels contacted him with concerns that Nero had been mistreated because he was wearing an electric shock collar that appeared to be too tight.

184. On or about April 5, 2021, Defendant Captain Morgan interviewed Green concerning the allegations against him. The interview was held in the ELPD detective bureau. Green, Attorney Jennifer Ciccone, FOP Representative Charles Wilson, Chief Lane, and Defendant Captain Morgan were present.

185. The interview lasted a few hours and addressed several matters from over the years. Green provided truthful answers to the questions.

186. Regarding Nero's collar, Green, who is an experienced K-9 handler, explained that collars are supposed to be worn tightly and that he has specialized training and certification on the use of such electronic shock collars.

187. Regarding the allegations that Green told his masseuse Tracey Woods that Beau Tatgenhorst was selling drugs, Green denied making these statements to Woods—although they were factually accurate because Beau admitted as much during his interview for an ELPD patrol-officer position. Green acknowledged discussing these matters internally with other officers, but not with Woods or the public.

188. Defendant Captain Morgan asked Green to waive his privacy rights under HIPAA, but Green refused. Morgan then used Green's assertion of his rights against him.

189. Green denied the other false accusations being lodged against him, including that he mishandled the Allen incident. Green was correct that Dillon initially stated he did not want anything done and did not want to sue, which Dillon confirmed in his interview with Defendant Captain Flati. Green was correct that Dillon admitted using drugs (Suboxone). Green was correct that the domestic-violence charge was improper.

190. FOP Representative Wilson called Green after the meeting and tried to convince him to resign and purchase Nero. Green refused and informed Wilson that the FBI was investigating the allegations of corruption within the ELPD.

191. FOP Representative Wilson moved out of the state and was replaced with a new FOP representative, attorney Mike Piotrowski, who contacted Green and tried to gain information concerning the FBI investigation to benefit other FOP members.

192. On April 19, 2021, Defendant Captain Morgan interviewed masseuse Tracey Woods concerning the allegation that Green was spreading rumors about Beau Tatgenhorst.

193. Woods informed Defendant Captain Morgan that, because of HIPAA, she could not discuss what her patients/clients tell her during the course of treatment. More importantly, Woods did not confirm that Green was the source of the rumors and told Captain Morgan that “assuming this came from Chris [Green] is rude because she has other officers who are Clients.” Woods told Defendant Captain Morgan that they “were grasping at straws” and “anything someone thinks she said or heard is just rumor and speculation and not admissible in court.”

194. On May 3, 2021, Defendant Captain Morgan tried to improperly pressure Woods into violating HIPAA by delivering a letter to her. The letter stated the opinion of East Liverpool’s attorney that her conversations with Green were not covered by HIPAA and requested she contact him in writing within five days to set up an interview, the failure of which would be viewed as a refusal to answer questions. Woods did not respond to Morgan’s threatening letter.

**Fearing a federal investigation, Defendants step up their efforts to intimidate and retaliate against Green.**

195. Shortly after Green was placed on administrative leave, FBI special agents went to the ELPD and interviewed Chief Lane about Green’s allegations of misconduct and corruption within East Liverpool and ELPD.

196. The FBI investigation was known to Defendants.

197. Within days of the FBI's interview with Chief Lane, Green faced immediate and severe retaliation and intimidation at Defendants' hands.

198. On or about April 28, 2021, with *no* legitimate reason to terminate Green, Chief Lane called Green to a meeting in his office.

199. During this meeting, Chief Lane informed Green that he had a meeting with Defendant Mayor Bricker and Defendant Safety Service Director Dawson, who were asking "about the FBI" and wanted to know about the investigation.

200. Chief Lane informed Green that Defendant Mayor Bricker and Defendant Safety Service Director Dawson, offered him an agreement that, if Green would agree to resign and not to sue, East Liverpool would let him purchase Nero for \$1. Chief Lane presented Green with a three-page agreement titled "City of East Liverpool and Christopher Green Separation Agreement & Waiver and Release April 28, 2021."

201. Chief Lane informed Green that, if he refused to accept the agreement, Defendant Mayor Bricker, Defendant Safety Service Director Dawson, and the others were going to proceed with their investigation into Green.

202. Chief Lane admitted that, "I think this is happening because they were asking me about the FBI stuff" and "None of this helps their case."

203. Chief Lane further informed Green that the meeting with Defendant Mayor Bricker and Defendant Safety Service Director Dawson concerned the Liverpool PD and Beau Tatgenhorst matter, and that Chief Jackson was present.

204. Chief Lane acknowledged that the investigation of Green was not yet completed, but added, "You know how that's gonna go. They're nitpicking everything." And, "They're gonna go every little thing [*sic*]. So all these captains are gonna have all these like." And, "Well you know what their plan is. Their plan's not to bring you back."

205. Chief Lane agreed with Green that Green was being “targeted.” Chief Lane discussed the Allen incident and said “I told the guys up there, I said ‘If that’s anyone else, that doesn’t even get noticed.’”

206. Chief Lane further acknowledged that he supported the way Green handled the Allen incident and said, “You handled the call the way the Captain [Defendant Flati] told you to handle the call.” Chief Lane continued that nothing Green did changed the outcome of the Allen incident.

207. Green refused to accept the “agreement.”

**Following his investigation of Green, Defendant Captain Morgan authors a materially false, fraudulent, and retaliatory internal-affairs report against Green.**

208. On or about May 26, 2021, Green was ordered to appear at ELPD and was given a report entitled “Investigative Report of Captain Morgan” (“Morgan’s Report”). Morgan’s Report was neither signed nor dated.

209. Morgan’s Report was riddled with inaccurate, speculative, false, and fraudulent allegations against Green. Morgan’s Report clearly displayed the animosity Defendants have for Green—much of which stems from Green’s refusal to engage in their misconduct and Green’s repeated reporting of the rampant misconduct of other officers and captains, but what really prompted the outcome was Green’s reporting to the FBI.

210. Morgan’s Report reiterated the false allegations against Green and made findings that they were true.

211. Defendant Captain Morgan found no misconduct by Green regarding his use of the electronic shock collar on Nero. Nonetheless, Morgan still included this in his report, even though there was no misconduct and was not part of the original allegations against Green.

212. Defendant Captain Morgan found no misconduct by Green for Green making prior complaints of misconduct by supervisors, but somehow came to the conclusion that Green was

retaliating against the supervisors. In one breath, Morgan found no misconduct in what Green reported, but in the next amazingly found that the reporting itself constituted misconduct.

213. Ironically, Green's lengthy history of reporting misconduct by supervisors, which spanned several years, never resulted in discipline—until he reported the misconduct and criminal activity to the FBI—then it became a fireable offense.

214. Defendant Captain Morgan made the following findings regarding the Allen incident:

- a. Green was dishonest when he told Rhonda Allen and Officer Watkins that Dillon admitted using drugs.
- b. Green was dishonest when he told Defendant Captain Flati that Dillon did not want to press charges.
- c. Green was dishonest when he said he did not know he was handling the call.
- d. Green was dishonest when he said he wrote a short narrative so that the incident would be documented.

215. Defendant Captain Morgan's findings are false:

- a. Dillon did admit to using Suboxone, which is a controlled substance. As such, it is subject to abuse. Green, an experienced narcotics investigator, would have knowledge of this and, based on his own experiences, is very keen on watching for overdoses and protecting people (like Dillon) from drug overdoses. This is something the community expects from its officers and is not something to punish them for. Green showed sympathy for Dillon by informing his mother Rhonda to watch for signs of drug use and overdose—especially because Dillon's father died from a drug overdose a few days earlier. Defendant Captain Morgan got this wrong.
- b. Dillon told Green when Green arrived at the scene that he did not want anything from the Allens, did not want to sue, and just wanted to get his things and leave. Initially

Dillon did not want to file charges, although he later changed his mind. Green's interpretation that Dillon did not want to file charges was not a lie. More importantly, during his interview with Defendant Captain Flati, Dillon admitted making these statements to Green at the scene. Defendant Captain Morgan's Report makes no mention of Flati's interview with Dillon during which he confirmed making these statements to Green. Green did not lie. Flati asked Green and Green said no, that occurred before Green went back to Dillon a second time and Dillon changed his mind. Morgan got this wrong.

- c. There is no dispute that Defendant Captain Flati was the ranking officer at the scene and was in charge. Green did not lie when he said that he did not think he was handling the call, especially because Flati was handling the investigation. Defendant Captain Morgan got this wrong.
- d. Green's reason for his narrative is a perfectly acceptable reason for its brevity. When asked to expand on it, he did. Defendant Captain Morgan got it wrong.

216. Defendant Captain Flati and Defendant Captain Morgan's accusation that Green somehow mishandled the Allen call is absurd. Chief Lane reviewed Green's actions and found nothing wrong with the way he handled the call. If anyone is to blame, it is the officer in charge of the scene—Defendant Captain Flati.

217. Green's action regarding the Allen incident did not affect the outcome in any way. Green was correct that the "domestic violence" charges were not appropriate, as evident by the prosecutor dismissing and later filing an "assault" charge. Moreover, convictions were obtained in the case. Green did not adversely affect the case.

218. Defendant Captain Morgan found that Green's text message to Officers Smith and Kerchofer was retaliatory and that Green lied about his reasons for sending it.

219. .When Green provided an answer that conflicted with the false narrative Defendants were trying to script, Defendant Captain Morgan automatically concluded that Green was lying—a conclusion lacking credible evidence in support.

220. Green informed Defendant Captain Morgan that he sent the text message to Officer Smith because Smith was in training to become a union representative. That is true—Smith was in training to become a union representative. Green did not lie about the reason for sending this text and never said he lied.

221. Green informed Defendant Captain Morgan that he sent the text message to Officer Kerchofer because Kerchofer worked the same shift as Defendant Captain Flati and Green believed he would have information about Flati’s habitual policy violations. This is a true statement. Green did not lie and never said he lied.

222. Defendant Captain Morgan found that Green’s email to Captain Lane was retaliatory and false, and that Green provided false information regarding his handling of the West 9th Street incident.

223. Yet Chief Lane already found no misconduct regarding either incident.

224. Defendant Captain Morgan found that Green was spreading rumors by telling Tracey Woods that Beau Tatgenhorst was selling drugs. Defendant Captain Morgan made this finding despite the complete lack of any credible and/or legally admissible evidence. Ironically, Morgan, who conducted the pre-hire interview and voice-stress tests for ELPD, would have known Beau Tatgenhorst’s admission of engaging in illegal drug activity during Beau’s hiring process.

225. Defendant Captain Morgan’s conclusion failed to consider that Woods clearly found it “rude” that they “assumed” it was Green that she heard it from because she has other officers as clients. No investigation was done on these other potential leakers of the information because Defendant Captain Morgan was only focused on harming Green.

226. Also troubling was Defendant Captain Morgan's use of Green's assertion of his privacy rights under HIPAA as grounds for his conclusion that Green was spreading the rumors. Defendant Captain Morgan's violation of Green's privacy rights is akin to using one's invocation of Fifth Amendment rights as evidence against him—which is strictly forbidden. Nonetheless, Defendant Captain Morgan trampled on rights to get what he and his cohorts desired—Green's ruination.

227. Rather than honoring the badge he holds and seeking the truth, Defendant Captain Morgan intentionally set out on a mission from Defendant Mayor Bricker—fueled by Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan's false accusations—to get any dirt on Green to justify his termination. When those efforts failed, Morgan filled in the gaping holes with false conclusions and lies.

228. Defendant Captain Morgan ostensibly found multiple policy violations and claimed, "I do not see how Christopher Green can continue to serve as an officer of the East Liverpool Police Department." Not ironically, in his reports on other officers who actually did engage in misconduct and criminal behavior, Morgan offered no such opinion.

229. Now, on the heels of an FBI investigation into their misconduct and criminal activity, Defendants and their cohorts cooked up a scheme to make Green look like the bad guy using Morgan's Report and the false allegations contained therein.

230. In the end, Defendant Captain Morgan accomplished what Defendants and their cohorts sought—a hit-piece report finding Green mishandled the Allen incident; Green's report of misconduct by Defendant Captain Flati was retaliatory; and Green spreading rumors about Liverpool PD Officer Beau Tatgenhorst—with no regard for the truth.

**East Liverpool unlawfully terminates Green.**

231. On or about Thursday, June 10, 2021, ELPD provided Green a letter titled "NOTICE OF PREDISCIPLINARY CONFERENCE – CHRISTOPHER GREEN" ("Predisciplinary Letter")

setting a predisdisciplinary hearing for June 16. The Predisiplinary Letter contained four allegations of misconduct and ordered Green to decide by “Monday June 11” whether he wanted to appear at the predisdisciplinary hearing and present his defense; appear at the predisdisciplinary hearing with a representative to present his defense; or waive the predisdisciplinary hearing. (June 11, 2021, was a Friday, not a Monday as stated in the predisiplinary-hearing notice.)

232. The allegations contained in the Predisiplinary Letter were identical to the three contained in Morgan’s Report, plus an additional claim that Green posted a meme of his new truck with a bumper sticker stating “Admin Leave” on social media.

233. Defendants must have recognized how utterly baseless their claims against Green were, so they added that he posted this meme, which they alleged disparaged the ELPD. Ironically, other officers who have posted much worse items on social media have faced little to no discipline, and certainly nothing close to termination.

234. The inclusion of the meme as a basis for Green’s termination shows Defendants’ zeal to discredit Green before the FBI investigation could take them down.

235. Green exercised his right under the collective-bargaining agreement and waived his predisiplinary hearing.

236. On June 24, 2021, East Liverpool terminated Green via a termination letter, which stated the same identical reasons for the termination as those contained in the Predisiplinary Letter. The termination letter was signed by Defendant Safety Service Director Dawson. But Chief Lane refused to sign the termination letter.

237. Chief Lane refused to sign the termination letter because he did not believe Green should have been disciplined, much worse terminated. Chief Lane previously investigated all of the allegations against Green and found no misconduct. Had Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan not violated the chain of command and

cajoled a more-than-willing Defendant Mayor Bricker to violate the law and Defendant Safety Service Director Dawson's actions, this travesty would not have occurred.

238. As part of the collective-bargaining-agreement process, Green appealed his termination to Defendant Safety Service Director Dawson, who approved the termination.

239. Green appealed his termination. The arbitrator rubberstamped Green's termination.

240. Meanwhile, Defendant Mayor Bricker sold Nero to Shallow Creek Kennels for \$950. Based on information and belief, had the sale been for \$1,000 or more, Bricker would have had to present the sale to city council and a public offering for Nero's sale would have been required.

241. East Liverpool's sale of Nero violated Ohio Rev. Code § 9.62, which provides that, if the police department's K-9 unit disbands, the handler (Green) is afforded the first opportunity to purchase the dog (Nero) for \$1. Green was never afforded an opportunity to purchase Nero. This was Green's statutory right.

242. East Liverpool's sale of Green's partner and canine-companion Nero was a deliberate and intentional retaliatory act to cause undue pain, suffering, and infliction of emotional stress on Green.

**East Liverpool continued to intimidate and retaliate against Green following his termination.**

243. In November 2021, Green filed a federal lawsuit against East Liverpool. The lawsuit, brought only under the Fair Standards Labor Act, sought back pay owed to Green for his care of Nero over the years.

244. Within days of Green filing the lawsuit, East Liverpool filed bogus criminal charges against Green alleging income-tax violations. The prosecutor dismissed these bogus charges.

245. Green and East Liverpool settled the FLSA lawsuit. The settlement expressly reserved and did not release his claims in this lawsuit.

**Defendant Captain Flati, Defendant Captain Morgan, Defendant Captain Tatgenhorst, and Captain Clark engaged in a violation of Ohio's "Little" Hatch Act.**

246. During the 2020 campaign for Columbiana County Prosecutor, candidate John Gamble used a photograph of himself with several uniformed officers in his campaign materials, which further indicated these officers supported Gamble for the position.

247. Defendant Captain Flati, Defendant Captain Morgan, Defendant Captain Tatgenhorst, and Captain Clark appeared in uniform in the photograph in violation of Ohio's "Little" Hatch Act, under Ohio Rev. Code § 124.57(A), which prohibits officers or employees in the classified civil-service from "tak[ing] part in politics other than to vote as the officer or employee pleases and to express freely political opinions."

248. The Ohio Attorney General's Office ("OAG") charged John Gamble with violating Ohio's "Little" Hatch Act, which is an unclassified misdemeanor.

249. The OAG subpoenaed Defendant Captain Flati, Defendant Captain Morgan, Defendant Captain Tatgenhorst, and Captain Clark to testify at the trial.

250. In March 2021, FOP counsel for the captains contacted the OAG expressing concerns that his clients would be exposed to criminal liability if they testified at Gamble's trial. The OAG agreed that the captains would be granted immunity against criminal liability, in exchange for their testimony.

251. Although Green did not report this criminal activity to the FBI, FOP counsel informed him that Defendants believed that he did report it. Defendants' misguided belief is another reason they retaliated against Green. Defendants were already aware of Green's report to the FBI.

252. Additionally, the promise of immunity in exchange for their testimony is *Giglio* (impeachment) material against each of these captains. Law enforcement is required to turn over *Giglio* material to every criminal defendant in every case investigated by these captains. But Defendant Captain Flati and the prosecutors never turned over this *Giglio* material to the Allen brothers during their trial—calling into question their convictions.

**Defendant Captain Tatgenhorst continued to engage in misconduct and criminal behavior with no repercussions from ELPD.**

253. Months after Green's termination, in or around November 2021, Defendant Captain Tatgenhorst sent several threatening, intimidating, menacing, coercive, and obscene text messages to Green with the intent to abuse, threaten, and harass Green. Tatgenhorst sent the messages at approximately 12:45 AM.

254. One text message displayed an emoji symbolizing a vagina— meant to slur Green as a “pussy.” Another text message stated “ABC,” which is law-enforcement lingo meaning “Always Be Careful” because there is danger coming. An ensuing text stated “good luck.”

255. Defendant Captain Tatgenhorst was not disciplined for this behavior despite Green informing Chief Lane of the texts.

256. Based on information and belief, in or around March 2022, Defendant Captain Tatgenhorst physically abused his wife. His wife went to ELPD the following day and made a complaint. In addition to the abuse allegation, his wife informed the police that Tatgenhorst had taken her cellphone, which contained evidence of the crimes.

257. Based on information and belief, later that day, Defendant Captain Tatgenhorst went to his wife's apartment, which is located above the FOP lodge. Tatgenhorst kicked in the door and threatened his wife with a gun. She was able to escape and found an off-duty police officer, who took her to the police station.

258. Based on information and belief, when the police responded to the FOP lodge, they found Defendant Captain Tatgenhorst with the gun drinking beer. Tatgenhorst turned off the officers' body cameras.

259. At that time, Defendant Captain Tatgenhorst was not disciplined for this incident by East Liverpool.

260. Based on information and belief, in the summer of 2022, Defendant Captain Tatgenhorst continued to threaten his wife. An arrest warrant was issued for his arrest in Hancock County—not East Liverpool. Tatgenhorst was arrested and charged with a crime.

261. Defendant Captain Tatgenhorst was placed on paid administrative leave, but continues to be employed by ELPD.

262. These charges were dismissed in November 2022, and the ELPD took no further action against Defendant Captain Tatgenhorst.

263. In October 2022, Tatgenhorst was indicted for two counts of tampering with evidence, felonies of the third degree, for turning off the officers' body cameras during the investigation into his assault on his wife. It is not known why Tatgenhorst is being treated with kid gloves and only being charged with two low-level felonies, instead of several more severe crimes. East Liverpool has taken no disciplinary action against Tatgenhorst as he remains on paid administrative leave.

## CLAIMS

### CLAIM 1

**FIRST AMENDMENT RETALIATION UNDER 42 U.S.C. § 1983 AGAINST DEFENDANTS  
CITY OF EAST LIVERPOOL; AND MAYOR GREGORY BRICKER, SAFETY SERVICE  
DIRECTOR DAVID DAWSON, FRED FLATI, CAPTAIN DARIN MORGAN, CAPTAIN CHAD  
TATGENHORST, IN THEIR OFFICIAL AND PERSONAL CAPACITIES; AND OFFICER  
ROBERT RAMSEY IN HIS PERSONAL CAPACITY**

264. Plaintiff incorporates all previous allegations.

265. Plaintiff Christopher Green was a public employee who engaged in First Amendment-protected free speech as a private citizen on a matter of public concern—corruption and rampant illegal activity within the local police department. He did so by reporting to the FBI misconduct and criminal activity occurring within the ELPD. His speech was not part of his ordinary or *ad hoc* job duties as an ELPD patrol officer.

266. By reporting the misconduct and criminal activity, Green engaged in constitutionally protected speech, conduct, or activity under the First and Fourteenth Amendments to the United States Constitution.

267. Green informed Chief Lane that he had gone to the FBI and, shortly thereafter, Defendants knew of Green's actions, setting off the string of their retaliatory acts resulting in Green's unlawful termination.

268. Defendants also retaliated against Green because of their mistaken belief that Green had reported their Ohio "Little" Hatch violations to the Ohio Attorney General's Office. This, too, would have been First Amendment-protected activity as speech on a matter of public concern outside of Green's ordinary and *ad hoc* job duties.

269. On information and belief, Defendants were so obsessed with Green that they also retaliated against him because of their belief that he had spoken outside of his ordinary and *ad hoc* job duties about other matters of public concern regarding Defendants' and their allies' misconduct.

270. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey knew and perceived that Green had engaged in constitutionally protected speech, conduct, or activity. Green's constitutional rights were clearly established and a reasonable public official would have known about them.

271. What happened to Green was the result of Defendant East Liverpool's custom, policy, or practice as contemplated in *Monell v. Dept. of Social Servs.*, 436 U.S. 658, 694 (1978) and its progeny. They included actions, ratification, and indifference by officials with final decision-making authority (like Defendant Mayor Bricker, Defendant Safety Service Director Dawson, and Chief Lane); a policy of inadequate training or supervision; and a custom of tolerance of or acquiescence to federal rights violations.

272. Defendant East Liverpool was objectively indifferent through its leaders to the likelihood particular constitutional violations would occur to Green. Over the course of many months, the individual Defendants were adverse-action wrecking balls and the municipalities' leaders failed to either train them to not be retaliatory or supervise them and hold them accountable.

273. Defendant East Liverpool had an unwritten, but entrenched policy of tolerating federal rights violations. As shown above, there was a clear and persistent pattern of illegal activity against Green and others; (2) notice (and constructive notice) by Defendants; (3) the leaders engaged in tacit approval of the unconstitutional conduct, such that their deliberate indifference in their failure to act can be said to amount to an official policy of inaction; and (4) the municipality's custom was the moving force or direct causal link in the rights violation.

274. Defendants Mayor Bricker, Defendant Safety Service Director Dawson, Captain Flati, Captain Morgan, and Captain Tatgenhorst were at all relevant times sufficiently empowered East Liverpool officials that their acts constitute the customs, policies, and practices of East Liverpool. Mayor Bricker is the highest-ranking official holding electoral office in the city, and Defendant Safety Service Director Dawson is a high-ranking, policymaking administrator. Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, and Captain Tatgenhorst are high-ranking officials within ELPD. All were, at relevant times, policymakers.

275. Defendants took adverse actions against Green—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. Defendant Officer Ramsey investigated allegations that Green was spreading rumors about a Liverpool PD patrol officer and later authored a materially false and fraudulent report dated March 9, 2023, which omitted key facts, specifically Tracey Woods's answer "Not that I'm aware," given in response to Defendant Officer Ramsey's questions,

- “Have you had a chance or an opportunity to have a conversation with anyone about any officer being dirty at the Liverpool Township Police Department?” and “Dirty. As far as not on the up and up, on the take, doing something illegal.”
- b. During his investigation, Defendant Officer Ramsey told Tracey Woods that “it’s been like an ongoing thing with one person” and “this guy just needs to shut his freaking mouth and go on about his business,” both threatening statements directed at Green.
  - c. Defendant Officer Ramsey failed to conduct a proper investigation into the rumors about Beau Tatgenhorst, specifically, by authoring the false and fraudulent report, failing to interview Beau, failing to interview Green, failing to report information that showed Green was not the source of the rumors, and making threatening statements directed at Green.
  - d. In or around January 2021, Defendant Mayor Bricker agreed to sell Nero to Green for \$1 in accordance with Ohio Rev. Code § 9.62, but then reneged on the agreement, sold Nero to another purchaser, and refused to provide any information on Nero’s whereabouts to Green.
  - e. On March 3, 2021, Defendant Captain Flati signed a letter addressed to Chief Lane in which Defendant Captain Flati falsely accused Green of “adversely affecting this investigation” and “gross misconduct” related to the Allen incident—even though Defendant Captain Flati was the senior officer in charge at the scene; Defendant Captain Flati made the decisions at the scene; Defendant Captain Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, supporting the fact that Green did not adversely affect the case.
  - f. Defendant Captain Flati continuously accused Green of mishandling the Allen incident, even testifying to such during the Allen trial—even though Flati was the senior officer in

- charge at the scene; made the decisions at the scene; Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, showing that Green did not adversely any legitimate case.
- g. Defendant Captain Flati compelled Green to sign domestic-violence charges against the Allen brothers despite the elements of domestic violence not being met and, when Green refused, Defendant Captain Flati produced a complaint seeking Green's suspension and further alleged Green was being insubordinate.<sup>1</sup>
  - h. On March 4, 2021, Defendant Captain Flati prepared additional false and fraudulent notes to be used against Green.
  - i. On March 8, 2021, Defendant Captain Flati falsely accused Green of retaliation because Green was gathering information on Flati's multiple policy violations and other misconduct with which to defend himself.
  - j. On March 12, 2021, Defendants Mayor Bricker and Safety Service Director Dawson placed Green on administrative leave based on the Beau Tatgenhorst-rumors incident, in which Green was falsely accused of spreading the rumors despite the lack of any credible evidence in support.
  - k. Despite Green being prohibited from speaking about the matter, in a further effort to harm Green, Defendant East Liverpool, through Defendant Mayor Bricker and Defendant Safety Service Director Dawson immediately provided and caused to be provided Defendant Captain Flati's false and fraudulent writings to the media, even though Flati's writings were part of the ongoing Allen criminal case.

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<sup>1</sup> The Allens were initially charged with "domestic violence," but, ironically, those charges were dismissed before trial because the elements were not met.

- l. Based on information and belief, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan violated ELPD's chain-of-command policy by requesting Defendant Mayor Bricker conduct an internal investigation into their bogus allegations against Green.
- m. On March 12, 2021, Defendant Mayor Bricker ordered Defendant Captain Morgan to investigate Green—even though Bricker had no authority to order Morgan to conduct such an investigation.
- n. Defendant Officer Ramsey, Defendant Captain Flati, and Defendant Captain Tatgenhorst provided false information to Defendant Captain Morgan to be used against Green.
- o. Defendant Captain Morgan authored Morgan's Report, which was a false or fraudulent writing, to be used against Green by providing a basis (albeit false basis) for his termination.
- p. Defendant Safety Service Director Dawson signed the termination letter for Green, which was a false or fraudulent writing because it contained the same reasons for Green's termination as the Predisciplinary Letter, which adopted the false reasons for disciplining Green contained in the Morgan Report and added an additional reason falsely claiming Green's social-media meme was disparaging to ELPD when it was not.
- q. Defendant Mayor Bricker endorsed Green's administrative leave.
- r. Defendant Mayor Bricker endorsed Green's unlawful termination.
- s. Defendant Mayor Bricker publicly ridiculed Green by making false, fraudulent, malicious, and defamatory statements about him to the media.
- t. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey forced Green and his family to hire

counsel and incur additional expenses to seek his reinstatement and otherwise seek justice.

276. These Defendants took the above-mentioned adverse actions while acting under color of state law.

277. Green's First Amendment-protected speech was a substantial and motivating factor<sup>2</sup> in the adverse actions he suffered Defendants' hands.

278. Defendants lack any countervailing interest that outweighs Green's interest in his crime-reporting speech, real and mistakenly perceived.

279. The contours of Green's right to free speech on matters of public concern as a private citizen were sufficiently clearly established when he exercised them to apprise a reasonable public employee that retaliating against him for exercising those rights was unlawful.

280. As a direct and proximate result of this unlawful campaign of retaliation that East Liverpool endorsed and adopted as its own, Green has suffered and will continue to suffer economic and non-economic damages for which Defendants East Liverpool, Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey 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.

281. Defendants' 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.

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<sup>2</sup> See, e.g., *Laster v. City of Kalamazoo*, 746 F.3d 714, 733 (6th Cir. 2014).

**CLAIMS 2–5**

**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) AGAINST DEFENDANTS OFFICER ROBERT RAMSEY, CAPTAIN FRED FLATI, CAPTAIN DARIN MORGAN, AND SAFETY SERVICE DIRECTOR DAVID DAWSON, RESPECTIVELY, IN THEIR PERSONAL CAPACITIES**

282. Plaintiff incorporates all previous allegations.

283. 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.)

284. 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.”

285. 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).

286. 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).

287. **As to Claim 2 against Defendant-Officer Ramsey:**

- a. Defendant Officer Ramsey knew his investigative report of the Beau Tatgenhorst rumors was a materially false or fraudulent writing because he deliberately omitted Tracey Woods's answer, "Not that I'm aware," given in response to his questions, "Have you had a chance or an opportunity to have a conversation with anyone about any officer being dirty at the Liverpool Township Police Department?" and "Dirty. As far as not on the up and up, on the take, doing something illegal."
- b. Ramsey also knowingly recorded and used this materially false or fraudulent writing with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder public servants and witnesses in the discharge of their duties, including, but not limited to Green, his chain of command, and later adjudicators, by providing a basis (albeit an illegal basis) for Green's termination.
- c. Ramsey knowingly recorded and used this materially false or fraudulent writing 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 jurors, judges, and arbitrators in potential proceedings, by providing a basis (albeit an illegal basis) for Green's termination.
- d. Ramsey knowingly recorded and used this materially false or fraudulent writing 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 Liverpool PD Chief Jackson, Chief Lane, Defendant Captain Morgan, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker, by providing a basis (albeit an illegal basis) for his termination.

- e. Ramsey did all of this despite knowing that what he had written in the writing was false and fraudulent.

288. **As to Claim 3 against Defendant Captain Flati:**

- a. Defendant Captain Flati's letter to Chief Lane dated March 3, 2021, was a materially false or fraudulent writing because it falsely accused Green of "adversely affecting this investigation" and "gross misconduct" related to the Allen incident—even though Flati was the senior officer in charge at the scene; Flati made the decisions at the scene; Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus showing that Green did not adversely affect the case.
- b. Flati's notes dated March 4, 2021 regarding Green and the Allen incident was a materially false or fraudulent writing because it again falsely accused Green of mishandling of the Allen incident.
- c. Flati's letter to Chief Lane dated March 8, 2021, was a materially false or fraudulent writing because it falsely accused Green of retaliation because Green was gathering information on Flati's multiple policy violations and other misconduct with which to defend himself.
- d. Flati knowingly recorded and used these materially false or fraudulent writings with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder public servants and witnesses in the discharge of their duties, including but not limited to Green, by providing a basis (albeit an illegal basis) for Green's termination.
- e. Flati knowingly recorded and used these materially false or 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 jurors, judges, and arbitrators in potential proceedings, by providing a basis (albeit an illegal basis) for Green's termination.

- f. Flati knowingly recorded and used these materially false or 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 Chief Lane, Defendant Captain Morgan, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker by providing a basis (albeit an illegal one) for his termination.
- g. Flati did all of this despite knowing that what he had written in the writings were false and fraudulent.

289. **As to Claim 4 against Defendant Captain Morgan:**

- a. Defendant Captain Morgan's report was a false or fraudulent writing because it falsely stated that Green mishandled the Allen incident and lied about it; falsely stated Green retaliated against Flati by sending a text message to fellow officers asking for information; and falsely stated Green was spreading rumors about Beau Tatgenhorst despite the lack of any credible evidence.
- b. Morgan knowingly recorded and used this materially false or fraudulent writing with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder public servants and witnesses in the discharge of their duties, including but not limited to Green, by providing a basis (albeit an illegal basis) for Green's termination.
- c. Morgan knowingly recorded and used this materially false or fraudulent writing 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 jurors, judges, and arbitrators in potential proceedings, by providing a basis (albeit an illegal basis) for Green's termination.
- d. Morgan knowingly recorded and used this materially false or fraudulent writing 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 Chief Lane, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker by providing a basis (albeit an illegal basis) for his termination.
  - e. Morgan did all of this despite knowing that what he had written in the writing was false and fraudulent.

290. **As to Claim 5 against Defendant Safety Service Director Dawson:**

- a. Defendant Safety Service Director Dawson's June 21, 2021, signed letter terminating Green was a false or fraudulent writing because it contained the same reasons for Green's termination as the Predisciplinary Letter, which adopted the false reasons for disciplining Green contained in the Morgan Report and added an additional reason falsely claiming Green's social-media meme was disparaging to ELPD when it was not.
- b. Dawson knowingly recorded and used this materially false or fraudulent writing with malicious purpose, in bad faith, and in a wanton and reckless manner, to attempt to influence, intimidate, and hinder public servants and witnesses in the discharge of their duties, including but not limited to Green, by providing a basis (albeit an illegal basis) for Green's termination.
- c. Dawson knowingly recorded and used this materially false or fraudulent writing 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 jurors, judges, and arbitrators in potential proceedings, by providing a basis (albeit an illegal basis) for Green's termination.

- d. Dawson knowingly recorded and used this materially false or fraudulent writing 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 Chief Lane and Defendant Mayor Bricker by providing a basis (albeit an illegal basis) for his termination.
- e. Dawson did all of this despite knowing that what he had written in the writing was false and fraudulent.

291. As a direct and proximate result of these actions, Green 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.

292. Defendants Officer Ramsey, Captain Flati, Captain Morgan, and Safety Service Director Dawson'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.

#### **CLAIMS 6–11**

#### **CIVIL LIABILITY FOR CRIMINAL ACTS (INTIMIDATION OF ATTORNEY, VICTIM, OR WITNESS IN A CRIMINAL CASE) UNDER OHIO REV. CODE §§ 2307.60 AND 2921.04(A) AGAINST DEFENDANTS OFFICER ROBERT RAMSEY, CAPTAIN FRED FLATI, CAPTAIN DARIN MORGAN, CAPTAIN CHAD TATGENHORST, SAFETY SERVICE DIRECTOR DAVID DAWSON, AND MAYOR GREGORY BRICKER, RESPECTIVELY, IN THEIR PERSONAL CAPACITIES**

293. Plaintiff incorporates all previous allegations.

294. Under the relevant part of Ohio Rev. Code § 2921.04(A), "... no person shall knowingly attempt to intimidate a witness to a criminal or delinquent act by reason of the person being a witness to that act." (Cleaned up.)

295. Under the relevant part of Ohio Rev. Code § 2921.04(B)(2), "No person, knowingly and... by unlawful threat of harm to any person or property or by unlawful threat to commit any offense or calumny against any person, shall attempt to influence, intimidate, or hinder... A witness to a criminal or delinquent act by reason of the person being a witness to that act." (Cleaned up.)

296. 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."

297. Under Ohio Rev. Code § 2921.04(E), "'witness' means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed."

298. 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 §§ 2921.04(A) are criminal acts, indeed misdemeanors, under § 2921.04(D). Violations of Ohio Rev. Code §§ 2921.04(B) are criminal acts, indeed felonious, under § 2921.04(D).

299. Green is a witness having knowledge of facts regarding criminal acts, including the following:

- a. Then-officers John Headley and Defendant Tatgenhorst's scheme to overbill for time

worked as school resource officers, resulting in thefts.

- b. Defendant Captain Tatgenhorst's scheme to report attendance at K-9 training and being paid for such training when he did not attend, resulting in theft, false reporting, and unconstitutional searches, seizures, arrests, and prosecutions.
- c. Defendant Captain Tatgenhorst's false accusation that Green conducted an improper stop, the propriety of which was already confirmed by Captains Wright and Headley.
- d. Defendant Captain Tatgenhorst's interference and obstruction into the drug investigation of Jacob Boyle, Jordan Fields (Tatgenhorst's nephew), and Fields's wife.
- e. Defendant Captain Tatgenhorst's complaint against Green concerning Nero's biting of the convict-grandson during the arrest.
- f. Captain Headley and Defendant Officer Ramsey's excessive force against a handcuffed and detained individual.

300. **As to Claim 6**, Defendant Officer Ramsey attempted to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Officer Ramsey authored a materially false and fraudulent investigative report regarding the Beau Tatgenhorst rumors.
- b. Ramsey told masseuse Tracey Woods "it's been like an ongoing thing with one person" and "this guy just needs to shut his freaking mouth and go on about his business" meaning Green in both instances.
- c. Ramsey provided false and fraudulent information to Defendant Captain Morgan during the investigation of Green.

301. **As to Claim 7**, Defendant Captain Flati attempted to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which

Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Captain Flati authored false and fraudulent writings against Green, including his letter to Chief Lane dated March 3, 2021; his notes dated March 4, 2021; and his letter to Chief Lane dated March 8, 2021.
- b. Flati requested Defendant Mayor Bricker conduct an investigation of Green.
- c. Flati provided false and fraudulent information to Defendant Captain Morgan during the investigation of Green.

302. **As to Claim 8**, Defendant Captain Morgan attempted to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Captain Morgan requested Defendant Mayor Bricker conduct an investigation of Green.
- b. Morgan authored a false and fraudulent report regarding his investigation of Green.

303. **As to Claim 9**, Defendant Captain Tatgenhorst attempted to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Captain Tatgenhorst requested Defendant Mayor Bricker conduct an investigation of Green.
- b. Tatgenhorst provided false and fraudulent information to Defendant Captain Morgan during the investigation of Green.
- c. Tatgenhorst sent threatening, intimidating, menacing, coercive, and obscene text messages to Green with the intent to abuse, threaten, and harass Green after Green's termination. One text message displayed an emoji symbolizing a vagina—meant to slur Green as a “pussy.” Another text message stated “ABC,” which is law-enforcement lingo

meaning “Always Be Careful” because there is danger coming. An ensuing text stated “good luck.” The text messages were sent at approximately 12:45 AM.

304. **As to Claim 10**, Defendant Safety Service Director Dawson attempted to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Safety Service Director Dawson acquiesced to Defendant Mayor Bricker’s unlawful order for Defendant Captain Morgan to conduct an internal investigation of Green.
- b. Dawson’s June 24, 2021, signed letter terminating Green was a materially false or fraudulent writing.
- c. Dawson ordered Green’s administrative leave.
- d. Dawson ordered Green’s unlawful termination.

305. **As to Claim 11**, Defendant Mayor Bricker tried to intimidate and hinder Green in being a witness to misconduct, criminal acts, and corruption within the ELPD and by its officers, which Green had previously reported to the FBI, by engaging in the following acts, among others:

- a. Defendant Mayor Bricker ordered Defendant Captain Morgan to conduct an investigation into allegations against Green, even though Defendant Mayor Bricker had no authority to order such an investigation and violated the law in doing so.
- b. Bricker sold Nero without giving Green an opportunity to purchase Nero first as provided for in Ohio Rev. Code § 9.62.
- c. Bricker endorsed Green’s administrative leave.
- d. Bricker endorsed Green’s unlawful termination.

e. Bricker publicly ridiculed Green by making false, fraudulent, malicious, and defamatory statement about him to the media.

306. Defendants Officer Ramsey, Captain Flati, Captain Morgan, Captain Tatgenhorst, Safety Service Director Dawson, and Mayor Bricker's intimidation involved both threatening and eventually imposing economic harm on Green.

307. As a direct and proximate result of these actions, Green 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.

308. Defendants Officer Ramsey, Captain Flati, Captain Morgan, Captain Tatgenhorst, Safety Service Director Dawson, and Mayor Bricker'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.

#### **CLAIMS 12–16**

#### **CIVIL LIABILITY FOR CRIMINAL ACTS (TAMPERING WITH RECORDS) UNDER OHIO REV. CODE §§ 2307.60 AND 2913.42(A)(1) AND (2) AGAINST DEFENDANTS OFFICER ROBERT RAMSEY, CAPTAIN FRED FLATI, CAPTAIN DARIN MORGAN, SAFETY SERVICE DIRECTOR DAWSON, AND MAYOR BRICKER, RESPECTIVELY, IN THEIR PERSONAL CAPACITIES**

309. Plaintiff incorporates all previous allegations.

310. 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.” (Cleaned up.)

311. 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.”

312. 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 East Liverpool, ELPD, Liverpool Township, and Liverpool PD.

313. **As to Claim 12**, Defendant Officer Ramsey, knowing that he had no privilege to do so and with purpose to defraud and knowing he was facilitating a fraud, falsified a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. Defendant Officer Ramsey knew his investigative report of the Beau Tatgenhorst rumors was a materially false or fraudulent writing because it omitted Tracey Woods’s answer “Not that I’m aware,” given in response to his questions, “Have you had a chance or an opportunity to have a conversation with anyone about any officer being dirty at the Liverpool Township Police Department?” and “Dirty. As far as not on the up and up, on the take, doing something illegal.”
- b. Ramsey, knowing he had no privilege to do so, with purpose to defraud and knowing he was facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to Liverpool Township PD Chief Jackson, ELPD, Chief

- Lane, Defendant Mayor Bricker, Defendant Safety Service Director Dawson, and Defendant Captain Morgan, to affect Green.
- c. The writing, data, computer software, or record by Defendant Officer Ramsey is kept by or belongs to a local or state governmental entity, namely, East Liverpool, ELPD, Liverpool Township, and/or Liverpool PD.
  - d. Defendant Officer Ramsey did all of this despite knowing that the writing, computer software, data, or record was false and that the writing and record he was uttering was tampered with.

314. **As to Claim 13**, Defendant Captain Flati, knowing that he had no privilege to do so and with purpose to defraud and knowing he was facilitating a fraud, falsified a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. Defendant Captain Flati's letter to Chief Lane dated March 3, 2021, was a materially false or fraudulent writing because it falsely accused Green of "adversely affecting this investigation" and "gross misconduct" related to the Allen incident—even though Defendant Captain Flati was the senior officer in charge at the scene; Defendant Captain Flati made the decisions at the scene; Defendant Captain Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, supporting the fact that Green did not adversely affect the case.
- b. Flati's notes dated March 4, 2021, regarding Green and the Allen incident was a materially false or fraudulent writing because it again falsely accused Green of mishandling of the Allen incident.
- c. Flati's letter to Chief Lane dated March 8, 2021, was a materially false or fraudulent writing because it falsely accused Green of retaliation because Green was gathering

- information on Flati's multiple policy violations and other misconduct with which to defend himself.
- d. Defendant Captain Flati, knowing he had no privilege to do so, with purpose to defraud and knowing he was facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to Chief Lane, Defendant Captain Morgan, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker to affect Green.
  - e. The writing, data, computer software, or record by Defendant Captain Flati is kept by or belongs to a local or state governmental entity, namely, East Liverpool and/or ELPD.
  - f. Defendant Captain Flati did all of this despite knowing that the writing, computer software, data, or record was false and that the writing and record he was uttering was tampered with.

315. **As to Claim 14**, Defendant Captain Morgan, knowing that he had no privilege to do so and with purpose to defraud and knowing he was facilitating a fraud, falsified a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. Defendant Captain Morgan's report was a false or fraudulent writing because it falsely stated that Green mishandled the Allen incident and lied about it; falsely stated Green retaliated against Defendant Captain Flati by sending a text message to fellow officers asking for information; and falsely stated Green was spreading rumors about Beau Tatgenhorst despite the lack of any credible evidence.
- b. Morgan, knowing he had no privilege to do so, with purpose to defraud and knowing he was facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to Chief Lane, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker, to affect Green.

- c. The writing, data, computer software, or record by Defendant Captain Morgan is kept by or belongs to a local or state governmental entity, namely, East Liverpool and/or ELPD.
- d. Morgan did all of this despite knowing that the writing, computer software, data, or record was false and that the writing and record he was uttering was tampered with.

316. **As to Claim 15**, Defendant Safety Service Director Dawson, knowing that he had no privilege to do so and with purpose to defraud and knowing he was facilitating a fraud, falsified a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. Defendant Safety Service Director Dawson's June 21, 2021, signed letter terminating Green was a false or fraudulent writing because it contained the same reasons for Green's termination as the Predisciplinary Letter, which adopted the false reasons for disciplining Green contained in the Morgan Report and added an additional reason falsely claiming Green's social media meme was disparaging to ELPD when it was not.
- b. Upon Green being placed on administrative leave, Dawson immediately provided Defendant Captain Flati's false and fraudulent writings to the media, even though Defendant Captain Flati's writing were part of the ongoing Allen criminal case.
- c. Dawson, knowing he had no privilege to do so, with purpose to defraud and knowing he was facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to Chief Lane, Defendant Mayor Bricker, Green, and the media, to affect Green.
- d. The writing, data, computer software, or record by Dawson is kept by or belongs to a local or state governmental entity, namely, East Liverpool and/or ELPD.
- e. Dawson did all of this despite knowing that the writing, computer software, data, or record was false and that the writing and record he was uttering was tampered with.

317. **As to Claim 16**, Defendant Mayor Bricker, knowing that he had no privilege to do so and with purpose to defraud and knowing he was facilitating a fraud, falsified a writing, computer software, data, or record. The false statements included, but were not limited to:

- a. Upon Green being placed on administrative leave, Defendant Mayor Bricker immediately provided Defendant Captain Flati's false and fraudulent writings to the media, even though Defendant Captain Flati's writing were part of the ongoing Allen criminal case.
- b. Bricker, knowing he had no privilege to do so, with purpose to defraud and knowing they were facilitating a fraud, and knowing the writing or records were tampered with, uttered the tampered writing or record to the media, to affect Green.
- c. The writing, data, computer software, or record by Bricker is kept by or belongs to a local or state governmental entity, namely, East Liverpool and/or ELPD.
- d. Bricker did all of this despite knowing that the writing, computer software, data, or record was false and that the writing and record he was uttering was tampered with.

318. As a direct and proximate result of these actions, Green has suffered and will continue to suffer economic and non-economic damages for which Defendant Officer Ramsey, Defendant Captain Flati, Defendant Captain Morgan, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker 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.

319. Defendant Officer Ramsey, Defendant Captain Flati, Defendant Captain Morgan, Defendant Safety Service Director Dawson, and Defendant Mayor Bricker'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.

**CLAIMS 17–20**

**CIVIL LIABILITY FOR CRIMINAL ACTS (TAMPERING WITH EVIDENCE) UNDER OHIO REV. CODE §§ 2307.60 AND 2921.12(A)(2) AGAINST DEFENDANTS OFFICER ROBERT RAMSEY, CAPTAIN FRED FLATI, CAPTAIN DARIN MORGAN, AND SAFETY SERVICE DIRECTOR DAVID DAWSON, RESPECTIVELY, IN THEIR PERSONAL CAPACITY**

320. Plaintiff incorporates all previous allegations.

321. 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 ... [m]ake, 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.” (Cleaned up.)

322. 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.”

323. 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).

324. **As to Claim 17**, Defendant Officer Ramsey knew his statements were materially false and fraudulent writings. Such statements included, but are not limited to:

- a. Defendant Officer Ramsey knew his investigative report of the Beau Tatgenhorst rumors was a materially false or fraudulent writing because it omitted Tracey Woods’s answer “Not that I’m aware,” given in response to his questions, “Have you had a chance or an opportunity to have a conversation with anyone about any officer being

dirty at the Liverpool Township Police Department?” and “Dirty. As far as not on the up and up, on the take, doing something illegal.”

- b. Ramsey knew that an investigation was in progress and that an official proceeding was about to be or likely to be instituted.
- c. Ramsey made, presented, or used his writings, knowing them to be false and with purpose to corrupt the outcome of any such proceeding or investigation.
- d. Ramsey did all of this despite knowing that the record, document, or thing was false.

325. **As to Claim 18**, Defendant Captain Flati knew his statements were materially false and fraudulent writings. Such statements included, but are not limited to:

- a. Defendant Captain Flati’s letter to Chief Lane dated March 3, 2021, was a materially false or fraudulent writing because it falsely accused Green of “adversely affecting this investigation” and “gross misconduct” related to the Allen family incident—even though Defendant Captain Flati was the senior officer in charge at the scene; Defendant Captain Flati made the decisions at the scene; Defendant Captain Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, supporting the fact that Green did not adversely affect the case
- b. Flati’s notes dated March 4, 2021, regarding Green and the Allen incident was a materially false or fraudulent writing because it again falsely accused Green of mishandling of the Allen family incident.
- c. Flati’s letter to Chief Lane dated March 8, 2021, was a materially false or fraudulent writing because it falsely accused Green of retaliation because Green was gathering information on Flati’s multiple policy violations and other misconduct with which to defend himself.

- d. Defendant Captain Flati knew that an investigation was in progress and that an official proceeding was about to be or likely to be instituted.
- e. Defendant Captain Flati made, presented, or used his writings, knowing them to be false and with purpose to corrupt the outcome of any such proceeding or investigation.
- f. Defendant Captain Flati did all of this despite knowing that the record, document, or thing was false.

326. **As to Claim 19**, Defendant Captain Morgan knew his statements were materially false and fraudulent writings. Such statements included, but are not limited to:

- a. Defendant Captain Morgan's report was a false or fraudulent writing because it falsely stated that Green mishandled the Allen incident and lied about it; falsely stated Green retaliated against Defendant Captain Flati by sending a text message to fellow officers asking for information; and falsely stated Green was spreading rumors about Beau Tatgenhorst despite the lack of any credible evidence.
- b. Defendant Captain Morgan knew that an investigation was in progress and that an official proceeding was about to be or likely to be instituted.
- c. Defendant Captain Morgan made, presented, or used his writings, knowing them to be false and with purpose to corrupt the outcome of any such proceeding or investigation.
- d. Defendant Captain Morgan did all of this despite knowing that the record, document, or thing was false.

327. **As to Claim 20**, Defendant Safety Service Director Dawson knew his statements were materially false and fraudulent writings. Such statements included, but are not limited to:

- a. Defendant Safety Service Director Dawson's June 21, 2021, signed letter terminating Green was a false or fraudulent writing because it contained the same reasons for Green's termination as the Predisciplinary Letter, which adopted the false reasons for

- disciplining Green contained in the Morgan Report and added an additional reason falsely claiming Green's social media meme was disparaging to ELPD when it was not.
- b. Dawson knew that an investigation was in progress and that an official proceeding was about to be or likely to be instituted.
  - c. Dawson made, presented, or used his writings, knowing them to be false and with purpose to corrupt the outcome of any such proceeding or investigation.
  - d. Dawson did all of this despite knowing that the record, document, or thing was false.

328. As a direct and proximate result of these actions, Green has suffered and will continue to suffer economic and non-economic damages for which Defendant Officer Ramsey, Defendant Captain Flati, Defendant Captain Morgan, and Defendant Safety Service Director Dawson 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.

329. Defendant Officer Ramsey, Defendant Captain Flati, Defendant Captain Morgan, and Defendant Safety Service Director Dawson'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 21**

#### **CIVIL LIABILITY FOR CRIMINAL ACTS (TELECOMMUNICATIONS HARASSMENT) UNDER OHIO REV. CODE §§ 2307.60 AND 2917.21(A) AND (B) AGAINST DEFENDANT CAPTAIN CHAD TATGENHORST IN HIS PERSONAL CAPACITY**

330. Plaintiff incorporates all previous allegations.

331. Under Ohio Rev. Code § 2917.21(A)(1), "No person shall knowingly make or cause to be made a telecommunication ...to another, if the caller ... Makes the telecommunication with purpose to harass, intimidate, or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient"; or under §

2917.21(A)(6), “Knowingly makes any comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, intimidating, menacing, coercive, or obscene with the intent to abuse, threaten, or harass the recipient”; or under § 2917.21(A)(11), “Knowingly alarms the recipient by making a telecommunication without a lawful purpose at an hour or hours known to be inconvenient to the recipient and in an offensive or repetitive manner.” (Cleaned up).

332. Under Ohio Rev. Code § 2917.21(B)(1), “No person shall make or cause to be made a telecommunication ... with purpose to abuse, threaten, or harass another person.”

333. 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.”

334. 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 § 2917.21 are criminal acts, indeed misdemeanors for first violations and felonies for subsequent violations, under § 2917.21(C).

335. Defendant Captain Tatgenhorst sent several threatening, intimidating, menacing, coercive, and obscene text messages to Green with the intent to abuse, threaten, and harass Green.

Tatgenhorst sent the messages at approximately 12:45 AM.

336. One text message displayed an emoji symbolizing a vagina—meant to slur Green as a “pussy.” Another text message stated “ABC,” which is law-enforcement lingo meaning “Always Be Careful” because there is danger coming. An ensuing text stated, “good luck.”

337. As a direct and proximate result of these actions, Green has suffered and will continue to suffer economic and non-economic damages for which Defendant Captain Tatgenhorst 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.

338. Defendant Captain Tatgenhorst'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.

**CLAIMS 22–26**

**CIVIL LIABILITY FOR CRIMINAL ACTS (INTERFERING WITH CIVIL RIGHTS) UNDER OHIO REV. CODE §§ 2307.60 AND 2921.45 AGAINST DEFENDANTS MAYOR GREGORY BRICKER, SAFETY SERVICE DIRECTOR DAVID DAWSON, FRED FLATI, CAPTAIN DARIN MORGAN, CAPTAIN CHAD TATGENHORST, AND OFFICER ROBERT RAMSEY, RESPECTIVELY, IN THEIR PERSONAL CAPACITY**

339. Plaintiff incorporates all previous allegations.

340. Under Ohio Rev. Code § 2921.45(A), “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.”

341. 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.”

342. 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 §§ 2921.45(A) are criminal acts, indeed misdemeanors, under § 2921.45(B).

343. **As to Claim 22 against Defendant Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey:**

- a. Plaintiff Christopher Green was a public employee who engaged in First Amendment–protected free speech as a private citizen on a matter of public concern—corruption and rampant illegal activity within the local police department. He did so by reporting to the FBI misconduct and criminal activity occurring within the ELPD. His speech was not part of his ordinary or *ad hoc* job duties as an ELPD patrol officer.
- b. By reporting the misconduct and criminal activity, Green engaged in constitutionally protected speech, conduct, or activity under the First and Fourteenth Amendments.
- c. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey knew Green had engaged in constitutionally protected speech, conduct, or activity.
- d. Defendants also mistakenly believed that Green had reported their Ohio “Little” Hatch violations to the Ohio Attorney General’s Office.
- e. As detailed above, Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey knowingly engaged in retaliatory acts, among other things, to have Green terminated from his position as an officer with ELPD.

344. **As to Claim 23 against Defendant Mayor Bricker:**

- a. Under Ohio Rev. Code § 9.62, which provides, “Upon the disbanding of the canine or equine unit of a law enforcement agency, the agency shall give the law enforcement officer to whom a police dog or horse is assigned the first chance to purchase the animal, for one dollar. An officer who purchases an animal under this section shall assume all responsibility for the animal thereafter.”

- b. When East Liverpool “retired” Nero, ELPD’s K-9 unit was disbanded, which afforded Green the first opportunity to purchase Nero for \$1.
- c. Defendant Mayor Bricker violated Ohio Rev. Code § 9.62 by selling Nero without first affording Green the opportunity to purchase Nero for \$1.
- d. Bricker’s unlawful sale of Nero violated Green’s statutory rights, as protected under Ohio Rev. Code § 2941.45(A).

345. **As to Claim 24 against Defendant Mayor Bricker:**

- a. Under Ohio Rev. Code § 737.05, “The police department of each city shall be composed of a chief of police and such other officers, patrolmen, and employees as the legislative authority thereof provides by ordinance. The director of public safety of such city shall have the exclusive management and control of all other officers, surgeons, secretaries, clerks, and employees in the police department as provided by ordinances or resolution of such legislative authority. He may commission private policemen, who may not be in the classified list of the department, under such rules and regulations as the legislative authority prescribes.”
- b. Under Ohio Rev. Code § 737.06, “The chief of police shall have exclusive control of the stationing and transfer of all patrolmen, auxiliary police officers, and other officers and employees in the police department, and police auxiliary unit, under such general rules and regulations as the director of public safety prescribes.”
- c. Defendant Mayor Bricker had no authority to order Defendant Captain Morgan to conduct an internal investigation, which violated Ohio Rev. Code §§ 737.05 and 737.06, causing harm to Green.
- d. Bricker’s order violated Green’s statutory rights, as protected under Ohio Rev. Code § 2941.45(A).

346. **As to Claim 25 against Defendant Safety Service Director Dawson:**

- a. Defendant Safety Service Director Dawson acquiesced to Defendant Mayor Bricker's unlawful order for Defendant Captain Morgan to conduct an internal investigation of Green, which violated Ohio Rev. Code §§ 737.05 and 737.06, causing harm to Green.
- b. Dawson accepted and adopted the results of Defendant Captain Morgan's investigation and ordered the suspension then termination of Green.
- c. Dawson's actions violated Green's statutory rights, as protected under Ohio Rev. Code § 2941.45(A).

347. **As to Claim 26 against Defendant Captain Morgan:**

- a. Defendant Captain Morgan had no authority to conduct an internal investigation of Green as ordered by Defendant Mayor Bricker, which violated Ohio Rev. Code §§ 737.05 and 737.06, causing harm to Green.
- b. During his investigation and report, Defendant Captain Morgan violated Green's rights under HIPAA, by using Green's assertion of those rights as evidence against him. Defendant Captain Morgan requested Green waive his rights so that he could interview masseuse Tracey Morgan, but Green refused. Defendant Captain Morgan, based in part of on Green's refusal, concluded that Green was the person responsible for spreading rumors about Beau Tatgenhorst.
- c. Morgan violated Green's statutory rights, as protected under Ohio Rev. Code § 2941.45(A).

348. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey are public servants. Under color of their office, employment, or authority, each knowingly deprived, conspired to deprive, or attempted to deprive Green of his constitutional and statutory rights as detailed above.

349. As a direct and proximate result of these actions, Green has suffered and will continue to suffer economic and non-economic damages for which the named Defendant Mayor Bricker, Defendant Safety Service Director Dawson, Defendant Captain Flati, Defendant Captain Morgan, Defendant Captain Tatgenhorst, and Defendant Officer Ramsey 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.

350. Defendant Mayor Bricker, Defendant Safety Service Director Dawson, Defendant Captain Flati, Defendant Captain Morgan, Defendant Captain Tatgenhorst, and Defendant Officer Ramsey'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 27**

#### **FOURTEENTH AMENDMENT VIOLATION UNDER 42 U.S.C. § 1983 FOR FAILURE TO TRAIN AND SUPERVISE EMPLOYEES RESULTING IN A WRONGFUL DISCHARGE AGAINST DEFENDANTS CITY OF EAST LIVERPOOL, MAYOR GREGORY BRICKER, SAFETY SERVICE DIRECTOR DAVID DAWSON, FRED FLATI, CAPTAIN DARIN MORGAN, AND CAPTAIN CHAD TATGENHORST IN THEIR OFFICIAL AND PERSONAL CAPACITIES**

351. Plaintiff incorporates all previous allegations.

352. Defendants took adverse actions against Green—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. Defendant Officer Ramsey investigated allegations that Green was spreading rumors about a Liverpool PD patrol officer and later authored a materially false and fraudulent report dated March 9, 2023, which omitted key facts, specifically Tracey Woods's answer "Not that I'm aware," given in response to Defendant Officer Ramsey's questions, "Have you had a chance or an opportunity to have a conversation with anyone about

- any officer being dirty at the Liverpool Township Police Department?” and “Dirty. As far as not on the up and up, on the take, doing something illegal.”
- b. During his investigation, Defendant Officer Ramsey told Tracey Woods that “it’s been like an ongoing thing with one person” and “this guy just needs to shut his freaking mouth and go on about his business,” both threatening statements directed at Green.
  - c. Defendant Officer Ramsey failed to conduct a proper investigation into the rumors about Beau Tatgenhorst, specifically, by authoring the false and fraudulent report, failing to interview Beau, failing to interview Green, failing to report information that showed Green was not the source of the rumors, and making threatening statements directed at Green.
  - d. In or around January 2021, Defendant Mayor Bricker agreed to sell Nero to Green for \$1 in accordance with Ohio Rev. Code § 9.62, but then reneged on the agreement, sold Nero to another purchaser, and refused to provide any information on Nero’s whereabouts to Green.
  - e. On March 3, 2021, Defendant Captain Flati signed a letter addressed to Chief Lane in which Defendant Captain Flati falsely accused Green of “adversely affecting this investigation” and “gross misconduct” related to the Allen incident—even though Defendant Captain Flati was the senior officer in charge at the scene; Defendant Captain Flati made the decisions at the scene; Defendant Captain Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, supporting the fact that Green did not adversely affect the case.
  - f. Defendant Captain Flati continuously accused Green of mishandling the Allen incident, even testifying to such during the Allen trial—even though Defendant Captain Flati was the senior officer in charge at the scene; Defendant Captain Flati made the decisions at

- the scene; Defendant Captain Flati directed Green what to do and Green complied; and two of the Allen brothers were convicted of assault, thus, supporting the fact that Green did not adversely affect the case.
- g. Defendant Captain Flati compelled Green to sign domestic-violence charges against the Allen brothers despite the elements of domestic violence not being met and, when Green refused, Defendant Captain Flati produced a complaint seeking Green's suspension and further alleged Green was being insubordinate.<sup>3</sup>
  - h. On March 4, 2021, Defendant Captain Flati prepared additional false and fraudulent notes to be used against Green.
  - i. On March 8, 2021, Defendant Captain Flati falsely accused Green of retaliation because Green was gathering information on Defendant Captain Flati's multiple policy violations and other misconduct with which to defend himself.
  - j. On March 12, 2021, Defendants Mayor Bricker and Safety Service Director Dawson placed Green on administrative leave based on the Beau Tatgenhorst rumors incident, in which Green was falsely accused of spreading the rumors despite the lack of any credible evidence in support.
  - k. Despite Green being prohibited from speaking about the matter, in a further effort to harm Green, Defendant East Liverpool, through Defendant Mayor Bricker and Defendant Safety Service Director Dawson immediately provided and caused to be provided Defendant Captain Flati's false and fraudulent writings to the media, even though Defendant Captain Flati's writings were part of the ongoing Allen criminal case.

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<sup>3</sup> The Allens were initially charged with "domestic violence," but those charges were dismissed before trial because... the elements were not met.

- l. Based on information and belief, Defendant Captain Flati, Defendant Captain Tatgenhorst, and Defendant Captain Morgan violated ELPD's chain-of-command policy by requesting Defendant Mayor Bricker conduct an internal investigation into their bogus allegations against Green.
- m. On March 12, 2021, Defendant Mayor Bricker ordered Defendant Captain Morgan to investigate Green—even though Defendant Mayor Bricker had no authority to order Defendant Captain Morgan to conduct such an investigation.
- n. Defendant Officer Ramsey, Defendant Captain Flati, and Defendant Captain Tatgenhorst provided false information to Defendant Captain Morgan to be used against Green.
- o. Defendant Captain Morgan authored Morgan's Report, which was a false or fraudulent writing, to be used against Green by providing a basis (albeit false basis) for his termination.
- p. Defendant Safety Service Director Dawson signed the termination letter for Green, which was a false or fraudulent writing because it contained the same reasons for Green's termination as the Predisciplinary Letter, which adopted the false reasons for disciplining Green contained in the Morgan Report and added an additional reason falsely claiming Green's social-media meme was disparaging to ELPD when it was not.
- q. Defendant Mayor Bricker endorsed Green's administrative leave.
- r. Defendant Mayor Bricker endorsed Green's unlawful termination.
- s. Defendant Mayor Bricker publicly ridiculed Green by making false, fraudulent, malicious, and defamatory statement about him to the media.
- t. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, Captain Tatgenhorst, and Officer Ramsey forced Green and his family to hire

counsel and incur additional expenses to seek his reinstatement and otherwise seek justice.

353. Defendants displayed a deliberate indifference to the actions leading up and causing Green's termination, failed to exercise due care, and acted in a reckless manner.

354. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, and Captain Tatgenhorst engaging in the above-mentioned adverse actions while acting under color of state law.

355. Defendants Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, and Captain Tatgenhorst were at all relevant times sufficiently empowered East Liverpool officials that their acts constitute the customs, policies, and practices of East Liverpool.

356. As a direct and proximate result of these actions, Green 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.

357. Defendants East Liverpool, Mayor Bricker, Safety Service Director Dawson, Captain Flati, Captain Morgan, and Captain Tatgenhorst'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 28**

#### **RECKLESS HIRING, TRAINING, SUPERVISION, DISCIPLINE, STAFFING, AND RETENTION UNDER OHIO LAW (AGAINST DEFENDANT CITY OF EAST LIVERPOOL)**

358. Plaintiff incorporates all previous allegations.

359. Defendant City of East Liverpool failed to exercise due care and acted in a reckless manner in hiring, training, supervising, disciplining, staffing, and retaining the individual defendants.

360. The individual defendants were unfit for their positions and duties, as was obvious from their serial misconduct.

361. Defendant City of East Liverpool's reckless conduct in this regard proximately caused Plaintiff Green's injuries alleged above.

362. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiff Green sustained damages.

#### **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 Green and from further implementing any previous acts of retaliation;
- C. Enter judgment in Green's favor on all claims for relief;
- D. Award Green 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. Award Green punitive damages as appropriate for all intentional and malicious violations of federal and state law and constitutional rights;
- F. Award pre-judgment and post-judgment interest at the highest lawful rate;
- G. Award Green his reasonable attorney fees, expert fees, and all other costs and expenses of this suit;
- H. Award all other relief in law or equity to which Green is entitled and that the Court deems equitable just, or proper.

**JURY DEMAND**

Plaintiff Christopher Green demands a trial by jury on all issues within this First Amended Complaint.

Dated: March 8, 2023

/s/ Subodh Chandra

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Respectfully submitted,

Per consent

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