

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

EDWARD RATLIFF,

Plaintiff,

v.

Case No.

CITY OF GAINESVILLE,  
FLORIDA

Defendant.

\_\_\_\_\_ /

**PLAINTIFF EDWARD RATLIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, EDWARD RATLIFF (hereafter "Ratliff" or "Plaintiff"), pursuant to Florida Rules of Civil Procedure 1.100 and 1.110, files this Complaint and Demand for Jury Trial against Defendant the CITY OF GAINESVILLE, FLORIDA ("the City" or "Defendant"), and alleges the following:

**NATURE OF THE ACTION**

1. Ratliff brings this action for discrimination and retaliation on the basis of his race and color in violation of 42 U.S.C. § 1981 through 42 U.S.C. § 1983 and for violations of the Florida Workers' Compensation Retaliation Act, Fla. Stat. § 440.205.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction because Ratliff is seeking damages of more than \$30,000 for acts and omissions that occurred in Alachua County, Florida, and because the City of Gainesville, where Plaintiff was employed, is located in Alachua County, which is in the Eighth Judicial Circuit of Florida.

3. This Court has jurisdiction for claims brought pursuant to 42 U.S.C. § 1981 through 42 U.S.C. § 1983 and Florida's Workers' Compensation Retaliation Act, Fla. Stat. § 440.205.

4. Venue is proper because Plaintiff's claim arose in Alachua County and the City of Gainesville is located in Alachua County, and because the acts in question took place in Alachua County.

### **PARTIES**

5. Ratliff is a Black male who was employed by the City as an Officer for the Gainesville Police Department for approximately 13 years.

6. The City of Gainesville is a municipal government in Gainesville, Florida, which operated a police department at all times relevant to this claim.

### **FACTUAL ALLEGATIONS**

7. The numerous acts of discrimination and retaliation began in 2015 when Ratliff was first removed from the City of Gainesville Police Department's K-9 Unit without any justification or explanation.

8. At the time, Ratliff was the only African American on the K-9 Unit.

9. Ratliff filed a grievance over the reassignment. The grievance was resolved in favor of the City.

10. Ratliff was reassigned to the K-9 Unit in April of 2017.

11. In December of 2017, Ratliff was reprimanded by his supervisor for going out to dinner on a Saturday night and not staying home with his K-9. Ratliff was told by his supervisors that if he went out again and left the dog, he might once again be removed from the K-9 Unit.

12. K-9 Officers were encouraged to stay home with their dog, especially in the early part of their relationship, in order to bond with the animal.

13. The City, however, did not intrude on the personal lives of non-minority officers or impose on them such draconian restrictions under threat of removal from the Unit.

14. The threat of removal from the K-9 Unit caused Ratliff so much stress and anxiety that he had trouble sleeping at night.

15. Ratliff began seeing a therapist in order to cope with the anxiety caused by the threat of losing his K-9.

16. In February of 2018, White officers in the K-9 Unit began calling Ratliff “Radio” after the lead character in a movie of the same name.

17. The character “Radio” was a mentally handicapped Black man who carried around a radio wherever he went.

18. Ratliff was given the nickname because of his tendency to focus his attention on the police radio during training activities.

19. After being the object of numerous jokes and memes for several weeks, Ratliff complained to his colleagues on February 19, 2018 that he was offended by the nickname “Radio” and requested that they stop referring to him by that nickname.

20. Ratliff complained, “You are basically calling me a retarded Black guy.” Cpl. Jeff Kerkau responded, “Yes, we know. That’s why it’s funny.”

21. Cpl. Kerkau and other officers in the K-8 Unit continued to refer to Ratliff as “Radio” and joke about it after Ratliff complained.

22. Racial slurs were embedded in the every-day language in the K-9 Unit. Employees had no fear of reprisal or of being subjected to disciplinary action for using racial slurs, including the “n” word.

23. The acceptance of such language by top management was the equivalent of a policy or practice by the City.

24. Cpl. Kerkau would use a racial slur when a minority officer was the subject of an internal investigation. Kerkau would sometimes describe the situation by saying, “Sounds like there’s some niggers in the wood pile.”

25. On March 21, 2018, Ratliff’s supervisors continued to discriminate against him when they questioned him about his personal life after he broke up with his fiancé. Ratliff’s supervisors questioned whether he should continue to live with his fiancé after they split up as a couple.

26. Ratliff’s supervisors suggested without any evidence that the tension caused by their breakup could be causing obedience problems with Ratliff’s K-9. They encouraged Ratliff to move out of his house.

27. Ratliff felt violated because he believed that his personal life had no impact on his professionalism as a police officer.

28. As a result of having his personal life exposed to scrutiny by his supervisors, Ratliff took a less personal and more business-like approach to his job. He stopped socializing and sharing details of his personal life with his co-workers.

29. At a work-related dinner on April 5, 2018, Cpl. Kerkau again spoke to Ratliff about his relationship with his former fiancé, and once again tried to pressure Ratliff to move out of his home. Ratliff had to walk away from the conversation in order to avoid a confrontation.

30. From that point forward, Cpl. Kerkau felt disrespected and subjected Ratliff.

31. In May of 2018, Sgt. Owens wrote up Ratliff for allegedly being disrespectful when Ratliff walked away from the dinner conversation with Kerkau a month earlier.

32. However, Owens claimed the disciplinary action was taken for a “performance issue, which was never disclosed and which was merely a pretext for his discriminatory and retaliatory motives.

33. Sgt. Owens continued to single out Ratliff when he reprimanded him for going out of town on a trip that he had planned for eight months, even though the trip would have no impact on Ratliff’s job performance or on his K-9.

34. The discriminatory and retaliatory acts continued when Ratliff was written up for something as trivial as submitting his monthly report in the wrong folder.

35. The City’s discriminatory and retaliatory intent is shown by the fact that it did not discipline a non-minority officer who failed to submit the monthly report altogether.

36. Ratliff was subjected to racial slurs on January 13, 2019 when the City had to euthanize a retired K-9 dog.

37. At that time Ratliff and other members of the K-9 Unit heard Sgt. Charlie Owens say that the dog “bit a lot of niggers.”

38. That comment was heard by Sgt. Tommy Harrison, who was standing next to Owens, and by other members of the K-9 Unit. Sgt. Harrison then said, “Poor Ed has to listen to all of us White cops call people niggers the past couple of weeks.”

39. Sgt. Harrison was referring to an incident that occurred a few weeks earlier during a going away party for a former K-9 officer. During the party, Ratliff heard a White officer, Drew Marshall, utter a racial slur about “those niggers on the east side.”

40. Marshall was referring to the east side of the City of Gainesville, which has a large minority population.

41. Ratliff was offended by the comments and left the party. Several officers heard the statements, which were made at an officer's home.

42. When Officer Ratliff complained about the racially offensive comments, including the use of the word "nigger," he was told by Cpl. Kerkau that it was no big deal because "Black people use the word all the time."

43. Ratliff suffered an on-the-job injury on May 27, 2019 when he broke his right hand arresting a suspected felon.

44. Ratliff had surgery on his right hand on June 4, 2019.

45. Ratliff was discriminated and retaliated against on August 1, 2019 when he was once again removed from the K-9 Unit barely two months after his workers' compensation injury.

46. In September of 2019, Ratliff was falsely accused of lying about a physical therapy appointment related to his injury.

47. David Jarvis, the City's Risk Management Officer, claimed he received an anonymous tip that Ratliff was misrepresenting his injury. The City then placed Ratliff under surveillance on September 13, 2019.

48. Ratliff was never informed who offered the "tip" and what information was provided about how he supposedly misrepresented his injury.

49. The City terminated Ratliff's workers' compensation benefits on October 24, 2019.

50. Ratliff was placed on administrative assignment pending an internal investigation and his law enforcement privileges were suspended for 239 days from December 5, 2019 to June of 2020.

51. The investigation found no evidence that Ratliff misrepresented his workers' compensation claim. Investigators cleared Ratliff of any wrongdoing and found no probable cause for fraud charges.

52. Investigators determined the charges were "Unfounded." The police department, however, changed the finding to "Not Sustained."

53. While he was suspended, Ratliff was unable to work extra shifts that would have resulted in overtime pay. During that time, he lost a significant amount of income.

54. Ratliff returned to light duty in January of 2020. At that time, his law enforcement privileges should have been reinstated because he was cleared of wrongdoing.

55. Instead, the City charged Ratliff with falsifying documents related to his workers' compensation claim and continued the suspension of his law enforcement privileges.

56. Meanwhile, Ratliff continued to be subjected to offensive comments. Sgt. Owens made other inappropriate comments on April 21, 2020 when he entered Ratliff's office and Officer Drew Marshall made a comment to Owens about his mustache. Owens had grown a handlebar mustache and he was discussing with Marshall the complaints he received about the mustache from other officers.

57. Sgt. Owens threatened to grow a "toothbrush" Adolph Hitler-style mustache if the complaints continued. To illustrate the point, Owens shouted "Heil Hitler!" three times raising his hand in the Nazi salute each time.

58. Sgt. Owens' actions were extremely hostile to Ratliff in that they summoned chilling images of White supremacy.

59. The City continued its discriminatory actions when Ratliff applied for a Detective position in the Special Investigations Unit in May of 2020. Ratliff was turned down in favor of

non-minority candidates with less experience who did not have workers' compensation or discrimination claims against the City.

60. Ratliff was officially notified of the internal affairs investigation on June 3, 2020. Ratliff was told on June 30, 2020 that he had to return to full duty, despite still having issues with his injured hand.

61. The City hired a private investigator to conduct surveillance on Ratliff.

62. Ratliff's law enforcement privileges were reinstated in July of 2020 and the internal affairs investigation was closed on August 25, 2020 after 239 days.

63. Ratliff was constructively discharged on April 16, 2021 when he could no longer tolerate the mental and emotional distress that he was subjected to on a regular basis, and it became clear that he would not be promoted in the future, regardless of the number of accolades he received in his career.

64. Ratliff on May 4, 2021 filed a Charge of Discrimination with the Florida Commission on Human Relations based on race, color and retaliation.

65. As a direct result of the City's actions, Ratliff has suffered damages, including lost wages and benefits and mental and emotional distress. He also has been forced to pay attorney's fees to vindicate his rights.

66. Ratliff has sought psychiatric treatment for sleep anxiety, and will require continued treatment in the future.

67. Ratliff will most likely need another surgery on his hand, which has incurred permanent nerve damage.



**COUNT I**  
**Race Discrimination**  
**42 U.S.C. § 1981 via 42 U.S.C. § 1983**

68. Ratliff re-alleges and incorporates by reference into Count I, paragraphs 1 through 67 of this Complaint.

69. Ratliff is seeking appropriate remedies for intentional discrimination against him in the workplace by the City of Gainesville.

70. The discriminatory acts extend all the way back to 2015. They include but are not limited to removing Ratliff from the K-9 Unit twice, interfering in his personal life outside of work, subjecting Ratliff to demeaning stereotypes and egregious racial slurs, and disciplining him for trivial offenses.

71. At all times relevant to this case, Ratliff was employed by the City of Gainesville.

72. At all times relevant to this case, Ratliff was a member of a racial minority and protected class in that he was African American.

73. The City intentionally discriminated against Ratliff on the basis of his race and color by engaging in the enumerated activities described in this Complaint.

74. The City discriminated against Ratliff by subjecting him to disparate treatment and a hostile work place on the basis of his race and color.

75. The discriminatory conduct explicitly or implicitly affected the terms and conditions of Ratliff's employment, unreasonably interfered with his work performance and created a hostile work environment.

76. Ratliff was qualified for the positions that he held or sought during his employment with the City.

77. The City, acting under color of law, deprived Ratliff of his rights guaranteed by federal statutes, specifically his right to be free from discrimination on the basis of race and color.

78. The City had a policy or practice that allowed police officers to engage in racial slurs and to treat Black officers less favorably than they treated White officers.

79. Ratliff's supervisors were acting under color of law pursuant to longstanding practices by the City when they deprived Ratliff of his constitutional rights.

80. The contours of the violations of Ratliff's civil rights were sufficiently clear that a reasonable person would understand that the actions by the City violated Ratliff's rights to contract and work free of race discrimination.

81. As a result of the discriminatory actions of the City, Ratliff has incurred damages, including lost wages and emotional distress, as well as attorney's fees.

#### **DEMAND FOR RELIEF**

WHEREFORE, Ratliff respectfully asks this Court to award damages for the following:

- (a) lost wages and benefits and retirement benefits;
- (b) front pay;
- (c) compensatory damages for mental and emotional distress;
- (d) interest;
- (e) reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and
- (f) any other relief the Court deems necessary.

#### **COUNT II**

#### **Retaliation**

#### **42 U.S.C. § 1981 through 42 U.S.C. § 1983**

82. Ratliff re-alleges and incorporates by reference into Count II paragraphs 1 through 67 of this Complaint.

83. Ratliff is seeking appropriate remedies for intentional retaliation in the workplace by the City of Gainesville.

84. At all times relevant to this case, Ratliff was employed by the City of Gainesville.

85. Ratliff engaged in protected activity when he complained to his supervisors about discrimination on the basis of his race and color.

86. The City retaliated against Ratliff when it engaged in adverse employment actions and subjected Ratliff to disparate treatment as a direct result of his complaints of unlawful discrimination and retaliation on the basis of his race and color.

87. The retaliatory acts by the City affected the terms and conditions of Ratliff's employment, unreasonably interfered with his work performance, and subjected him to a hostile work environment.

88. Ratliff was subjected to unlawful retaliation in that as a direct result of his complaints of discrimination and retaliation, he was subjected to a series of adverse employment actions.

89. Ratliff was qualified for the positions that he held or sought during his employment with the City.

90. The City, acting under color of law, deprived Ratliff of his rights guaranteed by federal statutes, specifically his right to be free from retaliation on the basis of his race and color.

91. The City had a policy or practice that allowed police officers to retaliate against Ratliff for his complaints about his race.

92. Ratliff's supervisors were acting under color of state law when they followed a longstanding practice by the City in retaliating against Ratliff for complaining about race discrimination.

93. The contours of the violations of Ratliff's civil rights were sufficiently clear that a reasonable person would understand that the actions of the City violated Ratliff's rights to contract and work free of retaliation.

94. As a result of the retaliatory actions of the City, Ratliff has incurred damages, including lost wages and emotional distress, as well as attorney's fees.

### **DEMAND FOR RELIEF**

WHEREFORE, Ratliff respectfully asks this Court to award damages for the following:

- (a) lost wages and benefits including lost retirement benefits;
- (b) front pay;
- (c) compensatory damages for mental and emotional distress;
- (d) interest;
- (e) reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and
- (f) any other relief the Court deems necessary.

### **COUNT III**

#### **Retaliation**

#### **Florida Workers' Compensation Retaliation Act**

#### **Fla. Stat. § 440.205**

95. Plaintiff re-alleges and incorporates by reference into Count III all of the allegations in paragraphs 1 through 6, 43 through 55, 59 through 63, and 65 through 67 of this Complaint.

96. Ratliff suffered an on-the-job injury on May 27, 2019 when he broke his right hand arresting a suspected felon.

97. Ratliff subsequently filed a workers' compensation claim and pursued workers' compensation benefits.

98. Ratliff had surgery on his right hand on June 4, 2019.

99. Ratliff was retaliated against when he was removed from the K-9 Unit on August 1, 2019, barely two months after making a workers' compensation claim.

100. The retaliation continued in September of 2019 when Ratliff was falsely accused of lying about a physical therapy appointment and placed under surveillance.

101. Ratliff was never informed as to how he supposedly misrepresented his workers' compensation injury.

102. The City terminated Ratliff's workers' compensation medical benefits on October 24, 2019.

103. Ratliff was placed on administrative leave pending an internal investigation and his law enforcement privileges were suspended from December 5, 2019 until June of 2020.

104. The investigation found no evidence that Ratliff misrepresented his workers' compensation claim. Investigators cleared Ratliff of any wrongdoing and found no probable cause for fraud charges.

105. Investigators determined the charges were "Unfounded." The City, however, changed the finding to "Not Sustained."

106. While he was suspended, Ratliff was unable to work extra shifts that would have resulted in significant overtime pay.

107. Ratliff returned to light duty in January of 2020. At that time, his law enforcement privileges should have been reinstated because he was cleared of any wrongdoing.

108. Instead, the City compounded its retaliation by falsely charging Ratliff with falsifying documents related to his workers' compensation claim. The City continued to suspend his law enforcement privileges.

109. Ratliff engaged in protected activity when he filed his workers' compensation claim and pursued workers' compensation benefits.

110. As a direct result of his engaging in protected activity, Ratliff was thereafter subjected to adverse employment actions by the City.

111. A direct causal link exists between the protected activities and the adverse employment actions by the City.

112. As a direct result of his filing a workers' compensation claim, Ratliff was treated less favorably than other employees, and eventually, constructively discharged.

113. Ratliff also engaged in protected activity when he objected to retaliatory actions by the City in response to his filing a workers' compensation claim.

114. The retaliatory acts were in close temporal proximity with the protected actions.

115. As a result of the unlawful actions of the City, Ratliff has incurred damages in the form of lost income and benefits and has suffered emotional and mental distress, and he has been forced to pay attorney's fees in order to vindicate his rights.

### **DEMAND FOR RELIEF**

WHEREFORE, Ratliff respectfully requests that the Court award the following damages:

- (a) compensation for lost wages and benefits and other remuneration;
- (b) compensatory damages, including emotional distress;
- (c) reasonable attorney's fees, pursuant to Fla. Stat. § 448.104;
- (d) interest; and
- (e) any other relief the Court deems proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues and counts triable before a jury.

**[s] Alfred Truesdell**  
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