

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

DAVIN HACKETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CITY OF SOUTH BEND, acting by and	)	
through its Police Department, and	)	Cause No. 3:17-cv-278
RONALD TEACHMAN, Individually and	)	
in his official capacity as Chief of Police,	)	
and SCOTT RUSZKOWSKI, Individually	)	
and in his official capacity as Chief of	)	
Police,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff Davin Hackett, by counsel, respectfully makes his Complaint for Damages.

**Nature of Case**

1. Plaintiff seeks to vindicate his rights under Uniformed Services Employment and Reemployment Act and the Equal Protection Clause of the Fourteenth Amendment due to discrimination based on his race.

**Jurisdiction**

2. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. § 1331 and § 1343. Plaintiff's causes of action arise under the Equal Protection Clause of the Fourteenth Amendment and the

Uniformed Services Employment and Reemployment Act, 38 U.S.C. §§ 4301–4335.

3. Venue is proper in the South Bend Division because all parties reside in this division and the events complained of occurred in this division.
4. Hackett received a Right to Sue letter regarding the failure to promote him on March 28, 2017.

### **Parties**

5. Davin Hackett (African-American male) is an adult citizen of the United States who resides in South Bend, Indiana.
6. The City of South Bend is a government unit located in St. Joseph County, Indiana. It operates the South Bend Police Department.
7. Ronald Teachman (Caucasian male), is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.
8. Scott Ruszkowski (Caucasian male) is an adult citizen of the United States who resides in South Bend, Indiana. He is sued individually and in his capacity as Chief of the South Bend Police Department.

### **Facts**

9. Davin Hackett (“Hackett”) has been employed by the South Bend Police Department (“SBPD”) as a sworn police officer since November 6, 2006.
10. Hackett performed exemplary police work, receiving numerous commendations.

11. Prior to becoming a police officer, Hackett was enlisted in the U.S. Navy from July 29, 1997 to July 30, 2001, in the U.S. Army from August 1, 2001 to January 2003, and Navy Reserve from January 2003 to June 2005, and the U.S. Air Force from July 2005 to the present.
12. Hackett's job duties in the military consisted of work as an ordnance technician, in which he would load and unload bombs, missiles, and artillery shells onto airplanes and other vehicles. His duties included storing, testing, and maintaining bombs and other munitions.
13. In each case his separation from military service was an honorable discharge.
14. Once he left the military and was employed at SBPD, Hackett applied to in June 2014 be assigned to SBPD's bomb squad.
15. Hackett's application to the bomb squad was denied.
16. The reasons given for the denial was that his military status might cause him to be absent for necessary training and callouts.
17. In August 2015 he filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC") regarding the denial.
18. Hackett lodged a similar complaint about discrimination on the basis of race and military status with the U.S. Department of Labor.
19. On November 6, 2016 Hackett was informed by the Department of Labor that SBPD had agreed to assign him to the bomb squad.
20. Since then, however, has never been trained with the bomb, squad, called out on a bomb squad assignment, participated in any bomb squad activities, or received additional pay for performance of bomb squad duties.

21. In 2015 SBPD posted openings for three positions of patrol Sergeant and Hackett applied.
22. Chief of Police Ronald Teachman passed over Hackett for promotion in favor of three less qualified white officers.
23. Hackett filed a Charge of Discrimination with the EEOC on October 20, 2015 due to Teachman's failure to promote him.
24. In August 2016 Hackett applied for the position of logistics Sergeant. The logistics Sergeant works with SBPD's armaments and other equipment, a position for which Hackett's military training made him particularly well qualified.
25. Chief of Police Scott Ruszkowski passed over Hackett on September 19, 2016 in favor of a less qualified white candidate.
26. Since filing his complaints about discrimination on the basis of his race and military status, Chiefs Teachman and Ruskowski retaliated against Hackett by subjecting him to a battery of unjustified investigations and discipline.
27. At all times Teachman acted in the scope of his employment by the City of South Bend and under color of Indiana law.
28. At all times Ruszkowski acted in the scope of his employment by the City of South Bend and under color of Indiana law.

#### Legal Claims

29. Teachman and Ruskowski's failure to assign Hackett to the bomb squad and permit him to perform his duties there constitute discrimination on the basis of his military status in violation of 38 U.S.C. §§ 4301–4335.

30. Teachman and Ruskowski's failure to promote Hackett to Sergeant on two separate occasions in favor of less qualified Caucasian males constitutes discrimination on the basis of his race in violation of the Equal Protection Clause of the Fourteenth Amendment and Title VII of the Civil Rights Act of 1964.
31. The unjustified discipline imposed on Hackett following his several charges of constitutes retaliation for protected activity under Title VII of the Civil Rights Act of 1964.

**Relief**

32. Plaintiff seeks all relief allowable by law, including back pay, front pay, reinstatement, and compensatory and punitive damages, and attorneys fees.

**WHEREFORE**, Plaintiff prays that the Court will enter judgment against Defendants and in favor of Plaintiff, and grant Plaintiff all just and proper relief.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49  
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