

STATE OF INDIANA)
)
LAPORTE COUNTY)

IN THE LAPORTE COUNTY CIRCUIT/SUPERIOR COURT

TIMOTHY RICHARDSON,)
FRANCISCO RODRIGUEZ,)
KYLE SHIPARSKI, and)
WILLIE HENDERSON,)

Plaintiffs,)

v.)

Case No.: **46D01-2006-CT-000759**

RONALD MEER, and)
CITY OF MICHIGAN CITY, INDIANA,)

Defendants.)

_____)

COMPLAINT

Plaintiffs Timothy Richardson, Francisco Rodriguez, Kyle Shiparski, and Willie Henderson, by counsel, complains of defendants Ron Meer (“Meer”) and City of Michigan City, Indiana (“Michigan City”) and, for causes of action, state as follows:

INTRODUCTION

1. Plaintiffs Timothy Richardson, Francisco Rodriguez, Kyle Shiparski, and Willie Henderson are veteran sworn police officers employed by Michigan City. Most recently, they have been assigned to and served on the LaPorte County Drug Task Force. The plaintiffs have had distinguished law enforcement careers including on the LaPorte County Drug Task Force. Prior to October 2019, the plaintiffs and each of them had stellar personal and professional reputations. Those reputations and the lives of the plaintiffs have been devastated by the false,

malicious, outrageous, and defamatory attacks on them by Meer, the then mayor of Michigan City in October 2019.

2. This lawsuit arises from defamation and intentional infliction of emotional distress by the then-mayor of Michigan City Ron Meer in October 2019. The victims of the Meer's defamation and intentional infliction of emotional distress were plaintiffs Timothy Richardson, Francisco Rodriguez, Kyle Shiparski, and Willie Henderson.

3. Through this lawsuit, plaintiffs seek to recover from the defendants just compensation for damages caused by the defamation and intentional infliction of emotional distress by Meer acting in his capacity as the Mayor of Michigan City.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff Timothy Richardson is employed by Michigan City as a sworn police officer. He is a resident of LaPorte County, Indiana.

5. Plaintiff Francisco Rodriguez is employed by Michigan City as a sworn police officer. He is a resident of Porter County, Indiana.

6. Plaintiff Kyle Shiparski is employed by Michigan City as a sworn police officer. He is a resident of Porter County, Indiana.

7. Plaintiff Willie Henderson is employed by Michigan City as a sworn police officer. He is a resident of LaPorte County, Indiana.

8. Defendant Ronald Meer was mayor of Michigan City, Indiana from January 2012 through December 28, 2019. Meer was an employee of Michigan City and was acting in the course and scope of his employment at all times relevant to this complaint. Meer is a resident of LaPorte County, Indiana.

9. Defendant City of Michigan City is a city in LaPorte County, Indiana, United States. Michigan City employed Meer as mayor from January 2012 through December 2019. Defendant Michigan City is jointly and severally liable for the conduct of defendant Meer by the doctrine of *respondeat superior*.

10. This Court has jurisdiction over all of the parties and the claims. Venue in this Court is proper and preferred.

GENERAL ALLEGATIONS

11. Pursuant to the provisions of Indiana Tort Claims Act, the plaintiffs earlier this year gave notice to Michigan City and to the Indiana Political Subdivision Risk Management Commission of their tort claims. That notice was dated and mailed February 18, 2020. Returned receipts of that notice were received by plaintiffs from the Indiana Political Subdivision Risk Management Commission and Michigan City in late February 2020. Michigan City failed to approve the plaintiffs' claim in its entirety within ninety (90) days of the notice of tort claim and thus is deemed to have denied the claim.

12. On Thursday, October 10, 2019, members of the LaPorte County Drug Task Force, specifically members assigned to the task force from the Michigan City Police Department (Lt. Tim Richardson, Cpl. Francisco Rodriguez, Cpl. Kyle Shiparski and Cpl. Willie Henderson) arrested Adam Ross Bray for Possession of Cocaine or Narcotic Drug, level 5 felony (2 counts), Possession of a Firearm by a Serious Violent Felon, level 4 felony, and Resisting Law Enforcement, class A misdemeanor. This lawful arrest of Bray was based on probable cause. Official charges were filed following the arrest of Adam Bray on Friday, October 11, 2019. Bray was held on a \$20,000.00 cash bond. (*See* MCPD incident number MC1910000213 regarding the arrest of Bray.)

13. Bray is the step-son of defendant Meer. The criminal case against Bray, *State of Indiana v. Adam Ross Bray*, case no. 46D01-1910-F4-001385, remains pending. In arresting Bray, the plaintiffs properly performed their lawful and sworn duties as police officers and as assigned members of the LaPorte County Drug Task Force.

14. After the arrest of Bray, Meer as mayor of Michigan City began a calculated attack on the officers who arrested Bray – the plaintiffs – and on others. As part of the attack, Meer released a formal statement on Monday, October 14, 2019. That press release and statement said among other things: “I must add that it is a very dangerous time in Laporte County when the prosecutor, John Lake can have your family members targeted for political retaliation and gain. It was brought to my attention by a confidential informant that he was directed by the La Porte County Prosecutor's Office and a member of the drug task force to target my son.” Meer’s statement, that it “was brought to my attention by a confidential informant that he was directed by the La Porte County Prosecutor's Office and a member of the drug task force to target my son,” was false and Meer knew the statement was false at the time that he made and published it. Meer attempted to attach additional weight and importance to the false and defamatory statements by stating in his press release that “This is my official statement on this matter. Thank you[,] Mayor Meer.” The October 14, 2019 press release and “official statement” of Meer defamed the members of the LaPorte County Drug Task Force who were involved in and responsible for the arrest of Bray on October 10, 2019, that is, the plaintiffs.

15. Also, on Monday October 14, 2019, defendant Meer told Michigan City Police Chief Mark Swistek that the members of the LaPorte County Drug Task Force who were involved in the arrest of Adam Bray (Lt. Richardson, Cpl. Rodriguez, Cpl. Shiparski, Cpl. Henderson) committed unethical and illegal acts leading up to his step-son Adam Bray’s arrest.

Specifically, Meer told Swistek that the plaintiffs had colluded with other persons to set up and target his step-son for arrest for political reasons. Meer told Swistek that a member of the LaPorte County Drug Task Force had worked with the LaPorte County prosecutor to set up and target his step-son Adam Bray for arrest. Meer also told Swistek that the confidential informant who provided information leading up to the arrest of Bray had come to Meer's residence and provided a statement to Meer that his step-son Bray had been set up ahead of time, including by the arresting officers on the LaPorte County Drug Task Force. These statements by Meer to Swistek were false and Meer knew the statements were false at the time that he made and published them to Swistek. The false statements by Meer, repeated by Swistek to others, defamed and injured the plaintiffs. Meer made these false and defamatory statements to Swistek knowing or having cause to know that Swistek would need to have these allegations of wrongdoing investigated and would have to repeat these allegations to others in order to have these allegations investigated.

16. On Tuesday, October 15, 2019, in a Facebook post by Meer, Meer stated that his step-son was targeted, racially profiled, and set up for political gain. This post is set out below:



17. The above-described defamatory statements by then Michigan City Mayor Meer were false, and they constituted professional defamation and defamation *per se* against the plaintiffs. Meer accused the plaintiffs of crimes and of professional malfeasance. The false accusations by Meer were repeated and distributed by news media throughout northern Indiana

and even nationally and were repeated by Meer in recorded statements to his step-son Bray while Bray was in custody.

18. As a result of the false and defamatory statements of defendant Meer, an investigation into the actions and conduct of the plaintiffs in connection with the arrest of Bray was initiated and conducted by the Indiana State Police. The plaintiffs had to respond to this investigation. The Federal Bureau of Investigation and the U.S. Attorney's Office for the Northern District of Indiana (part of the U.S. Department of Justice) were also contacted and informed of the false statements and allegations made by Meer as against plaintiffs in regards to the arrest of Bray. Chief of Police Swistek himself began a review and investigation into the actions of the plaintiffs leading up to the October 10, 2020 arrest of Bray based on the false, defamatory, and malicious statements and allegations of Meer as against plaintiffs. The plaintiffs had to respond to and deal with this review and investigation into their conduct as well.

19. Continuing his outrageous attack on the plaintiffs including on their professional reputations, on October 22, 2019, Mayor Meer ordered Chief Swistek to discontinue the Michigan City Police Department's partnership with and participation in the LaPorte County Drug Task Force. Meer also directed and ordered Swistek to remove plaintiffs Lt. Tim Richardson, Cpl. Francisco Rodriguez, Cpl. Kyle Shiparski and Cpl. Willie Henderson from the LaPorte County Drug Task Force and to reassign them "immediately." At 5:31 p.m., Meer confirmed and repeated this order and directive in writing in an email to Swistek and other Michigan City officials. At 7:37 p.m., Meer forwarded this 5:31 p.m. email (which in effect ordered the demotion of plaintiffs) to Lt. Tim Richardson and to others in Michigan City government by email. The actions and effort of Meer to remove the Michigan City Police and in particular the plaintiffs from the LaPorte County Drug Task Force were wrongful, and these

efforts and actions were a continuation of the false and defamatory attacks by Meer on the plaintiffs. The actions and effort of Meer to remove the Michigan City Police and in particular the plaintiffs from the LaPorte County Drug Task Force also posed a danger to ongoing police operations in Michigan City and LaPorte County and to the public safety of the citizens of Michigan City and LaPorte County.

20. The effort of Meer to remove the Michigan City Police and in particular the plaintiffs from the LaPorte County Drug Task Force was not only wrongful and dangerous, but Meer's actions and conduct in this regard constituted crimes, specifically intimidation, false informing, and official misconduct. As a result of his actions and conduct, Meer was charged with multiple criminal counts of intimidation, false informing, and official misconduct in case no. 46004-1910-F6-001475, *State of Indiana v. Ronald Meer*. The plaintiffs hereby incorporate the Affidavit of Probable Cause filed on November 4, 2019 at 4:09 p.m. in case no. 46004-1910-F6-001475. That criminal case against Meer remains pending.

21. Knowing that Meer's efforts to remove the Michigan City Police Department from participation in the LaPorte County Drug Task Force and specifically remove the plaintiffs from their assignments to the LaPorte County Drug Task Force was wrongful and contrary to the interest of public safety, Chief Swistek decided to refuse to carry out these orders of Meer and instead submitted on October 23, 2019 his resignation as Chief of the Michigan City Police Department. Assistant Chiefs Royce Williams and Kevin Urbanczyk of the Michigan City Police Department also tendered their resignations at the same time with Mark Swistek. Meer accepted these three resignations on October 24, 2019, forcing the Michigan City Police Department to lose three experienced leaders. In Meer's statement accepting these three

resignations on October 24, 2019, Meer stated that “he and his family have been under extreme stress and criticism since the recent arrest of his stepson.”

CAUSES OF ACTION

COUNT 1

Action Against Defendants Meer and Michigan City For Defamation under Indiana Law

22. Plaintiffs incorporate the allegations of paragraphs 1 through 21 above.

23. In October 2019, the defendants made false statements to other persons regarding plaintiffs and these false statements defamed plaintiffs.

24. The defendants published both orally and in writing these false and defamatory statements on October 14, 2019, October 15, 2019, and October 22, 2019 and, on information and belief, on other occasions.

25. The defendants published these defamatory statements with malice, knowing that the statements were false or had been made with reckless disregard of whether these statements were false or not.

26. The published false defamatory statements of the defendants have proximately caused substantial injuries to the plaintiffs. The defendants’ false and defamatory statements have damaged the plaintiffs’ reputations – both personal and professional – for honesty, integrity, morality, and law-abidingness. These defamatory statements have caused plaintiffs and each of them to lose professional stature and credibility, subjected them to public contempt and criticism, impaired their employment and earning opportunities for the rest of their lives, and caused plaintiffs to suffer great pain, embarrassment, anxiety, and mental anguish.

27. The defendants' acts were done knowingly, willfully, and with malicious intent, and thus the plaintiffs are entitled to punitive damages.

WHEREFORE, plaintiffs request the following relief:

- A. For judgment in their favor and against defendants Meer and Michigan City and for an award of damages in excess of \$500,000 and in an amount that will compensate the plaintiffs for all of the damages suffered as a result of the defendants' tortious defamation;
- B. For punitive damages;
- C. For the costs of this action and fees; and
- D. For all other just and proper relief.

COUNT 2

Action Against Defendants Meer and Michigan City For Intentional Infliction of Emotional Distress

28. Plaintiffs incorporate the allegations of paragraphs 1 through 21 above.

29. The defendants have engaged in extreme and outrageous conduct as against the plaintiffs. Part of this outrageous conduct was defendant Meer's bogus story that a confidential informant had come to his home after the arrest of Bray and told him (Meer) that the plaintiffs, as members of the LaPorte County Drug Task Force, had colluded with other persons in government to set up Meer's step-son for arrest. This story, as Meer then and there knew, was completely false and there was never an effort or collusion to set up Meer's step-son for arrest by plaintiffs or anyone else.

30. The defendants have engaged in this conduct intentionally and recklessly.

31. The defendants' extreme and outrageous conduct has proximately caused the plaintiffs severe emotional distress, stress, anxiety, and aggravation.

32. The defendants' acts were done knowingly, willfully, and with malicious intent, and thus the plaintiffs are entitled to punitive damages.

WHEREFORE, plaintiff requests the following relief:

- A. For judgment in their favor and against defendants Meer and Michigan City and for an award of damages in excess of \$500,000 and in an amount that will compensate plaintiffs for all of the damages suffered as a result of the defendant's tortious intentional infliction of emotional distress.
- B. For punitive damages;
- C. For the costs of this action and fees; and
- D. For all other just and proper relief.

Dated: June 2, 2020

Respectfully submitted,

Law Offices of Donald J. Schmid

/s/ Donald J. Schmid
Donald J. Schmid

1251 N. Eddy St., Ste. 200
South Bend, Indiana 46617
cell: 574-993-2280
ofc: 574-807-0279
fax: 574-807-0529

*Counsel for Plaintiffs Timothy Richardson,
Francisco Rodriguez, Kyle Shiparski, and
Willie Henderson*

Jury Trial Demand

Pursuant to Ind. R. Trial Proc. 38, plaintiffs by counsel hereby demand a trial by jury in this case on all issues so triable.

/s/ Donald J. Schmid
Donald J. Schmid

*Counsel for Plaintiffs Timothy Richardson,
Francisco Rodriguez, Kyle Shiparski, and
Willie Henderson*