

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DEVIN MICHAEL ELLIS,
Plaintiff ,

vs.

**STORAGE AND DESIGN GROUP,
INC., an Iowa Corporation, and
RONALD M. PATTERSON, an
individual.**
Defendants.

CASE NO.

**PETITION AT LAW AND JURY
DEMAND**

COMES NOW the Plaintiff, as above captioned, and in support of his cause of action against the above named Defendants states as follows:

INTRODUCTION

1. This is an action under the Iowa Civil Rights Act challenging the race discrimination and retaliation committed by the Defendants against the Plaintiff.
2. That Plaintiff, Devin Michael Ellis, is an individual who at all material times was employed by Defendants, reporting to work in Polk County, Iowa.
3. That Defendant Storage and Design Group, Inc. (hereinafter “SDG”) is an Iowa corporation.
4. SDG lists its home office with the Iowa Secretary of State as being located at 5600 METRO EAST DR., Pleasant Hill, IA 50327.
5. That SDG employed Plaintiff from approximately December 2021 until on or about September 20, 2022.
6. At times material hereto Defendant Ronald M. Patterson was a resident and citizen of Polk County, Iowa.

7. At all times material hereto, Ronald M. Patterson was acting as an agent of SDG.
8. At times material hereto, Defendant Ronald M. Patterson employed Plaintiff.

PROCEDURAL REQUIREMENTS

9. On August 8, 2022, and on October 4, 2022, within 300 days of the acts of which he complains, Plaintiff filed charges of employment discrimination against Defendants with the Iowa Civil Rights Commission.
10. On April 14, 2023, within 90 days prior to filing this Petition at Law and Jury Demand, the Iowa Civil Rights Commission issued an Administrative Release (Right-to-sue) with respect to Plaintiff's charges of discrimination.
11. That the amount in controversy exceeds the threshold requirements for small claims court.

FACTUAL BACKGROUND

12. Plaintiff is an African American.
13. Plaintiff was employed by Defendants from approximately December 2021 until on or about September 20, 2022.
14. As an employee of Defendants, Plaintiff was subjected to harassment and a hostile work environment because of his race.
15. The harassment and hostile work environment by coworkers and his employer, Defendant Ronald Patterson.
16. On more than one occasion, Patterson referred to African American employees "as a bunch of monkeys" and accused African American employees of "monkeying around."

17. On at least one occasion, Patterson accused Plaintiff of being racist toward white people and urged Plaintiff “to just admit it.”
18. When Plaintiff explained that he was not racist toward white people and noted that his mother and younger brother are white, Patterson replied, “Yeah, yeah, prove it.”
19. As an employee of Defendants, Plaintiff was subjected to
20. As an employee of Defendants, Plaintiff was paid less than similarly situated Caucasian employees because of his race.
21. As an employee of Defendants, Plaintiff was subjected to less desirable positions and work than similarly situated Caucasian employees because of his race.
22. Defendants failed to take appropriate remedial action to remedy the harm suffered by Plaintiff as a result of the discrimination.
23. On August 8, 2022, while still employed by Defendants, Plaintiff filed a civil rights complaint against Defendants with the Iowa Civil Rights Commission.
24. On or about September 20, 2022, Defendants discharged Plaintiff’s employment.
25. Defendant discharged Plaintiff’s employment because of Plaintiff’s race.
26. Defendant discharged Plaintiff in retaliation for Plaintiff’s complaints about workplace discrimination.
27. Plaintiff is now seeking to hold Respondents accountable for the harm that he has suffered.

COUNT 1: VIOLATION OF IOWA CODE CHAPTER 216
RACE DISCRIMINATION & RETALIATION

28. Plaintiff re-pleads paragraphs 1 through 27 as if fully set forth herein.
29. Defendants discriminated against Plaintiff with respect to the terms and conditions of his employment on the basis of his race, subjected him to a hostile work environment and retaliated against Plaintiff in violation of Iowa Code Chapter 216.
30. Plaintiff complained to Defendants about the discrimination and harassment he experienced and otherwise opposed practices made unlawful by Iowa Code Chapter 216.
31. Defendants were thus on notice about the harassment/hostile work environment.
32. Defendants failed to take remedial action after being put on notice about the situation.
33. Defendants retaliated against Plaintiff because of his complaints and opposition to discrimination.
34. As a proximate result of Defendants' acts and omissions, Plaintiff has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish; humiliation; embarrassment; medical, therapeutic and other expenses; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

WHEREFORE Plaintiff demands judgment against Defendants in an amount that will fully and fairly compensate him for his injuries and damages, for interest as allowed by law, for attorney fees, for the cost of this action, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

JURY DEMAND

35. Plaintiff hereby requests trial by jury in this matter.

HIGGINS LAW FIRM, P.L.L.C.

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Original Filed.