



## Cop said he was fired for reporting sexual harassment

<b>Type:</b>	Verdict-Plaintiff
<b>Amount:</b>	\$1,207,500
<b>State:</b>	Michigan
<b>Venue:</b>	Federal
<b>Court:</b>	U.S. District Court for the Western District of Michigan, MI
<b>Case Type:</b>	<ul style="list-style-type: none"><li>• <i>Civil Rights</i> - Title VII</li><li>• <i>Employment</i> - Retaliation; Whistleblower; Wrongful Termination</li><li>• <i>Government</i> - Municipalities</li></ul>
<b>Case Name:</b>	Hothman Misane, Tyler Sleep and Jerol Williams v. City of Bangor, Tommy Simpson and Mayor Darren Williams, No. 1:21-cv-00487-HYJ-RSK
<b>Date:</b>	May 10, 2023
<b>Plaintiff(s):</b>	<ul style="list-style-type: none"><li>• Tyler Sleep, (, 0 Years)</li><li>• Hothman Misane, (Male, 33 Years)</li><li>• Jerol Williams, (, 0 Years)</li></ul>
<b>Plaintiff Attorney(s):</b>	<ul style="list-style-type: none"><li>• Jonathan R. Marko; Marko Law, PLLC; Detroit MI for Hothman Misane</li><li>• Caitlin Elizabeth Malhiot; Marko Law, PLLC; Detroit MI for Hothman Misane</li></ul>
<b>Plaintiff Expert(s):</b>	<ul style="list-style-type: none"><li>• Gerald A. Shiener M.D.; Psychiatry; Birmingham, MI called by: Caitlin Elizabeth Malhiot</li></ul>
<b>Defendant(s):</b>	<ul style="list-style-type: none"><li>• City Of Bangor</li><li>• Tommy Simpson</li><li>• Darren Williams</li></ul>
<b>Defense Attorney(s):</b>	<ul style="list-style-type: none"><li>• John J. Gillooly; Garan Lucow Miller, P.C.; Detroit, MI for City Of Bangor, Darren Williams</li></ul>

**Insurers:**

- Michigan Municipal League

**Facts:**

On March 12, 2021, plaintiff Hothman Misane, 33, an officer with the city of Bangor police department, met with the city mayor, Darren Williams. Misane believed he was there to discuss a sexual harassment complaint he was making against the city manager, Tommy Simpson. Williams, who was close friends with Simpson, fired Misane during the March 12 meeting.

Misane sued Williams and the city of Bangor. Misane alleged he was terminated for reporting Simpson's alleged sexual harassment. Misane specifically claimed violations of Title VII, the Elliott-Larsen Civil Rights Act and the Whistleblower Protection Act.

Misane also initially sued Simpson for sexual harassment. That claim was dismissed on summary judgment. Claims made by two other city of Bangor police officers – Tyler Sleep and Jerol Williams – were also dismissed on summary judgment. The trial only concerned Misane's retaliation claims against the city and the mayor.

The city had hired Misane as a patrol officer in 2017. Simpson was chief of police at that time. Simpson was then promoted to city manager in 2020, and Misane was named the new chief of police that same year.

Misane claimed that, while Simpson was chief of police, Simpson repeatedly made inappropriate comments about his sex life. Misane alleged that Simpson then started propositioning him for sex in November 2020. Misane claimed Simpson retaliated against him after he rejected Simpson's advances and Simpson ultimately demoted him on March 1, 2021.

On March 10, 2021, the city's deputy clerk made a formal complaint about Simpson's allegedly inappropriate comments. As part of the complaint, she mentioned that city police officers had similar concerns about Simpson. Per plaintiff's counsel, Williams then contacted Misane, who said that he wanted to submit a formal complaint against Simpson.

Misane and Williams agreed to the March 12 meeting. Misane said he arrived at the meeting with a seven-page complaint. The complaint discussed Simpson's allegedly explicit comments, his alleged sex proposition to Misane and the alleged retaliation that followed. Misane said he was fired when he attempted to hand the complaint to the mayor. Misane maintained that he was fired solely for making a complaint about Williams' close friend.

The defense argued that Misane was actually fired for mishandling evidence. The defense argued that, back in 2019, Misane lost body-camera videos and journal pages he had collected as part of a criminal sexual conduct investigation involving a city resident. The city attorney testified at trial that the investigation into this lost evidence started a few

days before the deputy clerk made her complaint against Simpson.

Plaintiff's counsel countered that Misane followed every protocol when handling the subject evidence. Plaintiff's counsel noted that the defense did not call any prosecutors or members of the police department to support the theory that Misane had lost evidence.

Plaintiff's counsel further claimed there were two body-cam videos lost. One belonged to Simpson, and the other belonged to Misane. Counsel contended that Simpson was in charge of the videos because he was chief of police at the time they were taken and that Simpson was not fired or otherwise disciplined for losing the videos.

Misane additionally denied losing the journal pages. He said Simpson had brought the pages to the prosecutor's office pursuant to department policy, but the prosecutors were unable to locate the pages. Plaintiff's counsel said that Simpson was the one who controlled the documents and that the prosecutor's office had misplaced other evidence in the same case. Plaintiff's counsel contended there was no reason to believe Misane was at fault for the disappearance of the journal pages. Plaintiff's counsel instead maintained that the lost evidence allegation was just pretext. Further, Misane claimed he was never notified of any investigation involving the lost evidence until after March 10, 2021, and there was no evidence the investigation began before that date.

Per plaintiff's counsel, the city attorney admitted in a discovery deposition that, contrary to what he said at trial, he did not start the investigation into Misane until March 10. Plaintiff's counsel also argued that the city attorney's investigation into the lost evidence did not include interviews with Misane or the prosecutor.

**Injury:**

Seven weeks after his termination, Misane began working for another sheriff's office. However, he had to start as an entry-level deputy and perform tasks such as cleaning jail cells. He hopes to get promoted to sergeant in 2024.

Misane stated that everyone knew he had been chief of police, as he was the public face of the department and frequently interacted with state and federal officials. Misane asserted that his public demotion and eventual termination affected his reputation and that being forced to start over in a new police department has affected his sense of self.

Misane's wife testified that Misane has become moody and distracted since his termination. The wife stated that Misane is no longer the same joyful man she married.

Misane's family eventually convinced him to seek psychotherapy. He was diagnosed with major depressive disorder. Plaintiff's counsel retained a psychiatry expert who agreed with this diagnosis.

Misane claimed that, if he had remained chief of police, he could have eventually moved on to a bigger city or joined a federal law enforcement department. Misane said his termination caused him to lose out on these potentially lucrative job opportunities. Misane also claimed his termination from the city of Bangor caused him to lose his accrued benefits and retirement money, and he additionally experienced a large drop in pay.

Misane sought recovery of around \$60,000 in past lost earnings and benefits. He also sought recovery of future lost earnings and benefits, along with past and future noneconomic damages.

Defense counsel cross-examined the plaintiff's psychiatry expert in an attempt to question the doctor's major depressive disorder diagnosis.

**Result:**

The jury determined that Williams and the city of Bangor retaliated against Misane and terminated him because he reported sexual harassment. It awarded Misane \$1,207,500.

Hothman Misane

\$ 300,000 future non-economic damages from 2023 to 2025

\$ 60,000 past economic damages

\$ 97,500 future economic damages from 2023 to 2025

\$ 750,000 past non-economic damages

**\$ 1,207,500 Plaintiff's Total Award**

Jerol Williams

Tyler Sleep

**Trial Information:**

**Judge:** Hala Y. Jarbou

**Demand:** None reported

**Offer:** \$50,000 and a waiver of the right to appeal the summary judgment ruling (from the city and Williams; to Misane)

**Trial Length:** 3 days

**Trial Deliberations:** 3 hours

**Jury Vote:** 6-0

**Jury Composition:** 4 male, 2 female; 6 white

**Post Trial:** Plaintiff's counsel plans to file for fees and to appeal the summary judgment ruling.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Additional information was gleaned from court documents. Defense counsel did not respond to the reporter's phone calls.

**Writer** Melissa Siegel