

COMMONWEALTH OF MASSACHUSETTS
The Trial Court

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
C.A. No.:

JACOB GREEN
Plaintiff,

kg

v.

MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION, MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY, KENNETH
GREEN, RICHARD SULLIVAN,
RACHEL ROLLINS, and RICARDO ARROYO
Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

INTRODUCTION

Plaintiff, Jacob Green (“Plaintiff”), brings this action against the Massachusetts Department of Transportation (“MassDOT”), the Massachusetts Bay Transportation Authority (“MBTA”), Kenneth Green (“Chief Green”), Richard Sullivan (“Superintendent Sullivan”), Rachel Rollins (“Ms. Rollins”), and Ricardo Arroyo (“Mr. Arroyo”) under Massachusetts General Laws, Chapter 151B and Chapter 12, Sections 11H and 11I for unlawful discrimination based upon race and veteran status, aiding and abetting in discriminatory practices, interference with protected rights of association, and interference with statutory and constitutional rights through threats, intimidation, and coercion.

Plaintiff is a white male who worked for the MBTA Transit Police Department (“TPD”) as an MBTA Police Officer until September 2, 2022. Chief Green, at all times relevant to this Complaint, has been the Chief of the MBTA TPD. Superintendent Sullivan, at all times relevant to

this Complaint, has been the Superintendent of the MBTA TPD, the “second in command” to Chief Green. Chief Green, Superintendent Sullivan, and other MBTA managers and supervisors engaged in the illegal practices alleged in this Complaint, and were aided and abetted by Defendants Rollins and Arroyo.

PARTIES

1. Plaintiff, Jacob Green (“Plaintiff” or “Mr. Green”) is an individual residing at [REDACTED] [REDACTED] Bristol County, Massachusetts. Plaintiff is a four-year Marine Veteran, having served in the U.S. Marines, and a 23-year veteran of the MBTA TPD. Plaintiff is a citizen of the United States. Plaintiff is a White-Caucasian male.

2. Defendant, Massachusetts Department of Transportation (“Mass. DOT”) is an agency of the government of the Commonwealth of Massachusetts, a political subdivision of the Commonwealth of Massachusetts pursuant to M.G.L. c. 161A §2, with a principal place of business in Boston, Suffolk County, Massachusetts. Defendant, MBTA is a division of the Mass. DOT. At all times relevant to this Complaint, Defendant Mass. DOT was an “employer” within the meaning of MGL Chapter 151B section 5, and in all other respects met the requirements for coverage under MGL Chapter 151B.

3. Defendant, Massachusetts Bay Transportation Authority (“MBTA”) is an agency of the government of the Commonwealth of Massachusetts, a political subdivision of the Commonwealth of Massachusetts pursuant to M.G.L. c. 161A §2, with a principal place of business in Boston, Suffolk County, Massachusetts. The MBTA Transit Police Department was Plaintiff’s employer. It is also responsible for the illegal actions of any and all of Plaintiff’s managers and supervisors in relation to this action. At all times relevant to this Complaint,

Defendant, MBTA was an “employer” within the meaning of MGL Chapter 151B section 5, and in all other respects met the requirements for coverage under MGL Chapter 151B.

4. Defendant, Kenneth Green (“Chief Green”) is an individual residing at [REDACTED] [REDACTED] Suffolk County, Massachusetts. At all times relevant hereto, Kenneth Green was Chief of the MBTA Transit Police Department, was one of the supervisors and managers of the MBTA Transit Police Department, and engaged in the illegal and discriminatory actions alleged in this Complaint. Chief Green is sued in his individual capacity. Chief Green is an African American male and did not serve in the military.

5. Defendant, Richard Sullivan (“Superintendent Sullivan”) is an individual residing at [REDACTED] Middlesex County, Massachusetts. At all times relevant hereto, Richard Sullivan was the Superintendent of the MBTA Transit Police Department, and engaged in the illegal and discriminatory actions alleged in this Complaint. Superintendent Sullivan is sued in his individual capacity. Superintendent Sullivan did not serve in the military.

6. Defendant, Rachael Rollins (“Ms. Rollins”) is an individual residing at [REDACTED] [REDACTED] Medford, Middlesex County, Massachusetts. She is the former Suffolk County District Attorney (“DA”) and former United States Attorney for the District of Massachusetts. Ms. Rollins is an African American female. Ms. Rollins served as Suffolk County DA from January 2, 2019, until her confirmation and swearing in as U.S. Attorney on January 10, 2022. Ms. Rollins is sued in her individual capacity.

7. Defendant, Ricardo Arroyo (“Mr. Arroyo”), is an individual residing at [REDACTED] [REDACTED] Suffolk County, Massachusetts. Mr. Arroyo is a current member of the Boston City Council and a former candidate for the Suffolk County DA office vacated by Ms. Rollins. Mr. Arroyo is a Hispanic male who did not serve in the military. Mr. Arroyo challenged and lost to the

interim Suffolk County DA (appointed by Governor Baker), Kevin Hayden, in the Democratic primary election on September 6, 2022. Mr. Arroyo served on the Boston City Council from January 2020 to January 2024.

JURISDICTION AND VENUE

8. This Court has personal jurisdiction over the Defendants in this case as all Defendants reside in this Commonwealth.

9. This Court has subject matter jurisdiction over the claims in this case as they arise under Massachusetts State Law.

10. Venue in this Court is proper because the illegal employment practices complained of herein occurred in Boston, Suffolk County, Massachusetts. Upon information and belief, the employment records related to Plaintiff, Jacob Green's employment with Defendant MBTA are also located within Boston, Suffolk County, Massachusetts.

11. On September 2, 2022, Plaintiff, Jacob Green filed a timely Charge of Discrimination with the Massachusetts Commission Against Discrimination and the U.S. Equal Employment Opportunity Commission alleging employment discrimination and retaliation on the basis of race and veteran status.

FACTUAL BACKGROUND

12. The MassDOT and MBTA are employers as defined under G.L. c. 151B, § 1 (5).

13. Plaintiff began his employment with the MBTA on February 1, 1999.

14. At all times relevant to this Complaint, Plaintiff, Jacob Green performed his job in a satisfactory manner.

15. For twenty-three years Plaintiff was an officer on the MBTA TPD, serving with distinction, with an unblemished record prior to the matters at issue in this complaint.

16. At the time his employment was constructively terminated on September 2, 2022, Plaintiff held the rank of patrol with the MBTA TPD, having served in that rank since 1999.

17. It is well known throughout the rank and file of the MBTA TPD that Chief Green's goal is to "darken" the force; and has had open hostility for veterans and the hiring preferences of civil service.

18. As an example of this, Chief Green was interviewed in 2016 on a radio program where he denounced veterans and pronounced his want to "darken the force." See Transcript excerpt:

RADIO INTERVIEWER: People have more questions about how its seventy-four percent Caucasian—

CHIEF GREEN: I know – I know, it's sad.

RADIO INTERVIEWER: -- than anything else.

CHIEF GREEN: It is sad. Now white people don't want to hear that. They don't want things to change. They don't want them to change; they want to keep everything the same. I know that. So, I'm not popular. They know I want to darken that department. They know it. I've heard – I've heard rumors about it, but that's okay.

RADIO INTERVIEWER: What do you mean darken in that department?

CHIEF GREEN: Darken.

RADIO INTERVIEWER: Oh, oh, darken.

CHIEF GREEN: Right now its light – its too – that's just me talking; just too white – it is sad.

19. In this interview, Chief Green expressly stated that he intends to darken the force. This can occur either by hiring people of color *or* by terminating officers who are White-Caucasian. Both of these practices were actively pursued by Chief Green. With that said his particular strategy of the latter is what Plaintiff Jacob Green experienced by Chief Green.

20. Prior to this retaliation and targeted discrimination against Plaintiff, Chief Green fired and retaliated against many White Caucasian officers based on race and veteran status.

21. Plaintiff has observed this occur throughout the years since Chief Green was appointed.

22. Plaintiff made his concerns known for his employment stability within the department as he felt that he could be targeted at any moment by Chief Green and Superintendent Sullivan as the basis of his race, veteran status, and possible retaliation for his expressions of concern on those issues.

23. In the radio interview as referenced above, Chief Green made his preferences well known as outlined against white-Caucasians and military veterans.

24. Since 2015, the attrition rate of the MBTA TPD has increased exponentially to accomplish Chief Green's professional goals of eliminating White Caucasians and Veterans from the police force.

25. Chief Green has expressly asserted the discrimination on the basis of race and veteran status as their reasons used to harass, intimidate, and retaliate against Plaintiff, were false and pretextual to conceal the unlawful discrimination practices on the basis of race and veteran's service.

26. Since the date the Defendants engaged in systemic, continuing, and retaliatory acts, Plaintiff's employment was in a hostile work environment where he had to seek to avoid being the target of Superintendent Sullivan and Chief Green.

27. It was on April 11, 2021 that Plaintiff had to make a life altering decision when confronted by violence on the street – this was the opportunity that Chief Green and Superintendent Sullivan took to target Plaintiff.

28. At or around 3:00 PM on April 11, 2021, Plaintiff was driving to work for his 3:30 PM shift in Mattapan. Plaintiff was traveling on Blue Hills Parkway in Milton when he observed a red car driving erratically behind him, weaving in and out of traffic and tailgating him and other motorists. The road has two lanes traveling north and with a grass divider in the center with trees and curbing. Plaintiff stayed in the right lane while the red car sped around and in front of him.

29. Plaintiff and the red car stopped at a set of red traffic lights, and he took out his phone to take a photo of the red car's license plate. When Plaintiff held his phone up to take the picture, the operator of the red car, Jason Leonor ("Leonor"), exited his vehicle and approached Complainant's vehicle in an agitated and aggressive manner. Plaintiff's windows were closed, and he could not make out what Leonor was yelling, but perceived Leonor to be hostile and threatening towards Plaintiff.

30. In response to Leonor's aggressive and scary conduct, Plaintiff unholstered his TPD-issued service firearm and laid it down in his lap in case Leonor attempted to attack him while in his vehicle. As Leonor approached Plaintiff's window, Plaintiff pointed at Leonor and warned him to "get the fuck back into his car." Leonor eventually returned to his vehicle.

31. Leonor and Plaintiff continued to drive in the same direction, and Leonor continued to drive erratically in front of Plaintiff by weaving back and forth and not allowing Plaintiff to pass while also driving slowly.

32. Plaintiff observed an MBTA TPD officer in a marked cruiser and used the TPD radio to indicate to the officer to pull over Leonor's car. As the officer attended the stop, Plaintiff parked at the station, took off the sweatshirt he had been wearing over his uniform, and officially began his shift.

33. Plaintiff approached Leonor's vehicle and saw Leonor on the phone with a 911 operator. Leonor accused Plaintiff of pulling a gun on Leonor, which Plaintiff denied.

34. On the 911 call, Leonor stated that he is "TikTok famous" and talks about police brutality and promotes "Black Lives Matter." To date, the MBTA TPD has never produced the 911 call (with the exception to the Boston Globe).

35. Plaintiff wrote Leonor a ticket for Unsafe Lane Change and left the scene.

36. Plaintiff then returned to the Transit Police Headquarters and completed an incident report. In the report, he described Leonor's erratic, unsafe driving, Plaintiff's decision to take a picture, the resulting altercation, Plaintiff's decision to unholster his firearm, and his fear of imminent attack by Leonor.

37. A second MBTA TPD officer, Kevin Davis ("Davis"), had been behind Plaintiff's vehicle—also on his way in for his shift—and witnessed the incident. Davis did not get out of his vehicle to assist and did not intervene in the confrontation. However, Davis did provide eyewitness testimony in the subsequent investigation.

38. After April 11, 2021, Superintendent Sullivan contacted Leonor about the incident, after which Leonor allegedly filed a complaint about the incident with the MBTA TPD.

39. On or before April 12, 2021, Superintendent Sullivan reviewed Plaintiff's incident report and ordered TPD Lieutenant James Kerns ("Lt. Kerns") to have Plaintiff provide additional details about the incident.

40. On April 12, 2021, Lt. Kerns complied with Superintendent Sullivan's order by ordering Plaintiff via email to provide additional information about the incident. More specifically, Lt. Kerns requested that Plaintiff include "if you identified yourself as a police officer, and if the

subject observed your firearm on your lap, and if so, what his actions were. Specifically, was his observation of the firearm the reason he complied?”

41. Plaintiff complied with Lt. Kerns’ order by editing the original report to include the requested details, a practice consistent with MBTA TPD policy and procedure and regularly performed within the Department.

42. On April 13, 2021, Superintendent Sullivan called Plaintiff to the MBTA TPD headquarters for an interview. When Plaintiff arrived, Superintendent Sullivan ordered him on administrative leave over the alleged incident with Leonor.

43. Superintendent Sullivan, under the false pretext of this investigation, used Leonor’s complaint to initiate and lead an internal investigation into the alleged incident to conceal the unlawful discrimination practices of Chief Green by the MBTA.

44. During the first week of May, 2021, Plaintiff was allowed to return to work. He was permitted to wear his full uniform but was not permitted to have his badge or service firearm.

45. On or before July 31, 2021, Superintendent Sullivan, through the use of knowingly false or misleading information, obtained a search warrant for Plaintiff’s cell phone. For the record, this application and supporting affidavit for the warrant have never been disclosed or produced to Plaintiff despite many requests.

46. On July 31, 2021, Superintendent Sullivan served Plaintiff with the search warrant and put him back on administrative leave. Superintendent Sullivan then kept the search warrant affidavit rather than return it to the clerk, in violation of M.G.L. c. 276 §3A and Massachusetts Rules of Criminal Procedure. This search warrant affidavit somehow made it into the hands of Evan Allen who wrote the leaked information in her Boston Globe articles.

47. Also on or around July 31, 2021, the patrolman union's attorney, David Condon, informed Plaintiff that his case had been referred to the Suffolk County District Attorney's Office. At that time, Defendant Rollins was serving as the Suffolk County DA.

48. While working at the MBTA, Plaintiff and Superintendent Sullivan would occasionally discuss politics, including local DA politics. Plaintiff did not support Defendant Rollins as Suffolk County DA, and his opposition was known to Superintendent Sullivan. Superintendent Sullivan did support Defendant Rollins vocally within the department and on social media.

49. Also in July of 2021, President Biden nominated Defendant Rollins to the position of United States Attorney for the District of Massachusetts.

50. On December 8, 2021, Defendant Rollins' nomination to U.S. Attorney was confirmed by the United States Senate. Defendant Rollins was sworn in on January 10, 2022.

51. Also in January 2022, Massachusetts Governor Charlie Baker nominated Kevin Hayden to act as interim Suffolk County DA.

52. In February of 2022, DA Hayden, as interim Suffolk County DA, and Defendant Arroyo, a Boston City Counsel member, announced their candidacy for the Democratic nomination for the Suffolk County DA seat vacated by Defendant Rollins. The Democratic primary was scheduled for September 6, 2022.

53. Defendant Rollins, Chief Green, and Superintendent Sullivan supported Defendant Arroyo for the Suffolk County DA position.

54. In April of 2022, Plaintiff was informed that the Suffolk County DA's office would not prosecute the case against him for the alleged incident with Leonor.

55. On April 11, 2022, MBTA TPD internal affairs investigators left a note requesting Plaintiff to call them. Plaintiff called on April 12, 2022, and the TPD internal affairs officers told Plaintiff to retire, despite the news that the Suffolk County DA would not prosecute him, in order to further Chief Green's agenda to "darken" the force.

56. On or about April 20, 2022, Plaintiff's wife, Tina K. Green ("Attorney Green"), a Massachusetts criminal defense attorney, attended a fundraiser, organized by a colleague and former office-mate, for interim DA Kevin Hayden's re-election campaign. Neither the person handling the matter for the DA's office nor Plaintiff attended the fundraiser themselves. Attorney Green contributed a check for \$125.00 from a joint bank account owned with her husband. The Massachusetts Office of Campaign and Political Finance erroneously (and patently sexist) attributed Attorney Green's political contribution to Plaintiff.

57. Since the Suffolk County DA would not prosecute Plaintiff, Superintendent Sullivan informed Plaintiff that neither Chief Green nor Superintendent Sullivan would certify Plaintiff through the Police Officers Standards and Training Commission ("POST"). This was further retaliation against Plaintiff. Superintendent Sullivan also threatened to file a criminal complaint against Plaintiff if the Suffolk County DA refused to prosecute him.

58. Superintendent Sullivan, without evidence, falsely accused Plaintiff of bribery due to his wife's campaign contribution to a political candidate, retaliated against Plaintiff on the basis of race and his veteran status, and used said false accusations against Plaintiff in his POST certification to intentionally destroy his career.

59. Since 2015, this was Plaintiff's ultimate fear – that Chief Green would eliminate his position under the 'disguise' of an alleged incident to ultimately conceal his discriminatory practices on the basis of race and veteran status.

60. Chief Green and/or Superintendent Sullivan's refusal to certify Plaintiff through POST resulted in Plaintiff not being eligible to be hired as a police officer in any police department in Massachusetts.

61. Plaintiff has not been able to regain meaningful employment since he was constructively terminated from his position.

62. In May of 2022, Superintendent Sullivan initiated "Chapter 31" hearings as required by M.G.L. c. 31 for the removal of a civil service employee against Plaintiff to further target their removal of him.

63. Following the email attempting to schedule a Chapter 31 hearing against Plaintiff, the police union president informed him that the union was going to sign a new contract, and under the new union contract, Plaintiff could lose his police pension if he was terminated or charged with a crime (under the previous contract, police officer pensions and retirement accounts were protected despite termination).

64. Chief Green and Superintendent Sullivan negotiated the terms of the new union contract with the union to intimidate officers to leave at their threats of losing the pension. This created even more of a hostile work environment.

65. Superintendent Sullivan, with the knowledge and permission of Chief Green, and either personally or through others, coordinated with Defendant Rollins and Defendant Arroyo in an unsuccessful effort to have Defendant Arroyo win the Suffolk County DA Democratic primary election over the interim DA, Hayden.

66. Superintendent Sullivan, alone or acting with others, leaked information about Plaintiff's case to the media, specifically to the *Boston Globe*. Information leaked to the *Boston*

Globe included, but is not limited to, the search warrant and Superintendent Sullivan's affidavit to obtain the search warrant for Plaintiff's personal cell phone.

67. From July 29 to August 3, 2022, Defendant Rollins and Defendant Arroyo coordinated on an upcoming *Boston Globe* article for which they, along with Superintendent Sullivan, and Chief Green, were leaking information about Plaintiff's investigation to the reporters. Defendant Rollins and Defendant Arroyo's efforts are documented in a Department of Justice Office of the Inspector General report titled "An Investigation of Alleged Misconduct by United States Attorney Rachael Ms. Rollins" dated May 2023.

68. On August 6, 2022, as planned and coordinated by Defendants Rollins, Arroyo, Superintendent Sullivan, and Chief Green, *Boston Globe* staff reporters Evan Allen and Andrew Ryan published an article about the incident between Plaintiff and Leonor titled "'It was you!' Traffic spat turned police coverup leads to questions for DA Hayden."

69. The August 6, 2022 *Boston Globe* article made numerous false and defamatory accusations against and about Plaintiff based on information supplied to the reporters by Defendants Rollins, Superintendent Sullivan, and Chief Green.

70. On August 8, 2022, *Boston Globe* staff reporters Evan Allen and Andrew Ryan published a follow-up story titled "Suffolk DA faces criticism for handling of police misconduct case." The story framed the incident as follows: "In April 2021, Jacob Green, a white transit officer, was accused of pointing his gun at a Black man during a traffic dispute."

71. Also on August 8, 2022, Defendant Arroyo released the following statement through Twitter:

"Without Mr. Leonor's immense bravery, these acts of police misconduct and corruption would not have been brought to light. Far too often, victims of police misconduct are afraid to come forward out of fear they may be targeted or that law enforcement

will stand idly by. I applaud former DA Rachael Rollins and the MBTA Transit Police officials for trying to ensure that did not happen here.

Interim District Attorney Hayden and his administration's attempt to cover up and not prosecute this case of police misconduct reinforces the fears that cause victims like Mr. Leonor to remain in the shadows. Accepting money from the officer under investigation and his attorney after doing so is deeply unethical and offering 'a series of shifting and contradictory explanations' to cover up his actions is a betrayal of the public trust. Most importantly, today Mr. Leonor 'is scared of this world' and 'running out of hope' due to the actions, and inactions, of Kevin Hayden and his staff.

Faith and the integrity and fairness of the Suffolk County District Attorney's office is essential to its ability to serve the public and solve crimes; Mr. Hayden has irreparably damaged that faith and should resign."

72. On August 10, 2022, *Boston Globe* staff reporters Evan Allen and Andrew Ryan published another follow-up story titled "Following Globe report, MBTA Transit Police calls for special prosecutor as Suffolk DA Hayden announces grand jury investigation into coverup." The article again describes Complainant as a "white, off-duty Transit Police officer" and Leonor as a "Hispanic Black man." The article contains the following quote: "This case is and always has been about ensuring the victim was heard, conducting an investigation free of any biases and to follow the evidence regardless of where they led," Transit Police Superintendent Sullivan said in a statement. "With everything that has been brought to the surface relative to this matter the Department believes the most prudent course of action is to appoint a Special Prosecutor."

73. The Respondents coordinated together to make the Complainant the sacrificial lamb to pursue their agenda(s) on the basis of race and veteran status.

74. As such, Plaintiff was forced to resign in lieu of termination due to the Defendants' unlawful discrimination on September 2, 2022.

75. On September 6, 2022, Defendant Arroyo lost the primary election to Hayden.

76. On September 7, 2022, Superintendent Sullivan, through the “MBTA Transit Police” official Twitter account (@MBTATransitPD) published the following tweet:

“Bill, let’s keep it real... The Boston Globe defeated Arroyo not Hayden. Hayden is totally inept and lacks the integrity to serve as DA. Interestingly your paper NEVER challenged Hayden on his lying re: the Transit Police Case. Hayden tried to dump the matter & got caught.”

77. Superintendent Sullivan and Chief Green discriminated against Plaintiff on the basis of his race by coordinating with Defendant Rollins, Defendant Arroyo, and the *Boston Globe* reporters to promote the narrative of racially based police misconduct in order to benefit Defendant Arroyo’s and Defendant Rollins’ political candidacy.

78. Superintendent Sullivan and Chief Green retaliated against Plaintiff on the basis of his race and veteran status and targeted his first amendment protected political speech and retaliated against him by falsely and baselessly accusing him of bribery and criminal acts and for threatening to terminate his employment on the basis of said speech. All of these allegations were mere fabrications to couch the rampant discriminatory practice in the MBTA TPD.

79. Superintendent Sullivan and Chief Green retaliated against Plaintiff on the basis of his military veteran status by enacting and executing policies and procedures which have a disparate impact on military veterans within the department, and for applying said policies in a manner which shows discriminatory disparate treatment between military veterans and non-military veterans.

80. Plaintiff has spoken with several other officers who have also been targeted on the basis of race and veteran status and either forced to leave their positions and/or terminated. There is no possible way Defendants can assert that they were unaware of the pervasive and systemic problem with the MBTA TPD. Further, the MBTA TPD never took the proper necessary action to

investigate and remediate the serious and systemic discriminatory issues that plague the department.

81. Defendant, MBTA's pattern of conduct of racial discrimination and targeted discrimination against United States Veterans disregards the policies of the MBTA TPD, is deep rooted and systemic in nature. The conduct by Chief Green and Superintendent Sullivan in particular seems to have impacted not only Plaintiff, but also other employees where Plaintiff worked, as well as impacting numerous other employees who were targeted and harassed while working for other departments for Defendants. There are numerous witnesses who can confirm the unlawful pattern of conduct by the Defendants, MassDOT, MBTA, Chief Green, and Superintendent Sullivan, and the systemic deficiencies that have allowed the discriminatory and hostile work environment to permeate the culture of certain departments within the MBTA TPD. This includes protracted deficiencies in following the anti-harassment and discrimination policies and the role of its human resources department in failing to take proper investigative and/or remedial action to address such issues. More than this there appears in many instances to be a pattern whereby Chief Green and Superintendent Sullivan go even further to the point of actually targeting and retaliating against the victims of such discrimination. This includes attempts to intimidate victims into silence, to force them to quit, or to generate sufficient pretext so as to terminate their employment under false pretenses.

82. The acts and omissions of the Defendants have caused Plaintiff to experience profound humiliation, physical illness, emotional distress, lost wages, lost employment benefits, medical expenses and other consequential damages.

83. The MBTA is fully responsible for the actions of Chief Green and Superintendent Sullivan who engaged in improper actions against Plaintiff as alleged in this Complaint.

84. By the actions set forth above, the MBTA has engaged in discrimination and illegal retaliation against Defendant, Jacob Green and denial of his civil rights.

85. The actions of the MBTA, Chief Green, and Superintendent Sullivan set forth above were willful, intentional and knowing.

86. As a direct and proximate result of the illegal, discriminatory and retaliatory actions of the MBTA, Chief Green and Superintendent Sullivan towards him as alleged in this Complaint, Plaintiff has suffered and will continue to suffer severe emotional and financial harm.

COUNT I
RACIAL DISCRIMINATION AND HOSTILE WORK
ENVIRONMENT BASED ON RACE
(Violation of M.G.L. c.151B § 4 (1) Against All Defendants)

87. Paragraphs one through eighty-six are incorporated herein by reference.

88. By its actions set forth above, Defendants have engaged in discrimination against Plaintiff on the basis of race, in violation of M.G.L. Chapter 151B.

89. Defendants discriminated against Plaintiff with respect to terms, conditions, and/or privileges of employment based on his race as outlined above in Paragraphs 1-86. Additionally, Defendants created and maintained a hostile work environment against Plaintiff based on his race.

90. As a result of Defendants' conduct, Plaintiff has suffered damages, including but not limited to, lost wages, emotional distress, costs, reasonable attorney's fees and interest.

WHEREFORE, Plaintiff demands judgment be entered against the Defendants as to Count I in an amount that the Court deems just, that will fairly and adequately compensate the Plaintiff, including but not limited to monies to compensate for lost pay, including but not limited to retroactive back pay, front pay, and lost pension benefits, punitive damages, emotional pain and suffering, interest, costs, attorney's fees, reinstatement to Plaintiff's former position, and such other and further relief that this Court deems just and proper.

COUNT II
RETALIATION
(Violation of M.G.L. c.151B § 4 (4) Against All Defendants)

91. Paragraphs one through ninety are incorporated herein by reference.

92. Plaintiff engaged in protected activity by complaining of discrimination to his employer, Defendants, MBTA and/or TPD.

93. Plaintiff engaged in protected activity by filing a charge of discrimination with the Massachusetts Commission Against Discrimination on or about June 22, 2023.

94. Defendants have retaliated against Plaintiff for engaging in protected activity as outlined above in Paragraphs 1-86 above.

95. As a result of the Defendants' conduct, Plaintiff has suffered damages, including but not limited to, emotional distress damages, lost wages, costs, reasonable attorney's fees and interest.

WHEREFORE, Plaintiff demands judgment be entered against the Defendants as to Count II in an amount that the Court deems just, that will fairly and adequately compensate the Plaintiff, including but not limited to monies to compensate for lost pay, including but not limited to retroactive back pay, front pay, and lost pension benefits, punitive damages, emotional pain and suffering, interest, costs, attorney's fees, reinstatement to Plaintiff's former position, and such other and further relief that this Court deems just and proper.

COUNT III
INTERFERENCE WITH THE RIGHT TO BE FREE FROM DISCRIMINATION
(Violation of M.G.L. c. 151B § 6 (4A) Against All Defendants)

96. Paragraphs one through ninety-five are incorporated herein by reference.

97. Plaintiff exercised rights granted and/or protected under M.G.L. c. 151B as outlined in Paragraphs 1-86 above.

98. Defendants interfered, coerced, intimidated, and/or threatened Plaintiff as a result of his activities outlined in Paragraphs 1-86 above.

99. As a result of the Defendants' conduct, Plaintiff has suffered damages, including but not limited to, emotional distress damages, lost wages, costs, and attorneys' fees where applicable.

WHEREFORE, Plaintiff demands judgment be entered against the Defendants as to Count III in an amount that the Court deems just, that will fairly and adequately compensate the Plaintiff, including but not limited to monies to compensate for lost pay, including but not limited to retroactive back pay, front pay, and lost pension benefits, punitive damages, emotional pain and suffering, interest, costs, attorney's fees, reinstatement to Plaintiff's former position, and such other and further relief that this Court deems just and proper.

COUNT IV
AIDING AND ABETTING
(Violation of M.G.L. c. 151B § 4(5) Against
Defendants Rachel Rollins and Ricardo Arroyo)

100. Paragraphs one through ninety-nine are incorporated herein by reference.

101. Defendants, Rollins and Arroyo aided, abetted, incited, compelled and/or coerced MBTA and/or TPD into retaliating against Plaintiff as outlined in Paragraphs 1-86 above.

102. As a result of the Defendants' conduct, Plaintiff has suffered damages, including but not limited to, emotional distress damages, lost wages, costs, reasonable attorney's fees and interest.

WHEREFORE, Plaintiff demands judgment be entered against the Defendants as to Count IV in an amount that the Court deems just, that will fairly and adequately compensate the Plaintiff, including but not limited to monies to compensate for lost pay, including but not limited to retroactive back pay, front pay, and lost pension benefits, punitive damages, emotional pain and

suffering, interest, costs, attorney's fees, reinstatement to Plaintiff's former position, and such other and further relief that this Court deems just and proper.

COUNT V
INTERFERENCE WITH RIGHT TO BE FREE FROM
THREATS, INTIMIDATION, AND COERCION
(Violation of M.G.L. c. 12 § 11H and § 11I Against All Defendants)

103. Paragraphs one through one-hundred-two are incorporated herein by reference.

104. The actions as set forth above constitute interference with Plaintiff's statutory or constitutional rights by threats, coercion, or intimidation, causing damages. This claim is brought pursuant to M.G. L. c. 12 § 11H and § 11I.

WHEREFORE, Plaintiff demands judgment be entered against the Defendants as to Count V in an amount that the Court deems just, that will fairly and adequately compensate the Plaintiff, including but not limited to monies to compensate for lost pay, including but not limited to retroactive back pay, front pay, and lost pension benefits, punitive damages, emotional pain and suffering, interest, costs, attorney's fees, reinstatement to Plaintiff's former position, and such other and further relief that this Court deems just and proper.

JURY DEMAND

The Plaintiff hereby demands a trial by jury as to all counts and issues so triable.

[Signature page to follow]

Respectfully submitted,
Plaintiff,
Jacob Green
By his Attorneys,



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Carly J. LaCrosse (BBO No.: 705555)
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Date: April 2, 2024