



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** April 12, 2005  
**SUBJECT:** Maria Hunciag v. City of Troy

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In 2003, Maria Hunciag filed a lawsuit in federal court against the City of Troy. In this lawsuit, Ms. Hunciag alleged employment discrimination, based on age, national origin, and gender, in violation of both federal and state law. She also asserted claims of retaliation, under both state and federal law. Ms. Hunciag is currently employed as a part time Library Aide for the City. She was previously employed at the Troy Museum, but was involuntarily separated from Museum employment in 2000. She asserts that a younger white male was given the full time position of City of Troy Museum Archivist, even though she was more qualified for the position. She initially approached the Equal Employment Opportunity Commission (EEOC) with her complaints. The EEOC, after investigation, declined jurisdiction and referred the matter to the U.S. Department of Justice, which also declined to take any action on the complaints. As a result, she filed her own lawsuit in federal court. The case proceeded through a lengthy discovery process, and the filing and briefing of the City's Motion to Dismiss the case, In January 2005, U. S. District Court Judge Victoria Roberts dismissed all Ms. Hunciag's claims that were based on federal law, and declined to exercise jurisdiction over the state law claims. Ms. Hunciag then took the opportunity to file a new lawsuit in the Oakland County Circuit Court, which would allow for a final adjudication on the state law claims that were previously asserted. This complaint, other than eliminating the federal claims, is almost identical to the one filed in federal court in 2003. The minor additions and modifications are underlined by hand in the attached complaint. The case has been assigned to Oakland Circuit Court Judge Gene Schnelz.

Due to potential conflicts in litigating against a current employee, Attorney Laura Amtsbuechler of Johnson, Rosati, Lebarge, Aseltyne & Field handled the federal litigation. Although the Court did not entertain the arguments, Ms. Amtsbuechler also briefed the law and requested dismissal of the state law claims in her Motion for Summary Judgment. Absent objection from City Council, Ms. Amtsbuechler will continue her aggressive representation of the City in the state law case. Our office will continue to monitor the progress and serve as a liaison for the City.

If you have any questions concerning the above, please let us know.

476

05-065523-CD



JUDGE GENE SCHNELZ  
COUNTY HUNCIAG, MARIA V TROY CITY

STATE OF MICHIGAN

JUDICIAL DISTRICT  
6th JUDICIAL CIRCUIT  
COUNTY PROBATE

SUMMONS AND COMPLAINT

Court address

1200 N. Telegraph Road, Pontiac, MI 48341

Plaintiff name(s), address(es), and telephone no(s).

MARIA ELENA HUNCIAG

Plaintiff attorney, bar no., address, and telephone no.

Aaron J. Pruss (P63045)  
30565 Northwestern Hwy., Suite 100  
Farmington Hills, MI 48334  
248/932-1101

Defendant name(s), address(es), and telephone no(s).

CITY OF TROY, a municipal Corporation

RECEIVED  
CITY OF TROY  
2005 APR - 6 PM 1:12

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

|                              |  |                                    |
|------------------------------|--|------------------------------------|
| Issued<br><b>APR 06 2005</b> | This summons expires<br><b>JUL 06 2005</b> | Court clerk<br><b>RUTH JOHNSON</b> |
|------------------------------|--|------------------------------------|

\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

|            |       |         |
|------------|-------|---------|
| Docket no. | Judge | Bar no. |
|            |       |         |

**General Civil Cases**

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in United States District Court, Eastern District of Michigan Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

|            |                     |         |
|------------|---------------------|---------|
| Docket no. | Judge               | Bar no. |
| 03-72175   | Victoria A. Roberts |         |

**VENUE**

|   |   |
|---|---|
| Plaintiff(s) residence (include city, township, or village)<br>Centerline, MI | Defendant(s) residence (include city, township, or village)<br>Troy, MI |
| Place where action arose or business conducted<br>Troy, MI                    |   |

Date 2/9/05

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
IN THE 6<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF OAKLAND

2005 APR -6 A 11:57

MARIA ELENA HUNCIAG,

Plaintiff,  
DEPUTY COUNTY CLERK

Ca  
Hc



v.

CITY OF TROY, a Municipal  
Corporation,

Defendant.

BEALS HUBBARD, PLC  
Eric A. Parzianello (P42797)  
Aaron J. Pruss (P63045)  
Attorneys for Plaintiff  
30665 Northwestern Hwy., Suite 100  
Farmington Hills, MI 48334  
248/932-1101

### COMPLAINT

NOW COMES Plaintiff, Maria Elena Hunciag, by and through her attorneys, Beals Hubbard, PLC, and in support of her Complaint against the City of Troy, states as follows:

#### JURISDICTION AND VENUE

1. This is an action for injunctive and equitable relief, damages and costs based on unlawful national origin, age, sex and retaliatory discrimination suffered by Plaintiff.
2. Plaintiff, Maria Elena Hunciag ("Ms. Hunciag"), currently lives in Centerline, Michigan.
3. Defendant, the City of Troy (the "City"), is a Michigan municipal corporation in Troy, Michigan.
4. Jurisdiction and venue are proper with this Circuit Court as the Plaintiff has suffered damages in excess of \$25,000.00.

## COMMON FACTUAL ALLEGATIONS

5. Ms. Hunciag was born in Romania on January 17, 1945 and became a naturalized United States citizen in 1989.

6. In Romania, Ms. Hunciag earned a Master's Degree in Art History in 1970. Such degree is recognized internationally by the United Nations (UNESCO) and the University of Sorbonne in Paris. She later attended the University of Paris IV – Sorbonne in 1983 and studied to obtain a PhD. She ultimately obtained her PhD – Doctorate in History of Arts – from Romania in 1995 while working for the City of Troy.

7. Ms. Hunciag worked as a full time curator of the National Fine Arts Museum in Bucharest, Romania for eleven years.

8. In 1988, Ms. Hunciag began working for the City of Troy part time as an Exhibit Preparatory Museum Aide.

9. From 1995 to 1999, Ms. Hunciag's work and responsibilities grew and became the equivalent of a full time curator while still fulfilling her primary job responsibilities. Although she worked full time in the dual capacities, she continued to receive only part time pay as the Exhibit Preparatory Museum Aide.

10. In addition to devoting much more time to her work than merely part time hours, she participated in the funding and founding of the Troy Veterans Memorial Commission and was a chief editor and author of a book about World War II Veterans to be published for the City. She was instrumental in giving World War II Veterans from Troy the medals they never received in two separate ceremonies at MEPS Troy.

11. For these and numerous other projects to benefit the City, Ms. Hunciag was appropriately acknowledged and praised by State and Federal officials such as Sander Levin, as well as numerous newspaper articles about her work.

12. In May of 1999, the City hired William B. Boardman, who was twenty-nine years old at the time (and only possessed an Associate Degree) as a part time Museum Aide after Ms. Hunciag requested, repeatedly, that her not-so-voluntary and dual responsibilities become formally recognized and paid in the form of a full-time position.

13. Shortly after Mr. Boardman's hire, while still in his probationary period, he became confrontational with Ms. Hunciag and continually made disparaging remarks about her, her accent and her being from Romania. Such remarks included a disrespectful and condescending comment that she must have "learned her English from Latka"<sup>1</sup> and asked her if she was "fresh off the boat" and barred her from the use of the collection, on several occasions becoming violent.

14. Throughout the fall of 1999, Ms. Hunciag complained to City management about the humiliating remarks and treatment by Mr. Boardman.

15. Instead of promptly investigating Mr. Boardman's conduct, the City terminated and/or limited her involvement in the World War II book, Casevell House restorations, antiquing at the Troy Museum Country Store, acquisitioning, and with the collection, making her work at the museum obsolete.

16. In December 1999, Ms. Hunciag complained about her involvement with the book, as well as Casevell House restorations, acquisitions for the Country Store, etc.

17. In February 2000, Ms. Hunciag's employment was terminated as a result of Defendant's retaliation for her complaints about her treatment.

18. In March 2000, the City sent Ms. Hunciag a letter "rescinding" her termination and asked her to return to work within two weeks. In the meantime, Ms. Hunciag became sick due to the unfair treatment by the City.

<sup>1</sup> Latka was a character from the television show *Taxi* with a thick foreign accent, generally made to look incompetent and was the cause of many discriminatory jokes.

19. At the advise of Mayor Stine, Ms. Hunciag agreed to return to run the museum; however, not under the same working conditions and treatment – no more discriminatory and retaliatory treatment.

20. Ms. Hunciag never had an opportunity to interview for a full-time job prior to 2001. Both of the positions that became available—Curator in 1997 and Manager at the Museum—were filled by promotion of individuals less qualified. In 2000, instead of Ms. Hunciag, Lorraine Campbell was appointed Museum Manager with no appropriate degree or experience and was sent to college for four (4) years at the Troy taxpayers' expense.

21. Instead of correcting the unlawful treatment and allowing Ms. Hunciag to return to work in the museum or opening the Manager position for interview, the City transferred her to work part time in the library and allowed Ms. Campbell to sign the WWII Book curated by Ms. Hunciag.

22. Ms. Hunciag complained about the transfer and once again reported the past harassment and retaliatory treatment hoping that the City would finally remedy the matter and allow her to return to the museum.

23. Again, nothing was corrected, and Ms. Hunciag continued to be subjected to harassing, discriminatory and retaliatory treatment. For example, Ms. Hunciag was not evaluated from 199 to 2001 while Mr. Boardman was evaluated and promoted in May of 2000 after writing a hate letter against Ms. Hunciag.

24. In May 2001, the City officials announced four new full time positions, three in the library and one at the museum, and named the four individuals who would fill the positions, by promotion, with no interview and/or posting – Ms. Hunciag was not one of the individuals.

25. At the time of the announcement, in May of 2001, the new positions had not been posted and no interviews had been conducted.

26. Only after complaints from various City employees did the City finally post the openings in July 2001 and then Defendant conducted interviews.

27. In the end, the same four people who were named in May 2001 received the promotions.

28. Up to and after the date of the interviews, all of Ms. Hunciag's evaluations had been outstanding – she received mostly “nines” out of “tens.” Mr. Boardman's job performances ratings were not as high as Ms. Hunciag's and the City had to hire an aide to help him with his full-time job.

29. The City claimed its determination as to who would fill the positions was based thirty percent on actual experience, education and training, and seventy percent on the actual interview.

30. The percentages were purposely disproportionate so as to prevent Ms. Hunciag, who had an incomparably high level of experience, education and training, from obtaining the position so a less experienced, younger American male could obtain the museum promotion.

31. In fact, a thirty year old, Caucasian, American male who had less experience, training and education, and only approximately two years with the City, was awarded the position.

32. After no one at the City with whom she spoke would take action, and instead only retaliated against her for her requests and complaints, she filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) on or about July 9, 2002.

33. On or about November 14, 2002, the EEOC found that there was cause that the Defendant, in fact, violated the Act by retaliating against the Plaintiff for complaining about the discrimination.

34. Plaintiff restates and realleges paragraphs 1-32 as if more fully stated herein.

35. In 2001, Ms. Hunciag was fifty-six years old and part of the protected class under the ADEA.

36. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position as a Museum Archivist.

37. Ms. Hunciag was well qualified for the position based on her years of experience, education, training and work in the department and in the City.

38. A thirty year old male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

39. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her age.

40. Such actions on the part of the City are a violation of ELCRA.

41. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT II – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 et seq. – DISCRIMINATION BASED ON ETHNIC ORIGIN

42. Plaintiff restates and realleges paragraphs 1-40 as if more fully stated herein.

43. Plaintiff was and is a member of the protected class based on ethnic origin as she was born in Romania.

44. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position of Museum Archivist.

45. Ms. Hunciag was well qualified for the position based on her years of experience, education and work in the department and the City.

46. A thirty year old, United States born male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

47. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her ethnic origin.

48. Such actions on the part of the City are a violation of ELCRA.

49. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning

capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;
- b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;
- c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;
- d. Order that Defendant be enjoined from continuing its unlawful employment practices;
- e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;
- f. Award Plaintiff her attorney fees, interest and costs;
- g. Award Plaintiff exemplary damages; and
- h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT III – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 et seq. – DISCRIMINATION BASED ON SEX

50. Plaintiff restates and realleges paragraphs 1-48 as if more fully stated herein.

51. Ms. Hunciag was and is a female and part of a protected class under the Act.

52. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position of Museum Archivist.

53. Ms. Hunciag was well qualified for the position based on her years of experience, education and work in the department and the City.

54. A thirty year old male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

55. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her sex.

56. Such actions on the part of the City are a violation of ELCRA.

57. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT IV – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 et seq. – DISCRIMINATION BASED ON RETALIATION

58. Plaintiff restates and realleges paragraphs 1-56 as if more fully stated herein.

59. Beginning shortly after May of 1999 and continuing until today, Plaintiff has been subjected to retaliation by Defendant's supervisory personnel because she complained of unlawful acts of discrimination in violation of the ELCRA.

60. This retaliation involved treating Plaintiff differently than similarly situated employees with regards to the terms, conditions and benefits of their employment.

61. This retaliation would not have occurred had Plaintiff not engaged in the protected activity pursuant to the ELCRA.

62. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT V – RETALIATION IN VIOLATION OF  
MICHIGAN PUBLIC POLICY

63. Plaintiff restates and realleges paragraphs 1-61 as if more fully stated herein.

64. Beginning shortly after May of 1999 and continuing until today, Plaintiff has been subjected to retaliation by Defendant's supervisory personnel because she complained of unlawful acts of discrimination in violation of the ELCRA.

65. This retaliation involved treating Plaintiff differently than similarly situated employees with regards to the terms, conditions and benefits of their employment.

66. This retaliation would not have occurred had Plaintiff not engaged in the protected activity pursuant to the Act and/or ELCRA.

67. Such action is adverse to public policy.

68. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

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- d. Order that Defendant be enjoined from continuing its unlawful employment practices;
- e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;
- f. Award Plaintiff her attorney fees, interest and costs;
- g. Award Plaintiff exemplary damages; and
- h. Award Plaintiff any and all other relief this Court deems just and equitable.

Respectfully submitted,

BEALS HUBBARD, PLC

By: 

Eric A. Parzianello, Esq. (P42797)

Aaron J. Pruss, Esq. (P63045)

Attorneys for Plaintiff

30665 Northwestern Hwy., Suite 100

Farmington Hills, MI 48334

248/932-1101

Dated: March 7, 2005

