

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES SPILKO,

Plaintiff,

Case No. 2:25-cv-13565
Hon. Linda V. Parker

v

COMERICA MANAGEMENT
CO., INC., a Michigan Corporation,
and COMERICA INCORPORATED, a
Michigan Corporation,

Defendants.

James K. Fett (P39461)
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PLAINTIFF'S AMENDED COMPLAINT AND JURY
DEMAND

Plaintiff James Spilko, through his counsel, Fett & Fields, P.C., states the following claims against Defendants:

NATURE OF CLAIM

1. This is an action brought for discrimination and retaliation in violation of *42 U.S.C. § 1981*, Title VII of the Civil Rights Acts of 1964, *42 U.S.C. § 2000e et seq.*, and the Michigan Elliott-Larsen Civil Rights Act, *MCL § 37.2101, et. seq.*

JURISDICTION AND PARTIES

2. Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367.

3. The events giving rise to this cause of action occurred in the Eastern District of Michigan.

4. The amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorneys' fees.

5. Plaintiff James Spilko ("Plaintiff") is a Change Delivery Manager employed by Defendants, and resides in Macomb County, Michigan.

6. Defendant Comerica Management Co., Inc., ("Defendants") is a Michigan Corporation and part of the Comerica Bank corporate structure as a subsidiary of Comerica Incorporated.

7. Defendant Comerica Incorporated controls Comerica Management Co., Inc., and is a joint-employer of Plaintiff.

FACTS

8. Unlike traditional corporations, Defendants' goal is not to maximize shareholder value, but rather, to demographically re-engineer its workforce in pursuit of what they consider racial and gender "equity" by discriminating against White males.

9. They do this by balancing the Comerica workforce so that it "reflects the demographics" of their markets, *Comerica DEI Reports*,¹ even though race and gender balancing has long been illegal under state and federal law.

10. Defendants' balancing focuses on increasing the number of "women, minority populations, individuals with disabilities, veterans and colleagues of varying ages."

11. White males are persona non grata.

12. Curtis C. Farmer is the CEO of Comerica Incorporated who personally supervised the creation and implementation of Defendant's policy of discriminating against White males, which Defendants euphemistically term "Diversity, Equity, and Inclusion," or simply "DEI."

13. At the direction of CEO Curtis C. Farmer, Comerica's institutional policy is to favor non-White male, often referred to as "diverse," applicants and employees over White males in all employment decisions.

¹ Available publicly online. All text in quotations is taken from Comerica policies.

14. Defendants ensure discrimination against White males by tying management compensation to achievement of diversity “goals,” which are racial and gender quotas.

15. Plaintiff James Spilko is a fifty-six-year-old White male.

16. He has been an exemplary employee since beginning his employment with Defendants in 2012, consistently ranking in the top 5-20% and receiving sterling performance reviews

17. Despite his exemplary record, Defendants “DEI” policy has caused Plaintiff to be denied **over 30 promotions** since 2018 in favor of less qualified, more “diverse” (i.e. non-White male) candidates.

18. Defendants carefully monitor the race and gender (as well as age) composition of each line of business (department), as well as each level of employment, e.g. Senior Officials, Middle Management, etc.

19. Defendants reach, exceed and then maintain their diversity quotas by discriminating against White males in all employment decisions, including hiring, promotion, and termination.

20. For instance, to eliminate “diversity gaps,” and to “advance[e] gender and racial equity through increased representation at the *Senior Officer and Vice President levels*,” Defendants unabashedly discriminate against White males in favor of non-White, “diverse” applicants and employees.

21. As a result, Defendants’ corporate DEI preferences for non-White males have achieved the desired results – Defendants are meeting or exceeding the diversity quotas (and consequently complicit managers are receiving raises, bonuses and advancement).

22. Despite a steady decline in employees, bottoming out in 2021, Defendants have had a steady increase in women and ethnically diverse Officials and Managers since 2018:

Year	2018	2019	2020	2021	2022	2023
Female - Officials and Managers	697	684	688	681	695	727
Ethically Diverse - Officials and Managers	352	356	375	384	387	427

23. These numbers are achievable only through over-the-top, illegal DEI policies designed to race and gender balance Defendants’ workforce.

CORPORATE LEVEL QUOTAS

24. Defendants’ “DEI efforts start at the highest levels of the company.”

25. “Comerica’s Chief Diversity, Equity and Inclusion Officer, (who reports to the Chief Administrative Officer and the Chairman, President and CEO), manages all aspects of DEI as they relate to current and potential Comerica colleagues.”

26. “This oversight includes the design and execution of internal and external Comerica DEI programs, initiatives and funding.”

27. Defendants’ “Executive Diversity Committee (“EDC”), chaired by [the] Chairman, President and CEO [Curtis Farmer] and composed of [the] executive

leadership team and Chief Diversity, Equity and Inclusion Officer, sets the strategy and addresses key issues and topics relating to DEI.”

28. “EDC members, as well as all senior officers, are required to include diversity and inclusion as part of their annual performance management plans, as measured through an Annual Diversity Scorecard.”

29. “EDC members also include diversity objectives throughout their lines of business.”

Workforce Diversity			
Produce Equitable Gender and Racial Interview Slates (Senior leader and VP positions)	Provide Mentorship and Sponsorship (All women and minority on succession plans)	Increase Equity in Succession Plans (All women and minority on succession plans)	Increase Equity in Gender and Racial Representation (Women and Minorities)

30. “The EDC addresses important strategic issues relating to diversity and inclusion, including the attraction, retention and development of diverse colleagues.”

31. “The EDC provides guidance in tandem with the Chief Diversity, Equity and Inclusion Officer, who leads the Diversity and Inclusion team and implements the diversity and inclusion strategy.”

32. “The EDC sets annual and long-term internal diversity goals.”

33. Since managers are financially incentivized to discriminate against White males and favor non-White “diverse” applicants and employees, the goals are quotas, which predictably are met.

34. “[E]ach Senior Officer in the company (including executive officers) is held accountable toward contributions to achieving the goals on an annual basis as it impacts their performance rating and thereby compensation.”

35. As a result of these mandates, “100% of business units met their DEI performance goals” for many consecutive years running.

IMPLEMENTATION OF QUOTAS AT THE BUSINESS UNIT LEVEL

36. Once companywide DEI quotas are set by the EDC, each business line is charged with creating its own micro-level quotas. (“EDC members also include diversity objectives throughout their lines of business.”).

37. Each business line then works in tandem with Human Resources to ensure these quotas are met through:

- a. rigorous monitoring of progress toward quotas;
- b. Human Resource control of the hiring and promotional process,
- c. requiring management to hire the preferred demographic,
- d. discrimination in development and hiring, and, when all else fails,
- e. manipulating performance ratings or job titles/qualifications to ensure the desired result.

Monitoring of DEI Mandate Progress

38. Senior Officials are required to monitor progress towards the DEI quotas.

39. This is done through a software platform called “Comerica Insights for Managers” “Headcount Demographics” reports.

40. The software produces monthly reports and details race, gender, and age composition of Defendants’ workforce, both companywide and for direct reports.

Human Resource Control of Hiring and Promotional Process

41. Defendants also ensure quotas are met by human resource control of which candidates receive interviews for open positions.

42. Each candidate is internally tracked using a “Talent Card.”

43. The talent card tracks race, gender, and age.

44. Human Resources uses these metrics to ensure that the candidates forwarded to the manager will result in the hire or promotion of the desired demographic.

45. If the desired demographic has not applied for the position, Defendants will solicit “diverse” candidates and ensure they receive the position.

46. If the Human Resource Department chooses an application to forward to the hiring manager, the applicant receives an interview.

47. If the Human Resource Department chooses not to forward an application, the applicant is rejected without an interview.

Management Accountability

48. Management “is held accountable toward contributions to achieving the goals on an annual basis as it impacts their performance rating and thereby compensation.”

49. Defendants’ Performance Management Plan (PMP) incorporates five different ratings: Distinguished, which goes to the top 10%; Outstanding, which goes to the top 35%; Successful, which goes to the top 50%; Inconsistent, which less than 5% of employees receive; and, Unsatisfactory, which less than 5% of employees receive.

50. Each management level employee is then evaluated on different metrics, which are referred to as “PMP Categories.”

51. Each business line’s number one PMP Category is titled “Drive for Diversity & Inclusion.”

52. The PMP further breaks down specific goals for each PMP category, including diversity and inclusion.

53. Specific goals include “[a]ccomplishing outstanding or better on senior officer diversity scorecard.”

54. Defendants further instruct managers that “Outstanding” is “successfully hiring [the desired demographic] for your open positions.”

55. Meeting the diversity and inclusion goals in the PMP is weighted as 10% of a manager's rating.

56. It is obvious in practice that achievement of diversity quotas weighs far more than 10% in a manager's rating.

57. If management fails to hire or promote the desired demographic, the manager's rating suffers, impacting compensation and limiting advancement opportunities.

58. Management is also required to "provide mentorship and sponsorships" to minority candidates, which also requires "all women and minority on succession plans."

Discrimination in Development Opportunities

59. Defendants also discriminate against White males in favor of non-White diverse employees in career advancement opportunities.

60. For instance, Defendants offer a Leadership Development Program.

61. Participants are selected by management, and participation in these programs can significantly increase an employee's prospects of promotion.

62. In 2023, participants were 44% "ethnically diverse" and 72% women.

Discrimination in Hiring

63. Defendants' hiring statistics further confirms corporate-wide discrimination against White males in favor of non-White diverse employees.

64. For instance, in 2020, 61% of new hires were women and 51% were minority.

65. Further, 89% of technology interns were “diverse” and 76% of bank interns were diverse.

66. These numbers would be impossible if not for Defendants’ policy of discriminating against White males in favor of non-White diverse employees.

RADICAL MEASURES IN THE TECHNOLOGY LINE

67. Nowhere has Defendants’ discriminatory practices been more profound than Defendants’ Technology line.

68. Defendants set and maintain a quota of 50% or more “diverse” Senior Officers, placing a specific emphasis on “gender equity.”

69. To achieve this quota, each manager’s PMP includes a requirement to accomplish “outstanding or better on senior officer diversity scorecard.”

70. Defendants then mandate the hiring of more females by instructing that “Outstanding” is “successfully hiring women for your open positions.”

71. Predictably, managers often resort to altering job descriptions and/or performance ratings so that the desired demographic can be placed in the position.

72. Once again, the results irrefutably demonstrate that these mandates are precisely implemented.

73. Megan Crespi is the COO in charge of the Technology line.

74. Under her, there are exactly four male and four female Director level managers.

75. Moreover, at the VP level, gender preferences are glaringly apparent.

76. For instance, in just a few years, Defendants' Enterprise Change Delivery team went from majority male to being comprised of fourteen females and two males.

DEI POLICY OF DISCRIMINATING AGAINST WHITE MALES IN FAVOR OF NON-WHITE, DIVERSE EMPLOYEES IMPACTS PLAINTIFF

77. Defendants' discriminatory actions in pursuant of its extremist DEI goals has led to a pattern of discrimination against Plaintiff, and those similarly situated, based on his status as a fifty-six (56) year-old White male.

78. Despite over thirteen years of ranking in the top 5-20% and receiving sterling performance reviews, Plaintiff is now in a lower position than when he began his employment.

79. He supports DEI and has always met his diversity goals, yet has been denied approximately thirty (30) promotions since 2018.

80. Nearly all of these positions were given to female, "ethnically diverse," or substantially younger employees.

81. In 2019, Plaintiff was demoted from a grade 37 to a grade 36 position so that Defendants could create a grade 37 position for a far less qualified female.

82. Despite the demotion, Plaintiff continued to perform the same duties and responsibilities.

83. However, Defendants removed Plaintiff's team of Project Managers, claiming that this function was no longer needed.

84. In reality, Defendants removed Plaintiff's team of Project Managers so that is could create three new positions and fill them with females.

85. The Project Managers that were hired were Denice Tackett, Dhrubani Paul, and Maria Cook.

86. The new grade capped Plaintiff's salary and rendered him ineligible for raises, a fact that Defendants failed to inform Plaintiff of.

87. Plaintiff's manager at the time, the Senior Vice President of Operations, recognized the demotion as unjust and recommended Plaintiff file a discrimination complaint.

88. With his manager's support, Plaintiff opposed his demotion as discriminatory to Human Resource Representatives Laura Kimball and Sarah Pew.

89. However, Defendants failed to take any action.

90. Instead, the Human Resource Department rejected Plaintiff's applications without interview approximately nine times over the next approximately five years.

91. During this period, the Chief Information Officer was Sangy Vatsa.

92. At a leadership meeting, Chief Technology Officer Baiju Panicker stated, “look around this room of ~15-20 leaders, and we only have 1 woman leader.”

93. Panicker then stated that Vatsa has directed the department to “hire more women leaders,” further stating, “this will be a goal in your performance rating.”

94. As a result, the vast majority of the positions that Plaintiff applied for went to less qualified Non-White male, “diverse” employees.

95. On September 25, 2020, Plaintiff applied for the Enterprise Technology and Operations Initiatives Manager position.

96. Plaintiff was rejected without an interview.

97. The position was awarded to a less qualified female, after Defendants removed job requirements for position so that she would qualify.

98. On June 15, 2021, Plaintiff applied for the Cyber Program Strategy Governance & Management SVP position.

99. Plaintiff was rejected after a token interview.

100. The position was awarded to a less qualified, “diverse” female, who lacked the knowledge, skills, and experience of Plaintiff.

101. On July 12, 2021, Plaintiff applied to the Technology Shared Services Director position.

102. Plaintiff was rejected without an interview.

103. The position was awarded to a less qualified female, Jodi Liscio.

104. On August 27, 2021, Plaintiff was promoted back to his original position of Senior Manager Technology Project Portfolio after failing to obtain the Technology Shared Services Director position.

105. As a result of her promotion, Ms. Liscio became Plaintiff's supervisor.

106. Ms. Liscio prioritized female hires and penalized male employees in performance rankings.

107. On January 30, 2023, Plaintiff applied for the positions of Divisional Finance Director and Director Financial Systems Solutions.

108. Plaintiff was rejected for both positions without an interview.

109. Ms. Liscio was eventually terminated after HR found she had engaged in a pattern of fraudulently giving male subordinates lower annual ratings.

110. Following Ms. Liscio's departure, Plaintiff's new supervisor, John Wei, downgraded Plaintiff's rating from "Distinguished" to "Outstanding" by inserting false feedback into Plaintiff's review.

111. This was despite Ms. Liscio informing Plaintiff prior to her departure that he had been rated as distinguished for the third consecutive year.

112. Plaintiff contested the rating and reported to HR that the downgrade was motivated by discriminatory animus.

113. HR removed the false feedback but did not restore the original rating and took no action on Plaintiff's discrimination complaint.

114. In February of 2024, Plaintiff applied for four positions: Director of Platform Modernization; Payments Delivery Shared Services Director; Director HR Risk; and Business Information Office Corporate Function.

115. The Business Information Office Corporate Function and Director of Platform Modernization positions were cancelled.

116. Plaintiff was rejected for the Payments Delivery Shared Services Director and the Director HR Risk positions without interview.

117. The Payments Delivery Shared Services Director position was awarded to a less qualified "diverse" female.

118. On October 25, 2024, Plaintiff applied for another four positions: Director Enterprise Change Delivery; Director Enterprise Change Strategic Planning; Director Enterprise Change Management Program; Director Resolution Planning Office.

119. Plaintiff again was rejected for all four positions without interview.

120. The Director Enterprise Change Delivery position was awarded to a less qualified, substantially younger male.

121. The Director Enterprise Change Management Program position was awarded to a less qualified female candidate without interview, after Defendants altered the job description, and permitted her to work remotely from Florida.

122. On December 20, 2024, Plaintiff applied for the Director of Program Management position.

123. Plaintiff was rejected without an interview.

124. The position was awarded to a less qualified, substantially younger male.

125. In 2025, Defendants began a reorganization, the corporate version of “musical chairs;” at the end of the game a disproportionate number of White males were left standing.

126. Defendants rebranded position titles and required current employees to reapply for their positions.

127. If employees are unable to secure a new position, they are offered a severance and effectively terminated.

128. On February 1, 2025, Plaintiff applied for five Senior Manager Change Delivery positions, which were the rebranded positions nearly identical to the Senior Portfolio Manager position that he had been performing in exemplary fashion.

129. Plaintiff was rejected without an interview for four of the positions and received a token interview for the other.

130. All five positions were awarded to females.

131. Of the five positions, at least four were filled with less qualified females.

132. As to the other successful female candidates, Plaintiff is unaware of her qualifications at this time.

133. On March 24, 2025, Plaintiff applied for the position of Director Change Readiness Operations.

134. Plaintiff was rejected without an interview.

135. The position was awarded to a less qualified, substantially younger male.

136. At the urging of his Manager, Plaintiff then applied for the Senior Manager Enterprise Change and Program Management position, which was a demotion.

137. His interview was scheduled for June 2, 2025.

138. On May 31, 2025, HR notified Plaintiff that the role had been filled via email.

139. Defendants nonetheless engaged Plaintiff in a sham interview on June 2, 2025.

140. Plaintiff did not get the position.

141. Despite his exemplary qualifications, Plaintiff has been forced to take a demotion to Change Delivery Lead, a grade 36 position.

142. Due to the demotion to a grade 36 position, Plaintiff is now ineligible for pay raises and his promotional opportunities are severely impacted.

143. Defendants' DEI policies of discriminating against White males in favor of non-White, diverse employees have caused Plaintiff to be denied over thirty (30) promotions, the opportunity to apply for others, as well as development opportunities; he has also been given a fraudulent rating to make way for the promotion of diversity candidates.

144. Defendants' DEI policies over Plaintiff's thirteen-year tenure have resulted in significant, compounded financial loss and severe emotional distress.

COUNT I
RACE DISCRIMINATION
(42 USC § 1981)

145. Plaintiff incorporates by reference the preceding paragraphs.

146. Plaintiff is a White male.

147. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

148. Defendants subjected Plaintiff to the above adverse actions because of his status as a White male.

149. The above adverse actions violate 42 USC § 1981.

150. As a proximate result of the above unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by 42 USC § 1988;
- d. Punitive damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT II
RETALIATION
(42 USC § 1981)**

151. Plaintiff incorporates by reference the preceding paragraphs.

152. Plaintiff is a White male.

153. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

154. Defendants subjected Plaintiff to some of the above adverse actions because of his protected activity in opposing discrimination against him based on his status as a White male.

155. The above adverse actions violate 42 USC § 1981.

156. As a proximate result of the above unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by 42 USC § 1988;
- d. Punitive damages; and
- e. Such other equitable relief as the Court deems just.

COUNT III
RACE AND SEX DISCRIMINATION
(42 U.S.C. § 2000e-2)

157. Plaintiff incorporates by reference the preceding paragraphs.

158. Plaintiff is a White male.

159. At all times Plaintiff was a high performing employee.

160. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

161. Defendants subjected Plaintiff to the above adverse actions because of his status as a White male.

162. The above adverse actions violate Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

163. As a proximate result of the above unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;

- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by 42 U.S.C. § 1988;
- d. Punitive damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT IV
AGE DISCRIMINATION
(29 U.S.C. § 623)**

164. Plaintiff incorporates by reference the preceding paragraphs.

165. Plaintiff is a fifty-six (56) year-old White male.

166. At all times Plaintiff was a high performing employee.

167. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

168. Defendants subjected Plaintiff to some of the above adverse actions because of his age.

169. Some of the above adverse actions violate the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623.

170. As a proximate result of the above unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity;

humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by 42 U.S.C. § 1988;
- d. Punitive damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT V
RETALIATION
(42 U.S.C. § 2000e-3)**

171. Plaintiff incorporates by reference the preceding paragraphs.

172. Plaintiff engaged in protected activity by reporting or opposing violations of the Title VII of the Rights Act of 1964, 42 U.S.C. § 2000e-3.

173. At all times Plaintiff was a high performing employee.

174. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

175. Defendants subjected Plaintiff to some of the above adverse actions because of his protected activity in opposing discrimination against him based on his status as a White male.

176. Some of the above adverse actions violate the violate the Title VII of the Rights Act of 1964, 42 U.S.C. § 2000e-3.

177. As a proximate result of Defendants' unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by 42 U.S.C. § 1988;
- d. Punitive damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT VI
RACE AND SEX DISCRIMINATION
(MCL § 37.2202)**

178. Plaintiff incorporates by reference the preceding paragraphs.

179. Plaintiff is a White male.

180. At all times Plaintiff was a high performing employee.

181. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

182. Defendants subjected Plaintiff to the above adverse actions because of his status as a White male.

183. Defendants' above actions violate the Michigan Elliott-Larsen Civil Rights Act, MCL § 37.2202.

184. As a proximate result of Defendants' unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;

- c. Costs, interest and reasonable attorney fees as provided by MCL § 37.8202;
- d. Exemplary damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT VII
AGE DISCRIMINATION
(MCL § 37.2202)**

185. Plaintiff incorporates by reference the preceding paragraphs.

186. Plaintiff is a fifty-six (56) year-old White male.

187. At all times Plaintiff was a high performing employee.

188. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual ratings, and denying him development opportunities.

189. Defendants subjected Plaintiff to the above adverse actions because of his status as a White male.

190. Defendants' above actions violate the Michigan Elliott-Larsen Civil Rights Act, MCL § 37.2202.

191. As a proximate result of Defendants' actions, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by MCL § 37.8202;
- d. Exemplary damages; and
- e. Such other equitable relief as the Court deems just.

**COUNT VIII
RETALIATION
(MCL § 37.2701)**

192. Plaintiff incorporates by reference the preceding paragraphs.

193. Plaintiff engaged in protected activity by reporting or opposing violations of the Elliott-Larsen Civil Rights Act, MCL § 37.2101, *et seq.*

194. At all times Plaintiff was a high performing employee.

195. Defendants subjected Plaintiff to adverse actions, including, *inter alia*, denying Plaintiff over thirty (30) promotions, fraudulently altering his annual rating, and denying him development opportunities.

196. Defendants subjected Plaintiff to some of the above adverse actions because of his protected activity in opposing discrimination against him based on his status as a White male.

197. Defendants' above actions violate the Michigan Elliott-Larsen Civil Rights Act, MCL § 37.2701.

198. As a proximate result of Defendants' unlawful conduct, Plaintiff has sustained, and will continue to sustain, injuries, and damages, including but not limited to, loss of earnings and earning capacity; loss of career opportunity; humiliation, outrage, embarrassment, mental and emotional distress and the physical manifestations of those injuries.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendants providing for:

- a. Economic damages;
- b. Non-economic damages to compensate for the mental and emotional distress, outrage, and humiliation he has suffered, and continues to suffer, as a result of Defendants' illegal actions;
- c. Costs, interest and reasonable attorney fees as provided by MCL § 37.8202;
- d. Exemplary damages; and
- e. Such other equitable relief as the Court deems just.

Respectfully submitted,

/s/ James K. Fett

By: James K. Fett (P39461)
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Dated: November 10, 2025

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Attorneys for Plaintiff

JURY DEMAND

NOW COMES Plaintiff James Spilko, through his counsel Fett & Fields, P.C.,
and hereby demands trial by jury in the above-captioned matter.

Respectfully submitted,

/s/ James K. Fett

By: James K. Fett (P39461)

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Dated: November 10, 2025