

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

LALANEA STAR LITTLE,  
INDIVIDUALLY AND AS NEXT  
FRIEND OF MINOR CHILD, A. L.,

Case No: 2:20-cv-11857  
Hon.

Plaintiffs,

v.

PRESQUE ISLE COUNTY, DEPARTMENT OF  
CHILD PROTECTIVE SERVICES,  
JANE DOE, PSYCHIATRIST,

Defendant(s).

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**PLAINTIFFS' VERIFIED COMPLAINT AND JURY DEMAND**

1. This case is a civil action commenced pursuant to 42 U.S.C. § 1983 to redress the deprivation by Defendants of rights secured to Plaintiffs under the Fourth and Fourteenth Amendments to the United States Constitution, as well as state claims for assault, battery, false imprisonment, and intentional infliction of emotional distress.

**JURISDICTION AND VENUE**

1. The Plaintiff Lalanea Star Little and her children who reside Onaway, Michigan, bring this civil rights lawsuit pursuant to 42 U.S.C. § 1983 to redress the deprivation, by the Defendant under color of state law, of rights

secured to them under the Fourth and Fourteenth Amendment to the United States Constitution.

2. Jurisdiction is conferred on this court by 28 U.S.C. § 1343(3) and 1343(4), which provide for original jurisdiction in this court of all suits brought pursuant to 42 U.S.C. § 1983; by 28 U.S.C. § 1331(a) because the cause of action arises under the Constitution and laws of the United States; and by 28 U.S.C. § 1367 because the state claims are part of the same case and controversy.

3. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391 in that a substantial part of the events or omissions giving rise to the claim occurred in this federal district.

4. The controversy involves equitable relief in addition to legal claims and jurisdiction, and the amount in controversy exceeds \$75,000 exclusive of costs and attorney fees and venue is proper before this Honorable Court.

### **PARTIES**

5. Lalanea Star Little is a United States citizen who resides in Onaway, Michigan. She is the parent and next friend of A.L., a child.

6. Defendant Presque Isle County is a nonprofit Michigan corporation located in, Presque Isle County, Michigan.

7. Defendant Unknown Defendant is a psychiatrist employed by Defendant Presque Isle County, and an agent of the Defendant Presque Isle County, and was at all pertinent times herein on or about its business in the course and scope of her employment.

8. Upon information and belief, Unknown Defendant is a citizen and resident of Presque Isle County Michigan and employed with the Michigan Department of Health and Human Services. Unknown Defendant was acting under the authority or color of state law at the time the following claims occurred as she was acting for the state in her role as a caseworker for Defendant Michigan Department of Health and Human Services.

## FACTS

### **A. Presque Isle County Seizes Little Child, Denies Mother Family Integrity Rights.**

9. Lalanea Star Little is the proud mother of A.L., Ms. Little's minor son. Ms. Little suffers from Borderline Personality Disorder, a mental illness.

10. The Little Family has been under the control of Presque Isle County, and its Child Protective Services Department, since 2015. Subsequently, the County held an emergency hearing to seize Little's child and terminate her parental rights. Defendants knew that Ms. Little was hospitalized, under anesthesia, and could not attend the hearing. Despite this knowledge, Defendants would not allow Ms. Little to attend the hearing, or

even adjourn the hearing. The child remains under the control of Presque Isle County, and its Child Protective Services Department.

11. Ms. Little suffers from Borderline Personality Disorder, a mental illness, but she is stable, and under her doctor's care. Ms. Little has adverse reactions to lithium, but is otherwise receiving medically approved therapy and stabilizing treatment. While Ms. Little's therapist advises against lithium use, Defendants are denying Ms. Little parenting visits unless she takes lithium. A caseworker advised Ms. Little that she could not see her child until she submits to the government's approved course of treatment.

12. At all times relative to this action, Defendants limited the Little Family's ability to function as a family, with integrity. At no time did Ms. Little exhibit symptoms associated with psychosis.

13. Defendants initiated a baseless behavior/medical treatment plan against the Little Family, with inapplicable protocols and conflicting mandates. The Defendants' behavior/medical treatment plan, and other wrongful acts, caused an unreasonable disruption of the Little Family's right to exist as a family, free from arbitrary government power. Defendants' acts created a tapestry of confusion, subjecting the Little Family to a web of constant, unreasonable civil rights deprivations.

14. In 2017, and all times relevant thereto, Defendants Child Protective Services, and their agents, recklessly caused numerous baseless investigations to be opened against the Plaintiffs, each with different Case Plans, protocols, and conflicting mandates. Through material misrepresentations and arbitrary methods, Defendants caused unreasonable and unlawful seizures of Plaintiff Lalanea Star Little's children—and unreasonably denied unification of Plaintiff Lalanea Star Little's children through willful and/or reckless misrepresentations to courts and law enforcement officials. Each baseless seizure and case plan caused an unreasonable disruption of the Plaintiffs' respective rights to exist as a family, free from arbitrary government power.

**COUNT I:**  
**Unlawful Seizure of Person**  
**Under Section 1983 of the Civil Rights Act of 1964**

15. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 14, as though fully restated herein.

16. To sustain a claim under 42 U.S.C. § 1983, Plaintiffs must allege (1) that some person has deprived them of a federal right and (2) the person who has deprived them of that right acted under color of state or territorial law. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980).

17. As a parent, Plaintiff Ms. Little has a liberty interest in their family's integrity. The Constitution protects from wrongful governmental interference of parental decisions, as it is "perhaps the oldest of the fundamental liberty interests." *Troxel v. Granville*, 530 U.S. 57, 72 (2000).

18. Moreover, the Ms. Little's parenting right to "bring up children" is a "liberty interest" guaranteed by the Fourteenth Amendment of the Constitution. *See Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *see also Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Santusky v. Kramer*, 455 U.S. 745, 753 (1982)("historical recognition that freedom of personal choice in matters of family life is fundamental"). As the Supreme Court explained in *Prince v. Massachusetts*:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

19. Thus "[p]arental autonomy to care for children free from government interference... satisfies a child's need for continuity and thus ensures his or her psychological and physical well-being." *Newark v. Williams*, 588 A.2d 1108, 1115 (Del. Super. 1990). *See also* Goldstein, *Medical Care for the Child at Risk: On State Supervention of Parental Autonomy*, 86 Yale L.J. 645, 649 & n. 13 & 14 (1977)(noting that "law does

not have the capacity to supervise the delicately complex interpersonal bonds between parent and child.").

20. Defendants' seizure of C.L without a court order, consent of the parents, probable cause, or exigent circumstances violated the Plaintiffs' Fourth Amendment right to be secure against unreasonable seizures.

21. Defendants acted under a color of state law when they set in motion a series of events and acts by others that Defendants knew, or should have known, would cause others to inflict a constitutional injury upon Plaintiffs. Defendants wrongfully deprived Plaintiffs of privileges and/or immunities guaranteed by the Constitution and the laws of the United States.

22. Defendants had no objective reason to believe that the child's life or limb was in immediate jeopardy. Defendants violated Plaintiffs' rights through distortion, misrepresentation, and reckless omission of facts.

23. As a direct and proximate cause of Defendants' unlawful discrimination, Plaintiffs suffered embarrassment, mental anguish, loss and damages, in excess of \$75,000.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment against Defendants for the following:

- A. A declaratory judgment, pursuant to 28 U.S.C. § 2201 declaring that Defendants' actions were unlawful and violate Plaintiffs' rights under the Section 1983;
- B. Preliminary and injunctive relief pursuant to Fed. R. Civ. P. 65;
- C. Compensatory and exemplary damages;
- D. That Defendant be specifically required to perform contract; and
- E. All other relief that may be proper.

**COUNT II:**

**Conspiracy to Deprive Constitutional Rights,  
In Violation of Section 1983 of the Civil Rights Act of 1964**

24. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 23, as though fully restated herein.

25. Defendants conspired by concerted action to accomplish an unlawful deprivation of Plaintiffs' well-established constitutional rights, by unlawful means.

26. Each of the named Defendants committed willful, overt acts in furtherance of the conspiracy.

27. The misconduct described in this Complaint was undertaken with malice, willfulness, and reckless indifference to Plaintiffs' rights.

28. Such acts proximately caused Plaintiffs damages, pain, suffering, embarrassment and humiliation, in excess of \$75,000.



WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment against Defendants for the following:

- A. A declaratory judgment, pursuant to 28 U.S.C. § 2201 declaring that Defendants' actions were unlawful and violate Plaintiffs' rights under the Section 1983;
- B. Preliminary and injunctive relief pursuant to Fed. R. Civ. P. 65;
- C. Compensatory and exemplary damages;
- D. That Defendant be specifically required to perform contract; and
- E. All other relief that may be proper.

**COUNT III:**  
**Intentional Infliction of Emotional Distress**

29. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 28, as though fully restated herein:

30. A person may recover damages for intentional infliction of emotional distress if she suffers severe emotional injury caused by Defendant's outrageous conduct with the intent to cause, or with reckless disregard of the probability of causing, emotional distress.

31. Defendants' baseless accusations of imminent mental danger, and reckless disregard of objective medical evidence, constitute extreme and outrageous conduct toward the Little Family.

32. Defendants used their positions of prestige and authority to damage Plaintiffs' interests. Defendants acted wrongfully, despite knowing that their conduct would likely result in serious damage to Plaintiffs, and with reckless disregard for the well being of Plaintiffs.

33. Plaintiffs continue to suffer shock, fear, indignity, terror and apprehension due directly to actions of Defendants, and are elementally vulnerable and further frightened, humiliated, and terrorized by their ongoing conduct.

34. Defendants breached a duty of due care which it owes to Plaintiffs by failing to adhere to acceptable hiring standards, or provide adequate guidance, oversight, supervision and training to its employees.

35. Defendants breached that duty of due care owed to Plaintiffs by failing to implement or enforce any policy that will preclude and prevent the unlawful processes and procedures which result in a wrongful child seizure by case care workers, police, and others in their employ.

36. Defendants' actions described above are intentional and carried out with deliberate indifference to and callous disregard of the rights, well-being, and best interests of Plaintiffs.

37. That by subjecting Plaintiffs to baseless and coercive tactics designed to make Plaintiffs seem neglectful, Defendants maximized that

damage, justifying punitive damages against individual defendants, in amounts to be proved at trial.

38. That each of the actions of Defendants has resulted in Plaintiffs suffering severe emotional injuries.

39. Plaintiffs suffer from injuries including but not limited to: high anxiety; fear of separation from their minor children; emotional distress; inability to sleep or eat, and as a direct and proximate cause of Defendants' unlawful discrimination, Plaintiffs suffered mental anguish, loss and damages, in excess of \$75,000.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court to grant them the following relief, jointly and severally, against the Defendants:

- A. Compensatory damages;
- B. Punitive damages in an amount sufficient to satisfy statutory requirements;
- C. Attorney's fees pursuant to 42 U.S.C. § 1983; and
- D. Any such further relief as this court may deem appropriate.

**COUNT IV:**  
**Abuse of Process**

40. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 39, as though fully restated herein.

41. Defendants arbitrarily and capriciously ignored administrative requirements, to the disadvantage of Plaintiffs, under the guise of baseless accusations of mental health danger.

42. Defendants arbitrarily and capriciously caused Plaintiffs unlawful deprivation of Plaintiffs' well-established constitutional rights—the fundamental liberty interest in their respective family integrity. Defendants failed to follow established administrative procedures, to Plaintiffs' detriment.

43. Such use of the administrative process was not legitimate, regular, or legal.

44. As a direct result of Defendants' abuse of the administrative process, Plaintiffs have suffered loss and damages in excess of \$75,000.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court to grant them the following relief, jointly and severally, against the Defendants:

- A. Compensatory damages;
- B. Punitive damages in an amount sufficient to satisfy statutory requirements;
- C. Attorney's fees pursuant to 42 U.S.C. § 1983; and
- D. Any such further relief as this court may deem appropriate.

**COUNT V:**  
**Breach of Contract;**  
**Defendants Child Protective Services’**  
**Void Case Plan Agreement**

45. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 44, as though fully restated herein.

46. Defendant Presque Isle County Department of Child Protective Services wrongfully coerced Plaintiffs; Defendant coerced Plaintiffs to sign a “Baseless behavior/medical treatment plan” that is void and illegal.

47. Defendants’ characterization of Plaintiff Little as mentally ill is false, wrongful, and baseless.

48. Defendant Prince Presque Isle County Department of Child Protective Services’ coercive tactics violate Plaintiffs’ parental rights and liberty interests.

49. As a direct and proximate cause of Defendants’ unlawful discrimination, Plaintiffs suffered embarrassment, mental anguish, loss and damages, in excess of \$75,000.

WHEREFORE, Plaintiffs pray for the contract to be rescinded and restitution made on all payments and consideration given thereunder, and for consequential damages, costs, and whatever other relief the Court deems just and proper.

**COUNT VI:**  
**Negligence**

50. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 49, as though fully restated herein.

51. Defendant Presque Isle County Department of Child Protective Services, along with its respective agents, owed a duty to Plaintiffs of due care and obedience to the common law and statutes of the United States, the State of Michigan, County of Presque Isle, which duties included—by way of illustration and not limitation—the duty to exercise and maintain a competent workforce, appropriately trained on safeguarding the constitutional rights Plaintiffs—that Plaintiffs have a liberty interest in their family integrity—the companionship, care, custody, control, and management of their children. Defendant’s failure to comply with this requirement created.

52. Defendants breached their respective duties of care by the following acts and omissions:

- A. Failing to maintain a reasonably competent and safe workforce;
- B. Failing to inspect, train, and/or hire/fire employees for known hazards that created a serious risk of injury or harm;
- C. Failure to remove hazards that created a foreseeable risk

of injury or harm;

- D. Creating a hazard that created a risk of injury or harm;
- E. Otherwise acting carelessly and negligently by failing to eliminate or reduce harm-producing conditions by Defendant's failure to take reasonably prudent accident prevention measures.

53. As a direct and proximate cause of negligence by Defendants, by its agents or employees, or one of them, Plaintiffs suffered embarrassment, mental anguish, loss and damages, in excess of \$75,000.

WHEREFORE, Plaintiffs demand judgment against the Defendant Presque Isle County Department of Child Protective Services and a judgment against Defendants for damages consistent with the injuries suffered, along with the taxable costs, interest, and attorney's fees, and whatever other relief the Court deems just and proper.

**COUNT VII:**  
**Violation of PWDCRA**

54. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 53, as though fully restated herein..

55. Plaintiff Lalanea Little is a person with a *disability* as that term is defined in the Persons with Disabilities Civil Rights Act because she has determinable physical characteristics that substantially limit one or more of

her life activities and is unrelated to her ability to use and benefit from activities, programs, and services facilities at Defendant Presque Isle County Department of Child Protective Services' places of public accommodation. At all times relevant to this action, Defendants regarded Plaintiff as suffering from a disability.

56. A place of public accommodation is “[a] business, educational institution, refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.” MCL 37.1301(a). Defendant Presque Isle County Department of Child Protective Services is a place of public accommodation, pursuant to MCL 37.1301.

57. Defendants discriminated against Plaintiff Lalanea Little, as Defendants failed to take such steps as may be necessary to ensure that Plaintiff Lalanea Little was not excluded, denied services, segregated or otherwise treated differently than other individuals, because of the absence of auxiliary aids and services. Discrimination occurs, *inter alia*, when a covered entity fails to provide auxiliary aids or services necessary to ensure effective communication.



58. Defendants denied Plaintiff Lalanea Little full, unbiased, and equal access to the Presque Isle County Department of Child Protective Services' facilities and services, because of her disability, in violation of MCL 37.1402. Defendants failed to reasonably accommodate Plaintiff Lalanea Little's disability, in violation of the PWDCRA.

59. As a direct and proximate cause of Defendants' unlawful discrimination, Plaintiffs suffered embarrassment, mental anguish, loss and damages, in excess of \$75,000.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court render a judgment against Defendants for damages consistent with the injuries suffered, along with costs, and attorney fees as the Court deems just and proper.

**COUNT VIII:**  
**Misrepresentation**

60. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 59, as though fully restated herein..

61. Defendants made unverified material misrepresentations and recklessly false allegations to authorities that caused Plaintiff Lalanea Star Little's children to be seized from their mother. Defendants used an unfiled "emergency" petition to remove Plaintiffs' children from the family home, when, in fact, there was no such exigency or emergency. Defendants

misrepresented their authority to remove the children, where there was no live emergency pleading or Order granting Defendants such authority.

62. Moreover, Defendants made material misrepresentations to Plaintiffs regarding unreasonable and unlawful seizures of Plaintiff Lalanea Star Little's children—and through illusory reunification and/or case plans, unreasonably denied unification of Plaintiff Lalanea Star Little's children through willful and/or reckless misrepresentations to courts and law enforcement officials:

- A. Defendants' representations were material and false;
- B. Defendants knew that their material representations were false when made to Plaintiffs, or Defendants made such representations recklessly, without knowledge as to the truth or falsity of such representations;
- C. Plaintiffs acted in reliance upon Defendants' material misrepresentations when they engaged in interactions with Defendants; and
- D. Plaintiffs suffered damages due to Defendants' material misrepresentations.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court rescind all contracts referenced herein, and award Plaintiffs damages,

costs, and attorney's fees in excess of \$75,000, and other equitable relief as justice may require.

Respectfully submitted,

**LAW OFFICE OF ALLISON FOLMAR, ESQ.**

BY: /s/Allison Folmar  
Allison Folmar (P60236)  
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(313) 926-7220  
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Dated: July 8, 2020

**JURY DEMAND**

Plaintiffs Lalanea Star Little and As Next Friend of Minor Child, A. L., hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

**LAW OFFICE OF ALLISON FOLMAR, ESQ.**

BY: /s/Allison Folmar  
Allison Folmar (P60236)  
Attorney for Plaintiffs  
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Southfield, MI 48075  
(313) 926-7220  
allisonfolmargiv@aol.com

Dated: July 8, 2020

**VERIFICATION**

This is to certify that I, Lalanea Star Little, have read the Complaint and the same is true to the best of our knowledge and belief.

/s/Lalanea Star Little  
Lalanea Star Little