

FOR IMMEDIATE RELEASE  
September 27, 2018

Contact: Mayor Jim Fouts  
Telephone: (586) 574-4520

## **Warren Mayor Wants Sanctions Against Attorney for Violating Federal Judge's Orders In Civil Rights Case**

**Warren, MI** – Warren Mayor Jim Fouts is directing attorneys representing the city to ask for sanctions against the attorney representing a plaintiff who is suing the city for racial harassment in the city police department.

Fouts says Leonard Mungo, the attorney representing DeShiela Howlett, “has been consistently contacting media for the sole purpose of making his meritless case about me when I am not a defendant in the case.”

Mungo deposed Fouts on August 22 “with most of his questions about my irrelevant views and very little about Ms. Howlett’s employment experience with the police department.”

Specifically, Mayor Fouts was questioned by Mungo for 3.5 hours. Most of this time was spent asking about the mayor’s interpretation of the Warren City Charter, the historic and current responsibilities of the mayor and the extensive diversity efforts undertaken by the mayor, including his appointment of African Americans to department heads and commission positions. The mayor stated in the deposition: “Most of the questions were about my efforts to diversify the City’s

workforce to mirror the City's ever-changing population and very little was even asked about the plaintiff or the training and policies of the police department.”

Mayor Fouts, City Clerk Paul Wojno and City Treasurer Lorie Barnwell said Fouts hardly knew the plaintiff in this lawsuit and has no day-to-day responsibilities in the Warren Police Department. All refused to listen to any audio tapes, Mugo requested.

Before Fouts' deposition, Mungo informed the media of the time, duration and location of the deposition.

U.S. District Judge Terrence G. Berg, in a hearing in his court on June 11, 2018, warned attorneys on both sides (see attached) that he would not “tolerate anyone's attempt to use dissemination of information regarding this case in some way that is intended in some way to affect the jury pool here. This is in violation of your solemn duty to abide by the rules of professional conduct. And so I add to those rules my own order indicating to you that you will not make any statements to the media that are intended to have a substantial likelihood of materially prejudicing this case. That particularly includes statements regarding the character, credibility or reputation of any party or witness. These are the kinds of statements that are prohibited.”

Fouts said the case is about a “Monell claim,” a specific kind of civil rights claim that alleges that the municipality, its customs, its practices or its policies have contributed to the discrimination that occurred.

Fouts said Mungo has been aggressively “peddling stories” to the media that don’t even mention Howlett or the Monell ruling.”

“Mungo is blatantly violating a federal judge’s clear order and engaging in a personal vendetta against me through persistent media contacts,” said Fouts.

Fouts said Mungo’s intent is to “embarrass me and taint the jury pool with irrelevant information.”

In one instance, Mungo released transcripts of Fouts’ deposition to the media, that was reported at close to midnight. “Clearly, he wants potential jurors to prejudge the case based on me, not on the Monell ruling,” said Fouts.

Fouts said the exact words of Judge Berg explicitly warned both counsels that “transcripts should not be released to the public in any way and should not be filed with the court without leave of the court.”

Fouts characterized Mungo’s actions as “unprofessional to the point of ignoring Judge Berg’s warning, and that deserves sanctions by Judge Berg.”

“Mungo violated Michigan’s rules of professional conduct for attorneys,” said Fouts.

Fouts said Mungo wants to try the case “through the media instead of through the judicial process.”

**(COURT TRANSCRIPT ATTACHED)**