



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**December 20, 2018 12:30**

By: STEVEN J. FORBES 0042410

Confirmation Nbr. 1580827

DRAGAN DRAZETIC

CV 18 908664

vs.

**Judge:** BRENDAN J. SHEEHAN

MAYOR GARY STARR AND CITY OF MIDDLEBURG  
HEI, ET AL

**Pages Filed:** 5

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

DRAGAN DRAZETIC  
10884 Tibbetts Road  
Kirtland, OH 44094,

Plaintiff,

vs.

MAYOR GARY STARR  
15700 Bagley Road  
Middleburg Heights, OH 44130

and

CITY OF MIDDLEBURG HEIGHTS  
15700 Bagley Road  
Middleburg Heights, OH 44130,

Defendants.

) CASE NO. \_\_\_\_\_  
)  
) JUDGE \_\_\_\_\_  
)

)  
) **COMPLAINT**  
)  
) **(Jury Demand Endorsed Hereon)**  
)

Now comes Plaintiff Dragan “Charlie” Drazetic (“Plaintiff” and/or “Mr. Drazetic”) and, for his Complaint against Defendants Mayor Gary Starr and the City of Middleburg Heights (“Middleburg Heights” and/or “the City”) (collectively “Defendants”), states as follows:

**INTRODUCTION**

1. Mr. Drazetic brings this suit for damages caused to him by the City of Middleburg Heights through the actions of its Mayor, Gary Starr.

2. Mr. Drazetic is a United States citizen and resident of Lake County, Ohio.

3. Middleburg Heights is a city located in Cuyahoga County, Ohio.

4. Gary Starr is the Mayor of Middleburg Heights. He is a United States citizen and resident of Cuyahoga County.

5. The actions and injuries causing this action occurred in Cuyahoga County, Ohio. Jurisdiction and venue are proper.

**FACTS RELATED TO MR. DRAZETIC'S EMPLOYMENT WITH THE CITY**

6. Plaintiff restates, reavers and realleges all of the allegations contained in Paragraphs 1 through 5 as if fully rewritten herein.

7. The City hired Mr. Drazetic as its Housing Manager on June 2, 2014.

8. On March 15, 2015 the City increased Mr. Drazetic's pay based on his performance.

9. The City never gave Mr. Drazetic a negative review and the Mayor never criticized him for his performance.

10. Nevertheless, on December 21, 2016, the City, through the Mayor's Executive Assistant, Robert Downey, terminated Mr. Drazetic "for circumstances beyond [Mr. Downey's] control."

11. Mr. Downey provided no explanation regarding this cryptic description of the circumstances purportedly requiring the City's firing of Mr. Drazetic.

**THE REAL REASON BEHIND TERMINATION OF MR. DRAZETIC**

12. Plaintiff restates, reavers and realleges all of the allegations contained in Paragraphs 1 through 11 as if fully rewritten herein.

13. Through Mr. Drazetic's tenure as Housing Manager, Mayor Starr repeatedly instructed him to find zoning violations where none existed.

14. Mr. Drazetic refused to cite property owners for these non-existent violations.

15. When it became clear that Mr. Drazetic would not assist the Mayor in singling out certain property owners for non-existent zoning violations, Mayor Starr fired Mr. Drazetic.

**FIRST CAUSE OF ACTION**  
**(Wrongful Termination in Violation of Public Policy)**

16. Plaintiff restates, reavers and realleges all of the allegations contained in Paragraphs 1 through 15 as if fully rewritten herein.

17. Zoning regulations must be reasonable.

18. Zoning regulations which are arbitrary and unreasonable constitute an unconstitutional taking of property and violate the due process clause of the 14<sup>th</sup> Amendment to the United States Constitution.

19. Mayor Starr and the City fired Mr. Drazetic for failing to arbitrarily and unreasonably enforce the City's zoning laws.

20. Mayor Starr and the City violated the clear public policy of Ohio as contained in Ohio and United States Constitutions when it terminated Mr. Drazetic's employment on December 21, 2016.

21. As a direct and proximate result of Mayor Starr's and the City's unlawful conduct, Mr. Drazetic suffered and will continue to suffer economic and non-economic damages for which Mayor Starr and the City are liable, including but not limited to pain and suffering, and loss of salary, wages, benefits, and other privileges of employment.

22. Mayor Starr and the City intentionally, willfully, wantonly, recklessly, and maliciously violated the clear public policy of Ohio. They are liable to Mr. Drazetic for

economic and non-economic compensatory damages, punitive damages, back pay, front pay, reinstatement with seniority, fringe benefits, attorneys' fees and costs, interest, and any other legal or equitable relief that this Court deems appropriate.

**PRAYER FOR RELIEF**

Plaintiff Dragan Drazetic seeks an amount in excess of \$25,000 to fully, fairly, and justly compensate him for his injuries, damages, and loss. He respectfully requests that this Court enter judgment in his favor and award him past and future economic and non-economic compensatory damages, back pay, front pay, lost benefits, punitive damages, interest, all attorneys' and expert fees, costs, and any equitable relief that it deems appropriate.

Respectfully submitted,

*/s/ Steven J. Forbes*

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900.0330

**PRAECIPE FOR SERVICE**

**TO THE CLERK OF COURTS:**

Please issue summons, together with a certified copy of the Complaint upon Defendant at the address set forth in the caption of the Complaint, by U.S. certified mail, and make the same returnable according to law.

*/s/ Steven J. Forbes*

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STEVEN J. FORBES (0042410)  
Counsel for Plaintiff