

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

MARCUS RUSHING,)
)
 Plaintiff,)
)
 v.)
)
 McGAW MEDICAL CENTER OF)
 NORTHWESTERN UNIVERSITY)
)
 And)
)
 INDEPENDENCE HEALTH)
 EMPLOYER SERVICES, LLC)
)
 And)
)
 THE TOLEDO CLINIC)
)
 And)
)
 WOOD COUNTY HOSPITAL)
)
 And)
)
 WOOD HEALTH COMPANY, LLC)
)
 Defendant(s))

Case No. 0:25-cv-01957-JRT-DTS

COMPLAINT: Trial by Jury

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. §§
1981 and 1983 (COLOR OF STATE LAW)**

I. Parties

1. **Plaintiff Marcus Rushing** is a homeless resident of Minnesota, previously residing in Washington County and Dakota County, Minnesota. Plaintiff was previously a participant in Minnesota's Safe-at-Home program until becoming homeless.
 2. **Defendant McGaw Medical Center of Northwestern University** is a medical institution located in Illinois and acted under color of state law in the matters described below.
 3. **Defendant Wood County Hospital** is a hospital located in Ohio, and acted under color of state law in the matters described below.
 4. **Defendant Wood Health Company** is a healthcare provider and employer located in Ohio, which coordinated with other defendants and acted under color of state law as described below.
 5. **Defendant The Toledo Clinic** is a healthcare clinic located in Ohio and acted under color of state law in the matters described below.
 6. **Defendant Independence Health Employer Services** is an employer services organization that acted under color of state law and coordinated with the other defendants in retaliation against Plaintiff as described below.
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II. Nature of Complaint

7. This action arises under **42 U.S.C. §1981** and **42 U.S.C. §1983** for race-based discrimination and retaliation by the Defendants, including McGaw Medical Center, Wood Health Company, The Toledo Clinic, Independence Health Employer Services, and Wood County Hospital, all of whom acted under color of state law in matters that affected Plaintiff's civil rights, employment opportunities, and professional reputation.
 8. Plaintiff seeks declaratory relief, compensatory and punitive damages, attorney's fees, and costs, based on violations of his rights under **42 U.S.C. §§ 1981 and 1983**, for race-based discrimination, retaliation, and the deprivation of constitutional rights.
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III. Jurisdiction and Venue

9. This Court has jurisdiction under **28 U.S.C. §§ 1331 and 1343**, because the action arises under the Civil Rights Act, **42 U.S.C. §§ 1981 and 1983**, and other federal statutes protecting civil rights.
 10. Venue is proper in the District of Minnesota pursuant to **28 U.S.C. § 1391(b)** because:
 - a. Plaintiff resides in Minnesota, has suffered harm within this District, and the Defendants' retaliatory actions occurred here;
 - b. Defendants' retaliatory and coercive actions targeted Plaintiff in Minnesota, including interference with employment and professional opportunities.
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IV. Factual Allegations

11. Plaintiff was previously employed by Defendants as part of a consortium including **Wood Health Company, The Toledo Clinic, and Independence Health Employer Services**. The Defendants acted in concert with each other and under color of state law, causing significant harm to Plaintiff in violation of his civil rights.
 12. Plaintiff engaged in **protected activity** by opposing racial discrimination, asserting rights under settlement agreements, and filing complaints with the **Equal Employment Opportunity Commission (EEOC)**.
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A. Retaliatory Conduct by Defendants

13. Defendants engaged in the following retaliatory conduct against Plaintiff:
 - a. Interfering with Plaintiff's post-employment opportunities in Ohio, Illinois, and Minnesota;
 - b. Misrepresenting Plaintiff's professional record to prospective employers, including licensing authorities;
 - c. Using legal and administrative processes to retaliate against Plaintiff and gain leverage over him;
 - d. Threatening and coercing Plaintiff to settle claims or waive rights, including rights under prior settlement agreements;
 - e. Disseminating false or damaging information to damage Plaintiff's reputation and career.
 14. These actions were taken by the Defendants while acting under **color of state law**—through the coordination of their actions in their official capacities or using governmental processes to retaliate against Plaintiff.
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B. Consequences to Plaintiff

15. As a result of Defendants' actions, Plaintiff has suffered:
 - a. Loss of employment and income;
 - b. Reputational harm in professional and public communities;
 - c. Emotional distress, humiliation, and mental anguish;
 - d. Interference with contractual and professional relationships;
 - e. Loss of housing and Safe at Home protections, leading to homelessness;
 - f. Denial of due process and deprivation of legal rights, including access to employment and licensing opportunities.
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V. Federal Claims (Under Color of State Law)

Count 1: Violation of 42 U.S.C. § 1983 – Due Process and Equal Protection

16. Plaintiff realleges and incorporates all preceding paragraphs.
17. Defendants, acting under color of state law, interfered with Plaintiff's contractual and employment rights, using legal process to retaliate and deprive Plaintiff of equal protection under the law.
18. Defendants' conduct was intentional, malicious, and violated Plaintiff's rights under the Due Process and Equal Protection Clauses of the U.S. Constitution.

Count 2: Violation of 42 U.S.C. § 1981 – Race Discrimination and Retaliation

19. Plaintiff realleges and incorporates all preceding paragraphs.
20. Defendants discriminated against Plaintiff based on race and retaliated against him for engaging in protected activity, including:
 - a. Interfering with Plaintiff's employment record and career opportunities;
 - b. Breaching settlement agreements;
 - c. Interfering with Plaintiff's right to seek redress for racial discrimination;
 - d. Misrepresenting Plaintiff's qualifications to prospective employers.
21. Defendants' conduct was intentionally malicious and designed to deprive Plaintiff of rights under **42 U.S.C. § 1981**.

VI. Damages

22. As a result of Defendants' actions, Plaintiff has suffered:
 - a. Loss of wages, benefits, and employment opportunities;
 - b. Reputational harm;
 - c. Emotional distress, humiliation, and mental anguish;
 - d. Legal costs and attorney's fees;
 - e. Loss of Safe at Home protections and homelessness.

VII. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Award compensatory damages for lost wages, reputational harm, and emotional distress;

2. Award punitive damages for Defendants' intentional and malicious conduct;
 3. Grant injunctive relief to prevent further retaliation by Defendants;
 4. Award costs, interest, and attorney's fees;
 5. Grant any other relief the Court deems just and proper.
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VIII. Jury Demand

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,
Marcus Rushing, Pro Se
Address: Homeless/Confidential