

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

---

Kayseh M. Magan,

Plaintiff,

COMPLAINT WITH  
JURY DEMAND

vs.

Fairview Health Services; University of  
Minnesota Physicians, d/b/a M Health; and  
J. Does 1-3, individually and as  
employees/agents of Fairview Health  
Services,

Defendants.

Court File No:

Case Type: Discrimination

Judge:

---

### INTRODUCTION

1. This is an action for money damages brought pursuant to Minnesota state law.

### VENUE

2. Venue is proper in this Court pursuant to Minn. Stat. § 542.09, in that Defendant Fairview Health Services maintains an office and business place in Hennepin County, Minnesota.

### PARTIES

3. Plaintiff Kayseh M. Magan was at all material times a resident of the State of Minnesota, and of full age.
4. Defendant Fairview Health Services is a Minnesota nonprofit corporation and is registered as such with the Minnesota Secretary of State. Defendant Fairview Health Services owns, operates, and controls M Health Fairview Security, an internal security agency that provides security services at various Fairview offices and healthcare facilities.

5. Defendant University of Minnesota Physicians, d/b/a M Health, is a Minnesota nonprofit corporation and is registered as such with the Minnesota Secretary of State. Defendant University of Minnesota Physicians owns, operates, and controls M Health Fairview Security, an internal security agency that provides security services at various Fairview offices and healthcare facilities.
6. Defendants J. Does 1-3 are individual persons and were at all material times employees and/or agents of Defendant Fairview Health Services and/or University of Minnesota Physicians, d/b/a M Health.

### **FACTS**

7. Plaintiff Kayseh M. Magan is an individual person who resides in the City of Minneapolis. Mr. Magan is of Somali descent and has dark brown skin. Based on his skin color and national origin, Mr. Magan identifies as an African-American male.
8. Mr. Magan is employed as an investigator for the Minnesota Attorney General's Office, Medicaid Fraud Control Unit. Mr. Magan's employment duties include conducting Medicaid fraud investigations and serving warrant receipts and related legal documents on various medical facilities that are under investigation by the Minnesota Attorney General's Office.
9. On April 23, 2021, Mr. Magan was directed by his supervisor to serve a legal document on Fairview Health Services ("Fairview"). Mr. Magan proceeded to email Tess Mlsna, who is an attorney for Fairview, and requested to meet with her to serve the legal document. Ms. Mlsna called Mr. Magan back that same morning and directed him to serve the legal document on Fairview by personal delivery at Fairview's corporate office located at 2450 Riverside Ave in

Minneapolis, MN. Mr. Magan told Ms. Mlsna that he would deliver and serve the legal document at the address she provided by end of business day.

10. At approximately 1:00 p.m., Mr. Magan arrived at 2450 Riverside Ave with an unsealed envelope that contained the legal document Mr. Magan was instructed to serve on Fairview. Mr. Magan wore a black jacket, dark blue jeans, and a polo shirt with an embroidered emblem that read “Medicaid Fraud Control Unit.” Mr. Magan was also wearing his ID badge which was issued by the MN Attorney General’s Office and clipped to his pant loop.
11. Immediately upon entering the premises, Mr. Magan introduced himself to the security officer and receptionist posted at the front desk. Mr. Magan told them that he was an investigator with the Attorney General’s Office and displayed his ID badge. Mr. Magan notified both the security officer and the receptionist that he was there to serve a legal document per instructions of Ms. Mlsna and asked to speak to someone in the legal department. The security officer and receptionist then attempted to reach someone in the legal department while Mr. Magan waited in the lobby.
12. While waiting, Mr. Magan observed the security officers conducting a shift change. The outgoing officers briefed the incoming shift that Mr. Magan was an investigator with the Attorney General’s Office. To avoid any confusion, Mr. Magan then introduced himself to the incoming security officers, once again present his badge, and once again explained that he was there to serve a legal document as instructed by Ms. Mlsna. All of the security officers were in security uniform, wore shoulder patches that read “M Health Fairview Security,” and carried tasers.

13. A security officer from the incoming shift then provided Mr. Magan a phone number to call to arrange service of the legal document. Mr. Magan called the number but no one answered. Mr. Magan then called Ms. Mlsna but she also did not answer.
14. At approximately 1:15 p.m., Mr. Magan exited the building and entered his vehicle. Mr. Magan then called his supervisors at the Attorney General's Office and requested instructions as to how to effect service of the legal document. The supervisors instructed Mr. Magan to seal the envelope and leave it at the Fairview reception counter. Mr. Magan sealed the envelope with the legal document as well as his business card and went back inside 2450 Riverside Ave.
15. Mr. Magan reentered the building at approximately 1:20 p.m. and noticed the same security officers and reception staff who were there when he left and to whom he had previously introduced and identified himself. Mr. Magan walked up to the reception counter, set the sealed envelope on the counter, and informed the receptionist that he was instructed to leave the envelope on the counter. Mr. Magan also identified himself to the receptionist once again at this time and told the receptionist that the envelope was for the legal department of Fairview Health Services. Mr. Magan then turned around and started walking towards the exit. As he was walking away, the receptionist stated that she could not accept the envelope. Mr. Magan responded that Fairview had been served, exited the building, and proceeded to walk towards his vehicle.
16. Mr. Magan was polite, professional, and respectful at all times while inside the building. He identified himself to all security and reception staff and presented his ID badge. He also advised all staff as to why he was there, explaining that he was serving a legal document on behalf of the MN Attorney General's Office. Mr. Magan's service of the legal document is

expressly permitted pursuant to Minn. Stat. § 626.16. Thus, Mr. Magan was not only executing his employment responsibilities, but he was also performing a task expressly authorized pursuant to Minnesota state law.

17. While walking to his car, Mr. Magan noticed one of the security officers, Defendant J. Doe 1, following him with the envelope he had just left behind in her hand. J. Doe 1 stated that she could not accept the envelope and continued to follow Mr. Magan. Mr. Magan ignored J. Doe 1 and continued walking towards his vehicle.

18. Next, while Mr. Magan was walking past the entrance to the Riverside Park Plaza, a M Health Fairview Security squad pulled in directly in front of him and blocked his path. At this point, J. Doe 1 and approximately 2 other M Health Fairview Security Officers, Defendant J. Does 2-3, surrounded Mr. Magan as he attempted to walk to his vehicle.

19. Defendant J. Does 1-3 were all wearing “M Health Fairview Security” uniforms and were armed with tasers. Having been surrounded by multiple uniformed and armed security officers, Mr. Magan determined that he was being detained and stopped walking. A Caucasian male security officer, J. Doe 2, approached Mr. Magan in an aggressive manner and demanded to know who he was. Mr. Magan explained who he was and that he was simply serving a legal document on behalf of the Minnesota Attorney General’s Office. J. Doe 2 ripped Mr. Magan’s ID badge from his waist and wrote Mr. Magan’s name on his notepad. J. Doe 2 then demanded to see the embroidered emblem on Mr. Magan’s polo, and Mr. Magan complied and displayed the “Medicaid Fraud Control Unit” emblem. J. Doe 2 then stated that he was filing a trespass order against Mr. Magan and trespassing him from the Fairview premises. J. Doe 2 then returned Mr. Magan’s ID badge and stepped back, at which point Mr. Magan determined that he was free to leave and no longer being detained.

20. At this point, Mr. Magan proceeded to walk to his vehicle and got inside. As he was entering his vehicle, Mr. Magan noticed that J. Doe 2 was still following him and was now writing down Mr. Magan's license plate number. At approximately 1:30 p.m., Mr. Magan drove away.
21. Despite doing everything in his power to inform all Fairview staff who he was and why he was there, Mr. Magan was treated with suspicion and disrespect. J. Does felt that they had the right to detain Mr. Magan in a public area off their property and harass, intimidate, and question his status. J. Doe 2 ripped Mr. Magan's badge off his waist without permission or consent, and then trespassed Mr. Magan from the property even though Mr. Magan was simply doing his job and carrying out a task that is explicitly authorized under Minnesota state law. Instead of apologizing to Mr. Magan for terrorizing and humiliating him without justification, J. Does followed Mr. Magan to his car and wrote down his license plate number in an effort to further intimidate him. Defendants subjected Mr. Magan to these acts of abuse and harassment due to Mr. Magan's skin color and national origin. Defendants refused to accept that a Black Somali-American could be employed as a government official and they treated him as a criminal despite identifying him multiple times. Defendants' abuse and harassment of Mr. Magan constitutes race and national origin discrimination in violation of the Minnesota Human Rights Act.
22. As a result of the Defendants' actions, Mr. Magan suffered severe emotional trauma, anguish, and distress, physical and emotional discomfort, fear, shame, humiliation, and embarrassment, and lost wages associated with time off work due to mental trauma. Plaintiff seeks reasonable damages in an amount in excess of \$50,000.

## CLAIMS FOR RELIEF

### **COUNT 1: MINN. STAT. § 363A.11 - PUBLIC ACCOMMODATIONS DISCRIMINATION AND HOSTILE ACCOMMODATIONS ENVIRONMENT AGAINST FAIRVIEW HEALTH SERVICES AND UNIVERSITY OF MINNESOTA PHYSICIANS**

23. Paragraphs 1 through 22 are incorporated herein by reference as though fully set forth.
24. Based on the above factual allegations, Defendants unlawfully discriminated against Plaintiff because of Plaintiff's race, skin color, and national origin. Specifically, Defendants denied Plaintiff full and equal enjoyment of their goods, services, facilities, privileges, advantages, and accommodations because of Plaintiff's race, skin color, and national origin.
25. As a direct and proximate result of this discrimination, Plaintiff suffered damages as aforesaid.

### **COUNT 2: ASSAULT AGAINST ALL DEFENDANTS**

26. Paragraphs 1 through 22 are incorporated herein by reference as though fully set forth.
27. Based on the above factual allegations, Defendants assaulted Plaintiff. Specifically, Defendants engaged in wrongful, malicious, unlawful, and intentional conduct intended to put Plaintiff in immediate, imminent, and direct fear and apprehension of an offensive touching.
28. Defendants Fairview Health Services and University of Minnesota Physicians, d/b/a M Health, are vicariously liable to Plaintiff for the torts/violations of its employees/agents.
29. As a direct and proximate result of this assault, Plaintiff suffered damages as aforesaid.

### **COUNT 3: BATTERY AGAINST J. DOE 2, FAIRVIEW HEALTH SERVICES, AND UNIVERSITY OF MINNESOTA PHYSICIANS**

30. Paragraphs 1 through 22 are incorporated herein by reference as though fully set forth.

31. Based on the above factual allegations, Defendants battered Plaintiff. Specifically, Defendant J. Doe 2 engaged in intentional, offensive, and unpermitted contact with Plaintiff.

32. Defendants Fairview Health Services and University of Minnesota Physicians, d/b/a M Health, are vicariously liable to Plaintiff for the torts/violations of its employees/agents.

33. As a direct and proximate result of this battery, Plaintiff suffered damages as aforesaid.

**COUNT 4: FALSE ARREST/IMPRISONMENT AGAINST ALL DEFENDANTS**

34. Paragraphs 1 through 22 are incorporated herein by reference as though fully set forth.

35. Based on the above factual allegations, Defendants falsely arrested/imprisoned Plaintiff.

Specifically, Defendants intended to confine Plaintiff, Plaintiff was actually and unlawfully confined by Defendants, and Plaintiff was aware that he was being unlawfully confined by Defendants.

36. Defendants Fairview Health Services and University of Minnesota Physicians, d/b/a M Health, are vicariously liable to Plaintiff for the torts/violations of its employees/agents.

37. As a direct and proximate result of this false arrest/imprisonment, Plaintiff suffered damages as aforesaid.

**RELIEF REQUESTED**

**WHEREFORE, Plaintiff requests that this Court grant the following relief:**

- a. Issue an order granting Plaintiff judgment against Defendants on all counts;
- b. Award of compensatory damages to Plaintiff in an amount in excess of \$50,000;
- c. Award of punitive damages to Plaintiff pursuant to Minn. Stat. § 363A.29;
- d. Award of attorney's fees and costs to Plaintiff pursuant to Minn. Stat. § 363A.33;
- e. Award of such other and further relief as this Court may deem appropriate.



**THE PLAINTIFF HEREBY DEMANDS A JURY TRIAL**

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: June 29, 2021

By: s/ Zorislav R. Leyderman  
ZORISLAV R. LEYDERMAN  
Attorney License No. 0391286  
Attorney for Plaintiff  
The Law Office of Zorislav R. Leyderman  
222 South 9<sup>th</sup> Street, Suite 1600  
Minneapolis, MN 55402  
Tel: (612) 876-6626  
Email: zrl@ZRLlaw.com

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that sanctions may be awarded pursuant to Minn. Stat. § 549.211, to the party against whom all allegations in this pleading are asserted.

Dated: June 29, 2021

By: s/ Zorislav R. Leyderman  
ZORISLAV R. LEYDERMAN