

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division**

EARL SAMPSON; TOREE M. DANIELS; BRANDON SPIVEY; ANTHONY LOWERY; FLOYD HALL, JR.; ROSS PICART; RODERICK DEWAYNE SMITH; KENNETH CRANE; YVENSONNE MONTALE; OMAR DEAN; and ALI AMIN SALEH;

Plaintiffs,

CASE NO.: 1 3-24312-CIV-
GRAHAM

v.

THE CITY OF MIAMI GARDENS; OLIVER G. GILBERT, III; SHIRLEY GIBSON; DR. **DANNY O. CREW**; MATTHEW BOYD; P AUL MILLER; ANTHONY CHAPMAN; TIMOTHY ADAMS; CARLOS AUSTIN; WILLIAM BAMFORD; TERRANCE BARMORE; ALEX BARNEY; ALVIN BERNARD; JESSIE BROWN; DELROY BURGESS; EDWARD CASTELLI; RANDY CARPENTER; RYAN CLIFTON; CARLTON COLEMAN; TOM DAMIANI; WILLIAM DUNASKE; PETER EHRLICH; JEFFREY ENGERS; SHAWN EUBANKS; RAUL FERNANDEZ; ERIK GLEASON; ANDREW GREGOIRE; BRIAN GREGORY; JAMES HARRIS; DIANA HEDRICK; JEFFREY HOHENDORF; ANITA HOPSON; MICHAEL HORN; BUDDY HUNHOLZ; MIGUEL IRIZARRY; WANDA JACKSON; NICHOLAS JACOBS; RICHARD JESSUP; SHIRLEY JONES-GRAY; NELLY JOSEPH; ALEX JUDON; HEATHER KIDDER; STEPHEN KOLACKOVSKY; DEVIN LUCIUS; MICHAEL MALONE; CHRISTOPHER MARTINEZ; SHONADEE MCNEIL; JASON MOORE; ALEXANDER MORTON; JOSEPH NARGISO; CHERRI NETTLES;

WIREN NORRIS; BARBARA PALMER; HENRY
PAYOUTE; ONASSIS PERDOMO; SAUL PEREZ;
HUBERT PIERRE; JEREMY PILONE; KEVIN
PINKNEY; ARTHUR PRINCE; LAWRENCE
RICHARDSON; JAVIER ROMAGUERA; EDWIN
ROSADO; JOSE ROSADO; STACEY ROVINELLI;
MICHAEL RUIZ; JEAN SAINT-LOUIS; JIMY
SANCHEZ; MARTIN SANTIAGO; JOSEPH
SCHAEFFER; ANGEL SEARY; ALBERTO SEDA;
CHRISTOPHER SHUMAN; TALIBAH SIMMONS;
JONATHAN STARK; KEVIN TAMAYO; EDDO
TRIMINO; JAINA UCANAN; CARLOS VELEZ;
VICTOR VELEZ; SCOTT WHITE; WILLIAM
WAGENMANN; EDWARD WAGNER; MICHAEL
WAGONER; EUGENE WILLIAMS; RUFUS
WILLIAMS; MICHAEL WRIGHT; JOSEPH ZELLNER;
and UNKNOWN JOHN DOE OFFICERS;

Defendants.

Table of Contents

AMENDED.....	7
COMPLAINT FOR DAMAGES.....	7
JURISDICTION AND VENUE	7
PARTIES	8
GENERAL ALLEGATIONS	20
The Policies	22
Earl Sampson.....	25
Toree Daniels	28
Brandon Spivey	30
Anthony Lowery	31
Floyd Hall, Jr.....	32
Ross Picart.....	34
Roderick DeWayne Smith.....	35
Kenneth Crane.....	36
Yvensonne Montale.....	37
Omar Dean	38
Ali Amin Saleh.....	39
FEDERAL MUNICIPAL LIABILITY CLAIMS	41
All Named Plaintiffs against the City of Miami Gardens	41
42 U.S.C. § 1983 -- Violations of the Fourth Amendment	41
All Named Plaintiffs against the City of Miami Gardens	44
42 U.S.C. § 1983 -- Violations of the Fourteenth Amendment	44
FEDERAL SUPERVISORY LIABILITY CLAIMS	47
FEDERAL CLAIMS AGAINST INDIVIDUAL OFFICERS	51
Individual Claim of Mr. SAMPSON.....	52
Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	52

Individual Claim of Mr. SAMPSON, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	53
Individual Claim of Mr. SAMPSON, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	54
Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	56
Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C § 1983, for Violation of the	57
Equal Protection Clause of the Fourteenth Amendment	57
Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	58
Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	59
Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C § 1983, for Violation of the	60
Equal Protection Clause of the Fourteenth Amendment	60
Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	62
Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	63
Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	64
Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	65
Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	66
Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	67
Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	69
Individual Claim of Mr. PICART, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	70
Individual Claim of Mr. PICART, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	71

Individual Claim of Mr. PICART, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	73
Individual Claim of Mr. PICART, Pursuant to 42 U.S.C. § 1983, for Excessive Use of Force in Violation of the Fourth Amendment	74
Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	75
Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	76
Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	78
Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C. § 1983, for Excessive Use of Force in Violation of the Fourth Amendment	79
Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	80
Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	81
Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment	83
Individual Claim of Mr. MONTALE, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures.....	84
Individual Claim of Mr. MONTALE, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	85
Individual Claim of Mr. DEAN, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	87
Individual Claim of Mr. DEAN, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment	88
Individual Claim of Mr. SALEH, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	89
STATE LAW CLAIMS	90
Individual State Law Claim of Mr. SAMPSON for Civil Battery	90
Individual State Law Claim of Mr. SAMPSON for False Arrest	91

Individual State Law Claim of Mr. SAMPSON for Intentional Infliction of Emotional Distress	93
Individual State Law Claim of Mr. SAMPSON for Malicious Prosecution.....	94
Individual State Law Claim of Ms. DANIELS for Civil Battery.....	95
Individual State Law Claim of Ms. DANIELS for False Arrest.....	97
Individual State Law Claim of Ms. DANIELS for Intentional Infliction of Emotional Distress	98
Individual State Law Claim of Ms. DANIELS for Malicious Prosecution	99
Individual State Law Claim of Mr. SPIVEY for Civil Battery.....	100
Individual State Law Claim of Mr. SPIVEY for False Arrest	102
Individual State Law Claim of Mr. SPIVEY for Intentional Infliction of Emotional Distress.....	103
COUNT FORTY-NINE	104
Individual State Law Claim of Mr. SPIVEY for Malicious Prosecution.....	104
Individual State Law Claim of Mr. LOWERY for Civil Battery.....	105
Individual State Law Claim of Mr. LOWERY for False Arrest	107
Individual State Law Claim of Mr. LOWERY for Intentional Infliction of Emotional Distress	108
Individual State Law Claim of Mr. LOWERY for Malicious Prosecution.....	109
Individual State Law Claim of Mr. HALL, Jr. for Civil Battery	110
Individual State Law Claim of Mr. HALL, Jr. for False Arrest.....	111
Individual State Law Claim of Mr. HALL, Jr. for Conversion.....	113
Individual State Law Claim of Mr. HALL, Jr. for Intentional Infliction of Emotional Distress	113
Individual State Law Claim of Mr. HALL, Jr. for Malicious Prosecution	114
Individual State Law Claim of Mr. PICART for Civil Battery.....	115
Individual State Law Claim of Mr. PICART for False Arrest.....	117
Individual State Law Claim of Mr. PICART for Intentional Infliction of Emotional Distress	118
Individual State Law Claim of Mr. PICART for Malicious Prosecution.....	119
Individual State Law Claim of Mr. SMITH for Civil Battery	121

Individual State Law Claim of Mr. SMITH for False Arrest.....	123
Individual State Law Claim of Mr. SMITH for Intentional Infliction of Emotional Distress	124
Individual State Law Claim of Mr. SMITH for Malicious Prosecution	125
Individual State Law Claim of Mr. CRANE for Civil Battery	126
Individual State Law Claim of Mr. CRANE for False Arrest.....	127
Individual State Law Claim of Mr. CRANE for Intentional Infliction of Emotional Distress	129
Individual State Law Claim of Mr. CRANE for Malicious Prosecution	130
Individual State Law Claim of Mr. MONTALE for Civil Battery	131
Individual State Law Claim of Mr. MONTALE for False Arrest.....	132
Individual State Law Claim of Mr. MONTALE for Intentional Infliction of Emotional Distress	134
Individual State Law Claim of Mr. DEAN for Conversion	135
Individual State Law Claim of Mr. DEAN for Civil Battery.....	135
Individual State Law Claim of Mr. DEAN for Intentional Infliction of Emotional Distress .	137
Individual State Law Claim of Mr. SALEH for Tortious	138
Interference with a Business Relationship	138

AMENDED COMPLAINT FOR DAMAGES

Plaintiffs, EARL SAMPSON, TOREE M. DANIELS, BRANDON SPIVEY, ANTHONY LOWERY, FLOYD HALL, JR., ROSS PICART, RODERICK DEWAYNE SMITH, KENNETH CRANE, YVENSONNE MONTALE, OMAR DEAN, and ALI AMIN SALEH, by and through undersigned counsels, sue the above-named Defendants and allege, upon facts, information, and belief, the following:

JURISDICTION AND VENUE

1. This action is brought under 42 U.S.C. § 1983. Jurisdiction is founded upon 28 U.S.C. § 1331 and 28 U.S.C. §§ 1343 (a)(3) and (4), as this action seeks redress for the violation of Plaintiffs' Constitutional and Civil Rights.

2. Pendent and supplemental jurisdiction is invoked pursuant to 28 U.S.C. § 1367(a) for this Court to decide claims that may arise under state law.

3. Venue is properly brought in the Southern District of Florida under 28 U.S.C. § 1391(b) and (c) because it is the district in which all of the events or omissions establishing the Plaintiffs' claims occurred.

4. Plaintiffs' claim for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.

5. This Court has authority to award costs and attorneys' fees under 42 U.S.C. § 1988 and 28 U.S.C. § 1920 with respect to Plaintiffs' Constitutional claims.

6. Plaintiffs filed a Notice of Claim with the Defendant, City of Miami Gardens, under the Tort Claims Act of Florida. Over six months have elapsed since filing the Notice of Claim, which has not been compromised or settled by Defendants. *A copy of said Notice is attached hereto and marked as Exhibit "A".*

PARTIES

7. Plaintiff, EARL SAMPSON ("Mr. SAMPSON"), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

8. Plaintiff, TOREE DANIELS ("Ms. DANIELS"), is a black female who, at all times material hereto, was a resident of Miami Gardens, Florida.

9. Plaintiff, OMAR DEAN (“Mr. DEAN”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

10. Plaintiff, FLOYD HALL JR. (“Mr. HALL, JR.”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

11. Plaintiff, ROSS PICART (“Mr. PICART”), is a black Hispanic male who, at all times material hereto, was a resident of Hallandale, Florida, and worked in Miami Gardens, Florida.

12. Plaintiff, RODERICK SMITH (“Mr. SMITH”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

13. Plaintiff, ANTHONY LOWERY (“Mr. LOWERY”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

14. Plaintiff, KENNETH CRANE (“Mr. CRANE”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

15. Plaintiff, BRANDON SPIVEY (“Mr. SPIVEY”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

16. Plaintiff, YVENSONNE MONTALE (“Mr. MONTALE”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

17. Plaintiff, ALI AMIN SALEH (“Mr. SALEH”), is a Hispanic/Middle Eastern male who, at all times material hereto, was a resident of Pembroke Pines, Florida and owner of the Quick Stop Convenience Store located at 3185 NW 207th Street, Miami, Florida 33056 (“QUICKSTOP”).

18. Defendant, CITY OF MIAMI GARDENS (“CITY”), is a municipality duly incorporated and existing under the laws of the State of Florida. The CITY established and maintains the Miami Gardens Police Department (“MGPD”), as a constituent department or agency. The CITY is responsible, through its officers, employees, servants, and agents, for enforcing the regulations of the CITY and for ensuring that its officers, employees, servants, and agents obey the laws of the State of Florida and the United States.

19. Defendant, MAYOR OLIVER G. GILBERT, III (“MAYOR GILBERT”), is or was, at all times material hereto, the current Mayor since 2012 and a final policymaker of the CITY. He is sued in his individual capacity.

20. Defendant, FORMER MAYOR SHIRLEY GIBSON (“FORMER MAYOR GIBSON”), was, at all times material hereto, Mayor of the CITY from 2003 through 2012, and a final policymaker prior to MAYOR GILBERT taking office in 2012. She is sued in her individual capacity.

21. Defendant, CITY MANAGER DR. DANNY O. CREW (“CITY MANAGER CREW”), is or was, at all times material hereto, the City Manager, Chief Administrator, and a final policymaker of the CITY, pursuant to the CITY’S Charter, as to the hiring, promotion, supervision, and removal of all employees of the MGPD, and as to the implementation of all CITY laws. He is sued in his individual capacity.

22. Defendant, CHIEF MATTHEW BOYD (Badge No. 100-001) (“CHIEF BOYD”), was, at all times material hereto, the Chief of Police and a final policymaker for the CITY with supervisory authority over all officers and operations of MGPD, including responsibility for training, recruiting, and managing all MGPD officers. He is sued in his individual capacity.

23. Defendant, DEPUTY CHIEF PAUL MILLER (Badge No. 100-004) (“DEPUTY CHIEF MILLER”), was, at all times material hereto, the Deputy Chief of Police. DEPUTY CHIEF MILLER directly oversees the day-to-day operations of MGPD’s three divisions and serves as acting chief during the absence of CHIEF BOYD. He is sued in his individual capacity.

24. Defendant, MAJOR ANTHONY CHAPMAN (Badge No. 100-014) (“MAJOR CHAPMAN”), was, at all times material hereto, Major of Criminal Investigations and part of MGPD command staff. He is sued in his individual capacity.

25. Defendant, CHERRI NETTLES (Badge No. 100-175) (“NETTLES”) was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

26. Defendant, SERGEANT TIMOTHY ADAMS (Badge No. 100-049) (“ADAMS”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

27. Defendant, CARLOS AUSTIN (Badge No. 100-296) (“AUSTIN”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

28. Defendant, SERGEANT, WILLIAM BAMFORD (Badge No. 100-035) (“BAMFORD”) is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

29. Defendant, TERRANCE BARMORE (Badge No. 100-196) (“BARMORE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

30. Defendant, ALEX BARNEY (Badge No. 100-307) (“BARNEY”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

31. Defendant, ALVIN BERNARD (Badge No. 100-327) (“BERNARD”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

32. Defendant, JESSIE BROWN (Badge No. 100-274) (“BROWN”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

33. Defendant, DELROY BURGESS (Badge No. 100-155) (“BURGESS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

34. Defendant, EDWARD CASTELLI (Badge No. 100-325) (“CASTELLI”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

35. Defendant, RANDY CARPENTER (Badge No. 100-151) (“CARPENTER”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

36. Defendant, RYAN CLIFTON (Badge No. 100-276) (“CLIFTON”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

37. Defendant, CARLTON COLEMAN (Badge No. 100-142) (“COLEMAN”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

38. Defendant, SERGEANT TOM DAMIANI (Badge No. 100-046) (“DAMIANI”), is or was, at all times material hereto, a sergeant and/or an officer with MGPD. He is sued in his individual capacity.

39. Defendant, SERGEANT WILLIAM DUNASKE (Badge No. 100-311) (“SERGEANT DUNASKE”), was, at all times material hereto, a sergeant and/or an officer with MGPd. He is sued in his individual capacity.

40. Defendant, PETER EHRLICH (Badge No. 100-278) (“EHLICH”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

41. Defendant, JEFFREY ENGERS (Badge No. 100-181) (“ENGERS”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

42. Defendant, SHAWN EUBANKS (Badge No. 100-247) (“EUBANKS”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

43. Defendant, RAUL FERNANDEZ (Badge No. 100-224) (“FERNANDEZ”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

44. Defendant, ERIK GLEASON (Badge No. 100-221) (“GLEASON”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

45. Defendant, ANDREW GREGOIRE (Badge No. 100-331) (“GREGOIRE”) is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

46. Defendant, BRIAN GREGORY (Badge No. 100-326) (“GREGORY”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

47. Defendant, JAMES HARRIS (Badge No. 100-132) (“HARRIS”), is or was, at all times material hereto, a police officer with MGPd. He is sued in his individual capacity.

48. Defendant, SERGEANT, DIANA HEDRICK (Badge No. 100-295) (“HEDRICK”) is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. She is sued in his individual capacity.

49. Defendant, SERGEANT JEFFREY HOHENDORF (Badge No. 100-203) (“HOHENDORF”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

50. Defendant, ANITA HOPSON (Badge No. 100-249) (“HOPSON”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

51. Defendant, MICHAEL HORN (Badge No. 100-242) (“HORN”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

52. Defendant, SERGEANT BUDDY HUNHOLZ (Badge No. 100-027) (“SERGEANT HUNHOLZ”), is or was, at all times material hereto, a Sergeant and/or police officer with MGPD. He is sued in his individual capacity.

53. MIGUEL IRIZARRY (Badge No. 100-161) (“IRIZARRY”) is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

54. Defendant, WANDA JACKSON (Badge No. 100-133) (“JACKSON”), is or was, at all times material hereto, a police officer with MGPD. She is sued in his individual capacity.

55. Defendant, NICOLAS JACOBS (Badge No. 100-229) (“JACOBS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

56. Defendant, RICHARD JESSUP (Badge No. 100-134) (“JESSUP”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

57. Defendant, SHIRLEY JONES-GRAY (Badge No. 100-280) (“JONES-GRAY”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

58. Defendant, NELLY JOSEPH (Badge No. 100-335) (“JOSEPH”), is or was, at all times material hereto, a police officer with MGPD. She is sued in his individual capacity.

59. Defendant, ALEX JUDON (Badge No. 100-253) (“JUDON”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

60. Defendant, SERGEANT, HEATHER KIDDER (Badge No. 100-261) (“KIDDER”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. She is sued in his individual capacity.

61. Defendant, SERGEANT STEPHEN KOLACKOVSKY (Badge No. 100-043) (“SERGEANT KOLACKOVSKY”), is or was, at all times material hereto, a Sergeant with MGPD. He is sued in his individual capacity.

62. Defendant, DEVIN LUCIUS (Badge No. 100-329) (“LUCIUS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

63. Defendant, MICHAEL MALONE (Badge No. 100-136) (“MALONE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

64. Defendant, CHRISTOPHER MARTINEZ (Badge No. 100-267 (“MARTINEZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

65. Defendant, SHONADEE MCNEIL (Badge No. 100-165) (“MCNEIL”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

66. Defendant, JASON MOORE (Badge No. 100-244) (“MOORE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

67. Defendant, ALEXANDER MORTON (Badge No. 100-286) (“MORTON”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

68. Defendant, SERGEANT JOSEPH NARGISO (Badge No. 100-141) (“SERGEANT NARGISO”), is or was, at all times material hereto, a Sergeant with MGPD. He is sued in his individual capacity.

69. Defendant, SERGEANT WIREN NORRIS (Badge No. 100-245) (“NORRIS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

70. Defendant, BARBARA PALMER (Badge No. 100-140) (“PALMER”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

71. Defendant, HENRY PAYOUTE (Badge No. 100-330) (“PAYOUTE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

72. Defendant, ONASSIS PERDOMO (Badge No. 100-153) (“PERDOMO”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

73. Defendant, SAUL PEREZ (Badge No. 100-237) (“PEREZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

74. Defendant, HUBERT PIERRE (Badge No. 100-207) (“PIERRE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

75. Defendant, SERGEANT, JEREMY PILONE (Badge No. 100-168) (“PILONE”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

76. Defendant, KEVIN PINKNEY (Badge No. 100-254) (“PINKNEY”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

77. Defendant, ARTHUR PRINCE (Badge No. 100-190) (“PRINCE”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

78. Defendant, LAWRENCE RICHARDSON (Badge No. 100-169) (“RICHARDSON”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

79. Defendant, JAVIER ROMAGUERA (Badge No. 100-216) (“ROMAGUERA”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

80. Defendant, EDWIN ROSADO (Badge No. 100-172) (“E. ROSADO” or “ROSADO, E.”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

81. Defendant, JOSE ROSADO (Badge No. 100-171) (“J. ROSADO” or ROSADO, J.”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

82. Defendant, SERGEANT STACEY ROVINELLI (Badge No. 100-192) (“ROVINELLI”), is or was, at all times material hereto, a sergeant with MGPD. She is sued in her individual capacity.

83. Defendant, MICHAEL RUIZ (Badge No. 100-321) (“RUIZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

84. Defendant, JEAN SAINT-LOUIS (Badge No. 100-131) (“SAINT-LOUIS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

85. Defendant, JIMY SANCHEZ (Badge No. 100-289) (“SANCHEZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

86. Defendant, SERGEANT MARTIN SANTIAGO (Badge No. 100-174) (“SANTIAGO”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

87. Defendant, JOSEPH SCHAEFER (Badge No. 100-298) (“SCHAEFER”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

88. Defendant, ANGEL SEARY (Badge No. 100-246) (“SEARY”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

89. Defendant, ALBERTO SEDA (Badge No. 100-314) (“SEDA”) is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

90. Defendant CHRISTOPHER SHUMAN (Badge No. 100-255) (“SHUMAN”) is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

91. Defendant, TALIBAH SIMMONS (Badge No. 100-194) (“SIMMONS”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

92. Defendant, JONATHAN STARK (Badge No. 100-144) (“STARK”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

93. Defendant, KEVIN TAMAYO (Badge No. 100-332) (“TAMAYO”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

94. Defendant, EDDO TRIMINO (Badge No. 100-291) (“TRIMINO”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

95. Defendant, JAINA UCANAN (Badge No. 100-272) (“UCANAN”), is or was, at all times material hereto, a police officer with MGPD. She is sued in her individual capacity.

96. Defendant, CARLOS VELEZ (Badge No. 100-178) (“C. VELEZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

97. Defendant, VICTOR VELEZ (Badge No. 100-324) (“V. VELEZ”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

98. Defendant, SERGEANT SCOTT WHITE (Badge No. 100-045) (“WHITE”), is or was, at all times material hereto, a sergeant and/or an officer with MGPD. He is sued in his individual capacity.

99. Defendant, WILLIAM WAGENMANN (Badge No. 100-139) (“WAGENMANN”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

100. Defendant, SERGEANT, EDWARD WAGNER (Badge No. 100-034 (“WAGNER”) is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

101. Defendant, MICHAEL WAGONER (Badge No. 100-213) (“WAGONER”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

102. Defendant, EUGENE WILLIAMS (Badge No. 100-293) (“WILLIAMS”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

103. Defendant, SERGEANT RUFUS WILLIAMS (Badge No. 100-029) (“R. WILLIAMS”), is or was, at all times material hereto, a Sergeant and/or a police officer with MGPD. He is sued in his individual capacity.

104. Defendant, MICHAEL WRIGHT (Badge No. 100-219) (“WRIGHT”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

105. Defendant, JOSEPH ZELLNER (Badge No. 100-222) (“ZELLNER”), is or was, at all times material hereto, a police officer with MGPD. He is sued in his individual capacity.

106. Defendants, Unidentified JOHN DOE OFFICERS (“JOHN DOES”), who are or were, at all times material hereto, police officers or supervisors with MGPD. They are sued in their individual capacities.

GENERAL ALLEGATIONS

107. This is a civil rights action in which named Plaintiffs seek relief for Defendants’ violations of their rights, privileges, and immunities as guaranteed by the Civil Rights Act of

1871, 42 U.S.C § 1983; the Fourth Amendment to the United States Constitution; the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and the laws of the State of Florida.

108. Defendants have implemented and are continuing to enforce, encourage and, sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, arrests and prosecutions of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

109. In addition, this pattern and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable suspicion or probable cause, as the determinative factors in conducting said actions, in violation of the Equal Protection Clause of the Fourteenth Amendment. The victims of this racial and/or national origin profiling are principally black males.

110. MGPD's widespread constitutional abuses are a result of, and are directly and proximately caused by, policies, practices, and/or customs devised, implemented, and enforced by the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD.

111. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD have acted, and continue to act, with deliberate indifference to the constitutional rights of those who come into contact with MGPD officers by: (a) failing to properly screen, train, and supervise MGPD officers; (b) inadequately monitoring MGPD officers during and after stop-and-frisks, searches, seizures, and arrests; (c) failing to

sufficiently discipline MGPD officers who engaged in constitutional abuses, and (d) encouraging, sanctioning, and failing to rectify MGPD's unconstitutional practices.

112. The constitutional abuses are a result of either unconstitutional policies, or policies that, while constitutional on their face, are implemented in such a way that violate constitutionally protected rights. Additionally, all constitutional abuses have occurred under the color of authority by MGPD officers.

The Policies

(a) Quotas Policy

113. MGPD final policymakers have created, implemented, and are continuing to enforce an illegal system of quotas ("Quota Policy") requiring officers to issue a specific amount of citations, field contact reports, and arrests per month. The CITY is aware of and has tacitly approved the Quota Policy.

114. The Quota Policy evaluates officers' productivity exclusively on the quantity of arrests, citations, and field contact reports submitted, instead of officers' adherence to constitutional practices, involvement in the community, etc. Officers are rewarded with incentives, benefits, raises, and/or promotions if these arbitrary quotas are met or exceeded. Contrastingly, officers who do not meet the monthly quotas are not only reprimanded but are routinely disciplined and demoted.

115. From 2008 through 2013, the unconstitutional Quota Policy became CITY policy, practice, and/or custom. The Quota Policy was enacted by CHIEF BOYD who is a CITY final policymaker for law enforcement purposes. Further, the CITY was put on notice of the Quota Policy by concerned officers, and failed to rectify the issue.

116. The Quota Policy has directly and proximately led MGPD officers to engage in a pattern and practice of police misconduct resulting in countless race-based and/or national origin-based stops. During the course of these stops, MGPD officers have committed thousands of unconstitutional searches, seizures, and false arrests, causing Plaintiffs to suffer continuous injuries.

117. The pressure to perform under the Quota Policy is so pervasive, that many times MGPD officers fabricate field contact reports with CITY residents who were actually incarcerated or at another location being stopped by other officers at the time the officers allegedly made contact.

(b) Zero Tolerance Zone Policy

118. In addition to the Quota Policy, MGPD has enacted a “Zero Tolerance Zone” Policy which, although constitutional on its face, has been, and continues to be, applied in such a way that violates the constitutional rights of CITY residents, including named Plaintiffs.

119. The alleged purpose of the policy is to reduce the number of individuals who are seen trespassing and loitering on private property without legitimate business. The policy asks local businesses to complete an affidavit and post a sign on their properties which states that the business owner allows MGPD officers to act on their behalf in their absence. The Zero Tolerance Zone Policy was enacted by the City Council on October 24, 2007, as part of Ordinance No. 2007-22-128, currently codified at Section 14-59 of the CITY’S Code of Ordinances. Moreover, the Zero Tolerance Zone Policy was thereafter disseminated to the public at large through the MGPD website, at the following URL: <http://miamigardenspolice.org/volunteer.htm>.

120. MGPD officers have used the Zero Tolerance Zone Policy, enacted by the CITY and its final policymakers, to illegally stop-and-frisk, search, seize, and arrest named Plaintiffs while visiting local businesses. This includes businesses which have not enrolled, or previously enrolled but have withdrawn enrollment, in the Zero Tolerance Zone program.

121. In many instances, MGPD officers have illegally stopped-and-frisked, searched, seized, and arrested named Plaintiffs, and other CITY residents, while the business owner was present and affirmatively requesting the officers not take any action.

122. The CITY and its final policymakers were on notice that MGPD officers were, and are, using the Zero Tolerance Zone Policy to conduct unconstitutional stop-and-frisks, searches, seizures, and arrests and have failed to rectify the issue. MAYOR GILBERT has reaffirmed the Zero Tolerance Zone Policy in public statements in November 2013.

(c) Racial Targeting Policy

123. Lastly, MGPD officers have used, and continue to use, race and/or national origin for the purpose of stopping, frisking, searching, seizing, and arresting principally black males. Specifically, through information and belief, MGPD has directly ordered its officers to stop-and-frisk black males, ages fifteen through thirty, without reasonable articulable suspicion of criminality ("Racial Targeting Policy"). This directive was issued at roll call by MAJOR CHAPMAN, and DEPUTY CHIEF MILLER knew of this directive and did not countermand it.

124. The Racial Targeting Policy was implemented and ratified by CHIEF BOYD, a final policymaker, and was tacitly approved by the CITY. The policy, which is unconstitutional on its face, impermissibly uses race and/or national origin and age, not reasonable articulable suspicion, as the determinative factor in initiating police interaction.

125. From 2008 through 2013, this policy has resulted in countless field contact reports of investigatory stops which were conducted pursuant to this policy, without any reasonable articulable suspicion of criminality.

126. All of the foregoing unconstitutional and illegal violations were conducted by MGPD police officers under the color of law.

127. Plaintiffs seek a judgment declaring that the policies, practices, and/or customs described herein violate the Fourth and Fourteenth Amendments and an injunction enjoining Defendants from continuing such policies, practices, and/or customs. In addition, Plaintiffs seek compensatory and punitive damages for violations of their constitutionally protected rights. Plaintiffs seek an award of attorneys' fees and costs and such other relief as this Court deems just and proper.

Earl Sampson

128. Mr. SAMPSON is a twenty-eight year old black male who has been a resident of the CITY for approximately thirteen years. Mr. SAMPSON has been an employee of the QUICKSTOP since October 2011.

129. Over the course of four years, spanning from 2008 to 2012, Mr. SAMPSON was unlawfully stopped-and-frisked, searched, seized, and/or arrested 288 times within the CITY and by MGPD officers —the equivalent of roughly once every week for four years. In all 288 instances, an investigatory stop was performed by MGPD officers who checked Mr. SAMPSON for outstanding warrants. A chart showing a large sampling of these incidents (with dates, times, descriptions, and names of involved officers) is attached hereto as Exhibit B.

130. Well over 200 of these stop-and-frisks, searches, seizures, and/or arrests occurred without the reasonable articulable suspicion and/or probable cause required by law.

131. Out of the 288 times Mr. SAMPSON was stopped by MGPD officers, he was arrested only sixty-three times. Out of the sixty-three arrests, thirty arrests resulted in no action being taken by the State Attorney's Office or the Court dismissing the case for lack of probable cause at bonds. And of the remaining twenty-seven convictions, they are currently subject of a pending motion to vacate all the convictions on the basis of newly discovered exculpatory evidence of actual innocence.

132. The twenty-seven convictions were all based on charges for trespassing at the QUICKSTOP. During the course of all twenty-seven arrests, Mr. SAMPSON was either at the QUICKSTOP with full permission from the owner, Mr. SALEH, or was working at the QUICKSTOP. On several occasions Mr. SAMPSON was arrested for trespassing while working stocking the shelves or taking out the garbage at the QUICKSTOP.

133. The following named Defendants, all of whom were acting under color of law, were involved in at least one of the more than 288 stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: ADAMS, BAMFORD, BARMORE, BARNEY, BERNARD, BROWN, BURGESS, CARPENTER, CASTELLI, CLIFTON, DAMIANI, DUNASKE, EHRLICH, ENGERS, GLEASON, GREGOIRE, HEDRICK, HOHENDORF, HOPSON, HORNE, HUNHOLZ, JACKSON, JACOBS, JESSUP, JONES-GRAY, KIDDER, KOLACKOVSKY, LUCIUS, MALONE, MARTINEZ, MCNEIL, MORTON, NARGISO, NORRIS, PAYOUTE, PERDOMO, PEREZ, M., PEREZ, S., PILONE, PINKNEY, ROBINSON, ROMAGUERA, ROSADO, E., ROSADO, J., ROVINELLI, RUIZ,

SAINT-LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SEDA, SHUMAN, STARK, TRIMINO, UCANAN, VELEZ, C., VELEZ, V., WAGENMANN, WAGNER, E., WAGONER, WHITE, WILLIAMS, E., WILLIAMS, R., and Unidentified JOHN DOE OFFICERS . For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the “SAMPSON OFFICERS.”

134. The following named Defendants, all of who were acting under the color of law, were involved in at least one of the sixty-three arrests: BARNEY, CARPENTER, DUNASKE, FERNANDEZ, GLEASON, HARRIS, HORN, HUNHOLZ, JUDON, MALONE, MARTINEZ, MORTON, NARGISO, NETTLES, PALMER, PERDOMO, PINKNEY, PRINCE, ROSADO, J., SAINT-LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SHUMAN, STARK, TRIMINO, UCANAN, VELEZ, C., WAGONER, WILLIAMS, E., and Unidentified JOHN DOE OFFICERS . For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the “SAMPSON ARRESTING OFFICERS.”

135. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the SAMPSON OFFICERS and SAMPSON ARRESTING OFFICERS.

136. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the SAMPSON OFFICERS, and the SAMPSON ARRESTING OFFICERS constitute a continuing violation of Mr. SAMPSON’s constitutional rights.

Toree Daniels

137. Ms. DANIELS is a thirty-five year old black female who has been a resident of the CITY for her entire life.

138. Over the course of approximately five years, spanning from February 2008 to January 2013, Ms. DANIELS was unlawfully stopped-and-frisked, searched, seized, and/or arrested at least 200 times within the CITY and by MGPD officers — equivalent to roughly once every 9 days for nearly five years. In all instances, an investigatory stop was performed by MGPD officers who checked Ms. DANIELS for outstanding warrants. A chart showing a large sampling of these incidents (with dates, times, descriptions, and names of involved officers) is attached hereto as Exhibit C.

139. Well over 200 of these stop-and-frisks, searches, seizures, and/or arrests occurred without the reasonable articulable suspicion and/or probable cause required by law.

140. Out of the 200 times Ms. DANIELS was stopped by MGPD officers, she was arrested only fifty-five times. Out of the fifty-five arrests, twenty-three resulted in no action being taken by the State Attorney's Office or the charges were dismissed by the Court for lack of probable cause.

141. Similar to Mr. SAMPSON, many of Ms. DANIELS' contacts with MGPD officers took place while at the QUICKSTOP where, again, the owner, Mr. SALEH, had given her full permission to be on the premises.

142. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the 200 stop-and-frisks, searches, seizures, and

arrests: ADAMS, BAMFORD, BARNEY, CARPENTER, CLIFTON, DAMIANI, DUNASKE, EUBANKS, GREGOIRE, HARRIS, J., HEDRICK, HOHENDORF, HORN, HUNHOLZ, IRIZARRY, JACKSON, JUDON, KIDDER, KOLACKOVSKY, MALONE, MARTINEZ, MOORE, NARGISO, NORRIS, PALMER, PAYOUTE, PERDOMO, PEREZ, S., PILONE, PINKNEY, ROMAGUERA, ROVINELLI, RUIZ, SAINT-LOUIS, SANTIAGO, SCHAEFER, SEDA, SHUMAN, SIMMONS, STARK, UCANAN, VELEZ, V., WAGENMANN, WAGNER, WAGONER, WILLIAMS, R., and JOHN DOE OFFICERS 1-187. For purposes of consistency and clarity, the above-referenced officers will be referred to as “DANIELS OFFICERS”.

143. The following named Defendants, all of whom were acting under the color of law, were involved in at least one of the fifty-five arrests: BARNEY, CARPENTER, HARRIS, J., MALONE, MOORE, NETTLES, PALMER, RUIZ, SEDA, SIMMONS, STARK, UCANAN, VELEZ, V., WAGENMANN, and Unidentified JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officers will be referred to as “DANIELS ARRESTING OFFICERS”.

144. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the DANIELS OFFICERS and DANIELS ARRESTING OFFICERS.

145. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the DANIELS OFFICERS, and the

DANIELS ARRESTING OFFICERS constitute a continuing violation of Ms. DANIEL's constitutional rights.

Brandon Spivey

146. Mr. Spivey is a twenty-four year old black male who has been a resident of the CITY for his entire life.

147. Over the course of approximately five years, spanning from February 2008 to January 2013, Mr. SPIVEY was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause, at least fifty times within the CITY and by MGPD officers. A chart showing a large sampling of these incidents (with dates, times, descriptions, and names of involved officers) is attached hereto as Exhibit D.

148. Out of the fifty times Mr. SPIVEY was stopped by MGPD officers, he was arrested only fourteen times. Out of the fourteen arrests, six arrests resulted in no action by the State Attorney's Office or were dismissed by the Court for lack of probable cause.

149. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the fifty stop-and-frisks, searches, seizures, or arrests, either directly or through tacit approval: DUNASKE, ENGERS, HARRIS, HOHENDORF, HUNHOLZ, JESSUP, JUDON, KOLACKOVSKY, NARGISO, PERDOMO, PEREZ, M. PILONE, ROVINELLI, SANTIAGO, SEDA, TRIMINO, UCANAN, VELEZ, V., WAGENMANN, WAGONER, AND UNIDENTIFIED JOHN DOES. For consistency and clarity, the above-referenced officers will be collectively referred to as the "SPIVEY OFFICERS."

150. The following named Defendants, all of who were acting under the color of law, were involved in at least one of the six arrests: TRIMINO, UCANAN, WRIGHT, and UNIDENTIFIED JOHN DOES. For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the "SPIVEY ARRESTING OFFICERS."

151. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the SPIVEY OFFICERS, and the SPIVEY ARRESTING OFFICERS, constitute a continuing violation of Mr. SPIVEY's constitutional rights.

Anthony Lowery

152. Mr. LOWERY is a forty-nine year old black male who has been a resident of the CITY for forty-two years.

153. Over the course of approximately five years, spanning from 2008 to 2013, Mr. LOWERY was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause, at least nine times within the CITY and by MGPD officers.

154. Out of the nine times Mr. LOWERY was stopped by MGPD officers, he was arrested five times. Out of the five arrests, all arrests resulted in no action being taken by the State Attorney's Office or were dismissed by the Court for lack of probable cause.

155. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the seven stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: the DUNASKE, JACOBS, KOLACKOVSKY,

PALMER, PERDOMO, SAINT-LOUIS, WAGONER, and UNIDENTIFIED JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the "LOWERY OFFICERS".

156. The following named Defendants, all of whom were acting under color of law, were involved in at least one of the five arrests: DUNASKE, JACOBS, PERDOMO, and UNIDENTIFIED JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officer will be collectively referred to as the "LOWERY ARRESTING OFFICERS".

157. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the LOWERY OFFICERS and the LOWERY ARRESTING OFFICERS constitute a continuing violation of Mr. LOWERY's constitutional rights.

Floyd Hall, Jr.

158. Mr. HALL, JR. is a fifty-three year old black male who has been a resident of the CITY for forty-nine years.

159. From 2008 to 2013, Mr. HALL, JR. was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause, approximately forty-six times within the CITY and by MGPD officers. A chart showing a large sampling of these incidents (with dates, times, descriptions, and names of involved officers) is attached hereto as Exhibit E.

160. Out of the approximately forty-six times Mr. HALL, JR was stopped by MGPD officers, he was arrested fourteen times. Out of the fourteen arrests, all resulted in either no

action being taken by the State Attorney's Office or were dismissed by the Court for lack of probable cause.

161. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the forty-six stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: CARPENTER, DUNASKE, HARRIS, PALMER, PERDOMO, PINKNEY, KOLACKOVSKY, JACKSON, EHRLICH, ROSADO, NARGISO, NORRIS, BAMFORD, ROVINELLI, SAINT-LOUIS, SANTIAGO, SHUMAN, TRIMINO, VELEZ, C., VELEZ, V. VELEZ, and UNIDENTIFIED JOHN DOE OFFICERS. For purposes of clarity and consistency, the above-reference officers will be collectively referred to as the "HALL, JR. OFFICERS".

162. The following named Defendants, all of whom were acting under the color of law, were involved in the at least one of the twelve arrests: COLEMAN, HARRIS, JUDON, PALMER, PERDOMO, PINKNEY, KOLACKOVSKY, JACKSON, EHRLICH, ROSADO, NARGISO, NORRIS, BAMFORD, ROVINELLI, SAINT-LOUIS, SHUMAN, VELEZ, C., VELEZ, V., and unidentified JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the "HALL, JR. ARRESTING OFFICERS".

163. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the HALL, JR. OFFICERS and the HALL, JR. ARRESTING OFFICERS, constitute a continuing violation of Mr. HALL, JR.'s constitutional rights.

Ross Picart

164. Mr. PICART is a thirty-four year old black male. Mr. PICART has been an employee of the QUICKSTOP since 2005.

165. On December 21, 2012, Mr. PICART was unlawfully stopped-and-frisked, searched, seized, and arrested without reasonable suspicion or arguable probable cause within the CITY and by DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOES. The incident resulted in excessive use of force by MGPD officers.

166. On December 21, 2012, Mr. PICART was working at the QUICKSTOP during his normal shift. Prior to closing the QUICKSTOP, Mr. PICART was approached by MGPD officers and asked to produce identification. Mr. PICART advised MGPD officers that he did not have identification but that he was an employee of the QUICKSTOP and could call the owner, SALEH, to verify his employment.

167. Mr. PICART entered the QUICKSTOP and used his cellular phone to call the owner, Mr. SALEH. At that point, MGPD officers followed him behind the store counter, forcefully grabbed him by the arm, and escorted him outside of the premises.

168. While outside the premises, Mr. PICART was unlawfully searched, without consent or probable cause, thrown to the ground, and placed under arrest.

169. MGPD officers proceeded to unlawfully search the QUICKSTOP and found a firearm - owned by and registered to Mr. SALEH — under the counter and concealed from plain view. Mr. PICART was subsequently charged with possession of a concealed firearm

although MGPD officers knew it did not belong to him and had no basis to believe that Mr. PICART was even aware the firearm was there.

170. The following named Defendants, all of whom were acting under color of authority, were involved in the December 21, 2012 incident, either directly or through tacit approval: DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS.

171. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, SANTIAGO TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, constitute a continuing violation of Mr. PICART's constitutional rights.

Roderick DeWayne Smith

172. Mr. SMITH is a twenty-six old black male who has been a resident of the CITY for his entire life.

173. On February 7, 2013, Mr. SMITH was unlawfully stopped-and-frisked, searched, seized, and arrested without reasonable suspicion or arguable probable cause within the CITY and by MGPD officers at least seven times with one incident resulting in an excessive use of force at the hands of MGPD officers. The incidents occurred between January

174. Mr. SMITH was on the QUICKSTOP property drinking an alcoholic beverage. He was approached by MGPD officers who asked for his identification and poured out the contents of the beverage. Simultaneously, MGPD officers performed a full search of Mr.

SMITH'S person without consent and without reasonable articulable suspicion or probable cause.

175. After the unlawful search, Mr. SMITH was released, at which time he attempted to walk into the QUICKSTOP to purchase water. MGPD officers instructed him not to enter the QUICKSTOP – which was open to the public at the time. MGPD officers again requested Mr. SMITH's identification and when he asked "why?" he was thrown, head-first, into a steel door, handcuffed, picked up, and thrown against the police car.

176. After several minutes of physical detainment, he was released and issued a Promise to Appear for possession of an open container. Subsequent to the arrest, MGPD officers failed to complete a Use of Force Report as required by MGPD policy and Florida law.

177. The Court subsequently dismissed the open container charge.

178. The following named Defendants, all of whom were acting under color of authority, were involved at least one of the seven stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS.

179. The acts and omissions of the CITY, MAYOR GILBERT, CITY MANAGER CREW, CHIEF BOYD, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS, constitute a continuing violation of MR. SMITH's constitutional rights.

Kenneth Crane

180. Mr. CRANE is a forty six year old black male who has resided in the CITY for his entire life.

181. Mr. CRANE was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause within the CITY by MGPD officers.

182. On November 23, 2012, Mr. CRANE was riding his bicycle to the QUICKSTOP when he was stopped without reasonable suspicion, and subsequently searched and arrested without arguable probable cause by MGPD officers.

183. The following named Defendants, all of whom were acting under color of authority, were involved in the November 23, 2012 search, seizure, and arrest, either directly or through tacit approval: the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, TRIMINO, SANTIAGO, and UNIDENTIFIED JOHN DOE OFFICERS, constitute a continuing violation of Mr. CRANE's constitutional rights.

Yvensonne Montale

184. Mr. MONTALE is an eighteen year old black male who has been a resident of the CITY for two years.

185. Mr. MONTALE was unlawfully stopped-and-frisked, searched, seized, without reasonable suspicion within the CITY and by MGPD officers.

186. On August 13, 2012, Mr. MONTALE was riding his bicycle to the QUICKSTOP where he was stopped without reasonable suspicion and subsequently searched without probable cause.

187. The following named Defendants, all of whom were acting under color of authority, were involved in the August 13, 2012, search, and seizures, either directly or through tacit approval: the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS.

188. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, constitute a continuing violation of Mr. MONTALE's constitutional rights.

Omar Dean

189. Mr. DEAN is 39 year old black male who resided in the CITY for over 10 years of his life.

190. On July 13, 2012, Mr. DEAN was unlawfully stopped-and-frisked, searched, seized, without reasonable suspicion within the CITY by MGPD Officer MALONE.

191. Mr. DEAN was walking in front of the QUICKSTOP with a plastic bag of Red Bull cans. Without reasonable suspicion or warning, MALONE approached Mr. DEAN and performed a complete search of his person and possessions.

192. During the unlawful search, MALONE confiscated the bag containing Red Bull cans, threw the contents on the pavement, and then proceeded to hand out Mr. DEAN's property to pedestrians.

193. The following named Defendants, all of whom were acting under color of authority, were involved in the July 13, 2012, stop-and-frisk, search, and seizure, either directly or through tacit approval: the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DEPUTY CHIEF MILLER, MAJOR ANTHONY CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS.

194. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DEPUTY CHIEF MILLER, MAJOR ANTHONY CHAPMAN, MALONE, AND UNIDENTIFIED JOHN DOE OFFICERS, constitute a continuing violation of Mr. DEAN's constitutional rights.

Ali Amin Saleh

195. Mr. SALEH has been the owner of the QUICKSTOP located in the CITY since 1999.

196. Over the course of four years, spanning from 2008 to 2012, Mr. SALEH's QUICKSTOP was unlawfully searched without reasonable suspicion or arguable probable cause, numerous times by MGPD officers.

197. In addition, MGPD officers have engaged in a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and arresting patrons of his QUICKSTOP while they are on the premises for loitering or trespassing. Mr. SALEH has repeatedly informed MGPD

officers that QUICKSTOP patrons are on the premise with his full permission and authority — information which MGPD officers routinely disregard.

198. The actions taken by MGPD officers are interfering with Mr. SALEH's relationship with his customers, and have severely curtailed sales at the QUICKSTOP.

199. Mr. SALEH has filed several complaints with MGPD regarding the conduct of its officers; however, no action has been taken to rectify the issue.

200. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the above-referenced unconstitutional and illegal conduct: ADAMS, BAMFORD, BARMORE, BARNEY, BERNARD, BROWN, BURGESS, CARPENTER, CASTELLI, CLIFTON, DAMIANI, DUNASKE, EHRLICH, ENGERS, EUBANKS, GLEASON, GREGOIRE, GREGORY, HARRIS, HEDRICK, HOHENDORF, HOPSON, HORN, HUNHOLZ, IRIZARRY, JACKSON, JACOBS, JESSUP, JONES-GRAY, JUDON, KIDDER, KOLACKOVSKY, LUCIUS, MALONE, MARTINEZ, C., MCNEIL, MOORE, MORTON, NARGISO, NORRIS, PALMER, PAYOUTE, PAYOUTE, PERDOMO, PEREZ, M., PEREZ, S., PILONE, PINKNEY, ROBINSON, ROMAGUERA, ROSADO, E., ROSADO, J., ROVINELLI, RUIZ, SAINT-LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SEDA, SHUMAN, SIMMONS, STARK, TAMAYO, UCANAN, VELEZ, C., VELEZ, V., WAGENMANN, WAGNER, WAGONER, WHITE, WILLIAMS, E., WILLIAMS, R. and UNIDENTIFIED JOHN DOES. For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the "SALEH OFFICERS."

201. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD, either encouraged, authorized, tacitly approved or

were deliberate indifferent to the unconstitutional misconduct engaged in by the SALEH OFFICERS.

FEDERAL MUNICIPAL LIABILITY CLAIMS

COUNT ONE

**All Named Plaintiffs against the City of Miami Gardens
42 U.S.C. § 1983 -- Violations of the Fourth Amendment**

202. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

203. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD have implemented and are continuing to enforce, encourage, and sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, and arrests of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

204. In addition, this pattern and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable suspicion or probable cause, as the determinative factors in conducting a stop-and-frisk, search, seizure, and/or arrest in violation of the Fourth Amendment. The victims of such racial and/or national origin profiling are principally black males, members of a protected class.

205. The policies, fully described in the General Allegations of this Complaint, *supra* ¶¶ 107— 127, include the Quotas Policy, Zero Tolerance Zone Policy, and the Racial Targeting Policy all of which are either unconstitutional on their face or are enforced in such a way which violates the constitutional rights of CITY residents, including named Plaintiffs.

206. The Quotas Policy and Racial Targeting Policy are unwritten policies that they have become the moving force behind the deprivation of the Plaintiffs' Fourth Amendment rights. These informal policies were enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

207. The Zero Tolerance Zone Policy, a written policy, was jointly enacted by the CITY and MGPD. As previously stated, although the policy is not unconstitutional on its face, MGPD officers are abusing the policy and using it as a vehicle to illegally stop, search, and arrest CITY residents without reasonable suspicion and/or probable cause.

208. The adoption and implementation of the Quotas Policy, the Racial Targeting Policy, and the Zero Tolerance Zone Policy was the moving force behind the violation of Plaintiffs' Fourth Amendment rights, and the proximate cause of the violation of those rights.

209. These informal policies were enacted and sanctioned by CHIEF BOYD, a final policymaker for law enforcement purposes.

210. As a direct and proximate result of the referenced policies, all Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs request judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) That the Miami Gardens policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, performed under color of law and without reasonable articulable suspicion and/or arguable probable cause, is unconstitutional in that it violates the Fourth and Fourteenth Amendments to the United States Constitution;

- 2) That injunctive relief be issued enjoining the MGPD from continuing its policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, without reasonable articulable suspicion and/or arguable probable cause, and in particular serving to:
 - a. Further enjoin the MGPD from continuing the use of quotas for arrests (Quotas Policy);
 - b. Further enjoining the MGPD from continuing the use of a Zero Tolerance Zone Policy to conduct unconstitutional stops and frisks, searches, seizures, and arrests; and
 - c. Further enjoining the MGPD from continuing the use of the Racial Targeting Policy to use racial and/or national origin profiling to make unconstitutional stops and frisks, searches, seizures, and arrests.
- 3) That the City, Mayor, City Manager, and Police Department shall institute and implement improved policies and programs with respect to training, discipline and promotion designed to eliminate the MGPD's policies of unconstitutional stops-and-frisks, searches, seizures, and/or arrests.
- 4) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 5) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 42 U.S.C. §§ 1920 and 1988; and
- 6) Award and such other relief as this Court deems just, proper, and equitable, including further injunctive and declaratory relief as may be required in the interests of justice.

COUNT TWO

**All Named Plaintiffs against the City of Miami Gardens
42 U.S.C. § 1983 -- Violations of the Fourteenth Amendment**

211. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

212. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD have implemented and are continuing to enforce, encourage, and sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, and arrests of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

213. In addition, this pattern and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable suspicion or probable cause, as the determinative factors in conducting a stop-and-frisk, search, seizure, and/or arrest in violation of the Fourteenth Amendment. The victims of such racial and/or national origin profiling are principally black males, members of a protected class.

214. The Racial Targeting Policy described in the General Allegations is unconstitutional on its face, violating the rights of CITY residents, including the named Plaintiffs, under the Equal Protection Clause of the Fourteenth Amendment.

215. The Quotas Policy and Racial Targeting Policy are unwritten policies enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

216. The Zero Tolerance Zone Policy, a written policy, was jointly enacted by the CITY and MGPD. As previously stated, although the policy is not unconstitutional on its face, MGPD officers are abusing the policy and using it as a vehicle to illegally stop, search, and arrest CITY residents without reasonable suspicion and/or probable cause.

217. The adoption and implementation of the Racial Targeting Policy, in conjunction with the Quotas Policy and the Zero Tolerance Zone Policy, was the moving force behind the violation of Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment, and the proximate cause of the violation of those rights.

218. The Racial Targeting Policy was enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

219. As a direct and proximate result of the referenced policies, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs request judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) That the Miami Gardens policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, performed under color of law and without reasonable articulable suspicion and/or arguable probable cause, is unconstitutional in that it violates the Fourth and Fourteenth Amendments to the United States Constitution;
- 2) That injunctive relief be issued enjoining the MGPD from continuing its policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, without

reasonable articulable suspicion and/or arguable probable cause, and in particular serving to:

- a. Further enjoin the MGPD from continuing the use of quotas for arrests (Quotas Policy);
 - b. Further enjoining the MGPD from continuing the use of a Zero Tolerance Zone Policy to conduct unconstitutional stops and frisks, searches, seizures, and arrests; and
 - c. Further enjoining the MGPD from continuing the use of the Racial Targeting Policy to use racial and/or national origin profiling to make unconstitutional stops and frisks, searches, seizures, and arrests.
- 3) That the City, Mayor, City Manager, and Police Department shall institute and implement improved policies and programs with respect to training, discipline and promotion designed to eliminate the MGPD's policies of unconstitutional stops-and-frisks, searches, seizures, and/or arrests.
- 4) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 5) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 42 U.S.C. §§ 1920 and 1988; and
- 6) Award and such other relief as this Court deems just, proper, and equitable, including further injunctive and declaratory relief as may be required in the interests of justice.

FEDERAL SUPERVISORY LIABILITY CLAIMS

COUNT THREE

**All Named Plaintiffs Against MAYOR GILBERT, FORMER MAYOR GIBSON,
and CITY MANAGER CREW**

Supervisory Liability

42 U.S.C. § 1983 – Violation of Fourth Amendment

220. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

221. MAYOR GILBERT, FORMER MAYOR GIBSON, and CITY MANAGER CREW, at all times material hereto, are official decision-makers with respect to the drafting and adoption of the Zero Tolerance Zone Policy.

222. MAYOR GILBERT, FORMER MAYOR GIBSON, and CITY MANAGER CREW were placed on notice that the adoption and implementation of the Zero Tolerance Zone Policy resulted in widespread abuse of the Fourth Amendment rights of CITY residents, including all named Plaintiffs, in that innumerable persons were stop-and-frisked, searched, seized, and arrested without probable cause and/or reasonable suspicion. Nonetheless, these supervisors failed to take any corrective action to remedy these abuses, such as supervision, monitoring, and disciplinary measures to prevent unconstitutional implementation of the Zero Tolerance Zone Policy.

223. These supervisors' adoption of the Zero Tolerance Zone Policy, coupled with their failure to take corrective action, proximately caused the deprivation of Plaintiffs' Fourth Amendment rights.

224. As a direct and proximate result of these supervisors' failure to take corrective action, the named Plaintiffs, and further, countless CITY residents, have suffered, and will

continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants, MAYOR GILBERT, FORMER MAYOR GIBSON, and CITY MANAGER CREW, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT FOUR

All Named Plaintiffs Against CHIEF BOYD Supervisory Liability 42 U.S.C. § 1983 – Violation of Fourth Amendment

225. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

226. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the implementation of the Zero Tolerance Zone Policy.

227. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Quotas Policy.

228. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Racial Targeting Policy.

229. CHIEF BOYD was placed on notice that the adoption and implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy resulted in widespread abuse of the Fourth Amendment rights of CITY residents, including all named Plaintiffs, in that innumerable persons were stop-and-frisked, searched, seized, and arrested without probable cause and/or reasonable suspicion. Nonetheless, CHIEF BOYD failed to take any corrective action to remedy these abuses, such as supervision, monitoring, and disciplinary

measures to prevent unconstitutional implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy.

230. CHIEF BOYD'S adoption and/or implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy, and his failure to take corrective action when placed on notice of widespread abuses, were the proximate cause of the deprivation of Plaintiffs' Fourth Amendment rights.

231. As a direct and proximate result of CHIEF BOYD'S adoption and/or implementation of these policies and failure to take corrective action, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendant, CHIEF BOYD, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT FIVE

**All Named Plaintiffs Against CHIEF BOYD and DEPUTY CHIEF MILLER
Supervisory Liability
42 U.S.C. § 1983 – Violation of Fourteenth Amendment**

232. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

233. CHIEF BOYD and DEPUTY CHIEF MILLER, at all times material hereto, were official decision-makers with respect to the adoption and implementation of the Racial Targeting Policy.

234. CHIEF BOYD and DEPUTY CHIEF MILLER knew or should have known that the Racial Targeting Policy is unconstitutional on its face under the Fourteenth Amendment.

235. Furthermore, CHIEF BOYD and DEPUTY CHIEF MILLER were placed on notice that the adoption and implementation of the Racial Targeting Policy resulted in widespread abuse of the Fourteenth Amendment rights of CITY residents, including all named Plaintiffs, in that innumerable persons were stop-and-frisked, searched, seized, and arrested based on race and/or national origin without probable cause and/or reasonable suspicion. Nonetheless, CHIEF BOYD failed to take any corrective action to remedy these abuses, such as supervision, monitoring, and disciplinary measures to prevent unconstitutional implementation of the Racial Targeting Policy.

236. CHIEF BOYD'S and DEPUTY CHIEF MILLER'S adoption and/or implementation of the Racial Targeting Policy, and their failure to take corrective action when placed on notice of widespread abuses, were the proximate cause of the deprivation of Plaintiffs' Fourteenth Amendment rights.

237. As a direct and proximate result of CHIEF BOYD'S and DEPUTY CHIEF MILLER'S adoption and/or implementation of these policies and failure to take corrective action, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants, CHIEF BOYD and DEPUTY CHIEF MILLER, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SIX

**All Named Plaintiffs Against MAJOR CHAPMAN
Supervisory Liability
42 U.S.C. § 1983 – Violation of Fourteenth Amendment**

238. Plaintiffs reallege Paragraphs 1 through 201 as if fully set forth herein.

239. MAJOR CHAPMAN, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Racial Targeting Policy.

240. MAJOR CHAPMAN knew or should have known that the Racial Targeting Policy is unconstitutional on its face under the Fourteenth Amendment.

241. MAJOR CHAPMAN directed unlawful acts by subordinate police officers by instructing them during roll call to stop all black males between the ages of 15 and 30.

242. MAJOR CHAPMAN'S direction of unlawful acts by subordinate police officers was the proximate cause of the deprivation of Plaintiffs' Fourteenth Amendment rights.

243. As a direct and proximate result of MAJOR CHAPMAN'S direction of unlawful acts, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendant, MAJOR CHAPMAN, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

FEDERAL CLAIMS AGAINST INDIVIDUAL OFFICERS

COUNT SEVEN

Individual Claim of Mr. SAMPSON, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

244. Plaintiff, Mr. SAMPSON, realleges paragraphs 1 through 136 as if fully set forth herein.

245. The conduct of the SAMPSON OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. SAMPSON was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause. Moreover, each of these stop-and-frisks, searches, seizures, and/or arrests were performed on the basis of race and/or national origin.

246. A reasonable police officer would not have believed there existed reasonable articulable suspicion to stop-and-frisk, and/or probable cause to search and arrest Mr. SAMPSON in light of clearly established law and the information possessed by the SAMPSON OFFICERS at the time of the incidents.

247. As a direct and proximate result of such acts, the SAMPSON OFFICERS deprived Mr. SAMPSON of his constitutionally protected rights under the Fourth Amendment.

248. As a direct and proximate result of the referenced constitutional abuses, Mr. SAMPSON has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

249. The acts of the SAMPSON OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SAMPSON to an award of punitive damages.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, the SAMPSON OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT EIGHT

Individual Claim of Mr. SAMPSON, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

250. Plaintiff realleges paragraphs 1 through 136 as if fully set forth herein.

251. The SAMPSON OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. SAMPSON without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

252. There is direct, circumstantial, and/or statistical evidence that Mr. SAMPSON was, and continues to be, a target of racial profiling by the SAMPSON OFFICERS in this action.

253. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. SAMPSON without reasonable articulable suspicion and/or probable cause the SAMPSON OFFICERS intentionally discriminated against a member of a protected class.

254. As a direct and proximate result of such acts, the SAMPSON OFFICERS deprived Mr. SAMPSON of his constitutionally protected rights under the Fourteenth Amendment.

255. As a direct and proximate result of the referenced constitutional abuses, Mr. SAMPSON has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

256. The acts of the SAMPSON OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SAMPSON to an award of punitive damages.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, the SAMPSON OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT NINE

Individual Claim of Mr. SAMPSON, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

257. Plaintiff, Mr. SAMPSON, realleges paragraphs 1 through 136, as if fully set forth herein.

258. Mr. SAMPSON was arrested a total of sixty-three times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. SAMPSON was commenced.

259. The SAMPSON ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. SAMPSON in at least one of the sixty-three arrests.

260. The termination of the original proceedings against Mr. SAMPSON constituted a bona fide termination of that proceeding in favor of Mr. SAMPSON in thirty of those arrests. Specifically, in thirty of the instances, either the State Attorney's Office took "no action"

against Mr. SAMPSON or the Court dismissed the charges, finding the arrests were made without probable cause.

261. And of the remaining twenty-seven convictions, they are currently subject of a pending motion to vacate all the convictions on the basis of newly discovered exculpatory evidence of actual innocence.

262. In summary, fifty-seven original proceedings commenced by the SAMPSON ARRESTING OFFICERS were commenced absent probable cause.

263. The SAMPSON ARRESTING OFFICERS operated with malice in arresting Mr. SAMPSON fifty-seven times – twenty-seven arrests while he was working or at his place of employment – without arguable probable cause. In every instance, the SAMPSON ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. SAMPSON but, notwithstanding this knowledge, proceeded to arrest him anyway.

264. Mr. SAMPSON suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SAMPSON was incarcerated following his arrests and/or arraignment to await bond hearings and/or trial if he could not post his monetary bond and therefore was seized in violation of his Fourth Amendment Rights.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, the SAMPSON ARRESTING OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper

COUNT TEN

Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

265. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 137 through 145 as if fully set forth herein.

266. The conduct of the DANIELS OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Ms. DANIELS was performed under color of law and without reasonable articulable suspicion and/or arguable probable. Moreover, each of these stop-and-frisks, searches, seizures, and/or arrests were performed on the basis of race and/or national origin.

267. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Ms. DANIELS in light of clearly established law and information possessed by the DANIELS OFFICERS at the time of the stop-and-frisks and/or arrests.

268. As a direct and proximate result of such acts, the DANIELS OFFICERS deprived Ms. DANIELS of her constitutionally protected rights under the Fourth Amendment.

269. As a direct and proximate result of referenced constitutional abuses, Ms. DANIELS has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

270. The acts of the DANIELS OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Ms. DANIELS to an award of punitive damages.

WHEREFORE, Plaintiff, Ms. DANIELS requests judgment against Defendants, the DANIELS OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT ELEVEN

Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

271. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 137 through 145 as if fully set forth herein.

272. The DANIELS OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Ms. DANIELS without reasonable articulable suspicion and/or probable cause and, instead, based solely on her race and/or national origin.

273. There is direct, circumstantial, and/or statistical evidence that Ms. DANIELS was, and continues to be, a target of racial profiling by the DANIELS OFFICERS in this action.

274. As a result, of MGPD's policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and arresting Ms. DANIELS without reasonable articulable suspicion and/or probable cause, the DANIELS OFFICERS intentionally discriminated against a member of a protected class.

275. As a direct and proximate result of such acts, the DANIELS OFFICERS deprived Ms. DANIELS of her constitutionally protected rights under the Fourteenth Amendment.

276. As a direct and proximate result of the referenced constitutional abuses, Ms. DANIELS has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

277. The acts of the DANIELS OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Ms. DANIELS to an award of punitive damages.

WHEREFORE, Plaintiff, Ms. DANIELS, requests judgment against Defendants, the DANIELS OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWELVE

Individual Claim of Ms. DANIELS, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

278. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 137 through 145 as if fully set forth herein.

279. Ms. DANIELS was arrested approximately fifty-fives times from 2008 to 2012. In each instance, an original judicial proceeding against Ms. DANIELS was commenced.

280. The DANIELS ARRESTING OFFICERS were each the legal cause of the original proceedings against Ms. DANIELS at least once out of the fifty-five times.

281. The termination of twenty-three original proceedings against Ms. DANIELS constituted a bona fide termination of that proceeding in favor of Ms. DANIELS. Specifically, in twenty-three instances, the State Attorney's Office took "no action" or the Court dismissed the charges against Ms. DANIELS finding the arrests were made without probable cause.

282. The DANIELS ARRESTING OFFICERS operated with malice in arresting Ms. DANIELS twenty-three times without probable cause. In every instance, the DANIELS ARRESTING OFFICERS knew they lacked probable cause to arrest Ms. DANIELS but, notwithstanding this knowledge, proceeded to arrest her anyway.

283. Ms. DANIELS suffered, and continues to suffer damages, as a result of the original proceedings. Ms. DANIELS was incarcerated following her arraignments to await bond hearings and/or trial if she could not post her monetary bond and was therefore seized in violation of her Fourth Amendment Rights.

WHEREFORE, Plaintiff requests judgment against Defendants, the DANIELS ARRESTING OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTEEN

Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

284. Plaintiff realleges Paragraphs 1 through 127 and 146 through 151, as if fully set forth herein.

285. The conduct of the SPIVEY OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. SPIVEY over fifty times in five years, was performed under color of law and without reasonable articulable suspicion and/or arguable probable. Moreover, each of these stop-and-frisks, searches, seizures, and/or arrests were performed on the basis of race and/or national origin.

286. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. SPIVEY in light of clearly established law and information possessed by the SPIVEY OFFICERS at the time of the stop-and-frisks and/or arrests.

287. As a direct and proximate result of such acts, Defendants, the SPIVEY OFFICERS, deprived Mr. SPIVEY of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

288. As a direct and proximate result of referenced constitutional abuses, Mr. SPIVEY has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

289. The acts of Defendants, the SPIVEY OFFICERS, were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SPIVEY to an award of punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, the SPIVEY OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT FOURTEEN

Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

290. Plaintiff realleges Paragraphs 1 through 127 and 146 through 151, as if fully set forth herein.

291. The SPIVEY OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. SPIVEY without reasonable articulable suspicion and/or probable cause and, instead, based solely on his race and/or national origin.

292. There is direct, circumstantial, and/or statistical evidence that Mr. SPIVEY was, and continues to be, a target of racial profiling by the SPIVEY OFFICERS in this action.

293. As a result, MGPD's policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and arresting Mr. SPIVEY without reasonable articulable suspicion and/or probable cause, the SPIVEY OFFICERS intentionally discriminated against a member of a protected class.

294. As a direct and proximate result of such acts, the SPIVEY OFFICERS deprived Mr. SPIVEY of his constitutionally protected rights under the Fourteenth Amendment.

295. As a direct and proximate result of the referenced constitutional abuses, Mr. SPIVEY has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

296. The acts of the SPIVEY OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SPIVEY to an award of punitive damages.

WHEREFORE, Plaintiff, Mr. SPIVEY, requests judgment against Defendants, the SPIVEY OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT FIFTEEN

**Individual Claim of Mr. SPIVEY, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution
in Violation of the Fourth Amendment**

297. Plaintiff realleges Paragraphs 1 through 127 and 146 through 151, as if fully set forth herein.

298. Mr. SPIVEY was arrested a total of fourteen times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. SPIVEY was commenced.

299. Defendants, the SPIVEY ARRESTING OFFICERS, were each the legal cause of the original proceedings against Mr. SPIVEY at least once out of the fourteen times.

300. The termination of six original proceedings against Mr. SPIVEY constituted a bona fide termination of that proceeding in favor of Mr. SPIVEY. Specifically, in six of the instances, the State Attorney's Office took "no action" or the Court dismissed the case against Mr. SPIVEY finding the arrests were made without probable cause.

301. Defendants, the SPIVEY ARRESTING OFFICERS, operated with malice in arresting Mr. SPIVEY six times without probable cause. In all instances, the SPIVEY ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. SPIVEY but, notwithstanding this knowledge, proceeded to arrest him each time.

302. Mr. SPIVEY suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SPIVEY was incarcerated following his arrests and/or arraignments to await bond hearings and/or trial if he could not post his monetary bond and therefore was seized in violation of his Fourth Amendment Rights.

WHEREFORE, Mr. SPIVEY requests judgment against Defendants, the SPIVEY ARRESTING OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SIXTEEN

Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

303. Plaintiff realleges Paragraphs 1 through 127 and 152 through 157, as if fully set forth herein.

304. The conduct of the LOWERY OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. LOWERY approximately seven times in five years, was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause. Moreover, each of these stop-and-frisks, searches, seizures, and/or arrests were performed on the basis of race and/or national origin.

305. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. LOWERY in light of clearly established law and information possessed by Defendant officers at the time of the stop-and-frisks and/or arrests.

306. As a direct and proximate result of such acts, the LOWERY OFFICERS, deprived Mr. LOWERY of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

307. As a direct and proximate result of referenced constitutional abuses, Mr. LOWERY has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

308. The acts of the LOWERY OFFICERS were intentional, deliberate, wanton, malicious, reckless, grossly negligent and oppressive, thus entitling Mr. LOWERY to an award of punitive damages.

WHEREFORE, Plaintiff, Mr. LOWERY, requests judgment against Defendants, the LOWERY OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SEVENTEEN

Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

309. Plaintiff realleges Paragraphs 1 through 127 and 152 through 157, as if fully set forth herein.

310. The LOWERY OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. LOWERY without reasonable articulable suspicion and/or probable cause and, instead, based solely on his race and/or national origin.

311. There is direct, circumstantial, and/or statistical evidence that Mr. LOWERY was, and continues to be, a target of racial profiling by the LOWERY OFFICERS in this action.

312. As a result, MGPD's policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and arresting Mr. LOWERY without reasonable articulable suspicion and/or probable cause, the LOWERY OFFICERS intentionally discriminated against a member of a protected class.

313. As a direct and proximate result of such acts, the LOWERY OFFICERS deprived Mr. LOWERY of his constitutionally protected rights under the Fourteenth Amendment.

314. As a direct and proximate result of the referenced constitutional abuses, Mr. LOWERY has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

315. The acts of the LOWERY OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. LOWERY to an award of punitive damages.

WHEREFORE, Plaintiff, Mr. LOWERY, requests judgment against Defendants, the LOWERY OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT EIGHTEEN

Individual Claim of Mr. LOWERY, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

316. Plaintiff realleges Paragraphs 1 through 127 and 152 through 157, as if fully set forth herein.

317. Mr. LOWERY was arrested a total of five times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. LOWERY was commenced.

318. The LOWERY ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. LOWERY at least once out of the five times.

319. The termination all original proceedings against Mr. LOWERY constituted a bona fide termination of that proceeding in favor of Mr. LOWERY. Specifically, all five of the

instances, either the State Attorney's Office took "no action" or the Court dismissed the case against Mr. LOWERY finding the arrests were made without probable cause.

320. The LOWERY ARRESTING OFFICERS operated with malice in arresting Mr. LOWERY five times without probable cause. In all instances, the LOWERY ARRESTING OFFICERS knew they lacked probable cause and/or arguable probable cause to arrest Mr. LOWERY but, notwithstanding this knowledge, proceeded to arrest him each time.

321. Mr. LOWERY suffered, and continues to suffer damages, as a result of the original proceedings. Mr. LOWERY was incarcerated following his arrests and/or arraignments to await bond hearings and/or trial if he could not post his monetary bond and therefore was seized in violation of his Fourth Amendment Rights.

WHEREFORE, Mr. LOWERY requests judgment against Defendants, the LOWERY ARRESTING OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT NINETEEN

Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

322. Plaintiff realleges paragraphs 1 through 127 and 158 through 163, as if fully set forth herein.

323. The conduct of Defendants, the HALL, JR. OFFICERS in stopping-and-frisking, searching, seizing, and/or arresting Mr. HALL, JR. approximately 13 times, was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause.

Moreover, each of these stop-and-frisks, searches, seizures, and/or arrests were performed on the basis of race and/or national origin.

324. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. HALL, JR. in light of clearly established law and information possessed by Defendant officers at the time of the stop-and-frisks and/or arrests.

325. As a direct and proximate result of such acts, Defendants, the HALL, JR. OFFICERS, deprived Mr. HALL, JR. of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

326. As a direct and proximate result of referenced constitutional abuses, Mr. HALL, JR. has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

327. The acts of Defendants, the HALL, JR. OFFICERS, were intentional, deliberate, wanton, malicious, reckless, grossly negligent, and oppressive, thus entitling Mr. HALL, JR. to an award of punitive damages.

WHEREFORE, Plaintiff Mr. HALL, JR. requests judgment against Defendants, the HALL JR. OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY

Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

328. Plaintiff realleges paragraphs 1 through 127 and 158 through 163, as if fully set forth herein.

329. Defendants have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. HALL, JR. without reasonable articulable suspicion and/or probable cause and, instead, based solely on his race and/or national origin.

330. There is direct, circumstantial, and/or statistical evidence that Mr. HALL, JR. was, and continues to be, a target of racial profiling by Defendants in this action.

331. As a result of MGPD's policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and arresting Mr. HALL, JR. without reasonable articulable suspicion and/or probable cause, the HALL JR. OFFICERS intentionally discriminated against a member of a protected class.

332. As a direct and proximate result of such acts, the HALL JR. OFFICERS deprived Mr. HALL JR. of his constitutionally protected rights under the Fourteenth Amendment.

333. As a direct and proximate result of the referenced constitutional abuses, Mr. HALL JR. has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

334. The acts of the HALL JR. OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. HALL JR. to an award of punitive damages.

WHEREFORE, Plaintiff, Mr. HALL, JR., requests judgment against Defendants, the HALL JR. OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-ONE

Individual Claim of Mr. HALL, Jr., Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

335. Plaintiff realleges paragraphs 1 through 127 and 158 through 163, as if fully set forth herein.

336. Mr. HALL, JR. was arrested a total of fourteen times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. HALL, JR. was commenced.

337. The HALL JR. ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. HALL, JR. at least once out of the fourteen times.

338. The termination all original proceedings against Mr. HALL, JR. constituted a bona fide termination of that proceeding in favor of Mr. HALL, JR. Specifically, in all fourteen instances either the State Attorney's Office took "no action" or the Court dismissed the case against Mr. HALL, JR. finding the arrests were made without probable cause.

339. The HALL JR. ARRESTING OFFICERS operated with malice in arresting Mr. HALL, JR. fourteen times without probable cause. In all instance, the HALL JR. ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. HALL, JR. but, notwithstanding this knowledge, proceeded to arrest him each time.

340. Mr. HALL, JR. suffered, and continues to suffer damages, as a result of the original proceedings. Mr. HALL, JR. was incarcerated following his arrests and/or

arraignments to await bond hearings and/or trial if he could not post his monetary bond and therefore seized in violation of his Fourth Amendment Rights.

WHEREFORE, Plaintiff, Mr. HALL, JR. requests judgment against Defendants, the HALL JR. ARRESTING OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-TWO

Individual Claim of Mr. PICART, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

341. Plaintiff, MR. PICART, realleges paragraphs 1 through 127 and 164 through 171, as if fully set forth herein.

342. The conduct of Defendants, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. PICART was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause. Moreover, the stop-and-frisk, search, seizure, and/or arrests was performed on the basis of race and/or national origin.

343. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. PICART in light of clearly established law and information possessed by DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS at the time of the stop-and-frisks and/or arrests.

344. As a direct and proximate result of such acts, Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS, deprived Mr. HALL, JR. of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

345. As a direct and proximate result of referenced constitutional abuses, Mr. PICART has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

346. The acts of Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, grossly negligent, and oppressive, thus entitling Mr. HALL, JR. to an award of punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-THREE

Individual Claim of Mr. PICART, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

347. Plaintiff realleges paragraphs 1 through 127 and 164 through 171 as if fully set forth herein.

348. DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. PICART without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

349. There is direct, circumstantial, and/or statistical evidence that Mr. SAMPSON was, and continues to be, a target of racial profiling by the DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS in this action.

350. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. PICART without reasonable articulable suspicion and/or probable cause DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

351. As a direct and proximate result of such acts, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS deprived Mr. PICART of his constitutionally protected rights under the Fourteenth Amendment.

352. As a direct and proximate result of the referenced constitutional abuses, Mr. PICART has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

353. The acts of the DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. PICART to an award of punitive damages.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-FOUR

Individual Claim of Mr. PICART, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

354. Plaintiff, MR. PICART, realleges paragraphs 1 through 127 and 164 through 171, as if fully set forth herein.

355. The unlawful arrest which took place on December 21, 2012 resulted in the commencement of an original judicial proceeding against Mr. PICART.

356. DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS were all the legal cause of the original proceedings against MR. PICART.

357. The termination of the original proceeding against Mr. PICART constituted a bona fide termination of that proceeding in favor of Mr. PICART. Specifically, the State Attorney's Office took "no action" against Mr. PICART finding the arrest was made without probable cause.

358. Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS, operated with malice in arresting Mr. PICART without probable cause. DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOE OFFICERS knew they lacked probable cause to arrest Mr. PICART but, notwithstanding this knowledge, proceeded to arrest him each time.

359. Mr. PICART suffered, and continues to suffer damages, as a result of the original proceedings. Mr. PICART was incarcerated and eventually had to seek legal counsel to prevent him from being charged with the crimes improperly begun and facilitated against him by DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS.

WHEREFORE, Mr. PICART requests judgment against Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-FIVE

Individual Claim of Mr. PICART, Pursuant to 42 U.S.C. § 1983, for Excessive Use of Force in Violation of the Fourth Amendment

360. Plaintiff, MR. PICART, realleges paragraphs 1 through 127 and 164 through 171, as if fully set forth herein.

361. On December 21, 2012, Mr. PICART was working at the QUICKSTOP during his normal shift. Mr. PICART was not engaged in any criminal activity.

362. Mr. PICART entered the QUICKSTOP and attempted to use his cellular phone to call the owner, Mr. SALEH. At that point, DUNASKE followed him behind the store counter, forcefully grabbed him by the arm, and escorted him out of the premises.

363. Mr. PICART did not actively resist arrest or attempt to evade arrest by fighting. Notwithstanding Mr. PICART's cooperation, he was unlawfully searched, without consent or reasonable articulable suspicion, violently thrown to the ground, and placed under arrest.

364. Mr. PICART did not pose any immediate threat to the safety of the officers or others.

365. The use of force was unreasonable under the circumstances resulting in multiple injuries to Mr. PICART and violation of his rights under the Fourth Amendment.

WHEREFORE, Plaintiff requests judgment against Defendants, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-SIX

Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

366. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 127 and 483 through 490, as if fully set forth herein.

367. The conduct of Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. SMITH on February 7, 2013 , was performed under color of law and without reasonable articulable suspicion and/or arguable probable. Moreover, the stop-and-frisk, search, seizure, and/or arrest were performed on the basis of race and/or national origin.

368. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. SMITH in light of clearly established law and the information possessed by Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS, at the time of the incidents.

369. As a direct and proximate result of such acts, Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and

UNIDENTIFIED JOHN DOE OFFICERS, deprived Mr. SMITH of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

370. As a direct and proximate result of the referenced constitutional abuses, Mr. SMITH has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

371. The acts of Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS, were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SMITH to an award of punitive damages.

WHEREFORE, Mr. SMITH requests judgment against Defendants, RUIZ, TAMAYO and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-SEVEN

Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

372. Plaintiff realleges paragraphs 1 through 127 and 172 through 179 as if fully set forth herein.

373. RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. SMITH without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

374. There is direct, circumstantial, and/or statistical evidence that Mr. SMITH was, and continues to be, a target of racial profiling by RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS in this action.

375. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. SMITH without reasonable articulable suspicion and/or probable cause RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

376. As a direct and proximate result of such acts, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS deprived Mr. SMITH of his constitutionally protected rights under the Fourteenth Amendment.

377. As a direct and proximate result of the referenced constitutional abuses, Mr. SMITH has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

378. The acts of RUIZ, TAMAYO, and UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SMITH to an award of punitive damages.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and

UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-EIGHT

**Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution
in Violation of the Fourth Amendment**

379. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 127 and 172 through 179, as if fully set forth herein.

380. The unlawful arrest which took place on February 7, 2013 resulted in the commencement of an original judicial proceeding against Mr. SMITH.

381. RUIZ, TAMAYO and/or UNIDENTIFIED JOHN DOES were all the legal cause of the original proceeding against MR. SMITH.

382. The termination of the original proceeding against Mr. SMITH constituted a bona fide termination of that proceeding in favor of Mr. SMITH. Specifically, the Court dismissed the charges, finding the arrest was made without probable cause.

383. RUIZ, TAMAYO and UNIDENTIFIED JOHN DOE OFFICERS operated with malice in arresting Mr. SMITH without probable cause. Defendants RUIZ, TAMAYO, and UNIDENTIFIED JOHN DOE OFFICERS, knew they lacked probable cause to arrest Mr. SMITH but, notwithstanding this knowledge, proceeded to nevertheless arrest him.

384. Mr. SMITH suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SMITH was arrested, to await bond hearings and/or arraignment and was therefore seized in violation of his Fourth Amendment Rights.

WHEREFORE, Mr. SMITH requests judgment against Defendants, RUIZ, TAMAYO, and UNIDENTIFIED JOHN DOE OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT TWENTY-NINE

Individual Claim of Mr. SMITH, Pursuant to 42 U.S.C. § 1983, for Excessive Use of Force in Violation of the Fourth Amendment

385. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 127 and 172 through 179, as if fully set forth herein.

386. On February 7, 2013, Mr. SMITH was unlawfully stopped-and-frisked, searched, seized, and arrested without reasonable suspicion or arguable probable cause within the CITY and by RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS.

387. The incident with RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS resulted in an excessive use of force.

388. Mr. SMITH was on the QUICKSTOP property drinking an alcoholic beverage. He was approached by RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS who asked for his identification and poured out the contents of the beverage. Simultaneously, RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS performed a full search of Mr. SMITH'S person without consent and without reasonable articulable suspicion or probable cause.

389. After the unlawful search, Mr. SMITH was released at which time he attempted to walk into the QUICKSTOP to purchase water. RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS instructed him not to enter the QUICKSTOP – which was open to the

public at the time. RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS again requested Mr. SMITH's identification and when he asked "why?" he was thrown, head-first, into a steel door, handcuffed, picked up, and thrown against the police car.

390. After several minutes of physical detainment, he was released and issued a Promise to Appear for possession of an open container. Subsequent to the arrest, RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS failed to complete a Use of Force Report as required by MGPD policy and Florida law.

391. The use of force was unreasonable under the circumstances resulting in multiple injuries to Mr. SMITH and violation of his rights under the Fourth Amendment.

WHEREFORE, Mr. SMITH requests judgment against Defendants, CITY, MAYOR GILBERT, MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOE OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY

Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

392. Plaintiff, MR. CRANE, realleges paragraphs 1 through 127 and 180 through 183, as if fully set forth herein.

393. The conduct of Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, in stopping-and-frisking, searching, seizing, and/or arresting Mr. CRANE on November 23, 2012, was performed under color of law and without

reasonable articulable suspicion and/or arguable probable cause. Moreover, the stop-and-frisk, search, seizure, and/or arrest were performed on the basis of race and/or national origin.

394. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. CRANE in light of clearly established law and the information possessed by Defendant officers at the time of the incidents.

395. As a direct and proximate result of such acts, Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, deprived Mr. CRANE of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

396. As a direct and proximate result of the referenced constitutional abuses, Mr. CRANE has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

397. The acts of Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. CRANE to an award of punitive damages.

WHEREFORE, Mr. CRANE requests judgment against Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-ONE

Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

398. Plaintiff realleges paragraphs 1 through 127 and 180 through 183 as if fully set forth herein.

399. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. CRANE without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

400. There is direct, circumstantial, and/or statistical evidence that Mr. CRANE was, and continues to be, a target of racial profiling by DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS in this action.

401. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. CRANE without reasonable articulable suspicion and/or probable cause DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

402. As a direct and proximate result of such acts, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS deprived Mr. CRANE of his constitutionally protected rights under the Fourteenth Amendment.

403. As a direct and proximate result of the referenced constitutional abuses, Mr. SAMPSON has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

404. The acts of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. CRANE to an award of punitive damages.

WHEREFORE, Mr. CRANE requests judgment against Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-TWO

Individual Claim of Mr. CRANE, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

405. Plaintiff, MR. CRANE, realleges paragraphs 1 through 127 and 180 through 183, as if fully set forth herein.

406. The unlawful arrest which took place on November 23, 2012 resulted in the commencement of an original judicial proceeding against Mr. CRANE.

407. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, were all the legal cause of the original proceeding against MR. CRANE.

408. The termination of the original proceeding against Mr. CRANE constituted a bona fide termination of that proceeding in favor of Mr. CRANE. Specifically, the State Attorney's Office took "no action" against Mr. CRANE.

409. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, operated with malice in arresting Mr. CRANE without probable cause. Defendants

knew they lacked probable cause to arrest Mr. CRANE but, notwithstanding this knowledge, proceeded to nevertheless arrest him.

410. Mr. CRANE suffered, and continues to suffer damages, as a result of the original proceedings. Mr. CRANE was incarcerated prior to his arraignment to await trial and therefore seized in violation of his Fourth Amendment Rights.

WHEREFORE, Mr. CRANE requests judgment against Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-THREE

Individual Claim of Mr. MONTALE, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

411. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 127 and 184 through 188, as if fully set forth herein.

412. The conduct of Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS in stopping-and-frisking, searching, seizing, and/or arresting Mr. MONTALE on August 13, 2012, was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause. Moreover, the stop-and-frisks, search, seizure, and/or arrest were performed on the basis of race and/or national origin.

413. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to search Mr. MONTALE in light of clearly established law and the information possessed by Defendant officers at the time of the incidents.

414. As a direct and proximate result of such acts, Defendants GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, deprived Mr. MONTALE of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

415. As a direct and proximate result of the referenced constitutional abuses, Mr. MONTALE has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

416. The acts of Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, were intentional, deliberate, wanton, malicious, reckless, grossly negligent, and oppressive, thus entitling Mr. MONTALE to an award of punitive damages.

WHEREFORE, Mr. MONTALE requests judgment against Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-FOUR

Individual Claim of Mr. MONTALE, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

417. Plaintiff realleges paragraphs 1 through 127 and 184 through 188, as if fully set forth herein.

418. GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. MONTALE without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

419. There is direct, circumstantial, and/or statistical evidence that Mr. MONTALE was, and continues to be, a target of racial profiling by GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS in this action.

420. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. MONTALE without reasonable articulable suspicion and/or probable cause GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

421. As a direct and proximate result of such acts, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS deprived Mr. MONTALE of his constitutionally protected rights under the Fourteenth Amendment.

422. As a direct and proximate result of the referenced constitutional abuses, Mr. MONTALE has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

423. The acts of GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. MONTALE to an award of punitive damages.

WHEREFORE, Mr. MONTALE requests judgment against Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-FIVE

Individual Claim of Mr. DEAN, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

424. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 189 through 194, as if fully set forth herein.

425. The conduct of Defendant, MALONE, in stopping-and-frisking, searching, seizing, Mr. DEAN on July 13, 2012, was performed under color of law and without reasonable articulable suspicion. Moreover, the stop-and-frisk, search, and/or seizure was performed on the basis of race and/or national origin.

426. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk or seize and search Mr. DEAN in light of clearly established law and the information possessed by MALONE, at the time of the incidents.

427. As a direct and proximate result of such acts, Defendant, MALONE deprived Mr. DEAN of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

428. As a direct and proximate result of the referenced constitutional abuses, Mr. DEAN has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

429. The acts of Defendant, MALONE, were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. DEAN to an award of punitive damages.

WHEREFORE, Mr. DEAN requests judgment against Defendants, MALONE, AND UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-SIX

Individual Claim of Mr. DEAN, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

430. Plaintiff realleges paragraphs 1 through 127 and 189 through 194, as if fully set forth herein.

431. MAJOR ANTHONY CHAPMAN, MALONE, AND UNIDENTIFIED JOHN DOE OFFICERS have implemented and enforced a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and/or arresting Mr. DEAN without reasonable articulable suspicion and/or arguable probable cause and, instead, based solely on his race and/or national origin.

432. There is direct, circumstantial, and/or statistical evidence that Mr. DEAN was, and continues to be, a target of racial profiling by MAJOR ANTHONY CHAPMAN, MALONE, AND UNIDENTIFIED JOHN DOE OFFICERS in this action.

433. As a result of MGPD's policy, practice, and/or custom (specifically, the Racial Targeting Policy) of stopping-and-frisking, searching, seizing, and arresting Mr. DEAN without reasonable articulable suspicion and/or probable cause MAJOR ANTHONY CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

434. As a direct and proximate result of such acts, MAJOR ANTHONY CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS deprived Mr. DEAN of his constitutionally protected rights under the Fourteenth Amendment.

435. As a direct and proximate result of the referenced constitutional abuses, Mr. DEAN has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

436. The acts of MAJOR ANTHONY CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SAMPSON to an award of punitive damages.

WHEREFORE, Mr. DEAN requests judgment against Defendants, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT THIRTY-SEVEN

Individual Claim of Mr. SALEH, Pursuant to 42 U.S.C § 1983, for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures

437. Plaintiff, Mr. SALEH, realleges paragraphs 1 through 127 and 195 through 201, as if fully set forth herein.

438. The conduct of the SALEH OFFICERS in searching the QUICKSTOP owned by Mr. SALEH, or his patrons walking in and out of the QUICKSTOP was performed under color of law and without reasonable articulable suspicion and/or arguable probable cause.

439. A reasonable officer would not have believed there was reasonable suspicion or probable cause to search the QUICKSTOP in light of clearly established law and information possessed by the SALEH OFFICERS at the time of the searches.

440. As a direct and proximate result of such acts, the SALEH OFFICERS deprived Mr. SALEH of his Fourth Amendment rights in violation of 42 U.S.C. § 1983.

441. As a direct and proximate result of referenced constitutional abuses, Mr. SALEH has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

The acts of Defendants, the SALEH OFFICERS, were intentional, deliberate, wanton, malicious, reckless, and oppressive, thus entitling Mr. SALEH to an award of punitive damages.

WHEREFORE, Mr. SALEH requests judgment against Defendants, the SALEH OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

STATE LAW CLAIMS

COUNT THIRTY-EIGHT

Individual State Law Claim of Mr. SAMPSON for Civil Battery

442. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 4 and 6 through 136, as if fully set forth herein.

443. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, set forth above.

444. The conduct of the SAMPSON OFFICERS, in illegally searching and arresting Mr. SAMPSON, was intended to cause a harmful or offensive contact with the person of Mr. SAMPSON.

445. The conduct of the SAMPSON OFFICERS was committed within the course and scope of their employment with MGPD.

446. The CITY is responsible for the batteries committed by the SAMPSON OFFICERS upon the person of Mr. SAMPSON, in that the civil batteries were intentional, and were committed within the course and scope of the SAMPSON OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

447. In the alternative, the conduct of the SAMPSON OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. SAMPSON.

448. As a direct and proximate result of the batteries detailed above, Mr. SAMPSON suffered bodily injury which resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SAMPSON will suffer such losses in the future.

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against the SAMPSON OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT THIRTY-NINE

Individual State Law Claim of Mr. SAMPSON for False Arrest

449. Plaintiff, Mr. SAMPSON realleges Paragraphs 1 through 4 and 6 through 136, as if fully set forth herein.

450. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

451. The conduct of the SAMPSON ARRESTING OFFICERS was intentional and was committed within the course and scope of their employment with MGPD.

452. Mr. SAMPSON was unlawfully detained and deprived of his liberty against his will when the SAMPSON ARRESTING OFFICERS arrested him sixty-three times without legal authority.

453. The conduct of the SAMPSON ARRESTING OFFICERS resulted in repeated false arrests of Mr. SAMPSON, as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

454. The CITY is responsible for the false arrests of Mr. SAMPSON in that the false arrests were intentional and were committed within the course and scope of the SAMPSON ARRESTING OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

455. In the alternative, the conduct of the SAMPSON ARRESTING OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

456. As a direct and proximate result of the false arrests detailed above, Mr. SAMPSON suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SAMPSON will suffer such losses in the future.

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against

Defendants, the SAMPSON ARRESTING OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY

**Individual State Law Claim of Mr. SAMPSON for Intentional
Infliction of Emotional Distress**

457. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 4 and 6 through 136, as if fully set forth herein.

458. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, set forth above.

459. The conduct of the SAMPSON OFFICERS, in stopping, searching, seizing, and/or arresting Mr. SAMPSON countless times without reasonable articulable suspicion and/or probable cause, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

460. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

461. The conduct caused, and continues to cause, severe emotional distress. Mr. SAMPSON is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

462. The intentional infliction of emotional distress was intentional, and was committed within the course and scope of the SAMPSON OFFICERS' employment with MGPD.

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages and punitive damages against Defendants, the SAMPSON OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-ONE

Individual State Law Claim of Mr. SAMPSON for Malicious Prosecution

463. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 4 and 6 through 136, as if fully set forth herein.

464. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

465. Mr. SAMPSON was arrested a total of sixty-three times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. SAMPSON was commenced.

466. Defendants, SAMPSON ARRESTING OFFICERS, were each the legal cause of the original proceedings against Mr. SAMPSON at least once out of the sixty-three times.

467. The termination of the original proceedings against Mr. SAMPSON constituted a bona fide termination of that proceeding in favor of Mr. SAMPSON. Specifically, in thirty of the instances, the State Attorney's Office took "no action" against Mr. SAMPSON or the Court dismissed the charges.

468. And of the remaining twenty-seven convictions, they are currently subject of a pending motion to vacate all the convictions on the basis of newly discovered exculpatory evidence of actual innocence.

469. In summary, fifty-seven original proceedings commenced by the SAMPSON ARRESTING OFFICERS were commenced absent probable cause.

470. The SAMPSON ARRESTING OFFICERS operated with malice in arresting Mr. SAMPSON fifty-seven times – twenty-seven arrests while he was working or at his place of employment – without probable cause. In every instance, the SAMPSON ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. SAMPSON but, notwithstanding this knowledge, proceeded to arrest him anyway.

471. Mr. SAMPSON suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SAMPSON was incarcerated following his arrests and/or arraignments to await bond hearings and/or trial if he could not post his monetary bond.

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages and punitive damages against Defendants, the SAMPSON ARRESTING OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-TWO

Individual State Law Claim of Ms. DANIELS for Civil Battery

472. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 4 and 6 through 127 and 137 through 145 as if fully set forth herein.

473. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

474. The conduct of the DANIELS OFFICERS in illegally searching and arresting Ms. DANIELS was intentional and intended to cause a harmful or offensive contact with the person of Ms. DANIELS.

475. The conduct of the DANIELS OFFICERS was committed within the course and scope of their employment with MGPD.

476. Defendants, the CITY, is responsible for the batteries committed by the DANIELS OFFICERS upon the person of Ms. DANIELS, in that the civil batteries were intentional and were committed within the course and scope of the DANIELS OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

477. In the alternative, the conduct of the DANIELS OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Ms. DANIELS.

478. As a direct and proximate result of the batteries alleged above, Ms. DANIELS suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Ms. DANIELS will suffer such losses in the future.

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against the

DANIELS OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-THREE

Individual State Law Claim of Ms. DANIELS for False Arrest

479. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 4 and 6 through 127 and 137 through 145 as if fully set forth herein.

480. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

481. The conduct of the DANIELS ARRESTING OFFICERS was intentional and was committed within the course and scope of their employment with MGPD.

482. Ms. DANIELS was unlawfully detained and deprived of her liberty against her will when the DANIELS ARRESTING OFFICERS arrested her thirty-three times without legal authority.

483. The conduct of the DANIELS ARRESTING OFFICERS constituted repeated false arrests of Ms. DANIELS, as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

484. The CITY is responsible for the false arrests of Ms. DANIELS in that the false arrests were intentional and were committed within the course and scope of the DANIELS ARRESTING OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

485. In the alternative, the conduct of the DANIELS ARRESTING OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

486. As a direct and proximate result of the false arrests detailed above, Ms. DANIELS suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Ms. DANIELS will suffer such losses in the future.

WHEREFORE, Ms. DANIELS respectfully requests compensatory damage against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the DANIELS ARRESTING OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-FOUR

Individual State Law Claim of Ms. DANIELS for Intentional Infliction of Emotional Distress

487. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 4 and 6 through 127 and 137 through 145 as if fully set forth herein.

488. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

489. The conduct of the DANIELS OFFICERS in stopping, searching, seizing, and/or arresting Ms. DANIELS over 180 times, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

490. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

491. The infliction of the intentional emotional distress was intentional, willful, wanton, and malicious and was committed within the course and scope of the DANIELS ARRESTING OFFICERS' employment with MGPD.

492. The conduct caused, and continues to cause, severe emotional distress. Ms. DANIELS is afraid to walk around her own neighborhood, and afraid to enjoy her life as a CITY resident.

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages and punitive damages against Defendants, the DANIELS OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-FIVE

Individual State Law Claim of Ms. DANIELS for Malicious Prosecution

493. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 4 and 6 through 127 and 137 through 145 as if fully set forth herein.

494. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

495. Ms. DANIELS was arrested a total of fifty-five times from 2008 to 2013. In each instance, an original judicial proceeding against Ms. DANIELS was commenced.

496. The DANIELS ARRESTING OFFICERS were each the legal cause of the original proceedings against Ms. DANIELS at least once out of the fifty-five times.

497. The termination of twenty-three original proceedings against Ms. DANIELS constituted a bona fide termination of that proceeding in favor of Ms. DANIELS. Specifically, in twenty-three of the instances, either the State Attorney's Office took "no action" against Ms. DANIELS or the Court dismissed the charges, finding the arrests were made without probable cause.

498. The DANIELS ARRESTING OFFICERS operated with malice in arresting Ms. DANIELS twenty-three times without probable cause. In every instance, the DANIELS ARRESTING OFFICERS knew they lacked probable cause and or arguable probable cause to arrest Ms. DANIELS but, notwithstanding this knowledge, proceeded to arrest her anyway.

499. The malicious prosecution was intentional, willful, wanton, and malicious and was committed within the course and scope of the DANIELS ARRESTING OFFICERS' employment with MGPD.

500. Ms. DANIELS suffered, and continues to suffer damages, as a result of the original proceedings. Ms. DANIELS was incarcerated following her arrests or arraignments to await bond hearings and/or trial if she could not post her monetary bond.

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages and punitive damages against Defendants, the DANIELS OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-SIX

Individual State Law Claim of Mr. SPIVEY for Civil Battery

501. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 146 through 151, as if fully set forth herein.

502. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

503. The conduct of the SPIVEY OFFICERS in illegally searching and arresting Mr. SPIVEY was intentional and intended to cause a harmful or offensive contact with the person of Mr. SPIVEY.

504. The conduct of the SPIVEY OFFICERS was committed within the course and scope of their employment with MGPD.

505. Defendant, the CITY, is responsible for the batteries committed by the SPIVEY OFFICERS upon the person of Mr. SPIVEY, in that the civil batteries were intentional and were committed within the course and scope of the SPIVEY OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

506. In the alternative, the conduct of the SPIVEY OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. SPIVEY.

507. As a direct and proximate result of the batteries alleged above, Mr. SPIVEY suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SPIVEY will suffer such losses in the future.

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages against Defendant, CITY; or in the alternative, compensatory and punitive damages against the SPIVEY OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-SEVEN

Individual State Law Claim of Mr. SPIVEY for False Arrest

508. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 146 through 151, as if fully set forth herein.

509. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

510. Mr. SPIVEY was unlawfully detained and deprived of his liberty against his will when the SPIVEY ARRESTING OFFICERS arrested him six times without legal authority.

511. The conduct of the SPIVEY ARRESTING OFFICERS constituted repeated false arrests of Mr. SPIVEY, as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

512. The CITY is responsible for the false arrests of Mr. SPIVEY in that the false arrests were intentional and were committed within the course and scope of the SPIVEY ARRESTING OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

513. In the alternative, the conduct of the SPIVEY ARRESTING OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

514. As a direct and proximate result of the false arrests alleged above, Mr. SPIVEY suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life,

lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SPIVEY will suffer such losses in the future.

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the SPIVEY ARRESTING OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-EIGHT

**Individual State Law Claim of Mr. SPIVEY for Intentional
Infliction of Emotional Distress**

515. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 146 through 151, as if fully set forth herein.

516. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

517. The conduct of the SPIVEY OFFICERS in stopping, searching, seizing, and/or arresting Mr. SPIVEY at least 50 times, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

518. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

519. The infliction of the intentional emotional distress was intentional, willful, wanton, and malicious and was committed within the course and scope of the SPIVEY OFFICERS employment with MGPD.

520. The conduct caused, and continues to cause, severe emotional distress. Mr. Spivey is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages and punitive damages against Defendants, the SPIVEY ARRESTING OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FORTY-NINE

Individual State Law Claim of Mr. SPIVEY for Malicious Prosecution

521. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 146 through 151, as if fully set forth herein.

522. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

523. Mr. SPIVEY was arrested a total of fourteen times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. SPIVEY was commenced.

524. The SPIVEY ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. SPIVEY at least once out of the fourteen times.

525. The termination of the original proceedings against Mr. SPIVEY constituted a bona fide termination of that proceeding in favor of Mr. SPIVEY. Specifically, in six of the instances, the State Attorney's Office took "no action" against Mr. SPIVEY or the Court dismissed the charges, finding the arrests were made without probable cause.

526. The SPIVEY ARRESTING OFFICERS operated with malice in arresting Mr. SPIVEY six times without probable cause. In all instances, the SPIVEY ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. SPIVEY but, notwithstanding this knowledge, proceeded to arrest him each time.

527. The malicious prosecution was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of the SPIVEY ARRESTING OFFICERS' employment with MGPD.

528. Mr. SPIVEY suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SPIVEY was incarcerated following his arrests and/or arraignment to await bond hearings and/or trial if he could not post his monetary bond.

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages and punitive damages against Defendants, the SPIVEY ARRESTING OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY

Individual State Law Claim of Mr. LOWERY for Civil Battery

529. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 152 through 157, as if fully set forth herein.

530. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

531. The conduct of the LOWERY OFFICERS in illegally searching and arresting Mr. LOWERY was intentional and intended to cause a harmful or offensive contact with the person of Mr. LOWERY.

532. The conduct of the LOWERY OFFICERS was committed within the course and scope of their employment with MGPD.

533. Defendant, the CITY, is responsible for the batteries committed by the LOWERY OFFICERS upon the person of Mr. LOWERY, in that the civil batteries were intentional and were committed within the course and scope of the LOWERY OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

534. In the alternative, the conduct of the LOWERY OFFICERS, was intentional, malicious, wanton and willful, and to the detriment of the health, safety, and welfare of Mr. LOWERY.

535. As a direct and proximate result of the batteries alleged above, Mr. LOWERY suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. LOWERY will suffer such losses in the future.

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the LOWERY OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-ONE

Individual State Law Claim of Mr. LOWERY for False Arrest

536. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 152 through 157, as if fully set forth herein.

537. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

538. Mr. LOWERY was unlawfully detained and deprived of his liberty against his will when the LOWERY ARRESTING OFFICERS arrested him five times without legal authority.

539. The conduct of the LOWERY ARRESTING OFFICERS constituted repeated false arrests of Mr. LOWERY, as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

540. The CITY is responsible for the false arrests of Mr. LOWERY in that the false arrests were intentional and were committed within the course and scope of the LOWERY ARRESTING OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

541. In the alternative, the conduct of the LOWERY ARRESTING OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

542. As a direct and proximate result of the false arrests alleged above, Mr. LOWERY suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life,

lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. LOWERY will suffer such losses in the future.

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the LOWERY ARRESTING OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-TWO

**Individual State Law Claim of Mr. LOWERY for Intentional
Infliction of Emotional Distress**

543. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 152 through 157, as if fully set forth herein.

544. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

545. The conduct of the LOWERY OFFICERS in stopping, searching, seizing, and/or arresting Mr. LOWERY seven times, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

546. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

547. The intentional inflictions of emotional distress were intentional and were committed within the course and scope of the LOWERY OFFICERS' employment with MGPD.

548. The conduct caused, and continues to cause, severe emotional distress. Mr. LOWERY is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, the LOWERY OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-THREE

Individual State Law Claim of Mr. LOWERY for Malicious Prosecution

549. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 152 through 157, as if fully set forth herein.

550. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

551. Mr. LOWERY was arrested a total of five times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. LOWERY was commenced.

552. The LOWERY ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. LOWERY at least once out of the five times.

553. The termination of the original proceedings against Mr. LOWERY constituted a bona fide termination of that proceeding in favor of Mr. LOWERY. Specifically, all instances, either the State Attorney's Office took "no action" against Mr. LOWERY or the charges were dismissed by the Court, finding the arrests were made without probable cause.

554. The LOWERY ARRESTING OFFICERS operated with malice in arresting Mr. LOWERY five times without probable cause. In all instances, the LOWERY ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. LOWERY but, notwithstanding this knowledge, proceeded to arrest him each time.

555. Mr. LOWERY suffered, and continues to suffer damages, as a result of the original proceedings. Mr. LOWERY was incarcerated following his arraignments to await trial.

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, the LOWERY ARRESTING OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-FOUR

Individual State Law Claim of Mr. HALL, Jr. for Civil Battery

556. Plaintiff realleges paragraphs 1 through 4 and 6 through 127 and 158 through 163, as if fully set forth herein..

557. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

558. The conduct of the HALL, JR. OFFICERS in illegally searching and arresting Mr. HALL, JR. was intentional and intended to cause a harmful or offensive contact with the person of Mr. HALL, JR.

559. The conduct of the HALL, JR. OFFICERS was committed within the course and scope of their employment with MGPD.

560. Defendant, the CITY, is responsible for the batteries committed by the HALL, JR. OFFICERS upon the person of Mr. HALL, JR. in that the civil batteries were intentional and were committed within the course and scope of the HALL JR. OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

561. In the alternative, the conduct of the HALL, JR. OFFICERS was intentional, malicious, wanton and willful, and to the detriment of the health, safety, and welfare of Mr. HALL, JR.

562. As a direct and proximate result of the batteries alleged above, Mr. HALL, Jr. suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. HALL, JR. will suffer such losses in the future.

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the HALL, JR. OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-FIVE

Individual State Law Claim of Mr. HALL, Jr. for False Arrest

563. Plaintiff realleges paragraphs 1 through 4 and 6 through 127 and 158 through 163, as if fully set forth herein.

564. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

565. Mr. HALL, JR. was unlawfully detained and deprived of his liberty against his will when the HALL, JR. ARRESTING OFFICERS arrested him twelve times without legal authority.

566. The conduct of the HALL, JR. ARRESTING OFFICERS constituted repeated false arrests of Mr. HALL, JR., as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

567. The CITY is responsible for the false arrests of Mr. HALL, JR. in that the false arrests were intentional and were committed within the course and scope of the HALL, JR. ARRESTING OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

568. In the alternative, the conduct of the HALL, JR. ARRESTING OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

569. As a direct and proximate result of the false arrests alleged above, Mr. HALL, JR. suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. HALL, JR. will suffer such losses in the future.

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, the HALL, JR. ARRESTING OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-SIX

Individual State Law Claim of Mr. HALL, Jr. for Conversion

570. Plaintiff realleges paragraphs 1 through 4 and 6 through 127 and 158 through 163, as if fully set forth herein.

571. On November 15, 2013, Defendants DUNASKE and SANTIAGO and JOHN DOE OFFICERS 1-187, knowingly, wantonly, improperly, illicitly, and without authorization took a Taser belonging to Mr. Hall information with the intent to permanently deprive MR. HALL, JR. of his right to said property.

572. At the time, Defendants DUNASKE, SANTIAGO and UNIDENTIFIED JOHN DOE OFFICERS, who were acting under color of authority, were engaging in a pattern of illegal acts, which included, but were not limited to: false arrest, false imprisonment and unlawful search and seizure against and to the detriment of MR. HALL, JR.

573. The taking of MR. HALL, JR.'s property constituted conversion.

WHEREFORE Mr. HALL, JR. respectfully requests compensatory damages against Defendant, CITY, or in the alternative, compensatory and punitive damages against the Defendants, HALL, JR. ARRESTING OFFICERS, costs of this action against Defendants and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-SEVEN

**Individual State Law Claim of Mr. HALL, Jr. for Intentional
Infliction of Emotional Distress**

574. Plaintiff realleges paragraphs 1 through 4 and 6 through 127 and 158 through 163, as if fully set forth herein.

575. This is an action, under the common law of the State of Florida, for intentional

Infliction of emotional distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

576. The conduct of the HALL JR. OFFICERS in stopping, searching, seizing, and/or arresting Mr. HALL, JR. 13 times, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

577. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in civilized community.

578. The intentional inflictions of emotional distress were intentional and were committed within the course and scope of the HALL JR. OFFICERS' employment with MGPD.

579. The conduct caused, and continues to cause, severe emotional distress. Mr. HALL, JR., is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages and punitive damages against Defendants, the HALL, JR. OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-EIGHT

Individual State Law Claim of Mr. HALL, Jr. for Malicious Prosecution

580. Plaintiff realleges paragraphs 1 through 4 and 6 through 127 and 158 through 163, as if fully set forth herein.

581. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

582. Mr. HALL, JR. was arrested a total of fourteen times from 2008 to 2013. In each instance, an original judicial proceeding against Mr. HALL, JR. was commenced.

583. The HALL, JR. ARRESTING OFFICERS were each the legal cause of the original proceedings against Mr. HALL, JR. at least once out of the fourteen times.

584. The termination of the original proceedings against Mr. HALL, JR. constituted a bona fide termination of that proceeding in favor of Mr. HALL, JR. specifically, in all fourteen instances, either the State Attorney's Office took "no action" against Mr. HALL, JR. or the Court dismissed the charges, finding the arrests were made without probable cause.

585. The HALL, JR. ARRESTING OFFICERS operated with malice in arresting Mr. HALL, JR. twelve without probable cause. In all instance, the HALL JR. ARRESTING OFFICERS knew they lacked probable cause to arrest Mr. HALL, JR. but, notwithstanding this knowledge, proceeded to arrest him each time.

586. Mr. HALL, JR. suffered, and continues to suffer damages, as a result of the original proceedings. Mr. HALL, JR. was incarcerated following his arrests and/or arraignments to await bond hearings and/or trial if he could not post his monetary bond trial.

WHEREFORE, Mr. HALL, JR., respectfully requests compensatory damages and punitive damages against Defendants, the HALL JR. ARRESTING OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTY-NINE

Individual State Law Claim of Mr. PICART for Civil Battery

587. Plaintiff, MR. PICART, realleges paragraphs 1 through 4 and 6 through 127 and 164 through 171, as if fully set forth herein.

588. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claim arises from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

589. The conduct of DUNASKE, SANTIAGO, TRIMINO and UNIDENTIFIED JOHN DOE OFFICERS in illegally searching and arresting Mr. PICART was intentional and intended to cause a harmful or offensive contact with the person of Mr. PICART.

590. The conduct of DUNASKE, SANTIAGO, TRIMINO and UNIDENTIFIED JOHN DOE OFFICERS was committed within the course and scope of their employment with MGPD.

591. Defendant, the CITY, is responsible for the battery committed by DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS upon the person of Mr. PICART, in that the civil battery was intentional and was committed within the course and scope of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

592. In the alternative, the conduct of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS was intentional, malicious, wanton and willful, and to the detriment of the health, safety, and welfare of Mr. PICART.

593. As a direct and proximate result of the battery alleged above, Mr. PICART suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of

enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. PICART will suffer such losses in the future.

WHEREFORE, Mr. PICART respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY

Individual State Law Claim of Mr. PICART for False Arrest

594. Plaintiff, MR. PICART, realleges paragraphs 1 through 4 and 6 through 127 and 164 through 171, as if fully set forth herein.

595. This is an action, under the common law of the State of Florida, for false arrest. Such claim arises from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

596. Mr. PICART was unlawfully detained and deprived of his liberty against his will when DUNASKE, SANTIAGO, TRIMINO and UNIDENTIFIED JOHN DOE OFFICERS arrested him without legal authority.

597. The conduct of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS constituted a false arrest of Mr. PICART, as the arrest was made without probable cause or even arguable probable cause.

598. The CITY is responsible for the false arrest of Mr. PICART in that the false arrest was intentional and was committed within the course and scope of DUNASKE, SANTIAGO,

TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

599. In the alternative, the conduct of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

600. As a direct and proximate result of the false arrests alleged above, Mr. PICART suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. PICART will suffer such losses in the future.

WHEREFORE, Mr. PICART respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-ONE

Individual State Law Claim of Mr. PICART for Intentional Infliction of Emotional Distress

601. Plaintiff, MR. PICART, realleges paragraphs 1 through 4 and 6 through 127 and 164 through 171, as if fully set forth herein.

602. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claim arises from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

603. The conduct of DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS in stopping, searching, seizing, and/or arresting Mr. PICART, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

604. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

605. The intentional inflictions of emotional distress were intentional and were committed within the course and scope of DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD.

606. The conduct caused, and continues to cause, severe emotional distress. Mr. PICART is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. PICART respectfully requests compensatory damages and punitive damages against Defendants, DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-TWO

Individual State Law Claim of Mr. PICART for Malicious Prosecution

607. Plaintiff realleges Paragraphs 1 through 4 and 6 through 127 and 164 through 171, as if fully set forth herein.

608. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

609. The unlawful arrest which took place on December 21, 2012 resulted in the commencement of an original judicial proceeding against Mr. PICART.

610. DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS were all the legal cause of the original proceedings against MR. PICART.

611. The termination of the original proceeding against Mr. PICART constituted a bona fide termination of that proceeding in favor of Mr. PICART. Specifically, the State Attorney's Office took "no action" against Mr. PICART finding the arrest was made without probable cause.

612. Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS, operated with malice in arresting Mr. PICART without probable cause. DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOE OFFICERS knew they lacked probable cause to arrest Mr. PICART but, notwithstanding this knowledge, proceeded to arrest him each time.

613. Mr. PICART suffered, and continues to suffer damages, as a result of the original proceedings. Mr. PICART was incarcerated and eventually had to seek legal counsel to prevent him from being charged with the crimes improperly begun and facilitated against him by DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS.

614. The malicious prosecution was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of the SPIVEY ARRESTING OFFICERS' employment with MGPD.

WHEREFORE, Mr. PICART respectfully requests compensatory damages and punitive damages against Defendants, DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-THREE

Individual State Law Claim of Mr. SMITH for Civil Battery

615. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 4 and 6 through 127 and 172 through 179, as if fully set forth herein.

616. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claim arises from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

617. The conduct of RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS in illegally searching and arresting Mr. SMITH was intentional and intended to cause a harmful or offensive contact with the person of Mr. SMITH.

618. The conduct of RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS was committed within the course and scope of their employment with MGPD.

619. Defendant, the CITY, is responsible for the battery committed by RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS upon the person of Mr. SMITH, in that the civil battery was intentional and was committed within the course and scope of RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

620. In the alternative, the conduct of RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. SMITH.

621. As a direct and proximate result of the battery alleged above, Mr. SMITH suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SMITH will suffer such losses in the future.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages against Defendant, CITY; or in the alternative, compensatory and punitive damages against Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-FOUR

Individual State Law Claim of Mr. SMITH for False Arrest

622. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 4 and 6 through 127 and 172 through 179, as if fully set forth herein.

623. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

624. The conduct of RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES was intentional, and was committed within the course and scope of their employment with MGPD.

625. Mr. SMITH was unlawfully detained and deprived of his liberty against his will when RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES arrested him without legal authority.

626. The conduct of RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES constituted false arrest of Mr. SMITH, as the arrest was made without probable cause or even arguable probable cause.

627. The CITY is responsible for the false arrest of Mr. SMITH in that the false arrest was intentional, and was committed within the course and scope of RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

628. In the alternative, the conduct of RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

629. As a direct and proximate result of the false arrests alleged above, Mr. SMITH suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. SMITH will suffer such losses in the future.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-FIVE

**Individual State Law Claim of Mr. SMITH for Intentional
Infliction of Emotional Distress**

630. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 4 and 6 through 127 and 172 through 179, as if fully set forth herein.

631. This is an action, under the common law of the State of Florida, for intentional infliction of emotional distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

632. The conduct of RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS in stopping, searching, seizing, and/or arresting Mr. SMITH as well as using unjustified force upon him, was intentional or reckless and was committed within the course and scope of their employment with MGPD.

633. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

634. The conduct caused, and continues to cause, severe emotional distress. Mr. SMITH is afraid to walk around his own neighborhood, afraid to go to the store, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages and punitive damages against Defendants, RUIZ, TAMAYO, MALONE, BAMFORD, HARRIS, SANTIAGO, PINKNEY, ROVINELLI, and UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-SIX

Individual State Law Claim of Mr. SMITH for Malicious Prosecution

635. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 4 and 6 through 127 and 172 through 179, as if fully set forth herein.

636. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

637. The unlawful arrest which took place on February 7, 2013 resulted in the commencement of an original judicial proceeding against Mr. SMITH.

638. RUIZ, TAMAYO and/or UNIDENTIFIED JOHN DOES were all the legal cause of the original proceeding against MR. SMITH.

639. The termination of the original proceeding against Mr. SMITH constituted a bona fide termination of that proceeding in favor of Mr. SMITH. Specifically, the Court dismissed the charges, finding the arrest was made without probable cause.

640. RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES operated with malice in arresting Mr. SMITH without probable cause. Defendants knew they lacked probable cause to arrest Mr. SMITH but, notwithstanding this knowledge, proceeded to nevertheless arrest him.

641. Mr. SMITH suffered, and continues to suffer damages, as a result of the original proceedings. Mr. SMITH was incarcerated following his arrest and/or arraignments to await bond hearings and/or trial.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages and punitive damages against Defendants, RUIZ, TAMAYO, and/or UNIDENTIFIED JOHN DOES, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-SEVEN

Individual State Law Claim of Mr. CRANE for Civil Battery

642. Plaintiff, MR. CRANE, realleges paragraphs 1 through 4 and 6 through 127 and 180 through 183, as if fully set forth herein.

643. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

644. The conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, in illegally searching and arresting Mr. CRANE was intentional and intended to cause a harmful or offensive contact with the person of Mr. CRANE.

645. The conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, was committed within the course and scope of their employment with MGPD.

646. Defendant, the CITY, is responsible for the battery committed by DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, upon the person of Mr. CRANE, in that the civil battery was intentional and was committed within the course and scope of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, employment with MGPD, such that the doctrine of respondeat superior applies to this action.

647. In the alternative, the conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. Crane.

648. As a direct and proximate result of the battery alleged above, Mr. CRANE suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. CRANE will suffer such losses in the future.

WHEREFORE, Mr. CRANE respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-EIGHT

Individual State Law Claim of Mr. CRANE for False Arrest

649. Plaintiff, MR. CRANE, realleges paragraphs 1 through 4 and 6 through 127 and 180 through 183, as if fully set forth herein.

650. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

651. The conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, was intentional, and was committed within the course and scope of their employment with MGPD.

652. Mr. CRANE was unlawfully detained and deprived of his liberty against his will when DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, arrested him without legal authority.

653. The conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, constituted false arrest of Mr. CRANE, as the arrest was made without probable cause or even arguable probable cause.

654. The CITY is responsible for the false arrest of Mr. CRANE in that the false arrest was intentional, and was committed within the course and scope of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

655. In the alternative, the conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

656. As a direct and proximate result of the false arrests alleged above, Mr. CRANE suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. CRANE will suffer such losses in the future.

WHEREFORE, Mr. CRANE respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTY-NINE

**Individual State Law Claim of Mr. CRANE for Intentional
Infliction of Emotional Distress**

657. Plaintiff, Mr. CRANE, realleges paragraphs 1 through 4 and 6 through 127 and 180 through 183, as if fully set forth herein.

658. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

659. The conduct of DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, in stopping, searching, seizing, and/or arresting Mr. CRANE was intentional or reckless and was committed within the course and scope of their employment with MGPD.

660. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

661. The conduct caused, and continues to cause, severe emotional distress. Mr. CRANE is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. CRANE respectfully requests compensatory damages and punitive damages against Defendants, DUNASKE, TRIMINO, HARRIS, and UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY

Individual State Law Claim of Mr. CRANE for Malicious Prosecution

662. Plaintiff, MR. CRANE, realleges paragraphs 1 through 4 and 6 through 127 and 180 through 183, as if fully set forth herein.

663. This is an action, under the common law of the State of Florida, for malicious prosecution. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

664. Mr. CRANE was arrested a total of one time in 2012. In the instant case, an original judicial proceeding against Mr. CRANE was commenced.

665. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, were all the legal cause of the original proceedings against Mr. CRANE.

666. The termination of the original proceedings against Mr. CRANE constituted a bona fide termination of that proceeding in favor of Mr. CRANE. Specifically, the State Attorney's Office took "no action" or dismissed the case against Mr. CRANE finding the arrests were made without probable cause.

667. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, operated with malice in arresting Mr. CRANE without probable cause. DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS knew they lacked probable cause or arguable probable cause to arrest Mr. CRANE but, notwithstanding this knowledge, proceeded to nevertheless arrest him.

668. Mr. CRANE suffered, and continues to suffer damages, as a result of the original proceedings. Mr. CRANE was incarcerated following his arraignment to await trial.

WHEREFORE, Mr. CRANE respectfully requests compensatory damages and punitive damages against DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY-ONE

Individual State Law Claim of Mr. MONTALE for Civil Battery

669. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 4 and 6 through 127 and 184 through 188, as if fully set forth herein.

670. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

671. The conduct of GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS in illegally searching and arresting Mr. MONTALE was intentional, and intended to cause a harmful or offensive contact with the person of Mr. MONTALE.

672. The conduct of GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS was committed within the course and scope of their employment with MGPD.

673. Defendant, the CITY, is responsible for the battery committed by GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS upon the person of Mr. MONTALE, in that the civil battery was intentional and was committed within the course and scope of GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

674. In the alternative, the conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. MONTALE.

675. As a direct and proximate result of the battery alleged above, Mr. MONTALE suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. MONTALE will suffer such losses in the future.

WHEREFORE, Mr. MONTALE respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY-TWO

Individual State Law Claim of Mr. MONTALE for False Arrest

676. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 4 and 6 through 127 and 184 through 188, as if fully set forth herein.

677. This is an action, under the common law of the State of Florida, for false arrest. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

678. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS was intentional, and was committed within the course and scope of their employment with MGPD.

679. Mr. MONTALE was unlawfully detained and deprived of his liberty against his will when GREGORY, and JOHN DOE OFFICERS 1-187 arrested him without legal authority.

680. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS constituted false arrest of Mr. MONTALE, as the arrest was made without probable cause or even arguable probable cause.

681. The CITY is responsible for the false arrest of Mr. MONTALE in that the false arrest was intentional and was committed within the course and scope of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS EMPLOYMENT with MGPD, such that the doctrine of respondeat superior applies to this action.

682. In the alternative, the conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS was intentional, willful, wanton, and/or malicious, and was committed within the course and scope of their employment with MGPD.

683. As a direct and proximate result of the false arrest alleged above, Mr. MONTALE suffered bodily injury, pain and suffering, mental anguish, loss of capacity for enjoyment of life, lost wages, and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. MONTALE will suffer such losses in the future.

WHEREFORE, Mr. MONTALE respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY-THREE

**Individual State Law Claim of Mr. MONTALE for Intentional
Infliction of Emotional Distress**

684. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 4 and 6 through 127 and 184 through 188, as if fully set forth herein.

685. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

686. The conduct of GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS in stopping, searching, seizing, and/or arresting Mr. MONTALE was intentional or reckless and was committed within the course and scope of their employment with MGPD.

687. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

688. The conduct caused, and continues to cause, severe emotional distress. Mr. MONTALE is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a CITY resident.

WHEREFORE, Mr. MONTALE respectfully requests compensatory damages and punitive damages against Defendants, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY-FOUR

Individual State Law Claim of Mr. DEAN for Conversion

689. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 4 and 6 through 127 and 189 through 194, as if fully set forth herein.

690. On July 13, 2012, Defendant, MALONE, knowingly, wantonly, improperly, illicitly, and without authorization took Red Bull energy drinks belonging to MR. DEAN with the intent to permanently deprive MR. DEAN of his right to said property.

691. At the time, Defendant, MALONE, who was acting under color of authority, was engaging in a pattern of illegal acts, which included, but was not limited to: false arrest, false imprisonment, and unlawful search and seizure against and to the detriment of MR. DEAN.

WHEREFORE Mr. DEAN requests judgment against Defendant, the CITY, for compensatory damages; or in the alternative, judgment for compensatory and punitive damages against MALONE and UNIDENTIFIED JOHN DOE OFFICERS; reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SEVENTY-FIVE

Individual State Law Claim of Mr. DEAN for Civil Battery

692. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 4 and 6 through 127 and 189 through 194, as if fully set forth herein.

693. This is a cause of action, under the common law of the State of Florida, for civil battery. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

694. The conduct of MALONE in illegally searching and seizing Mr. DEAN was intentional and intended to cause a harmful or offensive contact with the person of Mr. DEAN.

695. The conduct of MALONE was committed within the course and scope of his employment with MGPD.

696. Defendant, the CITY, is responsible for the battery committed by MALONE upon the person of Mr. DEAN, in that the civil battery was intentional, and was committed within the course and scope of MALONE'S employment with MGPD, such that the doctrine of respondeat superior applies to this action.

697. In the alternative, the conduct of MALONE was intentional, malicious, wanton and willful, to the detriment of the health, safety, and welfare of Mr. DEAN.

698. As a direct and proximate result of the battery alleged above, Mr. DEAN suffered bodily injury and resulted in pain and suffering, mental anguish, loss of capacity of enjoyment of life, lost wages and loss of ability to earn money. These injuries and losses are permanent and continuing, and Mr. DEAN will suffer such losses in the future.

WHEREFORE, Mr. DEAN requests judgment against Defendant, the CITY, for compensatory damages; or in the alternative, judgment for compensatory and punitive damages against Defendants, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS; costs of this action, and trial by jury on all issues so triable as a matter of right.

COUNT SEVENTY-SIX

**Individual State Law Claim of Mr. DEAN for Intentional
Infliction of Emotional Distress**

699. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 4 and 6 through 127 and 189 through 194, as if fully set forth herein.

700. This is an action, under the common law of the State of Florida, for intentional infliction of emotion distress. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

701. The conduct of MALONE in stopping, searching, and seizing, Mr. DEAN was intentional or reckless and was committed within the course and scope of his employment with MGPD.

702. The conduct was outrageous — going beyond all bounds of decency and regarded as odious and utterly intolerable in a civilized community.

703. The conduct caused, and continues to cause, severe emotional distress. Mr. DEAN is afraid to walk around his own neighborhood, afraid to go to work, and afraid to enjoy his life as a former CITY resident.

WHEREFORE, Mr. DEAN respectfully requests compensatory damages and punitive damages against Defendants, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTY-SEVEN

**Individual State Law Claim of Mr. SALEH for Tortious
Interference with a Business Relationship**

704. Plaintiff, Mr. SALEH, realleges paragraphs 1 through 4 and 6 through 127 and 195 through 201, as if fully set forth herein.

705. This is an action, under the common law of the State of Florida, for tortious interference with a business relationship. Such claims arise from a common nucleus of operative facts as the violations of 42 U.S.C. § 1983, as set forth above.

706. The conduct of the SALEH OFFICERS, in stopping, searching, seizing, and/or arresting actual patrons of the QUICKSTOP, without reasonable articulable suspicion and/or probable cause, both inside store and in its parking lot, was intentional and unjustified and was committed within the course and scope of their employment with MGPD.

707. As a direct and proximate result of the tortious interference with a business relationship detailed above, Mr. SALEH has suffered financial harm to the profitability of his business. These injuries and losses are permanent and continuing, and Mr. SALEH will suffer such losses in the future.

708. The CITY is responsible for the tortious interference with a business relationship committed by the SALEH OFFICERS upon the business of Mr. SALEH, in that the interference was intentional and was committed within the course and scope of the OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

WHEREFORE, Mr. SALEH respectfully requests compensatory damages against Defendant, the CITY; or in the alternative, compensatory and punitive damages against

Defendants, the SALEH OFFICERS; costs of this action and a trial by jury on all issues triable as a matter of right.

Dated: February 6, 2014.

Respectfully Submitted:

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/s/Stephan Lopez

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 6, 2014, I will electronically file the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on February 6, 2014, on all counsel identified on the attached Service List, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

/s/Stephan Lopez
STEPHAN LOPEZ, ESQ.

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