

**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.:

v.

THE CITY OF MIAMI GARDENS; OLIVER G. GILBERT, III; SHIRLEY GIBSON; DR. DANNY O. CREW; MATTHEW BOYD; PAUL 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;

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

JURISDICTION AND VENUE..... 7

PARTIES 8

GENERAL ALLEGATIONS 20

EARL SAMPSON 24

 Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures 27

 Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment 28

 Claim for Malicious Prosecution in Violation of the Fourth Amendment..... 29

 State Law Claim for Civil Battery..... 31

 State Law Claim for False Arrest..... 32

 State Law Claim for Intentional Infliction of Emotional Distress 34

 State Law Claim for Malicious Prosecution 35

TOREE DANIELS..... 36

 Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures 38

 Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment 40

 Claim for Malicious Prosecution in Violation of the Fourth Amendment..... 41

 State Law Claim for Civil Battery..... 42

 State Law Claim for False Arrest..... 44

 State Law Claim for Intentional Infliction of Emotional Distress 45

 State Law Claim for Malicious Prosecution 46

BRANDON SPIVEY..... 48

 Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures 49

 Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment 50

 Claim for Malicious Prosecution in Violation of the Fourth Amendment..... 52

 State Law Claim for Civil Battery..... 53

 State Law Claim for False Arrest..... 54

State Law Claim for Intentional Infliction of Emotional Distress	56
State Law Claim for Malicious Prosecution	57
ANTHONY LOWERY	58
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	60
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	61
Claim for Malicious Prosecution in Violation of the Fourth Amendment.....	62
State Law Claim for Civil Battery.....	64
State Law Claim for False Arrest.....	65
State Law Claim for Intentional Infliction of Emotional Distress	66
State Law Claim for Malicious Prosecution	68
FLOYD HALL, JR.	69
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	70
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	72
Claim for Malicious Prosecution in Violation of the Fourth Amendment.....	73
State Law Claim for Civil Battery.....	74
State Law Claim for False Arrest.....	76
State Law Claim for Civil Theft.....	77
State Law Claim for Intentional Infliction of Emotional Distress	78
State Law Claim for Malicious Prosecution	79
ROSS PICART	81
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	82
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	84
Claim for Malicious Prosecution in Violation of the Fourth Amendment.....	85
Claim for Excessive Use of Force in Violation of the Fourth Amendment.....	87
Claim for Second Excessive Use of Force in Violation of the Fourteenth Amendment	88
State Law Claim for Civil Battery.....	89

State Law Claim for False Arrest.....	91
State Law Claim for Intentional Infliction of Emotional Distress	92
State Law Claim for Malicious Prosecution	94
RODERICK DEWAYNE SMITH	95
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	97
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	99
Claim for Malicious Prosecution in Violation of the Fourth Amendment.....	101
Claim for Excessive Use of Force in Violation of the Fourth Amendment.....	102
State Law Claim for Civil Battery.....	104
State Law Claim for False Arrest.....	106
State Law Claim for Intentional Infliction of Emotional Distress	107
State Law Claim for Malicious Prosecution	108
KENNETH CRANE	110
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	111
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	112
Claim for Malicious Prosecution in Violation of the Fourth Amendment.....	114
State Law Claim for Civil Battery.....	115
State Law Claim for False Arrest.....	116
State Law Claim for Intentional Infliction of Emotional Distress	118
State Law Claim for Malicious Prosecution	119
YVENSONNE MONTALE.....	120
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	121
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	123
State Law Claim for Civil Battery.....	124
State Law Claim for False Arrest.....	126
State Law Claim for Intentional Infliction of Emotional Distress	127

OMAR DEAN	129
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	129
Claim for Violation of the Equal Protection Clause of the Fourteenth Amendment	131
State Law Claim for Civil Theft.....	132
State Law Claim for Civil Battery.....	133
State Law Claim for Intentional Infliction of Emotional Distress	134
ALI AMIN SALEH	136
Claim for Violation of the Fourth Amendment Right against Unreasonable Searches and Seizures	137
State Law Claim for Tortious Interference with a Business Relationship	139
MUNICIPAL LIABILITY CLAIM AS TO ALL PLAINTIFFS	140
Claim against the City of Miami Gardens for Violations of the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment.....	140

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, 1985, and 1986, and 1988. 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.

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 M. 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 DEWAYNE 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 and official capacities.

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 official and individual capacities.

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. He is sued in his individual capacity.

22. Defendant, CHIEF MATHEW 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 official and individual capacities.

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, CAPTAIN GARY SMITH (Badge No. 100-048) (“CAPTAIN SMITH”), is or was, at all times material hereto, a Captain with MGPD. At all times material hereto CAPTAIN SMITH is or was assigned to the internal affairs unit and was an employee of the MGPD. He is sued in his 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) ("EHRLICH"), 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 (“UNIDENTIFIED 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, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution; Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000(d), *et seq.* (“Title VI”); the Equal Protection Clause; and the constitution and 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.

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.

(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”).

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 polices, 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.

SPECIFIC ALLEGATIONS AS TO 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 approximately five years, spanning from 2008 to 2013, 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.

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. Twenty-seven of the remaining convictions are currently subject of a pending motion to vacate the convictions on the basis of newly discovered exculpatory evidence of actual innocence. The motion is scheduled to be heard in state court in mid-December, 2013.

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, PILONE, PINKNEY, ROBINSON, ROMAGUERA, ROSADO, E., ROSADO, J., ROVINELLI, RUIZ, SAINT-

LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SEDA, SHUMAN, STARK, TRIMINO, UCANAN, C. VELEZ, V. VELEZ, WAGENMANN, WAGNER, WAGONER, WHITE, WILLIAMS, 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, PALMER, PERDOMO, PINKNEY, PRINCE, ROSADO, J., SAINT-LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SHUMAN, STARK, TRIMINO, UCANAN, C. VELEZ, WAGONER, WILLIAMS, 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.

COUNT I

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

137. Plaintiff, Mr. SAMPSON, realleges paragraphs 1-136 as if fully set forth herein.

138. 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.

139. 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.

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

141. 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.

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

143. 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.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SAMPSON OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT II

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

144. Plaintiff, Mr. SAMPSON, realleges paragraphs 1-143 as if fully set forth herein.

145. 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.

146. 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.

147. 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.

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

149. 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.

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

151. 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.

WHEREFORE, Mr. SAMPSON requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SAMPSON OFFICERS for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT III

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

152. Plaintiff, Mr. SAMPSON, realleges paragraphs 1-151, as if fully set forth herein.

153. 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.

154. 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.

155. 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.

156. Twenty-seven of the remaining convictions, are currently the subject of a pending motion to vacate the convictions on the basis of newly discovered exculpatory evidence of actual innocence. The motion is scheduled to be heard in state court in mid-December, 2013.

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

158. 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.

159. 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.