

Attorney's Office took "no action" or dismissed the case against Mr. CRANE finding the arrests were made without probable cause.

599. 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.

600. 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 the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CHIEF BOYD, DUNASKE, HARRIS, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

SPECIFIC ALLEGATIONS AS TO YVENSONNE MONTALE

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

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

603. 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.

604. The following named Defendants, all of whom were acting under color of authority, were involved in the August 23, 2012, search, and seizure, either directly or through tacit approval: the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS.

605. 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.

COUNT I

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

606. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 127 and 601 through 605, as if fully set forth herein.

607. 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.

608. 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.

609. 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.

610. 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.

611. 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.

612. 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 GREGORY and/or UNIDENTIFIED JOHN DOES.

613. Pursuant to 42 U.S.C. § 1988, Plaintiff is entitled to a reasonable allowance for attorney fees as part of Plaintiff's costs.

WHEREFORE, Mr. MONTALE requests judgment against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, 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 II

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

614. Plaintiff realleges paragraphs 1 through 127 and 601 through 605, as if fully set forth herein.

615. 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.

616. 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.

617. 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.

618. 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.

619. 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.

620. 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.

621. 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 GREGORY and UNIDENTIFIED JOHN DOE OFFICERS

WHEREFORE, Mr. MONTALE requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, 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 III

Individual State Law Claim of Mr. MONTALE for Civil Battery

622. 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.

623. Plaintiff, Mr. MONTALE, realleges paragraphs 1 through 127 and 601 through 605, as if fully set forth herein.

624. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS in illegally searching and arresting Mr. MONTALE was intentional, malicious, wanton and willful, and intended to cause a harmful or offensive contact with the person of Mr. MONTALE.

625. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS was committed within the course and scope of their employment with MGPD.

626. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD, are 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.

627. 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 and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY, and UNIDENTIFIED JOHN DOE OFFICERS, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT IV

Individual State Law Claim of Mr. MONTALE for False Arrest

628. 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.

629. Plaintiff, Mr. MONTALE, realleges paragraphs 1 through 127 and 601 through 605, as if fully set forth herein.

630. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS was intentional, willful, wanton, and malicious, and/or negligent, and was committed within the course and scope of their employment with MGPD.

631. Mr. MONTALE was unlawfully detained and deprived of his liberty against his will when GREGORY and UNIDENTIFIED JOHN DOE OFFICERS arrested him without legal authority.

632. 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. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the false arrest of Mr. MONTALE in that the false arrest was intentional, willful, wanton, and malicious, and/or negligent, 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.

633. 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 and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY and UNIDENTIFIED JOHN DOE OFFICERS, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT V

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

634. 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.

635. Plaintiff, Mr. MONTALE, realleges paragraphs 1 through 127 and 601 through 605, as if fully set forth herein.

636. The conduct of GREGORY and UNIDENTIFIED JOHN DOE OFFICERS in stopping, searching, seizing, and/or arresting Mr. MONTALE was intentional, negligent, or reckless and was committed within the course and scope of their employment with MGPD.

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

638. 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 GREGORY and/or UNIDENTIFIED JOHN DOES.

639. 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, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, GREGORY and UNIDENTIFIED JOHN DOE OFFICERS, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

SPECIFIC ALLEGATIONS AS TO OMAR DEAN

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

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

642. 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.

643. 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.

644. 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 CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS.

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

COUNT I

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

646. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 640 through 645, as if fully set forth herein.

647. 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.

648. 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.

649. 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.

650. 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.

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

652. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DEPUTY CHIEF MILLER, MAJOR CHAPMAN, MALONE, AND UNIDENTIFIED JOHN DOE OFFICERS, either directly or tacitly approved of, sanctioned, encouraged and/or failed to supervise and discipline MALONE.

653. Pursuant to 42 U.S.C. § 1988, Plaintiff, Mr. DEAN is entitled to a reasonable allowance for attorney fees as part of Plaintiff's costs.

WHEREFORE, Mr. DEAN requests judgment against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DEPUTY CHIEF MILLER, MAJOR CHAPMAN, 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 II

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

654. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 640 through 645, as if fully set forth herein.

655. MAJOR 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.

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

657. 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 CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS intentionally discriminated against a member of a protected class.

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

659. 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.

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

661. 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 MAJOR CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS.

WHEREFORE, Mr. DEAN requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, MAJOR CHAPMAN, 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 III

Individual State Law Claim of Mr. DEAN for Civil Theft

662. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 640 through 645, as if fully set forth herein.

663. On July 13, 2012, Defendant, MALONE, knowingly, wantonly, improperly and illicitly took red bull energy drinks belonging to MR. DEAN with the intent to permanently deprive MR. DEAN of his right to said property.

664. 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 Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, CHAPMAN, MALONE, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages as provided by Florida Statute § 772.11, punitive damages as deemed appropriate, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT IV

Individual State Law Claim of Mr. DEAN for Civil Battery

665. 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.

666. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 640 through 645, as if fully set forth herein.

667. The conduct of MALONE in illegally searching and seizing Mr. DEAN was intentional, malicious, wanton and willful, and/or negligent, and intended to cause a harmful or offensive contact with the person of Mr. DEAN.

668. The conduct of MALONE was committed within the course and scope of his employment with MGPD.

669. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the battery committed by

MALONE upon the person of Mr. DEAN, in that the civil battery was intentional, was committed within the course and scope of MALONE'S employment with MGPD, such that the doctrine of respondeat superior applies to this action.

670. 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 MALONE.

671. 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 Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, 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 V

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

672. 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.

673. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 127 and 640 through 645, as if fully set forth herein.

674. The conduct of MALONE in stopping, searching, and seizing, Mr. DEAN was intentional, negligent, or reckless and was committed within the course and scope of his employment with MGPD.

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

676. 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 MALONE and UNIDENTIFIED JOHN DOE OFFICERS.

677. 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, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, 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, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

SPECIFIC ALLEGATIONS AS TO ALI AMIN SALEH

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

679. Over the course of approximately five years, spanning from 2008 to 2013, Mr. SALEH's QUICKSTOP was unlawfully searched without reasonable suspicion or arguable probable cause, numerous times by MGPD officers.

680. 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.

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

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

683. 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, MCNEIL, MOORE, MORTON, NARGISO, NORRIS, PALMER, PAYOUTE, PERDOMO, PEREZ, PILONE, PINKNEY, ROBINSON, ROMAGUERA, ROSADO, E., ROSADO, J., ROVINELLI, RUIZ, SAINT-LOUIS, SANCHEZ, SANTIAGO, SCHAEFER, SEARY, SEDA, SHUMAN, SIMMONS, STARK, TAMAYO, 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 "SALEH OFFICERS."

684. 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.

COUNT I

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

685. Plaintiff, Mr. SALEH, realleges paragraphs 1 through 127 and 678 through 684, as if fully set forth herein.

686. 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.

687. 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.

688. 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.

689. 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.

690. 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.

691. 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 SALEH OFFICERS.

692. Pursuant to 42 U.S.C. § 1988, Plaintiff, Mr. SALEH is entitled to a reasonable allowance for attorney fees as part of Plaintiff's costs

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

COUNT II

**Individual State Law Claim of Mr. SALEH for Tortious
Interference with a Business Relationship**

693. 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.

694. Plaintiff, Mr. SALEH, realleges paragraphs 1 through 127 and 678 through 684, as if fully set forth herein.

695. 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.

696. 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.

697. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are 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 SALEH OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

WHEREFORE, Mr. SALEH respectfully requests compensatory damages and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SALEH OFFICERS, together with prejudgment interest on all economic losses, costs of this action and a trial by jury on all issues triable as a matter of right.

MUNICIPAL LIABILITY CLAIM AS TO ALL PLAINTIFFS
COUNT I

Claim of all Named Plaintiffs, Pursuant to 42 U.S.C. § 1983, against the City of Miami Gardens for Violations of the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment

698. Plaintiffs reallege Paragraphs 1 through 697 as if fully set forth herein.

699. 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.

700. 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 and Equal Protection Clause of the Fourteenth Amendment. The victims of such racial and/or national origin profiling are principally black males.

701. 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.

702. The Quotas Policy and Racial Targeting Policy are not written or formally adopted policies but are so pervasive and longstanding that they have become the force of law, or at a minimum, the moving force behind the deprivation of the Plaintiffs' constitutional rights.

703. The Zero Tolerance Zone 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.

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

705. As a consequence, the constitutional abuses thrust upon the Plaintiffs were, and are, directly and proximately caused by policies, practices and/or customs devised, implemented, enforced, encouraged, and sanctioned by the CITY and its final policymakers in: (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.

706. These informal policies were enacted and sanctioned by CHIEF BOYD, a final policymaker for law enforcement purposes. The failure of supervising officer's to identify and address these abuses as such, rather than signing their approval to them, has compounded the abuses.

707. Moreover, the CITY has been on notice — through communications from concerned officers — of MGPD officers' unlawful practices but has failed to train, supervise, discipline, and/or adequately screen the violating officers.

708. This failure to train, supervise, discipline, and/or adequately correct the violating officers has amounted to a deliberate indifference that has allowed continued, unabated conduct and improper decisions to be made by these officers in violation of the Plaintiffs Fourteenth Amendment rights.

709. As a direct and proximate result of the referenced policies, practices, and/or customs, 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 requests 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, Title VI, and the Constitution and laws of the State of Florida;

- 2) That the Miami Gardens policy, practice, and/or custom was implemented, enforced, encouraged, and sanctioned by the CITY and its final policymakers in:
 - 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.

- 3) 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 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.

- 4) That the CITY, Mayor, City Manager, and Police shall institute and implement improved policies and programs with respect to training, discipline and promotion designed to

eliminate the MGPD's policy, practice, and/or custom of unconstitutional stops-and-frisks, searches, seizures, and/or arrests.

- 5) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 6) Award Plaintiffs punitive damages in an amount designed to punish and deter the reprehensible conduct of the CITY, to be determined at trial.
- 7) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 42 U.S.C. sec.1920 and 1988; and
- 8) 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.

Dated: November 26, 2013.

Respectfully Submitted:

REYES LAW GROUP, P.A.

Attorneys for Plaintiffs

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Davie, Florida 33314-1602

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Stephan@ReyesLegal.com

/s/ Carlos J. Reyes

CARLOS J. REYES, ESQ.

FL Bar No. 755079

/s/ Stephan Lopez

STEPHAN LOPEZ, ESQ.

FL Bar No. 76959

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All/Re-filed Cases Below.**

I. (a) PLAINTIFFS

EARL SAMPSON, et al.

DEFENDANTS

City of Miami Gardens, a municipality, et al.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Stephan Lopez, Esq., & Carlos Reyes, Esq.
2924 Davie Road Suite #102 Davie, FL 33314 (954) 369-1993

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
Citizen of This State: PTF 1 DEF 1
Citizen of Another State: PTF 2 DEF 2
Citizen or Subject of a Foreign Country: PTF 3 DEF 3
Incorporated or Principal Place of Business In This State: PTF 4 DEF 4
Incorporated and Principal Place of Business In Another State: PTF 5 DEF 5
Foreign Nation: PTF 6 DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence Other: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN

- (Place an "X" in One Box Only)
 1 Original Proceeding
 2 Removed from State Court
 3 Re-filed (See VI below)
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment
 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

a) Re-filed Case YES NO
 b) Related Cases YES NO

(See instructions):

JUDGE

DOCKET NUMBER

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

42 USC 1983, Violation of the Fourth and Fourteenth Amendments
 LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 DATE: November 26, 2013
 SIGNATURE OF ATTORNEY OF RECORD:

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ IFP _____ JUDGE _____ MAG JUDGE _____



2924 Davie Road, Suite 102
Davie, Florida 33314-1607

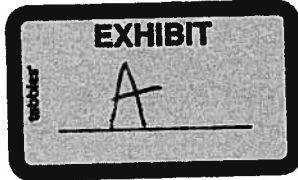
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Toll Free: 800.528.7720
Fax: 888.315.6291

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Stephan Lopez, Esq.
stephan@reyeslegal.com

September 24, 2012

*9-26-12
1030 AM*



MARIO BATAILLE

*City
Clerk
ASSISTANT
to MAYOR*

VIA PERSONAL SERVICE

City of Miami Gardens
c/o Mayor Oliver G. Gilbert, III
1515 N.W. 167th Street, Suite 200
Miami Gardens, FL 33169

Re: Abir Inc., aka 207 Quick Stop, located at 3185 NW 207 Street, Miami Gardens, FL 33056; Ali Amin Saleh, Sampson Earl Tyree, Toree Melissa Daniels; and a number of unnamed individual citizens of Miami Dade County, FL.

Our office represents Abir Inc., Ali Amin Saleh, Sampson Earl Tyree, Toree Melissa Daniels and a number of unnamed individual citizens of Miami Dade County, Florida, in the above referenced matter. The purpose of this letter is two-fold:

1. To place the City of Miami Gardens and your police department on notice of our intent to sue in federal court for the Systematic Deprivation of Civil Rights Under Color of Law, pursuant to 18, U.S.C., § 242 and for Conspiracy Against Rights, pursuant to 18, U.S.C., § 241, amongst other causes of action. The systemic and unconscionable violations perpetrated by numerous officers of your department, all captured on video tape, include but is not limited to: false arrests/ imprisonments, false police reports to justify the false arrests, and warrantless illegal searches of persons, places and things without a warrant, and more significantly without necessary probable cause. The above mentioned civil rights violations, coupled with the continual harassment and intimidation in the community would illustrate that this is not just a few rogue officers tortiously acting outside the scope of their duties. This appears to be a pervasive, systematic scheme to deprive these citizens of their civil rights—to which they are entitled under the US Constitution—while acting under the color of Authority. It is also apparent from the nature and the number of officers involved, that this conduct appears to be authorized, ratified and/or condoned by your department.

MUST PROVIDE FOLLOWING INFORMATION
AGE: *30* M: *OM* RACE: _____ HEIGHT: *5'11"*
WEIGHT: *160* HAIR: *Blk* GLASSES: *Y/N*

51332

2. Your police department is hereby notified that they are to **CEASE AND DESIST** from entering the Quick Stop, located at 3185 NW 207 St., Miami Gardens, Florida, unless authorized to be there, responding to a call for service, serving a duly valid arrest warrant, or search warrant issued by a Judge upon probable cause for a felony arrest. Your department is to **CEASE AND DESIST** from: racial profiling the citizens of Miami Gardens, specifically at this location; making false arrests; generating false police reports; conducting illegal searches and seizures of persons, places and things, both inside and outside of the business; tortiously interfering with the above named business, by loitering or congregating in the parking lot with numerous marked police vehicles intimidating patrons; causing a decline in business; entering the business to make false arrests, on no other basis than trespass after warning, when these patrons are authorized to be there by the store owner and the officers have no probable cause that they committed or are about to commit a crime.

It is hereby requested by the undersigned that the City of Miami Gardens, and its police department and all other parties who enter appearances in this matter, send all copies, notices, pleadings, orders, letters and any other documents to the address above.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Sincerely,

REYES LAW GROUP, P.A.


STEPHAN LOPEZ, ESQ.