

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

WHEREFORE, Plaintiff, Mr. LOWERY, requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY 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. LOWERY, Pursuant to 42 U.S.C § 1983, for Violation of the Equal Protection Clause of the Fourteenth Amendment

312. Plaintiff, Mr. LOWERY, realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

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

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

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

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

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

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

319. 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 LOWERY OFFICERS.

WHEREFORE, Plaintiff, Mr. LOWERY, requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY 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. LOWERY, Pursuant to 42 U.S.C. § 1983, for Malicious Prosecution in Violation of the Fourth Amendment

320. Plaintiff, Mr. LOWERY, realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

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

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

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

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

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

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

COUNT IV

Individual State Law Claim of Mr. LOWERY for Civil Battery

326. 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.

327. Plaintiff, Mr. LOWERY, realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

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

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

330. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the batteries committed by the LOWERY OFFICERS upon the person of Mr. LOWERY, in that the civil batteries were intentional and were committed within the course and scope of the LOWERY OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

331. In the alternative, the conduct of the LOWERY OFFICERS, were intentional, malicious, wanton and willful, and/or negligent, and to the detriment of the health, safety, and welfare of Mr. LOWERY.

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

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

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY 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. LOWERY for False Arrest

333. 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.

334. Plaintiff, Mr. LOWERY, realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

335. The conduct of the LOWERY ARRESTING OFFICERS was intentional, willful, wanton, and malicious and was committed within the course and scope of their employment with MGPD.

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

337. The conduct of the LOWERY ARRESTING OFFICERS constituted repeated false arrests of Mr. LOWERY, as the arrests were made without probable cause or even

arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

338. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the false arrests of Mr. LOWERY in that the false arrests were intentional, willful, wanton, and malicious, and/or negligent, and were committed within the course and scope of the LOWERY ARRESTING OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY ARRESTING 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 VI

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

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

341. Plaintiff, Mr. LOWERY, realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

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

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

344. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the intentional inflictions of emotional distress committed by the LOWERY OFFICERS upon the person of Mr. LOWERY, in that intentional inflictions of emotional distress were intentional and were committed within the course and scope of the LOWERY OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY 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 VII

Individual State Law Claim of Mr. LOWERY for Malicious Prosecution

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

347. Plaintiff realleges Paragraphs 1 through 127 and 299 through 304, as if fully set forth herein.

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

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

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

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

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

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the LOWERY ARRESTING 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 FLOYD HALL, JR.

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

354. From 2008 to 2013, Mr. HALL, JR. was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause, approximately forty-six times within the CITY and by MGPD officers.

355. Out of the approximately forty-six times Mr. HALL, JR. was stopped by MGPD officers, he was arrested fourteen times. Out of the fourteen arrests, all resulted in either no action being taken by the State Attorney's Office or were dismissed by the Court for lack of probable cause.

356. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the forty six stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: CARPENTER, DUNASKE, HARRIS, PALMER, PERDOMO, PINKNEY, KOLACKOVSKY, JACKSON, EHRLICH, J. ROSADO, NARGISO, NORRIS, BAMFORD, ROVINELLI, SAINT-LOUIS, SANTIAGO, SHUMAN, TRIMINO, C. VELEZ, V. VELEZ, and UNIDENTIFIED JOHN DOE OFFICERS. For

purposes of clarity and consistency, the above-reference officers will be collectively referred to as the "HALL, JR. OFFICERS".

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

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

COUNT I

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

359. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

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

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

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

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

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

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

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

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

COUNT II

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

366. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

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

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

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

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

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

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

373. 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 HALL JR. OFFICERS.

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

COUNT III

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

374. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

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

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

377. The termination all original proceedings against Mr. HALL, JR. constituted a bona fide termination of that proceeding in favor of Mr. HALL, JR.. Specifically, in all

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

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

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

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

COUNT IV

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

380. 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.

381. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein..

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

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

384. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the batteries committed by the HALL, JR. OFFICERS upon the person of Mr. HALL, JR. in that the civil batteries were intentional and were committed within the course and scope of the HALL JR. OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

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

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the HALL, JR. 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. HALL, Jr. for False Arrest

387. 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.

388. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

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

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

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

392. The conduct of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the false arrests of Mr. HALL, JR. in that the false arrests were intentional, willful, wanton, and malicious, and/or negligent, and were committed within the course and scope of the HALL, JR. ARRESTING

OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the HALL, JR. ARRESTING 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 VI

Individual State Law Claim of Mr. HALL, JR. for Civil Theft

394. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

395. On Nov 15, 2013, Defendants DUNASKE and SANTIAGO and UNIDENTIFIED JOHN DOE OFFICERS, knowingly, wantonly, improperly, negligently, and illicitly took a Taser belonging to Mr. HALL, JR. with the intent to permanently deprive MR. HALL, JR. of his right to said property.

396. At the time, Defendants DUNASKE, SANTIAGO and UNIDENTIFIED JOHN DOE OFFICERS, who were acting under color of authority, were engaging in a pattern of

illegal acts, which included, but were not limited to: false arrest, false imprisonment and unlawful search and seizure against and to the detriment of Mr. HALL, JR.

397. The taking of Mr. HALL, JR.'s property constituted civil theft.

WHEREFORE Mr. HALL, JR. respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the HALL, JR. ARRESTING 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 VII

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

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

399. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein

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

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

402. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the intentional inflictions of emotional distress committed by the HALL JR. OFFICERS upon the person of Mr. HALL, JR., in that intentional inflictions of emotional distress were intentional and were committed within the course and scope of the HALL JR. OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the HALL, JR. 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 VIII

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

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

405. Plaintiff, Mr. HALL, JR., realleges paragraphs 1 through 127 and 353 through 358, as if fully set forth herein.

406. Mr. HALL, JR. was arrested a total of fourteen times from 2008 to 20fourteen. In each instance, an original judicial proceeding against Mr. HALL, JR. was commenced.

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

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

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

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

WHEREFORE, Mr. HALL, JR., respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the HALL JR. ARRESTING 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 ROSS PICART

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

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

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

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

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

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

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

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

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

COUNT I

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

419. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

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

421. A reasonable officer would not have believed there was reasonable suspicion to stop-and-frisk and/or probable cause to arrest Mr. PICART in light of clearly established law

and information possessed by DUNASKE, SANTIAGO, TRIMINO, and/or UNIDENTIFIED JOHN DOE OFFICERS at the time of the stop-and-frisks and/or arrests.

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

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

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

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

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

COUNT II

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

426. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418 as if fully set forth herein.

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

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

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

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

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

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

433. 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 DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS

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

COUNT III

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

434. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

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

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

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

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

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

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

COUNT IV

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

440. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

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

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

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

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

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

446. 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 DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOE OFFICERS.

WHEREFORE, Plaintiff requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT V

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

447. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

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

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

450. While outside the premises, Mr. PICART was unlawfully searched, without consent or reasonable articulable suspicion, thrown to the ground, and placed under arrest.

451. The use of force was malicious and grossly negligent under the circumstances resulting in multiple injuries to Mr. PICART. Specifically, Mr. PICART suffered severe

lacerations on his back. This malicious application of force resulted in a substantive due process violation under the Fourteenth Amendment — the right to be free from excessive force during an arrest.

452. 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 DUNASKE, SANTIAGO, TRIMINO and/or UNIDENTIFIED JOHN DOE OFFICERS.

WHEREFORE, Plaintiff, Mr. PICART, requests judgment against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT VI

Individual State Law Claim of Mr. PICART for Civil Battery

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

454. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

455. The conduct of DUNASKE, SANTIAGO, TRIMINO and UNIDENTIFIED JOHN DOE OFFICERS in illegally searching and arresting Mr. PICART was intentional,

malicious, wanton and willful and intended to cause a harmful or offensive contact with the person of Mr. PICART.

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

457. Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the battery committed by DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS upon the person of Mr. PICART, in that the civil battery was intentional and was committed within the course and scope of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN DOE OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

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

WHEREFORE, Mr. PICART respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, DUNASKE, SANTIAGO, 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.

COUNT VII

Individual State Law Claim of Mr. PICART for False Arrest

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

461. Plaintiff, Mr. PICART, realleges paragraphs 1 through 127 and 411 through 418, as if fully set forth herein.

462. The conduct of DUNASKE, SANTIAGO, TRIMINO, 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.

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

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

465. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, and CHIEF BOYD are responsible for the false arrest of Mr. PICART in that the false arrest was intentional, willful, wanton, and malicious and was committed within the course and scope of DUNASKE, SANTIAGO, TRIMINO, and UNIDENTIFIED JOHN