

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

COUNT IV

Individual State Law Claim of Mr. SAMPSON for Civil Battery

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

161. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 159, as if fully set forth herein.

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

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

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

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

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

166. 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.

167. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 165, as if fully set forth herein.

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

169. Mr. SAMPSON was unlawfully detained and deprived of his liberty against his will when the SAMPSON ARRESTING OFFICERS arrested him fifty seven times without legal authority.

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

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

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

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SAMPSON 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. SAMPSON for Intentional
Infliction of Emotional Distress**

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

174. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 172, as if fully set forth herein.

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

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

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

178. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD, are responsible for the intentional infliction of emotional distress committed by the SAMPSON OFFICERS upon the person of Mr. SAMPSON, in that the intentional infliction of emotional distress was intentional, was

committed within the course and scope of the SAMPSON OFFICERS' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SAMPSON 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. SAMPSON for Malicious Prosecution

179. 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.

180. Plaintiff, Mr. SAMPSON, realleges Paragraphs 1 through 178, as if fully set forth herein.

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

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

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

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

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

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

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

WHEREFORE, Mr. SAMPSON respectfully requests compensatory damages and punitive damages against Defendants, the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, and the SAMPSON 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 TOREE M. DANIELS

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

189. Over the course of approximately five years, spanning from February 2008 to January 2013, Ms. DANIELS was unlawfully stopped-and-frisked, searched, seized, and/or arrested at least 180 times within the CITY and by MGPD officers — equivalent to roughly once every 4.08 days for nearly five years. In all instances, an investigatory stop was performed by MGPD officers who checked Ms. DANIELS for outstanding warrants.

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

191. Out of the 180 times Ms. DANIELS was stopped by MGPD officers, she was arrested only fifty-five times. Out of the fifty-five arrests, twenty-three resulted in no action being taken by the State Attorney's Office or the charges were dismissed by the Court for lack of probable cause.

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

193. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the 180 stop-and-frisks, searches, seizures, and arrests: ADAMS, BAMFORD, BARNEY, CARPENTER, CLIFTON, DAMIANI, DUNASKE, EUBANKS, GREGOIRE, HARRIS, HEDRICK, HOHENDORF, HORN, HUNHOLZ, IRIZARRY, JACKSON, JUDON, KIDDER, KOLACKOVSKY, MALONE, MARTINEZ, MOORE, NARGISO, NORRIS, PALMER, PAYOUTE, PERDOMO, PEREZ,, PILONE, PINKNEY, ROMAGUERA, ROVINELLI, RUIZ, SAINT-LOUIS, SANTIAGO, SCHAEFER, SEDA, SHUMAN, SIMMONS, STARK, UCANAN, V. VELEZ, WAGENMANN, WAGNER,

WAGONER, WILLIAMS, R., and UNIDENTIFIED JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officers will be referred to as “DANIELS OFFICERS”.

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

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

196. The acts and omissions of the CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD, the DANIELS OFFICERS, and the DANIELS ARRESTING OFFICERS constitute a continuing violation of Ms. DANIEL’s constitutional rights.

COUNT I

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

197. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

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

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

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

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

203. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

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

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

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

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

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

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

211. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

212. Ms. DANIELS was arrested approximately fifty-fives times from 2008 to 2013. In each instance, an original judicial proceeding against Ms. DANIELS was commenced.

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

214. The termination of twenty-three original proceedings against Ms. DANIELS constituted a bona fide termination of that proceeding in favor of Ms. DANIELS. Specifically,

in twenty-three instances, the State Attorney's Office took "no action" or the Court dismissed the charges against Ms. DANIELS finding the arrests were made without probable cause.

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

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

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

COUNT IV

Individual State Law Claim of Ms. DANIELS for Civil Battery

217. 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.

218. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

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

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

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

223. 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.

224. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

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

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

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

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the DANIELS 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 Ms. DANIELS for Intentional Infliction of Emotional Distress

230. 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.

231. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

234. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the infliction of intentional emotion distress upon Ms. DANIELS in that the infliction of the intentional emotional distress was intentional, willful, wanton, and malicious and were committed within the course and scope of the DANIELS ARRESTING OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the DANIELS 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 Ms. DANIELS for Malicious Prosecution

236. 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.

237. Plaintiff, Ms. DANIELS, realleges paragraphs 1 through 127 and 188 through 196 as if fully set forth herein.

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

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

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

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

242. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the malicious prosecution of Ms. DANIELS in that the malicious prosecution was intentional, willful, wanton, and malicious and were committed within the course and scope of the DANIELS ARRESTING OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Ms. DANIELS respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the DANIELS 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 BRANDON SPIVEY

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

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

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

247. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the fifty stop-and-frisks, searches, seizures, or arrests, either directly or through tacit approval: DUNASKE, ENGERS, HARRIS, HOHENDORF, HUNHOLZ, JESSUP, JUDON, KOLACKOVSKY, NARGISO, PERDOMO, PILONE, ROVINELLI, SANTIAGO, SEDA, TRIMINO, UCANAN, V. VELEZ, WAGENMANN,

WAGONER, AND UNIDENTIFIED JOHN DOES. For consistency and clarity, the above-referenced officers will be collectively referred to as "the SPIVEY OFFICERS".

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

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

COUNT I

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

250. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

and information possessed by the SPIVEY OFFICERS at the time of the stop-and-frisks and/or arrests.

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

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

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

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

257. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

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

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

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

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

264. 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 SPIVEY OFFICERS.

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

265. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

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

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

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

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

COUNT IV

Individual State Law Claim of Mr. SPIVEY for Civil Battery

271. 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.

272. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

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

SPIVEY OFFICERS upon the person of Mr. SPIVEY, in that the civil batteries were intentional and were committed within the course and scope of the SPIVEY OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

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

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

278. 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.

279. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

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

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

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

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the SPIVEY 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. SPIVEY for Intentional
Infliction of Emotional Distress**

285. 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.

286. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

289. The CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW and CHIEF BOYD are responsible for the infliction of intentional emotion distress upon Mr. SPIVEY in that the infliction of the intentional emotional distress was intentional, willful, wanton, and malicious and were committed within the course and scope of the SPIVEY OFFICERS employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. SPIVEY respectfully requests compensatory damages and punitive damages against Defendants, CITY, MAYOR GILBERT, FORMER MAYOR GIBSON, CITY MANAGER CREW, CHIEF BOYD and the SPIVEY 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. SPIVEY for Malicious Prosecution

291. 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.

292. Plaintiff, Mr. SPIVEY, realleges Paragraphs 1 through 127 and 244 through 249, as if fully set forth herein.

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

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

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

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

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

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

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

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

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

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

302. The following named Defendants, all of whom were acting under color of authority, were involved in at least one of the nine stop-and-frisks, searches, seizures, and arrests, either directly or through tacit approval: the DUNASKE, JACOBS, KOLACKOVSKY, PALMER, PERDOMO, SAINT-LOUIS, WAGONER, and UNIDENTIFIED JOHN DOE OFFICERS. For purposes of consistency and clarity, the above-referenced officers will be collectively referred to as the "LOWERY OFFICERS".

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

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

COUNT I

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

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

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

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

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

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

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