

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MARQUES A. JOHNSON,

Plaintiff,

vs.

CASE NO.

**CHRIS NOCCO, in his official capacity
as Sheriff, Pasco County, Florida and
JAMES DUNN, in his individual capacity,**

Defendants.

**COMPLAINT FOR VIOLATIONS OF FEDERAL CIVIL RIGHTS LAWS,
ASSOCIATED STATE LAW CLAIMS AND JURY TRIAL DEMAND**

Plaintiff MARQUES A. JOHNSON (“Plaintiff” or “Johnson”) hereby sues Defendants CHRIS NOCCO, in his official capacity as Sheriff, Pasco County, Florida, (“Defendant Sheriff” or “Nocco”), and JAMES DUNN, in his individual capacity (“Deputy Dunn”), associated with Plaintiff’s unconstitutional arrest on August 2, 2018¹ and alleges:

I.

JURISDICTION

1. This is an action for damages and injunctive relief, brought pursuant to 42 U.S.C. §1983, which authorizes actions to redress the deprivation, under color or state law, of rights, privileges, and immunities secured to Plaintiff by the Constitution and laws of the United States, and pursuant to 42 U.S.C. §1988, which authorizes the award of costs and attorney's fees to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. §1983.

¹ A video of the arrest from the cell phone of Plaintiff and the body cameras of Deputies Dunn, Pini and Ramos can be viewed at: <https://youtu.be/zXEXu640E1k>

2. State law claims are also set forth, pursuant to this court's concurrent and supplemental jurisdiction. The actions of Defendants complained of herein were taken under color of state law.

3. Plaintiff has satisfied all conditions precedent to bringing this action, including all pre-suit requirements of Fla. Stat. §768.28.

4. Written notices of intent to initiate litigation on Plaintiff's state law claims asserted herein were submitted to Defendant Sheriff pursuant to §768.28, Florida Statutes and more than six months have passed.

5. All conditions precedent have been exhausted.

II.

THE PARTIES

6. At all times pertinent hereto, Plaintiff Marques Johnson, was in Pasco County, Florida.

7. At all times pertinent hereto, Defendant Chris Nocco has been the Sheriff of Pasco County, Florida and he is sued in his official capacity. This Defendant has been organized and exists under the laws of the State of Florida.

8. Defendant Sheriff operates a law enforcement agency which is not actually devoted to service to the public and legitimate enforcement of the laws but rather has adopted a policy of being unnecessarily confrontational towards members of the public.

9. Unlike most law enforcement agencies that claim mottos like "to protect and to serve," which focus on protecting the public, Defendant Sheriff has adopted the official motto of "We Fight as One," which celebrates confrontation and violence which should not be goals of a legitimate law enforcement agency. A copy of the logo with the motto is attached as Exhibit 1.

10. At all times pertinent hereto, Defendant James Dunn, in his individual capacity, was a resident of the State of Florida and was employed by Defendant Sheriff working for the Defendant Sheriff in Pasco County, Florida. He is sued in his individual capacity.

III.

STATEMENT OF FACTS

11. On August 2, 2018, Plaintiff, an African-American male, was a passenger in a motor vehicle being driven on the road in Pasco County, Florida by Plaintiff's father, an African-American male.

12. The motor vehicle was towing a motorcycle on a trailer.

13. Deputy Dunn undertook a pre-textual stop of the motor vehicle driven by Plaintiff's father, apparently claiming that he could not see the license plate on the trailer.

14. However, as Deputy Dunn walked up to the vehicle he was able to call in the license plate for the trailer and the vehicle on his radio.

15. Plaintiff was seated in the passenger seat of the vehicle and was not operating the motor vehicle at any time relevant to this matter.

16. At least two other deputies, including Deputy Christopher Ramos and Deputy Mark Pini, were involved in the stop of the motor vehicle.

17. In addition, there was a film crew from the A&E television show "Live PD" accompanying the deputies.

18. Deputy Dunn approached the passenger side of the vehicle where Plaintiff was seated and requested the driver's license of the driver and the registration documentation for the vehicle. Deputy Dunn also asked if Plaintiff had his "ID on him too."

19. Plaintiff advised Deputy Dunn that he was merely a passenger in the vehicle and was not required to identify himself.

20. Deputy Dunn told Plaintiff that under Florida law he was required to identify himself and that if he did not identify himself, Deputy Dunn would “pull him out and he would go to jail for resisting.”

21. Deputy Ramos repeated the claims of Deputy Dunn and stated to Plaintiff, “you gotta ID yourself.”

22. Deputy Ramos then stated to the driver, Plaintiff’s father, “Listen, you can tell us who he is. We can do it that way.”

23. Plaintiff’s father then identified Plaintiff as his son and provided Plaintiff’s name to Deputies Ramos and Dunn.

24. At that time Deputies Dunn and Ramos were aware of Plaintiff’s identity as the result of Plaintiff’s father identifying Plaintiff by name.

25. Deputy Pini then approached the passenger side of the vehicle and Deputy Dunn stated to Deputy Pini, “He didn’t want to give me his ID and all that, but his dad gave him up.”

26. Deputies Dunn and Ramos then stepped back from the vehicle and Deputy Ramos contacted a supervisor via telephone.

27. Deputy Dunn entered information into the computer in his vehicle.

28. When Plaintiff stated that he was not required to identify himself, Deputy Pini stated, “That’s not true.”

29. Deputy Dunn subsequently walked back to the passenger side of the vehicle and then asked Deputy Pini if he minded doing a sniff with the dog.

30. Deputy Pini asked Deputy Dunn if he “wanted to pull him out?” referring to extracting Plaintiff violently from the vehicle.

31. Deputy Dunn told Deputy Pini to “explain that” and see if Plaintiff would voluntarily exit the vehicle and if not then they would pull him out.

32. Deputy Pini then stated to Plaintiff and the other individuals in the vehicle that his dog was going to be conducting a narcotics sniff of the vehicle and that Plaintiff, his father and the other passenger were required to exit the vehicle.

33. Specifically, Deputy Pini instructed them that they had to exit the vehicle, stating, “I am not asking you to, I am telling you to at this point.”

34. Plaintiff stated that he would step out of the vehicle.

35. As Plaintiff began to exit the vehicle holding his telephone in his hand, Deputy Dunn stated to Deputy Pini, “I am going to take him no matter what because he’s resisting me.”

36. Deputy Dunn then told Plaintiff to put his hands behind his back, which Plaintiff did.

37. Defendants Pini and Dunn then sought to place Plaintiff in handcuffs and take Plaintiff’s personal property. Plaintiff responded by asking if he was under arrest and stating that he had a Fourth Amendment right to maintain his property.

38. After Plaintiff was handcuffed, Deputy Dunn grabbed Plaintiff’s pinky finger and twisted it away from the rest of his hand in order to force Plaintiff to release his wallet.

39. Plaintiff inquired as to why Deputies Pini and Dunn were doing what they were doing and Deputy Dunn stated that Plaintiff was under arrest for resisting without violence.

40. Deputy Dunn stated that by Plaintiff not giving his name when it was demanded he was resisting arrest.

41. Deputy Dunn then conducted a pat down search of Plaintiff and placed him in the back of the sheriff's vehicle.

42. Although there was no legitimate basis for the search nor for further delaying Plaintiff's father's trip, Deputy Pini then brought a dog to sniff the outside of the vehicle. Deputy Pini claimed that the dog "alerted" on the passenger side door.

43. While Plaintiff was in the rear of Deputy Dunn's vehicle, Deputy Dunn proceeded to search Plaintiff's wallet, took Plaintiff's identification and entered Plaintiff's information into the computer located in his vehicle.

44. At the same time, Deputy Ramos was speaking with Plaintiff's father and the other passenger.

45. Deputy Ramos stated to Plaintiff's father,

"We do it with everyone. Ok. We have to identify. It's an officer safety type thing but it's also a matter of, for all we know, and I'm not saying that he is, he could be a convicted murderer out on whatever, you know, we have to identify. You were doing the right thing, you were going to give me his information. He kind of wanted you to shut up, so you did and I get it, he's your son but, when we ask him out. He's kind of obstructing our investigation, not giving us his name and things like that ok. So that's why he's detained at this point. Ok. It doesn't mean he's going to jail. He's just simply detained at this point. And then with the dog sniffing the vehicle, we do that honestly to so many different vehicles at night. The alert was the bark, he alerted to that front passenger door so, that's kinda what's going on."

46. Deputy Ramos was aware that the decision of Deputy Dunn to stop the vehicle in which Plaintiff was traveling was motivated by Plaintiff and his father's race because Deputy Ramos stated un-prompted to Plaintiff's father and the other passenger, "I can honestly tell you, the Pasco County area is predominately white. We have a very actually good relationship with the Hispanic community and the Black community. I'm Hispanic myself. You know, I don't ever really have any issues with anybody but white people. So, I apologize."

47. During this conversation Deputy Ramos also stated, “We like to pull people over,” and bragged about the fact that the interaction was being filmed by the television program Live PD.

48. Plaintiff’s father again provided Plaintiff’s name to Deputy Ramos, even going so far as to ensure that the spelling of Plaintiff’s first name was correct and providing Plaintiff’s date of birth.

49. During this time, Deputy Pini was searching the car based upon the pretext of the claimed actions of the dog but did not find any drugs in the car.

50. Deputy Ramos then went to Deputy Dunn and began to provide Deputy Dunn with Plaintiff’s name and date of birth, to which Dunn responded “Oh, I got it. I got his ID out of his wallet.”

51. Deputy Dunn provided a *Miranda* warning to Plaintiff and Plaintiff advised him that he was invoking his right to remain silent.

52. Deputy Dunn subsequently stated to Plaintiff’s father that the reason why Plaintiff was going to jail was

“[i]n the state of Florida all occupants of the vehicle are required to give us name, they have to identify themselves, they don’t have to physically produce an identification, but they got to at least ID themselves and we got to be able to ID who is in the car. That’s by law. So, with him doing that, its obstruction, the reason we say resisting arrest, it’s the same statute, it covers the same thing.”

53. Deputy Dunn also stated, “I am going to do my job and if anyone prevents me from doing my job, I am going to take them to jail. I understand he is trying to exercise his rights there and everything but we also have rights to do our job.”

54. Plaintiff was taken to the Pasco County Jail and booked on a charge alleging a violation of Fla. Stat. §843.02, Resist Officer, Obstructing without Violence.

55. Plaintiff was held in jail during the evening and required to post a bond to be released.

56. Plaintiff was charged in Pasco County, Florida Case Number 51-2018-MM-04095-WS with a violation of Fla. Stat. §843.02, Resist Officer, Obstructing without Violence.

57. Shortly after the incident, Defendant Sheriff's office stated to the Tampa Bay Times that it had reviewed the arrest and found that the deputies acted appropriately.

58. Defendant Sheriff also ratified the arrest of Plaintiff because a supervisor informed Deputy Dunn that he should arrest Plaintiff.

59. In addition, all of Defendant Sheriff's deputies involved in this arrest, Deputies Dunn, Ramos and Pini, stated to Plaintiff or his family members that Plaintiff could be arrested under these circumstances for resisting arrest without violence.

60. Defendant Sheriff has a pattern or practice of failure to train his officers in the requirement to arrest someone for resisting without violence.

61. Defendant Sheriff has created a Constitutional Policing Advisor, the stated role of which is to guide Defendant Sheriff through, and make recommendations on, issues related to accountability, and adherence to best practices, policies, and procedures; provide real-time monitoring, analysis, and advice to agency staff on personnel investigations and disciplinary matters; review personnel investigations for objectivity and thoroughness; respond as necessary to critical incidents including in-custody deaths, deputy-involved shootings, and significant use of force incidents; review, evaluate, and provide input regarding critical incidents; perform research and analysis regarding constitutional precedents, case trends, rulings, and laws affecting law enforcement and custody operations.

62. In further ratification of the unconstitutional nature of this arrest, Defendant Sheriff's Constitutional Policing Advisor, ignoring basic constitutional law concepts, opined that Plaintiff "was lawfully detained during the traffic stop, was lawfully required to provide his identification, and was lawfully arrested for Resisting Officer without Violence for refusing to do so."

63. On November 9, 2018, Judge Joseph Poblick entered an order dismissing the charges against Plaintiff. See Exhibit 2.

64. On or about November 26, 2018, Judge Joseph Poblick denied the State's Motion for Reconsideration. See Exhibit 3.

65. The criminal case was resolved in Plaintiff's favor and the State did not appeal the dismissal.

66. Plaintiff has retained the undersigned to represent him in this cause and is obligated to pay him a reasonable fee for their services. Defendants should be made to pay said fee and all costs associated with this action.

IV.

CLEARLY ESTABLISHED LAW

67. At the time of Plaintiff's arrest, the law was clearly established that a law enforcement officer could not arrest an individual for failure to identify himself if the request for identification was not reasonably related to the circumstances justifying the stop.

68. In *Brown v. Texas*, 443 U.S. 47, 52–53, 99 S.Ct. 2637, 61 L.Ed.2d 357 (1979) decided on June 25, 1979, a unanimous United States Supreme Court held that "the guarantees of the Fourth Amendment do not allow" law enforcement to "stop[] and demand[] identification from an individual without any specific basis for believing he is involved in criminal activity."

69. In 2004, the United States Supreme Court categorically reaffirmed that “an officer may not arrest a suspect for failure to identify himself if the request for identification is not reasonably related to the circumstances justifying the stop.” *Hiibel v. Sixth Jud. Dist. Ct.*, 542 U.S. 177, 188, 124 S.Ct. 2451, 159 L.Ed.2d 292 (2004)

70. Similarly, the Eleventh Circuit recently reiterated that it was clearly established prior to the arrest at issue in this case that

under the Fourth Amendment, an official can address questions to a person at any time, and that person is free “to ignore his interrogator and walk away.” *United States v. Mendenhall*, 446 U.S. 544, 554, 100 S.Ct. 1870, 64 L.Ed.2d 497 (1980) (quotation marks omitted). However, an official may conduct a brief, investigatory stop, otherwise known as a “*Terry* stop,” if he has a reasonable suspicion of criminal activity. *See Jackson*, 206 F.3d at 1165. Though reasonable suspicion is a less demanding standard than probable cause, the Fourth Amendment nonetheless requires a minimum level of objective justification for an official to make a *Terry* stop. *Id.* This objective justification must exist at the onset of the stop. *Hiibel v. Sixth Judicial Dist. Ct. of Nev.*, 542 U.S. 177, 188, 124 S.Ct. 2451, 159 L.Ed.2d 292 (2004). Objective justification does not exist based on a mere refusal to cooperate with the official. *Florida v. Bostick*, 501 U.S. 429, 437, 111 S.Ct. 2382, 115 L.Ed.2d 389 (1991); *Florida v. Royer*, 460 U.S. 491, 498, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983) (stating that a person approached by the police may decline to listen to the questions and go on his way without furnishing the necessary objective grounds for reasonable suspicion).

Young v. Brady, No. 793 Fed. Appx. 905, 909 (11th Cir. Nov. 7, 2019).

71. In addition, at the time of Plaintiff’s arrest, any reasonable officer would have known that probable cause for an arrest under §843.02, Fla. Stat. could not be based on mere words. *See Olson v. Stewart*, 737 Fed.Appx. 478, 481 (11th Cir. 2018)(“At the time of Ms. Olson’s December 8, 2012 arrest, any reasonable officer would have known that probable cause for a violation of §843.02 could not be based on mere words.”); *Davis v. Williams*, 451 F.3d 759, 765 (11th Cir. 2006)(collecting cases)(“Florida courts have generally held, with very limited

exceptions, that physical conduct must accompany offensive words to support a conviction under §843.02.”).

COUNT I

FOURTH AMENDMENT VIOLATION - FALSE ARREST

(Against Deputy Dunn)

72. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count.

73. Deputy Dunn violated Plaintiff’s rights under the Fourth Amendment to the United States Constitution. These violations were of the type and character as to which any reasonable person would be aware.

74. This Defendant further violated Plaintiff’s constitutional and civil rights as protected by The Civil Rights Act, 42 U.S.C. §1983.

75. Deputy Dunn acted in bad faith and with malicious purpose and in a manner exhibiting wanton and willful disregard of human rights, safety, and property.

76. Deputy Dunn misused his power, possessed by virtue of state law and made possible only because he was clothed with the authority of state law. The violation of Plaintiff’s rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

77. The foregoing actions of Deputy Dunn were willful, wanton and in reckless disregard of Plaintiff’s rights, and were taken without any lawful justification and/or in the absence of probable cause. Defendant knew or should have known that there was no probable cause to arrest, imprison and/or place Plaintiff in confinement, as described more fully above, given the circumstances present and the clearly established law on the proof needed to establish “probable cause.”

78. Based upon the facts presented to Deputy Dunn and the applicable law, no reasonable law enforcement officer could have concluded that there existed any probable cause to arrest Plaintiff. The law was well settled and clearly established that the actions of Deputy Dunn constituted the false arrest under the Fourth Amendment to the United States Constitution.

79. The actions or inactions of Deputy Dunn as set forth in part above constituted a deliberate indifference or reckless disregard for the safety of Plaintiff when Defendant knew of and disregarded a risk to Plaintiff's health and safety.

80. Deputy Dunn was acting under color of state law at all times pertinent hereto. The false arrest of Plaintiff without probable cause violated the Fourth Amendment. Deputy Dunn misused his power, possessed by virtue of state law and made possible only because Deputy Dunn was clothed with the authority of state law. The violations of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

81. As a direct and proximate cause of Deputy Dunn's actions, Plaintiff has been damaged, which damages include: mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, loss of reputation, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Plaintiff is entitled to punitive damages under this count.

82. Plaintiff has been forced to retain counsel to represent him to vindicate his rights.

83. Pursuant to 42 U.S.C. §1988, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

COUNT II

FOURTH AMENDMENT VIOLATION - FALSE ARREST

(Against Defendant Sheriff)

84. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count.

85. This count sets forth a claim against Defendant Sheriff, as its officers, employees and agents operated to violate Plaintiff's rights under the Fourth Amendment to the United States Constitution. These violations were of the type and character as to which any reasonable person would be aware.

86. Through its officers, employees, and agents, Defendant Sheriff misused its power, possessed by virtue of state law and made possible only because they were clothed with the authority of state law. The violations of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

87. The foregoing actions by Defendant Sheriff were with malicious purpose, and taken in a manner exhibiting willful and wanton disregard of Plaintiff's rights, safety, and property, and were without any lawful justification and/or were in the absence of probable cause. Defendant Sheriff knew or should have known that there was no probable cause to arrest Plaintiff given the circumstances present and the clearly established law on the proof needed to establish "probable cause."

88. Based upon the facts presented to Defendant Sheriff through its officers, employees, and agents, and the applicable law, no reasonable law enforcement officer or agency could have concluded that there existed any probable cause to arrest Plaintiff. The law was well settled and clearly established that the actions of Defendant Sheriff's officers, employees and

agents constituted false arrest under the Fourth Amendment to the United States Constitution at the time the actions were engaged in.

89. The actions or inactions of this Defendant Sheriff as set forth in part above constituted exercises of deliberate indifference and reckless disregard for the safety of Plaintiff when it knew of and disregarded a risk to Plaintiff's health and safety.

90. Defendant Sheriff acted with deliberate indifference in the failure to train and to implement adequate supervisory procedures -- or implemented no such policies or procedures -- to prevent the harm that was caused to Plaintiff, including policies or procedures to support probable cause to arrest persons like Plaintiff, and policies or procedures to properly discipline officers who willfully trample on the constitutional rights of law abiding citizens, like Plaintiff, and to prevent the type of harm described in part above, as the direct result of which Plaintiff was falsely arrested and imprisoned. Defendant Sheriff was also deliberately indifferent in failing to train its officers, which resulted in constitutional violations as set forth in part above.

91. Defendant Sheriff approved, sanctioned and ratified the actions of Deputy Dunn, which both set and constituted official policies of Defendant Sheriff. Moreover, through frequent and customary actions like those set forth herein, directed both against Plaintiff and against others, the actions of Deputy Dunn clearly established a *de facto* custom and policy of Defendant Sheriff.

92. Defendant Sheriff's supervisors are responsible for hiring and supervising the law enforcement officers who work under them and, when necessary, for investigating alleged wrongdoing by their employees and disciplining those employees. At all times referred to herein, Defendant Sheriff's supervisors acted under color of state law and failed to properly supervise, investigate and discipline the individually named Defendant and other officers, employees and agents as alleged herein, and were deliberately indifferent in their training, the result of which were

constitutional violations. The Defendant Sheriff's supervisors' failure to supervise, investigate and discipline Dunn and other officers, employees and agents as alleged herein constitutes either an improper policy or the absence of a policy of the Defendant Sheriff which resulted in the deliberate indifference to the constitutional rights of the Plaintiff as set forth herein. Defendant Sheriff's supervisors also, after notice of the constitutional violations alleged herein, officially sanctioned these actions and refused to discipline Deputy Dunn which established a policy, by a final policy-maker, that directly or indirectly resulted in the violation of Plaintiff's constitutional rights.

93. As a direct and proximate cause of Defendant's actions, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, loss of reputation and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Plaintiff is entitled to punitive damages under this count.

94. Plaintiff has been forced to retain counsel to represent him to vindicate his rights.

95. Pursuant to 42 U.S.C. §1988, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

COUNT III

FOURTEENTH AMENDMENT VIOLATION - DUE PROCESS

(Against Deputy Dunn)

96. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count.

97. This count sets forth claims against Deputy Dunn for abuse of power in violation of the of the Due Process clause of the Fourteenth Amendment, brought through 42 U.S.C. §1983. This count is set forth in the alternative.

98. This Defendant abused his official power by intentionally, knowingly, maliciously, and unlawfully, by using excessive force in the arrest of Plaintiff. These violations were of the type and character as to which any reasonable person would be aware.

99. Deputy Dunn acted in bad faith, with malicious purpose, and in a manner exhibiting wanton and willful disregard for human rights, safety, and property. Deputy Dunn used his position of authority for illegal and improper purposes. He had ulterior motives in acting in furtherance of his principal or himself. Thus, he used his official position for personal gain.

100. Deputy Dunn is a person under applicable law.

101. Deputy Dunn misused and abused his power, possessed by virtue of state law and made possible only because he was clothed with the authority of state law. The violation of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

102. Based upon the facts presented to Deputy Dunn and the applicable law, no reasonable law enforcement officer could have concluded that there existed any reasonable cause to seize Plaintiff and his property, to place Plaintiff in handcuffs, to grab Plaintiff's pinky finger and twist it away from the rest of his hand in order to force Plaintiff to release his wallet in a manner that caused him injury and fear of a more significant injury. The law was well settled and clearly established that the actions of Deputy Dunn constituted a violation of Plaintiff's rights under the Fourteenth Amendment to the United States Constitution at the time the actions by Deputy Dunn were committed.

103. The actions or inactions of Deputy Dunn as set forth in part above constituted a deliberate indifference or reckless disregard for the health and well-being of Plaintiff when he knew of and disregarded a risk to Plaintiff's health and well-being and thus his actions or inactions constituted a violation of the Fourteenth Amendment to the United States Constitution.

104. The foregoing actions of Deputy Dunn were willful, wanton and in reckless disregard of Plaintiff's rights. Deputy Dunn was acting under color of state law at all times pertinent hereto. Deputy Dunn misused his power, possessed by virtue of state law and made possible only because Defendant was clothed with the authority of state law. The violation of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

105. As a direct and proximate cause of Defendant's actions, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, bodily injury, loss of reputation, lost employment opportunities, lost wages, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Defendants are further jointly and severally liable to the Plaintiff for the unlawful conduct alleged herein.

106. Based on the willful and malicious conduct of Deputy Dunn, as is set out herein, Plaintiff is entitled to a substantial award of punitive damages against him sued in his individual capacity.

107. Plaintiff has been forced to retain counsel to represent him to vindicate his rights. Pursuant to the provisions of 42 U.S.C. §1988, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

COUNT IV

FOURTEENTH AMENDMENT VIOLATION - DUE PROCESS

(Against Defendant Sheriff)

108. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count.

109. This is an action against Defendant Sheriff for abuse of power in violation of the Due Process clause of the Fourteenth Amendment, brought through and under 42 U.S.C. §1983.

110. Defendant Sheriff, through the actions of Deputy Dunn and others as final policymakers for Defendant Sheriff, abused its official power by intentionally, knowingly, and maliciously using excessive force in the arrest of Plaintiff. These violations were of the type and character as to which any reasonable person would be aware.

111. Defendant Sheriff, through the actions of Deputy Dunn and others as final policymakers for Defendant Sheriff, misused its power, possessed by virtue of state law and made possible only because it was clothed with the authority of state law. The violation of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. §1983.

112. Defendant Sheriff, through the actions of Deputy Dunn and other officers, employees and agents with final policymaking authority on behalf of Defendant Sheriff, used its authority for illegal and/or improper purposes. Defendant Sheriff's officers, employees and agents had ulterior motives in acting in furtherance of their agency as principal. Thus, they used their official positions for personal gain and purposes.

113. Defendant Sheriff violated Plaintiff's Fourteenth Amendment rights and acted with deliberate indifference in failing to implement policies to prevent the harm that was caused to

Plaintiff and to train its respective employees and agents in the proper use of police power. These failures were a moving force behind the injuries Plaintiff sustained. Defendant Sheriff and other supervisors were the final policymakers for Defendant Sheriff, and was aware of the need to train officers as stated above, but failed to do so. The *de facto* policies in failing to properly train and in allowing officers to abuse their power to mistreat people in circumstances like that of Plaintiff's were also adopted and ratified by Defendant Sheriff, and were adopted, engaged in and ratified with deliberate indifference to the consequences of such policies. Further, Defendant Sheriff, after learning of the damages and harm to Plaintiff, failed to take action against its officers, employees and agents for inflicting harm on Plaintiff and, as such, ratified their actions.

114. Additionally, Defendant Sheriff and his supervisors, after notice of the constitutional violations alleged herein, officially sanctioned these actions and refused to discipline the officers, employees and agents, which sanctions and refusals established one or more policies, by final policymakers, that directly or indirectly resulted in the violation of Plaintiff's constitutional rights.

115. Defendant Sheriff and his supervisors are final policymakers for Defendant Sheriff, and are responsible for hiring, retaining, training, and supervising the officers who work as its employees and agents, and when necessary, for investigating alleged wrongdoing by those employees and agents. At all times referred to herein, Defendant Sheriff, through its officers, employees and agents, acted under color of state law.

116. Defendant Sheriff had the duty to protect and avoid infringement of Plaintiff's constitutional rights pursuant to federal law. Defendant Sheriff breached those duties, proximately causing injury to Plaintiff. The acts and omissions of Defendant Sheriff referred to herein were

undertaken pursuant to unconstitutional acts of Defendant Sheriff's officers, employees and agents, whose actions were ratified by Defendant Sheriff.

117. Defendant Sheriff also failed to implement adequate hiring, retention, training, staffing, and supervisory procedures to properly exercise police power, as a direct result of which Plaintiff was subjected to such abuses.

118. The actions or inactions of Defendant Sheriff as set forth in part above constituted a deliberate indifference or reckless disregard for the health and well-being of Plaintiff when he knew of and disregarded a risk to Plaintiff's health and well-being and thus his actions or inactions constituted a violation of the Fourteenth Amendment to the United States Constitution.

119. As a direct and proximate cause of Defendant Sheriff's actions, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, bodily injury, loss of reputation, lost employment opportunities, lost wages, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Defendants are further jointly and severally liable to the Plaintiff for the unlawful conduct alleged herein.

120. Plaintiff has been forced to retain counsel to represent him to vindicate his rights. Pursuant to the provisions of 42 U.S.C. §1988, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

COUNT V

**COMMON LAW NEGLIGENT HIRING,
RETENTION, TRAINING, AND SUPERVISION**

(Against Defendant Sheriff)

121. Plaintiff re-alleges paragraphs 1 through 71 above and incorporate those allegations in this Count. This Count is pled in the alternative.

122. This is an action against Defendant Sheriff for negligent hiring, retention, training and supervision.

123. Defendant Sheriff breached its duty to properly supervise its agent, Deputy Dunn and other officers, employees, and agents.

124. The breach of this duty to properly supervise Deputy Dunn and other officers, employees, and agents of Defendant resulted in damages and injury to Plaintiff. Defendant Sheriff knew or should have known that the actions, omissions, and derelictions of its agents and employees could cause injuries to Plaintiff.

125. Defendant Sheriff breached its duties to hire and/or maintain the employment of employees who were fit for the duties they performed and to supervise and train its employees and agents.

126. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff sustained damages, including emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem and inconvenience and hurt and are therefore entitled to compensatory damages pursuant to the above provisions.

COUNT VI

COMMON LAW MALICIOUS PROSECUTION

(Against Deputy Dunn)

127. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

128. This count sets forth a claim against Deputy Dunn for malicious prosecution, and is pled in the alternative. For the purpose of this count, Deputy Dunn was acting outside the course and scope of employment with Defendant Sheriff.

129. Deputy Dunn caused the commencement and/or continuation of criminal proceedings against Plaintiff. The proceedings had bona fide terminations in Plaintiff's favor in that the charges against Plaintiff were dismissed.

130. There was no probable cause or reasonable basis in fact or in law for Deputy Dunn to cause the commencement of the criminal proceedings against Plaintiff.

131. Deputy Dunn acted with malice in initiating the criminal proceedings against Plaintiff and in causing to be continued the proceedings against Plaintiff, as well as in making the arrest, and Deputy Dunn knew that his actions against Plaintiff were not supported by even arguable probable cause.

132. As a direct and proximate cause of this Defendant's actions, Plaintiff has been damaged, which damages include: mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, bodily injury, and loss of reputation. These damages have occurred at present, in the past and will most likely occur in the future. Plaintiff is entitled to punitive damages under this count.

COUNT VII

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against Deputy Dunn)

133. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

134. This is an action against Deputy Dunn in his individual capacity. This count is pled in the alternative and for the purpose of this count alone, Deputy Dunn was acting outside the course and scope of employment with Defendant Sheriff.

135. Deputy Dunn's conduct constitutes extreme and outrageous conduct that would shock the conscience of a reasonable person and goes beyond all bounds of decency. Deputy Dunn's conduct was the proximate cause of Plaintiff's emotional distress and Plaintiff's emotional distress was severe. Deputy Dunn's conduct constitutes the actionable tort of intentional infliction of emotional distress.

136. Deputy Dunn intentionally and/or recklessly caused Plaintiff emotional distress by his actions. These actions of Deputy Dunn were made in bad faith and with a malicious purpose and with a willful disregard for Plaintiffs' rights.

137. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff was injured and sustained economic damages, including lost income, lost prestige, lost potential employment and good standing in the community, he has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant's actions, and is therefore entitled to compensatory damages pursuant to the above provisions. Plaintiff's damages are continuous; they have occurred

in the past, are occurring in the present, and will continue to occur in the future. Plaintiff is entitled to punitive damages against Defendant.

COUNT VIII

BATTERY

(Against Deputy Dunn)

138. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

139. This is an action against Deputy Dunn for battery. This Count is pled in the alternative and for the purpose of this Count alone, Dunn was acting inside the course and scope of his employment with Defendant Sheriff.

140. Plaintiff is entitled to relief against Deputy Dunn in that while acting within the scope of his employment with Defendant Sheriff, without justification or the Plaintiff's consent, touched Plaintiff's person in an offensive and harmful manner. Deputy Dunn intended to batter the Plaintiff. This unlawful touching of Plaintiff was also accomplished by Deputy Dunn without any justification. Deputy Dunn intended to cause harm to Plaintiff or there was substantial certainty that harm would occur to Plaintiff.

141. As a direct and proximate cause of Deputy Dunn's actions, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, bodily injury, loss of reputation, lost employment opportunities, lost wages, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Plaintiff is entitled to punitive damages under this count.

COUNT IX

NEGLIGENCE

(Against Defendant Sheriff)

142. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

143. Defendant Sheriff owed a duty of care to Plaintiff due to Plaintiff being sufficiently restrained of his liberty and freedom to leave by an employee of agent of Defendant, which placed him in the custody of Defendant. Once Plaintiff was restrained of his liberty, he was in the foreseeable zone of risk and a duty of care arose. Alternatively, because of the nature of the restraint and the subsequent custodial relationship between Plaintiff and Defendant Sheriff, Defendant had a special relationship with Plaintiff and, consequently, a duty of care was attendant thereto.

144. Defendant Sheriff breached its duty of care to Plaintiff and/or a duty to protect Plaintiff from the injuries caused by Dunn and others under its supervision and control.

145. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff sustained economic damages, including lost income, sustained emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant's actions, and is therefore entitled to compensatory damages pursuant to the above provisions.

COUNT X

BATTERY

(Against Defendant Sheriff)

146. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative

147. This count sets forth a claim against Defendant Sheriff for common law battery.

148. Plaintiff is entitled to relief against Defendant Sheriff in that through its officers, employees and agents, Defendant, without justification or the Plaintiff's consent, touched Plaintiff's person in an offensive and harmful manner, in that Dunn battered Plaintiff and caused Plaintiff to sustain injuries. Defendant Sheriff, through its agents and/or employees, intended to hit, push and otherwise batter Plaintiff. This unlawful touching was also accomplished by Defendant Sheriff, through its agents and/or employees, without any justification and in the absence of cause to touch or contact Plaintiff. Defendant Sheriff intended to cause harm to Plaintiff or there was substantial certainty that harm would occur.

149. For the purpose of this Count alone, the deputies were acting inside the course and scope of their duties and employment with Defendant Sheriff.

150. The actions by the deputies were committed as an agent of Defendant Sheriff and were committed within the course and scope of their employment/agency with Defendant Sheriff.

151. As a direct and proximate cause of Defendant Sheriff's actions, Plaintiff has been damaged, which damages include: mental anguish, pain and suffering, bodily injury, loss of capacity for the enjoyment of life, embarrassment, humiliation, loss of reputation, lost employment opportunities, lost wages, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future.

COUNT XI

COMMON LAW FALSE IMPRISONMENT/ARREST

(Against Deputy Dunn)

152. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

153. This is an action against Deputy Dunn in his individual capacity for common law false imprisonment/arrest. This count is pled in the alternative and for the purpose of this count alone, Deputy Dunn was acting outside the course and scope of employment with Defendant Sheriff.

154. The Plaintiff is entitled to relief against Deputy Dunn in that Deputy Dunn intentionally and unlawfully detained and restrained Plaintiff against his will; deprived Plaintiff of his liberty without any reasonable cause or color of authority and maintained such complete restraint and deprivation for a period of time.

155. This unlawful restraint of the Plaintiff's liberty was also accomplished by Deputy Dunn confining Plaintiff to an area in which the Plaintiff did not wish to be confined.

156. Plaintiff was further restrained by this Defendant's use of coercive words and threats of force as well as actual force and immediate means of coercion against Plaintiff so that the Plaintiff was restrained and deprived of liberty. Deputy Dunn restrained Plaintiff without any justification and in the absence of probable cause.

157. At all times material to this action, and at all times during which Plaintiff was being unlawfully restrained, Plaintiff was restrained against his will, and without consent, so that Plaintiff was not free to leave his place of confinement. Deputy Dunn acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights or safety.

158. As a direct and proximate cause of Deputy Dunn's actions, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, loss of reputation, and the loss of other

emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Plaintiff is entitled to punitive damages under this count.

COUNT XII

COMMON LAW FALSE IMPRISONMENT/ARREST

(Against Defendant Sheriff)

159. Plaintiff re-alleges paragraphs 1 through 71 above and incorporates those allegations in this Count. This Count is pled in the alternative.

160. This is an action against Defendant Sheriff for false imprisonment/false arrest.

161. Plaintiff is entitled to relief against Defendant Sheriff in that through its officers, employees and agents, it intentionally and unlawfully detained and restrained Plaintiff against his will, deprived Plaintiff of his liberty without any reasonable cause, and maintained such complete restraint and deprivation for a period of time. For purposes of this count, the actions by the employees and agents of Defendant Sheriff were committed within the course and scope of their employment with Defendant Sheriff.

162. This unlawful restraint of the Plaintiff's liberty was also accomplished by Defendant confining Plaintiff to an area in which the Plaintiff did not wish to be confined and by compelling the Plaintiff to go where he did not wish to go.

163. Plaintiff was further restrained by Defendant, through its officers' agents' and employees' use of coercive words, threats of force as well as actual force, and immediate means of coercion against Plaintiff so that the Plaintiff was restrained and deprived of liberty. Defendant restrained Plaintiff without any justification and in the absence of probable cause. Defendant conducted no independent investigation into whether any criminal conduct had occurred.

Defendant Sheriff ratified the misconduct of the deputies in that it was aware of the misconduct and sanctioned the decisions.

164. At all times material to this action, and at all times during which the Plaintiff was being unlawfully restrained, the Plaintiff was restrained against his will, and without consent, so that he was not free to leave his place of confinement.

165. As a direct and proximate cause of Defendant Sheriff's actions, Plaintiff has been damaged, which damages include: mental anguish, pain and suffering, loss of capacity for the enjoyment of life, embarrassment, humiliation, loss of reputation, and the loss of other emoluments. These damages have occurred at present, in the past and will most likely occur in the future. Defendants are jointly and severally liable to Plaintiff.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues set forth herein which are so triable.

DEMAND FOR ATTORNEYS' FEES

Plaintiff has been required to retain counsel to represent him in this action and hereby demands his attorneys' fees and costs pursuant to 42 U.S.C. §1988, which authorizes the award of costs and attorney's fees to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. §1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a. that process issue and this Court take jurisdiction over this case;
- b. that this Court grant equitable relief against Defendants under the applicable counts set forth above, mandating Defendants' obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;

- c. enter judgment against Defendants and for Plaintiff awarding damages to Plaintiff from Defendants for Defendants' violations of law enumerated herein;
- d. enter judgment against Defendants and for Plaintiff permanently enjoining Defendants from future violations of the state and federal laws enumerated herein;
- e. enter judgment against Defendants and for Plaintiff awarding Plaintiff attorney's fees and costs; and
- f. grant such other further relief as being just and proper under the circumstances.

Respectfully submitted,

/s/ Ryan D. Barack

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Kwall Barack Nadeau PLLC

304 S. Belcher Rd., Suite C

Clearwater, Florida 33765

Attorneys for Plaintiff

EXHIBIT 1



EXHIBIT 2

**IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA**

STATE OF FLORIDA

vs.

CASE NO. 51-2018-MM-004095-WS

Division 16

MARQUES JOHNSON
Defendant.

**ORDER ON DEFENDANT'S
MOTION TO DISMISS**

THIS CAUSE, having come before the Court upon Defendant's Motion to Dismiss on November 9, 2018. Based upon the Court's review of the Defendant's Motion to Dismiss, and the State's Traverse; controlling legal authority, *Burkes v. State*, 719 So2d 29 (Fla. 2^d DCA 1998), *J.R., a Child v. State*, 627 So. 2d 126 (Fla. 5th DCA 1993), *Burgess v. State* 313 So. 2d 479 (Fla. 2d DCA 1975); and after review and reconsideration of all other appropriate matters presented, the Court hereby GRANTS the Defendant's Motion to Dismiss.

IT IS HEREBY ORDERED AND ADJUDGED that Defendant's Motion to Dismiss is **GRANTED.**

DONE AND ORDERED in Chambers, New Port Richey, Pasco County, Florida, this ____ day of _____, 2018.

**TRUE COPY
ORIGINAL SIGNED**

**JOSEPH A. POBLICK
COUNTY JUDGE
SIXTH JUDICIAL CIRCUIT OF FLORIDA**

JOSEPH A. POBLICK,
County Court Judge

State Attorney's Office
Defendant's Attorney

EXHIBIT 3

IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY

STATE OF FLORIDA

v.

MARQUES JOHNSON

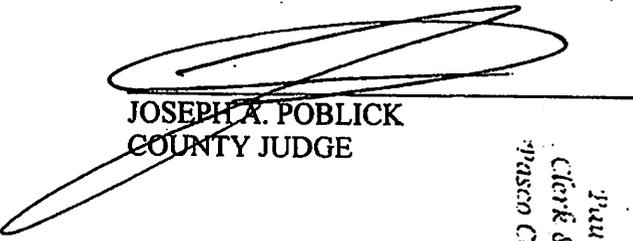
Case No. 2018MM004095MMAXWS
Division 16

ORDER DENYING STATE'S MOTION FOR RECONSIDERATION

THIS CAUSE having come before the Court upon the State's Motion for Reconsideration, it is therefore;

ORDERED AND ADJUDGED that the State's Motion for Reconsideration is **DENIED**.

DONE AND ORDERED in Chambers, New Port Richey, Pasco County, Florida, this
24 day of November, 2018.


JOSEPH A. POBLICK
COUNTY JUDGE

Copies furnished to:
State Attorney's Office
Steve Bartlett, Esq. 2150 Seven Springs Blvd., Trinity, FL. 34655

Paula S. O'Neill
Clerk & Comptroller
Pasco County, Florida

2018 NOV 26 AM 10:46

FILED FOR RECORD
PASCO COUNTY, FLORIDA

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.)

I. (a) PLAINTIFFS

MARQUES A. JOHNSON

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Ryan D. Barack, Kwall Barack Nadeau PLLC, 304 S. Belcher Rd., Suite C, Clearwater, FL 33765 (727) 441-4947 rbarack@employeeerights.com

DEFENDANTS

CHRIS NOCCO, in his official capacity as Sheriff, Pasco County, Florida and JAMES DUNN, in his individual capacity

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. §1983

Brief description of cause: Civil rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 06/12/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Ryan D. Barack

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE

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