

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division**

EARL SAMPSON; TOREE M. DANIELS; BRANDON
SPIVEY; ANTHONY LOWERY; FLOYD HALL, JR.;
ROSS PICART; RODERICK DEWAYNE SMITH;
KENNETH CRANE; YVENSONNE MONTALE; OMAR
DEAN; and ALI AMIN SALEH; ABIR INC., BARAKA J.
SHORT,

Plaintiffs,

CASE NO.: 13-24312-CIV-
GRAHAM

v.

THE CITY OF MIAMI GARDENS; MATTHEW BOYD;
PAUL MILLER; ANTHONY CHAPMAN;

Defendants.

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THIRD AMENDED COMPLAINT FOR DAMAGES

Plaintiffs, EARL SAMPSON, TOREE M. DANIELS, BRANDON SPIVEY, ANTHONY LOWERY, FLOYD HALL, JR., ROSS PICART, RODERICK DEWAYNE SMITH, KENNETH CRANE, YVENSONNE MONTALE, OMAR DEAN, and ALI AMIN SALEH, ABIR INC., and BARAKA J. SHORT, by and through undersigned counsels, sue the above-named Defendants and allege, upon facts, information, and belief, the following:

JURISDICTION AND VENUE

1. This action is brought under 42 U.S.C. § 1983. Jurisdiction is founded upon 28 U.S.C. § 1331 and 28 U.S.C. §§ 1343 (a)(3) and (4), as this action seeks redress for the violation of Plaintiffs' Constitutional and Civil Rights.

2. Pendent and supplemental jurisdiction is invoked pursuant to 28 U.S.C. § 1367(a) for this Court to decide claims that may arise under state law.

3. Venue is properly brought in the Southern District of Florida under 28 U.S.C. § 1391(b) and (c) because it is the district in which all of the events or omissions establishing the Plaintiffs' claims occurred.

4. Plaintiffs' claim for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.

5. This Court has authority to award costs and attorneys' fees under 42 U.S.C. § 1988 and 28 U.S.C. § 1920 with respect to Plaintiffs' Constitutional claims.

6. Plaintiffs have filed Notices of Claim with the Defendant, City of Miami Gardens, pursuant to Section 768.28, Fla. Stat. *Copies of said Notices are attached hereto and marked as Composite Exhibit "A"*.

PARTIES

7. Plaintiff, EARL SAMPSON (“Mr. SAMPSON”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

8. Plaintiff, TOREE DANIELS (“Ms. DANIELS”), is a black female who, at all times material hereto, was a resident of Miami Gardens, Florida.

9. Plaintiff, OMAR DEAN (“Mr. DEAN”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

10. Plaintiff, FLOYD HALL JR. (“Mr. HALL, JR.”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

11. Plaintiff, ROSS PICART (“Mr. PICART”), is a black Hispanic male who, at all times material hereto, was a resident of Hallandale, Florida, and worked in Miami Gardens, Florida.

12. Plaintiff, RODERICK SMITH (“Mr. SMITH”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

13. Plaintiff, ANTHONY LOWERY (“Mr. LOWERY”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

14. Plaintiff, KENNETH CRANE (“Mr. CRANE”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

15. Plaintiff, BRANDON SPIVEY (“Mr. SPIVEY”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

16. Plaintiff, YVENSONNE MONTALE (“Mr. MONTALE”), is a black male who, at all times material hereto, was a resident of Miami Gardens, Florida.

17. Plaintiff, ABIR INC., is the corporation that owns the Quick Stop Convenience Store located at 3185 NW 207th Street, Miami, Florida 33056 (“QUICKSTOP”)

18. Plaintiff, ALI AMIN SALEH (“Mr. SALEH”), is a Hispanic/Middle Eastern male who, at all times material hereto, was a resident of Pembroke Pines, Florida, and is the sole officer, director, and shareholder of Plaintiff, ABIR INC., the corporation that owns the aforementioned QUICKSTOP.

19. Plaintiff, BARAKA J. SHORT (“Mr. SHORT”), is a black male who, at all times material hereto, was a resident of Miramar, Florida, and a business owner in Miami Gardens, FL.

20. Defendant, CITY OF MIAMI GARDENS (“CITY”), is a municipality duly incorporated and existing under the laws of the State of Florida. The CITY established and maintains the Miami Gardens Police Department (“MGPD”), as a constituent department or agency. The CITY is responsible, through its officers, employees, servants, and agents, for enforcing the regulations of the CITY and for ensuring that its officers, employees, servants, and agents obey the laws of the State of Florida and the United States.

21. Defendant, CHIEF MATTHEW BOYD (Badge No. 100-001) (“CHIEF BOYD”), was, at all times material hereto, the Chief of Police and a final policymaker for the CITY with supervisory authority over all officers and operations of MGPD, including responsibility for training, recruiting, and managing all MGPD officers. He is sued in his individual capacity.

22. Defendant, DEPUTY CHIEF PAUL MILLER (Badge No. 100-004) (“DEPUTY CHIEF MILLER”), was, at all times material hereto, the Deputy Chief of Police. DEPUTY CHIEF MILLER directly oversees the day-to-day operations of MGPD’s three divisions and serves as acting chief during the absence of CHIEF BOYD. He is sued in his individual capacity.

23. Defendant, MAJOR ANTHONY CHAPMAN (Badge No. 100-014) (“MAJOR CHAPMAN”), was, at all times material hereto, Major of Criminal Investigations and part of MGPD command staff. He is sued in his individual capacity.

GENERAL ALLEGATIONS

24. This is a civil rights action in which named Plaintiffs seek relief for Defendants’ violations of their rights, privileges, and immunities as guaranteed by the Civil Rights Act of 1871, 42 U.S.C § 1983; the Fourth Amendment to the United States Constitution; the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and the laws of the State of Florida.

25. Defendants have implemented and are continuing to enforce, encourage and, sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, arrests and prosecutions of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

26. In addition, this pattern and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable suspicion or probable cause, as the determinative factors in conducting said actions, in violation of the Equal Protection Clause of the Fourteenth Amendment. The victims of this racial and/or national origin profiling are principally black males.

27. MGPD’s widespread constitutional abuses are a result of, and are directly and proximately caused by, policies, practices, and/or customs devised, implemented, and enforced by the CITY and CHIEF BOYD.

28. The CITY and CHIEF BOYD have acted, and continue to act, with deliberate indifference to the constitutional rights of those who come into contact with MGPD officers by: (a) failing to properly screen, train, and supervise MGPD officers; (b) inadequately monitoring MGPD officers during and after stop-and-frisks, searches, seizures, and arrests; (c) failing to sufficiently discipline MGPD officers who engaged in constitutional abuses, and (d) encouraging, sanctioning, and failing to rectify MGPD's unconstitutional practices.

29. The constitutional abuses are a result of either unconstitutional policies, or policies that, while constitutional on their face, are implemented in such a way that violate constitutionally protected rights. Additionally, all constitutional abuses have occurred under the color of authority by MGPD officers.

The Policies

(a) Quotas Policy

30. MGPD final policymakers have created, implemented, and are continuing to enforce an illegal system of quotas ("Quota Policy") requiring officers to issue a specific amount of citations, field contact reports, and arrests per month. The CITY is aware of and has tacitly approved the Quota Policy.

31. Police Chief Stephen Johnson, who was appointed Police Chief for the CITY in April 2014, appeared on local television station CBS4, on the program "Facing South Florida with Jim DeFede," on or about June 8, 2014, and admitted that a Quota Policy was in place during the administration of his predecessor, Defendant BOYD.

32. The Quota Policy evaluates officers' productivity exclusively on the quantity of arrests, citations, and field contact reports submitted, instead of officers' adherence to

constitutional practices, involvement in the community, etc. Officers are rewarded with incentives, benefits, raises, and/or promotions if these arbitrary quotas are met or exceeded. Contrastingly, officers who do not meet the monthly quotas are not only reprimanded but are routinely disciplined and demoted.

33. From 2008 through 2013, the unconstitutional Quota Policy became CITY policy, practice, and/or custom. The Quota Policy was enacted by CHIEF BOYD who is a CITY final policymaker for law enforcement purposes. Further, the CITY was put on notice of the Quota Policy by concerned officers, and failed to rectify the issue.

34. The Quota Policy has directly and proximately led MGPD officers to engage in a pattern and practice of police misconduct resulting in countless race-based and/or national origin-based stops. During the course of these stops, MGPD officers have committed thousands of unconstitutional searches, seizures, and false arrests, causing Plaintiffs to suffer continuous injuries.

35. The pressure to perform under the Quota Policy is so pervasive, that many times MGPD officers fabricate field contact reports with CITY residents who were actually incarcerated or at another location being stopped by other officers at the time the officers allegedly made contact.

36. The Quota Policy was implemented in part through a practice called the “all out detail” or “F.I. detail,” in which MGPD officers went out to generate field contacts, stop and frisks, and warrant sweeps. In warrant sweeps, MGPD officers randomly stopped individuals to check if they had outstanding warrants, even though the individuals’ behavior was neither criminal nor suspicious.

37. As an incentive for participating in an “all out detail” or “F.I. detail,” MGPD officers were either paid overtime (time and a half) based on their regular pay rate, or if Federal grant money was available, officers were paid \$77.00 per hour and supervisors, \$98.00 per hour, to participate in these special details.

(b) Zero Tolerance Zone Policy

38. In addition to the Quota Policy, MGPD has enacted a “Zero Tolerance Zone” Policy which, although constitutional on its face, has been, and continues to be, applied in such a way that violates the constitutional rights of CITY residents, including named Plaintiffs.

39. The alleged purpose of the policy is to reduce the number of individuals who are seen trespassing and loitering on private property without legitimate business. The policy asks local businesses to complete an affidavit and post a sign on their properties which states that the business owner allows MGPD officers to act on their behalf in their absence. The Zero Tolerance Zone Policy was enacted by the City Council on October 24, 2007, as part of Ordinance No. 2007-22-128, currently codified at Section 14-59 of the CITY’S Code of Ordinances. Moreover, the Zero Tolerance Zone Policy was thereafter disseminated to the public at large through the MGPD website, at the following URL: <http://miamigardenspolice.org/volunteer.htm> .

40. MGPD officers have used the Zero Tolerance Zone Policy, enacted by the CITY and its final policymakers, to illegally stop-and-frisk, search, seize, and arrest named Plaintiffs while visiting local businesses. This includes businesses which have not enrolled, or previously enrolled but have withdrawn enrollment, in the Zero Tolerance Zone program.

41. In many instances, MGPD officers have illegally stopped-and-frisked, searched, seized, and arrested named Plaintiffs, and other CITY residents, while the business owner was present and affirmatively requesting the officers not take any action.

42. Pursuant to this Policy, MGPD officers have stopped hundreds to thousands of children, including children of ages 1, 5, 8, 9, 10, 11, 12, and 13 years old, and characterized their behavior as suspicious even though it was neither criminal nor suspicious, and have released the children only after running them for wants and warrants.

43. The CITY and its final policymakers were on notice that MGPD officers were, and are, using the Zero Tolerance Zone Policy to conduct unconstitutional stop-and-frisks, searches, seizures, and arrests and have failed to rectify the issue.

(c) Racial Targeting Policy

44. Lastly, MGPD officers have used, and continue to use, race and/or national origin for the purpose of stopping, frisking, searching, seizing, and arresting principally black males. Specifically, through information and belief, MGPD has directly ordered its officers to stop-and-frisk black males, ages fifteen through thirty, without reasonable articulable suspicion of criminality (“Racial Targeting Policy”). This directive was issued at roll call by MAJOR CHAPMAN, and DEPUTY CHIEF MILLER knew of this directive and did not countermand it.

45. The Racial Targeting Policy was implemented and ratified by CHIEF BOYD, a final policymaker, and was tacitly approved by the CITY. The policy, which is unconstitutional on its face, impermissibly uses race and/or national origin and age, not reasonable articulable suspicion, as the determinative factor in initiating police interaction.

46. From 2008 through 2013, this policy has resulted in countless field contact reports of investigatory stops which were conducted pursuant to this policy, without any reasonable articulable suspicion of criminality.

47. All of the foregoing unconstitutional and illegal violations were conducted by MGPD police officers under the color of law.

48. Plaintiffs seek a judgment declaring that the policies, practices, and/or customs described herein violate the Fourth and Fourteenth Amendments and an injunction enjoining Defendants from continuing such polices, practices, and/or customs. In addition, Plaintiffs seek compensatory and punitive damages for violations of their constitutionally protected rights. Plaintiffs seek an award of attorneys' fees and costs and such other relief as this Court deems just and proper.

Field Contacts

49. MGPD officers frequently filled out Field Contact forms that on their face stated a constitutionally insufficient basis for stopping, frisking, and/or arresting a subject.

50. For instance, many Field Contact forms stated no other basis for a stop than an individual's presence in a high crime area, even though it has been clearly established law for over three decades that an individual's presence in a high crime area, standing alone, does not give rise to reasonable suspicion that would justify a police officer stopping the individual.

51. Additionally, many Field Contact forms reflected stops based on an individual remaining in a public location, notwithstanding the recognized Fourteenth Amendment liberty interest in remaining in a place of one's choosing.

52. Many Field Contact forms reflected warnings and/or arrests for trespassing, even though there was no complaint from the property owner about the individual's presence.

53. MGPD officers used the same boilerplate phrases repeatedly in many Field Contact forms, rather than providing an individualized description of the stops they conducted sufficient to support reasonable articulable suspicion and arguable probable cause.

54. MGPD officers have acknowledged a frequent practice of copying and pasting boilerplate incident descriptions from one Field Contact form to another.

55. MGPD officers prepared Field Contact forms by computer, and the form featured a dropdown menu for filling in the box on the second line of the form labeled "Reason". When no other category applied, MGPD officers were instructed to select "Suspicious Person" as the reason for the stop.

56. MGPD officers failed to document stops with Field Contact forms.

57. Notwithstanding these and other deficiencies appearing regularly in Field Contact forms, MGPD officers' immediate supervisors routinely approved the Field Contact forms, and did not discipline subordinate officers for deficiencies in these forms, or for failure to fill out a Field Contact form when required.

58. MGPD officers filled out 99,000 Field Contact forms over the five-year period of 2008 through 2013, in a city with a population of approximately 107,000 as of the 2010 U.S. Census. By contrast, police officers in the City of Miami, with a population of nearly 400,000 as of the 2010 U.S. Census, filled out only 5,000 Field Contact forms during the same time period.

Police Dashboard Camera Recordings

59. On or about June 12, 2008, the CITY enacted a policy (MGPD 5.4), requiring all MGPD police vehicles to be equipped with audio/visual recording systems. (See attached MGPD Policy 5.4 title Video/Audio Recording System attached as Exhibit B.) This policy was revised on October 23, 2008, and on June 8, 2010.

60. Upon information and belief the City and MGPD, received Federal funding to carry out the installation of video/audio equipment in their marked police vehicles.

61. According to the MGPD Policy, the following incidents shall be both audibly and visually recorded: All traffic stops (including, but not limited to, traffic violations, traffic crash investigations, and assistance to stranded motorists), and all crime interdiction stops.

62. Pursuant to MGPD Policy 5.4 supervisors are responsible for assuring that audio visual recording devices are working and that the MGPD officers are utilizing them properly.

63. Upon information and belief, BOYD was aware that MGPD officers and supervisors were disregarding Policy 5.4, which required MGPD officers to record incidents with their dashboard cameras, including incidents complained of herein. Yet rather than ensuring compliance, BOYD continued to ignore this policy created to maintain the integrity of MGPD police officers.

64. BOYD was charged with preserving this evidence, yet MGPD officers and supervisors were not disciplined for failure to record interactions with their dashboard cameras.

65. In September 2012, Plaintiffs provided BOYD with video footage recorded by Plaintiffs highlighting misconduct being committed by MGPD officers in violation of 42 USC §1983 and the U.S. Constitution, yet BOYD continued to disregard Policy 5.4 and allow officers

to deliberately not operate their dashboard cameras, or worse, to alter, delete, and destroy the video evidence.

Earl Sampson

66. Mr. SAMPSON is a twenty-eight year old black male who has been a resident of the CITY for approximately thirteen years. Mr. SAMPSON has been an employee of the QUICKSTOP since October 2011.

67. Over the course of four years, spanning from 2008 to 2012, Mr. SAMPSON was unlawfully stopped-and-frisked, searched, seized, and/or arrested over 288 times within the CITY and by MGPD officers —the equivalent of roughly once every week for four years. In all 288 instances, an investigatory stop was performed by MGPD officers who checked Mr. SAMPSON for outstanding warrants.

68. 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.

69. Out of the 288 times Mr. SAMPSON was stopped by MGPD officers, he was arrested only sixty-three times. Out of the sixty-three arrests, thirty arrests resulted in no action being taken by the State Attorney's Office or the Court dismissing the case for lack of probable cause at bonds. And of the remaining twenty-seven convictions, they are currently subject of a pending motion to vacate all the convictions on the basis of newly discovered exculpatory evidence of actual innocence.

70. The twenty-seven convictions were all based on charges for trespassing at the QUICKSTOP. During the course of all twenty-seven arrests, Mr. SAMPSON was either at the

QUICKSTOP with full permission from the owner, Mr. SALEH, or was working at the QUICKSTOP. On several occasions Mr. SAMPSON was arrested for trespassing while working stocking the shelves or taking out the garbage at the QUICKSTOP.

71. The following are descriptions of a sample of these incidents.

72. On October 15, 2010, at 10:00 a.m., Mr. SAMPSON was sitting outside of the public library on NW 183rd street smoking a cigar. Mr. SAMPSON was approached and detained by MGPD Officer Anita Hopson, who was acting in the course and scope of her employment at the time of the incident. Officer Hopson detained Mr. SAMPSON despite the lack of any reasonable articulable suspicion that he was engaged in criminal activity at the time. Mr. SAMPSON's identification was demanded of him, and he complied and acquiesced to Officer Hopson's authority. While Officer Hopson checked Mr. SAMPSON's identification information for wants or warrants, she also interrogated him about his reasons for being at the public library. Mr. SAMPSON truthfully told her that he was waiting to meet a friend and that he had no intention to go inside and use the library facilities. Officer Hopson then instructed Mr. Sampson, that he was not allowed to lounge at or around the public library and that he must to leave. Mr. SAMPSON complied with her instruction to leave the area.

73. The North Dade Regional Public Library was open to the public at the time of this incident. The library's posted hours on a Friday are 10:00 a.m. through 6:00 p.m. There was no annotation that anyone from the public library requested that Mr. SAMPSON be removed or trespassed from the grounds. Mr. SAMPSON was illegally detained and interrogated and then improperly trespassed from the public library. MGPD Officer Stacey Rovinelli approved the Field Contact form pertaining to this incident.

74. On October 19, 2010, around 6:25 p.m., Mr. SAMPSON was at or near the intersection of NW 27th Ave and NW 207th Street. Mr. SAMPSON was not engaged in any criminal activity at the time. There is no annotation on the Field Contact form as to what Mr. SAMPSON was alleged to have been doing at time, and there is also no articulated reasonable suspicion as to his involvement in any criminal activity. Despite this, MGPD Officer Randy Carpenter stopped and detained Mr. SAMPSON, then ordered Mr. SAMPSON to produce his identification information. Mr. SAMPSON acquiesced to his authority and complied. Mr. SAMPSON's identification information was then checked by Officer Carpenter for any wants or warrants, and when that was done Mr. SAMPSON was released. MGPD Officer Buddy Hunholz approved the Field Contact Report and thereby all actions contained therein.

75. On November 3, 2010, around 9:24 p.m., Mr. SAMPSON was standing in front of a residential home at 21099 NW 32nd Ave while walking on his way to the store. Mr. SAMPSON lives a few blocks away from the listed location. While standing for a moment at that location, Mr. SAMPSON was approached and detained by MGPD Officer Alex Barney, who was acting in the course and scope of his employment with MGPD at the time, despite Officer Barney having no reasonable articulable suspicion that Mr. SAMPSON was engaged in criminal activity. Officer Barney ordered Mr. SAMPSON to provide his identification information, and Mr. SAMPSON complied. While Officer Barney was checking Mr. SAMPSON's identification information for wants or warrants, he interrogated Mr. Sampson as to his reason for being in the residential neighborhood, a block from his own residence. Mr. SAMPSON told Officer Barney that he was on his way to the store. Once Defendant BARNEY was done checking Mr. Sampson's identification information and interrogating him, Mr. SAMPSON was released.

76. At the same exact time on November 3, 2010, Officer Barney, along with Officer Christopher Shuman, managed to observe Mr. SAMPSON three blocks away, at the QUICKSTOP, located at 3185 NW 207th street, standing in front of the store not conducting any business. Officers Barney and Shuman, who were acting in the course and scope of their employment with MGPD at the time, detained and then gave a written arrest to Mr. SAMPSON for trespass after warning. See Miami Gardens Police Case 2010-024632. The QUICKSTOP was open to the public at the time of these incidents. Neither the owner, nor an authorized representative of the owner, had requested that Mr. SAMPSON be removed, trespassed or arrested. Thus, the arrest occurred absent arguable probable cause. The Miami-Dade State Attorney's Office dismissed the case against Mr. SAMPSON.

77. Also on November 3, 2010, one MINUTE later, after being released by Officers Barney and Shuman, Mr. SAMPSON was then detained at the QUICKSTOP by MGPD Officer William Wagenmann for loitering. The annotated address on the Field Contact Report indicates the address of the QUICKSTOP, while the narrative on the Field Contact Report indicates that Mr. SAMPSON was allegedly loitering near Buccaneer Park, which is across the street and has its own address. In approximate terms, the Park is nearly 500 feet from the parking lot of the QUICKSTOP and nearly 1000 feet from the front entrance of the store. Officer Wagenmann approved his own Field Contact Report for his detention of Mr. SAMPSON. MGPD Officer Joseph Nargiso approved the conflicting Field Contact Report and Offense Incident Report authored by Officer Barney detailing his two interactions with Mr. SAMPSON and the written arrest issued. It is physically impossible for all three incidents documented in the Field Contact reports and the Offense Incident Report to have occurred as described therein.

78. On June 7, 2011, around 4:48 p.m., Mr. SAMPSON was standing near Buccaneer Park, across from the QUICKSTOP. Mr. SAMPSON was detained by MGPD Officer Barney, who was acting in the course and scope of his employment with MGPD at the time. Officer Barney detained Mr. SAMPSON on the basis that Mr. SAMPSON was in front of this public city park "not participating in any activities." This is not reasonable articulable suspicion or criminal activity. Officer Barney ordered Mr. SAMPSON to produce his identification, and Mr. SAMPSON complied. Once Officer Barney checked Mr. SAMPSON's identification information for wants or warrants, Officer Barney released Mr. SAMPSON. MGPD Officer William Wagenmann approved the Field Contact Report and thereby everything contained therein.

79. On August 26, 2011, at 11:09 p.m., Mr. SAMPSON was in the area of 20699 NW 27th Avenue, near the Race Trac Gas Station, but not at the Race Trac. Mr. SAMPSON was detained by MGPD Officer Michael Horn, who was acting in the course and scope of his employment with MGPD at the time. Officer Horn did not have any reasonable articulable suspicion for detaining Mr. SAMPSON. Officer Horn ordered Mr. SAMPSON to produce his identification information, and Mr. SAMPSON complied. Once Officer Horn determined that there were no wants or warrants outstanding for Mr. SAMPSON, Mr. SAMPSON was released. Officer Buddy Hunholz approved the Field Contact Report for this incident and thereby everything contained therein.

80. On September 21, 2011, around 12:05 p.m., Mr. SAMPSON was in or around Bunche Park riding a bicycle. Mr. SAMPSON was stopped and detained by Officer Carlos Austin, who was acting in the course and scope of his employment at the time. Officer Austin's stated reason for stopping and detaining Mr. SAMPSON was that Mr. SAMPSON was "riding around

the Bunche Park area, aimlessly." Officer Austin stopped, detained and searched Mr. SAMPSON to determine that he did not have any drugs or weapons on him. Officer Austin also ordered Mr. SAMPSON to produce his identification information, and Mr. SAMPSON complied. Once Mr. SAMPSON's information came back clear of wants or warrants, he was released. Mr. SAMPSON was illegally stopped, detained and searched without reasonable articulable suspicion. MGPD Officer Joseph Nargiso approved the Field Contact Report and thereby everything contained therein.

81. On January 21, 2012 around 8:52 p.m. Mr. SAMPSON was near the QUICKSTOP when he was stopped by Officer Victor Velez, who was acting in the course and scope of his employment with MGPD. Officer Velez had no articulable reasonable suspicion that Mr. SAMPSON was engaged in criminal activity at that time. The only stated basis for the stop was a conclusory assertion that Mr. SAMPSON was loitering. Officer Velez ordered Mr. SAMPSON to produce his identification information, and Mr. SAMPSON complied. Officer Velez checked Mr. SAMPSON's identification information for wants or warrants and then released him. The QUICKSTOP was open to the public during the entirety of this incident. Neither the store owner nor an authorized representative of the store owner had requested that Mr. SAMPSON be removed, trespassed or investigated. Officer Mason approved the Field Contact Report and thereby everything contained therein.

82. On February 15, 2012, around 12:40 a.m., Mr. SAMPSON was in an open area behind the QUICKSTOP. Mr. SAMPSON was approached and detained by MGPD Officer Victor Velez, who was acting in the course and scope of his employment with MGPD at the time. Officer Velez detained Mr. SAMPSON without any reasonable articulable suspicion that he was engaged

in criminal activity. The only stated basis for the stop was a conclusory assertion that Mr. SAMPSON was loitering. Officer Velez ordered Mr. SAMPSON to produce his identification information, and Mr. SAMPSON complied. Once Officer Velez checked Mr. SAMPSON's identification information for wants and warrants and the check came back negative, Mr. SAMPSON was released. Officer Rufus Williams approved the Field Contact Report and thereby everything contained therein.

83. On August 23, 2012, at 9:03 p.m., MGPD Officers Michael Wagoner, Eddo Trimino, and Martin Santiago arrested Mr. SAMPSON for trespassing, while he was inside the QUICKSTOP. Officer Wagoner walked right past the store owner SALEH, who had already made an Internal Affairs complaint that day because, among other things, MGPD officers kept arresting his employee Mr. SAMPSON for the crime of trespassing while he was working. The QUICKSTOP was open to the public during the entirety of this incident. Neither the store owner nor an authorized representative of the store owner had requested that Mr. SAMPSON be removed, trespassed or investigated. Officer Wagoner arrested Mr. SAMPSON without arguable probable cause for the crime of trespassing. Officer Santiago approved the Offense Incident Report and arrest. After being presented with a video of the incident and a defense witness list, the Miami-Dade State Attorney's Office dismissed the charge against Mr. SAMPSON.

84. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. SAMPSON.

85. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. SAMPSON's constitutional rights.

Toree Daniels

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

87. 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.

88. 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.

89. 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. Ms. DANIELS has had four convictions vacated, and proceedings are pending to vacate additional convictions.

90. 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. A sampling of the incidents are described in detail below.

91. On October 25, 2010 around 7:00 p.m., Ms. DANIELS was at the QUICKSTOP when she was detained by MGPD Officer Randy Carpenter, who was acting in the course and scope of his employment with MGPD. Officer Carpenter detained Ms. DANIELS without any

reasonable articulable suspicion that she was engaged in criminal activity. Officer CARPENTER ordered Ms. DANIELS to produce her identification information, and Ms. DANIELS complied. Officer Carpenter checked Ms. Daniels' identification information for wants or warrants, and then released her when she came back clear. The QUICKSTOP was open to the public during the entirety of this incident. Neither the store owner nor an authorized representative of the store owner had requested that Ms. DANIELS be removed, trespassed or arrested. Officer Buddy Hunholz approved the Field Contact Report and thereby everything contained or not contained therein.

92. On June 4, 2011, around 12:38 a.m., Ms. DANIELS was in the 21000 block of N.W. 32nd Avenue, when she was approached and detained by MGPD Officer Javier Romaguera, who was acting in the course and scope of his employment with MGPD at the time. Officer Romaguera lacked any reasonable articulable suspicion to believe that Ms. DANIELS was involved in criminal activity. The annotated reason for his detention was that Ms. DANIELS was hanging out in an area known for narcotics. Officer Romaguera ordered Ms. DANIELS to produce her identification information, and Ms. DANIELS complied. Officer Romaguera checked Ms. Daniels' identification information for wants or warrants, and then released her. MGPD Sgt. Rufus Williams approved the Field Contact Report and thereby everything contained or not contained therein.

93. On December 17, 2011, around 6:50 p.m., Ms. DANIELS was at the QUICKSTOP. She was approached and detained by MGPD Officer Alex Barney, who was acting in the course and scope of his employment with MGPD at the time. Officer Barney lacked any reasonable articulable suspicion that Ms. DANIELS was involved in criminal activity at the time. Officer

Barney gave Ms. DANIELS a written arrest for trespass after warning. The QUICKSTOP was open to the public during the entirety of this incident. Neither the store owner nor an authorized representative of the store owner had requested that Ms. DANIELS be removed, trespassed or arrested. Officer Buddy Hunholz approved the Field Contact Report and thereby everything contained or not contained therein. The case against Ms. DANIELS was dismissed.

94. On May 11, 2012, around 12:30 a.m., Ms. DANIELS was walking about a block from her residence when she was stopped and detained by MGPD Officer Henry Payoute, who was acting in the course and scope of his employment with MGPD at the time, but lacked any reasonable articulable suspicion that Ms. DANIELS was involved in any criminal activity. Officer Payoute ordered Ms. DANIELS to produce her identification information, and she complied. While checking the identification information for wants or warrants, Officer Payoute interrogated Ms. DANIELS about her reason for being out on the public streets. Ms. DANIELS told him that she was just out taking a walk. Officer Payoute ordered Ms. DANIELS to "walk back to her residence and stay off the street corner." Ms. DANIELS was then released. MGPD Sgt. Diana Hedrick approved the Field Contact Report and thereby everything contained or not contained therein.

95. On May 24, 2012, around 2:00 a.m., Ms. DANIELS was just down the road from the twenty four-hour True Value Food Mart when she was stopped and detained by MGPD Officer Alvin Bernard, who was acting in the course and scope of his employment with MGPD. Officer Bernard detained Ms. DANIELS without any reasonable articulable suspicion that she was engaged in criminal activity. Officer Bernard ordered Ms. DANIELS to produce her identification information, and Ms. DANIELS complied. Officer Bernard checked Ms.

DANIELS' identification information for wants or warrants and interrogated her as to her reason for being on the public streets. Ms. DANIELS explained that she was going to the store up the road. Ms. DANIELS was released when the records check came back in the clear. MGPD Sgt. Hedrick approved the Field Contact Report and thereby everything contained or not contained therein.

96. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Ms. DANIELS.

97. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Ms. DANIEL's constitutional rights.

Brandon Spivey

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

99. 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.

100. 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. Mr. SPIVEY has had four convictions vacated, and proceedings are pending to vacate additional convictions. A

sampling of these incidents in which Mr. SPIVEY was stopped and/or arrested are described below.

101. On April 25, 2008, around 10:15 a.m., Mr. SPIVEY was stopped and detained while he was walking home from school by MGPD Officer Dagostinis for "acting suspicious." Officer Dagostinis ordered Mr. SPIVEY to produce his identification information, and he complied. While Mr. SPIVEY was detained, his grandmother passed by and stopped. Once Mr. SPIVEY's identification was cleared, the officer released him to his grandmother. MGPD Officer Hunholz approved the Field Contact Report.

102. On June 11, 2009, around 7:20 p.m., Mr. SPIVEY was just a few blocks away from his house when he was stopped and detained by MGPD Officer Rodriguez, who ordered Mr. SPIVEY and Devon Clark, who was present with Mr. SPIVEY, to produce their identification information. Both complied with Officer Rodriguez's request. Officer Rodriguez checked Mr. SPIVEY'S identification information and then released him. MGPD Officer Prince approved the Field Contact Report.

103. On September 9, 2009, around 5:46 p.m., Mr. SPIVEY was just outside of Buccaneer Park when he was stopped and detained by MGPD Officer Coleman. Officer Coleman ordered Mr. SPIVEY to produce his identification information, and he complied. Officer Coleman then searched Mr. SPIVEY and when his identification information and his person were both found to be clear, he was released. MGPD Officer Kolackovsky approved the Field Contact Report.

104. On January 19, 2010, around 9:08 p.m., Mr. SPIVEY was just a few blocks from home when he was stopped and detained by MGPD Officer Perdomo. Officer Perdomo did not

advise Mr. SPIVEY why he was being stopped, but ordered him to produce his identification information, and he complied. While Mr. SPIVEY's identification information was being checked, Officer Perdomo also searched Mr. SPIVEY's person without his consent. Once the check of Mr. SPIVEY'S person and his identification information came back clear, he was released. MGPD Officer Kolackovsky approved the Field Contact Report.

105. On May 1, 2010, around 4:00 p.m., Mr. SPIVEY was at the QUICKSTOP when he was detained by MGPD Officer Harris, for sitting on a milk crate. Officer HARRIS ordered Mr. SPIVEY to produce his identification information and he complied. Officer Harris then gave Mr. SPIVEY a written arrest for trespass after warning. MGPD Officer Kolackovsky approved the Offense Incident Report.

106. On November 20, 2010, around 12:48 a.m., Mr. SPIVEY was at the QUICKSTOP when he was detained by MGPD Officer Engers. Officer Engers ordered him to produce his identification information and he complied. While Officer Engers checked Mr. SPIVEY's identification information he also interrogated him about his purpose for being at the QUICKSTOP, and Mr. SPIVEY replied that he was there waiting for a friend. Mr. SPIVEY was then physically searched without his consent, and subsequently released when his record check was clear. Officer Hohendorf approved the Field Contact Report.

107. On January 20, 2011, around 12:51 a.m, Mr. SPIVEY was at the QUICKSTOP when he was detained by MGPD Officer Eddo Trimino, Officer Jeremy Pilone, and Officer Vega, who were acting in the course and scope of their employment with MGPD at the time, conducting surveillance on the QUICKSTOP. These three MGPD officers detained Mr. SPIVEY without any reasonable articulable suspicion. The annotated reason for the detention was that Mr. SPIVEY

was walking back and forth in front of the QUICKSTOP, and he did not make a purchase. Officers Trimino, Pilone, and Vega initially approached Mr. SPIVEY outside the store, but he did not wish to speak with them, so they then followed him inside. The officers then detained Mr. SPIVEY, ordering him to produce his identification information, and he complied with the order. Officers Trimino, Pilone, and Vega then issued Mr. SPIVEY a written arrest for trespass after warning and escorted him off the premises.

108. The QUICKSTOP was open to the public during the entirety of this January 20, 2011, incident. Neither the store owner nor an authorized representative thereof had requested that Mr. Spivey be removed, trespassed or arrested, and consequently the MGPD officers did not have arguable probable cause for this arrest. Officer Pilone approved Offense Incident Report 2011-001419 and thereby everything contained or not contained therein. The Miami Dade State Attorney's Office dismissed the case against Mr. SPIVEY.

109. On April 16, 2011, around 6:45 p.m., Mr. SPIVEY was near Buccaneer Park when he was detained by MGPD Officer Seda. Officer Seda ordered him to produce his identification information and he complied. Officer Seda then checked Mr. SPIVEY'S identification information, and when it was found to be clear he was released. MGPD Officer Williams approved the Field Contact Report.

110. On May 24, 2011, around 4:23 p.m, Mr. SPIVEY was at Buccaneer Park hanging out with some friends. While at the public park, Mr. SPIVEY was approached and detained by MGPD Officer Barrios, who was acting in the course and scope of his employment. Officer Barrios detained Mr. SPIVEY without any reasonable articulable suspicion that he was involved in any criminal activity. The annotated reason for the detention was that Mr. SPIVEY was sitting

next to the restrooms at Buccaneer Park. Officer Barrios ordered Mr. SPIVEY to produce his identification information and Mr. SPIVEY complied. Once the record check came back clear, Mr. SPIVEY was released. MGPD Officer Stacey Rovinelli approved the Offense Incident Report and thereby everything contained or not contained therein.

111. On June 2, 2011, around 2:36 a.m., Mr. SPIVEY was in the vicinity of the QUICKSTOP and Buccaneer Park when he approached and detained by MGPD Officer Victor Velez, who was acting within the course and scope of his employment with MGPD. Officer Velez detained Mr. SPIVEY without any reasonable articulable suspicion. The annotated reason on the Field Contact Report was a conclusory statement that Mr. SPIVEY was loitering in the area. Officer Velez ordered Mr. SPIVEY to produce his identification information and he complied. Once the record check came back clear, Mr. SPIVEY was released. MGPD Officer Stephen Kolackovsky approved the Offense Incident Report and thereby everything contained or not contained therein.

112. On August 31, 2011, around 11:00 p.m., Mr. SPIVEY was at the QUICKSTOP when he was detained by MGPD Officers Onassis Perdomo and Alberto Seda, who were acting within the course and scope of their employment with MGPD. Officers Perdomo and Seda detained Mr. SPIVEY without any reasonable articulable suspicion, and then gave Mr. SPIVEY a written arrest for trespass after warning. The QUICKSTOP was open to the public during the entirety of this incident. Neither the store owner nor an authorized representative thereof had requested that Mr. SPIVEY be removed, trespassed or arrested, and consequently Officers Perdomo and Seda had no arguable probable cause to make this arrest. MGPD Officer Rufus Williams approved the Offense Incident Report and thereby everything contained or not

contained therein. The Miami-Dade County State Attorney's Office dismissed the charges against Mr. SPIVEY.

113. On October 23, 2011, around 1:30 p.m., Mr. SPIVEY was in the area of 20800 N.W. 34th Court, a residential neighborhood, when he was approached and detained along with another male, Daryle Hopper, by MGLPD Officer Vanderheyden because they were allegedly in an area that had had a recent increase in violent crimes. Officer Vanderheyden ordered Mr. SPIVEY to produce his identification information and he complied. While checking the identification information for wants or warrants, Officer Vanderheyden also searched Mr. SPIVEY, allegedly pursuant to his consent. Mr. SPIVEY either did not consent, or consented under coercion and duress. There was nothing located during this search. Once Mr. SPIVEY's record check came back clear he was released. MGLPD Officer S. White approved the Field Contact Report.

114. On February 13, 2012, around 12:46 a.m., Mr. SPIVEY was driving Jeremiah Brownlee when he was stopped and detained by MGLPD Officer Horn. Officer Horn ordered him to produce his identification information and he complied. When Mr. SPIVEY's information was cleared, he was released. MGLPD Officer Hunholz approved the Field Contact Report.

115. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. SPIVEY.

116. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. SPIVEY's constitutional rights.

Anthony Lowery

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

118. 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.

119. 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. Some of the incidents are detailed below.

120. On June 11, 2009, Mr. LOWERY was outside of the QUICKSTOP, when MGPD Officer Onassis Perdomo stopped Mr. LOWERY and arrested him for drinking in public, even though he was not drinking in public at that time. MGPD Officer Stephen Kolackovsky reviewed and approved the Offense Incident Report. The State Attorney's Office declined to file charges.

121. On May 18, 2012, MGPD Officer Nicholas Jacobs was on a directed patrol at the QUICKSTOP. Officer Jacobs alleged that Mr. LOWERY was INSIDE of the QUICKSTOP drinking a 12 ounce Bud Light beer, but in fact Mr. LOWERY was not drinking an alcoholic beverage in or near the QUICKSTOP. MGPD Officer Martin Santiago reviewed and approved the Arrest Affidavit and Field Contact Report. The State Attorney's Office declined to file charges.

122. On June 22, 2012, Mr. LOWERY was at the QUICKSTOP, when MGPD Officers William Dunaske and Jimmy Sanchez saw Mr. LOWERY with hair cutting equipment. Plaintiff was detained and his hair cutting tools were seized. Without giving Miranda warnings, Officer Dunaske interrogated Mr. LOWERY about what he was doing. Mr. LOWERY honestly responded that he was just giving a few trims/haircuts, and did not claim that he was charging the two men for trimming up their hair. Officers Dunaske and Sanchez arrested Mr. LOWERY for unlicensed barbering under Chapter 476, Florida Statutes, even though barbering must be done for compensation to be subject to the statutes. The Arrest Affidavit and Offense Incident report were reviewed and approved by Officer Martin Santiago. The State Attorney's Office declined to file charges.

123. On June 10, 2009, Mr. LOWERY was alleged to have been with a group of males who were in an area where shots were fired. There was no allegation that Mr. LOWERY or any of the males that he was alleged to have been with were involved in, or even suspected of being involved in, the shots that were fired. However, field contact was initiated by Officer Perdomo, and Mr. LOWERY was detained. The detention and description provided of the detention was approved by Officer Kolackovsky.

124. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. LOWERY.

125. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. LOWERY's constitutional rights.

Floyd Hall, Jr.

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

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

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

129. On June 23, 2010, around 5:10 p.m., Mr. HALL was right next to the QUICKSTOP when he was stopped and detained by MGPD Officer Saint-Louis for being in a "high narcotics area." Officer Saint-Louis ordered him to produce his identification information, and he complied. Once his identification information was clear, Mr. HALL was allowed to leave. MGPD Officer Kolackovsky approved the Field Contact form for this incident.

130. On September 28, 2010, at approximately 12:15 p.m., Mr. HALL saw police activity in the area of the QUICKSTOP. Since he did not know what was going on, Mr. HALL went towards his house, but was stopped by MGPD Officer Warren. Officer Warren ordered Mr. HALL to produce his identification information, and he complied. After his identification information was checked, Mr. HALL was released. MGPD Officer Wagner approved the Field Contact form for this incident.

131. On November 12, 2010, around 1 a.m., Mr. HALL was walking just two blocks home from a friend's house, when he was stopped and detained by MGPD Officer Romaguera. Officer Romaguera ordered him to produce his identification information, and he complied. While checking Mr. HALL's identification, Officer Romaguera asked Mr. HALL why he was out in public, and he explained that he was just walking home from a friend's house. Officer Romaguera then released him. MGPD Officer Santiago approved the Field Contact form for this incident.

132. On August 10, 2012, around 9:07 p.m., Mr. HALL was at the QUICKSTOP, when he was approached and detained by MGPD Officer Eric. Officer Eric ordered him to produce his identification information, and he complied. While Officer Eric was checking Mr. HALL's identification for wants and warrants, he asked Mr. HALL why he was at the QUICKSTOP. Mr. HALL replied that he was waiting for his ride due to the rain that was coming through. Once Mr. HALL's identification came back clear, he was released, and he left the QUICKSTOP as soon as his ride arrived. MGPD Officer Nargiso approved the Field Contact form for this incident.

133. On November 15, 2012, at approximately 11:30 p.m., MGPD Officers William Dunaske, Martin Santiago, and others, stopped Mr. HALL JR., at the QUICKSTOP, without reasonable articulable suspicion and/or arguable probable cause. Mr. HALL had been watching a game at the QUICKSTOP. When Mr. HALL JR. exited the store, Officers Dunaske and Santiago, along with other officers, stopped and frisked Mr. HALL, conducted a full search of Mr. HALL, handcuffed him, and removed a Taser from Mr. HALL's person. Officers Dunaske and Santiago did not generate a police report about this incident, nor did they place the seized property into evidence as required by MGPD policy. Throughout this incident, Officers Dunaske, Santiago,

and others, were acting within the course and scope of their employment with MGLPD. Upon Information and belief, Officers Dunaske and Santiago, along with other officers, appropriated the property and permanently deprived HALL of said property. Officer Santiago was the supervisor on scene, at he participated, encouraged, authorized or acquiesced to DUNASKE's conduct.

134. On July 3, 2013, Mr. HALL was sitting in front of the QUICKSTOP drinking a soda from a KFC cup. An MGLPD police squad led by Officers Martin Santiago, Eddo Trimino, and Carlos Velez, arrested Mr. HALL and several other persons for allegedly drinking in front of the Quick Stop. Officer Trimino opened the lid of Mr. HALL's cup without consent and alleged that Mr. HALL, along with the other co-defendants, was drinking alcoholic beverages. Officer Velez generated a police report indicating that Mr. HALL was drinking a "natural ice" beer, even though no beer was ever photographed or collected as evidence. Officer Velez also mentioned in his report information about his knowledge that Mr. SALEH was suing the MGLPD.

135. Mr. HALL and the rest of the defendants were arrested and placed in a transport van. Mr. HALL was searched prior to being placed in the Van and he did not have any drugs on him at the time. After being transported, the transporting Detective Christopher Shuman claimed he found narcotics in the van and attributed said drugs to Mr. HALL. Mr. HALL denied having drugs on his person and claimed that the drugs were planted by the MGLPD. After being presented with exculpatory evidence, including video evidence of the illegal search, the Miami-Dade State Attorney's Office did not file charges against Mr. HALL.

136. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. HALL.

137. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. HALL, JR.'s constitutional rights.

Ross Picart

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

139. On December 21, 2012, Mr. PICART was unlawfully stopped-and-frisked, searched, seized, and arrested without reasonable suspicion or arguable probable cause within the CITY and by MGPD officers William Dunaske, Martin Santiago, Eddo Trimino, and others. These officers were acting under color of authority, and were involved in the incident, either directly or through tacit approval. The incident resulted in excessive use of force by MGPD officers.¹

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

¹ Mr. PICART's Fourth Amendment excessive force claim against the individual officers will be re-asserted in a separate lawsuit.

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

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

143. MGPD officers proceeded to unlawfully search the QUICKSTOP and found a firearm - owned by and registered to Mr. SALEH — under the counter and concealed from plain view. Mr. PICART was subsequently arrested for possession of a concealed firearm although MGPD officers knew it did not belong to him and had no basis to believe that Mr. PICART was even aware the firearm was there. The Miami-Dade State Attorney's Office declined to file charges.

144. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers involved in this incident. Indeed, at least one officer, Officer Dunaske, received promotions subsequent to this incident.

145. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. PICART's constitutional rights.

Roderick DeWayne Smith

146. Mr. SMITH is a twenty-six old black male who has been a resident of the CITY for his entire life. On at least six (6) occasions, Mr. SMITH was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause within the CITY and by MGPD officers.

147. On April 8, 2009, Mr. SMITH was stopped while walking on a public sidewalk, minding his own business, and not engaged in any illegal or criminal activities. MGPD Officer Pinkney (whose name Mr. SMITH learned later from the Field Contact form generated) searched Mr. SMITH's pockets without consent or a warrant, and ran his name through the system, releasing him when no warrants were revealed.

148. On October 22, 2011, Mr. SMITH was stopped while walking on a public sidewalk, minding his own business, and not engaged in any illegal or criminal activities. MGPD Officer Vega (whose name Mr. SMITH learned later from the Field Contact form generated) searched Mr. SMITH's pockets without consent or a warrant, and ran his name through the system, releasing him when no warrants were revealed.

149. On June 16, 2012, Mr. SMITH was detained in his own home by an MGPD officer he did not know. The officer searched his pockets without consent or a warrant. The officer demanded identification from Mr. SMITH, even though he knew that Mr. SMITH lived there, and ordered Mr. SMITH to leave the premises. However, the officer ran Mr. SMITH's name through the system, and released him when no warrants were revealed.

150. On January 14, 2013, Mr. SMITH was stopped by MGPD Officer Michael Malone, and was accused of loitering in front of his own residence, even though Officer Malone knew he lived in the area, and even though Mr. SMITH was not engaged in any criminal or illegal activity. Officer Malone conducted a full search of Mr. SMITH's person, without consent or a warrant, and ran Mr. SMITH's name through the system, releasing him when no warrants were revealed.

151. On February 7, 2013, Mr. SMITH was unlawfully stopped-and-frisked, searched, seized, and arrested without reasonable suspicion or arguable probable cause within the CITY and by MGPD officers. This incident with MGPD officers resulted in an excessive use of force.²

152. On February 7, 2013, Mr. SMITH was on the QUICKSTOP property drinking an alcoholic beverage. He was approached by MGPD officers, including Officer Michael Ruiz and Officer Kevin Tamayo, who asked for his identification and poured out the contents of the beverage. Simultaneously, MGPD officers performed a full search of Mr. SMITH'S person without consent and without reasonable articulable suspicion or probable cause.

153. After the unlawful search, Mr. SMITH was released, at which time he attempted to walk into the QUICKSTOP to purchase water. Officer Ruiz instructed him not to enter the QUICKSTOP – which was open to the public at the time. MGPD officers again requested Mr. SMITH's identification and when he asked "why?" Officer Ruiz threw him, head-first, into a steel door, and handcuffed him. Thereafter, Mr. SMITH was picked up, and thrown against the police car.

154. After several minutes of physical detainment, Mr. SMITH was released, and Officer Ruiz issued him a Promise to Appear for possession of an open container. Subsequent to the arrest, neither Officer Ruiz nor Officer Tamayo completed a Use of Force Report as required by MGPD policy and Florida law.

155. The Court subsequently dismissed the open container charge.

² Mr. SMITH's Fourth Amendment excessive force claim against the individual officers will be re-asserted in a separate lawsuit.

156. The February 7, 2013, incident was captured by the QUICKSTOP's video surveillance cameras.

157. On August 10, 2013, Mr. SMITH was stopped by MGPD Officer Harris, as he was crossing the street, and was not engaged in any criminal or illegal activity. Officer Harris was with a few other MGPD officers, including Sergeant Martin Santiago. Officer Harris conducted a full search of Mr. SMITH's person, without consent or a warrant, and ran his name through the system, even though he knew Mr. SMITH lived in the area. Mr. SMITH was released after no warrants were revealed.

158. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. SMITH.

159. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of MR. SMITH's constitutional rights.

Kenneth Crane

160. Mr. CRANE is a forty six year old black male who has resided in the CITY for his entire life.

161. Mr. CRANE was unlawfully stopped-and-frisked, searched, seized, and/or arrested without reasonable suspicion or arguable probable cause within the CITY by MGPD officers.

162. On November 23, 2012, Mr. CRANE was riding his bicycle to the QUICKSTOP when he was stopped without reasonable suspicion, and subsequently searched and arrested without probable cause by MGPD officers.

163. MGPD officers William Dunaske, James Harris, and Eddo Trimino, all of whom were acting under color of authority, were involved in the November 23, 2012 search, seizure, and arrest, either directly or through tacit approval.

164. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, frisked, and/or arrested Mr. CRANE.

165. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. CRANE's constitutional rights.

Yvensonne Montale

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

167. Mr. MONTALE was unlawfully stopped-and-frisked, searched, seized, without reasonable suspicion within the CITY and by MGPD officers on at least three occasions.

168. On June 6, 2012, at approximately 12:12 a.m., Mr. MONTALE was riding his bicycle when he was detained for no reason by MGPD Officer Jimmy Sanchez and MGPD Sergeant Martin Santiago. These MGPD officers alleged that he did not have lights on his bicycle, even though he in fact had lights on the bicycle. The officers searched Mr. MONTALE's pockets, ran his name for warrants, and released him.

169. Mr. MONTALE later learned that the MGPD officers prepared a Field Contact form concerning the June 6, 2012, incident in which they claimed they were conducting an investigation.

170. On June 9, 2012, at approximately 6:36 p.m., while at Buccaneer Park and not engaged in any criminal activity, Mr. MONTALE was detained for no reason by MGPD Officer A. Lawson and some other unknown MGPD officers. The MGPD officers then searched his pockets, ran his name for warrants, and released him.

171. Mr. MONTALE later found out that Officer A. Lawson prepared a Field Contact form for the June 9, 2012, incident, in which he claimed that he was conducting a narcotics investigation, but Mr. MONTALE neither had narcotics nor was he in the company of anyone who had narcotics in their possession.

172. On August 13, 2012, Mr. MONTALE was riding his bicycle to the QUICKSTOP where he was stopped without reasonable suspicion and subsequently searched without probable cause.

173. MGPD Officer Brian Gregory and other MGPD officers, all of whom were acting under color of authority, were involved in the August 13, 2012, search and seizure.

174. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, and seized Mr. MONTALE.

175. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. MONTALE's constitutional rights.

Omar Dean

176. Mr. DEAN is a 39 year old black male who resided in the CITY for over 10 years of his life. During the period of 2008 through 2013, he was unlawfully stopped-and-frisked,

searched, seized, without reasonable suspicion within the CITY on at least twenty occasions, and below are descriptions of a sample of these incidents.

177. On April 30, 2009 around 5:44 p.m., Mr. DEAN was at his mother's house visiting with her. He was stopped and detained, in front of his mother, by MGPD Officer Johnson. Officer Johnson stopped and detained him over an anonymous call about a *possible wanted person* in the area. Officer Johnson ordered Mr. DEAN to produce his identification information and he complied. Officer Johnson checked Mr. DEAN's identification information and when it came back clear he was released. MGPD Officer Adams approved the Field Contact Report.

178. On March 25, 2010, around 11:02 p.m., Mr. DEAN was stopped and detained by MGPD Officer Prince for being suspected of trespassing at the 24 hour True Value Food Store. Officer Prince ordered Mr. DEAN to produce his identification information and he complied. Officer Prince checked Mr. DEAN's identification information and when everything came back clear, he was ordered to stay away from the True Value Food Store, although no reason was given as to why. MGPD Officer Pilone approved the Field Contact Report.

179. On September 19, 2011, around 9:30 p.m., Mr. DEAN was at the 24 hour True Value Store, in the parking lot, when he was stopped and detained by MGPD Officer Richardson as part of an "all out" detail. Officer Richardson ordered him to produce his identification information and he complied. Officer Richardson checked Mr. DEAN's identification information and when everything came back clear, he was ordered to leave anyway. MGPD Officer Skaggs approved the Field Contact Report.

180. On May 2, 2012, around 12:53 p.m., Mr. DEAN was stopped and detained by MGPD Officer Payout for walking in an "area known for prostitution and narcotics activity."

Officer Payoute ordered Mr. DEAN to stop and talk to him, so he did. Officer Payoute then checked Mr. DEAN's identification information for wants and warrants and subsequently released him. MGPD Officer Hedrick approved the Field Contact Report.

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

182. Mr. DEAN was walking in front of the QUICKSTOP with a plastic bag of Red Bull cans. Without reasonable suspicion or warning, Officer Malone approached Mr. DEAN and performed a complete search of his person and possessions.

183. During the unlawful search, Officer Malone confiscated the bag containing Red Bull cans, threw the contents on the pavement, and then proceeded to hand out Mr. DEAN's property to pedestrians.

184. Officer Malone and other officers involved in the July 13, 2012, incident were all acting under color of authority.

185. The CITY and CHIEF BOYD either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers who stopped, searched, and seized Mr. DEAN.

186. The acts and omissions of the CITY and CHIEF BOYD constitute a continuing violation of Mr. DEAN's constitutional rights.

Ali Amin Saleh and Abir Inc.

187. Mr. SALEH has been the owner of the QUICKSTOP located in the CITY since 1999. In 2006, Mr. SALEH incorporated ABIR INC., and ABIR INC. has been the owner of the

QUICKSTOP since 2006. Mr. SALEH is the sole officer, director, and shareholder of ABIR INC.

188. Over the course of four years, spanning from 2008 to 2012, the QUICKSTOP was unlawfully searched without reasonable suspicion or arguable probable cause, numerous times by MGPD officers.

189. In addition, MGPD officers have engaged in a policy, practice and/or custom of stopping-and-frisking, searching, seizing, and arresting patrons of his QUICKSTOP while they are on the premises for loitering or trespassing. Mr. SALEH has repeatedly informed MGPD officers that QUICKSTOP patrons are on the premise with his full permission and authority — information which MGPD officers routinely disregard.

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

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

192. The CITY and CHIEF BOYD either encouraged, authorized, tacitly approved, failed to supervise and discipline, and/or were deliberately indifferent to the unconstitutional misconduct engaged in by subordinate MGPD officers.

193. On July 28, 2012, at approximately 12:10pm, MGPD Officer Jeffrey Engers walked into the QUICKSTOP and asked to use the bathroom.

194. Although the Officer was given permission to use the bathroom, he never used the bathroom; instead, Engers unlawfully searched the premises. Engers was acting under color of authority and wearing a MGPD uniform.

195. MR. SALEH did not give Engers consent nor did Engers have probable cause or a search warrant.

196. On August 11, 2012, at approximately 7:57 PM, subsequent to Mr. SALEH's complaint to MGPD Sergeant Joseph Nargiso about MGPD Officer Carlos Velez's entry into the QUICKSTOP and unlawful search of the premises, without reasonable suspicion or probable cause, Velez came back and told Mr. SALEH he would get him. The incident was captured on video.

197. On December 9, 2012, a few months after MR. SALEH had made an Internal Affairs complaint to MGPD Internal Affairs Investigator Gary Smith against MGPD Officers Carlos Velez, Eddo Trimino, William Dunaske, and Martin Santiago for their harassing behavior towards his patrons and employees, these officers were up to their usual behavior in the parking lot of MR. SALEH's business, stopping and searching customers without reasonable suspicion and or arguable probable cause.

198. At approximately 11:15 pm on December 9, 2012, MGPD Officers Velez, Trimino, Dunaske, and Santiago, waited for MR. SALEH to get into his vehicle and followed MR. SALEH from the parking lot of his business.

199. These officers conducted a traffic stop on Mr. SALEH's vehicle, without reasonable suspicion and or arguable probable cause. They searched Mr. SALEH'S vehicle and

his person. Defendants all stood by at the scene staring MR. SALEH down in intimidating fashion.

200. The traffic stop concluded with MR. SALEH receiving three citations for non-moving infractions.

201. SALEH had also previously provided (in September 2012) video footage of these officers engaging in police misconduct in front of his business. This traffic stop was pre-textual, not based on reasonable suspicion of criminality or probable cause and/or arguable probable cause, and it was retaliatory.

202. On this date, Officer Dunaske, who had a prisoner in his car, chased after SALEH with the prisoner still in the vehicle to back up Officer Velez.

203. Officer Dunaske drove the wrong way on N.W. 207th Street from the QUICKSTOP, at a high rate of speed, to back up Officer Velez, who had already stopped SALEH. The incident was captured on Officer Dunaske's dashboard camera (one of only seven videos actually recorded pursuant to MGPD Policy 5.4 and turned over to Plaintiffs).

204. This vehicle stop and all actions taken were in retaliation for Mr. SALEH's informal complaints, as well as his Internal Affairs complaint against the officers.

205. Officers Velez, Trimino, Dunaske, and Santiago were acting under color of authority, wearing MGPD uniforms and driving MGPD marked police vehicles.

Baraka Short

206. Mr. SHORT is a 41 year old black male who grew up in Miami Gardens, currently resides in Miramar, FL, and is a managing member of a business, Bugatti Fresh B's LLC d/b/a Sarah's Salon & Boutique, located at 3179 N.W. 207th Street, Miami Gardens, FL.

207. From 2008 through 2013, Mr. SHORT has been stopped approximately 40 times by the MGPD, although MGPD officers have prepared Field Contact forms or an Investigative Report for only 4 of these stops.

208. All of the stops were carried out without the reasonable articulable suspicion and/or probable cause required by law, and during these stops, he was frequently searched, seized, and frisked.

FEDERAL MUNICIPAL LIABILITY CLAIMS

COUNT ONE

All Named Plaintiffs against the City of Miami Gardens 42 U.S.C. § 1983 -- Violations of the Fourth Amendment Official Policies and/or Decisions of Final Policymaker

209. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

210. The CITY and CHIEF BOYD have implemented and are continuing to enforce, encourage, and sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, and arrests of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

211. In addition, this policy and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable

suspicion or probable cause, as the determinative factors in conducting a stop-and-frisk, search, seizure, and/or arrest in violation of the Fourth Amendment. The victims of such racial and/or national origin profiling are principally black males, members of a protected class.

212. The policies, fully described in the General Allegations of this Complaint, *supra* ¶¶ 30-48, include the Quotas Policy, Zero Tolerance Zone Policy, and the Racial Targeting Policy, all of which are either unconstitutional on their face or are enforced in such a way which violates the constitutional rights of CITY residents, including named Plaintiffs.

213. The Quotas Policy and Racial Targeting Policy are unwritten policies that have become the moving force behind the deprivation of the Plaintiffs' Fourth Amendment rights. These informal policies were enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

214. The Zero Tolerance Zone Policy, a written policy, was jointly enacted by the CITY and MGPD. As previously stated, although the policy is not unconstitutional on its face, MGPD officers are abusing the policy and using it as a vehicle to illegally stop, search, and arrest CITY residents without reasonable suspicion and/or probable cause.

215. The adoption and implementation of the Quotas Policy, the Racial Targeting Policy, and the Zero Tolerance Zone Policy was the moving force behind the violation of Plaintiffs' Fourth Amendment rights, and the proximate cause of the violation of those rights. These informal policies were enacted and sanctioned by CHIEF BOYD, a final policymaker for law enforcement purposes.

216. As a direct and proximate result of the referenced policies, all Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs request judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) That the Miami Gardens policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, performed under color of law and without reasonable articulable suspicion and/or arguable probable cause, is unconstitutional in that it violates the Fourth and Fourteenth Amendments to the United States Constitution;
- 2) That injunctive relief be issued enjoining the MGPD from continuing its policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, without reasonable articulable suspicion and/or arguable probable cause, and in particular serving to:
 - a. Further enjoin the MGPD from continuing the use of quotas for arrests (Quotas Policy);
 - b. Further enjoining the MGPD from continuing the use of a Zero Tolerance Zone Policy to conduct unconstitutional stops and frisks, searches, seizures, and arrests; and
 - c. Further enjoining the MGPD from continuing the use of the Racial Targeting Policy to use racial and/or national origin profiling to make unconstitutional stops and frisks, searches, seizures, and arrests.

- 3) That the City, Mayor, City Manager, and Police Department shall institute and implement improved policies and programs with respect to training, discipline and promotion designed to eliminate the MGPD's policies of unconstitutional stops-and-frisks, searches, seizures, and/or arrests.
- 4) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 5) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 28 U.S.C. § 1920 and 42 U.S.C. §1988; and
- 6) Award such other relief as this Court deems just, proper, and equitable, including further injunctive and declaratory relief as may be required in the interests of justice.

COUNT TWO

All Named Plaintiffs against the City of Miami Gardens 42 U.S.C. § 1983 -- Violations of the Fourteenth Amendment Official Policies and/or Decisions of Final Policymaker

217. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

218. The CITY and CHIEF BOYD have implemented and are continuing to enforce, encourage, and sanction a policy, practice, and/or custom of unconstitutional stop-and-frisks, searches, seizures, and arrests of CITY residents, including Plaintiffs, by MGPD officers — all of which are done without the reasonable articulable suspicion and/or probable cause required under the Fourth Amendment.

219. In addition, this pattern and practice of unconstitutional stop-and-frisks, searches, seizures, and arrests by MGPD officers utilizes race and/or national origin, not reasonable suspicion or probable cause, as the determinative factors in conducting a stop-and-frisk, search, seizure, and/or arrest in violation of the Fourteenth Amendment. The victims of such racial and/or national origin profiling are principally black males, members of a protected class.

220. The Racial Targeting Policy described in the General Allegations is unconstitutional on its face, violating the rights of CITY residents, including the named Plaintiffs, under the Equal Protection Clause of the Fourteenth Amendment.

221. The Quotas Policy and Racial Targeting Policy are unwritten policies enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

222. The Zero Tolerance Zone Policy, a written policy, was jointly enacted by the CITY and MGPD. As previously stated, although the policy is not unconstitutional on its face, MGPD officers are abusing the policy and using it as a vehicle to illegally stop, search, and arrest CITY residents without reasonable suspicion and/or probable cause.

223. The adoption and implementation of the Racial Targeting Policy, in conjunction with the Quotas Policy and the Zero Tolerance Zone Policy, was the moving force behind the violation of Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment, and the proximate cause of the violation of those rights.

224. The Racial Targeting Policy was enacted and/or ratified by CHIEF BOYD, a final policymaker for law enforcement purposes.

225. As a direct and proximate result of the referenced policies, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs request judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) That the Miami Gardens policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, performed under color of law and without reasonable articulable suspicion and/or arguable probable cause, is unconstitutional in that it violates the Fourth and Fourteenth Amendments to the United States Constitution;
- 2) That injunctive relief be issued enjoining the MGPD from continuing its policy, practice, and/or custom of stopping-and-frisking, searching, seizing, and/or arresting, without reasonable articulable suspicion and/or arguable probable cause, and in particular serving to:
 - a. Further enjoin the MGPD from continuing the use of quotas for arrests (Quotas Policy);
 - b. Further enjoining the MGPD from continuing the use of a Zero Tolerance Zone Policy to conduct unconstitutional stops and frisks, searches, seizures, and arrests; and
 - c. Further enjoining the MGPD from continuing the use of the Racial Targeting Policy to use racial and/or national origin profiling to make unconstitutional stops and frisks, searches, seizures, and arrests.

- 3) That the City, Mayor, City Manager, and Police Department shall institute and implement improved policies and programs with respect to training, discipline and promotion designed to eliminate the MGPD's policies of unconstitutional stops-and-frisks, searches, seizures, and/or arrests.
- 4) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 5) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 28 U.S.C. § 1920 and 42 U.S.C. §1988; and
- 6) Award and such other relief as this Court deems just, proper, and equitable, including further injunctive and declaratory relief as may be required in the interests of justice.

COUNT THREE

All Named Plaintiffs against the City of Miami Gardens 42 U.S.C. § 1983 – Failure to Supervise and Discipline – Violation of Fourth Amendment

226. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

227. During the period of 2008 through 2013, stops, searches, frisks, and/or arrests without reasonable suspicion or arguable probable cause were a routine occurrence in the CITY, resulting in widespread violations of Fourth Amendment rights of the Plaintiffs and others.

228. These widespread violations of Fourth Amendment rights were accomplished and/or furthered by the frequent and routine preparation of facially insufficient Field Contact Forms.

229. These widespread violations of Fourth Amendment rights were also accomplished and/or furthered by MGPD officers' frequent failure to abide by Departmental policy concerning recording interactions with the public through dashboard cameras.

230. The CITY routinely failed to discipline MGPD officers for failure to properly prepare Field Contact forms, and for failure to record interactions with the public through dashboard cameras, thereby facilitating the continued widespread violation of the Fourth Amendment rights of Plaintiffs and others.

231. The CITY's failure to discipline its officers amounted to deliberate indifference to the Fourth Amendment rights of Plaintiffs and others, and resulted in ratification of the unconstitutional conduct of MGPD officers.

232. As a direct and proximate result of the CITY'S failure to supervise and discipline, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs request judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) Award Plaintiffs compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 2) Award all Plaintiffs attorneys' fees and costs of suit pursuant to 28 U.S.C. § 1920 and 42 U.S.C. §1988; and
- 3) Award and such other relief as this Court deems just, proper, and equitable, including further injunctive and declaratory relief as may be required in the interests of justice.

COUNT FOUR

**Plaintiff SALEH against the City of Miami Gardens
42 U.S.C. § 1983 – First Amendment Retaliation**

233. Plaintiff realleges Paragraphs 1 through 66, 84, 135, and 188 through 206, as though fully set forth herein.

234. Plaintiff SALEH engaged in constitutionally protected speech when he made informal complaints, as well as a formal complaint to MGPD Internal Affairs, about the misconduct of MGPD officers in and adjacent to the QUICKSTOP.

235. The retaliatory actions of MGPD Officers, including but not limited to verbal threats, a police chase, and issuance of three citations to Mr. SALEH for non-moving violations, would deter a person of ordinary firmness from continuing to exercise his First Amendment rights.

236. Mr. SALEH's protected speech was the motivating factor behind the retaliatory conduct, and the temporal proximity of the retaliatory conduct to Mr. SALEH's speech is evidence of the causal connection.

237. The CITY either directly or tacitly approved of, sanctioned, encouraged, and/or failed to supervise and discipline the officers engaging in the retaliatory conduct.

238. As a direct and proximate result of the CITY's retaliation against Mr. SALEH's exercise of his First Amendment rights, he has suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiff SALEH requests judgment against Defendant, the CITY, and request that the Court finds and awards as follows:

- 1) Award Plaintiff compensatory damages in amounts that are fair, just and reasonable to be determined at trial;
- 2) Award Plaintiff attorneys' fees and costs of suit pursuant to 28 U.S.C. § 1920 and to 42 U.S.C. § 1988; and
- 3) Award and such other relief as this Court deems just, proper, and equitable.

FEDERAL SUPERVISORY LIABILITY CLAIMS

COUNT FIVE

**All Named Plaintiffs Against CHIEF BOYD
Supervisory Liability – Failure to Correct History of Widespread Abuse
U.S.C. § 1983 – Violation of Fourth Amendment**

239. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

240. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the implementation of the Zero Tolerance Zone Policy.

241. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Quotas Policy.

242. CHIEF BOYD, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Racial Targeting Policy.

243. CHIEF BOYD was placed on notice that the adoption and implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy resulted in

widespread abuse of the Fourth Amendment rights of CITY residents, including all named Plaintiffs, in that innumerable persons were stop-and-frisked, searched, seized, and arrested without probable cause and/or reasonable suspicion. Nonetheless, CHIEF BOYD failed to take any corrective action to remedy these abuses, such as supervision, monitoring, and disciplinary measures to prevent unconstitutional implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy.

244. CHIEF BOYD'S adoption and/or implementation of the Zero Tolerance Zone Policy, the Quotas Policy, and the Racial Targeting Policy, and his failure to take corrective action when placed on notice of widespread abuses, were the proximate cause of the deprivation of Plaintiffs' Fourth Amendment rights.

245. As a direct and proximate result of CHIEF BOYD'S adoption and/or implementation of these policies and failure to take corrective action, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendant, CHIEF BOYD, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SIX

**All Named Plaintiffs Against CHIEF BOYD and DEPUTY CHIEF MILLER
Supervisory Liability—Failure to Correct History of Widespread Abuse
U.S.C. § 1983 – Violation of Fourteenth Amendment**

246. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

247. CHIEF BOYD and DEPUTY CHIEF MILLER, at all times material hereto, were official decision-makers with respect to the adoption and implementation of the Racial Targeting Policy.

248. CHIEF BOYD and DEPUTY CHIEF MILLER knew or should have known that the Racial Targeting Policy is unconstitutional on its face under the Fourteenth Amendment.

249. Furthermore, CHIEF BOYD and DEPUTY CHIEF MILLER were placed on notice that the adoption and implementation of the Racial Targeting Policy resulted in widespread abuse of the Fourteenth Amendment rights of CITY residents, including all named Plaintiffs, in that innumerable persons were stop-and-frisked, searched, seized, and arrested based on race and/or national origin without probable cause and/or reasonable suspicion. Nonetheless, CHIEF BOYD failed to take any corrective action to remedy these abuses, such as supervision, monitoring, and disciplinary measures to prevent unconstitutional implementation of the Racial Targeting Policy.

250. CHIEF BOYD'S and DEPUTY CHIEF MILLER'S adoption and/or implementation of the Racial Targeting Policy, and their failure to take corrective action when placed on notice of widespread abuses, were the proximate cause of the deprivation of Plaintiffs' Fourteenth Amendment rights.

251. As a direct and proximate result of CHIEF BOYD'S and DEPUTY CHIEF MILLER'S adoption and/or implementation of these policies and failure to take corrective action, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants, CHIEF BOYD and DEPUTY CHIEF MILLER, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT SEVEN

**All Named Plaintiffs Against MAJOR CHAPMAN
Supervisory Liability—Direction of Unlawful Acts
42 U.S.C. § 1983 – Violation of Fourteenth Amendment**

252. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

253. MAJOR CHAPMAN, at all times material hereto, was an official decision-maker with respect to the adoption and implementation of the Racial Targeting Policy.

254. MAJOR CHAPMAN knew or should have known that the Racial Targeting Policy is unconstitutional on its face under the Fourteenth Amendment.

255. MAJOR CHAPMAN directed unlawful acts by subordinate police officers by instructing them during roll call to stop all black males between the ages of 15 and 30.

256. MAJOR CHAPMAN'S direction of unlawful acts by subordinate police officers was the proximate cause of the deprivation of Plaintiffs' Fourteenth Amendment rights.

257. As a direct and proximate result of MAJOR CHAPMAN'S direction of unlawful acts, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer, physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendant, MAJOR CHAPMAN, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

COUNT EIGHT

**All Named Plaintiffs Against CHIEF BOYD and DEPUTY CHIEF MILLER
Supervisory Liability—Failure to Stop Unlawful Acts
U.S.C. § 1983 – Violation of Fourteenth Amendment**

258. Plaintiffs reallege Paragraphs 1 through 209 as if fully set forth herein.

259. CHIEF BOYD and DEPUTY CHIEF MILLER knew or should have known that the Racial Targeting Policy is unconstitutional on its face under the Fourteenth Amendment.

260. CHIEF BOYD and DEPUTY CHIEF MILLER were aware of and failed to countermand MAJOR CHAPMAN's instruction to subordinate officers during roll call to stop all black males between the ages of 15 and 30.

261. On account of MAJOR CHAPMAN's instruction, CHIEF BOYD and DEPUTY CHIEF MILLER knew that there was a high probability that subordinate officers would act unlawfully by carrying out this unlawful directive, but failed to stop them from doing so.

262. CHIEF BOYD's and DEPUTY CHIEF MILLER's failure to stop unlawful acts of racial profiling by subordinate police officers was the proximate cause of the deprivation of Plaintiffs' Fourteenth Amendment rights.

263. As a direct and proximate result of CHIEF BOYD's and DEPUTY CHIEF MILLER's failure to stop unlawful acts of racial profiling by subordinate police officers, the named Plaintiffs, and further, countless CITY residents, have suffered, and will continue to suffer,

physical, mental, and emotional pain and suffering, mental anguish, embarrassment, and humiliation.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants, CHIEF BOYD and DEPUTY CHIEF MILLER, for compensatory damages, punitive damages, reasonable attorney fees, costs, and such other relief as this Court deems just and proper.

STATE LAW CLAIMS

COUNT NINE

Individual State Law Claim of Mr. SAMPSON for False Arrest

264. Plaintiff, Mr. SAMPSON realleges Paragraphs 1 through 4 and 6 through 85, as if fully set forth herein.

265. 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.

266. The conduct of the MGPD officers who arrested Mr. SAMPSON was intentional and was committed within the course and scope of their employment with MGPD.

267. Mr. SAMPSON was unlawfully detained and deprived of his liberty against his will when MGPD officers arrested him sixty-three times without legal authority.

268. The conduct of the MGPD 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.

269. The CITY is responsible for the false arrests of Mr. SAMPSON in that the false arrests were intentional and were committed within the course and scope of the MGPD arresting officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

270. 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 against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT TEN

Individual State Law Claim of Ms. DANIELS for False Arrest

271. Plaintiff, Ms., DANIELS, realleges paragraphs 1 through 4 and 6 through 65 and 86 through 97 as if fully set forth herein.

272. 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.

273. The conduct of the MGPD officers who arrested Ms. DANIELS was intentional and was committed within the course and scope of their employment with MGPD.

274. Ms. DANIELS was unlawfully detained and deprived of her liberty against her will when MGPD officers arrested her thirty-three times without legal authority.

275. The conduct of the MGPD 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.

276. The CITY is responsible for the false arrests of Ms. DANIELS in that the false arrests were intentional and were committed within the course and scope of the arresting officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

277. 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 damage against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT ELEVEN

Individual State Law Claim of Mr. SPIVEY for False Arrest

278. Plaintiff realleges Paragraphs 1 through 4 and 6 through 65 and 98 through 116, as if fully set forth herein.

279. 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.

280. Mr. SPIVEY was unlawfully detained and deprived of his liberty against his will when MGPD officers arrested him six times without legal authority.

281. The conduct of the MGPD officers who arrested Mr. SPIVEY 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.

282. The CITY is responsible for the false arrests of Mr. SPIVEY in that the false arrests were intentional and were committed within the course and scope of the arresting officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

283. 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 against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT TWELVE

Individual State Law Claim of Mr. LOWERY for False Arrest

284. Plaintiff realleges Paragraphs 1 through 4 and 6 through 65 and 117 through 125, as if fully set forth herein.

285. 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.

286. Mr. LOWERY was unlawfully detained and deprived of his liberty against his will when MGPD officers arrested him five times without legal authority.

287. The conduct of the MGPD officers who arrested Mr. LOWERY constituted repeated false arrests of Mr. LOWERY, as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

288. The CITY is responsible for the false arrests of Mr. LOWERY in that the false arrests were intentional and were committed within the course and scope of the arresting officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. LOWERY respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT THIRTEEN

Individual State Law Claim of Mr. HALL, Jr. for False Arrest

290. Plaintiff realleges paragraphs 1 through 4 and 6 through 65 and 126 through 137, as if fully set forth herein.

291. 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.

292. Mr. HALL, JR. was unlawfully detained and deprived of his liberty against his will when MGPD officers arrested him twelve times without legal authority.

293. The conduct of the MGPD officers who arrested Mr. HALL, JR. constituted repeated false arrests of Mr. HALL, JR., as the arrests were made without probable cause or even arguable probable cause. Each arrest was unreasonable and unwarranted under the circumstances.

294. The CITY is responsible for the false arrests of Mr. HALL, JR. in that the false arrests were intentional and were committed within the course and scope of the arresting officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. HALL, JR. respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FOURTEEN

Individual State Law Claim of Mr. PICART for Civil Battery

296. Plaintiff, MR. PICART, realleges paragraphs 1 through 4 and 6 through 65 and 138 through 145, as if fully set forth herein.

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

298. The conduct of Officers William Dunaske, Martin Santiago, Eddo Trimino, and other MGPD officers on December 21, 2012, in illegally searching and arresting Mr. PICART, and employing excessive force to do so, was intentional and intended to cause a harmful or offensive contact with the person of Mr. PICART.

299. The conduct of Officers Dunaske, Santiago, Trimino, and other MGPD officers was committed within the course and scope of their employment with MGPD.

300. Defendant, the CITY, is responsible for the battery committed by Officers Dunaske, Santiago, Trimino, and others upon the person of Mr. PICART, in that the civil battery was intentional and was committed within the course and scope of these officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. PICART respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT FIFTEEN

Individual State Law Claim of Mr. PICART for False Arrest

302. Plaintiff, MR. PICART, realleges paragraphs 1 through 4 and 6 through 65 and 138 through 145, as if fully set forth herein.

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

304. Mr. PICART was unlawfully detained and deprived of his liberty against his will when Officers Dunaske, Santiago, Trimino, and others arrested him without legal authority.

305. The conduct of Officers Dunaske, Santiago, Trimino, and others constituted a false arrest of Mr. PICART, as the arrest was made without probable cause or even arguable probable cause.

306. The CITY is responsible for the false arrest of Mr. PICART in that the false arrest was intentional and was committed within the course and scope of these officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

307. As a direct and proximate result of the false arrests alleged above, Mr. PICART 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. PICART will suffer such losses in the future.

WHEREFORE, Mr. PICART respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SIXTEEN

Individual State Law Claim of Mr. SMITH for Civil Battery

308. Plaintiff, Mr. SMITH, realleges paragraphs 1 through 4 and 6 through 65 and 146 through 159, as if fully set forth herein.

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

310. The conduct of MGPD officers on February 7, 2013, in illegally searching and arresting Mr. SMITH was intentional and intended to cause a harmful or offensive contact with the person of Mr. SMITH.

311. The conduct of MGPD officers was committed within the course and scope of their employment with MGPD.

312. Defendant, the CITY, is responsible for the battery committed by MGPD officers upon the person of Mr. SMITH, in that the civil battery was intentional and was committed within the course and scope of these officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

313. As a direct and proximate result of the battery alleged above, Mr. SMITH 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. SMITH will suffer such losses in the future.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages against Defendant, CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT SEVENTEEN

Individual State Law Claim of Mr. SMITH for False Arrest

314. Plaintiff, Mr. SMITH, realleges Paragraphs 1 through 4 and 6 through 65 and 146 through 159, as if fully set forth herein.

315. 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.

316. The conduct of Officers Ruiz, Tamayo, and other MGPD officers on February 7, 2013, was intentional, and was committed within the course and scope of their employment with MGPD.

317. Mr. SMITH was unlawfully detained and deprived of his liberty against his will when Ruiz, Tamayo, and other MGPD officers arrested him without legal authority.

318. The conduct of Ruiz, Tamayo, and other MGPD officers constituted false arrest of Mr. SMITH, as the arrest was made without probable cause or even arguable probable cause.

319. The CITY is responsible for the false arrest of Mr. SMITH in that the false arrest was intentional, and was committed within the course and scope of these officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

320. As a direct and proximate result of the false arrests alleged above, Mr. SMITH 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. SMITH will suffer such losses in the future.

WHEREFORE, Mr. SMITH respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT EIGHTEEN

Individual State Law Claim of Mr. CRANE for False Arrest

321. Plaintiff, MR. CRANE, realleges paragraphs 1 through 4 and 6 through 65 and 160 through 165, as if fully set forth herein.

322. 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.

323. The conduct of MGPD Officers Dunaske, Harris, Trimino, and other MGPD officers on November 23, 2012, was intentional, and was committed within the course and scope of their employment with MGPD.

324. Mr. CRANE was unlawfully detained and deprived of his liberty against his will when Officers Dunaske, Harris, Trimino, and other MGPD officers, arrested him without legal authority.

325. The conduct of Officers Dunaske, Harris, Trimino, and other MGPD officers, constituted false arrest of Mr. CRANE, as the arrest was made without probable cause or even arguable probable cause.

326. The CITY is responsible for the false arrest of Mr. CRANE in that the false arrest was intentional, and was committed within the course and scope of these officers' employment with MGPD, such that the doctrine of respondeat superior applies to this action.

327. As a direct and proximate result of the false arrests alleged above, Mr. CRANE 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. CRANE will suffer such losses in the future.

WHEREFORE, Mr. CRANE respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT NINETEEN

Individual State Law Claim of Mr. MONTALE for False Arrest

328. Plaintiff, MR. MONTALE, realleges paragraphs 1 through 4 and 6 through 65 and 166 through 175, as if fully set forth herein.

329. 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.

330. The conduct of MGPD Officer Brian Gregory and other MGPD officers on August 13, 2012, was intentional, and was committed within the course and scope of their employment with MGPD.

331. Mr. MONTALE was unlawfully detained and deprived of his liberty against his will when Officer Gregory and other MGPD officers arrested him without legal authority.

332. The conduct of Officer Gregory and other MGPD officers constituted false arrest of Mr. MONTALE, as the arrest was made without probable cause or even arguable probable cause.

333. The CITY is responsible for the false arrest of Mr. MONTALE in that the false arrest was intentional and was committed within the course and scope of these officers' EMPLOYMENT with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. MONTALE respectfully requests compensatory damages against Defendant, the CITY; costs of this action and a trial by jury on all issues triable as a matter of right.

COUNT TWENTY

Individual State Law Claim of Mr. DEAN for Civil Battery

335. Plaintiff, Mr. DEAN, realleges paragraphs 1 through 4 and 6 through 65 and 176 through 186, as if fully set forth herein.

336. 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.

337. The conduct of MGPD Officer Michael Malone on July 13, 2012, in illegally searching and seizing Mr. DEAN was intentional and intended to cause a harmful or offensive contact with the person of Mr. DEAN.

338. The conduct of Officer Malone was committed within the course and scope of his employment with MGPD.

339. Defendant, the CITY, is responsible for the battery committed by Officer Malone upon the person of Mr. DEAN, in that the civil battery was intentional, and was committed within the course and scope of Officer Malone's employment with MGPD, such that the doctrine of respondeat superior applies to this action.

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

WHEREFORE, Mr. DEAN requests judgment against Defendant, the CITY, for compensatory damages; costs of this action, and trial by jury on all issues so triable as a matter of right.

COUNT TWENTY-ONE

Individual State Law Claim of Mr. SHORT for Civil Battery

341. Plaintiff, Mr. SHORT, realleges paragraphs 1 through 4 and 6 through 65 and 206 through 208, as if fully set forth herein.

342. 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.

343. The conduct of MGPD officers in illegally searching and seizing Mr. SHORT on various occasions from 2008 through 2013 was intentional and intended to cause a harmful or offensive contact with the person of Mr. SHORT.

344. The conduct of MGPD officers was committed within the course and scope of their employment with MGPD.

345. Defendant, the CITY, is responsible for the batteries committed by its officers upon the person of Mr. SHORT, in that the civil battery was intentional, and was committed within the

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

346. As a direct and proximate result of the battery alleged above, Mr. SHORT 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. SHORT will suffer such losses in the future.

WHEREFORE, Mr. SHORT requests judgment against Defendant, the CITY, for compensatory damages; costs of this action, and trial by jury on all issues so triable as a matter of right.

Dated: June 30, 2014.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 30, 2014, I will electronically file the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on June 30, 2014, on all counsel identified on the attached Service List, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel who are not authorized to receive electronically Notices of Electronic Filing.

/s/Stephan Lopez
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