

IN THE TWENTY-FIRST JUDICIAL CIRCUIT
COUNTY OF ST. LOUIS
STATE OF MISSOURI

DORIAN JOHNSON	∞	
Plaintiff	∞	
versus	∞	
CITY OF FERGUSON, MISSOURI	∞	
Serve at: 110 Church Street	∞	
Ferguson, MO 63135	∞	
and	∞	CIVIL ACTION NO:
FERGUSON POLICE CHIEF	∞	
THOMAS JACKSON	∞	DIVISION NO:
Personal Service Only at:	∞	
222 S. Florissant Road	∞	JURY TRIAL DEMANDED
Ferguson, MO 63135	∞	
and	∞	
FERGUSON POLICE OFFICER	∞	
DARREN WILSON	∞	
Personal Service Only at:	∞	
222 S. Florissant Road	∞	
Ferguson, MO 63135	∞	
Defendants.	∞	
	∞	
	∞	
	∞	

COMPLAINT

COME NOW, Plaintiff, Dorian Johnson (“Johnson” or “Plaintiff”), by and through undersigned counsel, who hereby states and alleges as follows:

PARTIES

1. Plaintiff is an individual of full age and majority who at all relevant times herein has resided in the City of Ferguson, County of St. Louis, Missouri.

2. Upon information and belief, Defendant, City of Ferguson, is a duly chartered municipality organized and existing under the laws of the County of St. Louis, State of Missouri, and situated in County of St. Louis, Missouri. Ferguson Police Department is an official subdivision of the City of Ferguson, and all officers employed by Ferguson Police Department are employees of the City of Ferguson.

3. Defendant, Thomas Jackson, in his official and individual capacity, was at all relevant times the Chief of Ferguson Police Department, and he, along with other officials of Defendant City, at all times possessed the power and the authority and were charged by law with the responsibility to enact policies and to prescribe rules and practices concerning the operation of Ferguson Police Department. At all times relevant herein, Defendant Thomas Jackson had the legal duty to oversee and supervise the hiring, conduct, and employment of Darren Wilson.

4. Defendant, Darren Wilson, in his official and individual capacity, was at the time of committing the acts alleged a duly authorized employee of City of Ferguson, Ferguson Police Department. Defendant Darren Wilson was acting within the course and scope of his respective duties and with the complete authority and ratification of City of Ferguson. At all relevant times, this Defendant was acting under color of law, that is, under the color of the statutes, ordinances, regulations, policies, customs, and usages of the City of Ferguson and the State of Missouri.

5. Upon information and belief, during all relevant times herein, the City of Ferguson, via its city council, its agents, servants, and/or employees, supervised, managed, and

controlled members of the Ferguson Police Department located in the City of Ferguson, County of St. Louis, State of Missouri.

6. Defendant City of Ferguson was at all times mentioned engaged in owning, operating, maintaining, managing and doing business as the Ferguson Police Department in Ferguson, Missouri. All of the acts complained of in this Complaint by Plaintiff against Defendants were done and performed by Defendants by and through their authorized agents, servants, and/or employees, and each of them, all of whom at all relevant times were acting within the course, purpose and scope of that agency, service and/or employment capacity. Moreover, Defendants and their agents ratified all of the acts of which complaint is made.

7. In doing the acts and failing and/or omitting to act as described below, Defendants, and each of them, were acting on the implied and/or with the actual permission and consent of Defendant City of Ferguson. At all relevant times, Defendants Thomas Jackson and Darren Wilson, inclusive, were duly appointed agents, employees and/or representatives of Defendant City of Ferguson, acting in the course and scope of their employment and agency.

8. Defendant City of Ferguson maintains a liability insurance policy and has thus waived sovereign immunity for tort liability.

JURISDICTION AND VENUE

9. This court has jurisdiction over the parties because the claims herein arise out of conduct within the City of Ferguson, County of St. Louis, State of Missouri.

10. Venue is proper in the County of St. Louis pursuant to Section 508.010.4 of the Revised Statutes of Missouri.

11. This court is empowered with the concurrent jurisdiction to entertain suits brought under the Federal Civil Rights Act, 42 U.S.C.A. § 1983.

INTRODUCTION

12. This is a civil action to enjoin and redress Plaintiff Dorian Johnson's deprivation, under color of state law, by local authorities, of his rights, privileges, and immunities under the United States Constitution, and to redress Plaintiff for injuries he sustained due to Defendants' conduct.

13. The United States Department of Justice has recently conducted an investigation of the Ferguson Police Department. In its March 4, 2015 report entitled "Investigation of the Ferguson Police Department," (the "Report"), the United States Department of Justice concluded that the Ferguson Police Department engaged in a pattern or practice of unlawful conduct that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law.¹ Particularly, it was determined that the police routinely exhibited racial bias towards African-Americans including the use of excessive force and detainment without reasonable suspicion or probable cause.

14. The Ferguson Police Department (hereinafter "FPD") has terrorized the African-American citizens in its community and engages in intentional discrimination on the basis of race. African-Americans comprise approximately 67% of the population in Ferguson, Missouri. The Department of Justice's Report indicates that African-Americans are routinely targeted well beyond this proportion. For example, African-Americans accounted for 85% of traffic stops, 90% of citations, and 93% of arrests from 2012 to 2014. Other statistical disparities confirmed by the Department of Justice's Report show that in Ferguson:

a) African-Americans are 2.07 times more likely to be searched during a vehicular stop by Ferguson police, but are 26% less likely to have contraband found on them during a

¹ http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf

search. They are twice as likely to receive a citation and 2.37 times more likely to be arrested following a vehicular stop.

b) African-Americans have force used against them by Ferguson police at disproportionately high rates, accounting for 88% of all cases from 2010 to August 2014 in which an FPD officer reported using force. In all 14 use of force cases involving a canine bite for which we have demographic data, the person bitten was always African-American.

c) African-Americans are more likely to receive multiple citations during a single incident, receiving four or more citations on 73 occasions between October 2012 and July 2014, whereas non-African-Americans received four or more citations only twice during that same time period.

d) African-Americans account for 95% of the vague and highly suspicious “Manner of Walking” charges; 94% of all Fail to Comply charges; 92% of all Resisting Arrest charges; 92% of all Peace Disturbance charges; and 89% of all Failure to Obey charges.

e) African-Americans are 68% less likely than others to have their cases dismissed by the Municipal Judge, and in 2013 African-Americans accounted for 92% of cases in which an arrest warrant was issued.

f) African-Americans account for 96% of known arrests made exclusively because of an outstanding municipal warrant.

g) Out of the 54 police officers on the FPD’s force, only four are African-American. See Report at pp. 4; 62-63; 88.

15. The Report also found that Ferguson law enforcement efforts are focused on generating revenue rather than public safety needs. Report at p. 2. *“City, police, and court officials for years have worked in concert to maximize revenue at every stage of the enforcement*

process, beginning with how fines and fine enforcement processes are established.” Report at p. 10. “City and police leadership pressure officers to write citations, independent of any public safety need, and rely on citation productivity to fund the City budget.” Id. “As directed, FPD supervisors and line officers have undertaken the aggressive code enforcement required to meet the City’s revenue generation expectations. ... FPD officers routinely conduct stops that have little relation to public safety and a questionable basis in law.” Id. at p. 11.

16. The Department of Justice further concluded that the FPD has a practice of failing to train and supervise its officers, failing to put into place systems to ensure officers operate within the bounds of the law, and failing to hold officers accountable when they violate the law, thereby ratifying the use of excessive force. Report at pp. 38-41; 82-86. The Report states:

FPD’s use-of-force review system is particularly ineffectual. Force frequently is not reported. When it is, there is rarely any meaningful review. Supervisors do little to no investigation; either do not understand or choose not to follow FPD’s use-of-force policy in analyzing officer conduct; rarely correct officer misconduct when they find it; and do not see the patterns of abuse that are evident when viewing these incidents in the aggregate.

Id. at p. 38. “By failing to hold officers accountable, FPD leadership sends a message that FPD officers can behave as they like, regardless of law or policy, and even if caught, that punishment will be light. This message serves to condone officer misconduct and fuel community distrust.” Id. at p. 86.

17. The Department of Justice concluded that the FPD supervisors took a ministerial approach to excessive force investigations. Id. at p. 39. When reviewing use of force, Chief Thomas Jackson rarely reviews offense reports, and has never overturned a supervisor’s determination of whether a use of force fell within FPD policy (only in one out of 151 cases was there a finding that an officer’s use of force was excessive). Id. at pp. 39; 41.

18. The actions of Defendant Wilson that give rise to this lawsuit are consistent with the aforementioned findings of the Department of Justice. It is against this backdrop and culture of racially biased policing that Officer Darren Wilson encountered Plaintiff Dorian Johnson and his friend Michael Brown, Jr., both African-American males, as they walked down Canfield Drive in Ferguson, Missouri on August 9, 2014. Officer Wilson used techniques that the FPD previously and repeatedly used to effectuate unconstitutional racially motivated stops of African-American citizens. Officer Wilson used this pretext to chastise and detain Plaintiff Dorian Johnson and Michael Brown, Jr. about the manner in which they were walking in the street.

19. Plaintiff seeks to enjoin the Defendants' unconstitutional behavior, as well as obtain compensatory and punitive damages, attorneys' fees, costs, judicial interest, and any other form of relief to which this Court finds that Plaintiff is entitled.

GENERAL FACTS AND ALLEGATIONS

20. On August 9, 2014, at approximately 12:00 p.m., Plaintiff Dorian Johnson was peacefully and lawfully walking down Canfield Drive in Ferguson, Missouri with his companion Michael Brown, Jr. Plaintiff and Brown's actions did not impair or impede traffic.

21. At the same time, Officer Darren Wilson was operating a marked police vehicle on Canfield Drive. As he approached the pair, he slowed his vehicle to a stop and ordered them to "*Get the f*ck on the sidewalk.*"

22. Officer Wilson continued to drive his vehicle several yards, then abruptly put his vehicle into reverse and parked his vehicle at an angle so as to block the paths of Plaintiff Johnson and Brown.

23. When the pair was stopped by Officer Wilson without reasonable suspicion of criminal activity, Plaintiff was then without justification and unreasonably detained.

24. Officer Wilson stopped his vehicle just inches from Brown and forcefully opened his door, striking Brown.

25. Officer Wilson then reached through his window and grabbed Brown, who was closer to Officer Wilson than Plaintiff Johnson. Officer Wilson thereafter threatened to shoot his weapon. As Brown struggled to break free, Officer Wilson discharged his weapon twice, striking Brown in the arm.

26. Surprised by Officer Wilson's use of excessive force and fearing for his life, Plaintiff Johnson ran away from Officer Wilson simultaneously with Brown.

27. At no point in time did Officer Wilson order Plaintiff Johnson or Brown to "stop" or "freeze."

28. Without any provocation by Plaintiff Johnson and without any legal justification, Officer Wilson withdrew his weapon and fired it at Plaintiff Johnson and Michael Brown, Jr. as they fled and ran away from him, striking Brown several more times.

29. On information and belief, Officer Wilson acted with either deliberate indifference and/or reckless disregard toward Plaintiff's rights, targeting him without probable cause or any reasonable factual basis to support that Plaintiff had committed any crime or wrong, and using lethal force in an unjustified and unconstitutional manner.

30. On information and belief, Officer Wilson participated in unlawful abuse of authority against Plaintiff under color of law.

FIRST CAUSE OF ACTION:
CONSTITUTIONAL VIOLATIONS UNDER 42 U.S.C § 1983

31. Plaintiff realleges and incorporates by reference, as though fully set forth here, each and every allegation set forth in the above paragraphs.

32. This cause of action is brought pursuant to 42 U.S.C. § 1983 and § 1988, and the United States Constitution.

33. On or before August 9, 2014, Plaintiff Dorian Johnson possessed the rights guaranteed by the United States Constitution, including but not limited to the Fourth and Fourteenth Amendment rights against unlawful, unreasonable, and excessive force, of unwarranted threats, and the right to be free from unlawful detention by police officers acting under the color of law.

34. On August 9, 2014, Defendant Darren Wilson acted with deliberate indifference or with reckless disregard for Plaintiff Dorian Johnson's rights, by targeting him without proper authority and illegally detaining him, as set forth in Plaintiff's factual allegations.

35. At the time of the described wrongful acts by Defendant Wilson, Plaintiff was not engaged in criminal activity of a nature to warrant his detention without reasonable suspicion, the unlawful threats made against him, or the acts of intimidation made under the color of law made against him. Plaintiff was not displaying any behavior to justify Defendant Wilson's assault. Moreover, Defendant Wilson lacked probable cause, reasonable suspicion, or legal justification to detain Plaintiff.

36. The detention of Plaintiff Johnson was entirely unjustified by any of the actions of Plaintiff, and constituted a violation of his civil rights.

37. Furthermore, Defendant Wilson's actions constituted excessive force in that they were beyond the force reasonably necessary to detain and/or arrest Plaintiff Johnson.

38. Plaintiff is informed and believes and therefore alleges that Defendants facilitated, encouraged and/or instigated unlawful, racially motivated and unconstitutional acts such as the detainment and use of excessive force described herein, and failed to intervene to stop such acts.

39. Defendant Darren Wilson acted at all times knowing that his conduct was unlawful conduct in violation of the Fourth Amendment and the laws of the State of Missouri. However, Defendant Darren Wilson knew that Defendant City of Ferguson, acting through Defendant Thomas Jackson, Chief of Ferguson Police Department, had ratified, condoned, and acquiesced to their specific acts of intimidation and abusive conduct toward African-American citizens through established practices, customs, and procedures, and thus did not fear any repercussion from Defendants City of Ferguson or Thomas Jackson in taking the unlawful action against Plaintiff.

40. At all times relevant herein, Defendants were acting under color of law, statutes, customs, policies, ordinances, and usages of the City of Ferguson.

41. At all times relevant herein, Defendant City of Ferguson, the FPD, and/or Defendant Thomas Jackson failed to adopt sufficient policies to deter or prevent the violation of Plaintiff's civil rights.

42. At all times relevant herein, Defendant City of Ferguson, the FPD, and/or Defendant Thomas Jackson failed to develop and/or maintain a custom or policy to identify, investigate, discipline, rehabilitate, and/or retrain its police officers who violated citizens' civil rights in areas such as inappropriate use of force, improper threat level assessment, and improper verbal commands.

43. At all times relevant herein, Defendant City of Ferguson, the FPD, and/or Defendant Thomas Jackson negligently hired and supervised police officers who violated citizens' civil rights.

44. Furthermore, through improper training, improper hiring, negligent retention, ineffective internal policies, and ignoring patterns and practices of abuse, Defendant Thomas

Jackson and the FPD were deliberately indifferent to said policies and procedures, leading to Plaintiff's rights being violated.

45. The FPD had a policy, procedure, and/or practice of engaging in illegal activities, including but not limited to unlawfully detaining citizens and using excessive force in violation of federal and state rights.

46. The illegal and unconstitutional policies, procedures, and practices of the FPD were the driving force of the deprivation of Plaintiff's civil rights herein.

47. Defendant Thomas Jackson, as Chief of FPD at all relevant times herein, is responsible for the actions of his subordinates as they relate to the violation of Plaintiff's civil rights, in the following non-exhaustive particulars:

- a) Failure to properly hire, train, discipline, and/or supervise the police officers under his command;
- b) Failure to adopt and enforce reasonably appropriate policies, practices, and procedures for the operation of the internal affairs of the FPD; and
- c) Condoning a pattern, practice, and/or custom of unlawful detainment and excessive force by police officers, and by failing to take appropriate and reasonable measures to ensure that members of the general public are protected from unlawful detentions and the use of excessive force by members of the FPD.

48. All of the acts and omissions herein establish customs, policies, and procedures, which, among others, have the effect of depriving Plaintiff Dorian Johnson of his right to due process of law, including freedom from unreasonable detention and freedom from threat of harm under color of law, as well as other rights, privileges, and immunities secured by the Fourth and Fourteenth Amendments to the Constitution of the United States and the Constitution of the State of Missouri, which directly and proximately caused the damages complained of herein.

49. Defendants subjected Plaintiff to the mentioned deprivations either by actual malice, deliberate indifference, or reckless disregard for their rights under the United States Constitution and the laws of the State of Missouri.

50. As the direct and proximate cause of the mentioned acts of Defendants, Plaintiff suffered psychological injury, severe emotional distress, medical expenses, lost wages, living expenses, incurred additional expenses, and any other losses to be proven at trial.

51. By reason of the mentioned acts and omissions of Defendants, Plaintiff was required to retain counsel to institute and prosecute this action, and Plaintiff requests payment by Defendants of a reasonable sum as and for attorney's fees pursuant to 42 U.S.C.A. § 1988.

52. The mentioned acts of Defendants were willful, wanton, malicious and oppressive, thereby justifying the awarding of exemplary and punitive damages as to the individually named Defendants.

53. WHEREFORE, Plaintiff demands damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

SECOND CAUSE OF ACTION:
ASSAULT

54. Plaintiff realleges and incorporates by reference, as though fully set forth here, each and every allegation set forth in the above paragraphs.

55. Defendant Darren Wilson intentionally assaulted Plaintiff when he stopped Plaintiff without cause or justification, withdrew his weapon, and threatened to discharge it. Defendant Wilson further intentionally assaulted Plaintiff by chasing Plaintiff and Michael Brown, Jr. and by subsequently discharging his weapon as they fled and ran away from him.

56. Defendant Wilson further intentionally assaulted and battered Michael Brown, Jr. when he placed his hands on Brown's body, withdrew his weapon and threatened to discharge it, and thereafter shot Brown. The doctrine of transferred intent is specifically alleged.

57. Upon information and belief, Defendant Wilson possessed the intent to cause imminent bodily harm, or apprehension of imminent bodily harm, such harm being unlawful and not legally justifiable.

58. As a direct and proximate result of the assault and described above, Plaintiff suffered apprehension of bodily harm, was frightened and otherwise caused to fear imminent bodily harm by Defendant's conduct.

59. As the direct and proximate cause of the mentioned acts by Defendant Wilson, Plaintiff suffered psychological injury, severe emotional distress, medical expenses, lost wages, living expenses, incurred additional expenses, and any other losses to be proven at trial.

60. In committing the assault described above, Defendant Wilson acted with malice and reckless indifference, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Wilson.

61. In committing the assault described above, Defendant Wilson acted in a prescribed manner, in obedience to the policies and practice of institutionalized unconstitutional behavior promulgated by Defendants Thomas Jackson and City of Ferguson, removing the protections of official immunity.

62. Defendant Thomas Jackson and Darren Wilson's conduct violated a clearly established statutory or constitutional right (the right to be free from racially discriminatory policing, unlawful detainment and the use of excessive force) of which a reasonable person would have known.

63. By focusing law enforcement efforts on generating revenue rather than public safety needs, Defendants Thomas Jackson and City of Ferguson were performing a proprietary function, and thus the City of Ferguson is not immune from the torts of its officials or agents.

64. Defendant City of Ferguson is liable under the doctrine of *respondeat superior*.

65. By perpetrating a scheme of unlawful policies and procedures of unconstitutional and racially discriminatory policing which caused the aforementioned assault on Plaintiff, Defendant Thomas Jackson acted with malice, reckless indifference and conscious disregard for the rights of Plaintiff and others similarly situated, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Jackson.

66. Defendant Thomas Jackson further approached his duty to oversee that the FPD's use of force did not exceed constitutional limits as a ministerial function, and thus is not entitled to official immunity.

67. WHEREFORE, Plaintiff demands damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

THIRD CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

68. Plaintiff realleges and incorporates by reference, as though fully set forth here, each and every allegation set forth in the above paragraphs.

69. Defendant Darren Wilson intentionally inflicted emotional distress on Plaintiff when he stopped Plaintiff without cause or justification, withdrew his weapon, and threatened to discharge it. Defendant Wilson further intentionally inflicted emotional distress on Plaintiff by chasing Plaintiff and Michael Brown, Jr. and by subsequently discharging his weapon as they fled and ran away from him.

70. Defendant Wilson's conduct was extreme and outrageous.

71. Defendant Wilson should have known the conduct involved an unreasonable risk of causing distress.

72. As the direct and proximate cause of the mentioned acts of Defendant Wilson, Plaintiff suffered psychological injury, severe emotional distress, medical expenses, lost wages, living expenses, incurred additional expenses, and any other losses to be proven at trial.

73. In committing the assault described above, Defendant Wilson acted with malice and reckless indifference, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Wilson.

74. In committing the assault described above, Defendant Wilson acted in a prescribed manner, in obedience to the policies and practice of institutionalized unconstitutional behavior promulgated by Defendants Thomas Jackson and City of Ferguson, removing the protections of official immunity.

75. Defendant Thomas Jackson and Darren Wilson's conduct violated a clearly established statutory or constitutional right (the right to be free from racially discriminatory policing, unlawful detainment, and the use of excessive force) of which a reasonable person would have known.

76. By focusing law enforcement efforts on generating revenue rather than public safety needs, Defendants Thomas Jackson and City of Ferguson were performing a proprietary function, and thus the City of Ferguson is not immune from the torts of its officials or agents.

77. Defendant City of Ferguson is liable under the doctrine of *respondeat superior*.

78. By perpetrating a scheme of unlawful policies and practices of unconstitutional and racially discriminatory policing which caused the aforementioned intentional infliction of

emotional distress on Plaintiff, Defendant Thomas Jackson acted with malice, reckless indifference and conscious disregard for the rights of Plaintiff and others similarly situated, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Jackson.

79. Defendant Thomas Jackson further approached his duty to oversee that the FPD's use of force did not exceed constitutional limits as a ministerial function, and thus is not entitled to official immunity.

80. WHEREFORE, Plaintiff demands damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

FOURTH ALTERNATIVE CAUSE OF ACTION:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

81. Plaintiff realleges and incorporates by reference, as though fully set forth here, each and every allegation set forth in the above paragraphs.

82. Defendant Darren Wilson negligently inflicted emotional distress on Plaintiff when he stopped Plaintiff without cause or justification, withdrew his weapon, and threatened to discharge it. Defendant Wilson further negligently inflicted emotional distress on Plaintiff by chasing Plaintiff and Michael Brown, Jr. and by subsequently discharging his weapon as they fled and ran away from him.

83. The unlawful detention, seizure and/or arrest of Michael Brown, Jr. was a proximate cause of the damages suffered by Plaintiff, who was forced under color of law to helplessly watch as Brown was physically assaulted, battered and killed.

84. Defendant's conduct caused Plaintiff to be placed in fear of physical injury to his own person.

85. Defendant Wilson knew or should have known that his conduct involved an unreasonable risk of causing Plaintiff distress.

86. As the direct and proximate cause of the mentioned acts of Defendant Wilson, Plaintiff suffered psychological injury, severe emotional distress, medical expenses, lost wages, living expenses, incurred additional expenses, and any other losses to be proven at trial.

87. In committing the assault described above, Defendant Wilson acted with malice, reckless indifference and conscious disregard for the rights of Plaintiff, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Wilson.

88. In committing the assault described above, Defendant Wilson acted in a prescribed manner, in obedience to the policies and practice of institutionalized unconstitutional behavior promulgated by Defendants Thomas Jackson and City of Ferguson, removing the protections of official immunity.

89. Defendant Thomas Jackson and Darren Wilson's conduct violated a clearly established statutory or constitutional right (the right to be free from racially discriminatory policing, unlawful detainment and the use of excessive force) of which a reasonable person would have known.

90. By focusing law enforcement efforts on generating revenue rather than public safety needs, Defendants Thomas Jackson and City of Ferguson were performing a proprietary function, and thus the City of Ferguson is not immune from the torts of its officials or agents.

91. Defendant City of Ferguson is liable under the doctrine of *respondeat superior*.

92. By perpetrating a scheme of unlawful policies and procedures of unconstitutional and racially discriminatory policing which caused the aforementioned negligent infliction of

emotional distress on Plaintiff, Defendant Thomas Jackson acted with malice, reckless indifference and conscious disregard for the rights of Plaintiff and others similarly situated, removing the protections of official immunity and entitling Plaintiff to an award of punitive damages against Defendant Jackson.

93. Defendant Thomas Jackson further approached his duty to oversee that the FPD's use of force did not exceed constitutional limits as a ministerial function, and thus is not entitled to official immunity.

94. WHEREFORE, Plaintiff demands damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

1. A preliminary and permanent injunction to prevent the City of Ferguson and the Ferguson Police Department from engaging in the unconstitutional behavior of unlawful detainment, assault, and excessive use of force;
2. General damages in an amount to be determined at trial;
3. Medical and related expenses in an amount to be determined by proof at trial;
4. Punitive damages;
5. Judicial interest and any other lawful interest;
6. Attorney fees;
7. Costs of suit; and
8. Any other and further relief that this court considers just and proper.

TRIAL BY JURY

Plaintiff requests a trial by jury.

SMITH BROWN, LLC

BY: /s/Daniel R. Brown
DANIEL R. BROWN, MO Bar #59749
6609 Clayton Road, Suite 1E
Clayton, MO 63117
Telephone: (314) 467-0527
Facsimile: (314) 754-9353
Email: dbrown@smithbrownllc.com
ATTORNEYS FOR PLAINTIFF

-AND-

James M. Williams, LA Bar #26141
Inemesit U. O'Boyle, LA Bar #30007
GAUTHIER, HOUGHTALING,
& WILLIAMS, LLP
3500 N. Hullen Street
Metairie, Louisiana 70002
Telephone: (504) 456-8600
Facsimile: (504) 456-8624
Email: jmw@ghwlegal.com
inem@ghwlegal.com
Appearing Pro Hac Vice for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon counsel for all parties via facsimile transmission, electronic mail, hand delivery, or by placing same in the U.S. Mail, postage prepaid and properly addressed, this 29th day of April, 2015.

/s/Daniel R. Brown
DANIEL BROWN