

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<p>Kimberlee Rae Carbone,</p> <p>Plaintiff,</p> <p>vs.</p> <p>The New Castle Police Department; Chief Robert Salem; Officer David Maiella; Officer Terry Dolquist; Officer Sheila Panella; Lawrence County Jail; Correction Officer April Brightshue; Correction Officer Niesha Savage; Commander Mark Keyser; Lawrence County Drug Task Force; Lawrence County District Attorney's Office; Attorney Joshua Lamancusa; Jameson Health Systems; Bernard Geiser, M.D.; Kim Fee,</p> <p>Defendants.</p>	<p>COMPLAINT</p> <p>Civil Action No.:</p> <p><u>Electronically Filed</u></p> <p><u>JURY TRIAL DEMANDED</u></p>
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PRELIMINARY STATEMENT

1. This action concerns an assault that occurred on November 3, 2013 and involves the constitutional limits on the government's ability to invade a person's most intimate bodily spaces to search for drugs without any judicial oversight, due process, reasonable suspicion, or probable cause. Governmental and private individuals visually inspected and brutally probed Kimberlee Carbone's body parts and cavities against her will in multiple, redundant and increasingly intrusive searches even though none of these searches uncovered any evidence of internal drug smuggling. Ms. Carbone was compelled to fondle, and insert her fingers deep into, her own vagina in search of evidence that did not exist. After enduring over five hours of demeaning and highly invasive searches, Ms. Carbone was released without any formal charges

based upon the explicit instructions of the District Attorney and Chief of Police who were notably present throughout and directing the unconsented to, and unauthorized, brutal assault.

2. Ms. Carbone is a 39-year-old United States citizen who was traveling with a friend when stopped for allegedly committing a minor traffic offense. Although no narcotics were discovered during the stop, the Plaintiff was transported to the Lawrence County Jail where she was physically restrained and forced to undergo multiple strip searches by female correction officers. During these searches, the Plaintiff was made to disrobe, bend over, spread her buttocks, cough and repeatedly insert her fingers into her vagina.

3. The Plaintiff was then transported to Jameson Health Systems where she was further humiliated and embarrassed. The Plaintiff was restrained by her wrists and ankles. Dr. Bernard Geiser performed an internal examination of her vagina and rectum. The Plaintiff was forced to stand over a chair and urinate into a bedpan, which was inspected by male police officers and samples were obtained.

4. The Plaintiff was transported to a separate area of the hospital where a CT scan was performed on her abdomen and pelvic area. After being returned to her hospital room, Dr. Geiser performed another internal examination of her vagina and rectum. As he could not locate any foreign substances, he instructed Nurse Fee and another unidentified nurse to investigate and each thereafter visually and internally probed and inspected the Plaintiff's vagina.

5. Throughout this five-hour calamity no narcotics were recovered from the Plaintiff's body cavities. Lastly, the Plaintiff's vagina was swabbed for testing, and she was released from custody without any formal charges per the instructions of Defendants Joshua Lamancusa and Robert Salem.

PARTIES

6. Plaintiff Kimberlee Rae Carbone (hereinafter referred to as “the Plaintiff”) is a citizen of the United States and a resident of New Castle, Pennsylvania, Lawrence County.

7. Defendant New Castle Police Department (hereinafter referred to as “NCPD”) is a municipal government entity organized under the laws of Pennsylvania, with its main offices located at 303 East North Street, New Castle, Pennsylvania 16101. The NCPD has a legal responsibility to operate according to the laws of the United States and the Commonwealth of Pennsylvania, including, but not limited to, the United States Constitution.

8. Defendant Robert Salem (hereinafter referred to as “Defendant Salem”) is the chief of police for Defendant NCPD. At all relevant times, he was acting in his capacity as the chief of police and in that capacity had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Salem is named herein in his individual capacity. Defendant Salem is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of his employment with NCPD.

9. Defendant David Maiella (hereinafter referred to as “Defendant Maiella”) is a police officer for Defendant NCPD. At all relevant times, he was acting in his capacity as a police officer and in that capacity had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Maiella is named herein in his individual capacity. Defendant Maiella is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of his employment with NCPD.

10. Defendant Terry Dolquist (hereinafter referred to as “Defendant Dolquist”) is a police officer for Defendant NCPD. At all relevant times, he was acting in his capacity as a police officer and in that capacity had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Dolquist is named herein in his individual capacity. Defendant Dolquist is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of his employment with NCPD.

11. Defendant Sheila Panella (hereinafter referred to as “Defendant Panella”) is a police officer for Defendant NCPD. At all relevant times, she was acting in her capacity as a police officer and in that capacity had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Panella is named herein in her individual capacity. Defendant Panella is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of her employment with NCPD.

12. Defendant Lawrence County Jail (hereinafter referred to as “Defendant LCJ”) is a municipal government entity organized under the laws of Pennsylvania, with its main offices located at 111 Milton Street, New Castle, Pennsylvania 16101. Defendant LCJ has a legal responsibility to operate according to the laws of the United States and the Commonwealth of Pennsylvania, including, but not limited to, the United States Constitution.

13. Defendant Mark Keyser (hereinafter referred to as “Defendant Keyser”) is a commander with Defendant LCJ. In his capacity as a commander he had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Keyser is named herein in his individual capacity. Defendant Keyser is a "person," as that term is

defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of his employment with Defendant LCJ.

14. Defendant Niesha Savage (hereinafter referred to as “Defendant Savage”) was formerly a correction officer at Defendant LCJ. In her capacity as a correction officer, she had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Savage is named herein in her individual capacity. Defendant Savage is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of her employment with Defendant LCJ.

15. Defendant April Brightshue (hereinafter referred to as “Defendant Brightshue”) is a correction officer with Defendant LCJ. In her capacity as a correction officer, she had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Brightshue is named herein in her individual capacity. Defendant Brightshue is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course and in furtherance of her employment with Defendant LCJ.

16. Defendant Lawrence County Drug Task Force (hereinafter referred to as “Defendant DTF”) is a municipal government entity organized under the laws of Pennsylvania, with its main offices located at 430 Court Street, New Castle, Pennsylvania 16101. Defendant DTF has a legal responsibility to operate according to the laws of the United States and the Commonwealth of Pennsylvania, including, but not limited to, the United States Constitution.

17. Defendant Lawrence County District Attorney’s Office (hereinafter referred to as “Defendant DAO”) is a municipal government entity organized under the laws of Pennsylvania, with its main offices located at 430 Court Street, New Castle, Pennsylvania 16101. Defendant

DAO has a legal responsibility to operate according to the laws of the United States and the Commonwealth of Pennsylvania, including, but not limited to, the United States Constitution.

18. Defendant Joshua Lamancusa (hereinafter referred to as “Defendant Lamancusa”) is the District Attorney for Lawrence County. Defendant Lamancusa is also employed through Defendant DTF and holds a managerial position directly beneath Task Force Director, Frank Drew. In his capacity as either the District Attorney for Defendant DAO, or employee of Defendant DTF, Defendant Lamancusa had a legal obligation to act in conformity with the U.S. Constitution and applicable federal and state laws. Defendant Lamancusa is named herein in his individual capacity. Defendant Lamancusa is a "person," as that term is defined in 42 U.S.C. § 1983, and, at all relevant times, acted under color of state law and in the scope, course or in furtherance of his employment with Defendants DTF and DAO.

19. Defendant Jameson Health System (hereinafter referred to as “Defendant Jameson”) is a private, not-for-profit community health system that owns and operates the Jameson Hospital North Campus, which is located at 1211 Wilmington Road, New Castle, Pennsylvania 16105. Defendant Jameson, through its agents, conspired with, and/or acted in concert with, and/or acted at the request of law enforcement to aid it in performing unconsented to, and unnecessary, procedures that had no legitimate medical purpose.

20. Defendant Bernard Geiser, M.D., (hereinafter “Defendant Geiser”) at all relevant times was employed as a physician by Defendant Jameson or was acting in the scope, course or in furtherance of his employment with Defendant Jameson. Defendant Geiser was acting under the color of state law at the indicated times as he conspired with, and/or acted in concert with, and/or acted at the request of state actors in performing unconsented to, and unnecessary, procedures that served no legitimate medical purpose.

21. Defendant Kim Fee (hereinafter referred to as “Defendant Fee”) was employed as a Nurse by Defendant Jameson or was acting in the scope, course or in furtherance of her employment with Defendant Jameson. Defendant Fee was also acting under the color of state law at the indicated times as she conspired with, and/or acted in concert with, and/or acted at the request of state actors in performing unconsented to, and unnecessary, procedures that served no legitimate medical purpose.

JURISDICTION AND VENUE

22. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) and (4). This Court has supplemental jurisdiction over Plaintiff’s state and common law causes of action under 28 U.S.C. § 1367.

23. This Court has personal jurisdiction over the Defendants who are each located in the Western District of Pennsylvania.

24. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) in that the Defendants are subject to personal jurisdiction within the Western District of Pennsylvania and the events that give rise to this action occurred within the Western District of Pennsylvania.

FACTUAL BACKGROUND

November 3, 2013; traffic stop

25. On November 3, 2013, the Plaintiff was operating a motor vehicle that was parked in front of a residence located at Crestview Gardens, 1109 Pin Oak Drive, New Castle, Pennsylvania.

26. A male subject later identified as Jason Monette entered the apartment complex, exited soon thereafter, and proceeded to enter the front passenger side of the vehicle operated by the Plaintiff.

27. The Defendant Maiella observed this inculpable behavior yet deemed the same suspicious and indicative of criminal activity.

28. The vehicle thereafter proceeded toward the intersection of Ray and Court Streets in the City of New Castle, Pennsylvania. The vehicle properly applied its turn signal; however, Defendant Maiella determined that the turn signal was not applied within 100 feet of the intersection and therefore effectuated a traffic stop.

29. The Defendant Maiella approached the vehicle and asked the Plaintiff for her identification, proof of ownership and insurance. The Plaintiff complied and provided Defendant Maiella with all of the required documents.

30. Approximately fifteen minutes later, Defendants Salem and Lamancusa arrived on scene and took charge of the investigation.

31. The Defendants Lamancusa and Salem interrogated the Plaintiff at length as to the identity of her passenger and the location of any drugs.

32. After adamantly denying possession of any drugs, and identifying her passenger, the Plaintiff invoked her right to remain silent; however, the Defendants Salem and Lamancusa did not believe the information she provided.

33. The Defendant Maiella then informed the Plaintiff that he smelled burnt marijuana emanating from the passenger area of the vehicle and that she was under arrest for suspicion of driving under the influence.

34. There were no field sobriety tests performed.

35. The Defendant Maiella detained the Plaintiff and searched her person; however, the search failed to yield any illegal items.

36. The Defendant Maiella later applied for a search warrant of the vehicle, which was granted; however, a search of the vehicle failed to uncover any illegal items.

37. The Plaintiff was handcuffed and seated in the rear of the patrol vehicle beside Defendant Dolquist to ensure that she was not attempting to conceal any contraband.

November 3, 2013; search at Lawrence County Jail

38. Instead of performing field sobriety testing, or transporting the Plaintiff to a facility to perform a legal blood draw, Defendants Maiella and Dolquist transported the Plaintiff to Defendant LCJ at the direction of Defendants Lamancusa and Salem.

39. The Plaintiff was transported to LCJ solely for the purpose of being strip searched against her will by Defendants Brightshue and Savage.

40. The Defendants Maiella, Dolquist, and Keyser instructed Defendants Brightshue and Savage to strip search the Plaintiff.

41. The Defendants Brightshue, Savage and Keyser forced the Plaintiff to remove her clothing.

42. The Defendant Keyser was not only present but both authorized and supervised the search of the Plaintiff.

43. The Plaintiff was directed to bend over, spread her buttocks, and cough.

44. The Defendants Brightshue and Savage visually inspected the Plaintiff's body parts including her vagina and rectum.

45. The Defendants Brightshue and Savage incorrectly concluded that they observed a plastic bag protruding from Plaintiff's vaginal area.

46. The Plaintiff was forced to repeatedly prod her personal areas by inserting her fingers into her vagina to remove an unknown item later determined not to exist.

47. The Plaintiff was forced to once again bend over, spread her buttock, and cough while Defendants Brightshue and Savage again visually inspected her vaginal and rectal areas.

48. During this entire ordeal, the Plaintiff was crying hysterically and insisting that there was no foreign substance concealed in any body cavity.

49. The Defendant Maiella then contacted Defendants Lamancusa and Salem to determine how to proceed.

50. The Defendant Maiella returned a short time later and stated that he had been instructed to transport the Plaintiff to Defendant Jameson where an internal examination of Plaintiff's body cavities was to be performed without her consent.

51. None of these Defendants obtained a search warrant authorizing a search of the Plaintiff's body cavities.

November 3, 2013; search at Defendant Jameson

52. The Plaintiff arrived at Defendant Jameson at approximately 7:24 p.m. where she once again informed Defendants that she had not ingested any drugs and that none were contained within her body cavities.

53. The Defendants Lamancusa, Salem, Maiella, and Dolquist informed Defendants Geiser and Fee (hereinafter referred to as "the medical staff") that the Plaintiff needed treated for a possible overdose, rectal packing and/or oral intake of a controlled substance.

54. The Plaintiff refused to sign a consent for treatment form and once again adamantly denied concealing any foreign substance.

55. The medical staffs' evaluation of the Plaintiff for any objective symptoms, which would confirm a possible overdose, rectal packing or oral intake of drugs, revealed that she was conscious and alert with normal cardiovascular and respiratory signs coupled with no associated signs or symptoms of acute distress.

56. The Plaintiff's hands and feet were secured to the bed and her clothing forcibly removed against her will.

57. Defendants Lamancusa and Salem were present during these events.

58. After the Plaintiff was restrained, Defendant Geiser performed an internal examination of the Plaintiff's vagina and rectum.

59. Defendant Geiser then informed Defendants Salem and Lamancusa that he did not detect or locate any foreign substance within the Plaintiff's vagina or rectum.

60. The Plaintiff then asked to use the restroom in private; however her request was denied.

61. The Plaintiff was then made to stand up in the examination room where Defendants Lamancusa, Salem, Maiella, and Dolquist were present and a bedpan was placed on a chair.

62. The medical staff held up a privacy cover and made the Plaintiff squat over a chair and urinate into the bedpan.

63. During this process, the privacy cover was mishandled and the Plaintiff's genital area was partially exposed to the medical staff and Defendants Salem, Lamancusa, Dolquist and Maiella.

64. The medical staff then took a sample of the Plaintiff's urine, and Defendant Maiella examined the bedpan yet found it not to contain any foreign substances.

65. Defendants Salem, Lamancusa, Dolquist, and Maiella then advised the medical staff that the Plaintiff might have something located deeper in her vagina and rectum.

66. Consequently, the Plaintiff was taken for a CT scan of her abdomen and pelvis.

67. The results of the CT scan indicated that there was no evidence of ingested foreign body.

68. During this assault, Defendant Lamancusa berated the Plaintiff by informing her that if she helped him by provided information regarding drug related activity the unreasonable and unconstitutional intrusion would end.

69. During this assault, Defendants Lamancusa, Salem, Dolquist, Maiella, and medical staff harassed, mocked, and berated the Plaintiff by making derogatory remarks about her compromised position.

70. Defendant Lamancusa further harassed, mocked, and berated the Plaintiff by asking her if she knew what prison felt like.

71. Defendant Panella provided security, requested and retrieved samples, and otherwise assisted the medical staff when they performed a second internal examination of the Plaintiff's vagina and rectum.

72. Subsequent to the CT scan, Defendant Geiser once again internally examined the Plaintiff's vagina and rectum yet failed to locate any foreign substances.

73. Defendant Geiser instructed Defendants Fee and another nurse to assist him with another internal inspection of the Plaintiff's vagina and rectum.

74. Defendants Fee and another nurse took their respective turns internally probing, violating and inspecting the Plaintiff's vagina and rectum.

75. Once again, no foreign substances were discovered.

76. The medical staff then swabbed the Plaintiff's vaginal walls and placed the specimen into a cup and provided the same to Defendant Panella.

77. The Defendant Maiella then returned to the room, unsecured the Plaintiff, and informed her that she was free to leave.

78. The medical records confirm that the Plaintiff was discharged on November 13, 2013 at 9:15 p.m. per the explicit authorization of Defendants Lamancusa and Salem.

November 4, 2013; follow-up treatment at Defendant Jameson

79. The Plaintiff returned to Defendant Jameson on November 4, 2013 with complaints of bilateral wrist pain. The Plaintiff was examined and her wrists were positive for swelling and tenderness. She was diagnosed with a wrist sprain secondary to the November 3, 2013 incident.

November 6, 2013; follow-up examination with primary care physician

80. On November 6, 2013, Dr. Nicole Carlson examined the Plaintiff for pain and discomfort to her vaginal area as a result of the brutal assault that occurred on November 3, 2013. The examination revealed no evidence of illicit drugs in the vaginal vault or any evidence of foreign bodies.

November 8, 2013 – present; therapeutic treatment and counseling

81. On November 8, 2013, the Plaintiff began psychological treatment with Kristin Saari, NCC, LPC. The Plaintiff has been treated since for nightmares, mood disorder, inability to sleep, decreased intimacy, depression and anxiety.

LCJ's policy of searching detained individuals at the behest of law enforcement without probable cause, warrant, arrest, or judicial oversight is unconstitutional

82. Pursuant to its policies, the LCJ routinely searches suspects when requested to do so by law enforcement. These searches occur without court intervention, due process, a search warrant or formal arrest.

83. Pursuant to this policy, suspects are made to remove their clothing, bend over, spread their buttocks and cough while being visually inspected by correction officers.

84. Upon information and belief, Defendant LCJ does not investigate the circumstances surrounding the suspect's ingestion or concealment of a controlled substance prior to performing a bodily search.

85. Upon information and belief, Defendant LCJ does not request authorization for these searches pursuant to a search warrant prior to performing them.

86. Upon information and belief, LCJ acts solely upon the request of law enforcement in performing these searches.

The Defendants DTF, DAO, and NCPDs' policies of searching detained individuals without probable cause, warrant, formal arrest, or judicial oversight is unconstitutional

87. Pursuant to its policies, Defendants DTF, DAO, and NCPD routinely search suspects without a warrant through either the assistance of police officers, correction officers, or

Defendant Jameson. These searches as a matter of policy occur without court intervention, due process, search or arrest warrants, a formal arrest, or under circumstances where the suspect is being searched during the intake process at a correction facility.

88. Upon information and belief, Defendants Salem, Lamancusa, and Keyser are policymakers whom either enacted these policies or enforced existing policies for Defendants DTF, DAO, and NCPD.

89. Pursuant to these policies, suspects are made to remove their clothing, bend over, spread their buttocks and cough while being visually inspected.

90. Pursuant to these policies, suspects are made to undergo unnecessary and intrusive procedures at Defendant Jameson to detect the presence of controlled substances without their consent, judicial oversight, or due process.

91. Upon information and belief, these Defendants do not properly and thoroughly investigate objective circumstances surrounding alleged ingestion or concealment of controlled substances prior to performing search.

92. Upon information and belief, these Defendants as a matter of policy routinely fail to request judicial authorization prior to performing the search.

Defendant Jameson's policy of searching suspects at the behest of law enforcement without probable cause, a warrant, formal arrest or judicial oversight is unconstitutional

93. Pursuant to its policies, Defendant Jameson routinely searches suspects when requested to do so by law enforcement. These searches occur without court intervention, due process, a search warrant, formal arrest, or under circumstances where the suspect is being searched during the intake process.

94. Pursuant to these policies, suspects are subjected to invasive, unnecessary, and unconsented to searches at Defendant Jameson.

95. Upon information and belief, Defendant Jameson has a policy of failing to investigate and/or consider independent medical information surrounding whether the suspect had ingested or concealed a controlled substance prior to performing such searches.

96. Upon information and belief, Defendant Jameson does not request that law enforcement first obtain judicial authorization for the searches.

97. Upon information and belief, Defendant Jameson has a policy of routinely performing searches where a suspect refuses to consent to treatment.

98. Upon information in belief, Defendant Jameson aids, conspires, and/or acts in concert with law enforcement to violate a suspect's constitutional rights.

Unreasonable and unconstitutional violations

99. The Plaintiff was forced to disrobe, bend over, spread her buttocks and cough on two separate occasions by Defendants Maiella, Dolquist, Brightshue, Savage and Keyser. She was then compelled to repeatedly place her fingers within her vagina. The Plaintiff was digitally penetrated in the rectum on two separate occasions. Three different medical staff digitally penetrated the Plaintiff's vagina on four separate occasions. The Plaintiff was made to urinate into a bedpan while squatting over a chair within the purview medical staff and Defendants Lamancusa, Salem, Dolquist and Maiella. The Plaintiff was made to undergo a CT scan of her abdomen and pelvis. Samples were taken of the Plaintiff's urine and vagina for testing.

100. The Defendants maliciously destroyed the Plaintiff's desire for intimacy, her mental psyche, and invaded her most intimate bodily cavities in a manner likened to a sexual assault for the senseless purpose of finding evidence that undisputedly never existed.

COUNT I

FOURTH AMENDMENT - UNREASONABLE SEARCH AND SEIZURE
(Plaintiff vs. Defendants Lamancusa, Salem,
Maiella, Dolquist, and Panella)

101. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred (100) as though set forth at length herein.

102. The Defendants Lamancusa, Salem, Maiella, Dolquist and Panella (collectively referred to in Count I as "the Defendants") lacked probable cause to stop the Plaintiff, order her to exit the vehicle, and detain and/or interrogate her.

103. The Defendants lacked probable cause to seize and search Plaintiff's vehicle.

104. The Defendants lacked probable cause to search the Plaintiff at Defendant LCJ.

105. The Defendants lacked probable cause to detain, arrest, seize and search, and/or instruct others to search, the Plaintiff at Defendant Jameson.

106. The Defendants' actions were objectively unreasonable.

107. The Defendants did not obtain a warrant to arrest the Plaintiff.

108. The Defendants' deprivation of Plaintiff's rights caused Plaintiff damages.

109. The arrest, search and seizure of Plaintiff were wrongful, without reasonable suspicion or probable cause.

110. These acts deprived Plaintiff of her Fourth Amendment right to be free from unreasonable seizures.

111. The Defendants acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive Plaintiff of her constitutional rights.

112. As a result of the nature of Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the Defendants.

COUNT II

FOURTH AMENDMENT - UNREASONABLE SEARCH AND SEIZURE (Plaintiff vs. Defendants Brightshue, Savage, and Keyser)

113. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and twelve (112) as though set forth at length herein.

114. Defendants Brightshue, Savage, and Keyser (collectively referred to in Count II as "the Defendants") lacked probable cause to search, seize, and interrogate Plaintiff at Defendant LCJ.

115. The Defendants lacked probable cause to detain the Plaintiff.

116. The Defendants' actions were objectively unreasonable.

117. The Defendants did not obtain a warrant to search, seize, and/or arrest the Plaintiff.

118. The search and seizure of the Plaintiff was wrongful, without reasonable suspicion or probable cause and deprived the Plaintiff of her Fourth Amendment right to be free from an unreasonable search and seizure.

119. The Defendants acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights.

120. As a result of the nature of the Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the Defendants.

COUNT III

FOURTH AMENDMENT - UNREASONABLE SEARCH AND SEIZURE
(Plaintiff vs. Defendants LCJ, DTF,
DAO and NCPD)

121. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and twenty (120) as though set forth at length herein.

122. The Plaintiff was stopped, detained, searched, arrested and otherwise invaded under circumstances where there was no probable cause, warrant or due process of all which violated the Fourth Amendment.

123. The actions of the Defendants LCJ, DTF, DAO and NCPD (collectively referred to in Count III as "the Defendants") and/or their agents or employees proximately caused damages to the Plaintiff such as embarrassment, humiliation, physical injury, pain and suffering and mental and emotional distress.

124. The Defendants and/or their agents and employees acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights.

125. The actions of the Defendants Lamancusa, Keyser, Savage, Brightshue, Lamancusa, Maiella, Dolquist, and Panella occurred as a result of a de facto policy of failing to comply with the Fourth Amendment standards.

126. Defendants Salem, Lamancusa and Keyser are the respective policymakers for NCPD, DTF, DAO, and LCJ and/or enforced existing policies.

127. As a result of the nature of the Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the Defendants.

COUNT IV

**CONSPIRACY TO VIOLATE PLAINTIFF'S FOURTH AND FOURTEENTH
AMENDMENT RIGHTS**
(Plaintiff vs. Defendants Jameson, Geiser, Fee)

128. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and twenty-seven (127) as though set forth at length herein.

129. Upon information and belief, the Defendants Jameson, Geiser, Fee (collectively referred to in Count IV as "the Defendants") entered into a combination, agreement, or understanding with state actors to violate the Plaintiff's constitutional rights under the Fourth and Fourteenth Amendment by carrying out, through Defendant Jameson, a policy of performing medically unnecessary, and unconsented to, procedures at the behest of law enforcement in contravention to the Plaintiff's due process rights.

130. In furtherance of this combination, agreement, or understanding, the Defendant Jameson's policy specifically requires that the hospital comply with the demands of law enforcement under circumstances where probable cause, arrest, search warrant, and/or due process are lacking.

131. The Defendants each acted in furtherance of said agreement, combination, or understanding by cooperating in the unconstitutional search of the Plaintiff.

132. The aforementioned agreement, combination or understanding violates 42 U.S.C. § 1983.

133. The Defendants acted intentionally to deprive the Plaintiff of her constitutional rights under the Fourth and Fourteenth Amendments, or in wanton and reckless disregard of those rights.

134. The Defendants' actions constituted an extreme departure from the ordinary standard of care and evidence a conscious indifference to the Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments.

135. The Plaintiff has suffered substantial harm as a result of the Defendants' conduct, including but not limited to, physical injuries, emotional and psychological pain and suffering, and injury to her reputation.

136. The Defendants acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights.

137. As a result of the nature of Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the Defendants.

COUNT V

FIRST AMENDMENT RETALIATION (Plaintiff vs. Defendants Lamancusa, Salem, Dolquist, Maiella and Panella)

138. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and thirty-seven (137) as though set forth at length herein.

139. The Defendants Lamancusa, Salem, Dolquist, Maiella, and Panella (collectively referred to in Count V as "the Defendants") lacked probable cause to stop the Plaintiff for a routine traffic violation, order her to exit the vehicle, detain her for an unreasonable amount of

time, arrest her, interrogate her, seize her vehicle, search her person and/or direct others to do the same.

140. The Plaintiff believes, and therefore avers, that the Plaintiff's answers to questions directed to her involving the location of drugs, the identity of her passenger, the ability to help herself, and numerous threats of incarceration caused the Defendants to retaliate against the Plaintiff by further detaining her, seizing her vehicle, and subjecting her to numerous internal and external body searches.

141. The Plaintiff's statements asserting her right to be free from unlawful detention and to remain silent were protected First Amendment activity.

142. The Defendants' retaliation was unlawful, objectively unreasonable, and would chill an ordinary person in the exercise of her First Amendment rights.

143. The Plaintiff suffered damages as a result of Defendants' conduct.

144. The Defendants acted willfully, knowingly and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights.

145. As a result of the nature of Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the defendants.

COUNT VI

FOURTEENTH AMENDMENT – LIBERTY INTEREST IN REPUTATION **(Plaintiff vs. Defendants Lamancusa, Salem, Dolquist, Maiella, Panella** **Keyser, Brightshue, and Savage)**

146. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and forty-five (145) as though set forth at length herein.

147. The Plaintiff was stopped, detained, searched, arrested in violation of the Fourth Amendment.

148. The Defendants Lamancusa, Salem, Dolquist, Maiella, Panella, Keyser, Brightshue, and Savage (collectively referred to in Count VI as “the Defendants”) falsely stated that Plaintiff had controlled substances hidden in her body cavity and/or otherwise had committed a crime.

149. The Defendants caused damages to Plaintiff including embarrassment, humiliation, physical injury, pain and suffering and mental and emotional distress.

150. The Defendants acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights.

151. As a result of the nature of the Defendants’ conduct, the Plaintiff is entitled to recover punitive damages against the individual Defendants.

152. The actions of the Defendants occurred as a result of a de facto policy.

153. The Defendants Salem, Lamancusa, and Keyser are the policymakers for NCPD, DTF, DAO, and LCJ and/or enforced existing policies.

COUNT VII

FOURTEENTH AMENDMENT SUBSTANTIVE AND PROCEDURAL DUE PROCESS (Plaintiff vs. Defendants DTF, DAO, Lamancusa, LCJ, Keyser, Savage, Brightshue, NCPD, Salem, Maiella, Dolquist and Panella)

154. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and fifty-three (153) as though set forth at length herein.

155. The Plaintiff has a protectable interest in her liberty and seized property.

156. The actions of Defendants DTF, DAO, Lamancusa, LCJ, Keyser, Savage, Brightshue, NCPD, Salem, Maiella, Dolquist and Panella (collectively referred to in Count VII as “the Defendants”) violated the Plaintiff’s Fourteenth Amendment rights to be secure in her person from unreasonable search and seizure.

157. The Defendants deliberately and arbitrarily abused their powers by effectuating a traffic stop without probable cause, seizing the Plaintiff and her vehicle, detaining her for an unreasonable time, arresting, interrogating, searching, or requiring others to search the Plaintiff.

158. The Defendants did not obtain a warrant to arrest Plaintiff.

159. The Plaintiff was not provided with notice or an opportunity to defendant against the deprivation of her liberty and property that occurred without due process of law.

160. The Defendants’ actions were arbitrary, irrational, objectively unreasonable, and tainted by improper motive.

161. The Defendants’ actions were so egregious as to shock the conscience.

162. The Defendants’ conduct caused Plaintiff to be raped repeatedly under the color of state law grossly depriving her of fundamental liberty interests.

163. In addition to the violations of the Plaintiff’s liberty interest, the Defendants also denied the Plaintiff an opportunity to call her attorney when she was taken into custody and subsequently subjected her to horrific treatment further depriving her of additional due process rights.

164. The Defendants have wholly ignored procedural and substantive due process requirements in an unlawful campaign to harass, punish and bully private citizens such as the Plaintiff who they suspect of committing minor criminal activities despite an absence of probable cause.

165. The Defendants acted willfully, knowingly, and/or purposefully, and with deliberate indifference to deprive the Plaintiff of her constitutional rights.

166. Due to the nature of the Defendants' conduct, the Plaintiff is entitled to recover punitive damages against the individual Defendants.

COUNT VIII

NEGLIGENCE

(Plaintiff vs. Defendant Jameson, Geiser, Fee)

167. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and sixty-six (166) as though set forth at length herein.

168. The Defendants Jameson, Geiser, Fee (collectively referred to in Count VIII as "the Defendants") owed the Plaintiff a duty of care conforming to professional standards.

169. The Defendants breached that duty of care and failed to conform to the professional standards by performing unnecessary medical treatments including:

- a. CT scan;
- b. The repeated penetration of Plaintiff's vagina;
- c. The repeated digital penetration of Plaintiff's rectum;
- d. The sampling of Plaintiff's vaginal tissue;
- e. The sampling of Plaintiff's urine;
- f. The shackling of the Plaintiff to an exam table.

170. As a result of the Defendants' breach of duty, the Plaintiff suffered damages, including but not limited to: emotional distress, pain and suffering, mental anguish, and physical injury.

171. The Defendants' conduct was malicious and/or in reckless disregard of the Plaintiff, and therefore she is entitled to punitive damages.

COUNT IX

LACK OF INFORMED CONSENT (Plaintiff vs. Defendants Jameson and Geiser)

172. The Plaintiff incorporate by reference the allegations of preceding paragraphs one (1) through one-hundred and seventy-one (171) as though set forth at length herein.

173. The Defendants Jameson and Geiser (collectively referred to in Count IX as "the Defendants") were required to obtain informed consent from the Plaintiff prior to performing treatment.

174. The Defendants failed to inform the Plaintiff of all the facts, risks and alternatives, which a reasonable person would deem significant in making a decision to undergo the medical procedure.

175. The Defendants failed to obtain the Plaintiff's informed consent for the following procedures:

- a. CT scan;
- b. The repeated penetration of Plaintiff's vagina;
- c. The repeated digital penetration of Plaintiff's rectum;
- d. The sampling of Plaintiff's vaginal tissue;
- e. The sampling of Plaintiff's urine;
- f. The shackling of the Plaintiff to exam table.

176. The Defendants' failure to obtain informed consent was negligent and failed to comport with profession standards and resulted in a battery.

177. The Defendants' conduct was malicious and/or reckless, and the Plaintiff is entitled to punitive damages.

COUNT X

RESPONDEAT SUPERIOR
(Plaintiff vs. Jameson Hospital)

178. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and seventy-seven (177) as though set forth at length herein.

179. At all times relevant hereto, the Defendants Geiser and Fee were employed by, and agents, servants and/or employees of, Defendant Jameson and any and all described acts were committed within the course, scope or in furtherance of their employment.

180. The Defendant Jameson is responsible for all of the negligent and/or intentional acts committed by Defendants Geiser and Fee within the scope of their employment.

COUNT XI

RESPONDEAT SUPERIOR
(Plaintiff vs. Defendants LCJ, DAO, DTF, NCPD)

181. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and eighty (180) as though set forth at length herein.

182. At all times relevant hereto, Defendant Lamancusa was employed by, and was an agent, servant and/or employee of Defendants DTF and DAO and any and all described acts were committed within the scope, course or in furtherance of his employment.

183. At all times relevant hereto, Defendants Keyser, Brightshue, and Savage were employed by, and were agents, servants and/or employees of Defendant LCJ and any and all described acts were committed within the scope, course or in furtherance of their employment.

184. At all times relevant hereto, Defendants' Salem, Maiella, Dolquist, and Panella were employed by, and were agents, servants and/or employees of Defendant NCPD and any and all described acts were committed within the scope, course or in furtherance of their employment.

185. The Defendants are responsible for all of the negligent and/or intentional acts committed by their employees or agents within the scope of their employment.

COUNT XII

BATTERY

(Plaintiff vs. Defendants Jameson, Geiser, Fee)

186. The Plaintiff incorporate by reference the allegations of preceding paragraphs one (1) through one hundred and eighty-five (185) as though set forth at length herein.

187. The Defendants Jameson, Geiser and Fee (collectively referred to in Count XII as "the Defendants") intentionally penetrated the Plaintiff's vagina and anus on seven separate and distinct occasions.

188. Defendants caused offensive contact with Plaintiff's person in each of the following acts:

- a. The first digital penetration of Plaintiff's vagina;
- b. The first digital penetration of Plaintiff's rectum;
- c. The second digital penetration of Plaintiff's rectum;
- d. The second penetration of Plaintiff's vagina;

- e. The third penetration of Plaintiff's vagina;
- f. The fourth penetration of Plaintiff's vagina;
- g. The sampling of Plaintiff's vaginal tissue;

189. The Defendants' conduct constitutes seven separate and distinct counts of battery on the Plaintiff.

190. The Defendants acted in a concerted effort to cause the batteries.

191. The Plaintiff suffered damages as a result of the seven batteries.

192. The Defendants' conduct was malicious and/or reckless, and the Plaintiff is entitled to punitive damages.

COUNT XIII

FALSE IMPRISONMENT **(Plaintiff vs. All Defendants)**

193. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and ninety-two (192) as though set forth at length herein.

194. The Defendants Dolquist, Maiella, Keyser, Brightshue, and Savage intentionally confined the Plaintiff in Defendant LCJ without her consent while acting in the scope, course or in furtherance of their respective employments.

195. The Defendants Geiser, Fee, Lamancusa, Salem, Dolquist, Maiella, Panella intentionally confined the Plaintiff at Defendant Jameson without her consent while acting in the scope, course of in furtherance of their respective employments.

196. The Defendants knew, or should have known, that they had no lawful authority to detain the Plaintiff.

197. The Defendants confined the Plaintiff unlawfully for over five hours until she was released without the filing of any formal charges.

198. The Defendants' conduct constituted false imprisonment of the Plaintiff.

199. The Defendants' conduct was malicious and/or reckless, and the Plaintiff is entitled to punitive damages.

COUNT XIV

CIVIL CONSPIRACY – ASSAULT AND BATTERY
(Plaintiff vs. Defendants Lamancusa, Salem, Dolquist, Maiella, Panella, Geiser, Fee, Keyser, Brightshue and Savage)

200. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through one hundred and ninety-nine (199) as though set forth at length herein.

201. At all times relevant hereto, the Defendants Lamancusa, Salem, Dolquist, Maiella, Panella, Geiser, Fee, Keyser, Brightshue and Savage (collectively referred to in Count XIV as “the Defendants”) agreed to commit an assault and battery against the Plaintiff without her consent.

202. The assault and battery occurred with malice as it was a result of retaliation and under circumstances where the respective conspirators continued the assault and battery after obtaining medical evidence that Plaintiff had no foreign objects or substances within her body.

203. The above-described acts of the Defendants were committed within the scope, course or in furtherance of their employment.

204. The Defendants' conduct was malicious and/or reckless, and the Plaintiff is entitled to punitive damages.

COUNT XV

NEGLIGENT SUPERVISION
(Plaintiff vs. LCJ, DAO, DTF, NCPD, and Jameson)

205. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through two hundred and four (204) as though set forth at length herein.

206. The acts described herein were performed within the course, scope or furtherance of employment with Defendants LCJ, DAO, DTF, NCPD, and Jameson (collectively referred to in Count XV as “the Defendants”) and the Defendants are responsible for those acts.

207. The Defendants’ failed to properly supervise employees’ Lamancusa, Salem, Dolquist, Maiella, Panella, Keyser, Savage, Brightshue, Geiser, Fee.

208. Defendants are responsible for the negligent acts performed within the scope, course and in furtherance of employment.

209. The negligence, carelessness, and recklessness of the Defendant(s) individually, jointly, and/or severally, consisted of the following:

- a. Failure to maintain proper supervision of their agents, servants, partners, invitees, employees, and/or representatives;
- b. Failure to properly train their agents, servants, partners, employees, invitees, and/or representatives on how to maintain an orderly, secure, safe, and peaceful condition for invitees, patrons, and the general public;
- c. Failure to protect the Plaintiff from the acts of their agents, servants, workmen, invitees, employees, and/or representatives, which defendants knew or should have known were likely to occur;
- d. Failure to provide a safe environment to patrons and the general public,

including Plaintiff;

- e. Failing to obtain and act appropriately upon information regarding previous complaints, abuse, or aggressive behavior or nature of their employees;
- f. Failure to undertake proper and adequate steps to maintain a peaceable atmosphere;
- g. Failure to take all appropriate and necessary steps to minimize the likelihood of such an attack which occurred to Plaintiff;
- h. Failure to provide proper supervision, oversight, direction and control over their employees.

210. The Defendants knew, had reason to know, or should have known that its agents and/or employees had a record of dangerous and reckless behavior which caused unreasonable risk of physical harm to the Plaintiff.

211. The Defendants knew, had reason to know, or should have known that contracting and/or hiring Defendants Lamancusa, Salem, Dolquist, Maiella, Panella, Keyser, Savage, Brightshue, Geiser, and Fee would result in a risk of physical harm to others.

212. The Plaintiff was a member of a foreseeable class of person who would be at risk of suffering physical harm.

213. The negligence supervision of Defendants concurrently and proximately caused injury to Plaintiff.

214. The Defendants' conduct was malicious and/or reckless, and the Plaintiff is entitled to punitive damages.

COUNT XVI

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Plaintiff vs. All Defendants)

215. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through two hundred and fourteen (214) as though set forth at length herein.

216. The attack on Plaintiff by Defendants individually, and/or as an agent, servant, employee acting within the scope, course or in furtherance of their employment was intentional, extreme, outrageous, and exceeded all reasonable bounds of decency.

217. As a proximate result of the Defendants' actions, and/or inactions, the Plaintiff suffered substantial damages, including but not limited to severe emotional distress, mental anguish, embarrassment, personal humiliation, physical injuries, and sleep deprivation.

218. The Defendants' willful and intentional conduct was malicious and/or outrageous and the Defendants are liable to the Plaintiff for punitive and compensatory damages.

COUNT XVII

DEFAMATION PER SE
(Plaintiff vs. Geiser, Fee, Keyser, Brightshue, Savage,
Lamancusa, Salem, Maiella, and Dolquist)

219. The Plaintiff incorporates by reference the allegations of preceding paragraphs one (1) through two hundred and eighteen (218) as though set forth at length herein.

220. The Defendants Geiser, Fee, Keyser, Brightshue, Savage, Lamancusa, Salem, Maiella, and Dolquist (collectively referred to in Count XVII as "the Defendants") intentionally and maliciously communicated falsehoods concerning the Plaintiff to third parties alleging that the Plaintiff had committed the crimes of possessing a controlled substance in her body cavities, obstruction of justice, and/or tampering with physical evidence.

221. The Defendants intentionally and maliciously communicated a falsehood with the understanding of the defamatory character of the communication or in reckless disregard of its truthfulness.

222. These statements were false and shock the conscience.

223. The Plaintiff is entitled to actual and punitive damages as a result of such defamation.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing, the Plaintiff respectfully requests the following relief:

- (a) a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983 declaring the policy adopted and enforced by DTF, DAO, LCJ, NCPD, and Jameson Health Systems to perform internal bodily searches without a warrant to be unconstitutional;
- (b) nominal, compensatory, treble and punitive damages in an amount to be proven at trial;
- (c) an order awarding the Plaintiff the costs incurred in this litigation including attorney's fees pursuant to 42 U.S.C. § 1988; and,
- (d) such other relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands a jury on all issues.

Respectfully submitted,

/s/ Stanley T. Booker
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