

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

MARCUS BROWN and NIKOLE RILEY;)
)
Plaintiffs,) Civil Action No.

v.)

POLICE OFFICER KEITH SMITH,) Judge:
individually and in his official capacities as)

a police officer of Midland Borough;)

POLICE OFFICER MARCUS LITTLE,)

individually and in his official capacities as)

a police officer of Midland Borough;)

MIDLAND BOROUGH, a municipal)

corporation, CHIEF KEITH MCCARTHY,) *Electronically Filed*

individually and in his official capacities as)

the Chief of Police of Midland Borough;)

OHIOVILLE BOROUGH, a municipal)

corporation; POLICE OFFICER JEANA)

JUSTICE, individually and in her official)

capacities as a police officer of)

Ohioville Borough, JANE DOE, individually)

and in her official capacities as a police)

officer of Ohioville Borough, and JOHN)

DOE, individually and in his official)

capacity as a police officer of Midland)

Borough,)

Defendants.)

COMPLAINT IN CIVIL ACTION

AND NOW come the Plaintiffs, MARCUS BROWN and NIKOLE RILEY, by and through their attorneys, STEVEN M. BARTH, ESQUIRE, and JONATHAN M. GESK, ESQUIRE, file the following COMPLAINT IN CIVIL ACTION:

PARTIES

1. Plaintiff, MARCUS BROWN, is an adult individual who lives in the Commonwealth of Pennsylvania.

2. Plaintiff, NIKOLE RILEY, is an adult individual who lives in the Commonwealth of Pennsylvania.

3. Defendant, MIDLAND BOROUGH, is a municipal corporation organized pursuant to the laws of the Commonwealth of Pennsylvania with its administrative address at 936 Midland Avenue, Midland, Beaver County, Pennsylvania 15059.

4. Defendant, MIDLAND BOROUGH, is responsible for enforcing the laws within Midland Borough and the management and administration of law enforcement in Midland, Pennsylvania.

5. Defendant, MIDLAND BOROUGH, is also responsible for supervising its employees, including the police officers employed in its police department, and is therefore responsible for the actions of the police officers employed within its police department.

6. Defendant, POLICE OFFICER KEITH SMITH (hereinafter referred to as “Defendant SMITH”), is an adult individual who at all times relevant hereto was employed as a police officer by Defendant MIDLAND BOROUGH.

7. Defendant, POLICE OFFICER MARCUS LITTLE (hereinafter referred to as “Defendant LITTLE”), is an adult individual who at all times relevant hereto was employed as a police officer by Defendant MIDLAND BOROUGH.

8. Defendant, JOHN DOE, (hereinafter referred to as “Defendant LITTLE”) is an adult individual who at all times relevant hereto was employed as a police officer by Defendant

MIDLAND BOROUGH and is believed to be named Marcus Little and/or the person in Exhibit 1 to the Complaint which is the body camera footage.

9. Defendant, POLICE CHIEF KEVIN MCCARTHY (hereinafter referred to as “Defendant POLICE CHIEF”), is an adult individual who at all times relevant hereto was employed as the police chief of the Midland Police Department by Defendant MIDLAND BOROUGH.

10. Defendant POLICE CHIEF is the highest officer for the Midland Police Department and is therefore responsible for the management and administration of law enforcement within Midland Borough, which primarily includes the direct supervision of the police officers within the Midland Police Department and, therefore, Defendant POLICE CHIEF is responsible for the actions of those police officers.

11. At all times relevant, Defendant MIDLAND BOROUGH acted through its agents, servants and/or employees, who were acting within the course and scope of their employment for Midland Borough Police Department.

12. Defendant, OHIOVILLE BOROUGH, is a municipal corporation organized pursuant to the laws of the Commonwealth of Pennsylvania with its administrative address at 6268 Tuscarawas Road, Industry, Beaver County, Pennsylvania 15052. and is vested with the responsibility of enforcing the laws within the Ohioville Borough and is also responsible for the actions of the members of its police department.

13. Defendant, OHIOVILLE BOROUGH, is responsible for enforcing the laws within Ohioville Borough and the management and administration of law enforcement in Midland, Pennsylvania.

14. Defendant, OHIOVILLE BOROUGH, is also responsible for supervising its employees, including the police officers employed in its police department, and is therefore responsible for the actions of the police officers employed within its police department.

15. Defendant, POLICE OFFICER JEANA JUSTICE (hereinafter referred to as “Defendant JUSTICE”), is an adult individual who at all times relevant hereto was employed as a police officer by Defendant OHIOVILLE BOROUGH.

16. At all times relevant, Defendant JUSTICE, acting within the scope of her employment as a police officer for Defendant OHIOVILLE BOROUGH, was required to provide back up to Midland Borough police officers, including Defendant SMITH and Defendant LITTLE, which, in this case, included conducting blanket strip-searches of individuals stopped within Midland Borough by the Midland Police Department.

17. At all times relevant, Defendant OHIOVILLE BOROUGH acted through its agents, servants and/or employees, who were acting within the course and scope of their employment for Midland Borough Police Department.

18. Defendant, JANE DOE, (hereinafter referred to as “Defendant JUSTICE”), is an adult individual who at all times relevant hereto was employed as a police officer by Defendant OHIOVILLE BOROUGH and is believed to be Jeana Justice and/or the person in Exhibit 1 to the Complaint which is the body camera footage.

JURISDICTION

19. This Honorable Court has jurisdiction over actions that arise under 42 U.S.C. § 1983 and concurrent jurisdiction over state law claims.

FACTS

20. On December 21, 2017, Plaintiffs were backseat passengers in a vehicle owned and operated by Lafaya Desarro.

21. Joseph Desarro was the front seat passenger.

22. Defendant LITTLE and/or SMITH conducted a traffic stop of the subject vehicle when Ms. Desarro allegedly failed to use a turn signal when pulling into traffic.

23. During the course of the traffic stop, Defendant SMITH and Defendant LITTLE ordered all occupants to exit the vehicle and so that they could perform a pat down search, or a Terry Stop, of each occupant pursuant to the policies and procedures of Defendant MIDLAND BOROUGH and Defendant POLICE CHIEF.

24. Defendant LITTLE and Defendant SMITH also called in for assistance from Defendant OHIOVILLE BOROUGH and Defendant JUSTICE arrived on the scene

25. Defendant LITTLE and/or Defendant SMITH directed Defendant JUSTICE to take custody of and perform pat down searches of the female occupants of the vehicle, including Plaintiff Nikole Riley.

26. While conducting a pat down search of each occupant of the vehicle, Defendant SMITH and Defendant LITTLE allegedly discovered a small amount of a white powder substance in the front pocket of Mr. Desarro, the front seat passenger.

27. Defendant SMITH and/or Defendant LITTLE handcuffed and conducted a pat down search of Plaintiff Marcus Brown.

28. Defendant SMITH and/or Defendant LITTLE did not discover any weapons, drugs, paraphernalia, contraband or other evidence of a crime on Mr. Brown.

29. Defendant JUSTICE handcuffed and conducted a pat down search of Plaintiff Nikole Riley.

30. Defendant JUSTICE did not discover any weapons, drugs, paraphernalia, contraband or other evidence of a crime on Ms. Riley.

31. Despite not finding any evidence of a crime on either Marcus Brown or Nikole Riley, Defendants SMITH, LITTLE, and/or JUSTICE arrested and detained the Plaintiffs in separate police vehicles.

32. Defendants SMITH, LITTLE, and/or JUSTICE also conducted a search of the vehicle and did not discover any weapons, drugs, paraphernalia, contraband or other evidence of a crime.

33. Defendants SMITH, LITTLE, and/or JUSTICE inexplicably proceeded to transport Plaintiffs to the Midland Borough Police Department despite the lack of evidence and probable cause that either Plaintiff committed any criminal offense.

34. At the Midland Borough Police Department, Defendants SMITH, LITTLE, and/or JUSTICE conducted strip-searches of Mr. Brown and Ms. Riley.

35. Specifically, during the strip-search of Mr. Brown, Defendant SMITH and/or Defendant LITTLE ordered Mr. Brown to strip completely naked, bend over and lift his genitals in front of the officers.

36. The strip-search did not reveal any weapons, drugs, paraphernalia, contraband or other evidence of a crime on Mr. Brown and he was never charged with a crime nor given a citation of any kind as a result of this stop.

37. Similarly, during the strip-search of Ms. Riley, Defendant JUSTICE ordered Ms. Riley to strip completely naked so that Defendant JUSTICE could search her body.

38. The strip-search did not reveal any weapons, drugs, paraphernalia, contraband or other evidence of a crime on Ms. Riley and she was never charged with a crime nor given a citation of any kind as a result of this stop.

39. Plaintiff Riley was also forced to urinate in a stall while an officer watched her.

40. Mr. Brown and Ms. Riley were eventually released from custody and no criminal charges nor citations were ever filed against either Plaintiff.

41. Defendants did not file any criminal charges against Plaintiffs.

42. Based on the body camera footage of this stop from one of the officers, which is attached hereto as "Exhibit 1," it is believed and therefore averred that Defendant SMITH and/or LITTLE initiated the traffic stop, and the subsequent pat down and strip searches of the occupants of the vehicle, without any articulable, individualized suspicion of weapons, drugs, paraphernalia, contraband or other evidence of criminal activity and, instead, intended to detain, arrest and ultimately conduct a blanket strip-search of each of the occupants whether or not any evidence was ever found.

BLANKET STRIP-SEARCH POLICY OF MIDLAND BOROUGH

43. Defendant MIDLAND BOROUGH, by and through its Police Department, is supposed to protect the public, maintain the peace, adhere to and enforce state and local laws while adhering to the protections afforded to all citizens by the Pennsylvania Constitution and the United States Constitution.

44. It is believed and therefore averred that Defendant MIDLAND BOROUGH, through Defendant POLICE CHIEF and the Midland Borough Police Department, had an undocumented and/or informal policy and/or practice of requiring and/or encouraging Midland Borough Police Officers to detain, arrest and perform blanket strip-searches on citizens without

probable cause or individualized suspicion and without weighing the proper constitutional factors.

45. It is believed and therefore averred that Defendant MIDLAND BOROUGH, through Defendant POLICE CHIEF, instructed, required, trained and/or consented to Midland Borough police officers and officers from other assisting police departments to perform blanket strip-searches on citizens of this Commonwealth and the United States of America in situations where the balance of the need for the particular search was far outweighed by the invasion of personal rights that the search entailed.

46. Specifically, it is believed and therefore averred, that Defendant MIDLAND BOROUGH, through Defendant POLICE CHIEF, have created and enforced policies, procedures and/or practices that encourage and/or permit Midland Police Officers to detain, arrest and conduct blanket strip-searches on members of the community who were suspected of the following but not limited to:

- a.) Public intoxication;
- b.) Disorderly conduct;
- c.) Traffic offenses;
- d.) Probation offenses;
- e.) Parole violations;
- f.) Summary offenses; and
- g.) Misdemeanors.

47. The following are just a few examples of Defendant MIDLAND BOROUGH's policy and/or procedure of conducting blanket strip-searches in effect:

48. Individual citizens were subject to blanket strip searches by the Midland Borough Police Department when they were merely suspected of public intoxication and/or other summary and/or misdemeanor offenses;

49. Individual citizens continue to be subject to blanket strip searches by the Midland Borough Police Department in 2019.

50. It is believed and therefore averred that Defendant MIDLAND BOROUGH's policy and/or practice of conducting blanket strip-searches of citizens who were suspected of misdemeanors and/or non-violent offenses was extended to include conducting blanket strip-searches even when there was an absence of articulable and individualized suspicion that the arrestee was concealing a weapon, drugs, contraband or other evidence of criminal activity.

51. Defendant MIDLAND BOROUGH's policy and/or practice of requiring, encouraging and/or permitting Midland Borough police officers conducting blanket strip-searches of persons suspected of any criminal offense, including misdemeanors and non-violent offenses, violates the protections guaranteed afforded to all citizens by the Pennsylvania Constitution and the United States Constitution.

52. Defendant MIDLAND BOROUGH's policy and/or practice of requiring, encouraging and/or permitting Midland Borough police officers conducting blanket strip-searches of persons without any articulable or individualized suspicion that the person is engaged in criminal activity, violates the protections guaranteed afforded to all citizens by the Pennsylvania Constitution and the United States Constitution.

53. All the Defendants knew, or should have known, that a policy and/or practice of conducting blanket strip-searches without individualized suspicion that a person has even

committed a crime violates the individual protections guaranteed to all citizens by the United States Constitution and the Pennsylvania Constitution.

54. Despite this knowledge, Defendants continued to conduct blanket strip-searches without balancing the arrestee's individual constitutional rights against the need for the particular search and without considering factors such as: the likelihood the arrestee even committed or was committing a crime; the nature of the suspected offense, if any; the likelihood that the search would uncover weapons, drugs, paraphernalia, contraband or other evidence of a crime; officer safety; and the arrestee's conduct and/or any prior criminal record.

55. The policy and/or practice described above encourages violations of both state and federal law.

56. It is evident that the strip-searches conducted in this case were the result of either a blanket policy and/or practice or a failure to properly train police officers with regard to the legality of strip-searches under various circumstances.

57. Defendant MIDLAND BOROUGH and Defendant POLICE CHIEF were not effective in patrolling and monitoring the police officers in regards to conducting strip searches.

58. Defendant MIDLAND BOROUGH and Defendant POLICE CHIEF knew or should have known that Midland Borough police officers, and police officers from other borough's assisting Midland Borough, were either carrying out a policy and/or practice of conducting blanket strip-searches without regard to individual circumstances and/or were not properly trained with regard to the legality of strip searches under various circumstances.

59. As a result of the above, Defendant MIDLAND BOROUGH and Defendant POLICE CHIEF allowed a police force to be governed by unconstitutional policies, procedures

and/or practices that allowed blanket strip searches to be utilized against citizens of the United States of America.

60. Further, Defendant MIDLAND BOROUGH and Defendant POLICE CHIEF knew or should have known that without a doubt, the feelings of humiliation and degradation associated with being forced to expose one's nude body to strangers for visual inspection without individualized suspicion that that person has committed a crime or is concealing a weapon, drugs, paraphernalia, contraband or other evidence of criminal activity.

61. All of the Defendants knew or should have known of this unconstitutional policy and/or procedure, yet they continued to enforce these type of blanket strip searches of U.S. citizens.

COUNT I:
PLAINTIFFS v. ALL DEFENDANTS
VIOLATION OF PLAINTIFFS' CONSTITUTIONAL RIGHTS, SPECIFICALLY, U.S.C.
§ 1983, AND THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED
STATES CONSTITUTION

62. Plaintiffs incorporate by reference the allegations contained in the above paragraphs as though fully set forth herein.

63. Plaintiffs, Mr. Brown and Ms. Riley, claim damages for the injuries set forth herein under 42 U.S.C. § 1983 against all Defendants for violations of Plaintiffs' constitutional rights under color of law.

64. At all times relevant hereto, pursuant to 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution, Plaintiffs had a right to be free from arrest, detention, and being strip-searched without probable cause, and the right to not be imprisoned or detained without due process of law.

65. Specifically, the Fourth Amendment to the United States Constitution protects individuals from arrests and detentions without probable cause.

66. Further, the Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures of their persons, homes, and effects.

67. The Fourteenth Amendment to the United States Constitution protects individuals against deprivations of their liberty without due process of law.

68. Defendants LITTLE, SMITH, and/or JUSTICE's search of the vehicle and pat-down search of Mr. Brown and Ms. Riley at the time of the traffic stop did not reveal any weapons, drugs, paraphernalia, contraband or other evidence of a crime.

69. After Defendants LITTLE, SMITH, and/or JUSTICE conducted the pat-down search of Mr. Brown and Ms. Riley and no weapons, drugs, paraphernalia, contraband or other evidence of a crime were found, Defendants did not have probable cause, nor reasonable suspicion, to arrest, detain or transfer Mr. Brown or Ms. Riley to the Midland Borough Police Department.

70. After Defendants conducted the subject search of Plaintiffs and no weapons, drugs, paraphernalia, contraband or other evidence of a crime were found, Defendants did not have probable cause or reasonable suspicion to strip-search Plaintiffs.

71. Defendants did not have the right to detain or imprison Plaintiffs without the due process of law.

72. As stated herein, the arrest, subsequent detention, strip-search, and imprisonment of Mr. Brown and Ms. Riley by the Defendants was an unreasonable deprivation of Plaintiffs' life and liberty without due process of law in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

73. As stated herein, Defendant SMITH, Defendant LITTLE, and Defendant JUSTICE acted with evil motive, malice, and reckless disregard for Plaintiffs' constitutional rights when they arrested, detained, strip-searched and imprisoned Plaintiffs without probable cause or reasonable suspicion that either Mr. Brown or Ms. Riley committed a crime or was concealing evidence of a crime.

74. The conduct of Defendant SMITH, Defendant LITTLE, and Defendant JUSTICE, including the initial traffic stop and the subsequent pat down searches, arrest and strip-searches deprived Mr. Brown and Ms. Riley of their rights, privileges, and immunities secured under the Constitution of the United States as said conduct was done without probable cause or reasonable suspicion and with malice, vengeance, and bias.

75. As stated previously, Defendant MIDLAND BOROUGH is responsible for the actions of its agents and employees including Defendant POLICE CHIEF, Defendant SMITH and Defendant LITTLE.

76. As stated previously, Defendant POLICE CHIEF, as the highest supervisory authority of the Midland Borough Police Department, is responsible for the actions of Midland Borough police officers, including Defendant SMITH and Defendant LITTLE on December 21, 2017.

77. As stated previously, Defendant OHIOVILLE BOROUGH is responsible for the actions of its agents and employees including Defendant JUSTICE.

78. As a direct and proximate result of the aforesaid actions of Defendants, Mr. Brown and Ms. Riley were subject to a false arrest, false imprisonment, and an improper and unconstitutional strip-search.

79. Mr. Brown and Ms. Riley suffered and will continue to suffer severe mental and psychological stress as a result of being falsely arrested, falsely imprisoned, and unreasonably and unconstitutionally strip-searched for no reason other than being passengers in a vehicle in which one of the occupants possessed a small amount of drugs on his person.

80. A jury trial is demanded as permitted by law.

WHEREFORE, for all of the above reasons, Plaintiffs, Marcus Brown and Nikole Riley, demand judgment against the Defendants, jointly and separately, in an amount in excess of Seventy Five Thousand Dollars, (\$75,000.00), plus punitive damages, attorneys' fees, costs of suit, and all other relief this Court deems appropriate and necessary.

COUNT II:
PLAINTIFFS v. ALL DEFENDANTS
POLICY/CUSTOM OF TOLERANCE
OF EXCESSIVE FORCE

81. Each of the above paragraphs is incorporated herein by reference.

82. The injuries and damages suffered by Mr. Brown and Ms. Riley due to a blanket strip-search of the Plaintiffs by Defendants SMITH, LITTLE, and JUSTICE and violations of the Plaintiffs' Constitutional rights were the direct and proximate result of Defendants' policy, practice, pattern and custom of subjecting citizens to blanket strip-searches.

83. This policy, practice, pattern and custom was established, enforced, and maintained by all Defendants through their encouragement, knowing acquiescence and/or tolerance of such activities and behavior by their police officers, and failure to act to prevent the same.

84. This policy, practice, pattern and custom existed on and prior to Defendants SMITH, LITTLE, and/or JUSTICE unconstitutionally arresting, detaining and strip-searching Mr. Brown and Ms. Riley on December 21, 2017.

85. The policy, practice, pattern and custom of all Defendants in requiring, encouraging and/or tolerating constitutional violations of individual citizens consisted of the following:

- a.) Deliberate indifference to the Constitutional rights of the citizens of Midland Borough;
- b.) Deliberate indifference to the need to protect the citizens of the Midland Borough from blanket strip-searches by police officers;
- c.) Deliberate indifference to their police officers' use of blanket strip-searches in detaining individuals;
- d.) Deliberate indifference to the obvious need for training and supervision of their police officers, including Defendants;
- e.) Failing to properly train their police officers, including Defendants so that blanket strip-searches would not be conducted following every routine traffic stop;
- f.) Failing to properly supervise their police officers, including Defendants, so that blanket strip-searches would not be applied when stopping individuals;
- g.) In failing to properly and effectively train, educate and instruct their police officers as to the procedures for the use of strip-searches when stopping individuals;
- h.) In failing to refrain from conduct likely to cause embarrassment and emotional trauma to Plaintiffs;
- i.) In failing to refrain from conduct that violated the constitutional rights of the Plaintiffs;
- j.) In acting in such a way so as to cause embarrassment to the Plaintiffs;

- k.) In otherwise failing to exercise due and proper care under the circumstances;
- l.) In failing to train and/or instruct their employees, agents, and/or servants on how and when to conduct strip searches
- m.) In failing to adhere to and enforce the proper constitutional policies and procedures as to when a person can be strip searched;
- n.) All Defendants did not have a policy as to when an individual can be stripped-searched;
- o.) All Defendants knew or should have known that the Co-Defendant Officers did not have the proper training and/or know the proper protocol in order to handle this situation with the Plaintiffs;
- p.) In promoting the use of blanket strip-searches, and violation of constitutional rights as a proper means to control the public;
- q.) In allowing these officers to conduct blanket strip-searches on individuals;
- r.) In allowing and condoning their officers' actions in conducting blanket strip-searches on individuals in order to intimidate and coerce citizens;
- s.) In promoting an atmosphere where citizens' rights are ignored in order to cover up police misconduct;
- t.) In permitting and/or encouraging an atmosphere in the police department where the policies, practices, patterns and customs compromise the constitutional rights of citizens;
- u.) In failing to adequately supervise the police and to promote an atmosphere of compliance;
- v.) In failing to provide training which promotes proper weighing of factors for strip-searches situations;
- w.) In failing to provide policies and procedures which promote proper strip-searches situations with the public and/or traffic stops;
- x.) In utilizing a blanket strip-search policy which promotes constitutional violations of individual citizens;
- y.) In utilizing a blanket strip-search policy which promotes a emotional abuse and severe embarrassment of individual citizens;

- z.) In utilizing, encouraging, enforcing and/or promoting an unconstitutional blanket strip-search policy.

86. As a direct and proximate result of Defendants' policy, practice, pattern and custom of unconstitutional blanket strip-searches, Mr. Brown and Ms. Riley suffered the injuries and damages previously set forth and was deprived of their constitutional rights.

87. At all relevant times, the actions of Defendants through their practices, customs and/or policies, were outrageous, willful, wanton and gross acts of reckless indifference that rise to the level of the imposition of punitive damages, which Plaintiffs claim against them.

WHEREFORE, Plaintiffs respectfully requests judgment be entered in their favor and against all Defendants, jointly and severally, in an amount in excess of the jurisdictional limits, plus interest, costs, attorneys' fees, punitive damages, attorney fees and such other relief as this court may deem appropriate.

JURY TRIAL DEMANDED

**COUNT III:
PLAINTIFFS v. ALL DEFENDANTS
42 U.S.C. 1985**

88. Plaintiffs incorporate by reference each of the above paragraphs by reference as though fully set forth herein.

89. At all times relevant, each Defendant was a state actor and/or was acting under color of state law for 42 U.S.C. § 1985 purposes.

90. At all times relevant, it was the policy, practice, pattern and custom of Defendants and/or their officers, including the individual police officers to use blanket strip-searches in effectuating arrests, confronting the public, and interacting with the public without provocation or cause, thereby depriving individuals of their rights and conspiracy thereof.

91. Defendants' actions and omissions, as more fully described above, constitute a conspiracy to violate the Plaintiffs' rights under the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free from unreasonable searches and seizures, the right to liberty of the individual, and the right to be free from abusive, arbitrary and capricious governmental action.

92. As a direct and proximate result of these violations of Plaintiffs' Constitutional rights, Mr. Brown and Ms. Riley suffered the injuries and damages previously set forth.

WHEREFORE, Plaintiffs respectfully requests this Honorable Court enter judgment in their favor and against all Defendants, jointly and severally, and award to them compensatory damages in an amount in excess of jurisdictional limits, plus interest, costs, punitive damages, attorney fees and such other relief as this Court may deem appropriate.

JURY TRIAL DEMANDED

**COUNT IV
PLAINTIFFS v. ALL DEFENDANTS
FALSE ARREST**

93. Plaintiffs incorporate by reference each of the above paragraphs by reference as though fully set forth herein.

94. Defendants' actions and omissions, as more fully described in the factual component of this Complaint, caused and resulted in the Plaintiffs' improper, wrongful and false arrest.

95. At the time of their arrest, Defendants knew or had reason to know that the Plaintiffs were not the person implicated in the offense under investigation.

96. Defendants, without lawful cause, did not act to prevent or expeditiously remedy the Plaintiffs' arrest.

97. As a direct and proximate result of the conduct of the Defendants, the Plaintiffs suffered the injuries and damages previously set forth.

WHEREFORE, Plaintiffs respectfully requests this Honorable Court enter judgment in her favor and against all Defendants, jointly and severally, and award to them compensatory damages in an amount in excess of jurisdictional limits, plus interest, costs, punitive damages, attorney fees and such other relief as this Court may deem appropriate.

JURY TRIAL DEMANDED

COUNT V
PLAINTIFFS v. ALL DEFENDANTS
FALSE IMPRISONMENT

98. Plaintiffs incorporate by reference each of the above paragraphs by reference as though fully set forth herein.

99. Defendants' actions and omissions, as more fully described in the factual component of this Complaint, resulted in Plaintiffs' false imprisonment.

100. Plaintiffs' liberty was further restricted for a period of time while unlawfully strip searched.

101. No criminal charges were ever filed against the Plaintiffs.

102. As a direct and proximate result of the conduct of the Defendants, the Plaintiffs suffered the injuries and damages previously set forth.

WHEREFORE, Plaintiffs respectfully requests this Honorable Court enter judgment in her favor and against all Defendants, jointly and severally, and award to them compensatory damages in an amount in excess of jurisdictional limits, plus interest, costs, punitive damages, attorney fees and such other relief as this Court may deem appropriate.

JURY TRIAL DEMANDED

Respectfully submitted,

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