



4. Defendant, Laredo Police Department, is a home rule city duly organized and existing under the laws of the State of Texas. City Secretary for the City of Laredo, can be served with process at City Hall, 1110 Houston Street, 3<sup>rd</sup> Floor, Laredo, Texas 78040 or wherever they may be found.

5. Defendant, Laredo Regional Medical Center, L.P. d/b/a Doctors Hospital of Laredo (DHL) is a Delaware limited partnership, with its principal place of business in Webb County, Texas. DHL may be served with process, by serving its registered agent CT Corporation System at 350 N. St. Paul St., Dallas, Texas 75201.

6. Defendant, GUSTAVO GUERRA, JR., is a resident of Webb County, and may be served with process of citation in this cause at 9006 Harvard St, Laredo, TX, Laredo, Texas 78045 or wherever he may be found.

7. Defendant, Lieutenant Ricardo Gonzalez, is a resident of Webb County, and may be served with process of citation in this cause at 4712 Maher Ave, Laredo, Texas 78041 or wherever he may be found.

## II. JURISDICTION

8. The Court has original jurisdiction over this matter based on a federal question under 28 U.S.C. § 1441(b) as it is suit based on deprivation of civil rights under 42 U.S.C. § 1983, 42 U.S.C. § 1985(3) and the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

## III. VENUE

9. Venue is proper under this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to these claims occurred in this district and within this division.

#### IV. FACTS

10. On January 16, 2015, at approximately 11:30 P.M., Victor Ramos (Plaintiff Ramos) was on his motorcycle entering North Central Park in Laredo, Texas.

11. Plaintiff Ramos was riding a yellow Suzuki motorcycle, traveling southbound on International Boulevard and made a left hand turn into the entrance of North Central Park in his lane when he was struck by another motorcycle with flashing police lights attempting to exit the park in the wrong lane.

12. Plaintiff Ramos' motorcycle was knocked down and damaged.

13. Plaintiff Ramos suffered significant physical injuries and was taken to the emergency room where he was treated for two (2) different days.

14. The motorcycle was driven by Gustavo Guerra, Jr., a Laredo Police Officer. He did not stop to render aid and fled the scene of the accident in violation of law.

15. Plaintiff Ramos went home and was taken to the emergency room of Doctor's Hospital. At the hospital Plaintiff Gonzalez, who was thirteen at the time, was arrested. Plaintiff Gonzalez is Plaintiff Ramos' brother-in-law.

16. Plaintiff Gonzalez' mother contacted attorney Marcel C. Notzon, III, saying that her son-in-law (Plaintiff Ramos) had been run over by a Laredo Police motorcycle officer. She requested Marcel C. Notzon, III, come to the hospital to protect Plaintiffs' rights. Marcel C. Notzon, III, got to the hospital at that point and saw Plaintiff, Ramos' father-in-law and Plaintiff Gonzalez were under arrest and attempted to ask them what were the issues and/or what was going on. Marcel C. Notzon, III was told to go inside and talk to the sergeant. Marcel C. Notzon, III, went inside to talk to sergeant and saw that the sergeant was waiting to talk to his client Plaintiff Ramos who had called him to come. Marcel C. Notzon, III, was not allowed to speak to Plaintiff Ramos and, after Marcel

C. Notzon, III, asked what they were doing to investigate who caused the collision, Marcel C. Notzon, III, was placed under arrest by Sergeant Garcia. Plaintiff Ramos was told by four officers that his attorney was arrested and Plaintiff Ramos had to answer their questions. Later Marcel C. Notzon, III, was charged with Criminal Trespass. Those charges were eventually dropped.

17. The police refused to allow Plaintiff Ramos' counsel to attend an inspection of the police motorcycles and begun a months long stonewalling of counsel's attempts to uncover the truth surrounding the incident. It was not until counsel and an investigator happened across a private citizen's surveillance video that Plaintiff could confirm the presence of a Police Motorcycle in the area at the time of the collision. The Laredo Police Department still refused to voluntarily release any documentation regarding the Motorcycles or the Officers who operate them.

18. Photographs were finally uncovered revealing scratches on a city motorcycle pursuant to an Open Records Request filed by Plaintiff Ramos' counsel. The photographs were taken at Defendant Ricardo Gonzalez direction.

19. Plaintiff continued to pursue Ramos' claims and later discovered facts that appeared to reveal a vast conspiracy.

20. The photographs showed damage to Laredo Police Department vehicle consistent with Ramos' claims. Defendant Ricardo Gonzalez never produced these photos, hid them from the investigating officer and they were only produced in response to an open records act request. Defendant Ricardo Gonzalez instructed investigating officers not to interview Defendant Gustavo Guerra, Jr., or any other Laredo Police Officer in connection with Plaintiff Ramos' claims.

21. On or about January 12, 2017, after a four day trial, a jury found that Gustavo Guerra, Jr., the Laredo Police Department officer in question was the driver of the motorcycle that struck Ramos.

22. Defendant Hospital participated in the conspiracy by allowing a false police report to be filed. That charge was subsequently dismissed.

23. These are the facts that substantiate Plaintiffs' Civil Rights claims to be free from arrest without warrant, and conspiracy by the Defendants to violate Plaintiffs' Rights so they could cover up what they had done.

24. Plaintiff Ramos was hit by a Laredo Police Department Motorcycle and Defendants engaged in all these acts to cover up the fact Plaintiff Ramos got hit. Defendants arrested Plaintiffs' attorney, Plaintiff Gonzalez, and Plaintiff Ramos father-in-law, hid evidence, falsified evidence and obstructed the investigation of the accident.

**V. VIOLATION OF CIVIL RIGHTS**  
**42 U.S.C. §1983, Texas Constitution Art. I §9**

25. Plaintiffs re-allege and reassert verbatim the facts, averments and denials in paragraphs 1 through 24 above.

26. The actions of Defendants as set out above constitute a clear violation of the Plaintiffs' right to be free from unreasonable searches and seizures as secured by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and the Civil Rights Act of 1871, now codified in 42 U.S.C. § 1983, as well as Article I section 9 of the Texas Constitution.

**VI. CONSPIRACY TO VIOLATE CIVIL RIGHTS**  
**42 U.S.C. §1985**

27. Plaintiffs re-allege and reassert verbatim the facts, averments and denials in paragraphs 1 through 24 above.

28. The actions of Defendants as set out above constitute a conspiracy between Defendants to deprive Plaintiffs of their civil rights as secured by 42 U.S.C. §1983, in violation of 42 U.S.C. §1985(3).

### **IX. STATE CAUSES OF ACTION**

29. Plaintiffs re-allege and reassert verbatim the facts, averments and denials in paragraphs 1 through 24 above.

30. In addition to the Constitutional Torts mentioned above, the actions of Defendants constitute false imprisonment of Plaintiff Gonzalez and civil conspiracy.

31. Moreover to the Constitutional Torts mentioned above, the actions of Defendants constitute falsified evidence and obstructed the investigation of the accident and civil conspiracy.

32. Furthermore, the actions of Defendants constitute an intentional infliction of emotional distress upon the Plaintiffs whereby these Defendants acted intentionally, in an extreme and outrageous manner, to cause severe emotional injury and distress to Plaintiffs that no other cause of action can remedy.

### **X. JURY DEMAND**

33. Plaintiffs demand a trial by Jury and have tendered the jury fee.

### **XI. DAMAGES**

34. As a direct and proximate result of Defendants' negligent and gross negligent actions and inactions, Plaintiffs have incurred damages in the following respects:

- a. As a direct and proximate result of the unlawful actions of these Defendants and the Plaintiffs VICTOR RAMOS AND MARLENE GONZALEZ AS NEXT FRIEND OF LUIS FELIPE GONZALEZ, JR., have suffered actual damages, including but not limited to (1) past and future reasonable and necessary medical expenses; (2) conscious physical and mental pain and anguish in the past and future; (3) a loss of earnings in the past and future, for which they seek damages; (4) humiliation, shame, and embarrassment in the past and future.

- b. Because of the willful, wanton and malicious nature of Defendants' actions, Plaintiffs requests an award of exemplary damages against the Defendants jointly and severally in both their individual and official capacities.

#### **ATTORNEYS' FEES**

35. In order to protect and vindicate Plaintiffs civil rights, it became necessary for Plaintiffs VICTOR RAMOS, INDIVIDUALLY AND MARLENE GONZALEZ AS NEXT FRIEND OF LUIS FELIPE GONZALEZ JR., to engage and retain the undersigned attorneys to prepare and prosecute this action. Accordingly, Plaintiffs request that they be awarded a reasonable attorneys fee as authorized by 42. U.S.C. § 1988.

#### **XII. PRAYER**

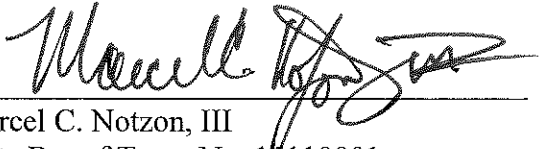
36. WHEREFORE, PREMISES CONSIDERED, Plaintiffs, pray that all Defendants be cited to appear and answer, and that upon final judgment, Plaintiffs have the following:

- a. Judgment against Defendants jointly and severally for the actual damages caused the Plaintiffs as set forth herein;
- b. An award of exemplary and punitive damages against Defendants in their individual and official capacities;
- c. Pre-judgment and post-judgment interest at the legal rate until paid;
- d. Costs of court;
- e. Attorneys' fees; and
- f. Any and all such other and further relief, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

**THE NOTZON LAW FIRM**  
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By: \_\_\_\_\_

  
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**ATTORNEY FOR PLAINTIFFS  
VICTOR RAMOS AND MARLENE GONZALEZ  
AS NEXT FRIEND OF LUIS FELIPE  
GONZALEZ, JR.**