

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

Brian Bridges )  
16804 Walden Avenue )  
Cleveland, Ohio 44128 )

Plaintiff- Petitioner, )

vs. )

City of Cleveland )  
c/o Department of Law )  
601 Lakeside Ave., Room 106 )  
Cleveland, Ohio 44114 )

Mayor: Frank Jackson )  
c/o City of Cleveland )  
601 Lakeside Avenue )  
Cleveland, Ohio 44114 )

Chief of Police, Calvin D. Williams )  
c/o City of Cleveland )  
601 Lakeside Avenue )  
Cleveland, Ohio 44114 )

Officer John Doe-1 )  
c/o City of Cleveland )  
601 Lakeside Avenue )  
Cleveland, Ohio 44114 )

Officer John Doe-2 )  
c/o City of Cleveland )  
601 Lakeside Avenue )  
Cleveland, Ohio 44114 )

Defendant-Respondents )

Case No.

Judge:

Complaint for Replevin, Equitable  
Relief and Monetary Damages  
(Trial by Jury Endorsed Hereon)

Facts

1. Plaintiff-Petitioner, Brian Bridges, says he is a citizen of the United States, the State of Ohio and the City of Cleveland.

2. Plaintiff-Petitioner, Brian Bridges, says there is no legal impediment to his ownership of a handgun; he has been issued a license “to Carry a Concealed Handgun” pursuant to Ohio Law; and he is employed as an armed security guard.

3. Plaintiff-Petitioner, Brian Bridges, says the City of Cleveland is a political subdivision of the State of Ohio, and for all times material to this complaint was the employer of Defendant-Respondents, Mayor Frank Jackson, Chief of Police, Calvin D. Williams, and Officers John Doe-1 and John Doe-2, each of whom was working within the course and scope of their employment at all times referred to in this complaint.

4. Plaintiff-Petitioner, Brian Bridges, says that on Tuesday, March 24, 2015 at approximately 5:30 p.m. Plaintiff-Petitioner, Brian Bridges, returned home to his residence at 16804 Walden Avenue, Cleveland, Ohio 44128 and was confronted by two black males who were in the act of burglarizing his residence. Durring the confrontation Mr. Bridges shot and killed one of the perpatrators. The shooting was in self defense and was justifiyable. One perpetrator, Anthony A. Akins-Daniels (“Akins-Daniels”), escaped and was subsequently apprehended and charged with the death of Joseph W. Eason. Akins-Daniels pled guilty to incoulentary manslaughter with a three (3) year gun specipation on October 27, 2015.

5. Plaintiff-Petitioner, Brian Bridges, says after the police, including Defendant-Officers John Doe-1 and John Doe-2 arrived at his home located at 16804 Walden Avenue, Cleveland, Ohio 44128, at or about 5:45 p.m., acting in the course and scope of their employment with the Defendant-Respondent, City of Cleveland.

6. Plaintiff-Petitioner, Brian Bridges, says police officers including Defendant-Officers John Doe-1 and John Doe-2, searched Plaintiff-Petitioner's home located at 16804 Walden Avenue, Cleveland, Ohio 44128, under color of law, unlawfully and illegally seized and converted personal property belonging to the Plaintiff-Petitioner, Brian Bridges, including a Glock 21 semiautomatic handgun, ammunition, holsters and a redcherry piccolo, belonging to Plaintiff-Petitioner, Brian Bridges.

7. The items seized under color of law, unlawfully and illegally, were purported to be "evidence" in the trial of Akins-Daniels. Despite the resolution of the criminal proceedings against Akins-Daniels and despite numerous requests for the return of the property, including and most recently April 20, 2017 the date from which this complaint was being drafted, Defendant-Respondents have refused to return the property.

8. Plaintiff-Petitioner, Brian Bridges, says that he has incurred attorney fees and costs in an effort to recover his property.

9. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents, under color of law, refused to return Plaintiff-Petitioner's personal property and unless ordered to by a court of competent jurisdiction.

10. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents, intentionally and maliciously expropriated firearms legally owned by the citizens of this United States and to circumvent the 2<sup>nd</sup> Amendment to the Constitution of the United States and the U. S. Supreme Court's decisions in the District of Columbia v. Heller, 554 U.S. 570 (2008) and McDonald v. Chicago, 561 U.S. 742 (2010).

11. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents, under color of law, wrongfully, intentionally and maliciously continue to hold the Plaintiff-Petitioner, Brian Bridges's, personal property and refuse to return said personal property even though the personal property is not being held under any process of law and is not claimed under title or legal right by any other party or entity.

**Count I (Replevin)**

12. Plaintiff incorporates by reference all the allegations contained in paragraphs 1 through 11 inclusive.

13. Plaintiff-Petitioner, Brian Bridges, says he legally owns and possesses the personal property listed in Paragraph 6 of this pleading.

14. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents have kept the firearm and the property listed in Paragraph 6 of this pleading belonging to Plaintiff-Petitioner, Brian Bridges, under color of law, in the possession and control of Defendant-Respondents, Mayor Frank Jackson and City of Cleveland, at the Defendant-Respondent, City of Cleveland's, Police Property Room.

15. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents have and continue to wrongfully, unlawfully, knowingly, intentionally and maliciously exercise dominion and control over the firearm and the property listed in Paragraph 6 of this pleading belonging to Plaintiff-Petitioner, Brian Bridges without legal authority.

16. Plaintiff-Petitioner, Brian Bridges, says Defendant-Officers John Doe-1 and John Doe-2, in the furtherance of a law enforcement purpose compelled and seized,

without objection or interference from or by the Plaintiff-Petitioner, Brian Bridges, the property listed in Paragraph 6 of this pleading.

17. Plaintiff-Petitioner, Brian Bridges, says the Defendants have intentionally and maliciously refused to return the personal property including firearms, belonging to Plaintiff-Petitioner, Brian Bridges, despite written and oral requests that the personal property including a firearm be returned to Plaintiff-Petitioner, Brian Bridges.

18. Plaintiff-Petitioner, Brian Bridges, says that as a direct and proximate result of the foregoing Plaintiff-Petitioner has suffered economic damages, including attorney fees, court costs and has been deprived of the lawful possession of his personal property.

### **Count II (Civil Rights)**

19. Plaintiff incorporates by reference all the allegations contained in paragraphs 1 through 18 inclusive.

20. Plaintiff-Petitioner, Brian Bridges, says Defendant-Respondents search and illegal seizure of the Plaintiff-Petitioner's personal property, has denied Plaintiff-Petitioner, a citizen of the United States, of his rights, privileges, and immunities under the Constitutions of the United States and Ohio and violated 42 U.S.C. 1983 et seq. specifically:

A) By intentionally and maliciously violating the 4<sup>th</sup> Amendment to the United States Constitution and § 14 of the Constitution of the State of Ohio by depriving Plaintiff-Petitioner of his right to be free from "unreasonable searches and seizures."

B) By intentionally and maliciously violating the 5<sup>th</sup> Amendment to the United States Constitution by depriving Plaintiff-Petitioner of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

C) By intentionally and maliciously, engaging in an unconstitutional official government approved policy, thereby violating the 2<sup>nd</sup> Amendment to the United States Constitution and § 4 of the Constitution of the State of Ohio by infringing on the Plaintiff-Petitioner's right "to keep and bear arms."

21. Plaintiff-Petitioner, Brian Bridges, says that as a direct and proximate result of the foregoing Plaintiff-Petitioner has suffered economic damages, including attorney fees, court costs and emotional distress.

22. Plaintiff-Petitioner, Brian Bridges, says that as a direct and proximate result of the foregoing he has suffered economic damages in the sum of TEN THOUSAND DOLLARS (\$10,000.00).

WHEREFORE Plaintiff-Petitioner prays for judgment on Count 1 against Defendant-Respondents, jointly and severally in sum of TEN THOUSAND DOLLARS (\$10,000.00) for compensatory damages, plus the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00). as punitive damages and an order requiring the Defendant-Respondents to return Plaintiff-Petitioner's personal property being held unlawfully, plus costs, interest and reasonable attorney's fees (ORC § 2923.163)

WHEREFORE Plaintiff-Petitioner prays for judgment on Count 2 against Defendant-Respondents, jointly and severally in sum of TEN THOUSAND DOLLARS

(\$10,000.00) for compensatory damages, plus the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00). as punitive damages and for an order enjoining the Defendant-Respondents from enforcing any policy and/or actions that infringe upon a lawful gun owners right "to keep and bear arms," plus costs, interest and reasonable attorney's fees.

Respectfully submitted,

/s/Michael J. Connick  
Michael J. Connick (0046624)  
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Attorney for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ Michael J. Connick  
Michael J. Connick, 0046624  
Counsel for Plaintiff