

CIRCUIT COURT OF MARYLAND, BALTIMORE CITY

2017 JUL 14

CIVIL DIVISION

BALTIMORE BLOC

Care of:
3035 Arunah Avenue
Baltimore, MD 21216

Plaintiff,

and

CHRISTOPHER COMEAU

3024 Stafford Street
Baltimore, MD 21223

PENNY DOBSON

1 Tentmill Lane, Apartment C
Pikesville, MD 21208

RALIKH HAYES

3035 Arunah Avenue
Baltimore, MD 21216

EVAN MAHONE

2712 Guilford Avenue
Baltimore, MD 21218

JOHN TENNEY MASON

7636 Gaither Road
Sykesville, MD 21784

GEORGIA McCANDLISH

800 Homestead Street
Baltimore, MD 21218

TRE MURPHY

5926 Schering Road
Baltimore, MD 21206

BRENDAN ORSINGER

1348 Parkwood Place NW
Washington, D.C. 20010

DAVID PONTIOUS

406 Woodford Road
Baltimore, MD 21212

CASE NO.

24-CV-003680

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

RECEIVED
CIVIL DIVISION
JUL 14 2017

On behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

BALTIMORE POLICE DEPARTMENT

601 E. Fayette Street
Baltimore, MD 21202

OFFICERS JOHN/JANE DOE 1-40

Individually, and in their Official Capacities as
Baltimore City Police Officers
601 E. Fayette Street
Baltimore, MD 21202

**SUPERVISORY OFFICERS JOHN/JANE DOE
1-10**

Individually, and in their Official Capacities as
Baltimore City Police Officers
601 E. Fayette Street
Baltimore, MD 21202

CAPTAIN CHARLES THOMPSON

Individually, and in his Official Capacity
as a Baltimore City Police Officer
601 E. Fayette Street
Baltimore, MD 21202

COMMISSIONER KEVIN DAVIS

In his Official Capacity as Commissioner
601 E. Fayette Street
Baltimore, MD 21202

STATE OF MARYLAND

Serve on:

Nancy Kopp
Office of the State Treasurer
Louis L. Goldstein Building
80 Calvert Street
Annapolis, MD 21401,

Defendants.

Plaintiffs Baltimore Bloc, an organization, and individuals Christopher Comeau, Penny Dobson, Ralikh Hayes, Evan Mahone, John Tenney Mason, Georgia McCandlish, Tre Murphy, Brendan Orsinger, and David Pontious (“Plaintiffs”) bring this action, individually and on behalf of all others similarly situated, against Defendants Baltimore Police Department (“BPD”), Officers John/Jane Does 1-40, Supervisory Officers John/Jane Does 1-10, Captain Charles Thompson, Commissioner Kevin Davis, and the State of Maryland (collectively, “Defendants”). Plaintiffs, by and through their undersigned attorneys, based on their organizational and individual experiences, the independent investigation of counsel, and information and belief, allege as follows:

NATURE OF THE ACTION

1. This class action is brought against Defendants to recover damages and obtain injunctive and declaratory relief for the unconstitutional and unlawful mass arrest and detention of approximately 65 people by the Defendants following a peaceful protest by Plaintiffs on July 16, 2016 in Baltimore, Maryland.

2. On July 16, 2016, the City of Baltimore hosted its 35th annual Artscape Festival. The Artscape Festival is a three-day event that is free and open to the general public. According to the Baltimore Office of Promotion and the Arts’ website, the Festival attracts “350,000+ attendees from almost every demographic,” making it “America’s largest free arts festival.”¹

3. The Artscape Festival—which features visual art exhibits, opera, experimental music, and street theater—is, in essence, a celebration of freedom of expression and individuality.

¹ See http://www.artscape.org/artscape/uploads/File/Artscape_2016_Fact_Sheet.pdf.

4. In this spirit, and in an effort to draw attention to an issue of substantial public interest, a community organization called Baltimore Bloc organized a peaceful march through downtown Baltimore to protest police mistreatment against African-Americans. Baltimore Bloc is a grassroots collective of friends, families, and neighborhoods united in their efforts to rebuild communities and organize for justice. The protest organized by Baltimore Bloc was called “Afromation.”

5. The Afromation protest was meant to be an affirmation of Black life in Baltimore and a gathering of people dedicated to reversing the cycle of mistreatment of African-Americans by the BPD.

6. In a showing of complete disregard for the message of Artscape and the Afromation protest, Defendants unlawfully arrested and detained 65 individuals, including the individual Plaintiffs, that had either participated in the protest or were observing the protest as mere bystanders.

7. Defendants detained the individual Plaintiffs and the members of the proposed class for periods ranging from six to eighteen hours in deplorable and substandard conditions. On a July day with temperatures above 90 degrees Fahrenheit, Defendants held Plaintiffs in hot, cramped police vans for many hours. The vans were so uncomfortable that one Plaintiff vomited and fainted due to the extreme heat. Plaintiffs had little to no access to water, food, toilets, or necessary medication during their lengthy and unnecessary detention. Defendants handcuffed Plaintiffs so tightly as to cause injury or loss of feeling in their hands, arms, and shoulders.

8. Defendants charged Plaintiffs with citations for which they did not have a legal justification, which was confirmed when the State Attorneys’ Office dismissed all of the citations in full just days later.

9. Defendants' mass arrest and harsh detention conditions violated Plaintiffs' rights under Maryland law and the Maryland Declaration of Rights.

PARTIES

10. Plaintiff Baltimore Bloc is located in the City of Baltimore and is a community activist organization that aims to rebuild Baltimore communities and engage in activism for justice. Baltimore Bloc organized the Afromation protest, and several of the individual Plaintiffs are members of Baltimore Bloc. On information and belief, Baltimore Bloc has been the target of Defendants' malicious efforts to squelch activist organizations and protesters, including the mass arrest at the Afromation protest and other Bloc-organized actions. Defendants' misconduct infringes upon Baltimore Bloc's ability to speak freely about injustice and engage in peaceful activism, and limits Baltimore Bloc's ability to gain members and funding due to fears that Defendants will continue to engage in mass arrests of protesters at Baltimore Bloc's activism events.

11. Plaintiff Christopher Comeau is a resident of the City of Baltimore, Maryland. Mr. Comeau is a member of leadership for the community organization Baltimore Bloc and was one of the organizers of the Afromation protest. Mr. Comeau was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result. Mr. Comeau also was berated by Defendant Captain Charles Thompson during his arrest.

12. Plaintiff Penny Dobson is a resident of the City of Baltimore, Maryland. Ms. Dobson regularly participates in activist events organized by Plaintiff Baltimore Bloc but is not a member. Ms. Dobson was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including injuries from the tight wrist cuffs and sexually harassing comments from an unidentified police officer.

13. Plaintiff Ralikh Hayes is a resident of the City of Baltimore, Maryland. Mr. Hayes is a member of leadership for the community organization Baltimore Bloc and was one of the organizers of the Afromation protest. Mr. Hayes was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including significant pain due to excessively tight wrist cuffs during the lengthy detention.

14. Plaintiff Evan Mahone is a resident of the City of Baltimore, Maryland. Ms. Mahone is a transgender woman who participated in the Afromation protest as a representative for the Baltimore Transgender Alliance and in partnership with Baltimore Bloc and Standing Up for Racial Justice (“SURJ”). Ms. Mahone was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including taunting and inappropriate comments from police officers referring to Ms. Mahone as “it” and intentionally placing her in a police van with males instead of females.

15. Plaintiff John Tenney Mason is a resident of Sykesville, Maryland. Mr. Mason is a retired photojournalist who was attending the Artscape Festival that day, observed the protesters involved in the Afromation protest, and was a mere bystander taking photographs of the protest when Defendants arrested him. Defendants informed Mr. Mason that he was “in the wrong place at the wrong time,” but he was arrested and detained anyway. Mr. Mason was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including swollen and raw skin around wrists due to the excessively tight wrist cuffs and hours spent in a hot police van without any air conditioning.

16. Plaintiff Georgia McCandlish is a resident of the City of Baltimore, Maryland. Ms. McCandlish was serving as a Legal Observer at the Afromation protest for the Baltimore Action Legal Team (“BALT”) when she was arrested. Legal Observers attend public protests in

order to monitor and record the activities of protest participants and law enforcement. Ms. McCandlish was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including pain and physical marks from the excessively tight wrist cuffs.

17. Plaintiff Tre Murphy is a resident of the City of Baltimore, Maryland. Mr. Murphy is a member of leadership for the community organization Baltimore Bloc and was an organizer and police liaison for the Afromation protest. The police liaison's role is to interface with the police directly and work to diffuse any conflicts that may arise during the protest. Mr. Murphy was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including vomiting and fainting due to likely heat stroke in the police vans.

18. Plaintiff Brendan Orsinger is a resident of Washington, D.C. Mr. Orsinger is a member of SURJ Washington, D.C. Mr. Orsinger participated in the Afromation protest as a representative of SURJ. Mr. Orsinger was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result, including dehydration and inability to timely take necessary medication for a serious medical condition due to his detention overnight.

19. Plaintiff David Pontious is a resident of the City of Baltimore, Maryland. At the time of the Afromation protest, Mr. Pontious was a member of City Bloc, a high school community organization that started at Baltimore City High School in late-2014. Mr. Pontious participated in the Afromation protest on behalf of City Bloc and in partnership with Baltimore Bloc. Mr. Pontious was a juvenile at the time of his arrest, but he was kept in a cramped and hot police van with adults for an extended period of time before being taken to the Baltimore City

Juvenile Justice Center. Mr. Pontious was unlawfully arrested and detained by Defendants, and suffered physical and emotional injuries as a result.

20. Defendant Baltimore Police Department (“BPD”) is a political subdivision and government agency of the State of Maryland. Upon information and belief, the BPD is or was the employer of the police officers responsible for the arrests and detention of Plaintiffs on July 16, 2016. The BPD, through its agents and employees, hired, supervised, and trained each identified and unidentified officer named in this Complaint. By virtue of its status as a governmental entity that exercised power delegated by the State of Maryland, the BPD acted under color of state law when it hired, supervised, and retained each identified and unidentified officer named in this Complaint.

21. Defendant Officers John/Jane Doe 1-40 are unidentified officers who are employed by the Defendant BPD, or by other law enforcement agencies assisting the BPD, that were present on July 16, 2016, during and after the Artscape Festival and participated in either the unlawful arrests or detention of Plaintiffs. Defendant Officers John/Jane Doe 1-40 are sued in their individual and official capacities.

22. Defendant Supervisory Officers John/Jane Doe 1-10 are unidentified officers who are employed by the Defendant BPD, or by other law enforcement agencies assisting the BPD, that served as supervising officers on July 16, 2016, during and after the Artscape Festival and participated in either the arrests or detention of Plaintiffs. Defendant Supervisory Officers John/Jane Doe 1-10 are sued in their individual and official capacities.

23. Defendant Captain Charles Thompson is an officer who is employed by Defendant BPD who served as a supervising officer on July 16, 2016, during and after the Artscape Festival and participated in the arrests and detention of Plaintiffs. Defendant

Thompson was also involved in policing the protests and arresting protesters following Freddie Gray's death in Baltimore in April 2015. Upon information and belief, Defendant Thompson was responsible for ordering the mass arrest of Plaintiffs following the Afrotation protest. Defendant Thompson is sued in his individual and official capacity.

24. Defendant Commissioner Kevin Davis is and was at all times relevant herein, the Commissioner of the BPD. In his capacity as the Commissioner, Defendant Davis acted under the color of state law each time he exercised policy-making authority for the BPD; established policies and procedures for screening, hiring, training, monitoring, and supervising police officers and for responding to protests; and enforced the duties, conduct, and discipline of police officers and other employees. Defendant Davis acted as an agent and/or employee of the BPD, as well as the City of Baltimore, and acted within the scope of his employment. Defendant Davis is being sued in his official capacity.

25. Defendant State of Maryland is responsible for the acts and omissions of the BPD because BPD is expressly designated as an agency of the State of Maryland.

JURISDICTION AND VENUE

26. This court has subject matter jurisdiction over Plaintiffs' claims under Md. Courts and Judicial Proceedings Code Ann. § 1-501 (2016). This court has personal jurisdiction over the individuals sued pursuant to Md. Courts and Judicial Proceedings Code Ann. § 6-103 (2016).

27. Venue is proper in this circuit because the claims arise in Baltimore, Maryland, and, upon information and belief, all the Defendants work in Baltimore, Maryland. On July 16, 2016, Defendants were working in Baltimore, Maryland, during and after the Artscape Festival.

28. Plaintiffs filed a timely and adequate notice of claim under the Local Government Tort Claims Act, Md. Courts and Judicial Proceedings Code Ann. § 5-304 and the Maryland Tort

Claims Act, Md. Courts and Judicial Proceedings Code Ann. § 12-107, within one year following the July 16, 2016 arrests.

29. Notice of these claims was sent to the Baltimore City Solicitor and Maryland State Treasurer by certified mail, return receipt requested on July 12, 2017.

FACTUAL ALLEGATIONS

A. The Baltimore Police Department's Unlawful Treatment of Individuals Engaging in Free Speech

30. The Afrotation protest, like other recent demonstrations that have taken place across the country, was designed to draw attention to a series of incidents involving the unlawful use of force by police against African-Americans.²

31. Approximately a year before the Afrotation protest, on April 12, 2015, Mr. Freddie Gray was arrested by BPD officers in Baltimore. Mr. Gray suffered a serious spinal injury while being transported in the back of a police wagon, to which he ultimately succumbed several days later. Mr. Gray's death was declared a homicide by the medical examiner's office.³

² Approximately a week before the Afrotation protest occurred, there were two highly-controversial shootings of African-American men: (1) the shooting of Alton Sterling in Baton Rouge, Louisiana on July 5, 2016; and (2) the shooting of Philando Castile in St. Paul, Minnesota on July 6, 2016. *See, e.g.*, <https://www.usatoday.com/story/news/nation/2016/07/05/baton-rouge-alton-sterling-police-shooting/86738368/>; https://www.washingtonpost.com/national/fatal-police-shooting-in-minn-brings-calls-for-justice/2016/07/07/20d029e8-4476-11e6-88d0-6adee48be8bc_story.html?utm_term=.c9b33493a619.

³ *See* Freddie Gray Activists Arrested During Vote at Baltimore City Hall, NBC News (Oct. 15, 2015), available at <http://www.nbcnews.com/storyline/baltimore-unrest/freddie-gray-activists-arrested-during-vote-baltimore-city-hall-n444951>; *see also* https://www.washingtonpost.com/local/public-safety/trial-resumes-for-officer-facing-murder-charge-in-freddie-grays-death/2016/06/09/3368bce8-2e7b-11e6-9b37-42985f6a265c_story.html?utm_term=.3f0b36504294.

32. In the aftermath of Mr. Gray's death, citizens of Baltimore took to the streets to protest police mistreatment of African-Americans. During the course of these protests, Defendants made a substantial number of arrests, including members of Plaintiff Baltimore Bloc.⁴ Similar to this Complaint, there were numerous arrests made of protesters for which the charges were later dropped, and Defendant BPD was sued for its misconduct.⁵

33. While Mr. Gray's arrest and death were condemned across the United States, it was an all-too-familiar occurrence for the African-American residents of Baltimore. Mr. Gray's arrest and death were emblematic of a systemic pattern, policy, and practice within BPD to use excessive force and violate other basic constitutional rights.

34. The BPD's disregard for these fundamental rights did not go unnoticed and was the subject of a scathing 164-page report issued by the United States Department of Justice ("DOJ") in August 2016.⁶ The DOJ report found, amongst other things, that BPD officers: (1) "make arrests for misdemeanor offenses . . . without providing the constitutionally-required notice that the arrested person was engaged in unlawful activity"; (2) "frequently detain and arrest members of the public for engaging in speech the officers perceive to be critical or disrespectful"; and (3) "use force against members of the public who are engaging in protected

⁴ See, e.g., *Baltimore timeline: the year since Freddie Gray's arrest*, available at <https://www.theguardian.com/us-news/2016/apr/27/baltimore-freddie-gray-arrest-protest-timeline>.

⁵ See *Lawsuit alleges police brutality, unlawful arrests during Baltimore unrest*, The Baltimore Sun (Apr. 20, 2016), available at <http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-ci-unrest-lawsuit-20160420-story.html>.

⁶ See *Investigation of the Baltimore City Police Department* (Aug. 10, 2016), U.S. Dept. of Justice, Civil Rights Division, available at <https://www.justice.gov/crt/file/883296/download>.

speech.”⁷ Critically, the DOJ report noted that “[r]acially disparate impact is present at every stage of BPD’s enforcement actions, from the initial decision to stop individuals on Baltimore streets to searches, arrests, and uses of force.”⁸ Following the report, the BPD acknowledged that it “had engaged in conduct that deprived the people of Baltimore of the rights and protections guaranteed to every American, and that the deeply-rooted mistrust between law enforcement officers and the community they serve harmed all who call Baltimore home.”⁹

35. The BPD’s unconstitutional and unlawful treatment of protesters was further highlighted just a few weeks after the Afrotation protest at issue in this Complaint. On August 14, 2016, Lieutenant Victor Gearhart in the BPD sent an email to his BPD colleagues referring to Black Lives Matter protesters as “thugs.”¹⁰ Earlier that same day, approximately a dozen protesters had been arrested at the Hyatt Regency Hotel during the Fraternal Order of Police’s annual national conference. The arrestees included members of Baltimore Bloc, the activist and

⁷ *Id.* at 6, 9.

⁸ *Id.* at 7.

⁹ See Justice Department Reaches Agreement with City of Baltimore to Reform Police Department’s Unconstitutional Practices (Jan. 12, 2017), available at <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-city-baltimore-reform-police-department-s>.

¹⁰ See Baltimore Police Lt. Suspended After Calling Black Lives Matter Protesters ‘Thugs,’ *The Blaze* (Aug. 16, 2016), available at <http://www.theblaze.com/news/2016/08/16/baltimore-police-lt-suspended-after-calling-black-lives-matter-protesters-thugs/> (the Lieutenant’s email read: “By now you have seen that the THUGS from BLM and other similar groups have attempted to disrupt the State FOP Convention being held at the Hyatt Regency Hotel. Well today was check-in day with activities spread over the next 3 days so expect more bad behavior from the THUGS OF BALTIMORE. On the bright side maybe they will stop killing each other while they are protesting us.”).

community organization that had organized the Afromation protest and of which several Plaintiffs are members.¹¹

B. The Afromation Protest

36. The organizers of the Afromation protest, including Plaintiffs Ralikh Hayes, Tre Murphy, and Christopher Comeau, are leaders of Baltimore Bloc, which is a grassroots collective of friends, families and neighborhoods united to rebuild communities and organize for justice.

37. Baltimore Bloc organized the Afromation protest to urge Baltimore City officials, in the wake of the well-publicized deaths of Freddie Gray, Alton Sterling, and Philando Castile, to create a civilian review board for police investigations and to reallocate 10 percent of the policing budget in Baltimore away from community surveillance and militarization and towards community-directed programming.¹²

38. Prior to the protest, the Afromation organizers, including Plaintiff Tre Murphy, notified Defendant BPD of the protest. Plaintiff Tre Murphy served as a police liaison with the Defendants related to the Afromation protest.

39. At approximately 4:00PM on July 16, 2016, the Afromation protest commenced at the intersection of Guilford Avenue and Chase Street. The march proceeded north on Guilford Avenue, west on Mount Royal Avenue, and then up North Charles Street in the direction of Penn Station.

¹¹ See 12 Protesters Arrested at FOP Conference in Baltimore, CBS Baltimore (Aug. 14, 2016), available at <http://baltimore.cbslocal.com/2016/08/14/12-protesters-arrested-at-fop-conference-in-baltimore/>.

¹² See *Baltimore Police Conduct Illegal Mass Arrests, Followed by Inhumane Treatment in Police Vans*, Baltimore Action Legal Team, available at <https://www.baltimoreactionlegal.org/new-blog/afromation>.

40. Defendants were closely monitoring and following the protest throughout this period.

41. By the time the protest reached Penn Station, a number of Artscape patrons and other interested observers had joined the protest.

42. At Penn Station, Defendants began to act aggressively toward Plaintiffs, displaying their animus towards the peaceful protesters by pushing against the protesters and closely monitoring the protesters.

C. Plaintiffs' Arrests

43. Plaintiff Christopher Comeau, who was carrying a megaphone for the protest, reported that Defendant Thompson, the supervising officer that day, berated Mr. Comeau and told Mr. Comeau that he was "going to fucking sue your ass if you blow out my ear drums" with the megaphone. Defendant Thompson's animus towards Mr. Comeau and, more generally, towards Baltimore Bloc was not limited to the events occurring on July 16, 2016. On at least one prior occasion, Defendant Thompson has told Mr. Comeau that he "fucking hates" him.

44. In the midst of the Afromation protest, Plaintiff Comeau asked Defendant Thompson how he could comply with the law and avoid arrest. In response to that question, Defendant Thompson directed his subordinates to immediately arrest Comeau. At the time of this arrest, Plaintiff Comeau was at or around Penn Station. Plaintiff Comeau was the first individual to be arrested that day in connection with Afromation.

45. From Penn Station, the Afromation protest moved towards a ramp that is adjacent to Interstate 83. The ramp had been closed that day for the Artscape Festival, and there was no vehicular traffic on or around the ramp.

46. Several patrons of the Artscape Festival who were unaffiliated with the Afrotation protest had been seen walking or sitting on or around the ramp earlier that afternoon without any interference from Defendants.

47. After the Afrotation protest reached the ramp, a smaller group of approximately 20-30 individuals—including Plaintiffs Ralikh Hayes, Tre Murphy, Brendan Orsinger and David Pontious—walked down the ramp and onto Interstate 83 where they locked arms in a peaceful showing of solidarity.

48. With the assistance of certain cars, the individuals on Interstate 83, including Plaintiffs Ralikh Hayes, Tre Murphy, Brendan Orsinger, and David Pontious, were able to safely slow down traffic before entering the highway.

49. A larger group of approximately 35-45 individuals—which included Plaintiffs Penny Dobson, Georgia McCandlish, Evan Mahone, and John Tenney Mason—remained on the closed ramp to observe and support the demonstration. Some of the individuals on the closed ramp, including Plaintiff John Tenney Mason, were not affiliated with the Afrotation protest and were mere bystanders with respect to the Interstate 83 demonstration.

50. While the individuals were on the highway, Legal Observers, including Plaintiff Georgia McCandlish, were observing the demonstration from the closed ramp and keeping watch for Defendants' interactions with protesters. The Legal Observers did not enter Interstate 83 and were mere bystanders to the Interstate 83 demonstration.

51. The demonstration remained on Interstate 83 for approximately ten minutes. The demonstration was executed in a safe and peaceful manner.

52. During this time, Defendants John/Jane Doe Officers 1-3 asked the protesters on Interstate 83, including Plaintiffs Ralikh Hayes, Tre Murphy, Brendan Orsinger and David Pontious, to exit the highway in order to allow an ambulance to pass through.

53. Defendants John/Jane Doe Officers 1-3 assured the protesters that there would be no arrests if the protesters moved off the highway. Because a woman had fainted near the bottom of the ramp and was awaiting medical attention, the protesters, including Plaintiffs Ralikh Hayes, Tre Murphy, Brendan Orsinger and David Pontious, promptly complied with this request and moved onto the closed ramp, rejoining the other individuals.

54. Contrary to what the protesters were told, however, there was no ambulance for the woman. On information and belief, this was a lie told by Defendants in order to allow Defendants' police vans to pass through to trap Plaintiffs on the ramp and begin the mass arrest.

55. Defendants did not issue adequate warnings to disperse before forming police lines at the top and the bottom of the ramp. Instead, Defendants "kettled" those on the ramp and prevented them from exiting the area. Kettling is a police tactic that involves the formation of large cordons of police officers who then move to contain a crowd within a limited area.

56. Defendants then proceeded to arrest every single person that was on the ramp—in total, approximately ten juveniles and fifty-five adults. The majority of the arrested individuals had no role in the Interstate 83 demonstration. Defendants made no attempt to differentiate among those that were arrested. For example, among those arrested were individuals who participated in the Afromation protest, some of whom chose to enter Interstate 83 and others who remained only on the closed ramp, bystanders who were not involved in the Afromation protest at all, juveniles, journalists, and legal observers.

57. For a considerable time, juveniles, including Plaintiff David Pontious, were kept in cramped police vans with adults because Defendants did not take the time to properly separate the juveniles from the adults.

58. Defendants failed to adequately assess whether the arrestees were involved in the protest, whether they had entered Interstate 83, whether they had been given any order from Defendants to disperse, or whether they had been given a reasonable opportunity to comply with such an order. Defendants arrested all 65 individuals indiscriminately and without probable cause. Defendants never provided any explanation to Plaintiffs for their arrests.

59. Defendants subjected Plaintiffs to harsh and cruel treatment during the arrests, including rough physical contact, name-calling, and taunting.

60. For example, Plaintiff Evan Mahone, a transgender woman, had never been arrested before and was understandably afraid of how Defendants would treat a transgender woman during her arrest. Rather than alleviate these concerns, the Defendant officers who arrested Ms. Mahone referred to her as “it” and stated that “it [*i.e.*, Ms. Mahone] is a male” for purposes of deciding whether to place Ms. Mahone in a police van with males or females. Ms. Mahone was then placed for approximately an hour in the small side compartment of a police van with a male individual despite her repeated requests to be placed with females.

61. Certain Defendants were also seen bragging and laughing about the arrests and snapping photographs of the arrested protesters, as if the mass arrest of 65 protesters was a sport for Defendants. Certain Defendants referred to Plaintiffs as “damn civil rights kids.”

62. As other individuals were being arrested, Plaintiff Ralikh Hayes, a leader and organizer of the Afromation protest and a member of Baltimore Bloc, continued chanting to the group in order to carry the message of the Afromation protest forward.

63. Plaintiff Ralikh Hayes continued chanting until he was taken into custody, but Defendants took steps to display their disdain for Mr. Hayes, as a leader of the protest and community activist, in carrying out his arrest. For example, Defendants marched Mr. Hayes in front of Penn Station and through a crowd of Artscape patrons in an effort to embarrass him. Defendants placed Mr. Hayes in a small side compartment that did not have enough space for the two individuals that were detained there. Mr. Hayes was held in that cramped side compartment of the police van for a considerable period of time before the van left Penn Station.

D. Plaintiffs' Unlawful and Unconstitutional Detention

64. Following the arrests, Defendants continued to violate Plaintiffs' rights. Plaintiffs were placed in cramped police vans and transported to Central Booking or Northern District Police Station. The vans were filled to capacity.

65. Plaintiffs were left in the cramped vans at Northern District Police Station for between six and ten hours. On the day in question, the temperature in Baltimore had reached over 90 degrees Fahrenheit. During much of this time, Defendants left the Plaintiffs unattended in the vans.

66. While in the vans, Plaintiffs experienced cruel and inappropriate treatment from Defendants. Plaintiffs were repeatedly denied access to water, food, bathrooms, and necessary medication during their detention.

67. In many instances, there was no air conditioning in the vans despite Plaintiffs' requests for air and despite the fact that the temperature in the vans was dangerously hot.

68. Plaintiffs were denied requests for water and access to the bathroom for many hours. In some instances, Defendants ignored or denied the requests altogether. In other instances, Defendants only agreed to minor accommodations for water or bathroom usage after

considerable delays. Plaintiffs were dehydrated from the extreme heat and lack of access to water.

69. As a result of certain Defendants' disregard for the safety and wellbeing of the protesters, Plaintiff Tre Murphy, who was locked in a very hot van with numerous others, eventually vomited and lost consciousness. Other individuals in the van with Mr. Murphy called out for help before Mr. Murphy vomited and fainted, but no one came to assist until after Mr. Murphy had lost consciousness. Mr. Murphy was later informed by medical personnel that he may have suffered a heat stroke.

70. Defendants made their animus for the protesters clear through their treatment of the leaders of the Afromation protest, including Plaintiff Ralikh Hayes, who was repeatedly denied access to water and a bathroom. Mr. Hayes overheard one Defendant officer telling another officer that Mr. Hayes was not to receive any water.

71. Plaintiffs' wrist cuffs were excessively tight and caused severe pain and swelling. Some suffered bleeding and noticeable bruising as a result of the tightness of the cuffs. Plaintiffs repeatedly asked Defendants to loosen the wrist cuffs or to switch the wrist cuffs from back to front. Defendants were slow to respond and, in many instances, denied the requests altogether.

72. As a result of the cramped quarters in the vans and excessively tight wrist cuffs, Plaintiffs continued to experience pain, swelling, and numbness in their wrists, backs, and shoulders for several days after being released. For example, Plaintiff Ralikh Hayes explained that following his release, he could not even lift his arms because of how tightly his wrists had been bound.

73. Plaintiff Evan Mahone, a transgender woman, was referred to as "it" and placed in a small side compartment with a man for over an hour before once again needing to raise the

issue of being misgendered with Defendants. She spent much of the evening worrying that she would be forced to spend the night in jail in an all-male cell. Ms. Mahone also worried that her detention would prevent her from having access to necessary medication.

74. One Defendant, an unidentified officer who upon information and belief is named Officer Grossnickle, engaged in harassing conduct with young female arrestees, including Plaintiff Penny Dobson. Officer Grossnickle made sexually suggestive comments to Ms. Dobson, as well as other young females in the same police van, which made the female arrestees anxious and uncomfortable.

75. A group of approximately 12 arrestees, including Plaintiff Brendan Orsinger, were taken to Central Booking and Intake Center where they spent the night in jail and were not released until the following afternoon, over 18 hours after they had been taken into custody.

76. At Central Booking and Intake Center, Plaintiff Brendan Orsinger informed an officer that he had been diagnosed with a serious medical condition, which he identified, and that he needed to take an important medication to treat this disorder. Mr. Orsinger explained to the officer that he needed to take the pill at the same time every day to ensure that the amount of the drug in his system remained constant. In addition, patients taking this medication are also advised to drink plenty of water, around 8 to 12 glasses a day, to prevent dehydration while on the drug.

77. While at Central Booking, Mr. Orsinger advised agents of the BPD that he took his medication every morning at 9:00AM and required significant water intake. After many hours, Mr. Orsinger was given one small cup of water that he was only able to refill sporadically, and he was not able to take his medication on time because he was in custody until the afternoon of July 17, 2016.

78. Throughout the course of the detention, Defendants acted with reckless indifference and malice toward Plaintiffs, only finally informing Plaintiffs that they would begin to release them starting around 1:00AM on July 17, 2016. Some individuals, including Plaintiff Brendan Orsinger, were not released until early afternoon the next day.

79. All arrested individuals, including Plaintiffs, received traffic citations for “walking on a highway” and criminal citations for “failure to obey a police officer.” Defendants made no attempt to differentiate among the charges on the citations for each arrested individual, including whether that individual entered Interstate 83 or whether that individual received and failed to comply with any orders from Defendants.

80. The Baltimore City State Attorney’s Office ultimately declined to file any charges against Plaintiffs.

81. Defendants had no legal justification to detain Plaintiffs and the proposed class for between six and eighteen hours under such harsh conditions.

82. On information and belief, Defendants’ decision to arrest and detain Plaintiffs for this significant period of time was done, at least in part, to punish Plaintiffs and the proposed class for engaging in protests against police brutality.

CLASS ALLEGATIONS

83. Individual Plaintiffs bring this suit as a class action on behalf of themselves and on behalf of others similarly situated. The proposed class (the “Class”) consists of:

All persons arrested by Defendants on July 16, 2016, in connection with the Afromation protest.

84. The Class satisfies the numerosity, commonality, typicality, adequacy, predominance and superiority requirements of Md. R. 2-231.

85. The Class is numerous and consists of approximately 65 individuals. Joinder of all 65 individuals to this lawsuit would be impracticable and inefficient.

86. Individual Plaintiffs are members of the Class and their claims are typical of the claims of the other members of the Class. Plaintiffs Comeau, Dobson, Hayes, Mahone, Mason, McCandlish, Murphy, Orsinger, and Pontious were arrested on July 16, 2016, by Defendants in connection with the Afromation protest. Like other Class members, they were subjected to unlawful lengthy detention and harsh conditions as a result of Defendants' conduct. The harm suffered by Plaintiffs is similar to the harm suffered by all Class members and was caused by Defendants' misconduct.

87. Individual Plaintiffs will fairly and adequately represent and protect the interests of the Class. Plaintiffs have no interests contrary to or in conflict with the Class's interests. Plaintiffs have retained competent counsel with substantial experience in complex class action litigation who will zealously pursue the Class's interests in this litigation.

88. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy. The expense and burden of individualized litigation makes it impossible for individual Class members to pursue litigation in response to Defendants' misconduct.

89. If Plaintiffs are not permitted to adjudicate the claims herein as part of the Class, then the Defendants are likely to engage in continued wrongful conduct in response to future protests, including but not limited to wrongful arrests, detention, and subjecting Class members to harsh conditions as retaliation for such Class members' exercise of their rights to free speech and freedom of assembly under the Maryland Declaration of Rights.

90. Common questions of law and fact exist as to all members of the Class, which predominate over any questions that may affect Individual Class members, including but not limited to:

- a. whether Defendants had probable cause to arrest and detain Plaintiffs;
- b. whether Defendants were grossly negligent during their arrests and detention of Plaintiffs;
- c. whether Defendants gave any order to disperse to Plaintiffs before making arrests;
- d. whether Defendants provided an opportunity for Plaintiffs to comply with any order to disperse before making arrests;
- e. whether certain Defendants engaged in sexually suggestive and harassing conduct;
- f. whether Defendant BPD, Defendant Commissioner Davis, and Defendant Captain Charles Thompson were negligent in their hiring, training and supervision of other Defendants;
- g. whether Defendants denied Plaintiffs access to water, bathrooms, or necessary medication;
- h. whether Defendants acted with malice in executing the arrests and lengthy detentions of Plaintiffs;
- i. whether the harsh conditions during Plaintiffs' detention violated their state constitutional rights.

91. Prosecution of individual actions against Defendants related to the arrests that occurred on July 16, 2016, may lead to inconsistent or varied decisions in the courts, which will

further confuse the Class members and Defendants about the appropriate course of action to take during future protests.

CLAIMS

COUNT 1

False Arrest

(All Plaintiffs Against All Defendants)

92. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs as if set forth herein.

93. Defendants, individually and through their employees, agents, and others under their direction and control, arrested and detained Plaintiffs against their will and without legal authority or justification in violation of Maryland law. Indeed, many of the individuals arrested, including Plaintiff John Tenney Mason, were mere bystanders to the Interstate 83 demonstration.

94. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

95. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

96. Defendants are liable to Plaintiffs for their tortious conduct.

97. As a result of Defendants' conduct, Plaintiffs suffered damages.

COUNT 2

False Imprisonment

(All Plaintiffs Against All Defendants)

98. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs as if set forth herein.

99. Defendants, individually and through their employees, agents, and others under their direction and control, arrested and detained Plaintiffs against their will and without legal authority or justification in violation of Maryland law. Indeed, many of the individuals arrested, including Plaintiff John Tenney Mason, were mere bystanders to the Interstate 83 demonstration.

100. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

101. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

102. Defendants are liable to Plaintiffs for their tortious conduct.

103. As a result of Defendants' conduct, Plaintiffs suffered damages.

COUNT 3

Maryland Declaration of Rights Article 24 - False Arrest

(All Plaintiffs Against All Defendants)

104. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

105. Defendants, individually and through their employees, agents, and others under their direction and control, arrested and detained Plaintiffs against their will and without legal

authority or justification in violation of Article 24 of the Maryland Declaration of Rights. Indeed, many of the individuals arrested, including Plaintiff John Tenney Mason, were mere bystanders to the Interstate 83 demonstration.

106. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

107. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

108. Defendants are liable to Plaintiffs under Article 24 of the Maryland Declaration of Rights for Defendants' violations of Plaintiffs' rights.

109. As a result of Defendants' violations of Plaintiffs' rights under Article 24 of the Maryland Declaration of Rights, Plaintiffs suffered damages.

COUNT 4

Maryland Declaration of Rights Article 24 - False Imprisonment

(All Plaintiffs Against All Defendants)

110. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

111. Defendants, individually and through their employees, agents, and others under their direction and control, arrested and detained Plaintiffs against their will and without legal authority or justification in violation of Article 24 of the Maryland Declaration of Rights. Indeed, many of the individuals arrested, including Plaintiff John Tenney Mason, were mere bystanders to the Interstate 83 demonstration.

112. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

113. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

114. Defendants are liable to Plaintiffs under Article 24 of the Maryland Declaration of Rights for Defendants' violations of Plaintiffs' rights.

115. As a result of Defendants' violations of Plaintiffs' rights under Article 24 of the Maryland Declaration of Rights, Plaintiffs suffered damages.

COUNT 5

Assault

(All Plaintiffs Against All Defendants)

116. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs as if set forth herein.

117. Defendants, individually and through their employees, agents, and others under their direction and control, lacked the legal authority and justification to arrest Plaintiffs. Defendants unlawfully attempted to cause, and succeeded in causing, harmful or offensive contacts with the Plaintiffs by using physical force to illegally arrest them, by placing Plaintiffs in overcrowded, excessively hot vans for extended periods of time, and with little to no access to food, water, bathroom facilities, or necessary medications, and by the use of excessively and painfully tight and injurious wrist cuffs.

118. Defendant John Doe, who upon information and belief is named Officer Grossnickle, also unlawfully attempted to cause, and succeeded in causing, harmful or offensive

contacts with Plaintiff Penny Dobson, along with other female class members, when he engaged in sexually harassing conduct, thereby making Plaintiff Dobson and other female class members feel anxious and uncomfortable.

119. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

120. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

121. Defendants are liable to Plaintiffs for their tortious conduct.

122. As a result of Defendants' conduct, Plaintiffs suffered damages.

123. This Complaint is filed before the expiration of the period for investigation of the tort claims notices referenced in ¶ 28 because of the one-year limitations period on this Court.

COUNT 6

Battery

(All Plaintiffs Against All Defendants)

124. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs as if set forth herein.

125. Defendants, individually and through their employees, agents, and others under their direction and control, lacked the legal authority and justification to arrest Plaintiffs. Defendants unlawfully attempted to cause, and succeeded in causing, harmful or offensive contacts with the Plaintiffs by using physical force to illegally arrest them, by placing Plaintiffs in overcrowded, excessively hot vans for extended periods of time, and with little to no access to

food, water, bathroom facilities, or necessary medications, and by the use of excessively and painfully tight and injurious wrist cuffs.

126. Defendant John Doe, who upon information and belief is named Officer Grossnickle, also unlawfully attempted to cause, and succeeded in causing, harmful or offensive contacts with Plaintiff Penny Dobson, along with other female class members, when he engaged in sexually harassing conduct, thereby making Plaintiff Dobson and other female class members feel anxious and uncomfortable.

127. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

128. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

129. Defendants are liable to Plaintiffs for their tortious conduct.

130. As a result of Defendants' conduct, Plaintiffs suffered damages.

COUNT 7

Maryland Declaration of Rights Articles 24 and 26 - Excessive Force

(All Plaintiffs Against All Defendants)

131. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs as if set forth herein.

132. Defendants, individually and through their employees, agents, and others under their direction and control, used excessive force to arrest and detain Plaintiffs. Defendants' actions, including the use of excessively and painfully tight wrist cuffs, and the failure or unwillingness to adjust such restraints in a timely manner despite knowing that they were too

tight, and extended detention in hot and cramped police vans for periods of six to ten hours, and up to 18 hours for those held at Central Booking, violated Plaintiffs' rights under Articles 24 and 26 of the Maryland Declaration of Rights.

133. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

134. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

135. Defendants are liable to Plaintiffs under Articles 24 and 26 of the Maryland Declaration of Rights for Defendants' violations of Plaintiffs' rights.

136. As a result of Defendants' violations of Plaintiffs' rights under Articles 24 and 26 of the Maryland Declaration of Rights, Plaintiffs suffered damages.

COUNT 8

Maryland Declaration of Rights Article 40 - Freedoms of Speech, Assembly, and Press

(All Plaintiffs Against All Defendants)

137. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

138. Defendants, individually and through their employees, agents and others under their direction and control, arrested and detained Plaintiffs for exercising their rights under Article 40 of the Maryland Declaration of Rights to express their views and report the news on a matter of public importance. Specifically, Defendants arrested and detained Plaintiffs for exercising their rights to peacefully protest and raise awareness of recent continued police violence towards African-Americans.

139. As a result of Defendants' conduct, Plaintiffs have been chilled from their ability to freely express their views on matters of public importance, including Plaintiffs' ability to encourage other individuals to get involved in activism against Defendants' unlawful conduct for fear of future unlawful and unjustified arrest.

140. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

141. Defendants are liable to Plaintiffs under Article 40 of the Maryland Declaration of Rights for Defendants' violations of Plaintiffs' rights.

142. As a result of Defendants' violations of Plaintiffs' rights under Article 40 of the Maryland Declaration of Rights, Plaintiffs suffered damages.

COUNT 9

Negligence

(All Plaintiffs Against All Defendants)

143. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

144. Defendants, individually and through their employees, agents and others under their direction and control, owed a duty of care to Plaintiffs.

145. Defendants' violated this duty of care by carrying out arrests that lacked legal authority and justification. Further, Defendants had a duty to arrest and detain Plaintiffs only on probable cause and in a safe and reasonable manner. Defendants violated this duty by placing Plaintiffs in overcrowded, excessively hot vans for extended periods of time, with little to no access to food, water, bathroom facilities, or necessary medications and the use of excessively

and painfully tight wrist cuffs, and the failure or unwillingness to adjust such restraints in a timely manner despite knowing that they were too tight.

146. Defendants' negligence was the direct and proximate cause of Plaintiffs' injuries. Plaintiffs were without fault and were not contributorily negligent.

147. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

148. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

149. Defendants are liable to Plaintiffs for their tortious conduct.

150. As a result of Defendants' conduct, Plaintiffs suffered damages.

COUNT 10

Gross Negligence

(All Plaintiffs Against All Defendants)

151. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

152. Defendants, individually and through their employees, agents and others under their direction and control, engaged in intentional, willful, and wanton misconduct with a reckless disregard for Plaintiffs' safety and well-being.

153. Defendants trapped sixty-five individuals on a closed highway ramp and arrested these individuals without any legal justification and without providing those gathered with a warning and an opportunity to disperse. Defendants placed Plaintiffs in overcrowded, excessively hot vans for extended periods of time, with little to no access to food, water,

bathroom facilities, or necessary medications and used excessively and painfully tight wrist cuffs, and failed to or delayed in adjusting such restraints in a timely manner despite knowing that they were too tight.

154. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

155. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

156. Defendants are liable to Plaintiffs for their tortious conduct.

157. As a result of Defendants' conduct, Plaintiffs suffered damages.

COUNT 11

Negligent Hiring, Training, and Supervision

(All Plaintiffs Against Defendants BPD, Commissioner Kevin Davis, Captain Charles Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and State of Maryland)

158. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

159. Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland, individually and through their employees, agents and others under their direction and control, were under a duty to use reasonable care in hiring, training, and supervising BPD officers and ensuring that the officers were competent and fit to perform.

160. Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland knew or should have known that the unidentified officers in this Complaint were not fit to perform their assigned duties

because these officers unlawfully arrested and detained Plaintiffs without probable cause and in violation of Plaintiffs' rights under common law and the Maryland Declaration of Rights.

161. The negligent hiring, training, and supervision by Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland created a foreseeable risk that the officers would violate Plaintiffs' rights.

162. As a result of the conduct of Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

163. The conduct of Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

164. Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland are liable to Plaintiffs for their tortious conduct.

165. As a result of the conduct of Defendants BPD, Commissioner Davis, Captain Thompson, Defendant Supervisory Officers John/Jane Doe 1-10, and the State of Maryland, Plaintiffs suffered damages.

COUNT 12

Malicious Prosecution

(All Plaintiffs Against All Defendants)

166. Plaintiffs hereby incorporate and adopt by reference the allegations contained in the foregoing and subsequent paragraphs.

167. Defendants, individually and through their employees, agents and others under their direction and control, maliciously and without probable cause issued criminal citations charging Plaintiffs with failure to obey a police officer in violation of GAM § 10-201(c)(3). On information and belief, Plaintiffs did not receive any such order and, to the extent an order was given, Plaintiffs were not provided a reasonable opportunity to comply with that order.

168. The State later dropped the criminal citations against Plaintiffs and declined to pursue charges.

169. As a result of Defendants' conduct, Plaintiffs suffered physical, emotional, and/or mental injuries, including abrasions, dehydration, swelling, pain and suffering, mental distress, and/or loss of liberty.

170. Defendants' conduct lacked any legal justification and was motivated by actual malice and ill will towards Plaintiffs.

171. Defendants are liable to Plaintiffs for their tortious conduct.

172. As a result of Defendants' conduct, Plaintiffs suffered damages.

PRAYER FOR RELIEF

Plaintiffs are entitled to and pray for damages and equitable and declaratory relief.

Plaintiffs pray for this Court to:

- A. Certify the proposed Class pursuant to Rule 2-231 and appoint undersigned Counsel to represent the Class.
- B. Enter declaratory judgment that the Defendants' conduct has violated the Maryland Declaration of Rights and Maryland common law.
- C. Enter an order declaring that the practice of "kettling" individuals described in this Complaint violates the Maryland Declaration of Rights and Maryland common law.
- D. Enter appropriate injunctive relief, including:
 1. An order requiring the Defendants to develop and enforce policies that require BPD police officers to (i) issue clear and audible warnings to disperse at future demonstrations, and (ii) provide individuals with a reasonable opportunity to comply with these warnings before carrying out arrests;
 2. An order barring the Defendants from subjecting individuals that are arrested for minor offenses during mass political protests to harsher and longer periods of detention, and requiring the BPD to maintain a written record detailing the period of detention, for those arrested while engaging in political activism as compared to other arrestees; and
 3. An order granting other such equitable relief as may be just under the circumstances.

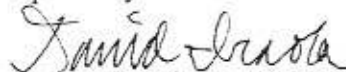
- E. Enter a judgment awarding Plaintiffs compensatory damages in excess of \$75,000 against all Defendants in an amount appropriate to the evidence adduced at trial.
- F. Enter a judgment awarding Plaintiffs punitive damages in excess of \$75,000 against all Defendants in an amount appropriate to the evidence adduced at trial.
- G. Grant Plaintiffs such further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs, by undersigned counsel, request trial by jury on all issues so triable.

Dated: July 14, 2017

Respectfully submitted:



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