

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOSE VIELMA as personal representative
of the ESTATE OF LOUIS S. VIELMA;
CARMEN NILDA CAPO-QUINONES as personal representative
of the ESTATE OF LUIS OMAR OCASIO-CAPO;
BERNEDETTE CRUZ as personal representative
of the ESTATE OF PETER O. GONZALEZ-CRUZ;
DIMARIE RODRIGUEZ as personal representative
of the ESTATE OF JEAN CARLOS NIEVES;
BERNICE DEJESUS as personal representative
of the ESTATE OF FRANKY JIMMY DEJESUS VELASQUEZ;
ISMAIL MORALES as personal representative
of the ESTATE OF ANGEL CANDELARIO PADRO;
OLGA M. DISLA-MENCIA as Personal Representative
of the Estate of ANTHONY LAUEANO-DISLA;
DIGNA ROSA-FERNANDEZ as Personal Representative
of the Estate of SIMON ADRIAN CARRILLO FERNANDEZ;
MARELY MENENDEZ as Personal Representative
of the Estate of GILBERTO R. SILVA MENENDEZ;

KEINON CARTER;
JUAN JOSE CUFINO RODRIGUEZ;
JOAQUIN ROJAS;
KALIESHA M. ANDINO;
NORMAN ESTEVENT CASIANO-MOJICA;
LEONEL MELENDEZ;

RUBEN ENRIQUE GARCIA-TEJADA;
CARLOS JAVIER PEREZ-ANGLERO ;
SANDY ROBERTS;
KADIM RAMOS;
CHRISTIAN ORTIZ-CARDONA ;
CARLOS B. MUNIZ-TORRES ;
JUAN ANTONETTI ;
JAVIER ANTONETTI ;
CARLEEN THOMAS;

JOSE CARLOS RAMIREZ-MARTINEZ ;
ROLANDO JOSE RODRIGUEZ ;
EDWIN RIVERA ALVAREZ;
NATHAN OROZCO ;
NICHOLAS PEREZ ;
COREY RICHARDS ;
VICTOR MALDONADO;
MERCEDES GARCIA ;
MERCEDES A. MCQUERY;
RONISE ROSE CELESTIN;
OMAR DELGADO;
JORDAN M. BOTELHO;
JOSE ELMER PACHECO ANDRADE;
ROBERT TEXIDOR-CARRASQUILLO; and
EMILY ANN PORTALATIN.

Plaintiffs,

v.

ADAM TODD GRULER;
JOHN DOES 1-20;
JOHN DOES 21-30; and
CITY OF ORLANDO.

Defendants.

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COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COME Plaintiffs, by and through their attorneys, and allege the following against Defendants, and allege as follows:

JURISDICTION AND VENUE

1. This action makes issue and alleges a violation of the United States Constitution, including, but not limited to, a violation of the Fourteenth and Fourth Amendments for unlawful arrest and/or detention, as well as for unconstitutional conduct by the defendant officers in that their actions and/or inactions shock the conscience in a constitutional sense, thereby causing the injuries and damages sustained by the plaintiffs.
2. This Honorable Court has original jurisdiction over this action and the parties named herein pursuant to 42 U.S.C., Sections 1983, the United States Constitution, and 28 U.S.C., Section 1331.
3. Venue is proper in the United States District Court, Middle District of Florida, pursuant to Federal Rules of Civil Procedure, 28 U.S.C., Section 1391.
4. The acts, omissions, and practices described hereinafter all occurred within the jurisdiction of this Court. Plaintiffs seek an award of compensatory damages, costs and expenses, and reasonable attorney's fees pursuant to 42 U.S.C., Section 1983. Further, fee entitlement is alleged pursuant to 42 U.S.C., Section 1988.

5. This complaint relates to an incident that took place at the Pulse Nightclub in Orlando, Florida on or about June 12, 2016 during which Omar Mateen (“Shooter”) opened fire, killing, injuring, and/or causing emotional and/or psychological injury to scores of people, including the plaintiffs.

PARTIES

6. LOUIS S. VIELMA, LUIS OMAR OCASIO-CAPO, PETER O. GONZALEZ-CRUZ, JEAN CARLOS NIEVES, FRANKY JIMMY DEJESUS VELASQUEZ, ANGEL CANDELARIO PADRO, ANTHONY LAUEANO-DISLA, SIMON ADRIAN CARRILLO FERNANDEZ, and GILBERTO R. SILVA MENENDEZ were murdered by Shooter. Their estates, through their personal representatives, are plaintiffs on their behalves.
7. Plaintiffs KEINON CARTER, JUAN JOSE CUFINO RODRIGUEZ, JOAQUIN ROJAS, KALIESHA M. ANDINO, NORMAN ESTEVEN CASIANO-MOJICA, LEONEL MELENDEZ suffered gun-shot wounds.
8. Plaintiffs RUBEN ENRIQUE GARCIA-TEJADA, CARLOS JAVIER PEREZ-ANGLERO, SANDY ROBERTS, KADIM RAMOS, CHRISTIAN ORTIZ-CARDONA, CARLOS B. MUNIZ-TORRES, JUAN ANTONETTI, JAVIER ANTONETTI, CARLEEN THOMAS, JOSE CARLOS RAMIREZ-MARTINEZ, ROLANDO JOSE RODRIGUEZ, EDWIN RIVERA ALVAREZ, NATHAN OROZCO, NICHOLAS PEREZ, COREY RICHARDS, VICTOR MALDONADO, MERCEDES GARCIA MERCEDES A. MCQUERY, RONISE ROSE CELESTIN, JORDAN M.

BOTELHO, JOSE ELMER PACHECO ANDRADE, ROBERT TEXIDOR-CARRASQUILLO, and EMILY ANN PORTALATIN were present for the shooting and suffered and continue to suffer non-physical injuries including psychological injury, emotional distress, and/or post-traumatic stress disorder (“PTSD”). Plaintiff EMILY ANN PORTALATIN also suffered a fractured hand.

9. Plaintiff OMAR DELGADO, was at all pertinent times a law enforcement officer who responded to the shooting and suffered non-physical injuries including psychological injury, emotional distress, and/or post-dramatic stress disorder (“PTSD”).

10. Plaintiffs, including CARLOS JAVIER PEREZ-ANGLERO, CHRISTIAN ORTIZ-CARDONA, CARLOS B. MUNIZ-TORRES, JOSE CARLOS RAMIREZ-MARTINEZ, NATHAN OROZCO, NICHOLAS PEREZ, COREY RICHARDS, MERCEDES GARCIA, JUAN ANTONETTI, JAVIER ANTONETTI, and ROLANDO JOSE RODRIGUEZ, were detained and/or arrested without probable cause or reasonable suspicions that they were involved in any criminal activity and without any lawful basis.

11. Plaintiffs SANDY ROBERTS, CHRISTIAN ORTIZ-CARDONA, KADIM RAMOS, KALIESHA M. ANDINO, THE ESTATE OF LUIS OMAR OCASIO-CAPO, and THE ESTATE OF PETER O. GONZALEZ-CRUZ had their personal property seized, including vehicle(s) and/or cell phones and/or other personal property, without any lawful basis.

12. All surviving plaintiffs suffered and continued to suffer non-physical injuries including psychological injury, emotional distress, and/or PTSD.
13. Plaintiff, RUBEN ENRIQUE GARCIA-TEJEDA, is a resident of the City of Orlando, Florida.
14. Plaintiff, CARLOS JAVIER PEREZ-ANGLERO, is a resident of the City of Avon Park, Florida.
15. Plaintiff, JOSE VIELMA, Personal Representative of the Estate of LUIS S. VIELMA, is a resident of the City of Sandford, Florida.
16. Plaintiff, JOAQUIN ROJAS, is a resident of the City of Kissimmee, Florida.
17. Plaintiff, SANDY ROBERTS, is a resident of the City of Orlando, Florida.
18. Plaintiff, KADIM RAMOS, is a resident of the City of Orlando, Florida.
19. Plaintiff, CHRISTIAN ORTIZ-CARDONA, is a resident of the City of Kissimmee, Florida.
20. Plaintiff, CARLOS B. MUNIZ-TORRES, is a resident of the City of Orlando, Florida.
21. Plaintiff, JUAN ANTONETTI, is a resident of the City of Orlando, Florida.
22. Plaintiff, JAVIER ANTONETTI, is a resident of the City of Orlando, Florida.
23. Plaintiff, CARLEEN THOMAS, is a resident of the City of Orlando, Florida.
24. Plaintiff, JOSE CARLOS RAMIREZ-MARTINEZ, is a resident of the City of Orlando, Florida.

25. Plaintiff, KEINON CARTER, is a resident of the City of Orlando, Florida.
26. Plaintiff, ROLANO JOSE RODRIGUEZ, is a resident of the City of Orlando, Florida.
27. Plaintiff, EDWIN RIVERA ALVAREZ, is a resident of the City of Orlando, Florida.
28. Plaintiff, KALIESHA M. ANDINO, is a resident of the City of Kissimmee, Florida.
29. Plaintiff, CARMEN NILDA CAPO-QUINONES, Personal Representative of the Estate of LUIS OMAR OCASIO-CAPO, is a resident of the City of Kissimmee, Florida.
30. Plaintiff, NATHAN OROZCO, is a resident of the City of Caguas, Puerto Rico.
31. Plaintiff, NORMAN ESTEVEN CASIANO-MOJICA, is a resident of the City of Caguas, Puerto Rico.
32. Plaintiff, NICHOLAS PEREZ, is a resident of the City of Kissimmee, Florida.
33. Plaintiff, COREY RICHARDS, is a resident of the City of Bronx, New York.
34. Plaintiff, VICTOR MALDONALDO, is a resident of the City of Apopka, Florida.

35. Plaintiff, BERNEDETTE CRUZ, Personal Representative of the Estate of PETER O. GONZALEZ-CRUZ, is a resident of the City of Kissimmee, Florida.
36. Plaintiff, DIMARIE RODRIGUEZ, Personal Representative of the Estate of JEAN CARLOS NIEVES, is a resident of the City of Kissimmee, Florida.
37. Plaintiff, MERCEDES GARCIA, is a resident of the City of Orlando, Florida.
38. Plaintiff, JUAN JOSE CUFINO RODRIGUEZ, is a resident of the city of Orlando, Florida.
39. Plaintiff, OMAR DELGADO, is a resident of the City of Sanford, Florida.
40. Plaintiff, JORDAN M. BOTELHO, is a resident of the City of Ocala, Florida.
41. Plaintiff, EMILY ANN PORTALATIN, is a resident of the City of Altamonte Springs, Florida.
42. Plaintiff, BERNICE DEJESUS, Personal Representative of the Estate of FRANKY JIMMY DEJESUS VALASQUEZ, is a resident of the City of San Juan, Puerto Rico.
43. Plaintiff, ISMAIL MORALES, Personal Representative of the Estate of ANGEL CANDELARIO PADRO, is a resident of the City of Moca, Puerto Rico.
44. Plaintiff, LEONEL MELENDEZ, is a resident of the City of Metairie, Louisiana.

45. Plaintiff, MERCEDES A. MCQUERY, is a resident of the City of Orlando, Florida.

46. Plaintiff, RONISE ROSE CELESTIN, is a resident of the City of Orlando, Florida.

47. Plaintiff, OLGA M. DISLA-MENCIA, Personal Representative of the Estate of ANTHONY LAUEANO-DISLA, is a resident of the City of San Juan, Puerto Rico.

48. Plaintiff, JOSE ELMER PACHECO ANDRADE, is a resident of the City of Orlando, Florida.

49. DIGNA ROSA-FERNANDEZ, Personal Representative of the Estate of SIMON ADRIAN CARRILLO FERNANDEZ, is a resident of the City of Orlando, Florida.

50. Plaintiff, ROBERT TEXIDO-CARASQUILLO, is a resident of the City of Villa Carolina, Puerto Rico.

51. MARELY MENENDEZ, Personal Representative of the Estate of GILBERTO R. SILVA MENENDEZ, is a resident of the City of Orlando, Florida.

52. Defendant ADAM TODD GRULER was at Pulse at all pertinent times and was charged, consistent with and included in his duties as a law enforcement officer, with providing security to Pulse. Instead, he abandoned his post,

thereby allowing Shooter to not only enter the club once to scout out the area and make sure nobody could stop him, but to then leave Pulse, retrieve his firearms, and return to implement his sinister plan to kill and injure many people.

53. Defendants JOHN DOES 1-20, arrived at Pulse while the shooting was still ongoing and chose to remain safely outside, rather than entering Pulse to neutralize Shooter. Their callous indifference to the victims' plight, demonstrated by their actions and/or inactions, shocks the conscience and directly caused the plaintiffs to be harmed as described herein.

54. Defendants JOHN DOES 21-30 detained and/or arrested many of the uninjured victims for many hours for the purposes of identification and interview. This is not a lawful basis to detain people against their will. These defendants will be herein referred to as the "Detaining Officers." These defendants were at all pertinent times working as law enforcement officers for either the City of Orlando or the County of Orange.

55. The City of Orlando is a municipal organized and incorporated as a municipality under the laws of the State of Florida. The City at all pertinent times had a duty to train and supervise its officers to ensure that they abide by the United States Constitution. It further had, at all pertinent times, an obligation to maintain, through its policymakers and/or decisionmakers, policies, procedures, customs, and/or protocols, both written, unwritten, de facto, or otherwise, that were in conformity with the United States

Constitution. The Orlando Police Department was at all pertinent times under the control of Chief John W. Mina, who was at all pertinent times a policymaker and/or decisionmaker for the City of Orlando.

56. The named defendants are being sued in their official and individual capacities including in their supervisory capacities where applicable.

57. All herein complained of actions of the defendants were done with recklessness, malice, intent, gross negligence, and/or deliberate indifference and shocks the conscience in a constitutional sense.

GENERAL ALLEGATIONS

58. On June 12, 2016, a thug with no regard for human life (hereafter referred to as "Shooter") arrived at Pulse nightclub in Orlando Florida (hereafter referred to as "Pulse"), with a SIG Sauer MCX semi-automatic rifle and a 9mm Glock 17 semi-automatic pistol.

59. Shooter entered the club to look around and seemed to believe his sinister plan would not be stopped due to the lack of any visible security whatsoever.

60. Defendant Gruler, working in his official capacity as a law enforcement officer for the City of Orlando, was tasked with defending Pulse but abandoned his post.

61. Defendant Gruler knew that abandoning his post was inherently dangerous and would practically invite violence, but he abandoned his post anyway.

62. Shooter re-entered Pulse only moments later, shortly after 2:00 a.m., and opened fire on the patrons inside, including many of the Plaintiffs herein.

63. Defendant Gruler immediately became aware that an active shooter was shooting patrons in Pulse was required to enter the club to neutralize Shooter.
64. Instead, with the knowledge that people were actively being shot by Shooter, Defendant Gruler stayed outside where he could ensure his own safety.
65. Defendant Gruler demonstrated a total lack of concern for the dozens of patrons in the club, whom he was personally charged with protecting.
66. Shortly thereafter, John Does 1-20 made the scene and also refused to enter the club to engage Shooter, also instead choosing to ensure their own safety.
67. Eventually at some later time, some officers entered the club and engaged the shooter temporarily.
68. During this brief engagement, Shooter retreated further into Pulse, holding a number of patrons hostage in the Pulse restroom.
69. John Does 1-20 then exited Pulse, and didn't return.
70. Finally, approximately three (3) hours later, after allowing Shooter to murder and injure many helpless people who had no hope other than these defendants, the police finally made their entry and neutralized Shooter.
71. By the time Shooter was fatally shot by police officers, ending his rampage, 49 people were dead or dying, and approximately 53 others received horrific injuries due to wounds from Shooter's gunfire. Everyone present who was not shot, no doubt still carries with them scars from the psychological trauma, emotional distress, and/or PTSD.

72. Defendants JOHN DOES 21-30 unlawfully arrested and/or detained as many non-injured victims as they could, without probable cause or reasonable suspicion that any of the detainees had committed a crime. The detainees were detained and/or arrested at the scene and subsequently in the police station, some for over ten hours, while these defendant processed and interviewed the detainees, including some of the plaintiffs.

73. During this time, the detainees were not permitted to use their phones, contact their loved ones, or leave. They were detained as though they were criminals, by these defendants despite there being not a shred of evidence nor any lawful basis to suspect that any of the detainees had committed a crime.

74. Defendants JOHN DOES 1-30 and JOHN DOES 1-30's supervisor(s) either participated in or alternatively approved in the unconstitutional conduct of their subordinates by not only not disciplining their subordinates for any of the herein complained-of conduct, but also by actively ordering them to engage in the manner in which they engaged, including ordering their subordinates to not enter the club to neutralize the shooter, and also by ordering their subordinates to detain the non-injured detainees, as described herein.

COUNT I: CONDUCT THAT SHOCKS THE CONSCIENCE IN A CONSTITUTIONAL SENSE IN VIOLATION OF 42 U.S.C., SECTION 1983

(All plaintiffs against Defendants Gruler and John Does 1-20)

75. Plaintiffs incorporate by reference all prior allegations as if fully restated.

76. Plaintiffs have a clearly established, federally protected interest in life, liberty and property and a substantive due process right protected by the 4th and 14th Amendments to the U.S. Constitution to be free from governmental actor's conduct that is deliberately indifferent to Plaintiffs constitutionally protected interests which "shocks-the-conscience" of the courts.
77. These defendants, acting under color of law and in violation of 42 U.S.C. §1983, deprived Plaintiffs of their interest in life, liberty and property by violating Plaintiff's right to personal security and substantive due process as described herein, which caused Plaintiffs to suffer injuries.
78. Defendant Gruler, who was specifically charged to secure Pulse club, did not provide adequate security to Pulse, acting recklessly in conscious disregard of the risks, and their conduct, when viewed altogether, shocks the conscience.
79. The actions of Defendant Gruler, of abandoning his post and therefore being unavailable to provide security to Pulse, is so egregious and outrageous that it shocks the conscience.
80. Defendants Gruler and Defendants John Does 1-20 were required to enter the club immediately after the shooting began to neutralize Shooter, with the goal of saving as many innocent victims, whom these defendants knew were most likely unarmed, as possible.
81. Instead these defendants chose to allow the patrons of the club to be massacred while these defendants ensured that only they themselves were safe.

82. These defendants knew that there were innocent people being massacred and that they themselves were the only ones who could stop it, and that it was their job to do so, yet they still, in a manner that shocks the conscience, chose to disregard the safety of the patrons while instead ensuring only that they themselves were safe.
83. The acts and omissions of these defendants deprived Plaintiffs of their rights to life, liberty and bodily integrity guaranteed under the United States Constitution, for which he is liable to Plaintiffs pursuant to 42 U.S.C.A. § 1983 for damages.
84. These defendants, acting under color of law and acting pursuant to customs and policies of the district, deprived Plaintiffs of rights and privileges secured by the United States Constitution and by other laws of the United States.
85. These defendants owed a duty as law enforcement official upon securing the area to reasonably assist Plaintiffs when confronted with a threat to human safety, and to further neutralize the shooter immediately.
86. These defendants took no steps to render assistance despite knowledge that failing to do so could result in far more serious consequences to Plaintiffs.
87. These defendants demonstrated a reckless disregard of the risk posed by the needs Plaintiffs.
88. These defendants' conduct was far more than mere negligence. Further their conduct, actions, omissions, and/or inactions were directly responsible for the plaintiffs suffering the harm outlined herein.
89. As a direct and proximate result of these defendants' herein described actions and/or inactions, the Plaintiffs suffered physical and/or non-physical injury and/or death.

**COUNT II: UNLAWFUL DETENTION AND/OR FALSE ARREST IN
VIOLATION OF 42 U.S.C., SECTION 1983**

**Plaintiffs Carlos Javier Perez-Anglero, Christian Ortiz-Cardona,
Carlos B. Muniz-Torres, Jose Carlos Ramirez-Martinez, Nathan Orozco,
Nicholas Perez, Corey Richards, And Mercedes Garcia
Against Defendants John Does 21-30**

90. Plaintiffs incorporate by reference all prior allegations as if fully restated.

91. A warrantless arrest without probable cause violates the Fourth and Fourteenth Amendment's prohibition against unreasonable searches and seizures.

92. On June 12, 2016, and by virtue of the events, misconduct, and injuries described previously in this complaint and incorporated into this count, these defendants, through their acts and/or omissions, unlawfully arrested and/or detained Plaintiffs, without probable cause or reasonable suspicion that these plaintiffs had engaged in any criminal wrongdoing, contrary to the Fourth and Fourteenth Amendments of the United States Constitution. Such conduct constitutes a violation of 42 U.S.C., Section 1983.

93. These defendants acted under color of state law at all relevant times.

94. These defendants prohibited detained Plaintiffs on-scene, transported them to the police station, and prevented them from leaving police station for over 10 hours, circumscribing Plaintiffs' physical liberty, while ordering and compelling Plaintiffs to move from place to place without a warrant and with no lawful basis to do so.

95. At all times material hereto, these defendants had a legal duty to enforce the laws of the United States Constitution including not participating in the

unlawful arrest and/or detention of persons in violation of the Fourth and Fourteenth Amendments.

96. By their actions, these defendants deprived Plaintiffs of clearly established constitutional rights to be free from such unlawful arrest and/or detention. In executing this unlawful arrest and/or detention against Plaintiffs, exhibited deliberate indifference and other culpable conduct to Plaintiffs' right to be free from unlawful arrest and/or detention and as a result intimidated, humiliated, degraded, and injured Plaintiffs, while Plaintiffs were terrified and in state of shock because of the Shooting they witnessed.

97. These defendants acted knowingly, willfully, and intentionally in effectuating the unlawful arrest and/or detention of Plaintiffs, when Plaintiffs were in fact victims of the tragedy that occurred in Pulse.

98. As a direct and proximate result of these defendants' conduct, Plaintiffs suffered severe physical, mental and emotional injuries.

COUNT III: UNLAWFUL SEARCH AND SEIZURE OF PERSONAL PROPERTY IN VIOLATION OF 42 U.S.C., SECTION 1983

Plaintiffs Sandy Roberts, Kadim Ramos, Christian Ortiz-Cardona, Kaliesha M. Andino, The Estate Of Luis Omar Ocasio-Capo, And The Estate Of Peter O.Gonzalez-Cruz

Against All Defendants

99. Plaintiffs incorporate by reference all prior allegations as if fully restated.

100. Plaintiffs were not only detained and/or arrested by these defendant officers, but they also had their personal property seized from them without any lawful basis.

101. These plaintiffs had their personal property seized by one or more of these defendants without a warrant and without any lawful basis.

COUNT IV – MUNICIPAL MONELL LIABILITY AGAINST CITY OF ORLANDO FOR VIOLATING OF 42 U.S.C., SECTION 1983

(All plaintiffs against Defendant City of Orlando.)

102. Plaintiffs incorporate by reference all prior allegations as if fully restated.

103. Upon information and belief, the Defendant, City of Orlando, failed to adequately train Defendant Gruler and John Does 1-30 in how to provide adequate security in public places that are highly susceptible to danger, and how to enter a neutralize an active shooter threat. This is especially clear due to Defendant Gruler specifically being assigned by the City of Orlando the duty to provide security to Pulse.

104. The likelihood of unconstitutional enforcement, was so obvious, given the circumstances that Pulse is a nightclub open to public, where hundreds of patrons go to party and to consume alcoholic beverages, that the Defendant, City of Orlando, was deliberately indifferent to the rights of the plaintiffs.

105. Defendant, City of Orlando, failed to properly train and supervise its officers, resulting in the unreasonable and deliberate indifference to Plaintiffs' civil rights.

106. Defendant, City of Orlando, failed to adequately train and supervise its Officers in evaluating and assessing the emergency needs of Pulse, such as

preventing the entrance of weapons to Pulse, and responding to active shooting situations.

107. The actions of the Defendant, City of Orlando, constitute a violation of Plaintiffs' constitutional right, pursuant to the substantive due process clauses of the Fourteenth Amendment.

108. Defendant's failure to train Defendant Gruler constitutes a deliberate and/or conscious decision, thereby demonstrating deliberate indifference.

109. Defendant, City of Orlando, owed a duty to Plaintiffs to train its law enforcement officials upon securing the area to reasonably protect Plaintiffs when confronted with a threat to human safety.

110. As a direct and proximate result of the Defendant, City of Orlando, failure to train its officers, Plaintiffs suffered great pain, discomfort and mental anguish, and ultimately death, thereby subjecting Plaintiffs to deliberate indifference to their Fourteenth Amendment rights.

111. Further, at all times material hereto, Defendant, City of Orlando, was charged with the responsibility of adopting and implementing rules and procedures for the proper and efficient maintenance, supervision, and control of its law enforcement Officers. Such duties include, but are not limited to, the following:

- a) To create, adopt, and implement rules, regulations, practices, and procedures toward hiring and retaining the employment of police officers who have a clear understanding of the concepts of probable

cause and what constitutes an unlawful arrest and/or detention in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

- b) To create, adopt, and implement rules, regulations, practices, and procedures for the proper and efficient training of police officers in a way and to an extent necessary to insure the utilization of proper law enforcement authority to prevent the unlawful arrest and/or detention of citizens contrary to the Fourth and Fourteenth Amendments to the United States Constitution.
- c) To create, adopt, and implement rules, regulations, practices, and procedures for the proper and efficient supervision, control, discipline, and assignment of police officers in a way and to an extent necessary to ensure that citizens are not subjected to unlawful arrest and/or detention contrary to the Fourth and Fourteenth Amendments to the United States Constitution by the agents or employees of the City of Orlando.

112. On July 12, 2016, and by virtue of the events, misconduct, and injuries described previously in this complaint and incorporated into this count, Defendant, City of Orlando, either directly or indirectly through their acts and/or omissions, contributed to the unlawful arrest and/or detainment of Plaintiffs, contrary to the Fourth and Fourteenth Amendments of the United

States Constitution. Such conduct constitutes a violation of 42 U.S.C., Section 1983.

113. Defendant, City of Orlando, acted with deliberate indifference in causing the aforesaid constitutional violation by Defendant Officers, by incurring in the following:

- a) Defendant, City of Orlando, failed to adequately train and educate its police officers, including Defendant Officers, in the concept of probable cause and the avoidance of unlawful arrest and/or detention thereby creating an atmosphere of illegal and unconstitutional behavior with respect to the use of unlawful arrest and/or detention and deliberate indifference and reckless disregard to the health and welfare of the citizens, including Plaintiffs.
- b) Defendant, City of Orlando, repeatedly and knowingly failed to discipline its police officers, including Defendant Officers, with respect to violations of the laws of the State of Florida, the Constitution of the United States, and its own policies regarding unlawful arrest and/or detention creating a pattern, policy, practice, custom, or atmosphere where such illegal and unconstitutional behavior was and is tolerated, condoned, and accepted by Defendant, City of Orlando, in deliberate indifference and reckless disregard of the citizens, including Plaintiffs.

- c) Defendant, City of Orlando, failed to adequately monitor and evaluate the performance of its police officers, including their involvement in unlawful arrest and/or detention and deliberate indifference and reckless disregard to the citizens, including Plaintiffs;
- d) Defendant City of Orlando, failed to adequately respond to and investigate complaints, administrative grievances, and written concerns to the City of Orlando including, but not limited to, complaints and concerns regarding the use of unlawful arrests and/or detention thereby creating a policy, practice, custom, or atmosphere where such illegal and unconstitutional behavior is ratified, condoned, or approved and deliberate indifference and reckless disregard of the rights of the citizens, including Plaintiffs.
- e) Defendant, City of Orlando, has a policy, practice, or custom of exonerating police officers with respect to complaints of misconduct including, but not limited to, complaints regarding unlawful arrest and/or detention in order to escape liability thereby creating an atmosphere where illegal and unconstitutional behavior is condoned, ratified, tolerated, acquiesced, and/or approved in deliberate indifference and reckless disregard of the rights of the citizens, including Plaintiffs.

114. Defendant, City of Orlando, was deliberately indifferent to the health, safety, and welfare of Plaintiffs, in that it expressly or impliedly acknowledged and assented to the failure to properly train, supervise, control, screen, and review for continued employment of Defendant Officers. Had such proper action occurred, Defendant, City of Orlando, would have learned that Defendant Officers lacked training, skills, qualifications, and other characteristics making them unfit to perform their duties as police officers of the City of Orlando.

115. Unlawful acts committed by Defendant Officers, were proximately caused by the policies, customs, or practices of Defendant, City of Orlando.

116. The aforementioned policies, customs, and practices of Defendant, City of Orlando, were the underlying cause of Plaintiffs injuries and damages.

RELIEF REQUESTED

WHEREFORE, Plaintiffs prays this Honorable Court grant the following relief on his civil rights claim brought pursuant to 42 U.S.C., Sections 1983 and 1988: award:

- (a) compensatory damages in an amount determined by a jury; and
- (b) punitive damages in an amount determined by a jury; and
- (c) reasonable attorney's fees and costs; and
- (d) such other relief as this Court may deem just, proper, and appropriate.

JURY TRIAL DEMAND

Plaintiffs demand a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: June 7, 2018

Respectfully submitted,

By: _____
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