

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

LIONEL WOMACK

Plaintiff,

vs.

Case No. _____

JEREMY RODRIGUEZ,

Defendant.

COMPLAINT

Plaintiff Lionel Womack alleges and states as follows:

1. This case arises out of events that occurred on August 15, 2020, when Kiowa County Sheriff's Deputy Jeremy Rodriguez used his patrol truck to run over Plaintiff Lionel Womack, who was on foot.
2. Defendant Deputy Rodriguez intentionally deprived Lionel Womack of his right to be free from unreasonable searches and seizures guaranteed to him by the United States Constitution by using his patrol truck to run over Mr. Womack's body where no reasonable officer would have done so.
3. Defendant Deputy Rodriguez's actions were reckless and callously indifferent to Mr. Womack's federally protected rights.
4. Defendant Deputy Rodriguez violated clearly established law regarding the use of excessive force and is not entitled to qualified immunity for the actions complained of herein.

Jurisdiction and Venue

5. This civil action arises under 42 U.S.C. § 1983. This Court therefore has original jurisdiction under 28 U.S.C. § 1331.

6. Venue is appropriate in this Court under 28 U.S.C. § 1391 because this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

Parties

7. Lionel Womack is an individual resident of Kansas.

8. Defendant Deputy Rodriguez is, and was at all relevant times herein, a Deputy in the Kiowa County, Kansas Sheriff's Office.

9. Defendant Deputy Rodriguez is sued in his individual capacity.

10. In doing the acts and/or omissions alleged herein, Defendant Deputy Rodriguez acted under the color of state law.

Facts

11. On August 15, 2020 law enforcement stopped Mr. Womack's vehicle for an alleged traffic violation.

12. Mr. Womack is a black male.

13. Mr. Womack stopped his car on a dirt road and exited his vehicle.

14. Because Mr. Womack was scared he would be harmed by the officers pursuing him, he started running on foot into a nearby open farm field.

15. The field was not planted.

16. Mr. Womack fled on foot without a weapon.

17. Kiowa County Sheriff Officer Defendant Deputy Rodriguez drove into the field with his Kiowa County Sheriff's Department pickup truck to chase after Mr. Womack who fled on foot without a weapon.

18. Defendant Deputy Rodriguez used his patrol truck to quickly catch up to Mr. Womack, who was on foot.

19. Defendant Deputy Rodriguez used his patrol truck to approach Mr. Womack from behind, on Mr. Womack's right side.

20. Defendant Deputy Rodriguez used his patrol truck to run over Mr. Womack's body.

21. Defendant Deputy Rodriguez intentionally swerved his patrol truck so that the truck hit Mr. Womack, knocked him to the ground, and ran him over.

22. When Defendant Deputy Rodriguez used his patrol truck to run over Mr. Womack, Mr. Womack was severely injured and lay on the ground.

23. Emergency Medical Services ("EMS") were called to provide medical care to Mr. Womack after he was run over by Defendant Deputy Rodriguez's patrol truck.

24. Mr. Womack was transported to Pratt Regional Medical Center by ambulance.

25. Mr. Womack sustained serious injury to his back, pelvis, thigh, right knee, right ankle, and right foot as a result of Defendant Deputy Rodriguez running Mr. Womack over in his patrol truck.

26. Defendant Deputy Rodriguez remains employed as a deputy by the Kiowa County Sheriff's Office, to date.

Count I — Fourth and Fourteenth Amendments (42 U.S.C. § 1983)

27. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

28. Defendant Kiowa County Sheriff's Deputy Jeremy Rodriguez, acting under the color of state law, personally used his patrol truck to intentionally knock down and run over Mr. Womack under circumstances where no reasonable officer would have done so.

29. Defendant Deputy Rodriguez used force he knew was likely to cause death or severe harm to Mr. Womack. Such use of force was not objectively reasonable because neither he nor anyone else could claim any objective fear of imminent bodily harm by Mr. Womack when he was run over.

30. Defendant Deputy Rodriguez's conduct under color of state law violated Mr. Womack's right as provided under the Fourth Amendment to the U.S. Constitution, applicable to the States by the Fourteenth Amendment, to be free from unreasonable search and seizure, including the right to be free from the use of excessive, arbitrary, and unreasonable deadly force against him.

31. Defendant Deputy Rodriguez's conduct under the color of state law violated Mr. Womack's right as provided under the Fourteenth Amendment to not be deprived of life or liberty without due process of law.

32. At the time of the complained-of conduct, it was clearly established under controlling case law that deadly force is not to be used in the same or similar circumstances.

33. Defendant Deputy Rodriguez's conduct was with reckless or callous indifference to Mr. Womack's federally-protected rights.

34. As a result of Defendant Deputy Rodriguez's conduct under color of state law, Mr. Womack suffered immense, conscious pain and suffering when Defendant Rodriguez ran Mr. Womack over in his patrol truck.

WHEREFORE, Plaintiff Lionel Womack prays for general and non-economic damages in a sum to be determined at trial, special damages in a sum to be determined at trial, punitive and exemplary damages in amounts to be determined at trial, reasonable attorneys' fees pursuant to 42 U.S.C. § 1988, costs and interest as allowed by law, and for such other relief as the Court deems just and proper.

Jury Demand

Plaintiff hereby demands trial by jury on all claims so triable.

Designation of Place of Trial

Pursuant to Local Rule 40.2, Plaintiff designates Kansas City as the place of trial.

Respectfully submitted,

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