

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KAHEEM LITTLES,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER
ROSS GARNER, SERGEANT FORREST HIRSCH,
POLICE OFFICER JONATHAN THOMAS and
LIEUTENANT THOMAS PASSOLO,

AMENDED
VERIFIED COMPLAINT

Defendants.

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Plaintiff herein, by her attorneys, Ross and Hill, complaining of the above-named defendants, alleges the following upon information and belief.

1. That plaintiff is a citizen of the United States of America and is entitled to the full protection of the laws and the Constitution of the United States of America.
2. Defendant, The City of New York, is a municipal corporation duly incorporated and existing under and by virtue of the laws of the State of New York.
3. The Police Department of The City of New York is an agency acting on behalf of The City of New York and engaged by The City of New York to perform police duties and to protect the health, welfare, property and safety of the residents of The City of New York.
4. That at all times herein mentioned defendant, The City of New York, its agents, servants and employees operated, maintained and controlled the Police Department including all the police officers thereof.
5. At all times herein mentioned, defendant, Police Officer Ross Garner, was a New York City Police officer, employed by defendant The City of New York.
6. At all times herein mentioned, defendant, Sergeant Forrest Hirsch, was a New

York City Police officer, employed by defendant The City of New York.

7. At all times herein mentioned, defendant, Police Officer Jonathan Thomas, was a New York City Police officer, employed by defendant The City of New York.

8. At all times herein mentioned, defendant, Lieutenant Thomas Passolo, was a New York City Police officer, employed by defendant The City of New York.

9. This action arises under the laws of the United States, particularly under the Civil Rights Act, Title 42 of the United States Code, Sections 1981, 1983 and 1988.

10. This Court has jurisdiction under the provisions of Title 8 of the United States Code, Sections 1331 and 1338.

AS AND FOR A FIRST CAUSE OF ACTION

11. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 10 of this complaint with the same force and effect as though fully set forth herein at length.

12. On July 4, 2013 at approximately 4:30 p.m. while plaintiff was in the backyard of his house at 436 Kosciusko Street, Kings County, City and State of New York, he was arrested by New York City Police Officers employed by defendant, The City of New York, Police Officer Ross Garner, Sgt. Forrest Hirsch, Police Officer Jonathan Thomas, Lt. Thomas Passolo, entered the backyard without a warrant, without permission of the owner of the house, and without reasonable or probable cause to believe a crime had been committed.

13. After entering the backyard, the defendants harassed plaintiff, plaintiff's brother and sister and friends of plaintiff, and, demanded to enter and search the house.

14. One or more of the named defendants used racial epithets while accosting plaintiff.

15. While the defendant officers who initially entered the backyard illegally occupied the yard, additional police officers defendants also illegally entered the yard.

16. After officers conducted a search of the house, plaintiff was placed in handcuffs by Lieutenant Thomas Passolo.

17. Some of the named defendants used excessive force against the plaintiff.

18. Plaintiff was falsely arrested and removed to the 81st precinct where he was falsely imprisoned. Plaintiff remained in prison for approximately two weeks.

19. Plaintiff was falsely charged with obstruction of governmental administration and resisting arrest.

20. Plaintiff had to appear in Criminal Court on several occasions before the above charges were dismissed.

21. Subsequent to the arrest of plaintiff, upon information and belief some of the defendants followed plaintiff, and drove past his house, all in an effort to intimidate plaintiff and prevent him from commencing this law suit.

22. Upon information and belief, false arrests emanating from the 81st Precinct were condoned by other officers in that precinct, as well as officers in charge of the Precinct, and other police officials, and were part of an ongoing custom and practice perpetrated by these officers and officials in the 81st Precinct and condoned by other police officials.

23. The false arrest, imprisonment and criminal prosecution of plaintiff constituted a violation of plaintiff's civil rights under 42 USC, Sections 1981 and 1983.

24. The conduct of the officers involved, and of other officers and officials involved in and with knowledge of the unconstitutional actions of the officers, violated the rights of plaintiff: to be secure in his person; to be free of unreasonable searches and seizure; not to be

deprived of life, liberty or property without due process of law; not to be subjected to cruel and unusual punishment; the right to equal protection.

25. The conduct of defendants in depriving plaintiff of his civil rights was wanton, cruel, careless and reckless and evinced a depraved disregard for plaintiff and for plaintiff's rights.

26. As a result of the foregoing violation of plaintiff's civil rights, plaintiff sustained severe personal injuries.

27. As a result of the foregoing, plaintiff has been damaged in the amount of Five Million (\$5,000,000.00) Dollars in compensatory damages and One Million (\$1,000,000.00) Dollars in exemplary damages, and is entitled to an award of attorneys' fees.

AS AND FOR A SECOND CAUSE OF ACTION

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 27 of this complaint with the same force and effect as though set forth herein at length.


29. The above actions of defendants constituted false arrest; false imprisonment; malicious prosecution and assault and battery of plaintiff under New York State Law.

30. The conduct of named defendant police officers and other employees of defendant The City of New York was intentional, wanton, cruel, careless and reckless and evinced a depraved disregard of plaintiff and of plaintiff's rights and entitlements under law and under the Constitution of the United States of America.

31. As a result of the foregoing, plaintiff sustained severe personal injuries.

32. As a result of the foregoing, plaintiff has been damaged in the amount of \$5,000,000.00) Dollars in compensatory damages and in the amount of One Million (\$1,000,000.00) Dollars in punitive damages.

WHEREFORE, plaintiff demands judgment against defendants: on the first cause of action compensatory damages in the sum of \$5,000,000.00, \$1,000,000.00 in exemplary damages and an amount to be determined by the Court for attorneys' fees; on the second cause of action compensatory damages in the sum of \$5,000,000.00 and \$1,000,000.00 in punitive damages; together with interest, costs and disbursements of this action.

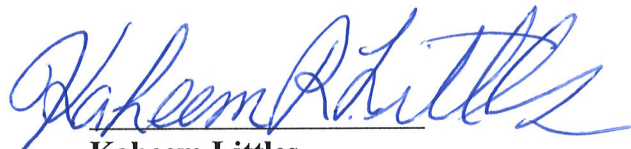


James Ross, Esq. of
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Brooklyn, New York 11241
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STATE OF NEW YORK, COUNTY OF KINGS) s.s.:

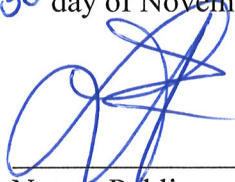
Kaheem Littles, being duly sworn, deposes and says:

I am the plaintiff in the within action, have read the foregoing **AMENDED COMPLAINT** and know the contents thereof; that same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief and as to those matters, I believe it to be true.



Kaheem Littles

Sworn to before me this
30 day of November, 2015



Notary Public

LUZ FRIEDMAN
Notary Public, State of New York
No. 01GU6134975
Qualified in Bronx County
Commission Expires 10/11/2017

Case #: CV 14-5002

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THOMAS PASSOLO,

Defendants.
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AMENDED VERIFIED COMPLAINT
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ROSS & HILL, ESQS.

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