

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Index No.: \_\_\_\_\_  
ROMAN LINGAN and MARIPOSA LINGAN

**COMPLAINT**

Plaintiff(s), - against -

THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, DETECTIVE DANIEL LANNING  
JOHN/JANE DOE 1-5 names currently unknown

Defendant(s).  
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Plaintiff(s), ROMAN LINGAN and MARIPOSA LINGAN, by their attorneys,  
CONSTANTINIDIS & ASSOCIATES, P.C., complaining of the defendant, THE CITY OF  
NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL  
LANNING and JOHN/JANE DOE 1-5, upon information and belief, set forth and allege as  
follows:

1. The nature of Plaintiffs' claims are to recover monetary damages from all defendants, including, but not limited to punitive damages against Detective Daniel Lanning, individually, for violation of civil constitutional rights pursuant to 42 USC Section 1983, false arrest, malicious prosecution, deprivation of liberty pursuant to the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and or Article I sections 5,6,8,9,12 of the New York State Constitution, and negligence carelessness of the CITY OF NEW YORK, THE NEW YORK CITY POLICE

DEPARTMENT their agents, servants, and/or employees, including but not limited to DETECTIVE DANIEL LANNING and JOHN/JANE DOE 1-5 names currently unknown for malicious prosecution, false arrest, false imprisonment, abuse of process, defamation of character, mental anguish/psychological and punitive damages.

2. The aforesaid defendants at all relevant times, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL LANNING, and JOHN/JANE DOE 1-5 names currently unknown were acting under color of state law in arresting, prosecuting and imprisoning Plaintiff Roman Lingan with knowledge and/or reason to know that Plaintiff did not commit a crime and with express purpose of denying his constitutional rights, furthermore they unjustly, unlawfully and unreasonable kept Plaintiff incarcerated despite his bail being posted within two days of his arrest.
3. At all times hereinafter mentioned, Plaintiffs, ROMAN LINGAN, and MARIPOSA LINGAN were and continue to be a residents of the County of Queens, City and State of New York.
4. At all times hereinafter mentioned, defendant, CITY OF NEW YORK, was and continues to be a municipal corporation duly organized and existing under the law of the state of New York.
5. At all times hereinafter mentioned the Defendant DETECTIVE DANIEL LANNING was acting within the scope of his employment with the New York City Police Department.

6. At all times hereinafter mentioned the Defendants JOHN/JANE DOE 1-5 names currently unknown was acting within the scope of their employment with the New York City Police Department
7. On or about February 26, 2016, and within ninety (90) days after the accrual of the claim sued upon herein, Plaintiff served upon THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL LANNING and JOHN/JANE DOE 1-5 names currently unknown a duly executed Notice of Claim.
8. That more than thirty (30) days have elapsed since the NOTICE OF CLAIM was served and the Comptroller and Defendants have failed neglected and refused to pay, settle or compromise or adjust the claim of Plaintiff's herein.
9. That this action was commenced within one year and ninety days from the date that the claim accrued.

**AS AND FOR A FIRST CAUSE OF ACTION  
42 USC SECTION 1983 CLAIM FOR DEPRIVATION OF PLAINTIFF'S FOURTH  
AMENDMENT RIGHTS AND NY STATE CONSTITUTIONAL RIGHTS**

10. PLAINTIFF repeats, reiterates and realleges all of the allegations set forth above.
11. That on or about December 8<sup>th</sup>, 2015 DETECTIVE DANIEL LANNING and JOHN/JANE DOE 1-5 names currently unknown were employee/agents of THE CITY OF NEW YORK and the NEW YORK CITY POLICE DEPARTMENT.
12. On or about December 8<sup>th</sup>, 2015 Plaintiff was a passenger in a vehicle owned and operated by Mr. June Bagcal, an acquaintance of Plaintiff. The vehicle was stopped

near a private home located at or near the intersection of 25<sup>th</sup> Ave and 83<sup>rd</sup> St. Queens N.Y.

13. On or about December 8<sup>th</sup>, 2015 Detective Lanning approached and searched Mr. June Bagcal and his vehicle and, upon information and belief found illegal narcotics and drug paraphernalia upon Mr. Bagcal's person and in his automobile.
14. On or about December 8<sup>th</sup> 2015, after finding the contraband on Mr. Bagcal's person and in Mr. Bagcal's vehicle Detective Lanning searched Plaintiff. Notwithstanding the fact that no illegal drugs or other contraband was found in Plaintiff's possession Detective Lanning wrongfully, negligently and improperly arrested Plaintiff. Detective Lanning deprived Plaintiff of his liberty despite the fact that he had not committed a crime.
15. On or about December 9<sup>th</sup> 2015 Plaintiff was arraigned and bail was set at three thousand (\$3,000) dollars cash or ten thousand (\$10,000) dollars bond. On December 10<sup>th</sup> 2015 Plaintiff's Daughter Nisa Bartholome posted three thousand (\$3000) cash bail. Notwithstanding this fact the Plaintiff was wrongfully imprisoned and kept in custody by defendant THE CITY of NEW YORK and their agents servants and/or employees until he was finally released on December 23, 2015
16. On or about June 30<sup>th</sup>, 2016 all of the erroneous and improper criminal charges leveled against plaintiff were dismissed by a Grand Jury.
17. That Defendant DETECTIVE DANIE LANNING and JOHN/JANE DOE 1-5 names currently unknown arrested and charged Plaintiff with crimes including violations of Penal Law Sections 220.16-3, 220.09-4, 220.06-01, 220.50-3, despite the fact that he

knew that there was no probable cause or justification for arresting or charging him with any crime.

18. That Defendant THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT their agents servants and employees arrested and charged Plaintiff with crimes including violations of Penal Law Sections 220.16-3, 220.09-4, 220.06-01, 220.50-3, despite the fact that they knew that there was no probable cause or justification for arresting or charging him with any crime.
19. The Defendant DETECTIVE DANIEL LANNING and JOHN/JANE DOE 1-5 names currently unknown committed all of the aforementioned acts while acting within the scope of their employment as police officers and under color of state law.
20. That as a result of the above referenced negligence, Plaintiff was caused to sustain pain, suffering, defamation, incarceration and permanent psychological injuries.
21. That as a result of the above Plaintiffs demands judgment against the Defendants, THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL LANNING, ,and JOHN/JANE DOE 1-5 names currently unknown In the amount of FIVE MILLION (\$5,000,000) DOLLARS.

**COUNT II  
MUNICIPAL LIABILITY**

22. Plaintiff repeats, reiterates and realleges all of the allegations set forth above.
23. That DEFENDANT THE CITY OF NEW YORK, its employees, agents, and/or servants failed to take any necessary steps to prevent this occurrence, failed to properly

hire and train its employees agents and or servants in arrest and/or bail procedures, and were otherwise reckless careless and negligent.

24. That as a result of the above Plaintiff was caused to sustain pain, suffering, defamation, incarceration, and permanent psychological injuries.
25. That as a result thereof Plaintiffs demands judgment against the Defendant, THE CITY OF NEW YORK In the amount of FIVE MILLION (\$5,000,000) DOLLARS.

**COUNT III**  
**42 USC SECTION 1983 CLAIM FOR MALICIOUS PROSECUTION**

26. PLAINTIFF repeats, reiterates and realleges all of the allegations set forth above.
27. On or about December 8<sup>th</sup> 2015, notwithstanding the fact that no illegal drugs or other contraband was found in Plaintiff's possession Detective Lanning, JOHN/JANE DOE 1-5 names currently unknown and/or their superior officers, all employees of the NEW YORK CITY POLICE DEPARTMENT prepared accusatory instruments wrongfully charging Plaintiff with violating Penal Law Sections 220.16-3, 220.09-4, 220.06-01, 220.50. As a result Plaintiff was forced to obtain counsel, attend court appearances and appear and testify before a Grand Jury which ultimately dismissed all charges.
28. As a result of Defendants actions Plaintiff sustained, pain, suffering, incarceration, defamation and permanent psychological injuries and incurred legal fees.
29. That as a result of the above Plaintiffs demands Judgment against, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL LANNING, and JOHN/JANE DOE 1-5 names currently unknown in the sum of Five Million (\$5,000,000) dollars.

**COUNT IV  
CLAIM AGAINST CITY OF NEW YORK FOR DEPRIVATION OF LIBERTY**

30. Plaintiff repeats, reiterates and realleges all of the allegations set forth above.
31. On or about December 9<sup>th</sup> 2015 Plaintiff was arraigned and bail was set at three thousand (\$3,000) dollars cash or ten thousand (\$10,000) dollars bond. On December 10<sup>th</sup> 2015 Plaintiffs Daughter Nisa Bartholome posted three thousand (\$3000) cash bail. Notwithstanding this fact the Plaintiff was wrongfully imprisoned and kept in custody by defendant THE CITY OF NEW YORK and their agents servants and/or employees until he was finally released on December 23, 2015
32. That as a result of the above Plaintiffs demands Judgment against THE CITY OF NEW YORK in the sum of Five Million (\$5,000,000) dollars.

**COUNT V  
CLAIM AGAINST, THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT DETECTIVE DANIEL LANNING and JOHN/JANE DOE 1-5  
names currently unknown FOR LEGAL FEES AND EXPENSES**

33. Plaintiff repeats, reiterates and realleges all of the allegations set forth above.
34. As a result of the wrongful arrest and malicious prosecution Plaintiff was required to obtain and pay legal counsel.
35. Plaintiff retained Theodore Pasapis Esq. to represent him in these proceedings. As a result of Defendants negligence Plaintiff was forced to spend thousands approximately five thousand(\$5,000) dollars in legal fees,
36. That as a result of the above Plaintiff demands Judgment against ALL DEFENDANTS in the sum of Five Million (\$5,000,000) dollars

**COUNT VI**  
**CLAIM of MARIPOSA LINGAN AGAINST, THE CITY OF NEW YORK, NEW**  
**YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL LANNING and**  
**JOHN/JANE DOE 1-5 names currently unknown**

37. Plaintiff repeats, reiterates and realleges all of the allegations set forth above

38. At all times hereinafter mentioned, plaintiff, MARIPOSA LINGAN was and still is the wife and legal spouse of the plaintiff, ROMAN LINGAN.

39. At all times hereinafter mentioned, plaintiff, MARIPOSA LINGAN, was and continues to be entitled to the comfort, enjoyment, society, consortium, services and support of the plaintiff, ROMAN LINGAN.

40. By virtue of the foregoing, plaintiff, MARIPOSA LINGAN has been and will continue to be deprived of the comfort, enjoyment, society, consortium, services and support of his lawful spouse, plaintiff, ROMAN LINGAN

41. As a result of Defendants actions, and the wrongful arrest and imprisonment of her husband ROMAN LINGAN Plaintiff MARIPOSA LINGAN has sustained, pain, suffering, and permanent psychological injuries.

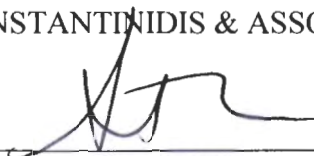
42. By virtue of the foregoing, plaintiff, MARIPOSA LINGAN, has suffered damages in this action and demands judgment against all defendants in the amount of one million (\$1,000,000) dollars.



**WHEREFORE**, plaintiffs, ROMAN LINGAN and MARIPOSA LINGANf, demand judgment pursuant to 42 United States Code, Section 1983 and for attorneys fees under section 1988, and for his state common law claims, for monetary compensation, for pain and suffering and loss of reputation and punitive damages; and on all claims in the amount of twenty six million five thousand dollars against the Defendants and for whatever further and other relief that this court deems just and proper together with the costs and disbursements of this action,

Dated: Long Island City, New York  
February 23, 2017

CONSTANTINIDIS & ASSOCIATES, P.C.



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By: STEVEN T LANE Esq.( STL5113)  
Attorney for Plaintiff(s)  
35-01 30th Avenue - Suite 200  
Long Island City, New York 11103  
(718) 204-1500

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROMAN LINGAN and MARIPOSA LINGAN

Plaintiff(s)

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE DANIEL  
LANNING and JOHN/JANE DOE 1-5 names currently unknown.

Defendant(s).

**SUMMONS & COMPLAINT IN A CIVIL ACTION**

**CONSTANTINIDIS & ASSOCIATES, P.C.**

*Attorneys for Plaintiff(s)*

35-01 30<sup>th</sup> Avenue-Suite 200

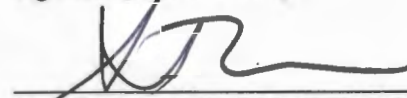
Long Island City, NY 11103

(718) 204-1500

TO:

Attorneys for Defendant

Signature (Rule 130-1.1a)



STEVEN T. LANE, ESQ. (STL 5113)

Service of a copy of the within

Is hereby admitted.

Date,

Attorneys(s) for

Please take notice

NOTICE OF ENTRY

That the within is a (certified) true copy of an Order duly entered in the office of the Clerk of the within named court on

NOTICE OF SETTLEMENT

That a/an \_\_\_\_\_, of which the within is a true copy, will be presented for settlement to the Honorable \_\_\_\_\_, one of the Justices of the within named court, at \_\_\_\_\_, New York, on the \_\_\_\_\_ Day of \_\_\_\_\_, at 9:30 a.m.

Dated,

Yours, etc.,  
CONSTANTINIDIS & ASSOCIATES, P.C.  
Attorney for  
35-01 30<sup>th</sup> Avenue-Suite 200  
Long Island City, NY 11103  
(718)204-1500