

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESAR MARIN,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIE SASHA
BRUGAL Shield No.: 7856, POLICE OFFICER JOEY
RODRIGUEZ Shield No.: 25922 AND POLICE
OFFICER MICHAEL RODRIGUEZ Shield No.: 3088,

Defendants.

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Plaintiff, by his attorney, Jason L. Lopez, as and for his complaint hereby alleges as

follows:

Parties

1. Plaintiff CESAR MARIN presently resides and is domiciled in the State of New York.
2. Upon information and belief defendant the CITY OF NEW YORK (hereinafter "City") is a municipal corporation domiciled in the State of New York.
3. Upon information and belief, defendants DETECTIVE SASHA BRUGAL (hereinafter "Brugal"), POLICE OFFICER JOEY RODRIGUEZ (hereinafter "Rodriguez") and POLICE OFFICER MICHAEL RODRIGUEZ (hereinafter "Rodriguez") reside and are domiciled in the State of New York.

Jurisdiction - Venue

4. This action is brought pursuant to 42 U.S.C. §1983 and the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and the Constitution and

laws of the State of New York. This Court has subject matter jurisdiction over the federal claims pursuant to 28 U.S.C. §1331 and §1343(a)(3)(4).

5. Venue on this action lies in the Southern District of New York pursuant to 28 U.S.C. §1391 as the events giving rise to this action occurred in the Southern District.

General Allegations of Fact

6. Plaintiff presently resides in the Bronx, NY.

7. At all times relevant hereto, the City maintained, controlled and operated the New York City Police Department which is empowered under the laws of the State and City of New York to prevent, respond to and investigate crimes.

8. Upon information and belief, at all times relevant hereto, Detective Brugal was employed as a Police Officer by the New York City Police Department. As such, then Police Officer Brugal possessed the authority under the color of law to make arrests and investigate crimes committed in the City of New York.

9. Upon information and belief, at all times relevant hereto, Police Officers Joey Rodriguez and Michael Rodriguez were employed as Police Officers by the New York City Police Department. As such, Police Officer Joey Rodriguez and Michael Rodriguez possessed the authority under the color of law to make arrests and investigate crimes committed in the City of New York.

10. On February 7, 2013 plaintiff was lawfully inside of 1486 Bryant Avenue, Bronx, NY. Plaintiff was directed outside of his friend's apartment he was visiting at the building and was subsequently arrested by the defendants.

11. Upon exiting the apartment, Plaintiff was directed to go outside of the building without a jacket where he was searched by the defendants. Thereafter, Plaintiff was placed in

handcuffs and transported to a Precinct controlled and operated by defendants. Subsequently Plaintiff was transported to Bronx County Central Booking located at 265 E. 161st, Bronx, NY.

12. Plaintiff was charged under Bronx County Docket No.: 2013BX007947 with one count of Criminal Trespass in the Second Degree Penal Law §140.15(1), Criminal Trespass in the Third Degree Penal Law §140.10(a), Trespass Penal Law §140.05.

13. Thereafter, Plaintiff attended several court appearances pertaining to Bronx County Docket No.: 2013BX007947. Ultimately, the case was dismissed and sealed on November 15, 2013.

FIRST CAUSE OF ACTION
VIOLATION OF CONSTITUTIONAL RIGHTS PURSUANT TO 42 U.S.C. §1983

14. Plaintiff repeats, re-alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 13.

15. At all times pertinent hereto the defendants acted under color of law in connection with their false arrest and imprisonment of Plaintiff.

16. That on February 7, 2013 the defendants wrongfully seized, detained, searched, arrested and imprisoned plaintiff in violation of his constitutional rights including but not limited to violation of the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution in violation of his rights secured by the Constitution and laws of the State of New York.

SECOND CAUSE OF ACTION
FAILURE TO INTERVENE - 4TH AMENDMENT - PURSUANT TO 42 U.S.C. §1983

17. Plaintiff repeats, re-alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 16.

18. Members of the New York City Police Department have an affirmative duty to assess the constitutionality of interactions between their fellow members of service and civilians and to intervene where they observe another member of the New York City Police Department employing unjustified and excessive force against a civilian or falsely arresting a civilian. Defendants failed to intervene in the aforementioned conduct.

GENERAL DAMAGE

19. Plaintiff repeats, re-alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 18.

20. As a result of the actions and inactions of the defendants set forth herein, the plaintiff was caused to incur a violation of his civil and constitutional rights.

21. As a result of the actions of the defendants set forth herein, the plaintiff was caused to sustain shock, embarrassment, humiliation, and fear that prevents the plaintiff from engaging in and enjoying ordinary daily activities, nervousness, anxiety and stress. As such, the plaintiff seeks damages in the amount of seventy five thousand dollars (\$75,000).

22. This action falls within one of the exceptions set forth in C.P.L.R. Article 16.

PUNITIVE DAMAGES

23. Plaintiff repeats, re-alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 22.

24. The defendants actions as set forth herein rise to a level of wanton, reckless, malicious and intentional disregard of the plaintiffs civil and constitutional rights and as such the plaintiff herein requests that this court impose punitive damages as a result of said actions.

SPECIAL DAMAGES


25. Plaintiff repeats, re-alleges and incorporates herein by reference the allegations contained in paragraphs 1 through 23.

26. Plaintiff seeks to recover reasonable attorneys fees and costs associated with the prosecution of this civil action pursuant to 42 U.S.C. § 1988.

WHEREFORE, plaintiff demands judgment against the defendants for the amount in excess of the jurisdictional limits of the Court together with attorney's fees, interest, costs, and such other relief as the court may deem appropriate.

**Dated: New York, NY
June 23, 2016**

LAW OFFICE OF JASON LOPEZ
By: JASON L. LOPEZ



Attorneys for Plaintiff
325 Broadway, Suite 404
New York, NY 10007
(212) 964-4144

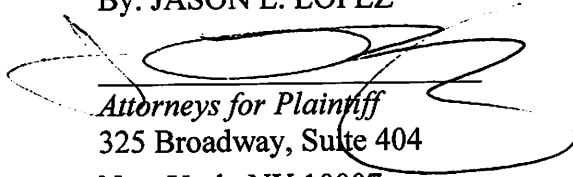
VERIFICATION

Jason Lopez an attorney dully admitted to practice law in the courts of the State of New York affirms the following under the penalty of perjury:

1. I am counsel to the plaintiff in the annexed action and as such am fully aware of the alleged facts that give rise to this action.
2. I have read the foregoing Amended Complaint and believe the same to be true to the best of my knowledge other than those matters stated to be upon information and belief.
3. This verification is being made by counsel as the plaintiff resides outside the county where counsel maintains his office.

Dated: June 23, 2016
New York, NY

LAW OFFICE OF JASON LOPEZ
By: JASON L. LOPEZ



Attorneys for Plaintiff
325 Broadway, Suite 404
New York, NY 10007
(212) 964-4144

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CESAR MARIN,

Plaintiff,

Index No. 15 CV8398(RMB)

-against-

THE CITY OF NEW YORK, POLICE OFFICER SASHA
BRUGAL SHIELD NO. 1392 POLICE OFFICER JOEY
RODRIGUEZ Shield No.: 25922 AND POLICE
OFFICER MICHAEL RODRIGUEZ Shield No.: 3088

Defendants.

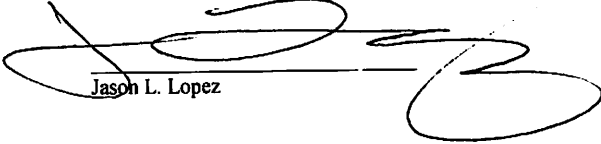
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AMENDED VERIFIED COMPLAINT

LAW OFFICE OF JASON LOPEZ
325 Broadway, Suite 404
New York, NY 10007
(212) 964-4144

The undersigned, an attorney admitted to practice in the courts of the State of New York, certifies that,
upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: June 23, 2016



Jason L. Lopez

Service of the within is hereby admitted
Dated:

Attorney(s) for