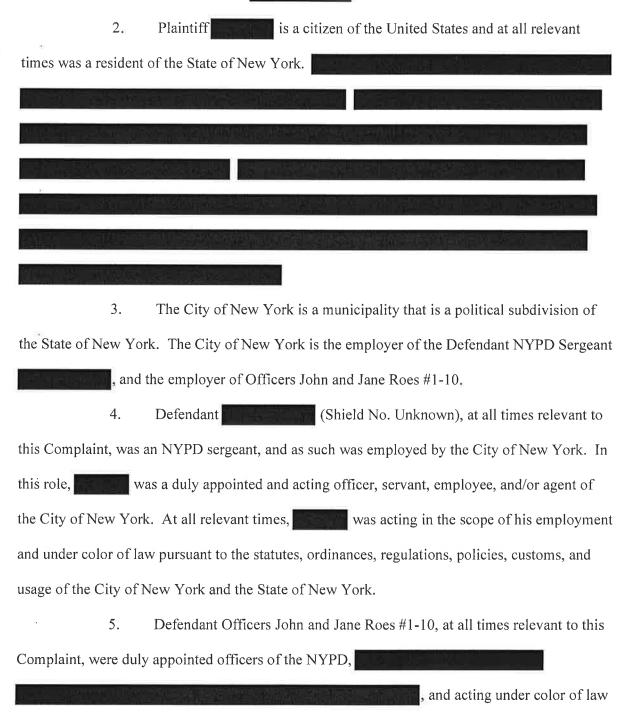
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	Ī
JOHN DOE,	
Plaintiff,	
v.	Case No. 22 Civ
THE CITY OF NEW YORK, NYPD SERGEANT RICHARD ROE, and NYPD OFFICERS JOHN AND JANE ROES #1-10,	
Defendants.	REDACTED COMPLAINT AND JURY DEMAND
PRELIMINARY S 1. This is a case about an hones	TATEMENT t man who was betrayed and abandoned by a
dishonest police officer. Plaintiff , a wor	king man with a family to support,
	Plaintiff was
jailed and was the subject of a base	eless felony charge
La Altin and Distration 1	Control devial of the 1th outer 1.0
in this case, Plaintill seeks rec	compense for the denial of his liberty and for

the serious injuries he suffered and continues to suffer with. He seeks an answer to the question: Why? He seeks justice.

THE PARTIES



york and the State of New York. At all times stated herein Defendant Officers John and Jane Roes #1-10 were acting within the scope of their employment. Defendant Officers John and Jane Roes #1-10 are being sued under fictitious names because their names are unknown at this time.

6. Defendants and Officers John and Jane Roes #1-10 are collectively referred to as "Defendant Officers."

JURISDICTION, VENUE & PROCEDURAL HISTORY

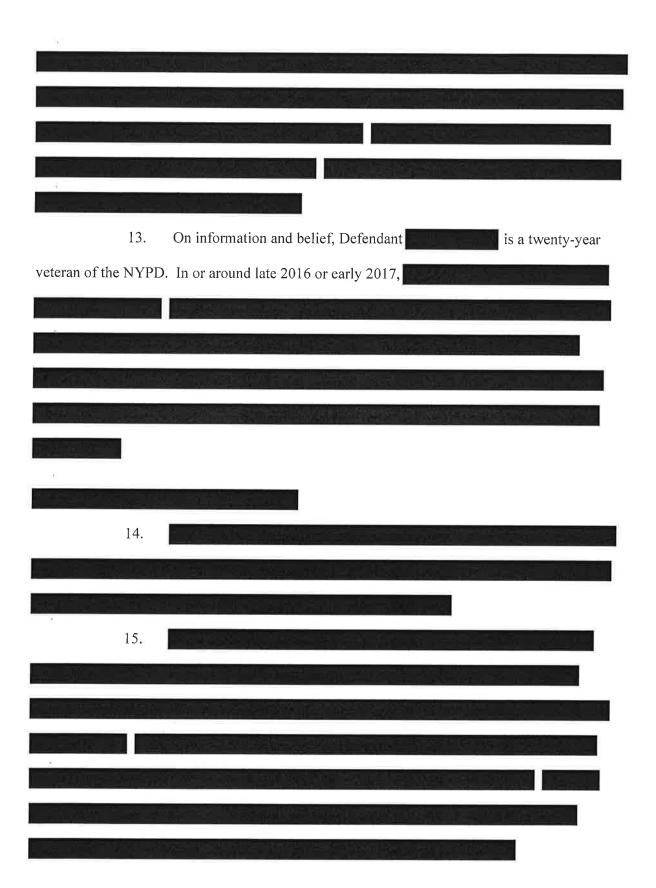
- 7. This action arises under the Fourth and Fourteenth Amendments to the United States Constitution, through 42 U.S.C. §§ 1983 and 1988, and New York State law.
- 8. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4), and 1367.
- 9. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the acts complained of occurred in the Southern District of New York.
 - 10. A Summons with Notice naming the City of New York,

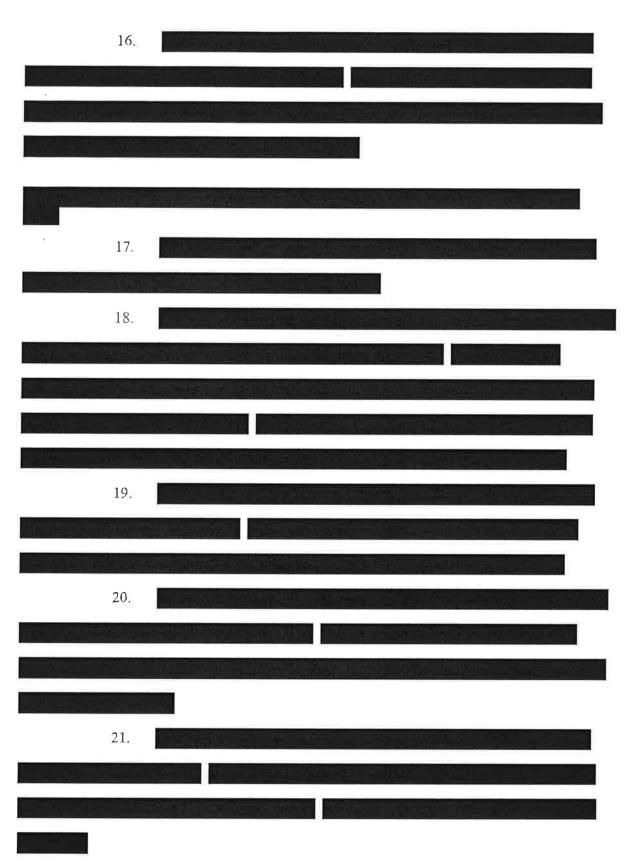
JURY DEMAND

11. Plaintiff demands trial by jury.

FACTUAL ALLEGATIONS

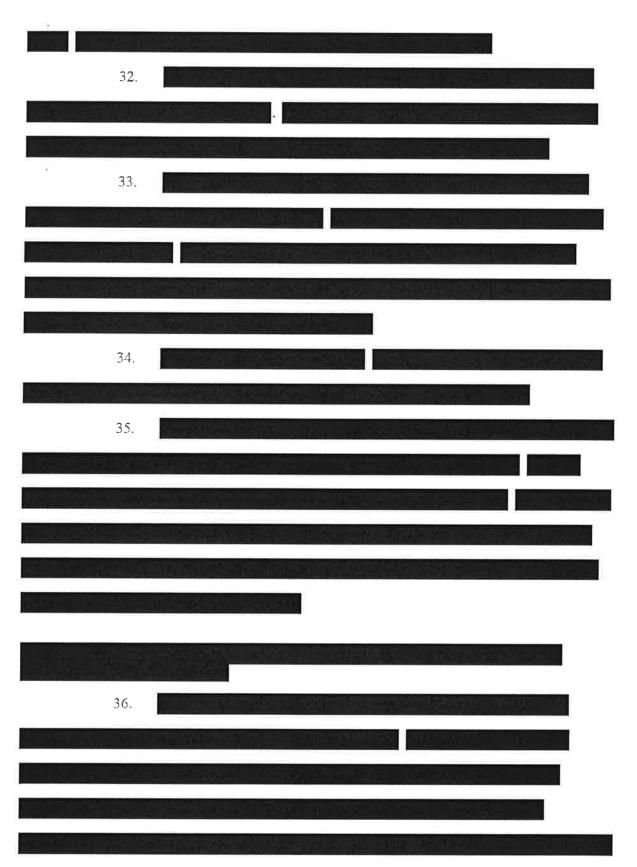
12. For five years,

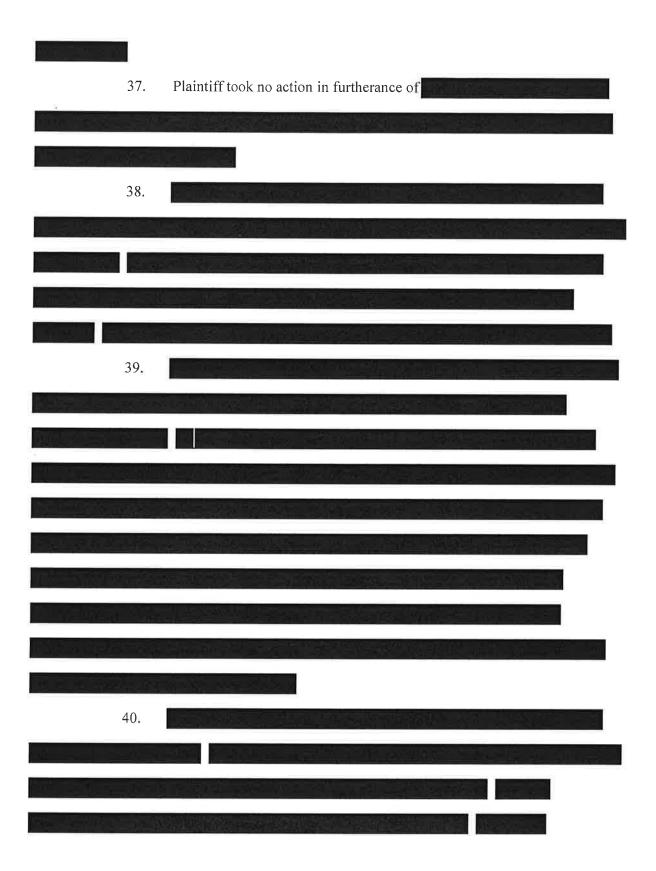


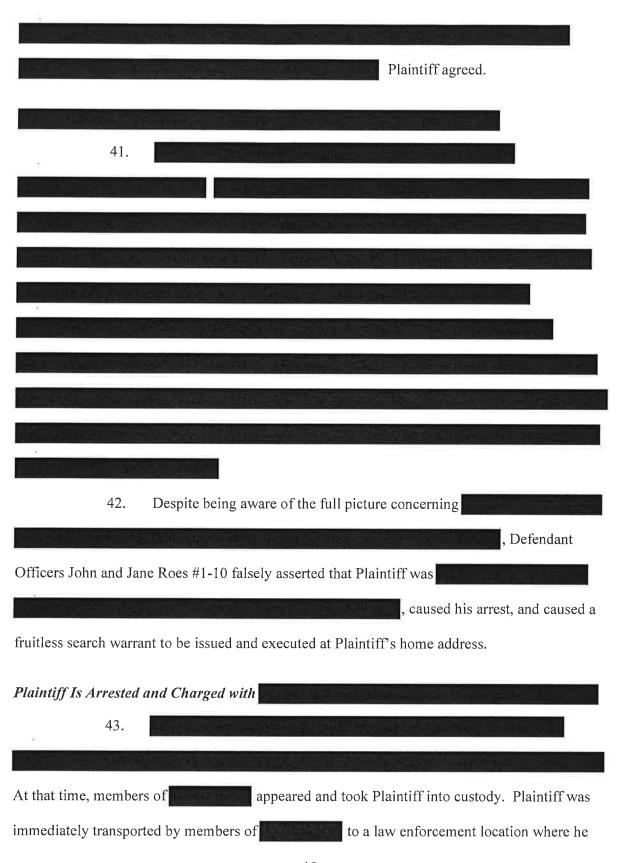


	The state of the s
22.	
571 1175	
23.	Cell phone records demonstrate that Plaintiff made multiple attempts to
	Cen phone records demonstrate that Flainth made mumple attempts to
reach	12일 다 어떤 사람이 가다면 그녀가 되었다고 하는 것이다.
1 v, im;	
24.	
	Plaintiff complied with that direction.
25,	[요즘에 그리고 있다면 되었다고 하다 그 보고 나는 사람들이 그 살고
il soil a dia s	Service of the first of the service
26.	
	On information and belief, when he
14	
was assigned to	, the Detective worked on with other law
enforcement office	rs, Defendant Officers John and Jane Roes #1-10, whose names are not yet
known.	
27.	, in or around , the Detective

began monitoring cell phone.	
28. On information and belief, the Detective received information from	
(4) 以中国企业、中国企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企业、企	
Specifically, in or around the Detective learned from	I
On information and belief, the	
Detective conferred with other law enforcement personnel to confirm	
29. knew the identity of and had previously discussed	
with Plaintiff, having, on information and belief, learned of it	
from the Detective.	
30. On information and belief, was aware of the work of	
and was informed, probably by the Detective, of	
Despite this knowledge, and despite having also)
been informed by Plaintiff about	
took no steps to ensure that senior officials with	r
the NYPD knew that	
31.	
I SHIM IS BUT THE WELL AND LIKE BOOK OF WAR TO THE STATE OF THE COLUMN	I
	_







was formally as	rreste	d and interrogated on videotape by members of
- 14 / Marie	, kon	
	50	
5 n		On information
and belief,		was not present during the arrest or interrogation.
4	44.	On On Plaintiff was arraigned and held without bail. He
pled not guilty	to	
		, and
	45.	On or around the same and the charges related to
MIGH BUS	w Fil	
—an outcor	ne coi	nsistent with Plaintiff's assertions, since his arrest,
Arro Histor		
k s m sá litera		
4	16.	On Plaintiff was
	W 31	
us a share the a	Se int	He was arraigned on pled, pled
not guilty, and w	vas re	manded into New York City Department of Correction ("DOC") custody
without bail.		The second secon
Revea	ds Soi	ne Evidence of Plaintiff's Innocence—But Not All of It
4	7.	On or around , in a proffer session with his counsel and

Special Narc	otics Pr	osecutors ("SNPs"), Plaintiff again explained that
	liv si	THE REPORT OF THE PROPERTY OF
	18,411,	
*	48.	was present during the proffer session and, at
that point, for	r the fir	st time, turned over to the prosecution the
	W.	
EX7.55 (5)	2,000	
	49.	Critically, however, intentionally concealed and failed and
refused to ack	cnowled	dge and disclose the fact or contents of his call with
Plaintiff,	1,000	
	50.	In or around , Plaintiff was charged
Etal Alig	100 (%)	He was held in
DOC custody	on this	charge until being released on bail in Real 2011. Plaintiff remained under a
felony charge	IN T	
	51.	Plaintiff's arrest, detention, and being subject to a felony charge are a
direct result o	f	intentional and unlawful suppression of exculpatory evidence
demonstrative	of Plai	ntiff's innocence.
	la al -	_
's Di	sclosur	
	52.	On or about disclosed for the first time, to a

Plaintiff had in fact
This was just as Plaintiff had
rest.
On this basis, on or about the same of the
laintiff.
ree, Has Been Injured Beyond Measure
Plaintiff's unlawful and prolonged detention was caused by
awful failure to disclose, prior to
As a direct result of suppressing exculpatory evidence, Plaintiff
basic of his constitutional and fundamental human rights: his liberty.
Moreover, Plaintiff has now been permanently and unfairly associated
, and he and his family have suffered insurmountable
this sordid tale.
this sordid tale.
this sordid tale. actions constituted outrageous conduct and demonstrated a
this sordid tale. actions constituted outrageous conduct and demonstrated a to and willful disregard of Plaintiff's federal and state protected rights.
this sordid tale. actions constituted outrageous conduct and demonstrated a to and willful disregard of Plaintiff's federal and state protected rights. As a direct and proximate result of actions, Plaintiff suffered

59. The acts of were reckless, willful, wanton, and malicious, thus entitling Plaintiff to an award of punitive damages.

FIRST CAUSE OF ACTION

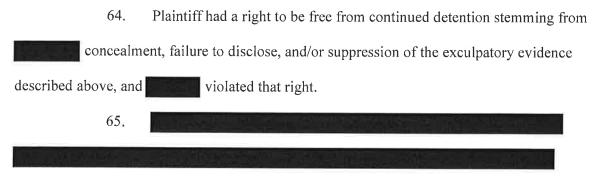
42 U.S.C. § 1983 – Fourth/Fourteenth Amendments
Excessive Pre-Trial Detention
(Against Defendant)

60. Plaintiff repeats and realleges the above paragraphs as if the same were fully set forth at length herein.

61. communications with Plaintiff concerning
were exculpatory evidence that undisputedly showed Plaintiff's innocence,
Had this exculpatory evidence not been concealed, and had it been promptly
disclosed to the prosecution, Plaintiff's detention would have terminated sooner and the
indictment promptly dismissed in its entirety—as, in fact, it was dismissed after this exculpatory
evidence was disclosed.
62. suppressed and failed to disclose to the prosecution his
communications with Plaintiff for Description During that period
Plaintiff remained in custody for nearly a year, despite Plaintiff's protestations since his arrest
that The Control of t
63. concealment, suppression, and/or failure to turn over
exculpatory evidence to the prosecution, engaged in under color of state law, violated rights
secured to Plaintiff by the Constitution of the United States of America including, inter alia,
Plaintiff's Fourth and Fourteenth Amendment right to be free from continued detention after it

was or should have been known that Plaintiff was entitled to release, as articulated in Russo v.

City of Bridgeport, 479 F.3d 196 (2d Cir. 2007).



- 66. Based upon the length of Plaintiff's detention in this matter and the suppression of the evidence against Plaintiff, Plaintiff's constitutional right to be free from an extended pre-trial restraint of liberty following arrest has been violated.
- 67. conduct in this regard was so egregious and outrageous as to shock the conscience.
- 68. As a direct and proximate result of misconduct and abuse detailed above, Plaintiff sustained the damages hereinbefore alleged.

SECOND CAUSE OF ACTION

42 U.S.C. § 1983 – Fourth/Fourteenth Amendments
Malicious Prosecution
(Against All Defendant Officers)

- 69. Plaintiff repeats and realleges the above paragraphs as if the same were fully set forth at length herein.
- 70. Defendant Officers caused the initiation of criminal proceedings against Plaintiff.
 - 71. Plaintiff was wrongfully, unlawfully, and unjustifiably charged for

at the instigation of and other unknown Defendants.

72. Defendant Officers mishandled, concealed, omitted, and/or suppressed

exculpatory evidence, that if taken into account, would have voided probable cause for Plaintiff's arrest.

- 73. The conduct of Defendant Officers in mishandling, concealing, omitting, and/or suppressing exculpatory evidence proximately caused Plaintiff's detention and loss of liberty.
- 74. Defendant Officers acted under pretense and color of state law. Said acts by Defendant Officers were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers.
- 75. Defendant Officers acted with malice, and knew or were deliberately and recklessly indifferent to the truth that they lacked probable cause to arrest and prosecute Plaintiff, and to deprive Plaintiff of his constitutional rights secured by 42 U.S.C. § 1983, and by the Fourth and Fourteenth Amendments to the United States Constitution.
- 76. On or about the prosecution terminated in Plaintiff's favor when the indictment brought against Plaintiff was dismissed.
- 77. As a direct and proximate result of the conduct of Defendant Officers in mishandling, concealing, omitting, and/or suppressing exculpatory evidence, Plaintiff sustained the damages hereinbefore alleged.

THIRD CAUSE OF ACTION

Common Law False Imprisonment (Against All Defendant Officers)

- 78. Plaintiff repeats and realleges the above paragraphs as if the same were fully set forth at length herein.
 - 79. Defendant Officers wrongfully and illegally detained Plaintiff.
- 80. The wrongful, unjustifiable, and unlawful detention of Plaintiff were carried out without any basis, without Plaintiff's consent, and without probable cause.

- 81. No reasonable officer would have believed there was probable cause to arrest Plaintiff under these circumstances.
- 82. Plaintiff was unlawfully, wrongfully, and unjustifiably deprived of his liberty and falsely charged. At all times, the unlawful, wrongful, and false detention of Plaintiff was without basis and without probable cause.
 - 83. All this occurred without any fault or provocation on the part of Plaintiff.
- 84. Defendant Officers acted with a knowing, willful, wanton, grossly reckless, unlawful, unreasonable, unconscionable, and flagrant disregard of Plaintiff's rights, privileges, welfare, and well-being, and are guilty of egregious and gross misconduct toward Plaintiff.
- 85. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiff sustained the damages hereinbefore alleged.

FOURTH CAUSE OF ACTION

Common Law Malicious Prosecution (Against All Defendant Officers)

- 86. Plaintiff repeats and realleges the above paragraphs as if the same were fully set forth at length herein.
- 87. Defendant Officers caused the initiation of criminal proceedings against Plaintiff.
- 88. Plaintiff was wrongfully, unlawfully, and unjustifiably indicted for at the instigation of Defendant Officers.
- 89. Defendant Officers mishandled, concealed, omitted, and/or suppressed exculpatory evidence, that, if taken into account, would have voided probable cause for

Plaintiff's arrest.

- 90. The conduct of Defendant Officers, in mishandling, concealing, omitting, and/or suppressing exculpatory evidence, proximately caused Plaintiff's detention and loss of liberty.
- 91. Defendant Officers acted beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers.
 - 92. Defendant Officers acted with malice.
- 93. On or about the prosecution terminated in Plaintiff's favor when the indictment brought against Plaintiff was dismissed.
- 94. As a direct and proximate result of the conduct of Defendant Officers in mishandling, concealing, omitting, and/or suppressing exculpatory evidence, Plaintiff sustained the damages hereinbefore alleged.

FIFTH CAUSE OF ACTION

Respondeat Superior
(Against City of New York)

- 95. Plaintiff repeats and realleges the above paragraphs as if the same were fully set forth at length herein.
- 96. This is a cause of action against the City of New York, based upon the conduct of Defendants and Officers John and Jane Roes #1-10 in their capacities as employees acting within the scope of their employment with the City of New York.
- 97. At all relevant times, Defendants and Officers John and Jane Roes #1-10 were employees of the City of New York, acting for, upon, and in furtherance of the business of their employer and within the scope of their employment.
- 98. Consequently, the City of New York is liable for the state-law torts of false imprisonment and malicious prosecution under the doctrine of *respondeat superior*.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

- a. Compensatory damages against all Defendants in an amount to be determined at trial;
- b. Punitive damages against Defendant Officers in an amount to be determined at trial;
 - c. Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
 - d. Such other and further relief as this Court may deem just and proper.

Dated: New York, New York

March 29, 2022

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Andrew G. Celli, Jr. Nairuby L. Beckles

600 Fifth Avenue, 10th Floor New York, New York 10020 (212) 763-5000

Attorneys for Plaintiff