

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
THEODORE E. LORIA**

Plaintiff

**COMPLAINT
CIV. NO.:**

**DEMAND FOR
A JURY TRIAL**

-VS-

CITY OF ROCHESTER, Chief James M. Sheppard individually and in his capacity as Police Chief for the City of Rochester, Tactical Sergeant Soto individually and in his capacity as a police officer for the City of Rochester, Tactical Officer (unknown) Jimenez ID # 1964 individually and in his capacity as a police officer for the City of Rochester, and other John Doe members of the RPD Tactical Unit and/or officers individually and in their capacity as police officers for the City of Rochester,

Defendants.

Plaintiff, by and through his attorney John R. Parrinello, Esq., as and for his Complaint against the Defendants, alleges as follows:

PARTIES

1. At all times hereinafter mentioned, Plaintiff was, and still is a resident of the County of Monroe and State of New York.
2. Defendant, City of Rochester, is a municipal corporation established pursuant to the laws of the State of New York, with offices located in the City of Rochester, New York.

3. At all times hereinafter mentioned, Defendants are employed by the City of Rochester as a police officers and acted under color of State Law.

SUBJECT MATTER JURISDICTION

4. This is an action for damages pursuant to the provisions 42 USC section 1983 and 1985, and by reason thereof the court has jurisdiction pursuant to the provisions of 28 USC section 1343.

FACTS

5. On April 1, 2012, at about 12:30 a.m. Plaintiff entered the 24 hour Dunkin Donuts in Seneca-Ridge Plaza. While at the counter ordering his coffee Plaintiff noticed two Rochester police officers sitting at the left rear table talking. The officers glanced at Plaintiff then went back to talking, the officers again glanced back at Plaintiff and returned to talking. Plaintiff then got his coffee and left the premises.

6. About 15 minutes later at approximately 1:00 a.m. as part of Plaintiff's regular employment, Loria was transporting a 2009 Red Chevrolet SUV ("Equinox") from West Ridge Rd., Greece, N.Y. to a dealership on West Henrietta Rd., in Brighton N.Y. as part of his job. The Equinox had both headlights working and was equipped with dealer plates.

7. While traveling on Hudson Ave., in the City of Rochester, N.Y. Plaintiff was unlawfully stopped by a RPD police vehicle near 766 Hudson Avenue, and Wilkins St. in the City of Rochester.

8. As Plaintiff was stopping, Plaintiff noticed that there were three police vehicles stopped behind him. Six (6) officers, with guns drawn approached Plaintiff's vehicle.

9. Plaintiff was frightened and placed both his hands on the top of the steering wheel, and remained very still. One of the officers later identified as Officer Jimenez ID # 1964, ("Jimenez") told Plaintiff to roll down the "fucking" window. Frightened to move, Plaintiff told Jimenez the window control button was down low in the center console.

10. Jimenez told Plaintiff to "fucking move slowly and lower the window," which Plaintiff did. Plaintiff noticed that the officers were members of the ("special") RPD Tactical Unit. Jimenez then asked for Plaintiff's driver's license at which point Plaintiff advised Jimenez that it was in Plaintiff's wallet which was located in his left rear pocket. Then Jimenez told Plaintiff to reach for it "very slowly" or Plaintiff would be "dead," which Plaintiff did and produced it for Jimenez.

11. Jimenez then asked Plaintiff where Plaintiff was coming from. Plaintiff advised Jimenez that he was invoking his Constitutional Rights to remain silent and not answering any questions. Jimenez then threatened Plaintiff saying “how would you like me to rip you out of the car and beat your fucking ass?”

12. At that point another RPD officer, unidentified, while pointing his weapon at Plaintiff, told Plaintiff to very slowly unbuckle the seat belt and don’t make any sudden moves or Plaintiff would be “dead,” and to slowly get out of the vehicle, which Plaintiff did. The officer then forcibly took Plaintiff to the rear of the Equinox with one of the other unidentified officers, handcuffed and searched Plaintiff. The officer emptied all Plaintiff’s pockets and then asked Plaintiff if he had any weapons on him or in the car. Plaintiff advised the officer that the officer knew that Plaintiff didn’t have any weapons on him because he had already been searched. The unidentified officer then indicated he would search the car, at which time Plaintiff asked if the officer had a warrant to search the vehicle. The officer replied that he didn’t need a “fucking” warrant.

13. After the vehicle was searched, Plaintiff was released from the handcuffs and placed back in his vehicle. At that point Plaintiff called 911 and asked for a supervisor to lodge a complaint about the incident and his treatment.

14. Tactical Sergeant (“Soto”) came to the location, spoke to the officers and told Plaintiff that he had no valid complaint, essentially because it was Plaintiff’s word against the officers’ word.

15. Plaintiff was then ticketed for a defective headlight and for violating V&T Section 415 (8), misuse of dealer or transporter plates. The “misuse” according to Officer Jimenez ID # 1964, was using dealer plates after business hours.

16. Plaintiff asked Officer Jimenez ID # 1964 for a “Defective Equipment Form” for the headlight which RPD regularly provides, Jimenez refused. That form is used to verify that repairs to equipment violations have been corrected, and if properly completed within 24 hours of issuance of an equipment citation, will form the basis for dismissal of said traffic violation.

17. When Plaintiff was originally stopped, there were two civilian witnesses across the street. Plaintiff strongly believes that if not for those witnesses, he would have been killed.

18. On June 18, 2012, at 1:00 p.m. Plaintiff appeared for trial with his attorney John R. Parrinello in DMV Traffic Court at 16 East Main Street. Plaintiff pleaded not guilty to the ticket charging Loria with misuse of dealer or transporter plates and proceeded with the hearing at which time the DMV Judge called for Officer Jimenez who issued the ticket to testify. Officer Jimenez did not appear at said hearing. The DMV judge dismissed the charge.

19. Prior to this incident, Plaintiff was regularly subjected to police harassment, assaults, false arrests and misconduct, whenever he had any interaction with the Rochester N.Y. Police Department.

20. On January 7, 1994, at approximately 1:00 a.m. a Sergeant Eric Weaver and Officer David Joseph, along with other members of the Rochester Police Department responded to a complaint of Criminal Mischief in the Fourth Degree at one, Frank Marcello, Jr.'s home, in the City of Rochester.

21. Marcello alleged that Plaintiff threw two bricks at his house, breaking the glass in two windows and left the area.

22. Although this alleged incident occurred five to ten minutes before Sergeant Weaver and Officer Joseph arrived, no bricks were found by Sergeant Weaver or Officer Joseph, and Plaintiff was not in the area.

23. Sergeant Weaver and Officer Joseph then drove to Plaintiff's home, located in the Town of Irondequoit, where they were joined by other City police officers.

24. An arrest warrant was not obtained, even though Sergeant Weaver and Officer Joseph intended to arrest Plaintiff.

25. Even though Sergeant Weaver and Officer Joseph knew that they were out of their jurisdiction and that for a property crime arrest they needed an arrest warrant, nor did any exigent circumstances exist, they came to Plaintiff's home, where he lived with his mother, at a property owned by Plaintiff's sister.

26. The home had a gated fence at the front of the house, which had a "do not trespass" sign and a "Beware of Dog" sign. Sergeant Weaver and Officer Joseph along with other officers entered the fenced area, after Sergeant Weaver sprayed mace in the face of Plaintiff's dog who was inside the fenced area.

27. As Plaintiff took the blinded dog into the house, Sergeant Weaver and Officer Joseph with the other officers entered the fenced area, came to a closed side door of the house, and started banging on the door.

28. Plaintiff's mother told Sergeant Weaver and Officer Joseph with the other officers to stop banging, and asked if they had a warrant. When she found out that they had no warrant, she asked them to leave the premises.

29. Sergeant Weaver said that they did not need a warrant, and with Officer Joseph and the other officers entered the house through a partially opened window.

30. After Sergeant Weaver and Officer Joseph with the other officers entered the house, they forcibly handcuffed Plaintiff, beat him up, assaulted and battered him, kidnapped him, and arrested him on a number of charges of Criminal Mischief in the Fourth Degree and Resisting Arrest in the Third Degree, to cover up the incident. All the charges were later dismissed.

31. An action (1st) # 97-CV-6058L, against Sergeant Eric Weaver, Officer David Joseph and the City, based on these events, was settled by the City of Rochester on February 17, 1998.

32. About three years later, on April 17, 1997, Plaintiff's former girlfriend Latrelle Mosley complained to the police that Plaintiff damaged her car at a church's parking lot.

33. The claim was false as the ex- girlfriend was not present when the damage occurred to her car.

34. On April 17, 1997, when Plaintiff's ex-girlfriend called the police to report the damage to her car, an Officer Hernandez arrived. At that time, she told the officer that Plaintiff had struck the vehicle with his blue jeep.

35. The next day, on April 18, 1997, Plaintiff was a passenger in his own white van when he arrived at a convenience store.

36. On that day, Plaintiff's ex-girlfriend called the police again to complain of alleged harassment by Plaintiff.

37. Investigator Dale Feor approached Plaintiff, and stated that he was investigating whether Plaintiff was involved in a vehicular accident the day before on April 17, 1997.

38. Plaintiff denied that any such accident was caused by him, and gave Investigator Feor the names of several persons with whom he had dinner on April 17, 1997, at the alleged time and place that such accident occurred.

39. Plaintiff also told Investigator Feor that the complainant was an ex-girlfriend who falsely accused him of such an incident.

40. At that time, Investigator Feor stated that he was going to charge Plaintiff with Aggravated Unlicensed Operation of a Motor Vehicle in the Second Degree, as he had no driver's license and drove to the convenience store.

41. Plaintiff stated that he was a passenger in the van, and the driver was inside the convenience store, and could verify that Plaintiff was not driving.

42. In response, Investigator Feor stated that: "You beat a case of mine ten years ago, I'm going to fuck you up, you scumbag."

43. At that time, Plaintiff was arrested by Investigator Feor and charged with Criminal Mischief in the Third Degree (felony), an Aggravated Unlicensed Operation of a Motor Vehicle in the Second Degree (misdemeanor), and Aggravated Harassment in the Second Degree (violation).

44. At that time, Investigator Feor arrived and filled out a supporting deposition for the ex-girlfriend.

45. However, at the time Investigator Feor prepared the supporting deposition for the ex-girlfriend, he filled only the first, third and fourth paragraphs, and left space for the second paragraph, which he told her he would fill in later, based on the police report which was issued the day before, which was given to him by the ex-girlfriend.

46. The ex-girlfriend believed Investigator Feor and signed the deposition.

47. Thereafter, maliciously and willfully, and in retaliation for losing a case he falsely brought against Plaintiff, Investigator Feor filled in false information in the supporting deposition above the ex-girlfriend's signature.

48. Specifically, Investigator Feor stated that Plaintiff drove his van into the driver's side of the ex-girlfriend's car.

49. To bolster the false account, Investigator Feor prepared a false supporting deposition, in which he stated that he observed red paint on the passenger door of the van, which appeared to resemble the paint of the victim's vehicle, and that Plaintiff's passenger side mirror on the van also appeared to have been recently torn from the outer door.

50. Inasmuch as Investigator Feor was an experienced investigator, he should have known that the van's mirror could not have been damaged in any accident involving the ex-girlfriend's car, which was a 1995 Dodge Neon, whose roof was significantly lower than the van's mirror.

51. Thereafter, and with the intent of preventing Plaintiff from obtaining bail, Investigator Feor deliberately and without any basis, charged him with Criminal Mischief in the Third Degree(felony), and without any probable cause or reason charged him with Aggravated Unlicensed Operation of a Motor Vehicle in the Second Degree (misdemeanor), and Aggravated Harassment in the Second Degree (violation).

52. The charges were brought by Investigator Feor who knew, or should have known, that Plaintiff did not commit any of the crimes alleged.

53. The prosecution of Plaintiff was commenced without probable cause and with malice by Investigator Feor.

54. Plaintiff was imprisoned for a period of six days before he could finally be released.

55. As a result of the arrest, Plaintiff lost his job, was unable to find another job, lost his cars and other property, suffered severe emotional distress, in addition to being incarcerated for such a long period of time.

56. On June 20, 1997, a Monroe County Grand Jury refused to indict Plaintiff on the false charges and returned a No-Bill finding.

57. About ten months later, on February 11, 1998, Plaintiff received a letter from the Rochester Police Department's Internal Affairs Division which stated investigator Feor's conduct toward Plaintiff amounted to misconduct or misjudgment , and that Investigator Feor conducted an insufficient police investigation had also been sustained, and since Investigator Feor is no longer employed by the Rochester Police Department, no further action will be taken in the matter.

58. It did not come as a surprise that within ten months after Investigator Feor falsely arrested Plaintiff on April 18, 1997, he was no longer employed by the Rochester Police Department.

59. An action (2nd) # 98-6175CJS, against Investigator Feor and the City, based on these events was settled by the City of Rochester on May 20, 2003.

60. On August 31, 1997, Plaintiff was arrested by city police officers for allegedly stealing his ex-girlfriend Latrelle Mosley's car from an apartment complex on August, 21, 1997.

61. At the time Plaintiff was arrested, the arresting officers, and other city employees knew or should have known that Plaintiff could not have committed the crime, as the car was reported missing by Annie Mosley at 6:30 a.m. on August 21, 1997, approximately four hours before it was reported stolen by Latrelle Mosley at 10:30 a.m. on August 21, 1997.

62. The information was contained in a Police Report which was in the possession of Rochester Police Department's paralegal Debra Stritzel who prepared the fabricated deposition for an alleged witness.

63. Even though it was evident that Plaintiff did not and could not have removed the car from its location, the charges were still brought against Plaintiff.

64. On December 11, 1997, Plaintiff was convicted of stealing his ex-girlfriend's car, based on perjured testimony of a witness, who testified according to the information prepared for her by paralegal Debra Stritzel.

65. Plaintiff's conviction was reversed on January 24, 1998, when it became apparent that he could not have committed the crime, and that the City had the exculpatory information in its possession at the time Plaintiff was charged with the crime.

66. The false charges against Plaintiff for stealing his ex-girlfriend's car were dismissed, by Rochester City Court Judge Frank Geraci, on April 7, 1998.

67. The charges were brought against Plaintiff, even though the officers and paralegal Debra Stritzel, who brought the charges knew, or should have known, that Plaintiff did not and could not have committed the alleged crime.

68. The prosecution of the Plaintiff was commenced without probable cause and with malice by paralegal Debra Stritzel and police officers, who were acting within the scope of their employment as police officers for the City of Rochester.

69. As a result of the actions of paralegal Debra Stritzel and police officers, Plaintiff suffered humiliation, was incarcerated, was compelled to go to court, expend sums of money for his defense, lived under threat of going to jail for a crime he did not commit, and was otherwise damaged.

70. Also as a result of Plaintiff and his attorney Michael DiPrima exposing, to Rochester City Court Judge Frank Geraci on April 7, 1998, the corruption and misconduct by paralegal Debra Stritzel and the Rochester Police Department, they wanted “revenge” against Plaintiff very badly and it only took three (3) days for it to happen.

71. On April 10, 1998, Plaintiff attended a “vindication” party that his tenant Andre Green gave at 15 Weaver Street, Rochester, and Rochester City Police officers came to the home, and told one of the guests, who was outside, that the music was too loud.

72. The music was turned off, and was not turned back on again.

73. Approximately one-half hour later, police officers, including Officer Charles Gorman, Officer Mark Wiater and Officer Nitchman, came to the door of the house and asked for the owner.

74. When Plaintiff went to the door to prevent the officers from entering his tenant’s home without a warrant, Officer Gorman pushed the door back into Plaintiff’s face, grabbed him, took him outside and threw him against the hood of Plaintiff’s jeep.

75. Officer Gorman used so much force in throwing Plaintiff, that Plaintiff suffered a dislocated left shoulder, bruising of the rotator cuff and right arm, and also bruises and scratches on Plaintiff's left arm.

76. Plaintiff was then arrested without a warrant, probable cause and/or justification, and taken to Rochester General Hospital, and was falsely charged with Obstruction of Governmental Administration, and loud noise, all to cover up the assault, battery and use of excessive force on him again.

77. Plaintiff was handcuffed and taken to Rochester General Hospital, where his injuries were diagnosed and treated, and he was told that he would require surgery to repair the damage to his shoulder.

78. On April 11, 1998, Officer Mark Wiater gave Plaintiff an appearance ticket for loud noise.

79. The appearance ticket alleged that the noise was coming from Plaintiff's home at 4:15 a.m.

80. At that time, Plaintiff's house at 15 Weaver Street, was rented to a tenant Andre Green, and Plaintiff was not even in that location on that date.

81. On June 10, 1998, the April 11, 1998, charge of loud noise was vacated by a Municipal Court Judge, who determined that Plaintiff had no responsibility for the noise and that the tenant was responsible.

82. On April 18, 1998, Lieutenant Markert, who authorized the issuance of the appearance ticket to Plaintiff on April 10, 1998, unlawfully ordered police officers to block off Weaver Street between Joseph Avenue and Remington Street, so as to prevent guests from coming to Plaintiff's rented home.

83. The blocking of the road was unlawful, and was done with the sole intent to harass Plaintiff and violate his constitutional right to freedom of association.

84. On April 25, 1998, Plaintiff invited guests to 15 Weaver Street, as he was spending the night there.

85. When two of the female guests left the residence in the early morning, they were stopped by police officers, whose identities are unknown at this time, and were threatened that if they ever came back to 15 Weaver Street, they would be arrested.

86. The women did not violate any laws at the time, and the purpose of the harassment was to interfere with Plaintiff's rights, and freedom of association.

87. On or about April 29, 1998, Plaintiff received a letter from the City of Rochester, advising him that an arrest warrant had been issued against him, charging him with having an open container of alcoholic beverage.

88. At no time did Plaintiff have an open container of an alcoholic beverage, either in his car or on his person, and the charges were false, made without probable cause and/or justification, and were made solely with the intent of harassing the Plaintiff.

89. When Plaintiff presented himself at the warrant unit, he was given an appearance ticket for noise 50 inches (sic) beyond property line, by Officer Vasquez.

90. No date for the violation was given nor the location of the alleged noise violation, and it was evident that the appearance ticket was given in bad faith.

91. The appearance ticket was supported by an information given under oath by Officer Nitchman, wherein he stated that on April 12, 1998, Plaintiff was in the house at 15 Weaver Street but refused to answer the door for the police.

92. On April 12, 1998, Plaintiff was not at 15 Weaver Street, and did not refuse to open the door, and Officer Nitchman knew at the time that he signed the information, that the information was false.

93. On June 30, 1998, Plaintiff was acquitted following a bench trial in Rochester City Court.

94. On May 3, 1998, two police cars were parked side-by-side on Weaver and Remington Streets, near Plaintiff's home, both facing traffic the wrong way with flashing lights, intending to intimidate guests from entering Plaintiff's home at 15 Weaver Street, even though there was no cause or justification for such action.

95. Indeed, a number of individuals who planned to come to Plaintiff's home on that day, decided not to do so, when they saw the police cars.

96. On May 16, 1998, three police cars were parked in a semi-circle with lights on in front of Plaintiff's rental house at 15 Weaver Street, again attempting to intimidate guests from coming to Plaintiff's rental house.

97. Also on May 16, 1998, Mary Welch who was heading to Plaintiff's rental house at 15 Weaver Street, was followed by an Officer Torres, who asked her where she was going and then told her that if she was intending to go to 15 Weaver Street, she was not permitted to attend parties there.

98. On May 30, 1998, at 6:30 a.m. Plaintiff was walking on Norton Street with his hands in his coat pockets and when at the intersection of Clinton Avenue and Norton Street, four (4) Rochester Police officers stopped Plaintiff with guns drawn on him, and two of the officers were Officer Wiater and Nitchman, who were involved in prior incidents with Plaintiff.

99. Officer Wiater told Plaintiff to take his hands out of his coat pockets or he would be "shot."

100. Plaintiff was then searched by Officer Wiater who went so far as to put his hand in Plaintiff's pants pocket and removed money, wallet, a pager, and set them on top of the police car.

101. Officer Wiater told Plaintiff that he was being stopped because he matched the description of a burglary suspect, whom Officer Wiater knew from the 911 call at the time he stopped Plaintiff, to be a black male, approximately 5' 7" to 5' 9" tall, while Plaintiff is white, and 5' 4" tall, which clearly made the stop of Plaintiff unlawful, as Plaintiff did not match the description of the burglary suspect, and was done simply to harass Plaintiff.

102. Plaintiff was detained unlawfully in Officer Wiater's police car for an hour, even though Officer Wiater knew who Plaintiff was, Wiater's still asked Plaintiff for identification, knowing that Plaintiff did not have a driver's license.

103. When Plaintiff was unable to produce any identification, Officer Wiater threatened Plaintiff with arrest for not carrying any identification, even though no citizen in this country is required by law to carry identification.

104. On June 10, 1998, Plaintiff appeared in Municipal Court to answer the false charge of loud noise (violation), by Officer Wiater on April 11, 1998, were dismissed after Judge William Labue said that Plaintiff had no responsibility for the loud noise at his rental house at 15 Weaver Street on said date of April 11, 1998, and that Plaintiff's tenant Andre Green was responsible for the loud noise.

105. After Judge Labue said that Plaintiff was not guilty for the loud noise (violation), Officer Wiater threatened Plaintiff by telling him, "your dead."

106. This threat came only two (2) weeks after Officer Wiater unlawfully and unnecessarily aimed a gun at Plaintiff at the convenience store on May 30, 1998.

107. Directly after court on June 10, 1998, Plaintiff went to the N.E.T. Office on Norton Street, to complain about the threat made against his life by Officer Wiater earlier that day after court, and Lieutenant Cruz told Plaintiff that he, Lieutenant Cruz, will see to it that no more parties are given at Plaintiff's rental house at 15 Weaver Street, even though, the tenant Andre Green and/or Plaintiff, had a constitutional right to entertain their friends in their house at any time of the day or night, as long as they did not make excessive loud noise.

108. On June 30, 1998, the false charge of loud noise (violation), by Officer Nitchman on April 12, 1998, was tried in Rochester City Court before Judge Theresa Johnson who acquitted Plaintiff after a bench trial.

109. On July 29, 1998, at about 8:30 p.m. Plaintiff was going into a store at the corner of Weaver Street and Joseph Avenue, and two (2) Rochester Police officers were outside the store on bicycles and saw Plaintiff go into the store.

110. When the officers saw Plaintiff enter the store, they left, and rode their bicycles to plaintiff's rental house at 15 Weaver Street, and one of the officers was Officer E. Smith.

111. As the officers approached Plaintiff's rental house, they saw an individual, John Nelomes, who occasionally stays at Plaintiff's rental house with Andre Green, sitting on the front porch, and they asked John Nelomes what he was doing there, and they asked him with whom he was living with and he said that he was living with Andre Green, but the owner of the house is Teddy Loria.

112. At that time, the officers, without any probable cause and/or justification, searched John Nelomes and also asked him if the owner Teddy Loria was the Italian guy they just saw at the corner store on Weaver Street and Joseph Avenue.

113. Plaintiff arrived at his rental house at 15 Weaver Street, as John Nelomes' search was going on, and the officers stopped searching John Nelomes when they saw Plaintiff.

114. Plaintiff asked them to leave his property if they had no warrant, and they immediately left Plaintiff's property.

115. On August 7, 1998, Plaintiff asked John Nelomes to stay around his rental house, and clean up the yard, and also watch the house.

116. After John Nelomes cleaned up the yard, he then sat on a chair, in the driveway, on Plaintiff's property.

117. While John Nelomes was sitting on the chair in Plaintiff's driveway on August 7, 1998, an individual named Andre Nesmith, who was riding his bike on Weaver Street, saw John Nelomes sitting on a chair in Plaintiff's driveway, and stopped approximately thirty (30) ft. from Plaintiff's rental house to talk to John Nelomes.

118. Within minutes, two Rochester City Police officers in a police car came driving up and pulled Andre Nesmith off his bike and searched him, without probable cause and/or justification.

119. Andre Nesmith was placed in the back of the police car, and then one of the officers walked into Plaintiff's backyard, without a warrant, probable cause and/or justification, and after about five minutes came back to the police car in the street with a leather coat, and he then shook the leather coat, trying to get things to fall out of it.

120. In the leather coat, there was a cup and the officer took the cup out, and shook it and some things came out of the cup onto the police car.

121. The officer then told his partner that he thought that they had something.

122. Plaintiff believes that an attempt was made to try and claim that Plaintiff had drugs on his rental property at 15 Weaver Street, and then charge him with that crime, but such was not done, because the officers became aware of the presence of John Nelomes.

123. Plaintiff became very upset at this turn of events, and at the actions of the Rochester City Police officers, and as a result was afraid to go to his rental house and was also afraid to leave his rental house.

124. On August 16, 1998, the charges of Obstruction of Governmental Administration in the Second Degree (misdemeanor), and Loud Noise (violation), issued by Officer Charles Gorman on April 10, 1998, were found to be without probable cause and were dismissed by Rochester City Court Judge Frank Geraci.

125. As a result of the actions and/or omissions of the Rochester City Police officers, and the City of Rochester, Plaintiff was required to expend sums of money for his legal defense, suffered severe emotional distress, and was in great fear for his life and safety on behalf of the Rochester City Police Department.

126. Plaintiff complained to the City of Rochester and the Internal Affairs Division of the Rochester Police Department on numerous occasions about the incidents, but to no avail.

127. An action (3rd) # 98-6355CJS, against Officer Charles Gorman, other police officers and the City, based on these events was settled by the City of Rochester on May 2, 2003.

128. On August 21, 1998, Plaintiff felt so helpless regarding all the harassment by the Rochester Police Department, that he filed an Order To Show Cause Motion requesting U.S. District Judge Charles Siragusa for a hearing to issue a permanent federal injunction (“restraining order”) against the City of Rochester, its agents, servants, employees, and/or police officers prohibiting them from:

1. Entering onto plaintiff’s properties located at 15 Weaver Street, Rochester, New York and 1848 North Goodman Street, Rochester, New York, without a warrant, and

2. Entering onto Plaintiff's properties with a warrant, without videotaping their actions from the moment of entry to the moment of exit, so there are no more assaults, batteries, and use of excessive force on Plaintiff, by Rochester Police officers, and

3. Enforcing a warrant at Plaintiff's properties without the presence of a member of the New York State Police, a Monroe County Sheriff, or an Irondequoit Police Department officer.

128. On August 22, 1998, U.S. District Judge Charles Siragusa signed the Order To Show Cause Motion, and set a hearing date for September 8, 1998.

129. It appears that the Rochester Police Department decided to escalate its activities since U.S. District Judge Charles Siragusa signed the Order To Show Cause Motion, and their actions demonstrated the absolute need for a restraining order, because six (6) days later:

130. On August 28, 1998, at approximately 11: 15 a.m. while Plaintiff was standing in his driveway of his rental house at 15 Weaver Street, talking to John Nelomes, who was sitting on a chair also in Plaintiff's driveway, when Rochester City Police Officer Anthony Zapata drove down Weaver Street, slowed down when he reached Plaintiff's house, looked at Plaintiff and John Nelomes, and went as far as Remington Street, turned, and then he returned and stopped in front of 19 Weaver Street.

131. Then Officer Zapata got out of his police car, and as he was walking up Plaintiff's driveway, Plaintiff asked Officer Zapata if he had a warrant, and Officer Zapata said he did not need a "fucking" warrant.

132. Then without any provocation, Officer Zapata wrapped his arms around Plaintiff and forced him against the side of his rental house.

133. Then Officer Zapata put his hands in Plaintiff's pants pocket and removed Plaintiff's pager and money.

134. As Officer Zapata was searching Plaintiff, Plaintiff lost his balance and tried to steady himself by putting his hand on John Nelomes shoulder, as he was standing very close to John.

135. Then Officer Zapata let go of Plaintiff, and grabbed John Nelomes' hand, in which he had a cigar wrapper.

136. Officer Zapata grabbed John Nelomes wrist with great force, so as to force him to open his hand so Officer Zapata could see what John Nelomes was holding, and when he saw that it was only a cigar wrapper, he let Nelomes' hand go.

137. Then Officer Zapata took the wrapper and a cigar John Nelomes was smoking, and never returned them to him.

138. Thereafter, Officer Zapata grabbed Plaintiff again, and pulled him by the arm to the police car, forcing Plaintiff against the back door of the police car.

139. Officer Zapata made Plaintiff put his hands up against the roof of the police car, and told Plaintiff not to move, and searched Plaintiff.

140. Officer Zapata then went back to John Nelomes, grabbed him by the arm and also put him up against the back of the police car with Plaintiff.

141. Then Officer Zapata made John Nelomes put his hands up against the roof of the police car, and told him not to move, then Zapata searched John Nelomes for the first time.

142. Then Officer Zapata grabbed John Nelomes by the arm again and put him inside the police car.

143. Then Officer Zapata grabbed Plaintiff by the arm again and also placed him in the police car, he kept John Nelomes in the police car for 25 minutes, and kept Plaintiff in the police car for an hour. ("60 minutes")

144. After Plaintiff and John Nelomes were placed in the back of the police car, Officer Zapata raised the windows so that no air could get in the car, closed the doors, and walked into Plaintiff's backyard.

145. Then Officer Zapata returned to the front of Plaintiff's rental house, and started searching underneath the front porch, and then went to the back of the police car, opened the trunk, removed a clipboard, closed the trunk and called to a young woman, who was watching from across the street at 16 Weaver Street, to come over.

146. The young woman, Bridgette Terry, did not want to come over, but Officer Zapata yelled at her to come over right away if she did not want to be arrested , and so she came over and spoke to Officer Zapata.

147. Then Officer Zapata prepared a police report and requested that Bridgette Terry sign it, and then Plaintiff yelled at Bridgette and told her not to sign the police report without her parents presence if she don't want to, but she did.

148. Bridgette Terry went to work immediately thereafter.

149. When Officer Zapata called Bridgette Terry over to the police car, Plaintiff and John Nelomes had already been in the back of the police car for about 20 minutes, waiting for Officer Zapata to finish searching Plaintiff's backyard and underneath the front porch.

150. Then Officer Zapata went to the back of the police car again, opened the trunk , closed the trunk, and then May Powell who was standing on the sidewalk, in front of 19 Weaver Street, for about 15 minutes concerned about John Nelomes, told Officer Zapata that there was something under the back of the police car, and then Officer Zapata looked under the back of the police car and retrieved a plastic bag which contained numerous small plastic bags inside it.

151. Then Officer Zapata opened the driver's door of the police car and told Plaintiff that the bags he just found under the back of the police car belonged to I, and also told Plaintiff that he was going to arrest him for using and possessing drug paraphernalia.

152. Plaintiff told Officer Zapata that the bags did not belong to him, that they were not found on I when he searched him, either near his rental house or before being placed against the side of the police car.

153. Plaintiff also told Officer Zapata that bags such as those are always laying around on Weaver Street, and can be purchased legally in any smoke shop or other stores for a few dollars.

154. Then Officer Zapata told Plaintiff that he, Zapata, was going to swear that he saw Plaintiff throw the bags under the police car, and that it would be his word against Plaintiff's word.

155. Plaintiff then told Officer Zapata that making a false statement under oath and making a false police report was a crime, and Officer Zapata said that he was going to swear to it anyway.

156. This was the second time that an attempt was made by Rochester City Police officers to frame Plaintiff with regard to the use of drugs.

157. The first incident occurred on August 7, 1998, but was frustrated by the presence of a number of people in the area.

158. Officer Zapata, who was a member of the (“special”) Tactical Unit did not care that other people were present, and issued Plaintiff an appearance ticket to appear in court after detaining him for an hour in the police car, and filed a false police report against Plaintiff charging him with Criminally Using Drug Paraphernalia in the Second Degree.

159. The appearance ticket cites 15 Weaver Street as the site of the alleged crime, when in reality Officer Zapata’s police car was parked in front of 19 Weaver Street.

160. Officer Zapata provided false information in support of the false charge, even though he knew that the statements made by him were false.

161. Officer Zapata stated in his police report that Plaintiff knowingly possessed or sold glassine envelopes under circumstances evincing intent to use or under circumstances evincing knowledge that some other person intends use of the same for purposes of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.

162. Officer Zapata knew that the envelopes were never in the possession of Plaintiff inasmuch as Plaintiff was searched at least once before he was brought to the police car.

163. Officer Zapata knew that the bags to which he refers as glassine envelopes, can be purchased in any smoke shop, or other stores as they are used to store tobacco and other small items.

164. Officer Zapata falsely stated in his police report, that he received prior information that Plaintiff was involved in a drug house at 15 Weaver Street.

165. Officer Zapata falsely stated in his police report, that he saw Plaintiff hand something to John Nelomes, and that Nelomes grabbed tightly onto the item in his left hand.

166. Officer Zapata also falsely stated in his police report, that Plaintiff moved his right arm very quickly towards the back of the police car, and that he, Zapata, then located a small plastic baggie containing approximately 100 glassine envelopes inside it.

167. None of the information was correct, except that Officer Zapata did find, after it was pointed out to him by May Powell that a plastic baggie was under his police car, which was located at 19 Weaver Street, and the bags were in the street prior to Officer Zapata parking there.

168. As a result of the unlawful arrest, Plaintiff was held in custody for an hour. ("60 minutes")

169. As a result of the violation of Plaintiff's civil rights, Plaintiff was humiliated, very upset, suffered through a period of imprisonment, lost his rental house, suffered severe emotional distress, and was otherwise damaged.

170. On September 8, 1998, U.S. District Judge Charles Siragusa denied Plaintiff's Order To Show Cause Motion, from August 21, 1998, requesting a permanent federal injunction ("restraining order") against the City of Rochester and its police officers.

171. On February 18, 1999, the false charge of Criminally Using Drug Paraphernalia in the Second Degree (misdemeanor), by Officer Zapata on August 28, 1998, were dismissed at a probable cause hearing by Rochester City Court Judge Roy King, after Officer Zapata testified that he was no longer employed by the Rochester Police Department only after being on the force for four (4) years.

172. Once again it is very coincidental that within six (6) months after Officer Zapata falsely arrested Plaintiff on August 28, 1998, he was no longer employed by the Rochester Police Department.

173. On September 16, 1999, Plaintiff received a letter from the Internal Affairs Division of the Rochester Police Department, which stated their investigation into Officer Zapata's conduct toward Plaintiff on August 28, 1998, was closed with no finding due to the non-employment status of Officer Zapata.

174. It is strongly believed that the Rochester Police Department made Officer Zapata resign, or fired him, so that the Internal Affairs Division could not confirm Officer Zapata's misconduct toward Plaintiff when Zapata falsely arrested I on August 28, 1998.

175. An action (4th) # 01-6412CJS(F), against Zapata and the City, based on these events was settled by the City of Rochester on May 20, 2003.

176. After the City of Rochester lost a motion to dismiss the actions in the Feor case and in the Gorman case, and also lost an appeal on the issue of qualified immunity, the Feor, Gorman, and Zapata cases were all settled by the City of Rochester on said date of May 20, 2003.

177. On February 11, 2009, at approximately 12:00 p.m. Plaintiff called 911 to report that a number of people were blocking the entrance to the store where he was working.

178. Rochester Police Sergeant “(Randolph”) responded and when he heard Plaintiff’s name made references to the fact that he heard **Plaintiff had won four (4) separate civil rights lawsuits against the Rochester, N.Y. Police Department in the past** and Plaintiff agreed. Plaintiff and Randolph agreed that if Plaintiff would call the police every time people trespassed on the store’s property and refused to leave when requested by Plaintiff the police would respond and arrest the individuals.

179. At about 2:30 p.m. on February 11, 2009, an African American female arrived at the bus stop and then proceeded to move a chair Plaintiff set out next to a table on the store’s property, so she could sit on the ledge of the store’s window.

180. Plaintiff requested the female to move and she refused.

181. Another individual got involved and berated the female for not leaving the store’s property.

182. In the meantime, Plaintiff called 911 to report the trespass and to request that an officer be sent.

183. When the argument between the female and the other individual escalated, it was overheard by the dispatcher who immediately sent a police car to the store.

184. Officer Wilson, who is an African American male, showed up at Plaintiff's carpet store, driving against traffic, and stopped his car facing the wrong way.

185. Plaintiff told Officer Wilson, when he entered the store, what transpired with the African American female, and Plaintiff also told Officer Wilson that a sergeant assured Plaintiff that trespassers would be arrested.

186. Officer Wilson went to talk with the African American female, and she refused to move.

187. Plaintiff then requested Officer Wilson to arrest the female, but Officer Wilson refused to do so.

188. When Officer Wilson refused to arrest the trespasser, Plaintiff asked him to leave the property of the store.

189. In response, Officer Wilson requested Plaintiff's identification. Plaintiff told Officer Wilson that he did not have to give him any identification.

190. At that time Officer Wilson, who is about 6' 7" and weighs 250 to 270 pounds grabbed Plaintiff's left arm and pulled it behind Plaintiff's back in a raised position.

191. Plaintiff is 5' 4" and weighs approximately 160 pounds.

192. Plaintiff, whose left shoulder was injured in 1998 by another police officer during an unlawful and baseless arrest, moved slightly to ease the pressure on his left shoulder, and at that time Officer Wilson grabbed Plaintiff's right arm, pulled it behind Plaintiff's back and raised it.

193. Officer Wilson held Plaintiff's wrists in one of his hands at an elevated position, and forcefully removed Plaintiff from the store.

194. Officer Wilson pushed Plaintiff against his police car and with his free hand searched Plaintiff's pockets.

195. Officer Wilson removed from Plaintiff's pockets his wallet, keys, money, a check, a measuring tape, and a carpet knife used in the carpet store, all without Plaintiff's permission and/or consent.

196. Plaintiff kept asking Officer Wilson if he was under arrest, and Officer Wilson initially told Plaintiff that he was going to be arrested “soon”, and thereafter told Plaintiff that if he did not get into the police car he would be arrested.

197. Plaintiff was placed in the police car against his will and was kept there for approximately 35 minutes.

198. During that time, the store was left open and unattended and for part of the time a customer was left alone in the store.

199. Eventually Plaintiff was released from the police car and he went back to the store.

200. A short time thereafter Plaintiff started to feel severe pain in his right shoulder and went to Rochester General Hospital to have his shoulder checked.

201. Plaintiff was diagnosed with a right shoulder strain and a small fracture of the glenoid.

202. Plaintiff's arm was put in a shoulder immobilizer and he was prescribed pain medication.

203. An action (5th) is also pending in this Court, against Officer Wilson and the City of Rochester, as a result of these events.

204. In July 2009, Plaintiff was standing in front of a carpet store, formerly owned by Plaintiff's sister, located at 458 Monroe Avenue., Rochester, New York, when he noticed that Rochester City Police Officer Theodore Wilson was standing in the middle of the parking lot adjacent to a convenient store ("7-11") talking to RPD Officer ("Reaves") while pointing directly at Plaintiff.

205. On July 24, 2009, Plaintiff was working as a volunteer at said carpet store, located at 458 Monroe Avenue., Rochester, New York.

206. At about 6:30 p.m. Plaintiff took his dog ("Blue") by his chain-collar with his right hand and walked him outside the opened front door of the carpet store, at which time he had the dog lay down on a piece of carpet while Plaintiff sat down next to him on a chair while still holding onto the dogs chain-collar, while inside a roped-off portion of the store's property which was clearly posted with "Keep-Out" & "No Trespassing" signs, and about 5 to 10 minutes later Plaintiff saw Officer Reaves' marked police car pull up to the red light at the traffic signal heading north on Meigs Street, facing the front of said carpet store, and then

Plaintiff heard Officer Reaves say, on the loud speaker of the police car, put the dog on a leash at which time Plaintiff pulled his dog up while his hand was still on the dog's chain-collar and walked him back inside the store and had him sit on the floor-mat right inside the doorway where Plaintiff stood looking out the door at the police car still stopped at said red traffic light and when the light changed the police car crossed over the intersection and pulled up to the utility-box on the side of the carpet store and the officer got out of his police car, at which time Plaintiff immediately recognized that it was Officer Reaves who was with Officer Wilson in the parking lot of the adjacent convenient store a week earlier, and then Officer Reaves walked up the sidewalk in front of the carpet store and told Plaintiff to keep his dog on a leash.

207. Plaintiff then told Officer Reaves that his dog did not have to be on a leash because he was on private property and clearly under Plaintiff's control and then Officer Reaves told Plaintiff that he was going to give him a ticket for having an unleashed dog and went back to his police car and stood for about 10 minutes until RPD Animal Control Officer Ames arrived in a van and got out and spoke to Officer Reaves for about 2 minutes and then they both walked up to the sidewalk

in front of said carpet store. Officer Ames asked Plaintiff to show him Ames the license for his dog at which time Plaintiff told Officer Ames that he was not showing him anything because Plaintiff's dog was on private property. Officer Ames threatened Plaintiff by saying that if Plaintiff didn't show him the dog license that he was going to take Plaintiff's dog away from him and take Plaintiff's dog to the animal shelter.

208. Plaintiff then closed and locked the front door to the carpet store and called 911 and asked to see a supervisor right away because I felt that he was clearly being harassed and threatened by Officer Reaves and Officer Ames regarding Plaintiff's dog being on his own property. About 5 minutes later a sergeant arrived and told Plaintiff that the officers were not harassing him about his dog and that Plaintiff was going to be given two (2) tickets and if Plaintiff disagreed with them then he should go to court and fight them to prove his innocence and then Plaintiff received two tickets by Officer Ames and then both said officers left together.

209. On September 9, 2009, at 1:00 p.m. Plaintiff appeared for trial with his attorney John R. Parrinello in Municipal Court at 42 South Avenue. Plaintiff

pleaded not guilty to both tickets regarding his dog and proceeded with the hearing at which time Administrative Law Judge Ciminelli called for both Officer Reaves and Officer Ames to the witness stand. Neither officer appeared at said hearing, even though they both were clearly notified of the hearing. The A.L.J. found me “Not Guilty” of both tickets because he said it was defective due to Officer Ames not personally witnessing the alleged incident but wrote the ticket on hearsay of Officer Reaves who did not supply a supporting deposition to what he allegedly saw on July 24, 2009, and then heard from Plaintiff’s witness Scott Lockhart who testified that he sold Plaintiff his dog and to the dogs age at which time it became clear that Plaintiff’s dog was only 3 ½ months old when the ticket was issued to Plaintiff, under the 4 month or older requirement to be licensed by New York State Law so the A.L.J. found Plaintiff not guilty of the unlicensed dog ticket too and then the hearing ended.

210. Reaves never supplied a supporting deposition to Ames because Reaves would have been committing a class A misdemeanor by submitting a false instrument and never came to court and testified because he would have been committing perjury while under oath because the footage, from the 24

hour R.P.D. surveillance camera 30 feet directly in front of said carpet store located on Monroe Avenue and Meigs Street in the City of Rochester, would have clearly shown that Officer Reaves lied and fabricated the whole incident and he would have been subjected to criminal charges and hopefully fired from the Rochester Police Department.

211. Plaintiff complained to the City and Professional Standards Section (“Internal Affairs”) about the incident, but to no avail. Sergeant Ron Malley, now a member of the new Community Commission said the officers actions were lawful, justified, and proper. **Note: Sgt. Malley never reviewed the video footage, from the 24 hour R.P.D. surveillance camera 30 feet directly in front of said carpet store, even though it was requested that he do so, by Mr. Loria’s trial attorney Nira T. Kermisch, during an Internal Affairs interview which was recorded. The video surveillance footage would have corroborated and sustained Mr. Loria’s claim of misconduct in his complaint against the defendants.**

212. **An action is presently pending in this Court, against Officer Reaves, Officer Ames, and the City of Rochester, as a result of the events referred to above.**

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANTS AND CITY OF ROCHESTER,
PLAINTIFF HEREIN ALLEGES**

213. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 212 of the Complaint with the same force and effect as if fully set forth herein at length.

214. On April 1, 2012, Plaintiff was unlawfully arrested, searched, and given false traffic citations, by Defendants.

215. Plaintiff was arrested and searched without probable cause, justification and/or a warrant by Defendants.

216. As a result of the acts and/or omissions of the Defendants, Plaintiff was unlawfully arrested, searched, and given false traffic citations.

217. The unlawful arrest, illegal search of Plaintiff and his vehicle, and prosecution of Plaintiff was commenced without probable cause and with malice by Defendants, who were acting within the scope of their employment as police officers for the City of Rochester.

218. As a result of the actions of the Defendants, Plaintiff was injured, suffered severe emotional upset, humiliation, was compelled to go to court, expend sums of money for his defense and was otherwise damaged.

219. As a result of the actions of the Defendants, Plaintiff was damaged in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in compensatory damages as against Defendants, and in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction as against the City of Rochester.

220. Because Defendants actions were willful, wanton, reckless, malicious and depraved, Plaintiff is entitled to punitive damages against each of them in the amount of One Hundred Thousand (\$ 100,000.00) Dollars.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS,
PLAINTIFF HEREIN ALLEGES:**

221. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 220 of the Complaint with the same force and effect as if fully set forth herein at length.

222. The malicious prosecution of the Plaintiff by Defendants, violated his civil rights as secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

223. As a result of the violation of his civil rights, Plaintiff was injured and suffered damages in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in compensatory damages.

224. Because Defendants actions were willful, wanton, reckless and malicious, Plaintiff is entitled to punitive damages against Defendants in the amount of One Hundred Thousand (\$ 100,000.00) Dollars each.

**AS AND FOR A THIRD CAUSE OF ACTION
AGAINST DEFENDANT CITY OF ROCHESTER,
PLAINTIFF HEREIN ALLEGES:**

225. Plaintiff repeats and realleges each and every allegation contained in paragraph 1 through 224 of the Complaint with the same force and effect as if fully set forth herein length.

226. The malicious prosecution of Plaintiff by Defendants was done pursuant to policy, custom, usage and/or practice of Defendant City of Rochester and/or was ratified by Defendant City of Rochester.

227. As a result of the actions of Defendant City of Rochester, Plaintiff was damaged in the amount of One Hundred Thousand (\$ 100,000.00) Dollars.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANT CITY OF ROCHESTER,
PLAINTIFF HEREIN ALLEGES:**

228. Plaintiff repeats and realleges each and every allegation contained in paragraph 1 through 227 of the Complaint with the same force and effect as if fully set forth herein length.

229. The acts and/or omissions of the City of Rochester, its employees, servants, agents and/or officers, as described in paragraph 1 through 18 of the Complaint violated Plaintiff's rights as secured by Article 1, Section 1, of the Constitution of the State of New York.

230. As a result of the acts and/or omissions of Defendant the City of Rochester, its employees, servants, agents and/or officers, Plaintiff suffered severe emotional distress, was humiliated, his reputation in the community was damaged, and was required to seek medical help.

231. As a result of the acts and/or omissions of Defendant the City of Rochester, Its employees, servants, agents and/or officers, Plaintiff was damaged in the amount of One Hundred Thousand (\$ 100,000.00) Dollars.

WHEREFORE, Plaintiff demands judgment as follows:

- a. Issuing a permanent injunction against the City of Rochester, its agents, servants, employees, and/or officers prohibiting them from:
 1. Harassing Plaintiff in any form; and
 2. Assaulting Plaintiff and/or using excessive force against him; and
 3. Arresting and/or detaining Plaintiff without a warrant; and
 4. Entering onto Plaintiff's property/home located at 1848 North. Goodman Street in the Town of Irondequoit, New York, without a warrant; and

5. Enforcing a warrant at Plaintiff's residence without videotaping their actions from the moment of entry to the moment of exit, so there are no more assaults, batteries, and use of excessive force on Plaintiff, by Rochester Police officers; and
6. Approaching or having contact with Plaintiff while on his property, at work, in a motor vehicle, and/or in public, without the presence of a New York State Police officer, and/or Monroe County Sheriff, and videotaping such encounter from beginning to end; and
7. An immediate, complete and thorough investigation by the U.S. Department of Justice ("Civil Rights Division") of the Rochester Police Department's long systematic pattern and practice of violating citizens civil rights, which will hopefully lead to a federal consent decree to be issued against the Rochester N.Y. Police Department; and
it is further,

b. On the First Cause of Action, judgment in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in compensatory damages as to Defendants, in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, as against Defendant, City of Rochester, and in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in punitive damages against Defendants.

c. On the Second Cause of Action, judgment in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in compensatory damages as to Defendants, in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, as against Defendant, City of Rochester, and in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in punitive damages against Defendants.

d. On the Third Cause of Action, judgment in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in compensatory damages as to Defendant City of Rochester, in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, as against City of Rochester, and in the amount of One Hundred Thousand (\$ 100,000.00) Dollars in punitive damages against Defendant City of Rochester.

e. Costs and disbursements of this action.

f. Attorney's fees.

g. Plaintiff demands a jury trial.

Date:

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