

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARC LAMONT HILL
[ADDRESS REDACTED]

Plaintiff

v.

CIVIL ACTION – LAW

CITY OF PHILADELPHIA
1515 Arch Street 14th Floor
Philadelphia, PA 19102,

JOHN DOE, SERGEANT
CITY OF PHILADELPHIA
POLICE DEPARTMENT, 35th DISTRICT
Broad & Champlost Streets
Philadelphia, PA 19141

CASE NO.:

JOHN DOE, CAPTAIN
CITY OF PHILADELPHIA
POLICE DEPARTMENT, 35th DISTRICT
Broad & Champlost Streets
Philadelphia, PA 19141

JURY TRIAL DEMANDED

OFFICER RICHARD DECOATSWORTH
CITY OF PHILADELPHIA
POLICE DEPARTMENT, 35th DISTRICT
(individually and in his official capacity)
Broad & Champlost Streets
Philadelphia, PA 19141

OFFICERS JOHN DOE I • III,
CITY OF PHILADELPHIA
POLICE DEPARTMENT, 35th DISTRICT
(individually and in their official capacity)
Broad & Champlost Streets
Philadelphia, PA 19141

Defendants.

COMPLAINT

Plaintiff, Marc Lamont Hill, by and through his counsel, Leonard Hill of Hill & Associates, P.C., brings this suit to recover for federal constitutional violations, federal statutory violations, and state law

claims, as follows:

JURISDICTION AND VENUE

1. Jurisdiction in this Court is asserted under the provisions of 28 U.S.C. §1331 and §1343. This action arises under the provisions of the Civil Rights Act of 1866, as amended 42 U.S.C. §1983. This Court has supplemental jurisdiction over the state claims asserted herein pursuant to 28 U.S.C. Section 1367.
2. Venue is appropriately laid in this Court pursuant to 28 U.S.C. §1391(b) in that the actions complained of took place in Philadelphia, which is within the bounds of the Eastern District, and Defendants carry on business within the Eastern District.

PARTIES

3. Plaintiff, March Lamont Hill, born on December 17, 1978 is a resident of 360 E. Church Lane in the City of Philadelphia, Commonwealth of Pennsylvania.
4. Defendant City of Philadelphia (hereinafter referred to as City) is a municipality in Philadelphia County, Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department, which employees all of the defendant police officers named as parties herein.
5. At all times relevant to this action, the City acted through its employee police officers as listed below.
6. Defendant John Doe, Sergeant (hereinafter referred to as Defendant Sergeant) was at all relevant times a Sergeant and commanding officer with the Police Department of the City of Philadelphia, Pennsylvania, in its 19th Police District.

7. Defendant Sergeant is sued in his/her individual and official capacities and at all times relevant hereto was acting under the color of his/her official capacity and his/her acts were performed under color of the statutes and ordinances of the City and County of Philadelphia and the State of Pennsylvania.
8. Defendant John Doe, Captain (hereinafter referred to as Defendant Captain) was at all relevant times a Captain and commanding officer with the Police Department of the City of Philadelphia, Pennsylvania, in its 35th Police District.
9. Defendant Captain is sued in his/her individual and official capacities and at all times relevant hereto was acting under the color of his/her official capacity and his/her acts were performed under color of the statutes and ordinances of the City and County of Philadelphia and the State of Pennsylvania.
10. At all relevant times Defendant Sergeant and Defendant Captain were also supervisory officials, who were responsible for supervising the other police officers identified herein.
11. Defendant Officer Richard Decoatsworth (hereinafter referred to as Defendant Decoatsworth) was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania, in its 35th Police District.
12. Defendant Decoatsworth is sued in his individual and official capacities and at all times relevant hereto was acting under the color of his official capacity and his acts were performed under color of the statutes and ordinances of the City and County of Philadelphia and the State of Pennsylvania.
13. Defendants John Does, I-III (hereinafter referred to as Defendants Doe I-III) were at all relevant times police officers with the Police Department of the City of Philadelphia. Their

names are not currently known. They were present and involved in official police activities which give rise to the within causes of action and were with the 35th Police District at all times relevant to this action.

14. Defendants Doe I-III are all sued in their individual and official capacities and at all times relevant hereto were acting under the color of their official capacity and their acts were performed under color of the statutes and ordinances of the City and County of Philadelphia and the State of Pennsylvania.

FACTUAL ALLEGATIONS ON THE MERITS

21. On June 12, 2010, at approximately 12:30 am, Plaintiff was lawfully in his stopped vehicle at the intersection of 11th Street and Lindley Avenue in the City and County of Philadelphia.
22. At that time, Plaintiff was dropping off a passenger, at the passenger's residence at or near that intersection.
23. Defendant Decoatsworth and his partner suddenly pulled behind Plaintiff.
24. Defendant Decoatsworth gestured Plaintiff to move his vehicle.
25. At this point, Plaintiff pointed to his passenger's home indicating that he was dropping his passenger off at that location.
26. Defendant Decoatsworth then pulled away.
27. At this point, Plaintiff's passenger, exited the vehicle and returned to his home.
28. As Plaintiff proceeded to drive toward the end of the block, he was pulled over by Defendant Decoatsworth and his partner.
29. Upon exiting his marked police vehicle, Defendant Decoatsworth and his partner approached Plaintiffs vehicle with their respective hands on their weapons.

30. Defendant Decoatsworth requested Plaintiff to produce his license, insurance and registration.
31. Plaintiff produced the requested documentation.
32. Plaintiff asked Defendant Decoatsworth why he was being stopped on two separate occasions; both times he received no response.
33. After reviewing the aforementioned documents, Defendant Decoatsworth reached into Plaintiff's car and began searching Plaintiff's pockets.
34. After searching Plaintiff's pockets, Defendant Decoatsworth asked Plaintiff a series of questions regarding his whereabouts.
35. Plaintiff answered all of Defendant, Decoatsworth's questions.
36. Suddenly and without warning, Defendant Decoatsworth opened Plaintiff's car door and pulled Plaintiff from his vehicle by his left arm.
37. After pulling Plaintiff from his vehicle, Defendant Decoatsworth pushed Plaintiff into Plaintiff's car and ordered him not to move or "he was going to go to jail."
38. While Plaintiff was against his vehicle, Defendant Decoatsworth pressed his left fist into Plaintiff's back.
39. While Plaintiff was out of his vehicle, Defendant Decoatsworth questioned Plaintiff about his vehicle and whether he could afford it.
40. While Plaintiff was out of his vehicle, Defendant Decoatsworth's partner, Defendant Doe I told Plaintiff that he was being stopped for illegal discharge of a passenger and blocking the street.

41. While Plaintiff was out of his vehicle, Defendant Decoatsworth removed several items from Plaintiffs pocket, including Plaintiffs checkbook.
42. After reviewing Plaintiffs checkbook, Defendant Decoatsworth began asking a series of questions regarding Plaintiffs professional title, a Ph.D.
43. While that series of questioning took place, the other officer, Defendant Doe I began searching Plaintiffs car including, the glove box, arm rest, door panels and beneath the seats.
44. After approximately one minute of searching the vehicle, Defendant Doe I signaled to Defendant Decoatsworth that the search was complete and that there was nothing illegal inside Plaintiffs car.
45. After the search was completed, Defendant Decoatsworth told Plaintiff to "get out of this neighborhood and go home."
46. It was at this point that Plaintiff was free to leave the scene.
47. Plaintiff was not issued any citations in connection with this seizure.
48. The incident occurred while Plaintiff was in a non-threatening and defenseless physical position, unarmed, and completely unable to pose any threat to others or defend himself.
49. Plaintiff did not commit any crimes on June 12, 2010.
50. Plaintiff was not arrested or cited for any crimes on June 12, 2010.
51. At no time during the incident did Defendants Doe I-III, Defendant Sergeant, or Defendant Captain take any action to stop the assault or beating, or to take control of the situation.
52. Immediately after being assaulted by Defendant Decoatsworth, Plaintiff was experiencing pain.

53. As set forth more fully below, Defendants intentionally used excessive force against the Plaintiff, which was unreasonable, unjustifiable, and unconstitutional, to silence him from exercising his First Amendment rights.
54. At all relevant times, Defendants knew or should have known that their actions were in violation of Plaintiffs Fourth, and Fourteenth Amendment Rights.
55. Defendants' actions, and their motivation for their actions, were conscience shocking, without conscious regard or due care for Plaintiff or the foreseeable consequences of their actions, and with such wanton and reckless disregard of the consequences as to show Defendants' deliberate indifference to the danger of harm and injury.
56. As a direct and proximate cause of Defendants' actions and inactions, Plaintiff suffered and continues to suffer deprivation of his rights, fear, horror, loss of liberty, to his great detriment and loss.
57. As a direct and proximate cause of Defendants' actions and inactions, Plaintiff suffered and was made to undergo physical pain and horrible mental anguish, all to his great detriment, financial detriment, and personal loss.
58. Plaintiffs serious injuries were a foreseeable and direct result of the actions and inactions of all Defendants.
59. Defendants violated Plaintiffs clearly established and well settled federal constitutional rights, including but not limited to his right to substantive due process, liberty, personal security, his right to be free from unreasonable searches and seizures, and his right to be free from the use of excessive, unreasonable and unjustified force.

60. Furthermore, the Constitutional violations suffered by Plaintiff were the result of the City's policies, procedures, customs, and practices of allowing its officers to make stops without reasonable suspicion, and to use unreasonable and excessive force thereby violating the civil rights of those with whom they come into contact.
61. The City has maintained, with the deliberate indifference to the impact on citizens, an inadequate system of review of instances of misconduct, abuse of police powers or violation of citizens' rights by police officer, which system has failed to identify instances of abuse of police powers or violations of citizens' rights by police officers, or to discipline, more closely supervise, or retrain officers who abuse their police powers or violate citizens' rights, including the police officers named as parties herein.
62. The City was deliberately indifferent to the need for more or different training rules, regulations, investigations and discipline relating to police officers' use of excessive force and investigatory stops as set forth above.
63. The foregoing acts, omissions, systemic deficiencies, practices, customs and deliberate indifference constitutes the policies, practices and customs of the City and have caused police officers of the City, including the police officers named as parties herein, to violate the constitutional rights of citizens, including Plaintiff.
64. The rights, violations and injuries suffered by Plaintiff were a foreseeable result of the policies, practices, customs and deliberate indifference of the City.

**COUNT I - FOURTH AMENDMENT - UNLAWFUL SEARCH AND SEIZURE, EXCESSIVE FORCE
PLAINTIFF VS. ALL DEFENDANTS**

65. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

66. As a direct and proximate result of Defendants' actions, more particularly described above, Plaintiffs rights protected under the First Amendment to be free from unreasonable search and seizure and to be free from the use of excessive force were violated and he suffered injury as a result.
67. Defendants subjected Plaintiff to these deprivations of rights unreasonably, intentionally, wantonly, outrageously, and with conscious and reckless disregard for whether Plaintiff's rights would be violated by their actions.
68. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff suffered damages as set forth above and deprivations of his rights and liberty interest, all to Plaintiff's great detriment and loss.
69. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.
70. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S. C. § 1988.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiff's civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;

- iv) punitive damages against the individual defendants in their individual capacities; and,
- v) such other legal and equitable relief as the Court deems just and proper.

COUNT II - FOURTEENTH AMENDMENT M SUBSTANTIVE DUE PROCESS PLAINTIFF VS. ALL DEFENDANTS

71. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.
72. As a direct and proximate result of Defendants' actions, more particularly described above, Plaintiffs substantive due process rights protected under the Fourteenth Amendment were violated and he suffered grievous bodily injury.
73. Defendants subjected Plaintiff to this deprivation of rights unreasonably, intentionally, wantonly, outrageously, and with conscious and reckless disregard for whether Plaintiffs rights would be violated by their actions.
74. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff suffered damages as set forth above and deprivations of his rights and liberty interest, all to Plaintiffs great detriment and loss.
75. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.
76. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S. C. § 1988.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of

deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities;
and,
- v) such other legal and equitable relief as the Court deems just and proper.

COUNT III - FOURTEENTH AMENDMENT - PROCEDURAL DUE PROCESS PLAINTIFF VS. ALL DEFENDANTS

77. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

78. As a direct and proximate result of Defendants' actions, more particularly described above, Plaintiffs substantive due process rights protected under the Fourteenth Amendment were violated and he suffered grievous bodily injury.

79. Defendants subjected Plaintiff to this deprivation of rights unreasonably, intentionally, wantonly, outrageously, and with conscious and reckless disregard for whether Plaintiff's rights would be violated by their actions.

80. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff suffered damages as set forth above and deprivations of his rights and liberty interest, all to Plaintiffs great detriment and loss.

81. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.

82. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S. C. § 1988.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities; and,
- v) such other legal and equitable relief as the Court deems just and proper.

**COUNT IV - MONELL CLAIM
PLAINTIFF VS. DEFENDANT CITY**

83. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

84. The decisions and actions of the officials of the City as set forth herein represented and constituted the official policy and/or customs of the City.

85. At the time of this incident, it was the policy, practice and/or custom of the City and its police officers to use excessive force and make stops without reasonable suspicion, intimidate citizens wrongfully stopped, conduct unreasonable searches, etc.
86. In addition, the Constitutional violations suffered by Plaintiff were the result of the City's failure to properly train and supervise its officers with regard to the proper methods for making stops without reasonable suspicion, intimidate citizens wrongfully stopped, conduct unreasonable searches, etc.
87. Prior to the events described herein, the City developed and maintained policies, practices and/or customs exhibiting deliberate indifference to the constitutional rights of persons within the City, which policies are more particularly set forth in the preceding paragraphs incorporated herein, that caused the violation of Plaintiffs' rights.
88. As a direct and proximate result of the City's policies, practices, customs, procedures, failure to train and supervise, which are more specifically described above, Plaintiff was injured as stated herein.
89. As a direct and proximate result of, or by virtue of an affirmative link or causal nexus thereto, the aforesaid acts, omissions, deliberate indifference, systemic deficiencies, policies, practices and customs of the City, as more fully described above, the City violated Plaintiffs rights under the laws and Constitution of the United States, in particular the Fourth and Fourteenth Amendments.
90. Plaintiff is entitled to attorney's fees and costs of prosecution of this suit pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities; and,
- v) such other legal and equitable relief as the Court deems just and proper.

**COUNT V- ASSAULT AND BATTERY
PLAINTIFF VS. DEFENDANT DECOATSWORTH AND JOHN DOES I-III**

91. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

92. Defendants placed Plaintiff in fear of imminent, unpermitted, unprivileged, offensive bodily contact and did, in fact, subject him to such bodily contact.

93. As a consequence of these actions, Plaintiff suffered bodily injury.

94. The acts of Defendant, Decoatsworth and Doe I-III, as set forth above, constituted the torts of assault and battery, all to Plaintiff's great detriment and loss.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities; and,
- v) such other legal and equitable relief as the Court deems just and proper.

**COUNT VI - FALSE IMPRISONMENT
PLAINTIFF VS. DEFENDANTS, DECOATSWORTH & DOES I-III**

95. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

96. Defendants Decoatsworth and Does I-III intentionally, recklessly, willfully, and without legal justification, held Plaintiff without probable cause or other legal justification by virtue of their refusal to allow him to leave the scene.

97. The acts of Defendants, Decoatsworth and Does I-III constitute the tort of false arrest and false imprisonment, all to Plaintiffs great detriment and loss.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities; and,

v) such other legal and equitable relief as the Court deems just and proper.

**COUNT VIII - INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS PLAINTIFF VS.
DEFENDANTS DECOATSWORTH & DOE I-III**

98. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

99. Defendants Decoatsworth and Does I-III intentionally, recklessly, willfully, and without legal justification, by extreme and outrageous conduct caused severe emotional distress to Plaintiff.

100. The acts of Defendants Decoatsworth and Does I-III alleged in the preceding paragraphs constitute the tort of intentional infliction of emotional distress outrageous conduct all to Plaintiffs great detriment and loss.

WHEREFORE, Plaintiff, Marc Lamont Hill, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, and otherwise wrongful conduct and award the following relief, as appropriate:

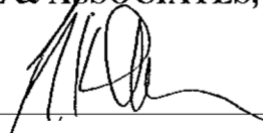
- i) a declaration that Defendants, jointly and severally, have violated Plaintiffs civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual capacities; and,
- v) such other legal and equitable relief as the Court deems just and proper.

JURY DEMAND

PURSUANT TO F.R.C.P. 38, A JURY TRIAL IS DEMANDED.

HILL & ASSOCIATES, P.C.

BY: _____



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