

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 16-cv-61653

LAGOGE D. GRAHAM,

Plaintiff,

vs.

SCOTT ISRAEL, in his official capacity as
Sheriff of Broward County and
MICHAEL DE LA NUEZ, in his
individual capacity,

Defendants.

NOTICE OF REMOVAL

COME NOW the Defendants, SCOTT ISRAEL, etc. and MICHAEL DE LA NUEZ, by and through their undersigned attorneys, and pursuant to 28 U.S.C. §1446, remove this action from the 17th Judicial Circuit in and for Broward County, State of Florida, and as grounds state:

1. In an amended Complaint served and filed on July 1, 2016, Plaintiff has sued Defendant, De La Nuez, under 42 U.S.C. §1983 for an alleged violation of Plaintiff's federal constitutional rights.


2. Pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3), this Court has original jurisdiction over this action, as this action presents a "federal question" and seeks to redress alleged deprivations of the Plaintiff's civil rights.

4. Pursuant to 28 U.S.C. §1441(a) and (c) and §1443, this action is removable to this Court.

5. In accordance with 28 U.S.C. §1446(a), a copy of the July 1, 2016, Amended Complaint giving rise to this removal is attached to this notice and made a part as Exhibit "A".

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I further certify that I either mailed the foregoing document and the Notice of Electronic Filing by first class mail or by electronic mail to any non CM/ECF participants and/or the foregoing document was served via transmission of Notice of Electronic Filing generated by CM/ECF to any and all active CM/ECF participants

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1.(a) PLAINTIFF(S) LAGOGED D. GRAHAM

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: Miami-Dade

(c) ATTORNEYS (FIRM NAME ADDRESS AND TELEPHONE NUMBER) Kevin R. Anderson, Esquire Anderson & Welch, LLC 500 S. Australian Avenue, Suite 622 West Palm Beach, FL 33401-6237 Telephone: (561) 832-3386

DEFENDANTS SCOTT ISRAEL, in his official capacity as Sheriff of Broward County and MICHAEL DE LA NUEZ, in his individual capacity

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Miami-Dade

ATTORNEYS (IF KNOWN) E. Bruce Johnson, Esq, Christopher J. Stearns, Esq. Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. 2455 East Sunrise Blvd., Suite 1000 Fort Lauderdale, Florida 33304 Telephone: (954) 463-0100

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

☐ 1 U S Government Plaintiff ☒ 3 Federal Question (US Government Not a Party)

☐ 2 U S Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation
	<input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened (specify)

Transferred from ☐ 5 another district Litigation

☐ 6 Multidistrict Judgment

Appeal to District Judge from ☐ 7 Magistrate

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforce Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholder Suit <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Cont Prod Liability A REAL PROPERTY <input type="checkbox"/> 210 Land Condemn <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent and Lease Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Prod Liability <input type="checkbox"/> 290 All Other Real Property	Personal Injury <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees Personal Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights Personal Injury <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Prop Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus&Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	B 610 Agriculture B 620 Other Food & Drug B 625 Drug Seizure of Prop. 21USC881 B 630 Liquor Laws B 640 R R & Truck B 650 Airline Regs B 660 Occupational Safety/Health B 690 Other A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt Relations <input type="checkbox"/> 730 Labor/ Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation A 791 Empl Ret Inc Security Act	<input type="checkbox"/> 422 Appeal 28USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA 1395 <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW/405g <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI(405g) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes(US Plaintiff of Defendant <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointments <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks, Banking <input type="checkbox"/> 450 Comm, ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 RICO <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/ Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Econ Stab Act <input type="checkbox"/> 893 Environ mental Matters <input type="checkbox"/> 894 Energy Alloc Act <input type="checkbox"/> 895 Freedom on Info Act <input type="checkbox"/> 900 Appeal of Fee Deter- mination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality State Statute <input type="checkbox"/> 890 Other Statutory Actions A OR B

VI. CAUSE OF ACTION (CITE THE U S CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Allegations of violations of federal civil rights, pursuant to 42 U.S.C. § 1983

LENGTH OF TRIAL: 3-4 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See instructions) IF ANY JUDGE: DOCKET NUMBER:

DATE July 12, 2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael R. Piper Michael R. Piper, Esq. -- FBN 710105

FOR OFFICE USE ONLY RECEIPT NO.: AMOUNT APPLYING IFP JUDGE

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

LaGoge D. Graham,)
Plaintiff,)
v.)
)
Scott Israel, in his official capacity)
as Sheriff of Broward County, and)
Michael De La Nuez in his)
individual capacity,)
Defendants.) CIVIL DIVISION.
) CASE NO: CACE15010403
)
)

AMENDED COMPLAINT

COMES NOW, LAGOGE D. GRAHAM by and through his undersigned counsel and seeks money damages in excess of \$15,000.00, exclusive of costs, interest and attorneys' fees and sues Scott Israel, in his official capacity as Sheriff of Broward County, and Michael De La Nuez, in his individual capacity, and states:

JURISDICTIONAL ALLEGATIONS

1. This is an action which meets this Court's jurisdictional threshold.
2. This is an action for damages in excess of \$15,000.00 (fifteen thousand dollars) plus taxable costs.
3. LAGOGE D. GRAHAM'S claims are made pursuant to Fla. Stat. 768 and Amendments to the Constitution of the United States of America.
4. All acts and occurrences material to this cause of action were committed in Broward County, Florida.

PARTIES

5. LAGOGE D. GRAHAM [hereinafter, PLAINTIFF] is an adult resident of the State of Florida domiciled in Broward County, Florida.

6. Defendant, SCOTT ISRAEL [hereinafter, SHERIFF] is sued, in his official capacity as Sheriff of Broward County. In this cause, Defendant, SHERIFF acted through his agents, employees and servants.
7. Defendant, MICHAEL DE LA NUEZ [hereinafter, DE LA NUEZ] is sued, in his individual capacity.

CONDITIONS PRECEDENT

8. All conditions precedent to the prosecution of this action have occurred, or have been performed, excused or waived.
9. On or about August 25, 2014, PLAINTIFF forwarded a written notice pursuant to Fla. Stat. 768 to the Office of General Counsel for the Broward County Sheriff's Office, Broward County Board of Commissioners, and Sheriff Scott Israel of the Broward County Sheriff's Office.

GENERAL ALLEGATIONS & FACTS COMMON TO ALL COUNTS

10. On March 7, 2012, a citizen complainant reported via 911 what she believed to be five (5) gun shots heard near her Deerfield Beach apartment complex. The reporting citizen stated that the perpetrators left the scene in a gray Honda Civic. She did not observe the alleged shooter.
11. Officers arrived on scene approximately four (4) minutes later in response to the 911 phone call. The complainant was met and again stated that the perpetrators left the scene in a gray Honda Civic immediately following the incident. No description was provided for the driver or other passengers in the vehicle.
12. More than ten (10) minutes later, Walter Avery, Jr. (hereinafter AVERY), a uniformed patrol deputy from Broward County Sheriff's Office, conducted a traffic stop on a gold Nissan

Altima in the same apartment complex. The motor vehicle was occupied by the PLAINTIFF and four (4) passengers.

13. AVERY, ordered the driver to step out of the vehicle, then proceeded to question the driver, as well as the other occupants of the vehicle, about the reported sounds suspected as gunfire in the vicinity.
14. At no time did there exist a warrant to seize or search PLAINTIFF or the vehicle that he or the vehicle's passengers travelled in, nor did an exception for a warrantless seizure and search exist. Probable cause also did not exist to arrest the PLAINTIFF.
15. Shortly thereafter, two additional patrol vehicles arrived. DE LA NUEZ, a uniformed deputy from the Broward County Sheriff's Office, exited his patrol vehicle and approached the PLAINTIFF'S vehicle.
16. DE LA NUEZ approached PLAINTIFF, who was a backseat passenger on the right side of the vehicle and ordered PLAINTIFF to exit the vehicle. PLAINTIFF complied.
17. DE LA NUEZ then ordered PLAINTIFF to place his hands on the trunk of the PLAINTIFF'S vehicle.
18. When PLAINTIFF verbally questioned and objected to DE LA NUEZ conducting this unlawful seizure of his person, DE LA NUEZ swiftly began to physically force PLAINTIFF to place his hands on the trunk of the PLAINTIFF'S vehicle.
19. When PLAINTIFF continued his verbal objections, DE LA NUEZ deliberately removed his taser from his holster, aimed the taser at PLAINTIFF'S chest and deployed the first cycle from his taser for the purpose of discharging electrical voltage into PLAINTIFF'S body.
20. While PLAINTIFF'S muscles uncontrollably contracted in response to the tasing, DE LA NUEZ proceeded to force PLAINTIFF to the ground where he remained face down.

21. DE LA NUEZ and other deputies then began to punch and kick PLAINTIFF while he lay prone and face down on the ground.
22. Simultaneously, DE LA NUEZ continued to repeatedly tase PLAINTIFF, discharging at least three (3) additional cycles from the taser, while PLAINTIFF'S body contorted and jerked in response to the tasing.
23. The PLAINTIFF experienced immense pain and sustained muscle paralysis from the taser.
24. DE LA NUEZ finally handcuffed PLAINTIFF and placed him into his patrol vehicle.
25. PLAINTIFF was ultimately transported to the Broward County Jail and arrested for the third degree felony of Battery on a Law Enforcement Officer and the first degree misdemeanor of Resisting an Officer Without Violence.
26. PLAINTIFF'S criminal case was placed on the court's docket. The charge of Battery on a Law Enforcement Officer was *No Filed* on March 21, 2012, while the charge of Resisting an Officer without Violence received further prosecution.
27. The criminal misdemeanor case remained open for over one (1) year before it was ultimately *nolle prossed* on March 28, 2013.
28. SHERIFF at all times material to the facts giving rise to the PLAINTIFF'S claims was responsible for ensuring that his agents and employees maintained state required certifications in accordance with Florida law to serve as law enforcement officers. SHERIFF was also responsible for proper training and adequate supervision of his agents and employees up to and including the time frame when employing the use of force resulting in the PLAINTIFF'S injuries.

COUNT I (ONE)
UNNECESSARY/EXCESSIVE USE OF FORCE CLAIM

For his cause of action against Defendant, SHERIFF, in Count I, PLAINTIFF re-alleges and adopts, as if fully set forth, the allegations contained in paragraphs 1-28 and would further state as follows:

29. On or about March 7, 2012, Defendant SHERIFF'S agent or employee under color of law, did intentionally and unlawfully threaten by actions to do violence to the PLAINTIFF coupled with an apparent ability to do so, creating a well-founded fear in PLAINTIFF that such violence was imminent, by pointing and aiming an electric weapon device at the PLAINTIFF.
30. The PLAINTIFF was placed in reasonable apprehension of immediately receiving injury, pain and physical discomfort resulting from actions of the sheriff's agent which included, but were not limited to aiming, pointing and threatening to discharge an electric weapon device. The agent's actions were likely to, and actually did result in such injury, pain and physical discomfort.
31. Defendant SHERIFF'S agent or employee, acting under color of law, also did intentionally touch and strike PLAINTIFF by repeatedly deploying a taser or electric weapon device without the PLAINTIFF's consent and against his will. The agent's actions intentionally caused physical harm to PLAINTIFF.
32. Defendant SHERIFF'S agent or employee, acting under color of law, also did intentionally touch and strike PLAINTIFF by continued tasing causing repeated cycles of electrical voltage to be discharged into Plaintiff's body. SHERIFF'S agents including, but not limited to DE LA NUEZ, repeatedly punched and kicked PLAINTIFF before and after he laid upon the ground.

33. The conduct of SHERIFF'S agent towards PLAINTIFF, as more fully set forth above, was objectively unreasonable and constituted unnecessary and excessive use of force.

34. As a result of the actions of Defendant SHERIFF'S agents or employees, PLAINTIFF suffered damages which include: physical suffering; physical inconvenience; physical discomfort; mental anguish and emotional suffering; embarrassment, legal costs and fees.

WHEREFORE, PLAINTIFF demands judgment against the Defendant, SHERIFF, for compensatory damages in excess of \$15,000.00, and costs of this action together with any post judgment interest, any and all equitable relief and requests a jury trial of all issues so triable.

COUNT II (TWO)
FALSE ARREST OR IMPRISONMENT

For his cause of action against Defendant, SHERIFF, in Count I, PLAINTIFF re-alleges and adopts, as if fully set forth, the allegations contained in paragraphs 1-28, and would further state as follows:

35. On or about March 7, 2012, AVERY unlawfully seized PLAINTIFF by conducting a traffic stop on the vehicle in which PLAINTIFF was traveling, while acting in the course and scope of his duties as a law enforcement officer employed by Defendant, SHERIFF.

36. DE LA NUEZ unlawfully arrested PLAINTIFF and physically deprived PLAINTIFF of his freedom and liberty and restrained him in his movements by actual physical apprehension upon his arrest which continued by DE LA NUEZ'S act of delivering PLAINTIFF to the Broward County Jail for further detention.

37. PLAINTIFF did not consent to the aforementioned action of DE LA NUEZ, SHERIFF and/or the SHERIFF'S other agents and employees including the SHERIFF'S law

enforcement deputies on scene. The SHERIFF'S actions were against the will of PLAINTIFF.

38. The aforementioned traffic stop, seizure, arrest and imprisonment of PLAINTIFF, by DE LA NUEZ and the SHERIFF'S other agents and employees was unlawful in that it was not based upon lawfully issued process of Court. DE LA NUEZ did not possess a valid warrant for the arrest of PLAINTIFF nor did the PLAINTIFF consent to his arrest, seizure and imprisonment.

39. As a result of the actions of DE LA NUEZ, the SHERIFF'S other agents and employees, for which, the SHERIFF is responsible, PLAINTIFF suffered damages which include physical inconvenience, physical injuries, physical discomfort, embarrassment, humiliation and injury to his reputation, mental pain and suffering, incurred attorney's fees, associated legal expenses and incidental monetary costs.

WHEREFORE, PLAINTIFF demands judgment against SHERIFF for compensatory damages in excess of \$15,000.00, costs of this action, attorney fees and demands a jury trial of all issues triable.

COUNT III (THREE)
MALICIOUS PROSECUTION

For his cause of action against Defendant, DE LA NUEZ, individually in Count III, PLAINTIFF re-alleges and adopts, as if fully set forth, the allegations contained in paragraphs 1-27, and would further state as follows:

40. On or about March 7, 2012, Defendant DE LA NUEZ caused the physical warrantless arrest of PLAINTIFF for the third degree felony of Battery on a Law Enforcement Officer and the first degree misdemeanor of Resisting an Officer Without Violence.

41. After arresting PLAINTIFF, Defendant DE LA NUEZ caused the prosecution to be instituted against PLAINTIFF for the offense of Resisting an Officer Without Violence in the Broward County Court, Florida.
42. The prosecution was instituted by DE LA NUEZ without probable cause as to the facts recited by DE LA NUEZ prior to arresting PLAINTIFF. The matters known to DE LA NUEZ before instituting the aforementioned prosecution would not have warranted a reasonable person to believe that the cited criminal offense had been committed by PLAINTIFF. In the alternative, the prosecution of PLAINTIFF was instituted by DE LA NUEZ with no reasonable likelihood of success.
43. DE LA NUEZ acted with legal malice in instituting the aforesaid prosecution which is implied by the lack of probable cause and/or with express malice as shown by his reckless disregard for the rights of PLAINTIFF and his personal animosity and hostility towards PLAINTIFF. Further, DE LA NUEZ made material misstatements of fact and/or material omissions of material facts in support of the prosecution.
44. No prosecution for Resisting an Officer Without Violence of PLAINTIFF would have occurred but for the actions of DE LA NUEZ.
45. The criminal proceeding was resolved in favor of the PLAINTIFF by the entry of a *nolle prosequi* for such crime on March 28, 2013.
46. The fact of PLAINTIFF's prosecution became known to many persons as a result of being made part of the public records of Broward County and its appearance on court documents available for public scrutiny.
47. As a result of the aforementioned actions PLAINTIFF suffered embarrassment, anxiety, discomfort, employment hardship, all of which continue to this day and is likely to continue

in the future. PLAINTIFF also incurred incidental monetary costs, attorney's fees, associated legal expenses for his criminal defense and present legal cause.

WHEREFORE PLAINTIFF demands judgment against Defendant, DE LA NUEZ, for compensatory damages in excess of \$15,000.00 and costs of this action and demands a jury trial of all issues triable.

COUNT IV (FOUR)
UNNECESSARY/EXCESSIVE USE OF FORCE CLAIM AGAINST
DEFENDANT DE LA NUEZ, INDIVIDUALLY,
COGNIZABLE UNDER 42 U.S.C. § 1983

For his cause of action against Defendant, DE LA NUEZ, individually in Count IV, PLAINTIFF re-alleges and adopts, as if fully set forth, the allegations contained in paragraphs 1- 23 and would further state as follows:

48. On or about March 7, 2012, DE LA NUEZ, under color of law, placed PLAINTIFF in reasonable apprehension of immediately receiving injury, pain and physical discomfort resulting from the defendant's actions which included, but were not limited to aiming, pointing and threatening to discharge an electric weapon device. The defendant's actions were likely to, and actually did result in such injury, pain and physical discomfort.
49. Defendant, DE LA NUEZ, under color of law, also did intentionally touch and strike PLAINTIFF by deploying a taser or electric weapon device without the PLAINTIFF'S consent and against his will. Defendant's actions intentionally caused physical harm to PLAINTIFF.
50. Defendant DE LA NUEZ, acting under color of law, also did intentionally touch and strike PLAINTIFF by continued tasing causing repeated cycles of electrical voltage to be discharged into Plaintiff's body. DE LA NUEZ, repeatedly punished and kicked PLAINTIFF before and after he laid upon the ground.

51. The conduct of Defendant, DE LA NUEZ, towards PLAINTIFF, as more fully set forth above, was objectively unreasonable and constituted unnecessary and excessive use of force in violation of PLAINTIFF'S clearly established constitutional rights under the 4th, 8th and 14th Amendments of the United States Constitution and 42 U.S.C. §1983.

52. As a direct and proximate result of the actions of Defendant, DE LA NUEZ, in violation of 42 U.S.C. §1983, PLAINTIFF suffered damages which include: physical suffering and injury; physical inconvenience; physical discomfort; mental anguish and emotional suffering and injury; embarrassment, legal costs and fees all in violation of PLAINTIFF'S civil rights.

WHEREFORE, PLAINTIFF demands judgment against the Defendant, DE LA NUEZ, for any and all damages allowable by law, including but not limited to compensatory and exemplary damages, award of payment of all costs related thereto, reasonable attorney's fees pursuant to 42 U.S.C. §1988, together with any post-judgment interest, any and all equitable relief allowed by law, and further demands trial by jury.

Respectfully Submitted,



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