

Exhibit B

STATE OF MINNESOTA
COUNTY OF HENNEPIN

FILED
MINNEAPOLIS, MINN
DISTRICT COURT
08 FEB -4 PM 2:47
FOURTH JUDICIAL DISTRICT
CITY CLERK
DEPARTMENT

Case Type:

Court File No.:

Symone Taylor, an individual

Plaintiff,

v.

City of Minneapolis, Officer Thomas Schmid, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officer Sherry Appledorn, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officer Lucas Peterson, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officer Aaron Morris, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officer Kurt Mencil, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officer Gary Nelson, badge # ____ personally, and in his capacity as a Minneapolis Police Officer, Officers Jane Doe and Richard Roe, unknown and unnamed Minneapolis Police officers, personally, and in their capacities as Minneapolis Police officers; and Tim Dolan, Minneapolis Chief of Police, personally and in his official capacity

**COMPLAINT AND JURY
DEMAND**

Defendants.

Now comes the Plaintiff, Symone Taylor, and for her Complaint against Defendants states and alleges as follows:

Exhibit B

INTRODUCTION

1. Plaintiff Symone Taylor brings this complaint seeking damages and other relief against Defendants for violations of her civil and constitutional rights under both federal and state constitutions, violations of federal and state statutes, including 42 United States Code Section 1981, 1983, 1985, 1986 and 1988, and for common law tort claims as herein enumerated.
2. The incident giving rise to Ms. Taylor's claims took place on or about February 3, 2006 near the address of "Block E," 600 Hennepin Avenue S., City of St. Minneapolis, County of Hennepin, Minnesota.
3. At all times material hereto, Ms. Symone Taylor was a person of African-American descent residing in the State of Minnesota, County of Hennepin. Plaintiff Taylor is a protected class individual.
4. Defendant City of Minneapolis is a political entity and person under 42 U.S.C. § 1983 and the employer of the Defendant police officers and is sued pursuant to Minnesota Statutes Section 466.01, et seq. The appropriate claims are also based on the doctrine of respondeat superior against Defendant City of Minneapolis as the employer of Defendant officers.
5. Defendant Tim Dolan is the Minneapolis Police Chief. Dolan, allegedly, has the duty and responsibility of supervising, training and disciplining Minneapolis Police officers, including defendant officers herein.
6. All Defendant police officers were at the time and place of the incident working as on-duty Minneapolis Police officers and/or acting within the scope and course of their official duties and employment as officers with the City of Minneapolis Police

Exhibit B

Department.

7. At approximately 2:00 a.m., Plaintiff Taylor was exiting the Crown Theater in the entertainment complex known as Block E.
8. Without warning or provocation, Officer Peterson slammed Plaintiff Taylor's head into the side of the building, causing injury to her head, cheek, and face.
9. Plaintiff Taylor was further beaten, assaulted, thrown to the ground and viciously kicked in the torso and back.
10. While she was laying on the ground in compliance with the officers' commands, she was both maced and tased.
11. During the beating, the officers, all white, repeatedly called her a bitch and used racially charged epithets.
12. According to the officers, Plaintiff simultaneously jumped on the backs of both Officer Peterson and Officer Mencil. Officer Morrison reported that he observed Plaintiff Taylor jump on Officer Mencil's back twice before he personally slapped her to the ground. Officer Morrison further reported that after Plaintiff Taylor was down, he kicked her in her ribs and sprayed her with chemical mace. Officer Morrison then reported that Officer Schmid touch tased Plaintiff Taylor.
13. The Officers reported that during this same time, Plaintiff Taylor was on the back of Officer Peterson. Officer Schmid reported that Plaintiff Taylor jumped on the back of Officer Peterson, whereupon he unholstered his M-26 Taser and touch tased Plaintiff Taylor in the back.
14. Both Officer Mencil and Officer Peterson separately reported that Plaintiff Taylor was on each of their backs during the assault.

Exhibit B

15. During the beating of Plaintiff Taylor, the officers kept yelling at Plaintiff Taylor "nigger stay down."
16. After Plaintiff Taylor was handcuffed, she was pulled along, pinched and berated by Officer Appledorn.
17. When Plaintiff Taylor requested medical treatment and to be transported to a hospital, Officer Nelson conditioned medical treatment and transportation on first arresting Plaintiff Taylor and taking her to jail versus receiving a citation and being permitted to leave.
18. The officers beat and kicked Ms. Taylor, assaulting and striking her numerous times after she complied immediately with their commands, without probable cause to arrest Ms. Taylor, without warrant to arrest her, and in so "seizing" her using unnecessary and unreasonable force.
19. The actions of the officers were malicious, unjustified, unreasonable, and were or should have been known to violate Ms. Taylor's rights, including her rights to due process and to be free from unreasonable seizures.
20. Ms. Taylor suffered distress and other injuries, including but not limited to, facial and back injuries.
21. Ms. Taylor reported this incident to the City of Minneapolis, and the Minneapolis Civilian Review, giving her timely notice of claim as to her state law tort claims. Nevertheless, Plaintiff alleges that Defendants have actual and/or or constructive knowledge of her claims. Further, Plaintiff has no obligation to provide notice of her federal claims based on the Supremacy Clause of the United States Constitution. *See Felder v. Casey*, 487 U.S. 131, 146-47, 108 S. Ct. 2302, 2311, 101 L. Ed. 2d 123 (1988).

Exhibit B

CAUSES OF ACTION

I.

ASSAULT

22. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
23. The actions of Defendant officers, including Officers Schmid, Peterson, Morrison, Mencil, Appledorn, and Nelson, placed Ms. Taylor in immediate fear of imminent threat of physical or bodily harm and were intended to cause such fear in Plaintiff while Defendants had the apparent and present ability to cause such harm.
24. Such actions were unjustified, were not the actions of reasonably well-trained officers, and were committed with malice and/or racial animus for Ms. Taylor.
25. As a result of these actions, Plaintiff was placed in fear of immediate harm, injury, or death, resulting in damage to Plaintiff.
26. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

II.

BATTERY

27. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
28. The actions of Defendant officers, including Officers Schmid, Peterson, Morrison, Mencil, Appledorn, and Nelson, as to Ms. Taylor constituted an unauthorized touching and use of unreasonable, unjustified and excessive force in violation of Minnesota

Exhibit B

Statutes authorizing the use of justifiable force. Such unauthorized touching or force caused physical or bodily harm and was intended to cause such physical or bodily harm as to Plaintiff while Defendants had Plaintiff in their custody.

29. Such actions were unjustified, were not the actions of reasonably well-trained officers, and were committed with malice and/or racial animus for Ms. Taylor.
30. As a result of these actions, Plaintiff was placed in fear of immediate harm, injury, or death, resulting in damage to Plaintiff.
31. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

III.

FALSE ARREST

32. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
33. Defendants in illegally and falsely seizing Plaintiff did so without probable cause, warrant or complaint, thus causing Plaintiff to lose her liberty and freedom of movement without legal right or justification.
34. Defendants did so maliciously and/or recklessly by assaulting her, based on Plaintiff's race, color and appearance.
35. Such an assault is part of a pattern of police misconduct.
36. Such actions were unjustified, were not the actions of reasonably well-trained officers, and were committed with malice and/or racial animus for Ms. Taylor.
37. As a result of these actions, Plaintiff was placed in fear of immediate harm, injury, or

Exhibit B

death, resulting in damage to Plaintiff.

38. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

IV.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

39. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
40. The actions of Defendants were malicious, unjustified and unreasonable and so outrageous as to be non-endurable in a civilized society. Further such actions invaded and violated Plaintiff's liberty interests and rights. Such actions were unjustified, were not the actions of reasonably well-trained officers and were committed with malice and/or racial animus for Ms. Taylor.
41. As a result of these outrageous actions and assaults, Plaintiff was caused severe emotional and mental distress, resulting in harm and injury to Plaintiff.
42. Wherefore, as a direct and proximate cause of these actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

Exhibit B

VI.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

43. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
44. The actions as alleged herein of all officers at the scene negligently and maliciously placed Plaintiff Taylor in a zone of danger where she faced the danger of further harm.
45. Further, the negligent actions of the Defendant officers invaded and violated the constitutional liberties and rights of Plaintiff. Such actions were unjustified, were not the actions of reasonably well-trained officers, and were committed with malice and/or racial animus for Ms. Taylor.
46. As a result of these outrageous actions and assaults, Plaintiff was caused severe emotional and mental distress, resulting in harm and injury to Plaintiff.
47. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

VII.

42 USC § 1983

EXCESSIVE FORCE AND DUE PROCESS VIOLATIONS

48. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
49. The actions of Defendant officers, including Officers Schmid, Peterson, Morrison, Mencil, Appledorn, and Nelson, were conducted under color of law and while acting within the scope of their authority as Minneapolis Police officers.

Exhibit B

50. Such actions intentionally and recklessly constituted "constitutional torts," including violating and depriving Ms. Taylor of her rights to be free from unreasonable seizures, to be free from excessive force and her right to due process of law, all in violation of her rights under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and Title 42 United States Code Section 1983.
51. Such actions were not the actions of objectively reasonably well-trained police officers and violated clearly and well established rights of Ms. Taylor. Further, the actions of the officers were inherently shocking to the conscience. See *Rochin v. California*, 342 U.S. 165, 96 L. Ed. 183, 72 S. Ct. 205 (1952).
52. As a result of these outrageous actions and assaults, Plaintiff was caused severe harm, including the loss of constitutional rights and liberties, serious, temporary and/or permanent physical injury and other emotional and mental distress, resulting in harm and injury to Plaintiff.
53. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

VIII.

42 U.S.C. § 1985

54. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
55. The actions of Officer Schmid, Peterson, Morrison, Mencil, Appledorn, Nelson and other officers were conducted as a part of a tacit agreement or conspiracy to refuse to vindicate, to refuse to protect, or to not infringe the constitutional rights of Brown skinned and

Exhibit B

African-American persons in the City of Minneapolis. Such a tacit agreement or conspiracy violates 42 U.S.C. § 1985 by depriving a class of persons of rights because of race-based animus or hostility and deprives them of their constitutional rights through a pattern and practice of condoned illegal police behavior.

56. Defendant officers have acted in furtherance of this tacit agreement or conspiracy to violate Plaintiff's rights.
57. As a result of these outrageous actions and assaults, Plaintiff was caused severe harm, including the loss of constitutional rights and liberties, physical injury and other emotional and mental distress, resulting in harm and injury to Plaintiff.
58. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

IX.

42 U.S.C. § 1983

MONELL CLAIM

59. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
60. The pattern or practice of illegal and condoned police misconduct is tacitly or overtly sanctioned by the conduct of Defendants Dolan and the City of Minneapolis.
61. Thus, such behavior is carried out pursuant to a policy, procedure or custom, whether formal or informal, which violates constitutional rights of persons situated such as Plaintiff.
62. As a result of these illegal and unconstitutional policies, procedures or customs, Plaintiff

Exhibit B

was caused severe harm, including the loss of constitutional rights and liberties, physical injury and other emotional and mental distress, resulting in harm and injury to Plaintiff.

63. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

X.

42U.S.C. § 1986

64. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
65. The actions of each police officer Defendant, the City of Minneapolis and Defendant Dolan in failing to prevent such a tacit agreement and conspiracy to violate rights under 42 USC §§ 1985 and 1983 constitutes a violation of 42 USC § 1986.
66. As a result of these illegal and unconstitutional policies, procedures or customs, Plaintiff suffered severe harm, including the loss of constitutional rights and liberties, physical injury and other emotional and mental distress, resulting in harm and injury to Plaintiff.
67. Wherefore, as a direct and proximate cause of the actions of Defendant officers, Plaintiff has suffered damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

XI.

VIOLATIONS OF MHRA

68. Plaintiff restates and realleges each and every allegation and paragraph of this Complaint as if fully set forth herein.
70. Defendants' actions with respect to Plaintiff constituted both hostile and differential

Exhibit B

discriminatory treatment in the provision or lack of provision of public services to Plaintiff under Minnesota Statutes Chapter 363A.

71. Defendant City of Minneapolis acted in a hostile, discriminatory and illegal fashion by unreasonably and unjustifiably seizing and arresting Plaintiff without probable cause. The individual Defendants, by their actions, aided and abetted this discriminatory conduct, policy or practice by their actions alleged herein; including by and through the following: by engaging in unlawful behaviors and failing to adequately hire, supervise, investigate, discipline, terminate and train its employees about excessive force, lethal force, encountering individuals who are African-American, and by failing to take reasonable steps to prevent its employees from engaging in excessive force, and by engaging in the use of excessive force.
72. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will suffer damages in an amount in excess of seventy-five thousand dollars (\$75,000.00).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Symone Taylor prays for judgment and the following relief against each and every Defendant, jointly and severally.

- A. Reasonable damages in an amount in excess of Seventy-Five Thousand Dollars;
- B. Injunctive and declaratory relief;
- C. Attorneys fees and expert costs under 42 USC § 1988;
- D. Any and all other relief available, including pre-verdict and post-verdict interest, costs, fees and disbursements; and
- E. After motion, hearing, and Order, a claim and judgment for punitive damages.

Exhibit B

- F. Plaintiff demands a jury trial as to issues so triable.
- G. All available statutory damages, including treble and punitive damages pursuant to Minnesota Statutes and Minneapolis municipal ordinance.

Dated: February 4, 2008


GOINS LAW OFFICES

Albert T. Goins, Sr., #126159
301 Fourth Avenue South
378 Grain Exchange Building
Minneapolis, MN 55415
(612) 339-3848 telephone
612-339-3853 facsimile

-and-

WARD LAW GROUP

Damon L. Ward, ID # 221442
431 South 7th Street
Suite 2485
Minneapolis, MN 55415
(612) 872-1100
(612) 872-1129

**ATTORNEYS FOR PLAINTIFF
SYMONE TAYLOR**


Exhibit B

ACKNOWLEDGMENT

The undersigned attorney does hereby acknowledges the provisions of Minn. Stat. §549.211.

Dated: February 4, 2008

GOINS LAW OFFICES


Albert T. Goins, Sr., #126159
301 Fourth Avenue South
378 Grain Exchange Building
Minneapolis, MN 55415
(612) 339-3848 telephone
612-339-3853 facsimile

-and-

WARD LAW GROUP

Damon L. Ward, ID # 221442
431 South 7th Street
Suite 2485
Minneapolis, MN 55415
(612) 872-1100
(612) 872-1129

**ATTORNEYS FOR PLAINTIFF
SYMONE TAYLOR**