

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

D.H., individually, by and through his	§	
Guardian, MIRACLE U. FARR,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 5:19-CV-16
	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
THE CITY OF TEXARKANA, TEXAS,	§	
AND SCOTT LILLIS,	§	
	§	
Defendants.	§	

**PLAINTIFF'S ORIGINAL COMPLAINT**

COMES NOW, Plaintiff, D.H., by and through his guardian Miracle U. Farr, complaining of Defendants, The City of Texarkana, Texas, more particularly The Texarkana Police Department ("TPD") and Officer Scott Lillis ("Lillis"), individually and in his official capacity as a Texarkana police officer, and for cause would show the Honorable Court as follows:

**I.**

**NATURE OF THE ACTION**

1. This is an action brought by the Plaintiff against the City of Texarkana, Texas and Officer Lillis for his use of excessive force resulting in the severe injuries sustained by 17 year old minor, D.H., under the color of law in violation of his individual rights under the Fourth Amendment of the United States Constitution and in violation of his civil rights pursuant to 42 U.S.C. § 1983 and all other applicable laws complaining of the various acts listed below.

2. Plaintiff alleges that the City of Texarkana, Texas (the "City") and its policy makers, specifically Mayor Bob Bruggeman ("Bruggeman"), the city of Texarkana City Council

(the "City Council"), Chief of Police Kevin Schutte ("Schutte"), and City Manager Shirley Jaster ("Jaster"), who acts as the chief executive officer for the City (collectively referred herein as the "Policymakers") failed to properly supervise, screen, discipline, transfer, counsel or otherwise control officers who are known, or who should have been known, to engage in the use of excessive force, including those officers repeatedly accused of such acts. The Policymakers, specifically Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster had a duty, but failed to implement and/or enforce policies, practices and procedures for the Texarkana Police Department that respected D.H.'s constitutional rights to assistance and protection under the law. This duty was delegated to the City Council who hired Mayor Bruggeman to carry out the actions and policies of the council by overseeing the day-to-day operation of the City of Texarkana. Defendant the City of Texarkana and its Policymakers, specifically Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster's failure to implement the necessary policies and the implementation of unconstitutional policies caused D.H.'s unwarranted and excruciating physical and mental anguish. For these civil rights violations and other causes of action discussed herein, Plaintiff seeks answers and compensation for his injuries.

## **II. PARTIES**

3. Plaintiff, D.H., by and through his guardian Miracle U. Farr, is a citizen of the United States and a resident of Texarkana, Texas.

4. Defendant, the City of Texarkana is a municipality located in Texarkana, Texas. The City funds and operates the TPD, and Mayor Bruggeman, as the mayor, serves as the City's chief administrator. The Mayor is responsible for carrying out the actions and policies of the council by overseeing the day-to-day operation of the organization. Mayor Bruggeman along

with Chief Schutte were responsible for the implementation of the police department's budget, policies, procedures, practices, and customs, as well as the acts and omissions, challenged by this suit. The TPD is also responsible for preventive, investigative, enforcement services and assuring safety for all citizens of The City of Texarkana. The City may be served by delivering a copy of the complaint to the Mayor, City Manager, Clerk, and Secretary for the City at 220 Texas Boulevard, Texarkana, Texas 75501.

5. Defendant Scott Lillis, upon information and belief, is a resident of Texarkana, Texas. Lillis may be served at the Texarkana Police Department, 100 N. State Line Ave., #16, Texarkana, TX 75501 or wherever he may be found.

### **III. JURISDICTION AND VENUE**

6. Jurisdiction exists in this court pursuant to 28 U.S.C. §§ 1331 and 1343 as this action is brought under, inter alia, the Fourth Amendment of the United States Constitution and 42 U.S.C. § 1983, to redress the deprivation of rights, privileges and immunities guaranteed to D.H., by constitutional and statutory provisions.

7. Venue is proper in this court because the causes of action occurred within the Eastern District of Texas, Texarkana Division.

### **IV. FACTS**

8. On or about January 27, 2019, D.H. was hanging out with a group of his friends when a number of individuals, including K.F., the ex-girlfriend of one of his best friends, and her mother, came to the home where D.H. was visiting to confront X.F., K.F.'s ex-boyfriend. At no time prior to that time did D.H. have any interactions with K.F., K.F.'s mother or any of the individuals who came to confront X.F. nor did he commit any penal offenses that would justify any use of force by Officer Lillis.

9. Shortly after K.F., K.F.'s mother, Kiaundra Forte ("Forte") and the group of individuals showed up at the house, there was an altercation between K.F. and B.J., which D.H. witnessed. Seeing that things were getting out of control, D.H. only went outside to calm things down. While outside, D.H. observed K.F. with a baseball bat in her hands. Not wanting anyone to get injured, D.H. was able to take the bat away from D.H. and asked everyone to calm down. At no time did D.H. get into an altercation with anyone.

10. Moments after D.H. was able to calm things down and take possession of the bat so that no one would get injured, several Texarkana police officers arrived on the scene, causing individuals to run in different directions. At some point, Forte started charging towards D.H., causing D.H. to run backwards to get away from her because he did not want to get into any confrontations with anyone. At no time did D.H. attempt to harm Forte or make any threatening gestures toward Forte or any other person. Suddenly and without warning and for no lawful reason, Defendant Lillis grabbed D.H. around his neck and placed him in a choke hold. Not immediately knowing that Defendant Lillis was a police officer and afraid that Forte was going to harm him, D.H. attempted to explain what was transpiring when Lillis placed a JPX (MASE GUN) to D.H.'s head and discharged it at point blank range, striking D.H.'s left eye. The force of the shot caused D.H. to suffer fractures of the medial left orbital wall and left orbital floor with obvious entrapment. There is also increased attenuation within the posterior chamber of the left globe suspicious for intraocular hemorrhage. D.H. is currently without vision in his left eye due to damage to his opical nerve.

11. At all times during Defendant Lillis's interaction with D.H, D.H. was not resisting nor was he attempting to flee or attack Defendant Lillis or any other person when Lillis shot D.H. in the left eye at close range. On the day Defendant Lillis injured D.H., D.H. was NOT

committing any violent offense and in fact, D.H. posed no threat of harm to Defendant Lillis or to anyone for that matter.

12. Defendant Lillis had no probable cause or reasonable suspicion to believe that D.H. was or attempting to commit a crime. D.H. did not pose an immediate threat to the safety of Defendant Lillis or others, when Defendant Lillis, for no lawful reason, shot D.H. in the left eye. As a result of Defendant Lillis's unlawful attack on D.H., D.H. sustained multiple injuries to his left eye, which has led to the loss of vision in his left eye.

13. Defendant, the City and TPD have a longstanding record of not providing officers with adequate training, not preventing excessive force and extrajudicial killings by Texarkana Police officers. The Mayor of Texarkana and the City Council had in fact delegated policy-making authority to Chief Schutte, giving him the responsibility for setting training policies, knew that there were training issues. As a result of the lack of training, supervision, discipline and the official customs or policies of the TPD, Texarkana, per capital, remains one of the top cities in the state of Texas for police misconduct. There have been a number of incidents between officers and unarmed citizens that have resulted in the use of excessive and deadly force.

14. Defendant Lillis's inadequate training was a moving cause in the injuries sustained by D.H. Despite the number of internal affairs complaints lodged against police officers for misconduct, the TPD and the City's policymakers continue to cover-up bad acts and ratify the actions of its police officers as it now attempts to do with this case. Defendant Lillis's inadequate training resulted in the injuries sustained by D.H.

15. The internal affairs section of the TPD has received hundreds of complaints involving the use of excessive force by police officers rarely taking any disciplinary action

against the officers. This has resulted in a failure to supervise, discipline, counsel, or otherwise control police officers who are known or should be known to engage in the use of excessive force. The police officers know at the time they act that their use of excessive and/or deadly force in conscious disregard of the rights and safety of innocent third parties will meet with the approval of City Policymakers. Defendant Lillis is a part of “a police code of silence wherein other officers and supervisors habitually cover[ed] up the use of excessive force by fabricating accounts to the media and in official reports and internal affairs investigations. This is exactly what has happened with the injuries to D.H.

16. The problems in the TPD’s Internal Affairs in particular run more than policy-deep. Internal Affairs’ gut reaction to most complaints is to protect fellow officers and to disbelieve and attack the credibility of complainants.

17. As indicated above, Defendant Lillis shot D.H. in the left eye with a JPX (MASE GUN) for no lawful reasons. There is no evidence that Defendant Lillis or any third party were ever in any danger of imminent death or great bodily harm. The TPD did not provide adequate training to Defendant Lillis in the proper use of deadly and non-deadly force.

18. The TPD did not provide adequate training to Defendant Lillis on proper arrest and confrontation techniques and how to use the JPX (MASE GUN), including the proper distance to fire the gun .

19. The City knew or should have known that the training was inadequate or nonexistent.

20. At the time Defendant Lillis fired his JPX (MASE GUN), there had been no previous interaction between D.H. and Defendant Lillis, and at no time did D.H. do any act to justify Defendant Lillis's use of excessive force.

21. D.H. posed no risk to Defendant Lillis or any other person. D.H. had not committed a crime nor were he actively resisting when Defendant Lillis shot D.H. in the left eye with a JPX (MASE GUN) for no lawful reasons.

22. Defendant Lillis's unlawful and unwarranted acts, lack of training and the official customs or policies of the TPD caused the injuries suffered by D.H.

23. Plaintiff would also show that at all times material hereto, Defendant Lillis was acting under the color of law when he severely injured D.H.

24. Plaintiff would further show that Defendant Lillis's actions were the result of, or within the scope of, wrongful and reckless customs, policies, practices and/or procedures of the TPD in regards to the use of excessive force for which the City and the Policymakers, specifically Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster knew or should have known but never provided the requisite and proper training.

25. Moreover, no reasonably competent official would have concluded that the actions of Defendant Lillis described herein would not violate D.H.'s constitutional rights. In other words, no reasonably prudent police officer under similar circumstances could have believed that Defendant Lillis's conduct was justified nor was his treatment of D.H., reasonable.

26. As a direct and proximate result of the Defendants' conduct, Plaintiff has sustained substantial damages and pecuniary loss. For these losses, D.H. seeks damages in a sum in excess of the minimum jurisdictional limits of the court.

27. Upon information and belief, the TPD has not implemented policies and procedures to aggressively curtail death and/or injuries as a result of the improper use of a JPX (MASE GUN) gun.

## V. CAUSES OF ACTION

### A. Cause of Action against Scott Lillis under 42 U.S.C. §1983 for Violation of the Plaintiffs' Fourth Amended Right to be free from excessive force.

28. Plaintiff D.H. would show that the force used by Defendant Lillis was excessive, violated D.H.'s clearly established constitutional rights, and was not objectively reasonable under the circumstances.

29. Plaintiff would further show that he was severely injured as a direct result of Defendant Lillis's use of force that was clearly excessive and the excessiveness of which was clearly unreasonable. That is, Defendant Lillis, without justification and the need to do so, used excessive force as described above and injured D.H. without legal justification. Defendant Lillis's use of force was clearly excessive and clearly unreasonable because D.H. never made any threatening gestures toward Defendant Lillis and any other person and did not pose an immediate threat to the safety of Defendant Lillis or others.

30. Defendant Lillis was not provoked when he fired his JPX (MASE GUN) gun at point blank range, striking D.H. in the left eye for no lawful or justifiable reason. The excessive force used by Defendant Lillis was not reasonable or justified, nor was it necessary under the circumstances.

31. Defendant Lillis's actions were not objectively reasonable because D.H. did not pose an immediate risk of serious physical harm to any officers or any other person. Defendant Lillis embarked on a willful, malicious, reckless and outrageous course of conduct that was intended to cause and, in fact, caused D.H. to suffer extreme and severe mental and emotional distress, agony and anxiety.

32. Further, Defendant Lillis's conduct violated a clearly established constitutional right—the right to be free from excessive force—that was established well before Defendant



Lillis shot D.H. *See, e.g., Reyes v. Bridgewater*, 362 Fed. Appx. 403, 409 (5th Cir. 2009) (“The cases on deadly force are clear: an officer cannot use deadly force without an immediate serious threat to himself or others.”). More specifically, the right to be free from the use of excessive force was clearly established under the particular circumstances presented to Lillis. *See Lytle v. Bexar Cty., Tex.*, 560 F.3d 404, 417–18 (5th Cir. 2009) (“It has long been clearly established that, absent any other justification for the use of force, it is unreasonable for a police officer to use deadly force against a fleeing felon who does not pose a sufficient threat of harm to the officer or others.”).

33. As a result of these Constitutional violations to D.H. and the injuries he sustained, Plaintiff seeks compensation as set forth more specifically in the section of this Complaint entitled “Damages.”

**B. Cause of Actions against the City under 42 U.S.C. § 1983 for violation of the Plaintiff’s Fourth Amendment Rights.**

34. The City is liable for all damages suffered by the Plaintiff pursuant to *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978) and 42 U.S.C. § 1983, based on an official policy or custom of the TPD of which the City Council, the City Manager, the Mayor, and Chief of Police all had actual or constructive knowledge that was a moving force behind the constitutional violations alleged herein.

**1. The City of Texarkana failed to train its officers on use of force and in dealing with individuals during an entry into an occupied vehicle.**

35. Plaintiff incorporates by reference paragraphs 1 through 34 as if fully set forth herein. Prior to January 27, 2019, the Policymakers, specifically Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster knew or should have known that Defendant Lillis was not adequately trained.

36. Defendant Lillis was acting under the color of law and acting pursuant to customs, practices and policies of the City and the TPD in regards to the use of excessive force as authorized and/or ratified by the Policymakers, specifically Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster when he deprived D.H. of rights and privileges secured to him by the Fourth Amendment to the United States Constitution and by other laws of the United States, by the City failing to provide proper training in the use of excessive force in violation of 42 U.S.C. § 1983 and related provisions of federal law and in violation of the above cited constitutional provisions.

37. With respect to the claims made the basis of this lawsuit, the City and the TPD failed to adequately train, supervise or discipline its employees regarding the unnecessary use of excessive force. The failure to train, supervise or discipline its employees in a relevant respect reflects a deliberate indifference to the City, TPD, Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster to the rights of the City's inhabitants and is actionable under 42 U.S.C. § 1983.

38. Defendant the City and Chief Schutte under the direction of the City Council and the City Manager Jaster developed and maintained a policy of deficient training of its police force in the use of force, including the use of a JPX (MASE GUN) gun and the wrongful detention of individuals. The City's training is designed and implemented by Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster to act in this regard.

39. The City, Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster's failure to provide adequate training to its police officers regarding the use of excessive force and wrongful detentions reflect deliberate indifference by the Policymakers and reckless and conscious disregard for the obvious risk that officers would use excessive on citizens and

made the violation of D.H.'s constitutional rights, including D.H.'s severe injuries, a reasonable probability.

40. Plaintiff would show that Defendant Lillis's actions were the result of, or within the scope of, wrongful and reckless customs, policies, practices and/or procedures for which the City, TPD, Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster knew or should have known but never provided the requisite and proper training.

41. On information and belief, Defendant the City, TPD, Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster, acting through official policies, practices, and customs, and with deliberate, callous, and conscious indifference to the constitutional rights of D.H., failed to implement and/or enforce the policies, procedures; and practices necessary to provide constitutionally adequate protection and assistance to D.H. during his struggle to survive and implemented policies, procedures, and practices which actually interfered with or prevented D.H. from receiving the protection, assistance and care he deserved.

42. For instance, the following conduct, policies, and customs, *inter alia*, by Defendants violated D.H.'s constitutional rights:

- (a) The inadequacy of TPD'S policies, training, supervision or discipline relating to the use of excessive force;
- (b) The inadequacy of TPD's policies, training, supervision or discipline relating to the use of non-lethal control devices and tactics;
- (c) The adoption of completely subjective continuum of force policy that can be expressly avoided and which leaves the use of excessive force exclusively to the unchecked discretion of officers on the scene;
- (d) The adoption of a policy that allows officers to use the degree of force that the officer feels brings the situation quickly under control as per his or her individual judgment even if that method is deadly force;
- (e) Lack of training in regard to effective communication with citizens while giving them commands and determining their compliance.

- (f) Using excessive force against D.H. although he caused no immediate threat; and
- (g) Using excessive force against D.H. while he was detained and not resisting.

43. In addition, Defendant City, as applicable, failed and refused to implement customs, policies, practices or procedures, and failed to train its personnel adequately on the appropriate policies, practices or procedures regarding the use of a JPX (MASE GUN) gun and the wrongful detention of individuals. In so doing, Defendant the City knew that it was acting against the clear dictates of current law, and knew that as a direct consequence of their deliberate decisions, the very situation that occurred -- *i.e.*, D.H.'s injuries-- in all reasonable probability would occur.

44. The City's failure to properly train, supervise and discipline its police officers regarding the use of force was the proximate cause of the violation of D.H.'s constitutional rights.

**2. The City failed to adequately supervise or discipline its officers for violent, aggressive, and excessive force and, in failing to do so, ratified and encouraged the conduct of its officers, including Defendant Lillis.**

45. Plaintiff incorporates by reference paragraphs 1 through 44 as if fully set forth herein.

46. On Plaintiff's governmental liability claim against the City for failing to supervise and/or discipline its officers for prior violations and the resulting lack of supervision:

- a. The City and Chief Schutte failed to adequately supervise and/or discipline its employees in handling usual and recurring situations with which they deal;
- b. The City Council and Chief Schutte were deliberately indifferent to the need to supervise and/or discipline its officers and/or employees adequately;
- c. the failure to adequately supervise and/or discipline its officers proximately caused the deprivation of D.H.'s constitutional rights; and.

- d. The City and Chief Schutte failed to adequately supervise and/or discipline Defendant Lillis for shooting a JPX (MASE GUN) gun at D.H.'s left eye for no lawful reason, resulting in the severe injuries to D.H., including the loss of vision in his left eye.

47. Despite having knowledge of Defendant Lillis's violation of the TPD's policies and other best police practice as described above, the City, TPD, Mayor Bruggeman, the City Council, Chief Schutte and City Manager Jaster failed and/or refused to adequately discipline Defendant Lillis. The City's Policymakers were well aware of the out of control behavior of Defendant Lillis but have failed to take any actions. The City's failure to adequately supervise and/or discipline its officers was therefore the moving force behind Plaintiff's damages.

## **VI. DAMAGES**

48. **Actual damages.** Plaintiff incorporates by reference paragraphs 1 through 47 as if fully set forth herein. Defendants' acts and/or omissions were a proximate cause and the moving force behind the following actual damages suffered by the Plaintiff and Defendants should be held jointly and severally liable for the following damages:

- a. **D.H. (Excessive Force).**
  1. Actual Damages;
  2. Disfigurement;
  3. Conscious pain and mental anguish suffered by D.H.;
  4. Mental anguish and emotional distress sustained as a result of Defendant Lillis's excessive force.

49. **Punitive/Exemplary Damages against Defendant Lillis.** Punitive/exemplary damages are recoverable under section 1983 when the conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others. Here, the conduct of Defendant Lillis was done with evil motive or intent, or at the very least, was reckless or callously indifferent to the federally protected rights of the

Plaintiff. As such, Plaintiff requests punitive and exemplary damages to deter this type of conduct in the future.

50. Prejudgment and post judgment interest.

51. Costs of court.

52. Reasonable and necessary attorney's fees incurred by the Plaintiff through trial, and reasonable and necessary attorney's fees that may be incurred by Plaintiff for any post-trial proceedings, or appeal, interlocutory or otherwise, pursuant to 42 U.S.C. § 1988.

53. Plaintiff seeks unliquidated damages in an amount that is within the jurisdictional limits of the court.

#### **VII. CONDITIONS PRECEDENT**

54. Plaintiff reserves his rights to plead and prove the damages to which he is entitled to at the time of trial. All conditions to Plaintiff's recovery have been performed or have occurred.

#### **VIII. TRIAL BY JURY**

55. Plaintiff has paid a jury fee and demands trial by jury.

#### **IX. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein; that upon final trial hereof Plaintiff recovers judgment from Defendants; actual damages, exemplary damages, pre-judgment interest at the legal rate; interest on said judgment at the legal rate; costs of court; and such other and further relief, both general and special, at law and in equity, to which Plaintiff is justly entitled.

Respectfully submitted,

By: /s/ Daryl K. Washington

DARYL K. WASHINGTON

State Bar No. 24013714

**WASHINGTON LAW FIRM, P.C.**

325 N. St. Paul St., Suite 3950

Dallas, Texas 75201

214 880-4883

214-751-6685 - fax

**ATTORNEYS FOR PLAINTIFF**

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

D.H., by and through his Guardian, Miracle U. Farr

(b) County of Residence of First Listed Plaintiff Bowie  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Washington Law Firm, P.C., 325 N. St. Paul, Suite 3950, Dallas, Texas  
 75201 (214) 880-4883

### DEFENDANTS

The City of Texarkana, Texas and Scott Lillis

County of Residence of First Listed Defendant Bowie  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. 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		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	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 & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' 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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

### V. 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
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:

This is an action brought by the Plaintiff against Defendants for Officer Lillis's use of excessive force

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

02/03/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Daryl K. Washington

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.