

RETURN DATE: NOVEMBER 20, 2012 : SUPERIOR COURT
JORDAN JEFFERSON : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
THADDEUS REDDISH; MATT
ABBATE; DAVID GUILUZZA; JUSTIN
MARSHALL; ANGELO MAURIELLO;
FRANK LIMON; ARIEL MELENDEZ;
CITY OF NEW HAVEN : OCTOBER 1, 2012

COMPLAINT

COUNT I: CIVIL RIGHTS VIOLATIONS UNDER TITLE 42 USC ~~§§~~ 1983 AND 1988

1. At all times relevant to this action, the plaintiff, Jordan Jefferson, was a student at Yale University and resided in New Haven, Connecticut.
2. At all times relevant to this action, the defendant, Thaddeus Reddish, was a duly appointed police officer in the City of New Haven, Connecticut acting in his official capacity. He is sued however, only in his individual capacity.
3. At all times relevant to this action, the defendant, Matt Abbate, was a duly appointed police officer in the City of New Haven, Connecticut acting in his official capacity. He is sued however, only in his individual capacity.
4. At all times relevant to this action, the defendant, David Guliuzza, was a duly appointed police officer in the City of New Haven, Connecticut serving as a Sergeant of the New Haven Police Department and acting in his official capacity. He is sued in his individual capacity and as a policy maker for the City of New Haven.
5. At all times relevant to this action, the defendant, Justin Marshall, was a duly appointed police officer in the City of New Haven, Connecticut acting in his official capacity. He is sued however, only in his individual capacity.

6. At all times relevant to this action, the defendant, Angelo Mauriello, was a duly appointed police officer in the City of New Haven, Connecticut acting in his official capacity. He is sued however, only in his individual capacity.
7. At all times relevant to this action, the defendant, Frank Limon, was a duly appointed police officer in the City of New Haven, Connecticut, serving as the Chief of the New Haven Police Department, and acting in his official capacity. He is sued in his individual capacity and as a policy maker for the City of New Haven.
8. At all times relevant to this action, the defendant, Ariel Melendez, was a duly appointed police officer in the City of New Haven, Connecticut serving as the Assistant Chief of the New Haven Police Department, and acting in his official capacity. He is sued in his individual capacity and as a policy maker for the City of New Haven.
9. The City of New Haven is a Connecticut municipality.
10. At all times relevant to this action, the defendants were action under color of law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs, and usages of the State of Connecticut and the City of New Haven.
11. At all times relevant to this action, the defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello acted jointly and in concert with one another. Each defendant had the duty and the opportunity to protect the plaintiff from the unlawful actions of the other police officers, but failed and refused to perform such duty, thereby proximately causing the plaintiff's injuries herein complained of.
12. On October 2, 2010 and before, defendant Reddish was assigned to a "SWAT" detail within the New Haven Police Department. On that evening, he and another

officer from the SWAT detail were present in the area of 215 Crown Street, dressed in tactical gear with weapons displayed.

13. On October 2, 2010, the plaintiff was upon the premises of 215 Crown Street an area known as Alchemy/Elevate nightclub taking part in a Yale sponsored social function.
14. Attendance for the function was limited in nature to Yale University undergraduate students and their guests.
15. Sometime on or after 12:30 am, the defendant s entered the premises in order to do an "ID" check, to determine if alcohol was being consumed by students who were not of legal age to do so.
16. Prior to the defendants entering the premises, they received no phone calls or other citizen complaints of criminal activity taking place on the premises that evening.
17. Prior to the defendants entering the premises, members of the SWAT team, including defendant Reddish, were not assigned the task of entering and conducting the "ID" check.
18. Prior to entering the premises, defendant Guliuzza was assigned to supervise the "ID" check.
19. Defendants Limon, and Melendez were also present in a supervisory or oversight capacity.
20. Defendants Limon and Melendez ordered their officers that there would be a "zero tolerance" policy during the enforcement checks.
21. At that time and place all defendants, along with numerous other New Haven Police officers entered the premises of 215 Crown Street an area known as Alchemy/Elevate nightclub
22. At that time and place, one or more of the defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello assaulted the plaintiff by the repeated use of a taser,

hitting him with fists and a baton/club, and kicking him, despite the fact that he was not resisting arrest.

23. At that time and place, the plaintiff was arrested and charged with the following crimes: three counts of Assault on a Police Officer, in violation of C.G.S. §53a-167c; Inciting a Riot, in violation of C.G.S. §53a-178; Interfering with Police, in violation of C.G.S. §53a-167a; and Disorderly Conduct, in violation of C.G.S. §53a-182.
24. The plaintiff was also subject to additional physical assault while being pushed out of the premises by one or more of the defendant officers by being pushed into the stair walls and by having the handcuffs applied and kept in an excessively tight manner.
25. There was no warrant issued for the plaintiff's arrest.
26. There was no probable cause for the plaintiff's arrest.
27. Defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello made statements and/or reports that claimed and supported the charges against the plaintiff.
28. The defendants set a \$25,000.00 bond, and the plaintiff was taken into custody.
29. As a result of the arrest, the plaintiff was held for a period of time, until bond could be posted for his release.
30. As a result of the arrest, the plaintiff was compelled to attend court and retain an attorney to defend him against serious felonies which could have resulted in many years of incarceration if convicted.
31. As a result of the physical assaults, the plaintiff sustained severe, painful and permanent injuries including the following: multiple taser injuries including electrical shock and puncture wounds, concussion and brain injuries, post concussive syndrome, headaches located over the bitemporal and bifrontal regions, cognitive difficulties, difficulty breathing through the nose, worse on the right, right facial pain, numbness on the right cheek a laceration underneath the

right eye requiring sutures, blurred vision in the right eye, right knee injuries, injuries to both wrists, the left worse than the right, a cut to the left wrist, numbness of the left wrist extending into the thumb, swelling, tenderness and contusion over the right occiput, skin irritation over the right deltoid muscle, right shoulder pains, abrasion and erythema over the left elbow, tenderness of the right hamstring tendon, right knee pain, vertiginous dizziness, fatigue, difficulty with sleep, depression, a shock to his entire nervous system, fear and anxiety, pain and suffering, distress of mind and an inability to carry on and enjoy his usual life activities.

32. As a further result thereof, the plaintiff has incurred substantial expense for his medical care and attention and may continue to do so in the future.
33. As a direct and proximate result of the acts and omissions of the defendants herein described, the plaintiff suffered emotional distress, fear, and anguish, and the loss of all the constitutional rights described herein.
34. The charges against the plaintiff were dismissed in November of 2011.
35. In the manner described herein, the defendants subjected the plaintiff to unreasonable and excessive force, false arrest, warrantless arrest, arrest without probable cause, and unreasonable and excessive bail bond, all in violation of the Fourth, Eight, and Fourteenth Amendments to the United States Constitution and Title 42 United States Code, Sections 1983 and 1988.

COUNT II SUPERVISORY LIABILITY

1. Paragraphs 1-34 are repeated and incorporated as Paragraphs 1-34 of the Second Count.
35. The individual defendants, defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello, acted with impunity in an environment in which they were not trained, supervised, or disciplined by supervisory defendants Limon and Melendez.

36. As described in the preceding paragraphs fully incorporated herein, defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello were personally involved in the deprivation of plaintiff's constitutional rights, including without limitation: the use of excessive force, and his false arrest.
37. Supervisory defendants Limon, Melendez, and Guliazza also acted with gross negligence, recklessness, and/or deliberate indifference to the constitutional rights of the plaintiff, by failing to provide adequate training, supervision, and discipline of the defendant police officers, and thereby caused the individual police officers/defendants to deprive the plaintiff of his clearly established constitutional rights, including his rights to be free from excessive force, unreasonable seizures, false imprisonment, and deprivation of liberty without due process of law, despite actual or constructive knowledge that such constitutional violations were occurring or had occurred. Despite their duty to train, supervise and discipline the defendant police officers, supervisory defendants Limon, Melendez, and Guliazza condoned the unconstitutional acts of these subordinates, which directly and proximately caused the plaintiff to suffer damages.
38. Supervisory defendants Limon, Melendez, and Guliazza knew or should have known that a high degree of risk existed that defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello, would conduct criminal investigations and arrests in a constitutionally inappropriate manner.
39. The conduct of supervisory defendants Limon, Melendez, and Guliazza was grossly negligent, reckless and/or deliberately indifferent, and violated their clearly established duties to supervise defendants Reddish, Abbate, Guliuzza, Marshall, and Mauriello, and no reasonable police supervisor would have believed that grossly negligent, reckless and/or deliberately indifferent supervision with actual or constructive notice of subordinate officers' misconduct was lawful.

40. As a direct and proximate result of supervisory defendants Limon, Melendez, and Guliazza grossly negligent, reckless and/or deliberately indifferent conduct, the plaintiff was subjected to excessive force, arrest, and detention in violation of his clearly established Fourteenth Amendment rights, and suffered damages as alleged herein.

COUNT III: NEGLIGENT ASSAULT

1. Paragraphs 1-34 are repeated and incorporated as Paragraphs 1-34 of the Third Count.
35. Plaintiff's injuries and losses are caused by the negligence of the defendants in one or more of the following ways: in that they used a degree of force that was unnecessary and excessive under the circumstances, when they knew or should have known that the same would cause injuries; in that they used a taser guns against the plaintiff when they knew that the use of said gun was unnecessary and would cause injuries; in that one or more of the defendants failed to stop or prevent the other defendants from using excessive and unnecessary force when in the use of due care they should have taken such measures; in that one or more of them failed to prevent injury to the plaintiff, being inflicted by other individual defendants, when they knew, or in the exercise of due care, should have known that the injuries would occur and be exacerbated; in that they used a baton/club against the plaintiff when they knew that the use of said baton/club was unnecessary and would cause injuries; in that they used handcuffs in such a manner against the plaintiff when they knew that the use of said handcuffs was unnecessary and would cause injuries.

COUNT IV: ASSAULT

1. Paragraphs 1-34 are repeated and incorporated as Paragraphs 1-34 of the Fourth Count.

35. One or more of the defendants assaulted the plaintiff by tasing, punching, kicking, and beating him with a baton/club.

COUNT V: NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

1. Paragraphs 1-34 are repeated and incorporated as Paragraphs 1-34 of the Fifth Count.
35. The acts and omissions of the defendants as described in the preceding paragraphs created and unreasonable and foreseeable risk of causing the plaintiff emotional distress because the defendants knew or should have known that their conduct might and did result in the arrest and injury of the plaintiff.

COUNT VI: DIRECT ACTION UNDER CONN.GEN.STAT. §52-557n AGAINST THE CITY OF NEW HAVEN

1. Paragraphs 1-34 are repeated and incorporated as Paragraphs 1-34 of the Sixth Count.
35. The defendants, were police personnel employed by the City of New Haven acting within their employment and under color of law, who were under a duty to plaintiff and citizens in general to diligently, fairly and accurately investigate crimes, to arrest and prosecute persons only when there was probable cause to do so, and to refrain from the use of excessive and unnecessary force.
36. The defendants breached this duty by the use of excessive force against the plaintiff and by arresting and facilitating the prosecution, of the plaintiff, when they knew, or reasonably should have known, that probable cause against him did not exist, and that such actions would cause the plaintiff emotional distress, and by allowing other defendants to do so.
37. The acts and omissions by defendants described in the preceding paragraphs of this complaint were the direct and proximate cause of the plaintiff's injuries because the defendants knew, or should have known, that their conduct might,

and did, result in the arrest, injury prosecution, and temporary confinement of the plaintiff when he was innocent of any crime.

38. As a result of the conduct of the defendants, the plaintiff was damaged in that he was arrested and injured, suffering, among other things, pain, mental anguish, emotional distress, humiliation, indignities and embarrassment, degradation, and injury to reputation.

39. The City of New Haven is liable pursuant to Conn.Gen.Stat. §52-557n(a)(1) for all damages caused by the negligent acts or omissions of the defendants who were, at all relevant times, employees, officers or agents of the City of Hartford acting within the scope of their employment or official duties.

WHEREFORE, plaintiff claims damages, punitive damages, and attorney's fees.

THE PLAINTIFF,

By



William F. Dow III
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His Attorneys

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand in this action, exclusive of interest and costs, exceeds
Fifteen Thousand (\$15,000.00) Dollars.

THE PLAINTIFF,

By 

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