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JEFFERSON CIRCUIT COURT  
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DIVISION WHAS

DURON WEAVER,

And

MICAH GAZAWAY,

And

DUSHON WEAVER,

And

DE'ARREON WILLIAMS,

PLAINTIFFS,

v. **COMPLAINT**

UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 1,  
Individually And In His Official Capacity  
As A Police Officer of Louisville Metro Government  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

And

UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 2,  
Individually And In His Official Capacity  
As A Police Officer of Louisville Metro Government  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

And

UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 3,  
Individually And In His Official Capacity  
As A Police Officer of Louisville Metro Government  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

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And

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UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 4,  
Individually And In His Official Capacity  
As A Police Officer of Louisville Metro Government  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

WHAS

And

CHIEF OF POLICE JACQUELYN GWINN-VILLAROEL,  
Individually And In Her Official Capacity  
As the Interim Chief and Chief of Police of  
the Louisville Metro Police Department;

And

LOUISVILLE-JEFFERSON COUNTY  
METRO GOVERNMENT,

DEFENDANTS.

SERVE:

Unknown Defendants Caucasian Male LMPD Officer 1- 4  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

And

Chief Jacquelyn Gwinn-Villaroel  
Louisville Metro Police Department  
633 West Jefferson Street  
Louisville, KY 40202

And

Hon. Craig Greenberg, Mayor  
527 West Jefferson Street  
Louisville, KY 40202

And

Hon. Mike O'Connell  
Jefferson County Attorney  
600 West Jefferson Street, 2<sup>nd</sup> Floor  
Louisville, KY 40202

**COMPLAINT**

**WHAS**

Now comes Plaintiffs, Duron Weaver, Micah Gazaway, Dushon Weaver, and De'Arreon Williams by and through counsel, and brings this action against the Defendants named, for damages sustained by Plaintiffs due to conduct by the Defendants and states:

**JURISDICTION AND VENUE**

1. All of the allegations contained within the Plaintiffs Complaint derive from the acts and/or omissions of the Defendants occurring in Louisville, Jefferson County, Kentucky. Moreover, the amount in controversy in this action exceeds the minimal jurisdictional limits of this Court and, therefore, Plaintiffs' have established the jurisdiction of the Jefferson Circuit Court.

**PARTIES**

- 2. During all times material, Plaintiff DURON WEAVER, ("DURON") was a African-American male person of the full age of majority, and a resident of Jefferson County, Kentucky.
- 3. During all times material, Plaintiff DUSHON WEAVER, ("DUSHON") was a African-American male person of the full age of majority, and a resident of Jefferson County, Kentucky.
- 4. During all times material, Plaintiff MICAH GAZAWAY, ("GAZAWAY") was a African-American male person of the full age of majority, and a resident of Jefferson County, Kentucky.
- 5. During all times material, Plaintiff DE'ARREON WILLIAMS, ("WILLIAMS") was a African-American male person of the full age of majority, and a resident of Jefferson County, Kentucky.
- 6. DURON, DUSHON, GAZAWAY, and WILLIAMS are collectively referred to herein as "Plaintiffs".
- 7. At all times material hereto the Defendant, Louisville/Jefferson County Metro Government ("LJCMG" and/or "CITY"), a Kentucky municipal corporation CITY, is a Kentucky municipal corporation formed

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pursuant to the laws of the State of Kentucky with its principal place of business at 527 W Jefferson Street, Suite# 600, Jefferson County, Louisville, Kentucky 40202.

- 8. As a part of its business and to protect the health, welfare, and well-being of its residents and citizens, including Plaintiffs, the CITY operates and maintains the Louisville Metro Police Department ("LMPD"), and employs individuals, many of whom are Police Officers of various ranks.
- 9. The CITY has delegated the final policymaking authority in matters of law enforcement to LMPD, through its Chief of Police, Jacquelyn Gwinn-Villaroel, ("GWINN-VILLAROEL"), and is responsible for, among other things, hiring, training, instructions, maintenance of law enforcement equipment and devices, implementation of the LMPD's budget, supervising LMPD law enforcement officers, and for establishing, enforcing, and, if necessary, revising the policies, procedures, customs, and practices of LMPD.
- 10. Defendant, GWINN-VILLAROEL, is sued individually as well as in her official capacity as Police Chief of the LJCMG's police department LMPD, and is an individual over the age of eighteen, who is currently, and was at all relevant times herein, a resident of Jefferson County, Kentucky, and sui juris.
- 11. Defendant, UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 1, ("LMPD OFFICER 1"), is sued individually as well as in his official capacity as Police Officer of the LJCMG police department LMPD, and is an individual over the age of eighteen, who is currently, and was at all relevant times herein, a resident of Jefferson County, Kentucky, and sui juris.
- 12. Defendant, UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 2, ("LMPD OFFICER 2"), is sued individually as well as in his official capacity as Police Officer of the LJCMG police department LMPD, and is an individual over the age of eighteen, who is currently, and was at all relevant times herein, a resident of Jefferson County, Kentucky, and sui juris.
- 13. Defendant, UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 3, ("LMPD OFFICER 3"), is sued individually as well as in his official capacity as Police Officer of the LJCMG police department

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LMPD, and is an individual over the age of eighteen, who is currently, and was at all relevant times herein, a resident of Jefferson County, Kentucky, and sui juris.

14. Defendant, UNKNOWN DEFENDANT CAUCASIAN MALE LMPD OFFICER 4, ("LMPD OFFICER 4"), is sued individually as well as in his official capacity as Police Officer of the LJCMG police department LMPD, and is an individual over the age of eighteen, who is currently, and was at all relevant times herein, a resident of Jefferson County, Kentucky, and sui juris.

15. LMPD OFFICER 1, LMPD OFFICER 2, LMPD OFFICER 3, and LMPD OFFICER 4 are collectively referred to herein as "UNKNOWN LMPD OFFICERS".

16. The CITY, GWINN-VILLAROEL, LMPD OFFICER 1, LMPD OFFICER 2, LMPD OFFICER 3, and LMPD OFFICER 4 are collectively referred to herein as "Defendants".

17. At all times material hereto, and in all of their acts described herein, GWINN-VILLAROEL and the UNKNOWN LMPD OFFICERS were acting under color of law and color of their authority.

18. Plaintiffs seek an award of damages for permanent, mental and emotional injuries, loss of earning capacity, loss of enjoyment of life, punitive damages, court costs and attorneys' fees.

**FACTUAL ALLEGATIONS**

20. Throughout all the stated times as mention herein, the Plaintiffs were all young African-American males, with their ages ranging from nineteen (19) to twenty-one (21) years old, and they resided with their parents in the same neighborhood, the Oakhurst neighborhood, within Jefferson County, Louisville, Kentucky, and have known each other since elementary school.

21. During the relevant dates stated herein, none of the Plaintiffs have or had a criminal record.

22. During the relevant dates stated herein, all of the Plaintiffs were employed at United Parcel Service "UPS".

23. The Plaintiffs, after saving their earned wages from working at UPS, decided that since they work together and have known each other since elementary school they planned to depart their childhood

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residence, and thus leave the nest of their parents, located in the Oakhurst neighborhood, and move in an apartment together.

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24. On Thursday, February 10, 2023, the Plaintiffs had planned to go visit apartment locations that were scheduled to be presented to them after they clocked out of work in the early morning on Friday, February 10, 2023.

25. After completing their working hours in the early morning on Friday, February 10, 2023, they all went to their residence, the Plaintiffs went to sleep before they traveled to arrive at the schedule tour of the apartments that they were interested in moving into as their further residence.

26. On or about Friday, February 10, 2023, at about 11:20 a.m., DURON and DUSHON, who are fraternal twins, exited their parent’s residence and entered DURON’s KIA Forte so they can pick-up GAZAWAY and WILLIAMS and get some breakfast-brunch prior to apartment shopping.

27. DURON and DUSHON arrived at GAZAWAY’s residence, where he lives with his family, and GAZAWAY exited his home and entered the vehicle with DURON and DUSHON.

28. DURON, DUSHON, and GAZAWAY then travel towards WILLAMS’ residence where he lives with his family.

29. A few minutes after DURON, DUSHON, and GAZAWAY departed GAZAWAY’ s residence they arrived at WILLAMS’ residence.

30. Once DURON, DUSHON, and GAZAWAY arrived at WILLAMS’ residence, WILLAMS exited his home and entered the vehicle with DURON, DUSHON, and GAZAWAY.

31. The Plaintiffs began to leave the neighborhood, and traveled about two (2) miles to Burger King for breakfast-brunch located at 3701 Diann Marie Rd, Louisville, KY 40241.

32. The Plaintiffs arrived at Burger King and went through the drive-thru, made their food order, paid, and received their meals.

33. Once the Plaintiffs received their meals, they exited the drive-thru and parked the vehicle in the parking

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lot and began to eat their food.

34. DURON was in the driver seat of the parked vehicle, WILLAMS was in the front passenger seat of the parked vehicle, DUSHON was in the back driver-side passenger seat of the parked vehicle, and GAZAWAY was in the back passenger seat of the parked vehicle.

35. No more than a minute after the Plaintiffs' vehicle was parked, an unmarked police white Dodge Charger SXT ("White Charger") with red and blue lights flashing, an unmarked police grayish Nissan Maxima ("Grayish Maxima") with red and blue lights flashing, an unmarked police vehicle four-door vehicle ("Four-Door Police Vehicle") with red and blue lights flashing, and a white Dodge Durango ("White Durango") with red and blue lights flashing approached at a high rate of speed, with each of the said unmarked police vehicles coming towards the Plaintiffs' vehicle.

36. Each of the said unmarked police vehicles came to a stop and parked in a position that surrounded the parked vehicle that the Plaintiffs were in, thus preventing the Plaintiffs freedom to leave or exit the parking lot.

37. The UNKNOWN LMPD OFFICERS simultaneously exited the said unmarked LMPD vehicles.

38. The White Charger blocked the front of DURON's vehicle and the LMPD OFFICER 1, with a LMPD badge, dressed in plain clothes and a bullet proof vest that displayed the word POLICE, exited the said LMPD vehicle with his gun drawn and pointed at DURON and approached the said Plaintiff and commanded in a loud tone that the Plaintiffs "Freeze and put their hand up!"

39. The Grayish Maxima blocked the passenger side of DURON's vehicle and the LMPD OFFICER 2, with a LMPD badge, dressed in plain clothes and a bullet proof vest that displayed the word POLICE, exited the said LMPD vehicle with his gun drawn and pointed at WILLIAMS and approached the said plaintiff and commanded in a loud tone that the Plaintiffs "Freeze! Do not move!"

40. The Four-Door Police Vehicle blocked the passenger-side rear corner trunk bumper area of DURON's vehicle and the LMPD OFFICER 3, with a LMPD badge, dressed in plain clothes and a bullet proof vest that

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displayed the word POLCE, exited the said LMPD vehicle with his gun drawn and pointed at GAZAWAY

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and approached the said plaintiff and commanded in a loud tone that the Plaintiffs “Freeze! Freeze! Don’t move!”

WHAS

41. The White Durango blocked the driver-side rear corner trunk bumper area of DURON’s vehicle and the LMPD OFFICER 4, with a LMPD badge, dressed in plain clothes and a bullet proof vest that displayed the word POLCE, exited the said LMPD vehicle with his gun drawn and pointed at DUSHON and approached the said plaintiff and commanded in a loud tone that the Plaintiffs “Freeze! Put your hands in the air!”

42. The Plaintiffs complied with each of the UNKNOWN LMPD OFFICERS’ directives.

43. LMPD OFFICER 2, while still having his gun pointed at WILLIAMS, further approached the passenger side of the vehicle where WILLIAMS was sitting and gave the order to DURON to shut the vehicle’s engine off and remove the key from the ignition and throw the key out of the window.

44. While having guns pointed at him and his passengers, DURON shut-off the engine of the vehicle, removed the key from the ignition and placed the key on the front dash board of the vehicle.

45. LMPD OFFICER 2, then gave another order by screaming “I said throw the keys out the window” or words to that effect.

46. Out of fear of being shot because he is an African-American, *especially a young African-American male in a car with other young African-American males*, WILLIAMS then took it upon himself to grab the key and tossed it out of DURON’s vehicle front passenger door window where it landed on the ground away from the said vehicle and any of the LMPD police officers.

47. LMPD OFFICER 1, while still having his gun drawn and pointing at DURON, opened DURON’s driver door and forced DURON to exit the vehicle.

48. LMPD OFFICER 1 then patted down DURON’s person, searched the inside pockets of his trousers and the items within.

49. The said LMPD officer then forced DURON to go stand where the White Durango was parked and forced



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him to stay put and not move.

50. LMPD OFFICER 1, kept interrogating DURON with the questions: “Where is your I.D.?”; “Where are you all going?”; “Where are you all coming from?”; and “Where do you all live?”

51. DURON was forced to answer each question.

52. DURON at one point told the said officer that “[His] wallet and I.D. were in the car and that [he] just paid for [his] food and just placed [his] wallet down in the car.”

53. However, when DURON asked the said officer “Why are we being subject to gun point?”; “What did he do?”; “What were the officers names?”, —none of the UNKNOWN LMPD OFFICERS would answer his questions.

54. While being interrogated by LMPD OFFICER 1, DURON heard the other LMPD officers either LMPD OFFICER 2, LMPD OFFICER 3 or LMPD OFFICER 4 screaming toward his twin brother DUSHON saying: “Is that a gun? Is that a gun in his hoodie? Look in his hoodie?”

55. The other LMPD officers conducted a search of DURON’s vehicle and the said search resulted to a negative.

56. After the UNKNOWN LMPD OFFICERS’ search of the vehicle and the Plaintiffs’ persons concluded to a negative, DURON was the last of the Plaintiffs to be released by the said LMPD officers and LMPD OFFICER 1 told DURON in a sarcastic manner that, “**You can go back to your car and enjoy your breakfast**”.

57. LMPD OFFICER 4, while still having his gun drawn and pointing at DUSHON, opened DURON vehicle’s rear driver-side passenger door and forced DUSHON to exit the vehicle. The said officer began interrogating DUSHON by asking the questions: “Do you have a gun?”; “Where is the gun?”; “How old are you?”; “Who’s car is this?”; “Why didn’t you get a burger?”

58. DUSHON was forced to answer each question.

59. DUSHON kept informing the officers that he does not have a gun.

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60. The said LMPD officers then forced DUSHON to go stand where the White Durango was parked and forced him to stay put and not move.

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61. The LMPD officers began searching DURON's vehicle.

62. However, when DUSHON asked the LMPD officers "Why he was forced out of the car?; What did he and his brother do?; What did we do?; What are the names of each officer?"

63. None of the UNKNOWN LMPD OFFICERS would answer his questions.

64. Instead, the said officers further asked DUSHON, in a sarcastic manner, "What kind of shoes are you wearing?; "Those are the YEEZY, right?"; "Where is the gun?"

65. After, the said LMPD officers searched DURON's vehicle and the search resulting to a negative, LMPD OFFICER 2 said, in a sarcastic manner, to DUSHON that he can return to DURON's vehicle.

66. DUSHON was allowed to return to DURON's vehicle and wait until DURON was allowed to return to the said vehicle.

67. LMPD OFFICER 3, while still having his gun drawn and pointing at GAZAWAY, opened DURON's rear driver-side passenger door and forced GAZAWAY to exit the vehicle.

68. LMPD OFFICER 3 then patted down GAZAWAY's person, searched the inside pockets of his trousers and removed his wallet and the items within. The said LMPD officer then forced GAZAWAY to go stand where the White Durango was parked and forced him to stay put and not move.

69. When LMPD OFFICER 2, forced WILLIAMS to go stand by GAZAWAY at the White Durango and to not move, the LMPD OFFICER 2 and the other said LMPD officers began searching DURON's vehicle.

70. LMPD OFFICER 3, kept interrogating WILLIAMS and GAZAWAY with the questions: "Where are you all going?"; "Where are you all coming from?"; "Where do you all live?"

71. WILLIAMS and GAZAWAY were forced to answer each question.

72. However, when WILLIAMS and GAZAWAY asked the said officer "Why they were forced out of the car?"; "What did they do?"; "What were the officers names?", none of the UNKNOWN LMPD OFFICERS

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would answer their questions.

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73. While LMPD OFFICER 2 and other LMPD officers were searching DURON's vehicle, LMPD OFFICER WHAS

2 said out loud, "No gun. Man, there is no gun! There is no gun!".

74. LMPD OFFICER 2, while still having his gun drawn and pointing at WILLIAMS, opened DURON's front passenger door and forced WILLIAMS to exit the vehicle.

75. Then LMPD OFFICER 3 patted down WILLIAMS' person, searched the inside pockets of his trousers and removed the items within and searched within his wallet. The said LMPD officer then forced WILLIAMS to go stand where the White Durango was parked and forced him to stay put and to not move.

76. When LMPD OFFICER 2, forced WILLIAMS to go stand by GAZAWAY at the White Durango and not move, the LMPD OFFICER 2 then began searching DURON's vehicle.

77. LMPD OFFICER 3, kept interrogating WILLIAMS and GAZAWAY with the questions: "Where are you all going?"; "Where are you all coming from?"; "Where do you all live?"

78. WILLIAMS and GAZAWAY were forced to answer each question.

79. However, when WILLIAMS and GAZAWAY asked the said officer "Why they were forced out of the car?"; "What did they do?"; "What were the officers names?".

80. None of the UNKNOWN LMPD OFFICERS would answer their questions.

81. While LMPD OFFICER 2 and other LMPD officers were searching DURON's vehicle, LMPD OFFICER 2 said out loud, "No gun. Man, there is no gun! There is no gun!".

82. After, the said LMPD officer searched DURON's vehicle and the search resulting to a negative, LMPD OFFICER 2 said, in a sarcastic manner, to WILLIAMS and GAZAWAY, "**Now you all can go back to eating your sandwich**".

83. WILLIAMS and GAZAWAY were allowed to return to DURON's vehicle and wait until DURON was allowed to return to the said vehicle.

84. The Plaintiffs complied with each of the UNKNOWN LMPD OFFICERS' directives.

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85. At the time the UNKNOWN LMPD OFFICERS approached the Plaintiffs eating their food in the parking lot, the said defendants failed to possess any information that would objectively and reasonably lead to any inference that any of the Plaintiffs were dangerous, had committed a crime, or were about to commit a crime. Said in another way, the Defendant UNKNOWN LMPD OFFICERS had no reasonable suspicion or probable cause to approach the Plaintiffs while they were eating their food.

86. The Defendant UNKNOWN LMPD OFFICERS were fully aware that the Plaintiffs were young African-American males prior to and at the time they decided to engage the Plaintiffs while they were lawfully eating their meals.

87. Moreover, the Plaintiffs posed no threat of danger to anyone, however since they were young African-American males sitting in a parked car the UNKNOWN LMPD OFFICERS engaged them by employing a surprise attack upon the Plaintiffs in which the UNKNOWN LMPD OFFICERS laid waiting in a concealed position and then trapped the Plaintiffs at gun point.

88. The UNKNOWN LMPD OFFICERS acted in accordance with the custom and practice of LMPD violating the rights of African-Americans — *especially the young African-American males* — citizens of the United States of America and the Commonwealth of Kentucky.

89. The UNKNOWN LMPD OFFICERS, while acting in accordance with the said custom and practice of LMPD violating the rights of African-Americans, intentionally ignored what the United States Department of Justice (“DOJ”) states are the potential causes of “adverse health effects among young people, including trauma, anxiety, psychological distress, and substance abuse”; and the increased likelihood “that a child will disengage from school and engage in delinquent behavior”<sup>1</sup>.

90. Not only have the Plaintiffs suffered the said potential adverse health effects as noted by the DOJ, but now any of their future male children born and/or raised in the Commonwealth of Kentucky’s largest city will also most likely be effected.

<sup>1</sup> *Investigation of the Louisville Metro Police Department and Louisville Metro Government*, p. 45 (U.S. Dept. of Justice March 8, 2023)

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91. The Defendant UNKNOWN LMPD OFFICERS knew or should have known that their actions failed to establish reasonable suspicion and probable cause, and as a result thereof, they intentionally caused unwanted unreasonable fear of death from being shot in the minds of each of the Plaintiffs.

92. Despite lacking reasonable suspicion, probable cause, or the existence of exigent circumstances, the UNKNOWN LMPD OFFICERS still confined the Plaintiffs at gun point to perform an unlawful investigatory search.

93. The UNKNOWN LMPD OFFICERS knew that the Plaintiffs were young African-American males, and as a result thereof the said officers, by default, concluded that the Plaintiffs were —*Super-Predators*.

94. While weapons were drawn on them, the Plaintiffs repeatedly asked the UNKNOWN LMPD OFFICERS why they were being detained with guns drawn on them.

95. At all times relevant and material during interactions between the Plaintiffs and the UNKNOWN LMPD OFFICERS, the Plaintiffs were terrified of being shot by the UNKNOWN LMPD OFFICERS.

96. At all times relevant and material there was no probable cause for the UNKNOWN LMPD OFFICERS to reasonably believe that a crime had been or was being committed by the Plaintiffs to justify the detention of the Plaintiffs with unreasonable force nor the searches that followed.

97. At all times material and relevant there were no facts or circumstances upon which the UNKNOWN LMPD OFFICERS could reasonably believe that the Plaintiffs were dangerous, committing, or were about to commit a crime, and no evidence could be found in the vehicle to be searched, bearing on any criminal offense by Plaintiffs.

98. At all times relevant and material there were no facts upon which the UNKNOWN LMPD OFFICERS could reasonably rely that there were any danger to anyone or exigent circumstance relating to any criminal activity by the Plaintiffs which would justify a warrantless investigatory search of the Plaintiffs' persons, DURON's vehicle, or forcing the Plaintiffs to exit the said vehicle.

99. At all times relevant and material the UNKNOWN LMPD OFFICERS used unreasonable force directed

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towards the Plaintiffs and unlawfully used coercive unreasonable force in detaining Plaintiffs at gun point,

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100. The Defendant City has a policy governing Biased Law Enforcement Practices.

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101. The Defendant City and Chief have knowingly allowed its officers to ignore its own policies against biased law enforcement practices, in an unlawful effort to govern African-Americans —*especially a young African-American male accompanying other young African-American males*— and predominantly black areas within the CITY.

102. At all times relevant and material the UNKNOWN LMPD OFFICERS acted with deliberate indifference to the Plaintiffs constitutional rights to be free of unlawful searches, unlawful seizure of their persons, and free from being subjected to unreasonable force, and the threat of great bodily harm or death by the UNKNOWN LMPD OFFICERS.

103. At all times relevant and material, Defendant GWINN-VILLAROEL, as the Police Chief, acted with deliberate indifference to the Plaintiffs constitutional rights to be free of unlawful searches, unlawful seizure of their persons and being subjected to excessive force and threat of great bodily harm by failure to properly train, instruct, and supervise the UNKNOWN LMPD OFFICERS in the execution of their official duties despite the well-known and pervasive knowledge of the constitutional prohibitions against unlawful searches, seizures, and use of excessive force against citizens under their jurisdiction.

104. At all times material and relevant it was obviously foreseeable the failure of the Defendant GWINN-VILLAROEL, as the Police Chief to properly train, instruct, and supervise the Defendants, in order to protect the rights of citizens to be free from unlawful searches, seizures, and excessive force would likely result in the deprivation of constitutional rights prohibiting such action.

105. From at least 2012, LMPD has had a custom of unlawfully discriminating against African-Americans — *especially a young African-American male grouped with other young African-American males*— as a pretext for further investigations as a tool for officers to try and address crimes and focus on gangs and drugs in areas that are predominantly black or shifting to be predominantly black.

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106. Prior street enforcement activities violations, unlawful discrimination against African-Americans in

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LMPD's enforcement activities, investigatory search violations, and unreasonable use of force by Defendant

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CITY and its agents against its citizens has occurred on numerous occasions, and have been known by

Defendant CITY to wit:

(i) In Louisville, 70 percent of the residents are white while roughly 20 percent are black,

according to DATA USA that cited the US Census Bureau data from 2015. (DATA USA,

*Jefferson County, KY*, [https://datausa.io/profile/geo/jefferson-county-ky/#category\\_heritage](https://datausa.io/profile/geo/jefferson-county-ky/#category_heritage)

(December 09, 2018));

(ii) However, according to an article published on December 11, 2017, by the Courier-Journal,

a local news media company, "Black drivers in Louisville were nearly twice as likely to have

their car searched during routine traffic stops than white drivers in 2016, according to a study

from the University of Louisville." (Courier-Journal, *Louisville Police Searched Black Drivers*

*More Often Than White Drivers in 2016, Study Shows*, <https://www.courier-journal.com/story/news/local/2017/12/11/louisville-police-searched-black-drivers-more-often-white-study/>

[939673001/](https://www.courier-journal.com/story/news/local/2017/12/11/louisville-police-searched-black-drivers-more-often-white-study/) (Published December 11, 2017, 12:38 p.m. EST; Last updated December 11, 2017

12:38 p.m. EST));

12:38 p.m. EST));

(iii) According to a local media outlet, the Courier Journal's analysis of 130,999 traffic stops

in Louisville from 2016 to 2018 in which citations were issued, African Americans were

disproportionately stopped and three times as likely to be searched as white drivers. (Courier-

Journal, *Black drivers in Louisville are searched nearly three times more than white motorists*,

[https://www.courier-journal.com/story/news/crime/2019/06/07/lmpd-data-shows-black-](https://www.courier-journal.com/story/news/crime/2019/06/07/lmpd-data-shows-black-drivers-searched-far-more-than-whites/1369516001/)

[drivers-searched-far-more-than-whites/1369516001/](https://www.courier-journal.com/story/news/crime/2019/06/07/lmpd-data-shows-black-drivers-searched-far-more-than-whites/1369516001/) (Published June 07, 2019, 11:10 a.m.

EST; Last updated June 08, 2019 4:15 p.m. EST));

(iv) Additionally the Courier Journal reported that, African-Americans in Jefferson County are

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seven (7) time more likely than whites to be subject to a traffic stop by LMPD and charged for a crime such as possession of marijuana, though African-Americans represented approximately 22.2% of the Louisville-Jefferson County's population. *Id.*;

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(v) Moreover, in regards to how the Louisville Metro Police Department has disproportionately stopped black drivers as to white drivers, the former Chief of LMPD has been quoted saying, "that in retrospect, routinely stopping motorists 'is something we should have done differently.'" *id.*

(vi) Following the said report of the LMPD's reported disproportionate stops of black drivers as to white drivers, the Courier-Journal reported that, a Jefferson County Circuit Judge, in a criminal case, ruled that the Louisville police coerced an African American driver into an illegal traffic search for a gun. (Courier-Journal, *Louisville police coerced driver into illegal traffic search for gun, judge rules*, <https://www.courier-journal.com/story/news/crime/2019/06/19/louisville-police-traffic-search-collapses-judges-ruling/1503367001/> (Published June 19, 2019, 7:48 p.m. EST; Last updated June 20, 2019 8:49 a.m. EST));

(vii) In 2019, at least two (2) criminal cases involving stops of black drivers and one criminal case involving the stop of two black males walking, LMPD officers conducted searches in all of those stops and charges were filed from the results of those searches and then later those cases were dismissed from the Jefferson Circuit Court, with each following a stern order by the judges to suppress evidence obtained in what was ruled to be an illegal search by officers of the Louisville Metro Police Department in all of those cases. (Louisville Insight, <https://louisvilleinsight.com/archived-news/judges-dismiss-criminal-cases-after-denouncing-illegal-searches-by-lmpds-ninth-mobile-division/> (Published June 24, 2019, 7:49 .m. EST)); see, *Commonwealth vs. Ballard, Miguel Angelo Jr*, 18-CR-002688 (Jefferson County, Ky. Cir. (Aug. 2019)), *Commonwealth vs. Henderson, Tyrellee J Jr*, 18-CR-002104 (Jefferson County,



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Ky. Cir. (July. 2018)) and *Commonwealth vs. Johnson-Trumbo, Garrett A.*, 17-CR-002435

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(Jefferson County, Ky. Cir. (Dec. 2018));

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(viii) In *Commonwealth vs. Johnson-Trumbo, Garrett A.*, the LMPD officers did not have reasonable suspicion to extend the traffic stop by calling in the K-9 unit, and the court in the said styled-case ordered that the gun found in the search be suppressed from the evidence in the case, and that order lead to the dismissal of the charge and the case. *Id.*

(ix) In *Commonwealth vs. Ballard, Miguel Angelo Jr*, 18-CR-002688 (Jefferson County, Ky. Cir. (Aug. 2019)), the said court determined that the LMPD officer coerced Mr. Ballard into agreeing to a search of his vehicle after asking several times and noting that the LMPD officer told Mr. Ballard during the stop that there were only two types of people who did not consent to a search —“assholes and people who have something to hide”. *Id.*

(x) Since January of 2019, there has been at least six (6) civil lawsuits filed asserting that the City and the City’s police officers, have unlawfully discriminated against African Americans in its Enforcement Actives. (See, *Karim Codrington vs. Officer Jay Dolak, et. al.*, 3:21-CV-00665-RGJ-RSE (W.D. Ky., Louisville, (November 2021)); *Tae-Ahn Lea vs. Steve Conrad, et. al.*, 3:19-CV-419-RGJ (W.D. Ky., Louisville, (June 2019)); *Jamaj Johnson vs. Louisville-Jefferson County Metro Government, et. al.*, 3:19-CV-431-RGJ (W.D. Ky., Louisville, (June 2019)); *Demetria Firman and Anthony Parker, Sr. vs. Steve Conrad, et. al.*, 3:19-CV-564-DJH (W.D. Ky., Louisville, (August 2019)); *Tyrone Daugherty vs. Chief Steve Conrad, et. al.*, 3:19-CV-00660-RGJ (W.D. Ky., Louisville, (August 2019)); and *Thomas vs. Mayo, et. al.*, 3:21-CV-00549-RGJ (W.D. Ky., Louisville, (August 2021)).

(xi) In 2018, as regards to the case of *Tae-Ahn Lea vs. Steve Conrad, et. al.*, 3:19-CV-419-RGJ (W.D. Ky., Louisville, (June 2019)), the former Chief of LMPD had ordered LMPD’s Public Standards Unit (“PSU”) to explore the legal basis for pulling the black driver from his car and

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searching him and his car with a K-9 in 2018. The said investigation only investigated one of the two officers who stopped the black driver. The other officer who was involved in stopping the black driver in 2018 and who was not being investigated told LMPD investigators that he did not know why his partner—who was the subject of the investigation— removed the black driver from his car or why that officer frisked the said driver. The same said officer told investigators that pulling motorists out of cars was a “common practice”. The said investigation languished for nearly two years. LMPD did not investigate the actions of the officer, who handcuffed the said driver and called in the K-9 unit or looked into the actions of the other officers. No disciplinary action was taken against any officer involved in that stop. LMPD dropped the said probe into that stop, because the only officer it chose to investigate resigned to join another police department;

(xii) In another controversial traffic stop of a black driver and his passenger in 2018, *Tyrone Daugherty vs. Chief Steve Conrad, et. al.*, 3:19-CV-00660-RGJ (W.D. Ky., Louisville, (August 2019)), in which the driver denied consent several times prior to being removed from the vehicle, searched twice, forced to have their shoes removed and subject to a K-9 search, LMPD conducted an investigation into the police officers’ actions before and during that said stop. The former Chief of LMPD, exonerated those officers and the investigation concluded that no wrongdoing was done by the officers that was accused of racially biased policing before and during the traffic stop;

(xiii) In, *Jamaj Johnson vs. Louisville-Jefferson County Metro Government, et. al.*, 3:19-CV-431-RGJ (W.D. Ky., Louisville, (June 2019)), another controversial traffic stop of a black driver and his passenger in 2018, in which the driver denied consent several times prior to being removed from the vehicle and he and his passenger was not allowed to produce his insurance card, searched, hand cuffed, and subject to a K-9 search, resulting in a negative

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result and the issued traffic violation dismissed after he hired an attorney. LMPD conducted no

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investigation in to that said stop;

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(xiv) In 2021, the Defendant City requested that the Hillard Heintze company conduct a review of the LMPD and that company concluded that Black drivers were 60% more likely to be stopped than one would expect from their percentage of population in compare to white drivers. (Louisvilleky.gov, Hillard Heintze Final Report, <https://louisvilleky.gov/sites/default/files/2021-01/hillard-heintze-report.pdf> (Published January 27, 2021); (WHAS 11, <https://www.whas11.com/article/news/local/lmpd-black-louisville-residents-review/417-b70aa825-ac6b-4120-a2f6-9adc3e8285cc> (Published January 29, 2021, 7:48 p.m. EST; Last updated January 29, 2011 9:00 p.m. EST));

(xv) LMPD and the Defendant City, became famous from the conduct of LMPD and the City during and after the shooting of Breonna Taylor, for which the said police department and the city was publicly charged for treating African-Americans differently because of their race than whites who were in similar situations. (The Washington Post, <https://www.washingtonpost.com/nation/2020/09/22/breonna-taylor-louisville-decision/> (Published September 22, 2020, 7:00 a.m. EST; Last updated September 22, 2020, 7:57 a.m. EST)). The conduct of the LMPD and the Defendant City resulted in the nation wide demand for justice to end discriminatory policing practices by the LMPD and other police departments nationwide. *Id.*;

(xvi) On April 26, 2021, during a historical announcement, The United States Department of Justice (“DOJ”) announced that the said agency has opened an investigation of the Defendant City and its police department (LMPD) by opening a pattern or practice investigation —led by the Civil Rights Division— into the City and the LMPD that will determine, along with other Constitutional issues, whether LMPD engages in unconstitutional stops, searches and seizures.

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(The United States Department of Justice, <https://www.justice.gov/opa/pr/departments-justice-announces-investigation-louisville-jefferson-county-metro-government-and> (Monday, April 26, 2021); WHAS 11, <https://www.whas11.com/article/news/local/lmpd-louisville-investigation-breonna-taylor-merrick-garland/417-3c43590a-4080-40f2-8954-026fdd7fb710> (Published April 26, 2021, 1:18 p.m. EST; Last updated April 26, 2021 11:33 p.m. EST); CBS News, <https://www.cbsnews.com/news/justice-department-investigation-louisville-police/> (Published April 26, 2021, 4:00 p.m. EST; Last updated April 26, 2021, 6:53 p.m. EST);

(xvii) On March 8, 2023, the DOJ delivered its findings from the said investigation into LJCMG and LMPD stating, in part, that “LMPD’s Street Enforcement Activities Violate the Fourth Amendment, LMPD Unlawfully Discriminates Against Black People in its Enforcement Activities”, and LMPD uses excessive force and conducts searches based on invalid warrants. (Courier-Journal, *‘Disrespect for the people’: Merrick Garland issues scathing report into LMPD practices*, <https://www.courier-journal.com/story/news/local/2023/03/08/breonna-taylor-death-doj-releases-investigation-into-louisville-police/65398744007/> (Published March 8, 2023, 12:20 p.m. EST; Last updated March 9, 2023 6:35 p.m. EST)).

107. At all times relevant and material, Defendant CITY acted with deliberate indifference to the Plaintiffs constitutional rights to be free of unlawfully discrimination against African-Americans in its enforcement activities, unlawful investigations, unlawful detentions, unlawful searches, unlawful seizure of their persons, and being subjected to excessive force and threat of great bodily harm or death —by failing to properly implement and enforce policies and procedures that would prevent these said prohibited acts and use of excessive force against citizens.

108. At all times material and relevant it was foreseeable that the failure of Defendant CITY to implement and enforce policies designed to protect the rights of citizens to be free of the said prohibited acts and unlawful

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searches, seizures, and excessive force that would likely result in the deprivation of constitutional rights

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prohibiting such action.

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**COUNT I**

**Claims for Relief against UNKNOWN LMPD OFFICERS in their Individual Capacity  
Pursuant to 42 U.S.C. § 1983- Unlawful "Investigatory" Search  
(Against the defendant UNKNOWN LMPD OFFICERS)**

109. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this

Complaint as if fully set forth herein, and further alleges as follows:

110. This claim is brought against UNKNOWN LMPD OFFICERS, in each of their individual capacity, pursuant to 42 U.S.C. § 1983 for violation of Plaintiffs' right under the Fourth Amendment to the United States Constitution to not be subjected to an unreasonable investigatory search, commonly known as a "Investigatory Search."

111. Defendant UNKNOWN LMPD OFFICERS' actions and inactions, at all times pertinent to hereto, occurred within the scope of their employment with LMPD, and under color of state law.

112. Defendant UNKNOWN LMPD OFFICERS, as law enforcement officers with LMPD were well aware of the written policies, standard operating procedures of LMPD, as well as state and national police standards applicable to investigatory searches.

113. Defendant UNKNOWN LMPD OFFICERS were aware of their responsibility to utilize LMPD'S resources to remain apprised of, and as a superior officer, to ensure Defendant UNKNOWN LMPD OFFICERS' compliance with LMPD's written guidelines and other applicable mandates and procedures regarding investigatory searches.

114. Despite being aware of the mandated and well-established rules regarding a investigatory search, as levied upon Plaintiffs, Defendant UNKNOWN LMPD OFFICERS' conduct which resulted in Plaintiffs being subjected to an unreasonable investigatory search include, but not limited to:

- (i) Plaintiffs to be unlawfully subject to unreasonable force;

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- (ii) unlawfully detaining the Plaintiffs against their own free will;
- (iii) unlawfully entering the motor vehicle of Plaintiff DURON;
- (iv) unlawfully searching and seizing Plaintiff DURON'S motor vehicle;
- (v) extending the investigatory search far beyond actions which were necessary to properly complete the proper law enforcement task, and thereby inflicted pain and terror on Plaintiffs; and
- (vi) failing to utilize well-established de-escalation procedures, and written LMPD's policies and procedures.

115. Defendant UNKNOWN LMPD OFFICERS knew or should have known, and every reasonable law-enforcement officer in their position would have concluded, that there was no reason to subject Plaintiffs to the circumstances and the treatment they endured.

116. There was no probable cause, arguable probable cause or even reasonable suspicion to believe that Plaintiffs have committed, were committing, or were about to commit any crime at any time while they were observed by Defendant UNKNOWN LMPD OFFICERS that warranted the surprise unlawful search and seizure with deadly force on Plaintiffs.

117. Plaintiffs were opposed with all of the instructions of Defendant UNKNOWN LMPD OFFICERS, because Plaintiffs knew that their federally protected rights to be free from an unlawful search was being violated under the Fourth Amendment to the United States Constitution.

118. The unreasonableness of the investigatory search, under circumstances described herein, including, inter alia, was the catalyst for, and bore a causal relationship to, the violations of Plaintiffs' rights secured to them under the Fourth Amendment to the United States Constitution.

119. As a proximate cause or result of one or more of the willful and wanton acts and/or omissions of Defendant UNKNOWN LMPD OFFICERS, Plaintiffs were denied their constitutional rights under the 4th

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Amendment of the United States Constitution, for which the remedy sought herein is provided through 42

U.S.C. 1983, to be free from an unreasonable investigatory search.

120. Defendant UNKNOWN LMPD OFFICERS had a legal duty to act in accordance with the purpose of the law enforcement detention of Plaintiffs, so that its scope and intrusiveness remain reasonable and necessary under the circumstances.

121. Defendant UNKNOWN LMPD OFFICERS had a legal duty to observe and adhere to the line that is drawn between a causal interaction, Terry Stop, investigatory search, and an unwarranted and unlawful seizure in an individual case.

122. Defendant UNKNOWN LMPD OFFICERS breached their legal duties set forth herein which bore a causal relationship to Plaintiffs' reasonable belief that:

- (i) a danger or emergency existed that they did not intentionally cause;
- (ii) the danger or emergency threatened significant harm to them;
- (iii) the perceived and threatened harm was real, imminent, and impending; and
- (iv) they had no reasonable means to avoid the obvious danger and emergency.

123. Defendant UNKNOWN LMPD OFFICERS unlawful intrusiveness and unreasonableness of the circumstances they created during the unlawful investigatory search, and their intentional, flagrant, and vile actions therein were the proximate cause of the injury and harm to Plaintiffs, including, but not limited to, significantly damaging their mental and emotional state, causing nightmarish horror, suffering and medical expenses.

**COUNT II**

**Claims for Relief against UNKNOWN LMPD OFFICERS in their Individual Capacity  
Pursuant to 42 U.S.C. § 1983-Unreasonable Use of Force  
(Against the defendant UNKNOWN LMPD OFFICERS)**

124. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth herein, and further alleges as follows:

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125. Plaintiffs bring this claim against Defendant UNKNOWN LMPD OFFICERS, in their individual capacity, pursuant to 42 U.S.C. § 1983, and while acting under color of law, for depriving Plaintiffs of their rights under the Fourth Amendment to the United States Constitution to not be subjected to unreasonable use of force.

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126. Defendant UNKNOWN LMPD OFFICERS had a legal duty to use only the amount or degree of force against Plaintiffs as was reasonable under the circumstances.

127. Pursuant to the written policies of LMPD, national police standards, and federal and state constitutional law, a law enforcement officer is not permitted to use unreasonable/excessive force, generally defined as the level of force inappropriate to the circumstances, against members of the public.

128. UNKNOWN LMPD OFFICERS were aware of the written policy of LMPD; limits to use of force that one of its officers may which reasonably appears necessary to affect lawful objectives, and stresses that the use of force is not left to the unfettered discretion of the involved officer.

129. The Defendant UNKNOWN LMPD OFFICERS encounter with Plaintiffs not only created circumstances which rapidly evolved into a dangerous situation for Plaintiffs, but they then engaged in conduct which lie at the very core of what the U.S. Constitution prohibits, and the unlawfulness of their conduct was readily apparent to them, particularly considering that:

- (i) They had a clear opportunity to prevent the unlawful investigatory search;
- (ii) They personally observed that Plaintiffs were not a threat to police officer safety, or any other lawful basis to detain them or interrogate them;
- (iii) no reasonable law-enforcement officer in similar circumstances would have used unreasonable force under these circumstances knowing that Plaintiffs did not pose a threat to police officer safety or;
- (iv) no reasonable law-enforcement officer in similar circumstances would have found it reasonable to believe that Plaintiffs possessed any weapons or any item of threat to them of



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any kind, and with negative results.

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- (v) no law-enforcement officer in those circumstances would reasonably have believed that it **WHAS** was reasonable to draw their guns at Plaintiffs when they knew the Plaintiffs did not pose a threat to police officer safety;
- (vi) no law-enforcement officer in those circumstances would reasonably have believed that Plaintiffs posed an immediate threat to the safety of UNKNOWN LMPD OFFICERS or any other person;
- (vii) Plaintiffs were not actively resisting or attempting to evade any law enforcement officers;
- (viii) no law-enforcement officer in those circumstances would reasonably have believed that their life or safety would have been at risk if they did not draw their gun at the Plaintiffs;
- (ix) no law-enforcement officer in those circumstances would reasonably have believed that probable cause existed to use deadly force against the Plaintiffs;
- (x) no law-enforcement officer in those circumstances would reasonably have believed that the Plaintiffs were violent or dangerous.

130. Defendant UNKNOWN LMPD OFFICERS knew or should have known, and every reasonable officer in those circumstances would have concluded, that the tactics and force that they used against Plaintiffs were unreasonable, and therefore unlawful.

131. Defendant UNKNOWN LMPD OFFICERS violated Plaintiffs' constitutional rights to be secure in their person and free from unreasonable seizure and from the use of unreasonable force.

132. Defendant UNKNOWN LMPD OFFICERS acted with deliberate indifference to Plaintiffs' aforementioned rights, and as a direct and proximate result of Defendant UNKNOWN LMPD OFFICERS' violation of Plaintiffs' constitutional right to be free from the use of unreasonable force during any interaction with a person who acts under color of law, Plaintiffs suffered damages, and is entitled to relief under 42 U.S.C. §1983, for, inter alia, pain and suffering, emotional damage, mental

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suffering and anguish, medical expenses, and all other damages associated with unreasonable use of force

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against Plaintiffs.

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**COUNT III**

**Claims for Relief against UNKNOWN LMPD OFFICERS in their Individual Capacity**

**Pursuant to 42 U.S.C. § 1983- Selective Enforcement**

(Against the defendant UNKNOWN LMPD OFFICERS)

133. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this

Complaint as if fully set forth herein, and further alleges as follows:

134. This claim is brought against UNKNOWN LMPD OFFICERS, in each of their individual capacity, pursuant to 42 U.S.C. § 1983 for violation of Plaintiffs' right under the Fourth Amendment to the United States Constitution for unlawful Selective Enforcement.

135. The actions of the Defendants UNKNOWN LMPD OFFICERS had a discriminatory effect, in which African- Americans are treated differently than individuals who are identified as White while engaging in LMPD's Enforcement Activities and Street Enforcement Activities.

136. The actions of the said Defendants UNKNOWN LMPD OFFICERS were motivated by a discriminatory purpose of targeting crime in the areas that are predominantly African-American, in which the City's police department enacted the custom for the Defendant City's police department, LMPD, to target, stop, coerce black African-Americans in agreements to search their persons, vehicle, and/or personal items, performing unlawful searches, with or without reasonable suspicion of a crime taking afoot or about to take afoot, and unlawfully extending the detainment of African-Americans —absent reasonable suspicion — so the officers can conduct further investigations of their vehicles and persons.

137. The Defendants UNKNOWN LMPD OFFICERS chose to target the Plaintiffs because of their race, stop, coerce them in agreeing to search their persons, vehicle, and/or personal effects.

138. The custom, practice and policy of stopping African-Americans, as alleged above herein, was the moving force of the violation of the Plaintiffs' federally protected rights as alleged herein this Complaint.

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139. The Defendant City's police officers, the Defendants UNKNOWN LMPD OFFICERS, and the other police officers conducted the treated the Plaintiffs' in a dramatically different way as compared to white individuals within the city of Louisville, Jefferson County, Kentucky.

140. The selective enforcement of stopping African-American, as alleged above herein, was the proximate cause of the violation of each of the Plaintiffs federally and State protected rights as alleged herein.

141. As a direct and proximate result of said acts, indifference, custom, and policy established by Defendants City and Chief, and the actions of the Defendants UNKNOWN LMPD OFFICERS, the Plaintiffs have suffered and will continue to suffer humiliation, shame, despair, anxiety being African-Americans, embarrassment, depression, mental pain, anguish, and injury to their reputation, all to each Plaintiffs' damages in an amount to be proven at time of trial.

**COUNT IV**  
**Claims for Relief against the City**  
**Pursuant to 42 U.S.C. § 1983-Monell Liability-Policy or Custom**

142. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth herein, and further alleges as follows:

143. This claim is brought against the CITY, seeking remedies pursuant to 42 U.S.C. § 1983 for violations of Plaintiffs rights secured under the Fourth Amendment to the United States Constitution, and under the Monell policy or custom theory of liability, in that:

- (i) the policy and/or custom of the CITY was the moving force behind, and the direct cause of, impermissible investigatory searches tactics;
- (ii) the policy and/or custom of the CITY was the moving force behind, and the direct cause of, the violations of the Plaintiffs rights under the Fourth Amendment to the United States Constitution to be free from unreasonable use of force;
- (iii) Defendant GWINN-VILLAROEL, the final policymaker, acted with deliberate

indifference to the deprivation of Plaintiffs' rights under the Fourth Amendment to the

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United States Constitution as described herein;

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- (iv) (e) Defendant GWINN-VILLAROEL, the final policymaker, ratified constitutionally impermissible decisions and/or actions of Defendants UNKNOWN LMPD OFFICERS which deprived Plaintiffs of their rights under the Fourth Amendment to the United States Constitution as described herein.

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144. The CITY is a person within the meaning of 42 U.S.C. § 1983.

145. At all times material hereto, the CITY was charged with the responsibility of adopting and implementing rules, policies, practices, customs, and procedures for the proper and efficient maintenance, supervision, and control of its law enforcement officers. These duties include, inter alia:

- (i) To create, adopt, and implement rules, regulations, practices, and procedures, regarding its law enforcement officers who demonstrate a propensity towards violence and unreasonable use of force;
- (ii) To create, adopt, and implement rules and regulations, practices and procedures for proper community policing, ensuring elimination of improper investigatory search tactics without reasonable suspicion and probable cause;
- (iii) To implement rules, regulations, policies, practices, and procedures for the proper and efficient supervision and control of activities of law enforcement officers so as to reduce or eliminate instances of untruthfulness, including unreasonable use of force and instances of corroboration or ratification of untruthful accounts of unreasonable use of force events committed by fellow law enforcement officers.

146. The CITY owed a legal duty to the Plaintiffs to exercise reasonable care in training and retaining safe and competent employees, including those who have supervisory responsibilities over its law enforcement officers.

147. Plaintiffs were in the zone of risk that was reasonably foreseeable to the CITY.

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148. The CITY breached that duty and the breach caused the Plaintiffs' damages.

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149. In addition, the CITY, with deliberate indifference to the possibility of the Plaintiffs' injuries, has **WHAS** encouraged the well-settled policy, practice, and custom of using impermissible investigatory search tactics, absent any reasonable suspicion or probable cause to believe that these individuals have committed a criminal act.

150. Despite knowing of the unconstitutional behavior and the need to take corrective action, the CITY has failed to do so.

151. Such failure to conduct proper investigations of use of unreasonable force, and complaints of unreasonable uses of force, as occurred with regard to Defendants UNKNOWN LMPD OFFICERS include the following intentional lapses and exonerative processes which were tantamount to ratification and condonation of constitutionally impermissible decisions and/or actions of Defendants UNKNOWN LMPD OFFICERS.

152. Not only does the CITY not maintain reviewable records of use of force and use of deadly force, the investigations do not address these serious issues of constitutional significance and proportion to the citizens.

153. Despite knowing of this behavior and the need to take corrective action, the CITY has permitted LMPD to do so by limiting and/or directing the LMPD to not properly and thoroughly investigate complaints of unreasonable use of force, resulting in findings of no unreasonable use of force and the justification for its law enforcement officers' extreme actions.

154. By encouraging this well-settled policy, practice, and custom of using impermissible investigatory search tactics, absent any reasonable suspicion or probable cause to believe that these individuals have committed a criminal act, and through allowing the well-settled policy, practice, and custom of law enforcement officers' extreme and reckless actions against the citizens, the CITY has ratified, condoned,

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and consented to the law enforcement officers' unlawful conduct, specifically including the unlawful conduct of Defendant UNKNOWN LMPD OFFICERS as to the treatment of injury to Plaintiffs.

155. The ratification, condoning of, and consenting to, prior unlawful conduct of other LMPD's law enforcement officers' served as an inducement to Defendants UNKNOWN LMPD OFFICERS to violate Plaintiffs' civil rights, and the ratification, condoning of, and consenting to the violation of Plaintiffs' civil rights confirmed that Defendants UNKNOWN LMPD OFFICERS' conduct conformed with the CITY'S policy, practice, and procedure.

156. The CITY was on notice of the history of LMPD'S failure to properly investigate (and thus address and correct) the extreme and wanton acts of its law enforcement officers and failed to do so, leading to Plaintiffs' deprivation of civil rights and life. The deprivation of civil rights, of which the circumstances described herein were a material part, together constituted a widespread pattern sufficient to notify the CITY and were obvious, flagrant, rampant, and of continued duration rather than isolated occurrences.

157. Defendants UNKNOWN LMPD OFFICERS and other law enforcement officers of the LMPD have a history of violations of rules and regulations of such seriousness that such unlawful conduct would cause injuries and violations of citizens' rights, of which THE CITY was aware.

158. Defendants UNKNOWN LMPD OFFICERS and other law enforcement officers of the LMPD were not counseled by their supervisors on correction of behaviors that would cause constitutional injuries, and the CITY knew or should have known that by ratified and condoning Defendants UNKNOWN LMPD OFFICERS and other law enforcement officers' unlawful behavior, prior to and including Plaintiffs' constitutional rights described herein, that it was a moving force and/or proximate cause of injuries to Plaintiffs.

159. The actions committed by Defendants UNKNOWN LMPD OFFICERS against Plaintiffs were proximately caused by the well-settled policies, customs, practices, and procedures of the CITY in failing to

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fulfill its duties as alleged herein, which was also the moving force behind Plaintiffs having their civil rights violated.

160. As a result, the CITY knew or had reason to know that Defendants UNKNOWN LMPD OFFICERS would act unlawfully and it failed to stop Defendants UNKNOWN LMPD OFFICERS' actions, resulting in the violation of Plaintiffs' civil rights.

161. The above-described well-settled customs and policies demonstrate a deliberate indifference on the part of the LMPD, as the policymaker of the CITY, to the constitutional rights of persons, and were a moving force or proximate cause of violations of Plaintiffs' rights alleged herein.

162. As a direct and proximate result of the CITY's actions and inactions, under color of state law, and in violation of 42 U.S.C. § 1983, Plaintiffs were deprived of their constitutional rights to be secure in their persons, free from unreasonable seizure and from the use of unreasonable force, and deprivation of his life without due process of law.

163. As a direct and proximate result of the violation of Plaintiffs' civil rights, Plaintiffs suffered damages, including mental anguish and pain and suffering.

**COUNT V**  
**Claims for Relief against the City**  
**Pursuant to 42 U.S.C. § 1983-Monell Liability-Failure to Train**

164. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth herein, and further alleges as follows:

165. This claim is brought against the CITY, seeking remedies pursuant to 42 U.S.C. § 1983 for violations of Plaintiffs' rights secured under the Fourth Amendment to the United States Constitution, and under the Monell (and its progenies) failure to train theory of liability, in that Defendants UNKNOWN LMPD OFFICERS were not adequately trained and/or supervised, including as follows:

- (i) Defendants UNKNOWN LMPD OFFICERS were not adequately trained and/or

supervised in the areas of impermissible investigatory search tactics, and unreasonable use

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of force.

- (ii) At all material times, the CITY, through LMPD, was responsible for its agents and **WHAS** employees, including supervising, overseeing, training and establishing policies, legal and lawful customs and procedures to conform their conduct to the United States Constitution and the Commonwealth of Kentucky Constitution and its statutes and common law.
- (iii) To create, adopt, and implement rules and regulations, practices and procedures, for proper and efficient training of law enforcement officers in a way and to an extent necessary to ensure the utilization of a force continuum which prevents any propensity towards violence and excessive force, and which ensures that the least amount of force would be utilized to maintain order and control;
- (iv) To create, adopt, and implement rules and regulations, practices, and procedures for the proper and efficient supervision, control, discipline, and assignment of law enforcement officers in a way and to an extent necessary to ensure that citizens will not be subjected to excessive force or unnecessary force by the agents and employees of the CITY.
- (v) The Chief of Police and other managerial and supervisory personnel in LMPD who were responsible for identifying and taking remedial actions concerning officers with demonstrably dangerous predilections (particularly those who possessed a checkered history of grave disciplinary problems) and for providing essential training were aware of the proclivities and shortcomings of Defendants UNKNOWN LMPD OFFICERS who, without remedial intervention and appropriate training, would foreseeably carry out their official duties in a manner likely to lead to violations of constitutional rights of the precise nature at issue in this cause.

166. The CITY has also, with deliberate indifference as to the possibility of Plaintiffs' injuries, failed to adequately train or otherwise supervise and direct its law enforcement officers concerning the rights of the



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citizens they encounter in their duties, not to take unreasonable actions against the citizens they encounter,

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including Plaintiffs.

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167. The CITY was on notice of this need to train and/or supervise, and through its policymaker, made a deliberate choice not to provide proper and/or additional training/supervision to UNKNOWN LMPD OFFICERS.

168. This need for more and/or different training has been so obvious, as was and is the inadequacy of same, combined with the CITY'S conscious choice not to act, has resulted in the violation of constitutional rights, including, but not limited to the deprivation of Plaintiffs' civil rights and his life.

169. In further disregard of the citizens, the CITY has, with deliberate indifference, either failed to direct, or failed to adequately train its officers in the proper investigation of the extreme and wanton acts of its law enforcement officers such that LMPD limits internal investigations, with few or no serious questions ever raised as to its law enforcement officers decision to use unreasonable force.

170. The CITY was deliberately indifferent to the health, safety, and welfare of Plaintiffs, in that the LMPD expressly acknowledged and assented to the failure to properly train, supervise, control, conduct proper investigation into prior excessive behavior, screen and review for continued employment, the person and conduct of Defendants UNKNOWN LMPD OFFICERS.

171. As a direct and proximate result of the CITY's actions and inactions, under color of state law, and in violation of 42 U.S.C. § 1983, Plaintiffs were deprived of their constitutional rights to be secure in his person, free from unreasonable seizure and from the use of unreasonable force, and deprivation of their life.

172. As a direct and proximate result of the violation of Plaintiffs' civil rights, Plaintiffs suffered damages, including mental anguish and pain and suffering.

**COUNT VI**

**Claims for False Imprisonment Under Kentucky State Common Law**

(Against the defendant UNKNOWN LMPD OFFICERS)

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173. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this

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Complaint as if fully set forth herein.

174. The defendant, UNKNOWN LMPD OFFICERS, intended to confine the Plaintiffs within boundaries that were defined by the said defendant.

175. The Plaintiffs were directly or indirectly confined within the boundaries that were defined by the said defendants.

176. The Plaintiffs were aware and had knowledge of the confinement and/or were harmed by the said confinement.

177. The said defendants knew that their actions failed to establish reasonable suspicion and probable cause.

178. The said defendants actions were not reasonable nor in good faith against the said plaintiffs.

179. Because of the said defendants' intentional acts, gross negligence, and or negligence in causing the false imprisonment of the said plaintiffs, the said defendants were in conscious disregard of said plaintiffs' rights, so as to amount to a willful and intentional wrongdoing, and said plaintiffs are entitled to punitive damages.

180. As a result of the actions of the said defendant the Plaintiffs have suffered damages.

**COUNT VII**

**Claims for Assault Under Kentucky State Common Law  
(Against the defendant UNKNOWN LMPD OFFICERS)**

181. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth herein.

182. The defendant, UNKNOWN LMPD OFFICERS, intentionally and unlawfully came upon the Plaintiffs with their guns drawn, pointed at each of the Plaintiffs, screaming directives, coupled with the act of the threat of immediate and deadly violence to be used against each of the Plaintiffs.

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183. The said defendants were in possession of their firearms and had them aimed directly at each of the Plaintiffs and the said firearms had the ability to cause great bodily harm and even death to each of the Plaintiffs in this matter.

184. The unannounced military styled actions of the said defendants ambushing the Plaintiffs while they were lawfully eating their food created in the minds of each of the Plaintiffs a realistic and well founded fear of the instant and/or on the spot belief that a serious and swift of a sudden danger was going to occur to not only at least one of the Plaintiffs' body but to each and all of them to which the suffering of great bodily harm and even death was going to transpire if at least one of the Plaintiffs failed to comply or appear to have failed to comply with any of the said defendants directives.

185. The said defendants actions were not reasonable nor in good faith against the said plaintiffs.

186. Because of the said defendants' intentional acts, gross negligence, and or negligence in causing the fear of bodily harm occurring to and upon the said plaintiffs, the said defendants were in conscious disregard of said plaintiffs' rights, so as to amount to a willful and intentional wrongdoing, and said plaintiffs are entitled to punitive damages.

187. As a direct result of the actions of the said defendants, the Plaintiffs have suffered damaged.

**COUNT VIII**  
**Kentucky Excessive Force**  
(Against defendants UNKNOWN LMPD OFFICERS)

188. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth here.

189. The defendants',UNKNOWN LMPD OFFICERS', conduct towards Plaintiffs, as described in the above paragraphs, were intentional and/or reckless and exceeds the generally accepted standards of decency and morality, and as such, constitutes conduct which is utterly intolerable in our civilized society.

190. The force used by the said defendants was excessive.

191. The said defendants intentionally cased the unwarranted and unlawful seizure of the Plaintiffs, and the

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- intentional mental harm of the said Plaintiffs.
- 192. The said defendants intentionally caused the unwanted unreasonable dentation of the Plaintiffs, and the intentional mental harm and fear of death from being shot with a gun in the mind of the said Plaintiffs.
- 193. The said defendants caused the intentional unwanted fear and lack of safety in the mind of said plaintiffs.

**COUNT IX**

**Claims for Intentional Infliction of Emotional Distress Under Kentucky State Common Law**  
(Against the defendant UNKNOWN LMPD OFFICERS)

- 194. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth herein.
- 195. The defendant, UNKNOWN LMPD OFFICERS, acted intentionally or recklessly when they committed the acts enumerated above.
- 196. The aforementioned conduct of the said defendants were so outrageous and intolerable that it offend the generally accepted standards of decency and morality.
- 197. The aforementioned conduct was a substantial factor in causing the Plaintiffs extreme and severe emotional distress.
- 198. The said defendants actions were not reasonable nor in good faith against the said plaintiffs.
- 199. Because of the said defendants' intentional acts, gross negligence, and or negligence in causing mental anguish of the said plaintiffs, the said defendants were in conscious disregard of said plaintiffs' rights, so as to amount to a willful and intentional wrongdoing, and said plaintiffs are entitled to punitive damages.
- 200. As a result of the actions of the said defendant the Plaintiffs have suffered damages, including but not limited to, pain and suffering, both mental and physical, and lost wages or earnings, medical expenses, both past and future.

**COUNT X**

**Kentucky Negligent Supervision, Training and/or Retention**  
(Against GWINN-VILLAROEL)

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201. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth here.

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202. Defendant City was the employers of GWINN-VILLAROEL and the UNKNOWN LMPD OFFICERS and appointed its responsible for training and/or supervising the officers of the City’s LMPD officers, such as the UNKNOWN LMPD OFFICERS to GWINN-VILLAROEL.

203. As the City being the employer of the said police department, the Chief had a duty to exercise reasonable care in the hiring, retention and supervision of individuals who, because of their employment, may pose a threat of injury to members of the public.

204. GWINN-VILLAROEL beached their duty in the negligent and reckless supervision and training of defendants UNKNOWN LMPD OFFICERS as it relates to the misconduct alleged herein this Complaint.

205. GWINN-VILLAROEL knew, or in the exercise of ordinary care should have known, of the incompetence, unfitness, and dangerous characteristics of said defendants UNKNOWN LMPD OFFICERS.

206. The incompetence and unfitness of the said defendants UNKNOWN LMPD OFFICERS were a cause of damage to Plaintiffs.

**COUNT XI**

**Negligence-Ordinary and /or Gross**

(Against the defendants UNKNOWN LMPD OFFICERS and GWINN-VILLAROEL)

207. By this reference, Plaintiffs incorporates each and every preceding allegation and averment of this Complaint as if fully set forth here.

208. The defendants UNKNOWN LMPD OFFICERS, and GWINN-VILLAROEL owed a duty of care to Plaintiffs to follow the proper law enforcement policies, procedures, and techniques, and to act as reasonable law enforcement officers would act under the same circumstances to ensure Plaintiff’s rights are not infringed upon.

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209. The said defendants breached this duty of care by: (A) Failing to follow standard law enforcement procedures, and/or (B) In the alternative, without waiving the foregoing, failing to act as reasonable law enforcement officers would and should have under the same or similar circumstances.

210. The defendant GWINN-VILLAROEL and the City owed a duty of care to hire, train, and supervise their subordinates present and during or participating in the investigation detentions, such as the Plaintiffs, and to take steps to prevent events such as what has occurred as stated herein this Complaint.

211. The defendants GWINN-VILLAROEL and the City breached this duty of care by: (A) Failing to use care in hiring the UNKNOWN LMPD OFFICERS and/or in the alternative, without waiving the foregoing, failing to properly train the UNKNOWN LMPD OFFICERS; and/or, (B) In the alternative, without waiving the foregoing, failing to supervise the UNKNOWN LMPD OFFICERS to ensure their conduct met the standard of ordinary and reasonable law enforcement officers.

212. Plaintiffs suffered damages as a result of the injury inflicted by the aforementioned breach of duty by the Defendants, in which that breach of duty was the actual and proximate cause of the injuries Plaintiffs sustained and from which he continues to suffer.

213. In addition and in the alternative, the Defendants' breach of duty as above described, was so egregious that it rises to the level of gross negligence and supports an award of punitive as well as compensatory damages.

**WHEREFORE**, Plaintiffs demands judgement against all of the named Defendants as follows:

1. Judgment against all named Defendants, jointly and severally, for their damages, together with interest and costs;
2. A trial by jury on all issues so triable;
3. Reasonable attorneys' fees pursuant to 42 U.S.C. §1988;
4. For punitive damages in an amount sufficient to deter all Defendants from continuing their course of conduct.

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5. For the reasonable costs of attorney fees and court costs incurred by Plaintiffs in bringing this action.

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6. Leave to amend their Complaint; and

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7. All other relief to which Plaintiffs may appear entitled.

Dated: February 6, 2024.

Respectfully submitted by,

/s/ *Shaun A. Wimberly, Sr.*

SHAUN A. WIMBERLY, SR.  
BRANDON J. RUDOLPH  
Wimberly & Associates, PLLC.  
325 West Main Street  
Suite 1816 Waterfront Plaza  
Louisville, Kentucky 40202  
Office: (502) 208-1887  
Fax: (502) 208-1858  
[shaunsr@wimlawky.com](mailto:shaunsr@wimlawky.com)  
[brandon@wimlawky.com](mailto:brandon@wimlawky.com)  
**COUNSEL FOR PLAINTIFFS**

Presiding Judge: HON. PATRICIA "TISH" MORRIS (630457)

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