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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

WILLIAM TROTTER, JR.,

Plaintiff,

CASE NO.:

vs.

DEMAND FOR JURY TRIAL

TONY JONES in his official capacity as Chief of
Police of Gainesville, Florida; OFFICER TONY
FERRO, individually; and OFFICER JOHN DOE,
individually.

Defendants.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

INTRODUCTION, JURISDICTION, AND VENUE

COMES NOW, Plaintiff WILLIAM TROTTER, JR., (“TROTTER”), through undersigned counsel, sues jointly and severally TONY JONES in his official capacity as Chief of Police of Gainesville, Florida (“CHIEF”); Officer TONY FERRO of the Gainesville Florida Police Department, individually (“OFFICER”); and Officer JOHN DOE of the Gainesville Florida Police Department, individually (“DOE”); collectively, (“DEFENDANTS”) and allege as follows:

1. This is a civil rights action arising from egregious and blatant acts of police misconduct committed by Officer Tony Ferro, Officer John Doe, and the Gainesville Florida Police Department (“GPD”).
2. Plaintiff, William Trotter, Jr., a 41 year old African-American male seeks relief for DEFENDANTS’ violation of his rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983 and 1988; and the Fourth Amendment of the United States Constitution, and for rights

secured under the laws and Constitution of the State of Florida.

3. Plaintiff TROTTER seeks compensation for the unconstitutional and tortious conduct of Defendant OFFICER who intentionally, willfully, knowingly, maliciously, and wrongfully arrested Plaintiff with full knowledge that he had not committed any crime, and wrongfully used excessive force against him despite receiving no resistance or noncompliance.
4. This action makes issue and alleges violations of the United States Constitution including, but not limited to a violation of the Fourth Amendment, which makes illegal the unlawful arrest of persons without probable cause and the unnecessary and excessive use of force against persons during their arrest.
5. This Honorable Court has original jurisdiction over this action and the parties named herein pursuant to the provisions of 42 U.S.C. Sections 1983 and 1988; the United States Constitution; the provisions in 28 U.S.C. Sections 1331 and 1343, et.seq.; and the ancillary jurisdiction of this Court pursuant to 29 U.S.C. Section 1367 for all state law claims.
6. Plaintiff further invokes the supplemental jurisdiction of this Court to adjudicate pendant state law claims pursuant to 28 U.S.C. Section 1367.
7. Venue is proper in this district under 28 U.S.C. Section 1391(b) in that all acts, omissions and practices described hereafter, giving rise to these claims all occurred in Alachua County, Florida, and within the jurisdiction of the United States District Court in and for the Northern District of Florida.
8. Plaintiff's claim for relief is predicated upon 42 U.S.C. Section 1983 and upon 42 U.S.C. Section 1988, which authorizes the award of attorney's fees and costs to a prevailing party in actions brought pursuant to 42 U.S.C. Section 1983.
9. Plaintiff's claim for relief is also predicated upon State law for all claims arising from

violations of State statutes and common law.

10. At all times material hereto, the acts, omissions, practices and other conduct of each defendant were committed under color of state or local law.

11. At all times material hereto, the acts, omissions, practices and other conduct of Defendants OFFICER and DOE were committed, within the course and scope of their employment, for Defendant CHIEF and/or City of Gainesville.

NOTICE OF CLAIM

12. Plaintiff, in furtherance of his state law causes of action, filed a timely Notice of Claim in accordance with Florida Statute Section 768.28 against the Gainesville Florida Police Department on or after October 13, 2014. Consequently, the causes of action contained herein will be amended to reflect any causes of action under the laws of the State of Florida once all conditions precedent to state law claims have been satisfied and/or waived. (Notices of Claim Attached hereto as Exhibit A.)

PARTIES

13. At all times material hereto, Plaintiff TROTTER was and is a citizen of the United States, and at all times material hereto, was and is a resident of Alachua County, Florida. Plaintiff has retained the services of undersigned counsel and is obligated to pay a reasonable attorney's fee for such services in pursuing the claims asserted herein.

14. At all times material hereto, Defendant CHIEF was and is a "person" subject to suit under 42 U.S.C. Section 1983. Defendant CHIEF was hired as Chief of Police for Gainesville, Florida, and was at all times material hereto, acting in his official capacity and under the color of state law. He is responsible for, *inter alia*, the policies, procedures, and customs of the GPD as the final policymaker. He is also responsible for training and supervising his officers. Defendant

CHIEF, through his officers, employees and agents, was responsible for the proper and efficient enforcement of the laws, regulations, policies, practices, and procedures of such political entity; the laws and regulations of the State of Florida; and the Constitution of the United States. At all times hereto, his agents, employees, and/or servants were acting within the course and scope of their agency, apparent agency, and employment and under color of law.

15. At all times material hereto, Defendant OFFICER was a police officer with the City of Gainesville, under the supervision of Defendant CHIEF, acting within the course and scope of his employment and under color of the statutes, ordinances, regulations, policies, customs, and usages of the State of Florida and/or the City of Gainesville, Florida. He is sued in his individual capacity.

16. At all times material hereto, Defendant DOE was a police officer with the City of Gainesville, under the supervision of Defendant CHIEF, acting within the course and scope of his employment and under color of the statutes, ordinances, regulations, policies, customs, and usages of the State of Florida and/or the City of Gainesville, Florida. He is sued in his individual capacity.

FACTUAL ALLEGATION COMMON TO ALL COUNTS

17. On or about January 26, 2014, Plaintiff TROTTER was driving on or around University Avenue in Gainesville, Florida, when he was pulled over by Defendant, OFFICER TONY FERRO of the Gainesville Police Department.

18. In compliance with Defendant OFFICER's signal, Plaintiff pulled into the parking lot of the Kangaroo Express convenience store at 20 NE Waldo Road in Gainesville, Florida.

19. At all times relevant, Plaintiff was free handed and unarmed, showing no signs of a threat to

Defendant OFFICER or others.

20. At Defendant OFFICER's demand, Plaintiff provided identification, however; when Plaintiff's driver's license was not produced, Defendant OFFICER used excessive force and brutality to wrongfully arrest Plaintiff. Defendant OFFICER slammed Plaintiff into the ground, causing significant injuries including but not limited to a fractured elbow and strained wrist.
21. Surveillance tape of the incident taken from inside the Kangaroo Express convenience store shows store patrons observing and commenting on the extent of Plaintiff's injuries and additional officers arriving on the scene.
22. While in police custody, Plaintiff was taken by emergency medical services to UF Health Shands Hospital in Gainesville, Florida where x-rays showed Plaintiff suffered a right elbow fracture, among other injuries, at the hands of Defendant OFFICER during his wrongful arrest. Despite Plaintiff's diagnosis, DEFENDANTS still refused to carefully handle him and provide him with adequate medical care.
23. Instead of providing medical care, DEFENDANTS detained Plaintiff at the Alachua County Jail overnight, causing further aggravation to his injuries.
24. At all times material Defendant CHIEF, as Chief of Police for GPD, was a final policymaker for GPD, a governmental entity.
25. On information and belief, Defendant CHIEF knew or should have known of prior similar incidents of GPD officers using excessive force and brutality to wrongfully arrest persons, in violation of the Constitution, federal, and / or state law.
26. On information and belief, Defendant CHIEF maintained a policy or custom at GPD which fostered, condoned, and encouraged its officers to use excessive force, wrongfully arrest, or

otherwise violate citizens' rights.

27. On information and belief and at all relevant times, Defendants OFFICER and DOE acted in accordance with the policies and customs of GPD, as established or ratified by CHIEF, when they injured and wrongfully arresting Plaintiff Trotter.
28. On information and belief Defendant CHIEF, despite his knowledge of GPD officers' use of excessive force, brutality, and wrongful arrest prior to the subject incident which caused Plaintiff Trotter's injuries, CHIEF acted with deliberate indifference to these prior constitutional deprivations by, among other things, turning a blind eye to them, and failing to discipline or otherwise correct the officers' behavior.
29. On information and belief, CHIEF supported, justified, condoned, and otherwise ratified Defendants OFFICER and DOE in their decision to use excessive force, wrongfully arrest, and otherwise violate Plaintiff Trotter's rights.
30. In Plaintiff's criminal case arising out of Defendant OFFICER's unlawful traffic stop, Plaintiff was cleared of all charges, including driving on a suspended license and resisting without violence.
31. In the aftermath of these events, Plaintiff has undergone surgery on his right elbow, as well as other medical treatments for other injuries. However, as he still experiences severe pain, his Doctor has advised he undergo a second elbow surgery.
32. Due to injuries caused and aggravated by DEFENDANTS, Plaintiff is still unable to straighten his right arm, and thus, requires assistance to perform even basic tasks such as bathing and dressing, among other things.
33. Due to injuries caused by DEFENDANTS, Plaintiff, who was formerly employed as a landscaper, brick and cement mason, and food service worker, has been unable to find

employment since the incident.

34. Plaintiff has exhausted his savings, and is unable to pay for personal living expenses or his ever-increasing medical expenses.

35. Plaintiff's financial ruin and enduring physical pain have driven him to a state of depression. Furthermore, Plaintiff remains in constant fear of the Gainesville Police Department as he is uncertain if its officers will attack him without cause again or harass him further, in retaliation for his formal complaint against the department, and this legal action.

36. As a result of DEFENDANTS' misconduct, Plaintiff suffered:

- a. Bodily injuries, past and future;
- b. Pain and suffering, past and future;
- c. Physical limitations, past and future;
- d. Decreased enjoyment of life and decreased life choices;
- e. Lost wages;
- f. Decreased wage earning capacity;
- g. Medical Expenses, past and future;
- h. Possible need for surgery(ies) and future treatment;
- i. Permanent injuries;
- j. Humiliation;
- k. Embarrassment;
- l. Harm to his reputation;
- m. Inconvenience; and
- n. All other damages recoverable under Florida law.

COUNT I: CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983 (PLAINTIFF TROTTER'S CLAIM FOR EXCESSIVE FORCE AGAINST OFFICER TONY FERRO IN HIS INDIVIDUAL CAPACITY)

37. Plaintiff repeats and re-alleges each and every allegation set forth in above paragraphs numbered "1" through "36", inclusive with the same force and effect as if more fully set forth at length herein.
38. At all times material hereto, Defendant OFFICER had a legal duty to use only that amount and degree of force in the apprehension of suspects as was reasonable under the circumstances, for proper and efficient arrest, supervision, and control of such persons.
39. Plaintiff TROTTER complied with Defendant OFFICER's demand for identification and posed no threat to Defendant OFFICER or others.
40. Defendant OFFICER blatantly disregarded Plaintiff's life and well-being, and wrongfully used brutal and excessive force against him.
41. Defendant OFFICER, either individually or with assistance of other GPD officers such as Defendant DOE, slammed Plaintiff to the ground and handcuffed him with such brutality and force as to cause serious bodily injury, specifically, fracturing Plaintiff's right elbow.
42. Plaintiff TROTTER was unarmed and posed no threat to Defendant OFFICER or any others.
43. Defendant OFFICER used undue violence against Plaintiff without legal right to use any force against him, as there were no lawful grounds for arrest under the circumstances.
44. Even assuming arguendo that Defendant OFFICER had cause to take Plaintiff into custody; the force used was grossly excessive, as Defendant OFFICER could have easily seized

Plaintiff without harming him. This was evident to Defendant OFFICER and demonstrated by Plaintiff's full cooperation with Defendant OFFICER's instruction, and Plaintiff's peaceful compliance with the wrongful arrest procedure.

45. Defendant OFFICER caused severe bodily injuries to Plaintiff by physically assaulting him and using inordinate and inappropriate force.
46. By his actions, Defendant OFFICER deprived Plaintiff of the clearly established right to be free from force which was excessive under the circumstances, in violation of Plaintiff's rights under the Fourth Amendment to the U.S. Constitution.
47. As a direct, proximate, and foreseeable result of Defendant OFFICER's actions, Plaintiff suffered constitutional deprivations, bodily injuries, and resulting pain and suffering, mental anguish, loss of ability to enjoy life, loss of potential earning, public humiliation, and other injuries relating to this incident. These injuries and losses are permanent and continuing, and Plaintiff will suffer such losses in the future.

WHEREFORE, Plaintiff WILLIAM TROTTER, JR. prays that this Honorable Court grant the following relief on his civil rights claim brought pursuant to 42 U.S.C. § 1983 and 1988:

- A. Judgment for compensatory damages against Defendant OFFICER;
- B. Judgment for punitive damages against Defendant OFFICER;
- C. Judgment for attorney's fees pursuant to 42 U.S.C. § 1988, together with the costs and expenses of this civil rights action;
- D. Judgment for pre-judgment interest on attorney's fees for delay in payment;
- E. A trial by jury on all issues so triable; and

F. Such other and further relief that this Court may deem just, proper, and appropriate.

COUNT II: CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983 (PLAINTIFF TROTTER'S OFFICIAL CAPACITY EXCESSIVE FORCE CLAIM AGAINST CHIEF JONES)

48. Plaintiff repeats and re-alleges each and every allegation set forth above paragraphs numbered "1" through "47" inclusive with the same force and effect as if more fully set forth at length herein.
49. At all times material hereto, Defendant CHIEF, as the final policymaker of the GPD, had a duty to adopt and implement rules and procedures to ensure that his officers used a reasonable amount and degree of force when apprehending suspects.
50. Defendant CHIEF's failure to adopt and implement adequate policies regarding his officers' use of force resulted in the blatant use of excessive force by Defendant OFFICER against Plaintiff as described in paragraphs "1" through "41".
51. At all times material hereto, Defendant CHIEF knew, and it was foreseeable, that persons being arrested by his officers might be subjected to use of force.
52. At all times material hereto, Defendant CHIEF knew, and it was foreseeable, that an adequate policy for the use of force was necessary in order to avoid repeated use of excessive force by his officers in similar circumstances.
53. At all times material hereto, Defendant CHIEF was aware that the failure to establish a procedure, policy, and practice relating to the use of physical force and the disciplining of officers who use excessive force would result in serious injury to members of the general public, which ultimately led to the excessive force used against Plaintiff.
54. At all times material hereto, Defendant CHIEF was aware that the failure to establish a

procedure, policy, and practice relating to the adequate training and supervision of officers executing traffic stops, would create a high risk of serious injury to members of the general public.

55. At all times material hereto, Defendant CHIEF was deliberately indifferent to the known probability that officers could and likely would exhibit excessive force and abuse the public by the use of restraints or other uses of physical force, such as in the case of Plaintiff TROTTER, by failing or refusing to establish a use of force policy.
56. Defendant CHIEF had a policy, practice, or custom of failing to adequately supervise and discipline officers, employees, and agents of the GPD.
57. Defendant CHIEF exhibited deliberate indifference by his failure, as official policymaker of the GPD, to train his employees to handle recurring situations that present an obvious potential for a constitutional violation. More specifically, Defendant CHIEF failed to train officers on using restraint in take down techniques, use of force against innocent motorists, and safety and security measures when executing the arrest of non-violent and non-life-threatening citizens, with no existing exigent circumstances. This failure resulted in the violation of Plaintiff's constitutional rights.
58. Defendant CHIEF, failed to ensure that Defendant OFFICER did not apply unreasonable force in his use of restraint methods as it relates to innocent members of the public, and allowed officers to deploy unlawful measures on subjects where the use of such force was unnecessary and excessive.
59. At all times material hereto, Defendant CHIEF knew, and it was foreseeable, that a policy of adequately supervising and auditing the uses of force by officers was necessary in order to avoid repeated use of excessive force by deputies. Without tracking historical data pertaining

to historical uses of force, Defendant CHIEF would be unable to be advised of repetitive and recurring constitutional violations that required remedies and revisions to the policies and procedures in place, requiring additional training or supervision with regard to use of deadly force or excessive force.

60. At all times material hereto, Defendant CHIEF was aware that the failure to establish a policy of adequately supervising and auditing the uses of force by officers would result in repeated and recurring instances of constitutional violation and excessive force, resulting in serious injury to citizens of Gainesville, Florida.

61. At all times material hereto, Defendant CHIEF was deliberately indifferent to the known probability that instances of force by officers would occur, such as in the case of Plaintiff, by failing or refusing to establish a policy of adequately supervising and auditing use of force incidents by officers.

62. As a direct, proximate, and foreseeable result of Defendant CHIEF's policies, customs and practices, Plaintiff has suffered constitutional deprivations, bodily injuries and resulting pain and suffering, mental anguish, loss of ability to enjoy life, expenses of legal counsel, loss of earnings, and other injuries and losses. These injuries and losses are permanent and continuing, and Plaintiff will suffer such losses in the future.

63. Defendant CHIEF acted with deliberate indifference in causing the aforesaid constitutional violation by Defendant OFFICER to occur, as follows:

a) Defendant CHIEF failed to adequately monitor and evaluate the performance of his officers, including Defendant OFFICER, regarding the use of force applications and exhibited a deliberate indifference and reckless disregard to citizens' rights, including Plaintiff;

b) Defendant CHIEF failed to adequately supervise his officers, and possessed deliberate indifference and reckless disregard to persons who came into contact with them, including Plaintiff;

c) Defendant CHIEF had and has a policy, custom, and practice of allowing his officers, including Defendant OFFICER, to use excessive and/or unreasonable force without fear of discipline, thereby creating an atmosphere where such behavior is accepted, approved and ratified, in reckless disregard and deliberate indifference to the health and welfare of persons in his custody, including Plaintiff.

64. The aforementioned actions committed by Defendant OFFICER were proximately caused by the de facto policies, customs, and practices of Defendant CHIEF, the failure to establish proper policies, customs, and practices, his failure to adequately supervise and monitor his officers, and his ratifications of officers' use of excessive force, as alleged in paragraphs 1 through 63.

65. The aforementioned policies, customs, practices, and omissions of Defendant CHIEF, alleged in paragraphs 1 through 63, were the underlying cause of Plaintiff's injuries and damages.

WHEREFORE, Plaintiff WILLIAM TROTTER, JR. prays that this Honorable Court grant the following relief on his civil rights claim brought pursuant to 42 U.S.C. § 1983 and 1988:

A. Judgment for compensatory damages against Defendant CHIEF TONY JONES;

B. Judgment for attorney's fees pursuant to 42 U.S.C. § 1988, together with the costs and expenses of this civil rights action;

C. Judgment for pre-judgment interest on all economic losses, including judgment for damage due to the lack of insurability of Plaintiff; and pre-judgment interest on attorney's fees for delay in payment;

D. A trial by jury on all issues so triable; and

E. Such other and further relief that this Court may deem just, proper, and appropriate.

COUNT III: CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983 (PLAINTIFF TROTTER'S INDIVIDUAL CAPACITY FALSE ARREST AND IMPRISONMENT CLAIM AGAINST OFFICER FERRO AND OFFICER DOE, JOINTLY AND SEVERALLY)

66. Plaintiff repeats and re-alleges each and every allegation set forth above paragraphs numbered "1" through "65" inclusive with the same force and effect as if more fully set forth at length herein.
67. At all times material hereto, Defendants OFFICER and DOE had a legal duty not to seize or arrest citizens without probable cause.
68. On or about January 26, 2014, Defendants OFFICER and DOE acting within the course and scope of their employment, falsely arrested and imprisoned Plaintiff, all in bad faith, or with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property, when in fact, Plaintiff had committed no crime, nor broken any law and said detention, arrest and imprisonment was without probable cause.
69. By their actions, Defendants OFFICER and DOE deprived Plaintiff of the clearly established right to be free from false arrest without probable cause, and false imprisonment, in violation of his rights under the Fourth Amendment to the U.S. Constitution.
70. As a direct, proximate and foreseeable result of Defendants OFFICER and DOE actions, Plaintiff has suffered bodily injuries and resulting pain and suffering, mental anguish, loss of ability to enjoy life, costs and expenses of litigation, loss of earnings, and other injuries and losses. These injuries and losses are permanent and continuing, and Plaintiff will suffer such losses in the future.

WHEREFORE, Plaintiff WILLIAM TROTTER, JR. prays that this Honorable Court grant the following relief on his civil rights claim brought pursuant to 42 U.S.C. § 1983 and 1988:

- A. Judgment for compensatory damages against Defendants OFFICER and DOE;
- B. Judgment for punitive damages against Defendants OFFICER and DOE;
- C. Judgment for attorney's fees pursuant to 42 U.S.C. § 1988, together with the costs and expenses of this civil rights action;
- D. Judgment for pre-judgment interest on all economic losses, including judgment for damage due to the lack of insurability of Plaintiff; and pre-judgment interest on attorney's fees for delay in payment;
- E. A trial by jury on all issues so triable; and
- F. Such other and further relief that this Court may deem just, proper, and appropriate.

COUNT IV: 42 U.S.C. § 1983 FAILURE TO INTERCEDE ACTION (INDIVIDUAL CAPACITY CLAIM AGAINST DEFENDANT JOHN DOE)

- 71. Plaintiff repeats and re-allege each and every allegation set forth above paragraphs numbered "1" through "70" inclusive with the same force and effect as if more fully set forth at length herein.
- 72. Defendant DOE observed Defendant OFFICER throwing Plaintiff to the ground, causing severe injury.
- 73. Defendant DOE also observed Defendant OFFICER holding Plaintiff on the ground and handcuffing Plaintiff.
- 74. By his conduct and under color of state law, it is believed Defendant DOE had opportunities to intercede on behalf of Plaintiff to prevent the excessive use of force. However, due to his intentional conduct or deliberate indifference, he declined or refused to do so.

WHEREFORE, Plaintiff WILLIAM TROTTER, JR. prays that this Honorable Court grant

the following relief on his civil rights claim brought pursuant to 42 U.S.C. § 1983 and 1988:

- A. Judgment for compensatory damages against Defendant JOHN DOE;
- B. Judgment for punitive damages against Defendant JOHN DOE;
- C. Judgment for attorney's fees pursuant to 42 U.S.C. § 1988, together with the costs and expenses of this civil rights action;
- D. Judgment for pre-judgment interest on all economic losses, including judgment for damage due to the lack of insurability of Plaintiff; and pre-judgment interest on attorney's fees for delay in payment;
- E. A trial by jury on all issues so triable; and
- F. Such other and further relief that this Court may deem just, proper and appropriate.

COUNT V: 42 U.S.C. § 1983 CONSPIRACY ACTION (ALL DEFENDANTS)

75. Plaintiff repeats and re-allege each and every allegation set forth above paragraphs numbered "1" through "74" inclusive with the same force and effect as if more fully set forth at length herein.
76. The individual defendants, under color of law, conspired with each other, and with others, reached a mutual understanding, and acted to undertake a course of conduct to injure, oppress, threaten, and intimidate Plaintiff TROTTER in the free exercise and enjoyment of the rights and privileges and equal protection of the law secured to them by the Constitution, including the rights: to be free from the intentional use of unreasonable force; to be free from unreasonable searches and seizures; to associate and speak freely; to have access to and seek redress in the courts; and to be free from false arrest, false imprisonment.
77. The Gainesville Florida Police Department, through its agents, was a willful participant acting under color of law. It is believed that the agents, officers, and members of the GPD

participated in the conspiracy to further the purpose and goals of the organization.

78. It was part of the conspiracy that DEFENDANTS did, among other acts, physically assault and unlawfully imprison Plaintiff and cause serious physical injury while conducting a traffic stop without just, reasonable, or probable cause.

WHEREFORE, WILLIAM TROTTER, JR. prays that this Honorable Court grant the following relief on his civil rights claim brought pursuant to 42 U.S.C. § 1983 and 1988:

A. Judgment for compensatory damages against DEFENDANTS;

B. Judgment for punitive damages against DEFENDANTS;

C. Judgment for attorney's fees pursuant to 42 U.S.C. § 1988, together with the costs and expenses of this civil rights action;

D. Judgment for pre-judgment interest on all economic losses, including judgment for damage due to the lack of insurability of Plaintiff; and pre-judgment interest on attorney's fees for delay in payment;

E. A trial by jury on all issues so triable; and

F. Such other and further relief that this Court may deem just, proper, and appropriate.

**COUNT VI: STATE TORT CLAIMS AGAINST DEFENDANTS FOR ASSAULT,
BATTERY AND FALSE IMPRISONMENT**

79. Plaintiff WILLIAM TROTTER, JR. reasserts and re-alleges all the allegations contained in Paragraphs "1" through "78" above of this Complaint as though fully stated herein.

80. Defendant OFFICER assaulted and/or battered and/or falsely imprisoned Plaintiff TROTTER during the scope of his employment with the Gainesville Florida Police Department.

81. Said assault and/or battery and/or false imprisonment was not in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property as evidenced by Plaintiff TROTTER's injuries.

82. Defendant OFFICER was negligent in executing the traffic stop and unlawfully touched Plaintiff, causing severe injuries.
83. Further, DEFENDANTS also unreasonably and unlawfully detained and deprived Plaintiff of liberty, against his will without legal authority.
84. Plaintiff TROTTER was unlawfully tackled, injured, handcuffed, and detained without cause.
85. Plaintiff TROTTER was cleared of all charges alleged against him arising from this incident, yet he still bears severe injuries inflicted by DEFENDANTS.
86. Defendant OFFICER is employed by the Gainesville Florida Police Department.
87. Notice of claim was provided within a timely manner as required by Fla. Stat. §768.28.

WHEREFORE, Plaintiff WILLIAM TROTTER, JR. prays that this Honorable Court grant the following relief on his state tort claims:

- A. Judgment for compensatory damages against Defendants, Gainesville Florida Police Department, Officer Tony Ferro, and Officer John Doe;
- B. Judgment for attorney's fees together with the costs and expenses of this action;
- C. Judgment for pre-judgment interest on all economic losses, including judgment for damage due to the lack of insurability of Plaintiff; and pre-judgment interest on attorney's fees for delay in payment;
- D. A trial by jury on all issues so triable; and
- E. Such other and further relief that this Court may deem just, proper, and appropriate.

DEMAND FOR JURY TRIAL

Plaintiff TROTTER, by and through undersigned counsel, hereby demands a jury trial in the above-referenced matter.

Respectfully submitted this 11th of November, 2016.

/s/Christopher M. Chestnut

Florida Bar No.: 0022409

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