



# MEMORANDUM

Office of the City Attorney

050307

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TO: Mayor and City Commissioners

DATE: August 22, 2005

FROM: City Attorney

CONSENT


SUBJECT: Robert A. Neville, M.D. vs. City of Gainesville and Gainesville Police K-9 Officer; Alachua County Circuit Court; Case No.: 01-05-CA-3093

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Recommendation: The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City and an unnamed Gainesville Police K-9 Officer in the case styled Robert A. Neville, M.D. vs. City of Gainesville and Gainesville Police K-9 Officer; Alachua County Circuit Court; Case No.: 01-05-CA-3093.

On or about August 4, 2005, the City was served with a complaint by Robert A. Neville. Mr. Neville alleges that he was bitten by a GPD canine on September 23, 2003. Mr. Neville is claiming damages in excess of \$15,000.00.

Prepared by:

  
Daniel M. Nee,  
Assistant Litigation Attorney

Submitted by:

  
Marion J. Radson,  
City Attorney

DMN/cgow

IN THE 8TH CIRCUIT COURT OF FLORIDA  
FOR ALACHUA COUNTY

ROBERT A. NEVILLE, MD,

Plaintiff,

v.

CASE NO. 01-05-CA-3093

CITY OF GAINESVILLE and,  
GAINESVILLE POLICE K-9 OFFICER,

Defendants;

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COMES NOW THE PLAINTIFF, Dr Robert A, Neville "NEVILLE" and avers,  
under oath and penalty of perjury, as follows:

CLAIM REQUIREMENT

1. NEVILLE has complied with his statutorial obligation to give notice by submitting a CLAIM. City of Gainesville has never formally responded to CLAIM, but CITY has made no OFFER OF SETTLEMENT.

PARTIES

2. NEVILLE is a citizen of Alachua County, Florida. CITY is a state chartered city, GAINESVILLE POLICE K-9 OFFICER allowed and encouraged a police dog to maul NEVILLE on or about September 23, 2003.

FURTHER SWORN ALLEGATIONS

3. Investigations by NEVILLE and attorney Robert Rush "RUSH" have disclosed dozens of incidences of misuse of police dogs by K-9 officers, which have resulted in many severe injuries to human citizens of Alachua County. These injuries range from scarring to maiming to life-threatening injuries.
4. NEVILLE and RUSH have found that the training, hiring and employment standards for local K-9 officers falls far below national norms.
5. At the time of the mauling, NEVILLE had surrendered, was on the ground and was in one handcuff.

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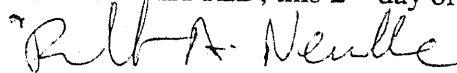
## CAUSES OF ACTION

- I. GROSS NEGLIGENCE-Under Florida law the commission of a felony which injures another incurs treble liability as *Gross Negligence per se*. The K-9 officer was guilty of Aggravated Assault and Battery and a other felonies related to the treatment of arrestees. Leaving aside the crimes committed, he acted with Reckless Disregard for the safety and well-being of NEVILLE.
- II. NEGLIGENT HIRING . EMPLOYMENT and TRAINING-CITY was negligent in hiring . training and maintaining employment of this K-9 officer. Moreover, this negligence was a matter of city POLICY,. CITY deliberately and directly formulated an inadequate set of standards for training its K-9. This POLICY which harms the public, is the basis for:
- III. CIVIL RIGHTS CLAIMS-under the Florida Constitution, the government may not infringe upon the rights of Florida Citizens. In the present case, CITY and its agents, under color of law, engaged in Mayhem, Assault., Battery. Torture and Gross Negligence. Harm to Plaintiff resulted, both physical an psychological.. Successful prosecution of a Civil Rights lawsuit entitles Plaintiff to Attorney's Fees. Should it becaome necessary, Plaintiff will hire an attorney and apply for these fees.

BASED UPON the foregoing, Plaintiff Robert A. Neville, MD prays;

- A. For actual damages for personal injury psychological trauma, lifelong disfigurement and scarring, future surgery. Etc. in the amount of \$250,000.00
- B. For treble damages for Felony-Gross Negligence per se - \$750,000.00
- C. For an injunction forbidding use of canines unless a human life is endangered (published policy of Orange County, Florida).
- D. For damages for Civil Rights Violations based upon a City POLICY that was/is badly flawed and has caused/is causing severe injuries \$1,000,000.00
- E. For Attorneys Fees for the Civil Rights actions.

RESPECTFULLY SUBMITTED, this 2<sup>nd</sup> day of August, 2005 by:



Robert A. Neville, MD  
PLAINTIFF In Pro Se  
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