

NOV 15, 2018 02:14 PM

IN THE STATE COURT OF BULLOCH COUNTY
STATE OF GEORGIA

Heather Banks McNeal
Heather Banks McNeal, Clerk
Bulloch County, Georgia

AUSTIN DONALDSON,)
)
Plaintiff)
)
vs.)
)
CITY OF BROOKLET, as the official)
Government entity employing all)
City of Brooklet Police Officers, and)
JOHN BAKER, AND)
LAWRENCE NORVILLE DOUGLAS)
MEYER III (a/k/a)
DOUG MEYER), Individually and)
in Their Official Capacities as)
City of Brooklet Police Officers)
)
Defendants)

Civil Action File No.

COMPLAINT

NOW COMES Plaintiff, AUSTIN DONALDSON, and files this Complaint, showing the Court as follows:

1.

Defendant CITY OF BROOKLET is a governmental entity in the State of Georgia that operates the CITY OF BROOKLET POLICE DEPARTMENT and is subject of the jurisdiction of this Court. Its Mayor is Mr. William Hendrix and may be served at 104 Church Street, Brooklet GA 30415.

2.

Defendant **JOHN BAKER** (hereinafter referred to as "Baker") is an individual, subject to the jurisdiction of this Court. Baker may be served at his place of residence at 787 Spence Drive, Brooklet, Georgia 30415.

3.

Defendant **LAWRENCE NORVILLE DOUGLAS MEYER III** ("Meyer") was the Police Chief of Brooklet at the time of this incident and, is one of the the police officers who individually harmed Plaintiff in this matter, and may be served at his home in Franklin County, Tennessee at 1201 Bypass Road, Winchester TN 37398. He is subject to the jurisdiction of this Court.

4.

All applicable ante-litem notice requirements have been complied with.

5.

Venue is proper in this Court.

6.

Defendants have liability insurance that covers some or all of the acts complained of in this action, and have waived immunity to the extent of that liability coverage as provided by Georgia law.

COMMON COUNTS

7.

On or about August 19, 2017, Plaintiff was attempting to drive his vehicle to his restaurant in downtown Brooklet to perform a catering job.

8.

While driving his vehicle to his restaurant, Defendant Meyer's wife approached Plaintiff's vehicle on an ATV yelling and waving her hands in the air saying that the road he was attempting to drive on to get to his restaurant was closed.

9.

There were no barricades or other official signs that the road was closed, and Plaintiff was within 100 yards from his business he was attempting to get to.

10.

Defendant Meyer's wife called over a police officer, later learned to be Defendant Baker, who came over and verbally berated Plaintiff without warning or provocation.

11.

Defendant Baker then ordered Plaintiff out of his vehicle, detaining him, without cause, while also threatening him by placing his hand on his gun.

12.

Defendant Baker then placed Plaintiff in handcuffs and shoved him against a

car.

13.

Defendant Baker stated that he handcuffed Plaintiff, in part, for yelling at Defendant Meyer's wife.

14.

Plaintiff was handcuffed, in public, for 7-8 minutes in public with people walking by.

15.

Defendant Baker, after speaking with someone on the radio, then released Plaintiff from handcuffs.

16.

Plaintiff was not charged with any crimes on August 19, 2017.

17.

Within days, Plaintiff then filed a complaint at Brooklet City Hall regarding his unlawful detention and treatment by Defendant Baker.

18.

In direct response to the complaint, Defendant Meyer sent Plaintiff a letter threatening Plaintiff for his speech, specifically stating that he would be charged with various violations of Georgia law if he did not stop "badmouthing this agency"

and did not take the incident as a "learning experience".

19.

Plaintiff told his father about the incident, and his father then went to speak with Defendant Meyer about the incident.

20.

In retaliation, Defendants then filed charges against Plaintiff on September 1, 2017.

21.

All charges against Plaintiff were terminated in Plaintiff's favor.

22.

At all times relevant, herein, Plaintiff followed all lawful orders and lawful commands from Defendants, in full compliance with Georgia law.

23.

Plaintiff had to hire an attorney to fight the various charges, costing Plaintiff a significant sum of money.

24.

Plaintiff has been fearful for his safety due to Defendants' lies and interactions with him.

25.

Defendants have a practice, or an unofficial policy arising to the level of a policy and procedure, of harassing and intimidating citizens in violation of their constitutional rights, including through retaliation against them for any critical statements regarding the City of Brooklet Police Department.

26.

Defendants have at least 3 other incidents, as reported by All on Georgia and likely to be placed into litigation, of some or all Defendants targeting, harassing, and retaliating against citizens for their actions protected by the First, Fourth, or Fourteenth Amendments to the United States Constitution.

27.

Defendants' arrest of Plaintiff was pretextual and in retaliation for Plaintiff's exercising of his constitutional rights and not due to any violation of the law.

28.

Defendants' arrest of Plaintiff was part of an unconstitutional policy or practice of bullying and intimidating citizens for their speech, and was wholly unsupported by probable cause.

29.

Defendants' attempt to have Plaintiff stop "badmouthing" the police department in exchange for not charging him with fabricated crimes, weeks after the

alleged conduct, was an unconstitutional attempt to use the color of law to chill speech.

30.

At all times relevant herein, Defendants were acting under color of law.

31.

Defendants' conspired with each other to fabricate apparent cause in government documents, namely incident reports, to justify their unlawful arrest of Plaintiff.

32.

At no point did Plaintiff do anything that a reasonable officer would characterize as a violation of the law.

33.

Plaintiff complied with all lawful commands from law enforcement officers.

STATE LAW CLAIMS

34.

Defendants, as state law enforcement officers, have a ministerial duty to only arrest people for violations of the law, not due to personal anger, malice, or offense due to a citizen exercising his or her rights or desiring not to speak to or being afraid of them.

35.

Defendants had a duty to follow Georgia state law, as well as internal procedures when interacting with the public.

36.

Defendants breached their duty to Plaintiff when they arrested Plaintiff without cause.

37.

Defendant City of Brooklet failed to train their employees adequately on policies and procedures regarding constitutional rights of citizens and to supervise or prevent them from having a pattern or practice of retaliating against citizens for complaining about their actions or activities, and not complying with unlawful orders.

38.

Defendant City of Brooklet knows that officers will fabricate cause in reports and arrest citizens for exercising their constitutional rights but fails to supervise said officers and they do nothing to stop it.

39.

Defendants' negligence directly caused Plaintiff being detained, arrested, and prosecuted by Defendants and their employees.

40.

Defendants' negligence caused Plaintiff monetary damage, emotional distress, pain and suffering, attorney fees, and other damages.

41.

Defendants have failed to enact any changes to prevent such rights violations in the future, and Plaintiff requests declaratory and injunctive relief ordering that Defendants' actions are unconstitutional and that Defendant City of Brooklet must enact remedial measures including, at a minimum, being properly trained and supervised to know they are not allowed to fabricate evidence or to detain people for simply angering police officers.

FEDERAL CLAIMS AGAINST DEFENDANTS

42.

Plaintiff incorporates all previous paragraphs.

43.

This is an action for money damages brought pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1988 and certain provisions of the United States Constitution.

44.

At all times relevant, individual Defendants were each acting under color of law as law enforcement officers

45.

Individual Defendants violated Plaintiff's Fourth and Fourteenth Amendment rights by detaining, arresting, and prosecuting him for absolutely no lawful reason or cause, and were intentionally retaliating against him with malice for exercising his right to complain about acts of the government under the First Amendment.

46.

Individual Defendants violated Plaintiff's Fourth and Fourteenth Amendment rights by fabricating and conspiring with each other to fabricate evidence and reports, and to lie in reports regarding the incident.

47.

Individual Defendants violated Plaintiff's rights by using unlawful and excessive force against Plaintiff by using the force necessary to handcuff and arrest Plaintiff.

48.

Individual Defendants had various charges initiated against Plaintiff and had him prosecuted (after having already handcuffed him and imprisoned him unlawfully on August 19, 2017), in response to the content of Plaintiff's speech, namely his complaints to the Defendant City of Brooklet regarding the acts of Defendant Baker and Defendant Meyer's police department.

49.

Defendants' allegations regarding Plaintiff's conduct were pretextual and without probable cause, and led to charges being filed against Plaintiff.

50.

The false charges against Plaintiff was resolved in Plaintiff's favor.

51.

Plaintiff suffered physical (unlawful confinement), mental, and monetary damages as a result of being held and arrested, as well as costing him attorney's fees to fight the charge.

52.

Pursuant to federal law, Plaintiff is entitled to all attorney's fees and costs of this action when resolved in Plaintiff's favor.

53.

Defendant City of Brooklet has an ongoing policy or practice arising to the level of a policy or procedure, of allowing or turning a blind eye to the pervasive practice of officers disobeying the U.S. Constitution and acting above the law to justify detentions, investigations, or arrests of otherwise apparently law abiding citizens, especially if they exercise their First Amendment Rights by disagreeing with or complaining about law enforcement activities.

54.

Defendant City of Brooklet's policy is unconstitutional and illegal on its face, and is a violation of the U.S. Constitution's First, Fourth, and Fourteenth Amendments.

55.

Plaintiff requests that proper declaratory and injunctive relief be granted against Defendant City of Brooklet, including but not limited to Defendant City of Brooklet policymakers and police officers being required to undergo constitutional rights training, and for all officers to be required to have body cameras activated at all times before any arrest warrant may issue for an alleged crime.

PUNITIVE DAMAGES

56.

All preceding paragraphs are incorporated herein.

57.

The actions of Defendants, as set forth above, show intentional willful misconduct, wantonness and that entire want of care which raises the presumption of a conscious indifference to the consequences of their actions. Accordingly, Plaintiff seeks punitive damages pursuant to O.C.G.A. § 51-12-5.1 and Federal law.

WHEREFORE, Plaintiff prays:

- (a) That Summons issue requiring Defendants to be and appear in this Court within the time provided by law to answer this Complaint;
- (b) That Plaintiff have a Jury Trial;
- (c) That Plaintiff has Judgment against Defendants for Compensatory Damages and General Damages as provided by law;
- (d) That Plaintiff be awarded Punitive Damages and Attorney's Fees as provided by law;
- (e) That Plaintiff be awarded injunctive and declaratory relief, *and*,
- (f) That Plaintiff have such other additional relief as the Court may consider equitable and/or appropriate given the circumstances of this case.

Respectfully Submitted, this 15th day of November 2018.

/s/Jordan Johnson

Jordan Johnson

Georgia State Bar No. 673643

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Defendants)

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PLAINTIFF'S FIRST INTERROGATORIES

COMES NOW Plaintiff in the above captioned matter, and propounds these Interrogatories to each Defendant. Defendants are required to answer these Interrogatories separately and fully in writing under oath and to serve a copy of said answers upon counsel for the plaintiff as required by the Georgia Civil Practice Act or Federal Rules of Civil Procedure.

NOTE A: Defendant shall furnish "such information as is available to the party."

NOTE B: These Interrogatories shall be deemed continuing. Supplemental and amended responses are required to the full extent provided in the Federal Rules of Civil Procedure.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

- (1) **“Person”** means any natural person, corporation, partnership, proprietorship, association, organization, or group of persons.
- (2) **“Document”** means all writings, drawings, graphs, charts, photographs, phono records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form, of every type and description that is in your possession or control (including but not limited to correspondence, memoranda, tapes, stenographic or handwritten notes, studies, reports, publications, computer records, invoices, purchase orders, shipping orders, bills of lading, acknowledgments, surveys, diagrams, plans, specifications, work orders, inspections, quality control records, etc.); every copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.
- (3) **“Identify”** means:

(a) with respect to any **"person"** who is an individual, to provide the name, present or last-known residence address, present or last-known residence telephone number, present or last-known employer or business affiliation, present or last-known business address, and present or last-known business telephone number of each person mentioned;

(b) with respect to an institution, business, group or other organization, to provide the current or last-known complete name, address, and telephone number; and

(c) with respect to any **"document,"** to provide (irrespective of whether the **document** is subject to any claim privilege) the title or other means of identification of each such **document**, the date of each **document**, **identify** the author, the names of all recipients of each **document** and **identify** all **persons** who have custody, control, or possession of each such **document** or copies of it.

(4) **"Claim"** means each and every claim arising out of the Complaint which forms the subject matter of this litigation.

INTERROGATORIES

1.

Please identify all arrests, detentions, health treatment, or prosecution initiated by the Defendant toward the Plaintiff and identify all documents related to those arrests, detentions, health treatment, or prosecutions.

2.

If Defendant has ever been a party to a lawsuit arising from 42 U.S.C. § 1983, or alleging violations of constitutional rights, please identify all persons or entities involved in such lawsuit or proceeding, give the style and number of the case, the nature of the litigation or proceeding, and the court or administrative body before which the suit or proceeding was filed.

3.

Please fully describe the factual basis for each defense raised by you in your Answer to Plaintiff's Complaint.

4.

Please identify all documents you contend support each defense raised by you in your Answer to Plaintiff's Complaint.

5.

Please identify all persons who have knowledge or information relevant to the subject matter of this litigation, *or*, relevant to any claims or defenses raised in this action.

6.

With regard to each statement (oral, written, recorded, court or deposition transcript, etc.) taken from any person with knowledge relevant to this lawsuit, please state the name of each person, identify the person taking each statement, and give the date each statement was taken.

7.

Please identify all photographs, charts, diagrams, videotapes, and other illustrations of any person, place or thing involved in this lawsuit, giving the date each was made and the name and address of the person(s) with possession, custody or control of each item.

8.

Please identify all expert witnesses or professional consultants retained or consulted by you, or on your behalf, to make an evaluation or investigation of this lawsuit.

9.

Please identify each expert expected to testify at trial and state the subject matter the expert is expected to testify about, the substance of the facts and opinions to which the expert is expected to testify, *and*, provide a summary of the ground for each opinion.

10.

Please identify all persons who to your knowledge, information or belief have investigated any aspect of the subject matter of this litigation, and indicate whether or not each has made a written record of the investigation or any part thereof.

11.

Please identify any insurance policies that may provide coverage for the claims which form the subject matter of this litigation, by providing the name of the insurer, policy number and available limits.

12.

Please identify all documents consulted, referred to, or otherwise utilized in any way in connection with the preparation of your Responses to these Interrogatories.

13.

Please identify all persons consulted, referred to, or otherwise utilized in any way in connection with the preparation of your Responses to these Interrogatories.

14.

Please identify with reasonable particularity all books, documents, transcripts of criminal proceedings, and other tangible things relevant to the issues in this lawsuit or that support your contentions which have not already been identified, and give the name and address of the person(s) have possession, custody or control of each thing.

15.

Please identify all other persons not identified elsewhere in your Answers to these Interrogatories who have knowledge or information relevant to the subject matter of this litigation, *or* relevant to any claims or defenses raised in this action. This includes but is not limited to any person or person(s) who you have ever threatened with arrest or prosecution due to their attitude or speech toward you in the past 6 years.

16.

Please identify any internal police proceedings or investigations that have been conducted regarding the subject matter of this litigation, the outcome of each, and any documents or other materials related to those proceedings.

17.

Please identify any manuals, procedures, or training materials or procedures that advise or regulate government employee conduct, including officer conduct and policy.

18.

If Defendant has ever been a party to a lawsuit arising from abuse of suspects/citizens/prisoners, battery, false arrest, or false imprisonment, please identify all persons or entities involved in such lawsuit or proceeding, give the style and number of the case, the nature of the litigation or proceeding, and the court or administrative body before which the suit or proceeding was filed.

19.

Please identify all electronic devices and items that may have information relevant to the subject matter of this litigation, including but not limited to cell phones, cameras, cell phone cameras, electronic mail messages, and social media websites.

20.

Please identify all social media websites and e-mail addresses which you have access to, and please provide your user name, password, and any other login information for such sites. This includes video sharing sites and any other site which allows communication or distribution of information, video, or audio.

Respectfully Submitted, this 15th day of November 2018.

/s/Jordan Johnson

Jordan Johnson

Georgia State Bar No. 673643

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