

CLOSED,JURYDEMAND

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:03-cv-01071-MJP**

Brace, et al v. Seattle City of, et al  
Assigned to: Judge Marsha J. Pechman  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/12/2003  
Date Terminated: 04/05/2004  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**John Brace**

*individually, and on behalf of MARISSA  
BRACE, minor*

represented by **Adam Karp**  
ANIMAL LAW OFFICES  
114 W MAGNOLIA STREET  
STE 425  
BELLINGHAM, WA 98225-4354  
360-738-7273  
Fax: 360-392-3936  
Email: adam@animal-lawyer.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Stephanie Brace**

*individually*

represented by **Adam Karp**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Marissa Brace**

*Stephanie Brace as Guardian ad Litem*

represented by **Adam Karp**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Seattle City of**

*a Municipal Corporation*

represented by **Raul R Martinez**  
MARTINEZ LAW GROUP  
3629 34th Ave. W  
Seattle, WA 98199  
206-909-8728  
Email: raul@martinezlawgroup.com  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**  
FREY BUCK PS  
1200 FIFTH AVENUE  
STE 1900  
SEATTLE, WA 98101  
206-486-8000  
Fax: 206-902-9660  
Email: slarson@freybuck.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Theron A Buck**  
FREY BUCK PS  
1200 FIFTH AVENUE  
STE 1900  
SEATTLE, WA 98101  
206-486-8000  
Email: tbuck@freybuck.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Seattle Police Dept**

represented by **Raul R Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Theron A Buck**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**M Waters**  
*in his individual and official capacity as an*  
*OFFICER of the SEATTLE POLICE*  
*DEPARTMENT*

represented by **Raul R Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Theron A Buck**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Jane Doe Waters**  
*his wife, and the marital community  
composed thereof*

represented by **Raul R Martinez**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Theron A Buck**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**C M Hairston**  
*in his individual and official capacity as an  
OFFICER of the SEATTLE POLICE  
DEPARTMENT*

represented by **Raul R Martinez**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Theron A Buck**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Jane Doe Hairston**  
*his wife, and the martial community  
composed thereof*

represented by **Raul R Martinez**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephen Powell Larson**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Theron A Buck**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Does**  
*1-50*

**Counter Claimant**

**Seattle City of**  
*a Municipal Corporation*

V.

**Counter Defendant**

**John Brace**  
*individually, and on behalf of MARISSA  
BRACE, minor*

represented by **Adam Karp**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Defendant**

**Stephanie Brace**  
*individually*

represented by **Adam Karp**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**C M Hairston**  
*in his individual and official capacity as an  
OFFICER of the SEATTLE POLICE  
DEPARTMENT*

**Counter Claimant**

**Jane Doe Hairston**  
*his wife, and the martial community  
composed thereof*

**Counter Claimant**

**Seattle City of**  
*a Municipal Corporation*

**Counter Claimant**

**Jane Doe Waters**

*his wife, and the marital community  
composed thereof*

**Counter Claimant****M Waters**

*in his individual and official capacity as an  
OFFICER of the SEATTLE POLICE  
DEPARTMENT*

V.

**Counter Defendant****John Brace**

*individually, and on behalf of MARISSA  
BRACE, minor*

**Counter Defendant****Marissa Brace**

*Stephanie Brace as Guardian ad Litem*

**Counter Defendant****Stephanie Brace**

*individually*

<b>Date Filed</b>	<b>#</b>	<b><a href="#">clear</a></b>	<b>Docket Text</b>
05/12/2003	<a href="#">1</a>	<input type="checkbox"/>	COMPLAINT and JURY DEMAND (Summons(es) issued) Receipt # 407209 (PM) (Entered: 05/23/2003)
05/22/2003	<a href="#">2</a>	<input type="checkbox"/>	ATTORNEY APPEARANCE for defendant Seattle City of, defendant Seattle Police Dept, defendant M Waters, defendant Jane Doe Waters, defendant C M Hairston, defendant Jane Doe Hairston by Stephen Powell Larson, Theron A Buck (VK) (Entered: 05/23/2003)
05/28/2003	<a href="#">3</a>	<input type="checkbox"/>	PRAECIPE: by plaintiff to issue s/c & Issued re: complaint [1-1] (MD) (Entered: 05/29/2003)
06/03/2003	<a href="#">5</a>	<input type="checkbox"/>	FIRST AMENDED COMPLAINT [1-1] by plaintiffs; jury demand (MD) (Entered: 06/05/2003)
06/03/2003	<a href="#">6</a>	<input type="checkbox"/>	MOTION/PETITION by plaintiff for appointment as guardian ad litem (MD) (Entered: 06/05/2003)
06/03/2003	<a href="#">7</a>	<input type="checkbox"/>	ORDER by Judge Marsha J. Pechman GRANTING motion for appointment as guardian ad litem [6-1] (cc: counsel, Judge) (MD) (Entered: 06/05/2003)

06/04/2003	<a href="#">4</a>	<input type="checkbox"/>	RETURN OF SERVICE of summons and complaint executed upon defendant Seattle City of, defendant M Waters, defendant C M Hairston on 5/21/03 (MD) (Entered: 06/05/2003)
06/13/2003	<a href="#">8</a>	<input type="checkbox"/>	ORDER RE: INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. Joint Status Report due 7/24/03 (cc: counsel, Judge) (MD) (Entered: 06/16/2003)
06/13/2003	<a href="#">9</a>	<input type="checkbox"/>	NOTICE by defendant of change of address (MD) (Entered: 06/16/2003)
06/27/2003	<a href="#">10</a>	<input type="checkbox"/>	ANSWER to Amended Complaint, COUNTERCLAIM against plaintiff John Brace, Stephanie Brace by Defendant Seattle City of, Waters and Hairston(MD, ) (Entered: 07/02/2003)
07/01/2003	<a href="#">14</a>	<input type="checkbox"/>	ANSWER/REPLY to Counterclaim by Plaintiff John Brace.(MD, ) (Entered: 07/09/2003)
07/02/2003	<a href="#">11</a>	<input type="checkbox"/>	REPLY by Plaintiffs John Brace, Stephanie Brace to <a href="#">10</a> Answer to Amended Complaint, Counterclaim <i>on RCW 4.24.350 counterclaim.</i> (Karp, Adam) (Entered: 07/02/2003)
07/03/2003	<a href="#">12</a>	<input type="checkbox"/>	AMENDED DOCUMENT by Plaintiffs John Brace, Marissa Brace, Stephanie Brace. Amendment to <a href="#">11</a> Reply <i>on Defendants' Counterclaim.</i> (Karp, Adam) (Entered: 07/03/2003)
07/03/2003	<a href="#">13</a>	<input type="checkbox"/>	AFFIDAVIT OF SERVICE by Plaintiffs John Brace, Marissa Brace, Stephanie Brace re <a href="#">11</a> Reply, <a href="#">12</a> Amended Document. (Karp, Adam) (Entered: 07/03/2003)
07/17/2003	<a href="#">17</a>	<input type="checkbox"/>	INITIAL DISCLOSURES by Defendant Seattle City of.(MD, ) (Entered: 07/25/2003)
07/22/2003	<a href="#">15</a>	<input type="checkbox"/>	JOINT STATUS REPORT filed by all parties. Est. Trial Days: 3-5 <i>With Discovery Plan.</i> (Karp, Adam) (Entered: 07/22/2003)
07/23/2003	<a href="#">16</a>	<input type="checkbox"/>	STIPULATION of parties <i>concerning granting leave to amend complaint with attached proposed 2nd Amended Complaint and Order.</i> (Attachments: # <a href="#">1</a> Order# <a href="#">2</a> Second Amended Complaint)(Karp, Adam) (Entered: 07/23/2003)
07/24/2003	<a href="#">18</a>	<input type="checkbox"/>	SUPPLEMENTAL NOTICE of Appearance by attorney Theron A Buck, Stephen Powell Larson on behalf of Defendants C M Hairston, Jane Doe Hairston, Seattle City of, Jane Doe Waters, M Waters (MD, ) (Entered: 07/31/2003)
07/31/2003	<a href="#">19</a>	<input type="checkbox"/>	STIPULATION AND ORDER granting leave to amend complaint Signed by Judge Marsha J. Pechman. (MD, ) (Entered: 07/31/2003)
07/31/2003	<a href="#">20</a>	<input type="checkbox"/>	SECOND AMENDED COMPLAINT and jury demand against defendants, filed by John Brace.(MD, ) (Entered: 07/31/2003)
08/29/2003	<a href="#">21</a>	<input type="checkbox"/>	NOTICE of Change of Address by Adam Karp (Karp, Adam) (Entered: 08/29/2003)
08/29/2003	<a href="#">22</a>	<input type="checkbox"/>	NOTICE of Unavailability of counsel Adam Karp for Plaintiffs John Brace, Stephanie Brace, Marissa Brace from 9/6/03 to 9/22/03 (Karp, Adam) (Entered: 08/29/2003)

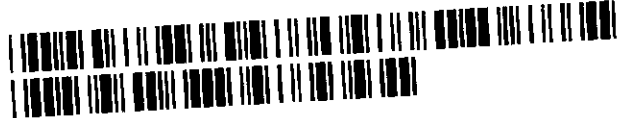
09/24/2003	<a href="#">23</a>	<input type="checkbox"/>	STIPULATION of parties <i>to grant plaintiffs leave to amend complaint a third time.</i> (Attachments: # <a href="#">1</a> Proposed 3rd Amended Complaint)(Karp, Adam) (Entered: 09/24/2003)
09/26/2003	<a href="#">24</a>	<input type="checkbox"/>	STIPULATION AND ORDER granting leave to amend complaint by Judge Marsha J. Pechman. (MD, ) (Entered: 09/29/2003)
09/26/2003	<a href="#">25</a>	<input type="checkbox"/>	THIRD AMENDED COMPLAINT against defendant Does, C M Hairston, Jane Doe Hairston, Seattle City of, Seattle Police Dept, Jane Doe Waters, M Waters , filed by John Brace et al.(MD, ) (Entered: 09/29/2003)
09/29/2003	<a href="#">26</a>	<input type="checkbox"/>	Third AMENDED COMPLAINT <i>for Violations of Civil Rights etc.</i> against defendant all plaintiffs, filed by John Brace, Marissa Brace, Stephanie Brace. (Karp, Adam) (Entered: 09/29/2003)
09/29/2003	<a href="#">27</a>	<input type="checkbox"/>	ORDER SETTING TRIAL DATE AND RELATED DATES; Length of Trial: 5-7. Jury Trial set for/will resume 8/9/2004 09:00 AM before Hon. Marsha J. Pechman. Joinder of Parties due by 10/27/2003; Expert Witness Disclosure due by 2/11/2004; Discovery due by 4/12/2004; Motions due by 5/11/2004; 39.1 Settlement Report due by 7/9/2004. Motions in Limine due by 7/12/2004; Pretrial Order due by 7/26/2004; Pretrial Conference set for 7/28/2004 04:00 PM before Hon. Marsha J. Pechman. Trial briefs to be submitted by 8/4/2004; Voir dire/jury instructions due by 8/4/2004; by Judge Marsha J. Pechman. (MD, ) (Entered: 09/30/2003)
10/08/2003	<a href="#">31</a>	<input type="checkbox"/>	ANSWER to Third Amended Complaint, COUNTERCLAIM against plaintiff John Brace, Marissa Brace, Stephanie Brace by Defendants C M Hairston, Jane Doe Hairston, Seattle City of, Jane Doe Waters, M Waters, Plaintiffs John Brace, Marissa Brace, Stephanie Brace.(MD, ) (Entered: 10/15/2003)
10/14/2003	<a href="#">28</a>	<input type="checkbox"/>	MOTION for Partial Summary Judgment <i>on Counterclaim</i> by Plaintiffs John Brace, Marissa Brace, Stephanie Brace. Noting Date 11/7/2003. (Attachments: # <a href="#">1</a> Exhibit Proposed Order)(Karp, Adam) Modified on 10/15/2003- notified A Karp by e-mail-did not receive the motion/only proposed order(MD, ). (Entered: 10/14/2003)
10/14/2003	<a href="#">29</a>	<input type="checkbox"/>	ANSWER to Counterclaim <i>part of Answer to Plaintiffs' Third Amended Complaint</i> by Counter Defendants John Brace, Stephanie Brace, Plaintiff Marissa Brace.(Karp, Adam) (Entered: 10/14/2003)
10/15/2003	<a href="#">30</a>	<input type="checkbox"/>	MOTION for Partial Summary Judgment <i>on Defendants' Counterclaim (Resubmitted)</i> by Plaintiffs John Brace, Marissa Brace, Stephanie Brace. Noting Date 11/7/2003. (Attachments: # <a href="#">1</a> Exhibit Proposed Order (A))(Karp, Adam) (Entered: 10/15/2003)
10/17/2003	<a href="#">33</a>	<input type="checkbox"/>	SUPPLEMENTAL NOTICE of Appearance by attorney Raul R Martinez on behalf of Defendants C M Hairston, Jane Doe Hairston, Seattle City of, Seattle Police Dept, Jane Doe Waters, M Waters (MD, ) (Entered: 10/23/2003)
10/20/2003	<a href="#">32</a>	<input type="checkbox"/>	NOTICE by Plaintiffs John Brace, Stephanie Brace, Marissa Brace that the following is RE-NOTED: <a href="#">30</a> MOTION for Partial Summary Judgment <i>on</i>

			<i>Defendants' Counterclaim (Resubmitted)</i> Noting Date 11/14/2003. (Karp, Adam) (Entered: 10/20/2003)
11/10/2003	<a href="#">35</a>	<input type="checkbox"/>	RESPONSE filed by Defendants C M Hairston, Seattle City of, M Waters re <a href="#">30</a> MOTION for Partial Summary Judgment <i>on Defendants' Counterclaim (Resubmitted)</i> (AF, ) (Entered: 11/17/2003)
11/10/2003	<a href="#">36</a>	<input type="checkbox"/>	DECLARATION of Raul Martinez filed by Defendants in support of <a href="#">35</a> Response to Motion. (AF, ) (Entered: 11/17/2003)
11/12/2003	<a href="#">34</a>	<input type="checkbox"/>	REPLY to Response to Motion filed by Plaintiffs John Brace, Marissa Brace, Stephanie Brace re <a href="#">30</a> MOTION for Partial Summary Judgment <i>on Defendants' Counterclaim (Resubmitted)</i> (Karp, Adam) (Entered: 11/12/2003)
11/13/2003	<a href="#">38</a>	<input type="checkbox"/>	OBJECTION TO PLAINTIFFS' REQUESTS FOR ADMISSION by Defendants. (AF, ) (Entered: 11/19/2003)
11/17/2003	<a href="#">37</a>	<input type="checkbox"/>	SURREPLY filed by Defendants C M Hairston, Jane Doe Hairston, Seattle City of, Seattle Police Dept, Jane Doe Waters, M Waters, Counter Claimants C M Hairston, Jane Doe Hairston, Seattle City of, Seattle City of, Jane Doe Waters, M Waters re <a href="#">30</a> MOTION for Partial Summary Judgment <i>on Defendants' Counterclaim (Resubmitted)</i> (Martinez, Raul) (Entered: 11/17/2003)
11/28/2003	<a href="#">39</a>	<input type="checkbox"/>	NOTICE of Unavailability of counsel Adam Karp for Plaintiffs John Brace, Stephanie Brace, Marissa Brace from 12/25/03 to 1/5/04 (Karp, Adam) (Entered: 11/28/2003)
12/23/2003	<a href="#">40</a>	<input type="checkbox"/>	ORDER regarding use of CM/ECF system by Judge Marsha J. Pechman. (JS) (Entered: 12/23/2003)
01/02/2004	<a href="#">41</a>	<input type="checkbox"/>	ORDER denying <a href="#">28</a> , <a href="#">30</a> Motion for Partial Summary Judgment on counterclaim. by Judge Marsha J. Pechman. (JS) (Entered: 01/02/2004)
02/13/2004	<a href="#">42</a>	<input type="checkbox"/>	MOTION for Protective Order by Defendants C M Hairston, Seattle City of, M Waters. Noting Date 2/27/2004. (Attachments: # <a href="#">1</a> Proposed Order # <a href="#">2</a> Proposed Order)(Martinez, Raul) (Entered: 02/13/2004)
02/13/2004	<a href="#">43</a>	<input type="checkbox"/>	DECLARATION of Capt. Mark Evenson filed by Defendants C M Hairston, Seattle City of, M Waters re <a href="#">42</a> MOTION for Protective Order (Martinez, Raul) (Entered: 02/13/2004)
02/13/2004	<a href="#">44</a>	<input type="checkbox"/>	DECLARATION of Chief R. Gil Kerlikowske filed by Defendants C M Hairston, Seattle City of, M Waters re <a href="#">42</a> MOTION for Protective Order (Martinez, Raul) (Entered: 02/13/2004)
02/13/2004	<a href="#">45</a>	<input type="checkbox"/>	DECLARATION of Raul Martinez filed by Defendants C M Hairston, Seattle City of, M Waters re <a href="#">42</a> MOTION for Protective Order (Attachments: # <a href="#">1</a> Exhibit)(Martinez, Raul) (Entered: 02/13/2004)
02/17/2004	<a href="#">46</a>	<input type="checkbox"/>	Second MOTION for Partial Summary Judgment <i>on Counterclaim</i> by Plaintiffs John Brace, Marissa Brace, Stephanie Brace. Noting Date 3/19/2004. (Attachments: # <a href="#">1</a> Exhibit A (Hairston RFA)# <a href="#">2</a> Exhibit B (Waters RFA)# <a href="#">3</a> Exhibit C (Proposed Order))(Karp, Adam) (Entered: 02/17/2004)



02/18/2004	<a href="#">47</a>	<input type="checkbox"/>	MOTION for Partial Summary Judgment <i>on Intrinsic Value</i> by Plaintiffs John Brace, Marissa Brace, Stephanie Brace. Noting Date 3/19/2004. (Attachments: # <a href="#">1</a> Exhibit A (Brace Affidavit)# <a href="#">2</a> Exhibit B (Proposed Order))(Karp, Adam) (Entered: 02/18/2004)
02/23/2004	<a href="#">48</a>	<input type="checkbox"/>	NOTICE by Plaintiffs John Brace, Stephanie Brace, Marissa Brace that the following is RE-NOTED: <a href="#">46</a> Second MOTION for Partial Summary Judgment <i>on Counterclaim</i> (Karp, Adam) (Entered: 02/23/2004)
02/23/2004	<a href="#">49</a>	<input type="checkbox"/>	NOTICE by Plaintiffs John Brace, Stephanie Brace, Marissa Brace that the following is RE-NOTED: <a href="#">47</a> MOTION for Partial Summary Judgment <i>on Intrinsic Value</i> Noting Date 3/26/2004. (Karp, Adam) (Entered: 02/23/2004)
02/24/2004	<a href="#">50</a>	<input type="checkbox"/>	NOTICE by Defendants that the following is RE-NOTED: <a href="#">42</a> MOTION for Protective Order Noting Date 3/5/2004. (MD, ) (Entered: 02/25/2004)
02/27/2004	<a href="#">51</a>	<input type="checkbox"/>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA of Carlos Castro Sr. served on 2/23/04. (AE, ) (Entered: 03/03/2004)
04/05/2004	<a href="#">52</a>	<input type="checkbox"/>	STIPULATION AND ORDER of dismissal with prejudice and without costs taxed to either party by Judge Marsha J. Pechman. (MD, ) (Entered: 04/06/2004)

MISS 4107209



CV 03-1071 #1

FILE \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
MAY 12 2003 MR  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN BRACE and STEPHANIE BRACE,  
individually, and JOHN BRACE on behalf of  
MARISSA BRACE, minor,

Plaintiffs,

vs

CITY OF SEATTLE, a Municipal Corporation,  
SEATTLE POLICE DEPARTMENT, M  
WATERS, in his individual and official  
capacity as an OFFICER of the SEATTLE  
POLICE DEPARTMENT, and JANE DOE  
WATERS, his wife, and the marital community  
composed thereof, C. M HAIRSTON, in his  
individual and official capacity as an OFFICER  
of the SEATTLE POLICE DEPARTMENT,  
and JANE DOE HAIRSTON, his wife, and the  
marital community composed thereof, and  
DOES 1-50,

Defendants.

Case No **03-1071**

COMPLAINT  
FOR VIOLATIONS OF CIVIL RIGHTS,  
TRESPASS TO CHATTEL, CONVERSION,  
LOSS OF COMPANIONSHIP,  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, STATUTORY  
NUISANCE, NEGLIGENCE, NEGLIGENT  
SUPERVISION, GROSS NEGLIGENCE

**JURY TRIAL DEMANDED**

Plaintiffs, by and through their attorney of record, ADAM P KARP, do hereby allege

#

#

COMPLAINT - 1

LAW OFFICE OF ADAM P. KARP  
ADAM P. KARP, ESQ  
600 1st Ave Ste 224 • Seattle, WA 98104  
(206) 903-1315 • Facsimile (206) 223-0224  
adam@animal-lawyer.com

**ORIGINAL**

**I. JURISDICTION AND VENUE**

1 1 This Court has jurisdiction over the subject matter of this action pursuant to 28 U S C  
2 §§ 1331, 1343, and 1367, and venue is properly set in the United States District Court for the  
3 Western District of Washington pursuant to 28 U S C § 1391  
4  
5

6 1 2 The causes of action alleged herein arise from factual allegations occurring in this  
7 judicial district  
8

9 1 3 Plaintiffs are informed and believe, and on that basis allege, that each of the named  
10 Defendants reside in this judicial district  
11

**II. PARTIES**

12 2 1 Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE,  
13 (hereinafter “the Braces” or “the plaintiffs”) are, and at all times herein were, individuals  
14 residing in King County and the owners of the animal at issue Mr Brace also claims on behalf  
15 of a minor child and contemporaneously seeks appointment as guardian ad litem for her in this  
16 matter for that purpose  
17

18 2 2 The CITY OF SEATTLE is a municipal corporation located within the Western  
19 District of Washington and organized under the laws of the State of Washington  
20

21 2.3 M WATERS (hereinafter “WATERS”) and Jane Doe Waters constitute a marital  
22 community under the laws of the State of Washington and upon belief reside within King  
23 County. Upon belief, M WATERS was at the time of the injuries complained of in this  
24 Complaint, an employee and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE  
25 DEPARTMENT acting within the scope of his official duties

1  
2 24 C M HAIRSTON (hereinafter "HAIRSTON") and Jane Doe Hairston constitute a  
3 marital community under the laws of the State of Washington and upon belief reside within  
4 King County within the Western District of Washington State Upon belief, C M HAIRSTON  
5 was at the time of the injuries complained of in this complaint, an employee and/or agent of the  
6 CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT, acting within the scope of  
7 his official duties  
8

9 25 There are numerous other persons, identities presently unknown to Plaintiffs JOHN  
10 BRACE, STEPHANIE BRACE, and MARISSA BRACE who are, and were at all times  
11 mentioned herein, supervisors, incident commanders, and decision-makers OF THE CITY OF  
12 SEATTLE and the SEATTLE POLICE DEPARTMENT, who acted in concert with the above  
13 named Defendants and who devised or approved the police strategy for responding to the  
14 altercation and police response thereto that is the subject of this action and in doing the things  
15 hereinafter alleged, acted under color of state law as agents of the CITY OF SEATTLE and  
16 with its full consent and approval  
17

18 26 DOES 1-50 are, and were at all times mentioned herein, OFFICERS and  
19 SUPERVISORS of The Police Department Of The City Of Seattle, and in committing,  
20 participating in, directing, or with knowledge failing to prevent the acts and omissions herein  
21 acted under color of state law as agents of the CITY OF SEATTLE and the SEATTLE POLICE  
22 DEPARTMENT and with such entities' consent and approval  
23

24 27 This action is brought pursuant to the Fourth, Fifth, and Fourteenth Amendments to  
25 the United States Constitution, Article 1, Section 3 of the Washington State Constitution, 42

1  
2 U S C §§ 1983, 1988, Washington State common law prohibiting intentional infliction of  
3 emotional distress, private nuisance, trespass to chattel, conversion, loss of companionship, and  
4 Washington common law negligence, negligent supervision, and gross negligence  
5

6 2.8 On July 15, 2002, Defendant City of Seattle was served with a Notice of Claim. The  
7 City rejected the claim, and it has been more than sixty days since the claim was filed

8 **III. FACTS**

9 3.1 On or about 3:15 p.m. on January 9, 2002, CARLOS CASTRO and RUBEN  
10 CASTRO were involved in an altercation with KEITH HOLMAN on the 900 block of  
11 Southwest Holden Street in Seattle, Washington

12 3.2 Neither CARLOS CASTRO nor RUBEN CASTRO wielded guns, knives, blunt or  
13 edged instruments, or any other weapons during this altercation

14 3.3 On or about 3:20 p.m., Seattle Police Department dispatched Defendants HAIRSTON  
15 and WATERS to the scene of the altercation

16 3.4 Seattle Police officers did not arrive until after the Seattle Fire Department was on  
17 scene and treating the complainant KEITH HOLMAN.

18 3.5 Following their arrival Defendant HAIRSTON placed suspect JOSEPH T  
19 GARDNER in custody, only to release him after he was satisfied of his innocence  
20

21 3.6 No officer with the SEATTLE POLICE DEPARTMENT including Defendants  
22 HAIRSTON and WATERS, saw CARLOS CASTRO or RUBEN CASTRO on January 9,  
23 2002  
24  
25

1  
2 3.7. Nearly thirty minutes after the altercation described above ended, Defendants  
3 HAIRSTON and WATERS opened the closed front door to 907 Southwest Holden Street,  
4 Apartment One, in Seattle, Washington on or around 3:45 p.m. on January 9, 2002, entering  
5 without a warrant, without consent, with guns drawn, and without the protection of an  
6 exception to warrantless entry  
7

8 3.8 Defendants HAIRSTON and WATERS intentionally trespassed on private property  
9 where Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE's female,  
10 eighteen-month-old American Staffordshire Terrier named PRINCESS was maintained and  
11 sheltered.

12 3.9. While inside the apartment, Defendants HAIRSTON and WATERS opened a closed  
13 door leading to a bedroom that contained Princess, who was in her cage  
14

15 3.10 PRINCESS emerged from her cage after Defendant HAIRSTON entered this room

16 3.11 PRINCESS never physically contacted Defendants HAIRSTON or WATERS

17 3.12 PRINCESS never chased or approached Defendants HAIRSTON or WATERS in a  
18 menacing fashion or apparent attitude of attack

19 3.13 PRINCESS has no known propensity, tendency, or disposition to attack, to cause  
20 injury, or otherwise to threaten the safety of humans or domestic animals

21 3.14 Defendant HAIRSTON discharged several shots from his firearm directed at  
22 PRINCESS, killing her

23 3.15 Defendant WATERS also discharged several shots from his firearm directed at  
24 PRINCESS, killing her  
25

1  
2 3 16 Defendants HAIRSTON and WATERS have a reputation in the community for using  
3 lethal force on dogs, especially pit bull dogs, within months and blocks of the subject incident

4 3 17 Defendants HAIRSTON and WATERS, without legal authorization, intentionally or  
5 recklessly inflicted substantial pain on, caused physical injury to, or killed PRINCESS by a  
6 means causing undue suffering  
7

8 3 18 On January 10, 2002, Seattle Animal Control released PRINCESS's body to Plaintiffs  
9 JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE in a garbage bag leaking her  
10 blood

11 3 19 As a result of the incident, Plaintiffs JOHN BRACE, STEPHANIE BRACE, and  
12 MARISSA BRACE lost the intrinsic value of PRINCESS, as based on her unique qualities,  
13 characteristics, and pedigree

14 3 20 Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE owned and  
15 formed a relationship with PRINCESS beginning in 2000, caring for and being cared for by  
16 each for nearly two years. PRINCESS was a close family companion throughout that period  
17 and had special value to the family, aiding Plaintiffs JOHN BRACE, STEPHANIE BRACE,  
18 and MARISSA BRACE in their well-being, growth, development, and daily activities,  
19 including in work and play  
20

21 3 21 At the time of the incident and before, Plaintiffs JOHN BRACE, STEPHANIE  
22 BRACE, and MARISSA BRACE were healthy and active and fully capable of engaging in  
23 normal day-to-day mental and physical activities. Since the killing of PRINCESS, Plaintiffs  
24 JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE's ability to perform and enjoy  
25

1  
2 their usual activities, including family and work-related activities, has been impaired In  
3 addition, Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE have  
4 suffered severe emotional distress and mental anguish affecting their psychological  
5 development  
6

7 **IV. STATEMENT OF DAMAGES**

8 4 1 As a direct and proximate result of the intentional and/or negligent acts of  
9 Defendants, Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE  
10 sustained severe mental pain and suffering and injury in an amount that will be established at  
11 trial

12 4 2 As a further direct and proximate result of the intentional and negligent acts of the  
13 Defendants, said Defendants destroyed Plaintiff JOHN BRACE, STEPHANIE BRACE, and  
14 MARISSA BRACE's personalty, to wit, PRINCESS, an 18-month-old female American  
15 Staffordshire Terrier, causing them to lose PRINCESS's substantial intrinsic economic value  
16 and her companionship  
17

18 4 3 Plaintiffs JOHN BRACE, STEPHANIE BRACE, and MARISSA BRACE are entitled  
19 to compensation for the constitutional harms Defendants inflicted on them, including loss of  
20 liberty and property

21 #  
22 #  
23 #  
24 #  
25 #



**V. CAUSES OF ACTION**

**COUNT ONE**

**Violation of Civil Rights**  
**(Title 42 U S C Section 1983)**  
**AS TO ALL PLAINTIFFS**  
**As To All Individual Defendants**

5 1 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
7 Paragraphs 1 through 4 3 of this Complaint

9 5.2 In committing the acts complained of herein, Defendants acted under color of state  
10 law to deprive Plaintiffs as alleged herein of certain constitutionally protected rights including,  
11 but not limited to

- 12 the right not to be deprived of liberty without due process of law,
- 13 the right not to be deprived of property without due process of law,
- 14 the right to be free from police excessive use of force,
- 15 the right to be free from unreasonable search and seizure, and
- 16 the right to just compensation for a taking of property for a public purpose

17 5 3 In violating Plaintiffs' rights as delineated above, and other rights according to proof,  
18 Defendants acted by unauthorized warrantless search, warrantless seizure and/or use of force, or  
19 by setting the chain of events in motion that led to the unauthorized warrantless search,  
20 warrantless seizure, and use of force. Defendants acted to violate Plaintiffs' rights under the  
21 Fourth, Fifth, and Fourteenth Amendments to the U S Constitution

1  
2 5 4 As a direct and proximate result of the violation of their constitutional rights by  
3 Defendants, and each of them. Plaintiffs suffered general and special damages as alleged in this  
4 Complaint.  
5

6 5 5 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and  
7 was of such a nature that punitive damages should be imposed in an amount commensurate  
8 with the wrongful acts alleged herein

9  
10 **COUNT TWO**  
11 Violation of Civil Rights  
12 (Title 42 U S C Section 1983)  
13 AS TO ALL PLAINTIFFS  
14 As To Defendants City of Seattle and Seattle Police Department

15 5.6 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
16 Paragraphs 1 through 4 3 of this Complaint

17 5 7 Defendants City of Seattle and Seattle Police Department implicitly or explicitly  
18 adopted and implemented a careless and reckless policy, custom, or practice of allowing the  
19 employees of the Seattle Police Department to confront canines, without any informed animal  
20 behavior training, in such a way as to cause the destruction of citizens' canine pets sheltered  
21 and maintained securely indoors on private property without lawful justification

22 5 8 Defendants City of Seattle and Seattle Police Department implicitly or explicitly  
23 adopted and implemented a careless and reckless policy, custom, or practice of allowing the  
24 employees of the Seattle Police Department to confront canines by use of excessive force where  
25 less lethal alternatives exist

5 9 These policies, customs, or practices implicitly or explicitly allow, condone, ratify,

1  
2 and afford the reckless, careless, and erroneous confrontation with domestic canines secured  
3 inside homes on private property by their incompetent, unqualified, unskilled, and  
4 inexperienced personnel to handle animals, such as canines, when called upon to confront them  
5 while the officers are on the job, so as to make mistakes or act willfully, wantonly and/or  
6 recklessly so that they cause the death of citizens' canine pets presenting no danger to the  
7 public while being securely confined indoors on private property  
8

9 5 10 These policies, customs, or practices implicitly or explicitly encourage employees of  
10 the Seattle Police Department to be more aggressive with pit bull dogs – viz, American  
11 Staffordshire Terriers, American Pit Bull Terriers, Staffordshire Bull Terriers, and Bull Terriers  
12 – particularly those maintained or sheltered in low-income neighborhoods or neighborhoods of  
13 color.  
14

15 5 11 In committing the acts complained of herein, Defendants acted under color of state  
16 law to deprive Plaintiffs as alleged herein of certain constitutionally protected rights including,  
17 but not limited to

18 the right not to be deprived of liberty without due process of law;

19 the right not to be deprived of property without due process of law,

20 the right to be free from police use of excessive force,

21 the right to be free from unreasonable search and seizure, and

22 the right to just compensation for a taking of property for a public purpose  
23

24 5 12 As a direct and proximate result of the policies complained of herein, Plaintiffs have  
25 suffered general and special damages as set forth in this Complaint

**COUNT THREE**  
Violation of Civil Rights  
(WASHINGTON STATE CONSTITUTION)  
AS TO ALL PLAINTIFFS  
As to All Defendants

5 12 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
6 Paragraphs 1 through 4.3 of this complaint

8 5 13 Defendants' warrantless entry and trespass onto private property and destruction of  
9 Plaintiffs' personalty, to wit PRINCESS as described above, was unlawful because it violated  
10 Article 1 of the Washington State Constitution, Section 3

11 5 14 As a direct and proximate result of the violation of their constitutional rights by each  
12 Defendant, Plaintiffs suffered *general and special damages as alleged in this Complaint*

13 5 15 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and  
14 was of such a nature that punitive damages should be imposed in an amount commensurate  
15 with the wrongful acts alleged herein

**COUNT FOUR**  
Common Law Trespass to Chattel  
AS TO ALL PLAINTIFFS  
As to All Defendants

17 5 16 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
18 Paragraphs 1 through 4.3 of this Complaint

19 5 17 Defendants acted intentionally or in reckless disregard of probable consequences in  
20 damaging or destroying Plaintiffs' personal property, to wit, PRINCESS as described above

21 5 18 The proximate cause of Plaintiffs' injuries was the physical harm defendants caused

1  
2 to Plaintiffs' personal property as described above

3  
4 5 19 As a direct result of one or more of Defendants' acts of trespass and the injuries  
5 resulting from those acts, Plaintiffs lost the intrinsic value of their property and suffered  
6 economic and noneconomic damages as more specifically set forth in the prayer below

7  
8 **COUNT FIVE**  
9 Common Law Conversion  
10 AS TO ALL PLAINTIFFS  
11 As to All Defendants

12  
13 5 20 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
14 Paragraphs 1 through 4 3 of this Complaint

15  
16 5 21 Defendants acted intentionally or in reckless disregard of probable consequences in  
17 the exercise of dominion or control over Plaintiffs' personal property, to wit, PRINCESS as  
18 described

19  
20 5 22 The manner in which Defendants exercised such dominion or control was both  
21 inconsistent with, and seriously interfered with, Plaintiffs' rights as the property owners to  
22 enjoy and/or control their personalty

23  
24 5 23 The proximate cause of Plaintiffs' injuries was the physical harm Defendants caused  
25 to Plaintiffs' personal property as described above

5 24 As a direct result of one or more of Defendants' acts of conversion and the injuries  
resulting from those acts, Plaintiffs lost the intrinsic value of their property and suffered  
economic and noneconomic damages as more specifically set forth in the prayer below

#

**COUNT SIX**

Common Law Loss of Companionship

AS TO ALL PLAINTIFFS

As to All Defendants

5 25 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
6 Paragraphs 1 through 4 3 of this Complaint

7 5 26 PRINCESS was the long-time animal companion of Plaintiffs, and she provided  
8 solace, affection, friendship, and love for a lengthy period of time up until the date of her death

9 5 27 As their companion in all those respects, PRINCESS maintained a special  
10 relationship with Plaintiffs, situationally and emotionally similar to that of a human family  
11 member or relation

12 5 28 In causing the death of PRINCESS in the manner they did, Defendants thereby  
13 destroyed that relationship and consequently caused Plaintiffs to permanently lose PRINCESS's  
14 companionship of the special nature described above That subsequent damage was a  
15 foreseeable result of the actions and misconduct of Defendants as described above

16 5 29 Defendants' conduct vitiated the cognizable parent-child relationship approximated  
17 between Plaintiffs and PRINCESS, for whom Plaintiffs regularly contributed support and upon  
18 whom Plaintiffs depended for emotional and psychological support

19 5 30 As a result, Plaintiffs have suffered noneconomic damages as more specifically set  
20 forth in the prayer below

21 #

22 #

**COUNT SEVEN**

Common Law Intentional Infliction of Emotional Distress  
AS TO ALL PLAINTIFFS  
As to All Defendants

5 31 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
6 Paragraphs 1 through 4 3 of this Complaint

5 32 Defendants' conduct as set out above was outrageous and extreme

5 33 Defendants intentionally or recklessly inflicted severe emotional distress on Plaintiffs

5 34 As a result, Plaintiffs suffered severe emotional distress and the attendant  
10 noneconomic damages

**COUNT EIGHT**

Common Law Negligence  
AS TO ALL PLAINTIFFS  
As to Individual Defendants

5 35 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
16 Paragraphs 1 through 4 3 of this Complaint

5 36 Each Defendant owed Plaintiffs a duty to use due care at or about the times of the  
18 aforementioned incident

5 37 In committing the aforementioned acts and/or omissions, each Defendant negligently  
20 breached said duty to use due care, directly and proximately resulting in the injuries and damages  
21 to Plaintiffs as alleged herein

22 #  
23 #  
24 #  
25

**COUNT NINE**

Common Law Negligent Supervision

AS TO ALL PLAINTIFFS

As to Defendants City of Seattle and Seattle Police Department

5 38 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
6 Paragraphs 1 through 4 3 of this Complaint

5 39 Each Defendant owed Plaintiffs a duty to use due care at or about the times of the  
8 aforementioned incident

5 40 Defendants CITY OF SEATTLE and SEATTLE POLICE DEPARTMENT  
10 negligently supervised Defendants HAIRSTON and WATERS and DOES 1-50 by failing to  
11 provide proper training and outline proper procedure in confronting domestic animals securely  
12 confined indoors on private property

5 41 In committing the aforementioned acts and/or omissions, each Defendant negligently  
15 breached said duty to use due care, directly and proximately resulting in the injuries and damages  
16 to Plaintiffs as alleged herein

**COUNT TEN**

Common Law Gross Negligence

AS TO ALL PLAINTIFFS

As to All Defendants

5 38 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
21 Paragraphs 1 through 4 3 of this Complaint

5 39 Defendants knew and/or should have known that there was a strong possibility that  
23 serious financial, emotional, and psychological harm would be inflicted on Plaintiffs as a result



1  
2 of their disregard for state and federal law concerning warrantless entry and unauthorized use of  
3 force.

4 5 40 In addition, in failing to comply with state and federal law, Defendants acted  
5 indifferently to the high degree of manifest psychological danger and destruction of personal  
6 property, to wit, PRINCESS as described above, to which Plaintiffs would be and were exposed  
7 by such conduct  
8

9 5 41 The proximate cause of Plaintiffs' injuries was the grossly negligent conduct of  
10 Defendants in the above regard

11 **COUNT ELEVEN**  
12 Statutory Private Nuisance  
13 (Title 7 R C W Section 48)  
14 AS TO ALL PLAINTIFFS  
15 As to All Defendants

16 5 42 Plaintiffs reallege and incorporate herein by reference the allegations set forth in  
17 Paragraphs 1 through 4 3 of this Complaint

18 5 43 Under Washington state law, specifically RCW 7 48 010 and 7 48 150, Defendants  
19 are liable to Plaintiffs for general damages sustained by virtue of their action – namely,  
20 trespassing and destroying personalty, to wit, PRINCESS as described. Such actions annoyed,  
21 injured, and endangered the comfort and repose of Plaintiffs, essentially interfering in the  
22 comfortable enjoyment of their personal property, to wit, PRINCESS as described

23 5 44 In engaging in the acts as described, Defendants violated the private nuisance statute  
24 and Plaintiffs are entitled to the statutory remedies for that violation  
25

**JURY TRIAL DEMAND**

6 0 Plaintiffs hereby demand a jury trial in this matter

**PRAYER**

**ON THE FIRST, SECOND, AND THIRD CLAIM FOR RELIEF**

1 For the costs of this suit, including reasonable attorney's fees and costs, pursuant to 42  
7 U S C § 1988 or as otherwise authorized by law,

2 For actual, nominal, and compensatory damages under 42 U S C § 1988, for emotional  
10 distress, and for general damages, including loss of companionship and impairment of Plaintiffs'  
11 ability to enjoy life, the exact extent of which will be established at the time of trial, and

12 3 For punitive damages against individual Defendants in an amount to be proven at trial  
13 pursuant to Federal law

**ON THE FOURTH, FIFTH, EIGHTH, NINTH, AND TENTH CLAIM FOR RELIEF**

14 4 For general economic damages representing the intrinsic value of PRINCESS at the  
16 time of the loss based on her qualities, characteristics, and pedigree, subject to proof and  
17 modification at trial,

18 5 For special damages and for loss of use of PRINCESS, subject to proof and  
20 modification at trial. and

21 6 For noneconomic damages, joint and several against all defendants, subject to proof  
22 and modification at trial,

**ON THE SIXTH, SEVENTH, AND ELEVENTH CLAIM FOR RELIEF**

23 7 For general and noneconomic damages sustained subject to proof and modification at  
24  
25

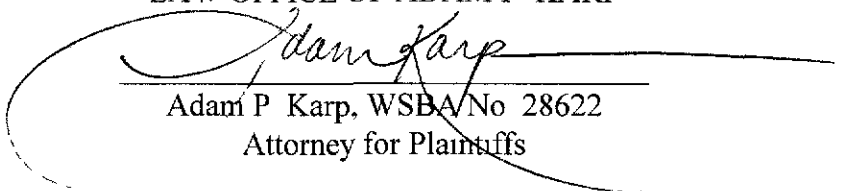
1  
2 trial,

3 ON ALL CAUSES OF ACTION

- 4 1 For costs of suit,  
5 2 For statutory attorney's fees,  
6 3 For postjudgment interest at 12% per annum or the highest rate permitted by law,  
7 whichever is greater, and,  
8 4 For any other relief the Court deems just and proper

9  
10 Dated this 12<sup>th</sup> day of May, 2003

11 LAW OFFICE OF ADAM P KARP

12   
13 Adam P Karp, WSBA/No 28622  
14 Attorney for Plaintiffs

JS 44 (Rev 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

**I (a) PLAINTIFFS**

*John Brace, Stephanie Brace, & Marissa Brace*

(b) County of Residence of First Listed Plaintiff King  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

*City of Seattle, Seattle P.D., M. Waters & John Doe Waters, C. M. Hairston & Jane Doe Hairston, & Does 1-50*  
County of Residence of First Listed King  
(IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

*Adam Karp, Esq.  
600 1st Ave., Ste. 224  
Seattle, WA 98104* 206-903-1315

**FILED**  
**03-1071**  
**MAY 12 2003**  
**ENTERED RECEIVED**  
**CLERK U.S. DISTRICT COURT**  
**WESTERN DISTRICT OF WASHINGTON**  
**DEPUTY**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL DEFENDANT** (For Diversity Cases Only)

- Citizen of This State  1  1 Incorporated or Principal Place of Business in This State  4  4
- Citizen of Another State  2  2 Incorporated and Principal Place of Business in Another State  5  5
- Citizen or Subject of a Foreign Country  3  3 Foreign Nation  6  6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 128 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 900 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

*42 U.S.C. § 1983 - 4th, 5th, & 14th Amendments*

**VII. REQUESTED IN COMPLAINT**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  DEMAND \$ *UNKNOWN* CHECK YES only if demanded in complaint JURY DEMAND  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions) JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE *5/12/03* SIGNATURE OF ATTORNEY OF RECORD *Adam Karp*

FOR OFFICE USE ONLY RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_