

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES SCHIAVONE, :
KARMA GOODHART, JOHN COAST, :
RIAN PODEIN, BRIAN SPINA, :
SARAH KENT and DALIA :
SAPON-SHEVIN, :

Plaintiffs, :

v. :

THE CITY OF PHILADELPHIA, :
PHILADELPHIA POLICE OFFICERS: :
FRAZIER, BADGE NUMBER 5530, :
NELSON, BADGE NUMBER 3375, :
MULLER, BADGE NUMBER 7372, :
KIERNEY, BADGE NUMBER :
UNKNOWN, LONG, BADGE :
NUMBER UNKNOWN, BUNCH, :
BADGE NUMBER UNKNOWN, :
UNKNOWN OFFICER, BADGE :
NUMBER 9779, along with other :
UNKNOWN OFFICERS and :
UNKNOWN SUPERVISORY :
PERSONNEL, :

Defendants. :

CIVIL ACTION NO. _____

00 - cv - 4117

COMPLAINT

INTRODUCTION

Plaintiffs are all individuals participating in the R2K medical collective, which was dedicated to providing medical care to any person needing assistance during the Republican National Convention protests, all of whom were seized and searched by defendant Philadelphia police officers as part of the Department's campaign to harass the protesters' support organization. Plaintiffs seek compensation for having been stopped, searched, harassed, as well as for the destruction of their

medical supplies and/or personal items, in violation of rights secured to them by the Fourth Amendment to the United States Constitution.

Jurisdiction

1. As Plaintiffs seek to vindicate rights protected by the Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. Section 1983, the Court has jurisdiction of this civil action pursuant to 28 U.S.C. Sections 1331 and 1343(a)(3) and (4). Pursuant to 28 U.S.C. Sections 2201 and 2202 this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper.

Parties

2. Plaintiff, CHARLES SCHIAVONE, is a citizen of the United States and a resident of Columbus, Ohio.

3. Plaintiff, KARMA GOODHART, is a citizen of the United States and a resident of Columbus, Ohio.

4. Plaintiff, JOHN COAST, is a citizen of the United States and a resident of Denver, Colorado.

5. Plaintiff, RIAN PODEIN, is a citizen of the United States and a resident of Philadelphia, Pennsylvania.

6. Plaintiff, BRIAN SPINA, is a citizen of the United States.

7. Plaintiff, SARAH KENT, is a citizen of the United States.

8. Plaintiff, DALIA SAPON-SHEVIN, is a citizen of the United States.

9. Defendant, CITY OF PHILADELPHIA, is an incorporated municipality of the Commonwealth of Pennsylvania and the public employer of the below listed defendants.

10. Defendant, PHILADELPHIA POLICE OFFICER FRAZIER, BADGE NUMBER 5530, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

11. Defendant, PHILADELPHIA POLICE OFFICER NELSON, BADGE NUMBER 3375, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

12. Defendant, PHILADELPHIA POLICE OFFICER MULLER, BADGE NUMBER 7372, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

13. Defendant, PHILADELPHIA POLICE OFFICER KIERNEY, BADGE NUMBER UNKNOWN, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

14. Defendant, PHILADELPHIA POLICE OFFICER LONG, BADGE NUMBER UNKNOWN, was at all times relevant to this complaint a duly appointed and acting officer of the

Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

15. Defendant, PHILADELPHIA POLICE OFFICER BUNCH, BADGE NUMBER UNKNOWN, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

16. Defendant, PHILADELPHIA POLICE OFFICER UNKNOWN, BADGE NUMBER 9779, was at all times relevant to this complaint a duly appointed and acting officer of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

17. Defendants, UNKNOWN OFFICERS, were at all times relevant to this complaint duly appointed and acting officers of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia. As their identities are discovered, their names will be substituted.

18. Defendants, UNKNOWN SUPERVISORY PERSONNEL, were at all times relevant to this complaint duly appointed and acting supervisory officers of the Police Department of the City of Philadelphia, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Pennsylvania and/or the City of Philadelphia.

As their identities are discovered, their names will be substituted.

FACTS

19. On July 31, 2000, the Republican National Convention convened in Philadelphia.

20. Numerous men and women opposing the ideology of the Republican Party converged on the City in order to express non-violent opposition and to assert their own political viewpoints.

21. Recognizing that protesters and others on the City's streets might need medical care, the R2K medical collective recruited individuals to provide medical care to **any** person needing assistance during the Republican National Convention.

22. All members of the collective rendering medical care were instructed to wear an R2K medical collective logo on their outer garment and anoint their backpacks containing their supplies with the traditional red cross which would thereby signify the wearer's commitment to provide medical care.

23. All members of the collective carried water to combat dehydration, bandages, some carried bandage scissors and other medical equipment.

24. Some of the members of the collective were supplied with Nextel walkie-talkies in order to receive direction to locations where their assistance was required.

25. Given their responsibilities to provide medical care, it was understood that the members of the collective would neither participate in protests nor violate the law in any other manner.

26. On August 2, 2000, Plaintiffs Schiavone and Goodhart, acting in their capacities as members of the medical collective, at approximately 1:55 PM were bicycling on Market Street approaching 10th Street.

27. At this point, they were stopped by Defendant Officer Frazier.

28. Within a short period of time, Plaintiffs Schiavone and Goodhart found themselves detained by Defendant Officers Frazier, Nelson, Muller and Kierney.

29. Shortly thereafter, Defendant Unknown Supervisory Officer arrived on the scene (with an Unknown Defendant Officer) and supervised the ensuing search of Plaintiffs Schiavone and Goodhart's personal and medical backpacks by Defendant Officers who were detaining these Plaintiffs.

30. At no point did Plaintiffs Schiavone and Goodhart consent to the search of their belongings.

31. Defendants had no reasonable suspicion or probable cause to conduct these searches.

32. The Defendant Unknown Officer ordered both Plaintiffs to drink the fluids in their water bottles, which deprived Plaintiffs of their ability to supply water to others in need, Defendants also confiscated milk containers which Plaintiffs were carrying.

33. On August 3, 2000, Plaintiff Coast, accompanied by another member of the R2K medical collective, with designated red cross markings on their outer garments, had stopped their bicycles at the intersection of 9th and Race Streets.

34. At that intersection, a second Defendant Unknown Bicycle Officer rammed into Plaintiff Coast while yet a third Unknown Officer grabbed him from behind, pulling Plaintiff off his bicycle.

35. Both Plaintiff Coast and his partner were surrounded by additional Defendant Unknown Officers, who proceeded to search their personal and medical backpacks.

36. At no point did Plaintiff Coast and/or his partner consent to the search of their

belongings.

37. Defendant Unknown Officers had no reasonable suspicion or probable cause to conduct these searches.

38. Defendant Unknown Officers poured the contents of Plaintiff Coast's water bottle over Plaintiff Coast's head, removed the battery from Plaintiff Coast's Nextel walkie-talkie, thereby rendering it inoperable, and threw Plaintiff Coast's icepack, bandages, gloves, tape and gauze into a nearby trash receptacle, all of which deprived Plaintiff of his ability to aid others in need.

39. On August 2, 2000, Plaintiff Podein, who is a member of the R2K medical collective, but not then on duty, arrived at the intersection where Plaintiff Coast was illegally detained.

40. Approached by yet another Defendant Unknown Police Officer, who inquired, "What are you looking at? What is your problem?" Plaintiff Podein made no response.

41. With no further justification, this same Defendant Officer stated, "That's it, up against the wall."

42. This same officer conducted a search of Plaintiff Podein's personal belongings.

43. At some point during the search Defendant Unknown Officer, noticing that Plaintiff Podein had a series of numbers on his hand proceeded to pour water over Plaintiff's hand and scrub it against Plaintiff's shirt.

44. At no point did Plaintiff Podein consent to the search of his belongings or to the touching of his person.

45. Defendant Unknown Officers had no reasonable suspicion or probable cause to conduct this search.

46. The Defendant Unknown Officers punctured two of Plaintiff Podein's water bottles, thereby making it impossible to hold fluids which deprived Plaintiff of his ability to aid others in need.

47. On August 2, 2000, at approximately 2:00 PM, Plaintiffs Brian Spina, Sarah Kent, and Dalia Sapon-Shevin were working as medics in the vicinity of 13th and Race Streets when they were forcibly stopped and detained by Philadelphia Police Officers including Defendant Officers Long, Bunch and Unknown Officer, Badge Number 9779.

48. The officers searched each of the Plaintiffs and subjected them to questioning concerning their medic related activities. They confiscated and destroyed several medical items that were being carried by the Plaintiffs.

49. When Plaintiff Spina attempted to write down the names of the officers, Defendant Unknown Officer, Badge Number 9779, confiscated and destroyed the writings that contained this information.

50. The actions and conduct of the individual defendant officers were taken pursuant to a policy and practice of the City of Philadelphia, acting through its final policy makers, to deprive persons who were protesting, or were otherwise on the streets of Philadelphia, for purposes of expressing their political views, with medical assistance, to harass and intimidate persons serving as medics, and to disrupt protest activity.

51. The actions and conduct of the individual defendant officers were caused and implemented by the failure of the City of Philadelphia to properly train and supervise these defendants and other officers working with respect to their police functions during the Republican National Convention.

Causes of Action

52. In detaining, searching, harassing and destroying Plaintiffs' property, Defendants subjected Plaintiffs to unreasonable searches and seizures, in violation of rights secured to Plaintiffs by the Fourth and Fourteenth Amendments to the United States Constitution and guaranteed by 42 U.S.C. § 1983.

53. In adopting the policies that led the individual officers to detain, search, harass and destroy property, Defendant City of Philadelphia violated rights secured to Plaintiffs by the Fourth and Fourteenth Amendments to the United States Constitution and guaranteed by 42 U.S.C § 1983.

Relief

Based on the foregoing, Plaintiffs respectfully pray that this Court will:

- A. Award compensatory damages to Plaintiffs against the Defendants, jointly and severally;
- B. Grant Plaintiffs such other relief as they may be entitled to; and
- C. Award Plaintiffs reasonable attorney's fees and costs.

The Plaintiffs hereby demand a jury trial.

Stefan Presser, Esq.
PA Attorney No. 43067
Legal Director
American Civil Liberties Union of
Pennsylvania
125 South Ninth St., Suite 701
Philadelphia, PA 19107
(215) 592-1513

David Rudovsky, Esq.
Kairys, Rudovsky, Epstein, Messing & Rau
924 Cherry Street, Ste. 500
Philadelphia, PA 19107
(215) 925-4400

Causes of Action

52. In detaining, searching, harassing and destroying Plaintiffs' property, Defendants subjected Plaintiffs to unreasonable searches and seizures, in violation of rights secured to Plaintiffs by the Fourth and Fourteenth Amendments to the United States Constitution and guaranteed by 42 U.S.C. § 1983.

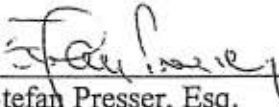
53. In adopting the policies that led the individual officers to detain, search, harass and destroy property, Defendant City of Philadelphia violated rights secured to Plaintiffs by the Fourth and Fourteenth Amendments to the United States Constitution and guaranteed by 42 U.S.C § 1983.

Relief

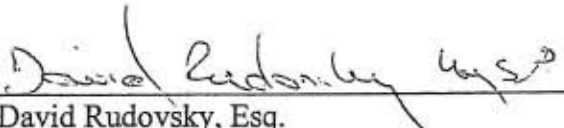
Based on the foregoing, Plaintiffs respectfully pray that this Court will:

- A. Award compensatory damages to Plaintiffs against the Defendants, jointly and severally;
- B. Grant Plaintiffs such other relief as they may be entitled to; and
- C. Award Plaintiffs reasonable attorney's fees and costs.

The Plaintiffs hereby demand a jury trial.



Stefan Presser, Esq.
PA Attorney No. 43067
Legal Director
American Civil Liberties Union of
Pennsylvania
125 South Ninth St., Suite 701
Philadelphia, PA 19107
(215) 592-1513



David Rudovsky, Esq.
Kairys, Rudovsky, Epstein, Messing & Rau
924 Cherry Street, Ste. 500
Philadelphia, PA 19107
(215) 925-4400

ATTORNEYS FOR PLAINTIFFS