

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

John Sellers : JURY TRIAL DEMANDED  
: :  
v. : Civil Action No.  
: :  
Philadelphia Police Commissioner :  
John Timoney, individually as a law :  
enforcement officer; :  
: :  
Deputy Commissioner Robert Mitchell, :  
individually as a law enforcement :  
officer; :  
: :  
Detective Angelo Parisi, #D194 :  
individually and as a police :  
officer for the Washington, D.C. :  
Police Department; :  
: :  
Detective Albert Ford, #965 :  
individually and as a police :  
officer for the City of Philadelphia; :  
: :  
Lt. Chris Werner, #115 :  
individually and as a police :  
officer for the City of Philadelphia; :  
: :  
Captain L.B. Rebstock, #49 :  
individually and as a police :  
officer for the City of Philadelphia; :  
: :  
Detective Gregory Rodden, #9230 :  
individually and as a police :  
officer for the City of Philadelphia; :  
: :  
Inspector Muley :  
individually and as a police officer :  
for the City of Philadelphia; :  
: :  
: :  
JOHN AND JANE DOES #1-10 :  
individually and as police officers :  
for the City of Philadelphia; :  
: :  
: :  
CITY OF PHILADELPHIA. :

COMPLAINT  
Jurisdiction

1. This is an action for money damages and injunctive relief brought pursuant to 42 U.S.C. §§ 1983, 1985 and 1988, and the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and under the constitutional and common law of the Commonwealth of Pennsylvania, against defendants who are or were policy makers, supervisors and police officers for the City of Philadelphia or Washington, D.C. in their individual and official capacities and against the City of Philadelphia. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343(a) (3) and (4) and the aforementioned statutory provisions. Plaintiff

further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law pursuant to 28 U.S.C. § 1367(a).

### **Parties**

2. Plaintiff is and was at all material times a resident of Berkeley, California, and was raised in Phoenixville, PA, where his parents still reside. He is a graduate of public schools and the Indiana University of Pennsylvania, where he obtained a bachelor's degree in Anthropology. Sellers is also an experienced activist and Director of the Ruckus Society, an organization that instructs in techniques of non-violent social change in the spirit of the Rev. Martin Luther King, Jr. and Gandhi.
3. Defendant John Timoney is the Commissioner of the Philadelphia Police Department. He is being sued in his individual capacity as a law enforcement officer.
4. Deputy Commissioner Robert Mitchell is a Deputy Commissioner of the Philadelphia Police Department and was a policy maker and supervisory officer regarding Philadelphia Police Department operation during the Republican National Convention. He is being sued in his individual capacity as a law enforcement officer.
5. Defendant Angelo Parisi is and was at all times relevant to this action an officer of the Washington, D.C. Police Department and was at all times acting in concert with the defendants and other officials and officers and acting under color of state law. He is being sued in both his individual and official capacities.
6. Detective Albert Ford, #965, is and was at all times relevant to this action an officer of the Philadelphia Police Department, assigned to the Detective Bureau Warrant Unit, and acting under color of state law. He is being sued in both his individual and official capacities.
7. Lieutenant Chris Werner, #115, is and was at all times relevant to this action an officer of the Philadelphia Police Department, assigned to Deputy Commissioner Mitchell's Office, and acting under color of state law. He is being sued in both his individual and official capacities.
8. Captain L. B. Rebstock, #49, is and was at all times relevant to this action an officer of the Philadelphia Police Department, assigned to the Traffic Division, and acting under color of state law. He is being sued in both his individual and official capacities.
9. Detective Gregory Rodden, #9230, is and was at all times relevant

to this action an officer of the Philadelphia Police Department, assigned to the Homicide Division, and acting under color of state law. He is being sued in both his individual and official capacities.

10. Inspector Muley is and was at all times relevant to this action an officer and a supervisory officer of the Philadelphia Police Department, assigned to the office of Deputy Commissioner Mitchell, and acting under color of state law. He is being sued in his individual and official capacities.
11. Defendant City of Philadelphia is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employed the individual Defendant Police Officers, during all times relevant to this action.

### **Facts**

12. In August, 2000, the City of Philadelphia hosted the Republican National Convention. During the Convention, Police Commissioner John Timoney, Deputy Commissioner Robert Mitchell and the defendant members of the Philadelphia Police Department under his direction carried out mass arrests, frequently without lawful basis. District Attorney Lynn Abraham and her assistants, under her direction, then pushed for excessive bail against those who had been arrested, frequently based upon false and fraudulent paperwork prepared by police. The City of Philadelphia regarded satisfaction of their Republican guests as a key to future tourism and undertook to protect delivery of the Republican political platform from all competing views. The purpose of the mass arrests and excessive bail was to prevent political speech and protest that expressed views contrary to the Republicans' political platform. Banners, signs and puppets---the protesters' speech itself---were literally trashed while groups of lawful protesters, such as those arrested in the "Puppet Warehouse" at 44th & Lancaster Avenues, were detained during the peak of the Convention. People thought to be potential leaders of protest activity in Philadelphia were surveilled and targeted for arrest whether or not their conduct was illegal during the Convention. Plaintiff John Sellers, an experienced activist and the Director of The Ruckus Society, a non-profit organization that promotes non-violent techniques of social change, was perceived as a potential protest leader in Philadelphia. Although he led no protest in Philadelphia and committed no illegal act, Sellers was arrested. Plaintiff Sellers' arrest was initially documented by Philadelphia police as being "for investigation", an inscrutable notation providing no clue as to probable cause. Within hours, the basis for his arrest was noted as "Aggravated Assault" with no specifics as to where or when such an act had occurred. Hours

later, "Aggravated Assault" was abandoned as police settled on the supposed basis for Sellers' arrest: demonstration activity of one day prior. Fraudulent police paperwork alleging conduct by Sellers that was contradicted by the Defendants' own videos and surveillance was prepared by the Defendants. This fraudulent paperwork became the basis for a litany of fraudulent misdemeanor charges and one of the bases for grossly excessive bail in the amount of \$1,000,000.00. At the bail proceedings, District Attorney Abraham's representative argued that the bail should not be reduced, among other reasons, due to the imminent Democratic Convention in Los Angeles and the possibility Sellers would attend. Plaintiff Sellers was denied his liberty for six days until his bail was reduced by Court order. He attended the Democratic Convention in Los Angeles without incident. All charges against Sellers were dropped by the District Attorney's Office on November 14, 2000, the date of Sellers' trial. At that time, the assigned prosecutor advised the Court that the evidence was not sufficient to prove the charges. At and around the time of Plaintiff's arrest, incarceration and prosecution, Defendant Commissioner Timoney and other defendants defamed Plaintiff, damaging his reputation in the Philadelphia and Phoenixville area, where his parents still reside, as well as in other locations. Defendant Commissioner Timoney and other defendants called Sellers and his actions in Philadelphia criminal and violent. They described him as a person who trains violence, as a coward, a destroyer of property, as a ringleader of illegality, as a conspirator in illegality, and as a master of mayhem. Part and parcel of this defamation was defendants' publication on the City of Philadelphia Police Department website of a mug shot photograph of Sellers' Philadelphia arrest accompanied by his name and the caption "Misdemeanor", the phrase "high bail" and the juxtaposition of Sellers' image with others who had been arrested on felony charges.

13. On or about August 2, 2000, the Plaintiff, John Sellers, was conversing with others near City Hall in Philadelphia and then walked West by himself in the area of City Hall with the intention of departing shortly by train for Manhattan, New York where he had fund raising activity planned for his organization, the Ruckus Society.
14. Without probable cause, reasonable suspicion, or other lawful justification, defendant Sellers was detained, handcuffed and arrested by the defendant Lt. Chris Werner, defendant Capt. L.B. Rebstock and defendants John or Jane Doe #1 and 2 under the direction of Defendants Mitchell and Timoney. No defendant acted to stop their co-defendants' violations of the rights of Plaintiff.
15. According to police paperwork, the basis for the arrest of Sellers was allegedly provided to Defendants Werner, Rebstock and

defendants John or Jane Doe #1 and 2 by Defendant Inspector Muley and John or Jane Doe #3. No truthful information constituting probable cause for Plaintiff's arrest existed as Plaintiff had violated no law. These defendants' actions were taken at the direction and under the supervision of Defendant Robert Mitchell.

16. Upon being stopped by defendants, Sellers repeatedly and respectfully asked defendants why he was being arrested. He identified himself by name and truthfully answered questions about his address, activities and work. He specifically stated that he was a practitioner and trainer in non-violence. Two hours later, Defendant Detective Rodden and Defendant Captain L. B. Rebstock would selectively record Sellers' words in official police documents, deleting his exculpatory statements and mischaracterizing his verbal tone in order to misrepresent Sellers' attitude and statements. All statements by Sellers referencing his adherence to non-violence would be excluded from the defendants' paperwork. Sellers' controlled demeanor and response would be re-written by Defendants Rodden and Rebstock in the statement to falsely imply immediate anger or belligerence ("I am the leader of the RUCKUS Society!"). This paperwork was then used to seek high bail against the Plaintiff and to prosecute him. No defendant acted to stop their co-defendants' violation of Plaintiff's rights.
17. Despite Sellers' efforts to engage the officers and explain his innocent activities, he was arrested and taken to the Police Administration Building at 8th & Race Streets in Philadelphia. He was then transported to 55th & Pine Streets, where his bail arraignment was conducted by closed circuit television.
18. Sellers was then transported to the Curran-Fromhold Correctional Facility, where he remained in lieu of \$1,000,000.00 bail for six days. After six days, bail was reduced by Court order to \$100,000.00. Family and friends raised the requisite 10%, paid bail, and obtained Sellers' release pending trial.
19. Defendants Parisi and Ford completed and provided information for police paperwork falsely alleging that Plaintiff had led protest activity and led illegal conduct at 12th & Arch Sts. one day before his arrest, on August 1, 2000. This paperwork was provided by these defendants despite the fact that defendants possessed video taken by Parisi and others that contradicted the substance of the police paperwork. This paperwork was then used to seek high bail against the Plaintiff and to prosecute him. No defendant acted to stop their co-defendants' violation of Plaintiff's rights.
20. As a direct and proximate result of the actions or inactions of the Defendants, Plaintiff suffered the following injuries and damages:

- a. Violation of his Constitutional rights under the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution;
  - b. Loss of physical liberty.
  - c. Financial losses incurred in the criminal process.
21. The actions of the Defendants violated the following clearly established federal constitutional rights of the Plaintiff:
  - a. Freedom from unreasonable seizure of his person and false arrest;
  - b. Freedom of speech and association;
  - c. The right to due process of law;
  - d. Freedom from excessive bail.

**First Cause of Action - Federal Constitutional Claim**

22. Paragraphs 1 through 21 are incorporated herein by reference as though fully set forth.
23. The defendants falsely alleged criminal conduct on the part of the Plaintiff in order to subject him to detention and criminal prosecution for his lawful exercise of First Amendment rights to free speech, advocacy and association.
24. Defendants' conduct deprived Plaintiff of his rights to speech, advocacy and association under the First Amendment, to be free from arrest, search, detention and prosecution without probable cause and of Due Process of law under the Fourth and Fourteenth Amendments, to reasonable bail under the Eighth Amendment, and to be free from malicious prosecution under the Fourth and Fourteenth Amendments, all in violation of 42 U.S.C. 1983.
25. The actions of the individual defendants were taken pursuant to practices and policies of the defendant City of Philadelphia to detain, search, arrest and prosecute certain individuals during the Republican National Convention, without probable cause or other legal justification.
26. The actions of the individual defendants were caused by the failure of the City of Philadelphia, with deliberate indifference, to properly or adequately train, control or supervise the individual defendants with respect to their powers to arrest and detain persons in accordance with the Constitutions and laws of the United States and the Commonwealth of

Pennsylvania.

27. The actions of Defendants Mitchell and Timoney were undertaken in their role as final policy makers for the City of Philadelphia for law enforcement decisions, including decisions to arrest during the Republican Convention.

**Second Cause of Action - State Law Claims**

28. Paragraphs 1 through 27 are incorporated herein by reference as though fully set forth.
29. The actions and conduct of the individual defendants were willful and intentional and violated Plaintiff's rights to free speech, advocacy and association, to be free from unlawful arrest, search, seizure and malicious prosecution, to reasonable bail, and to due process of law and constitute defamation under the Pennsylvania Constitution and the laws of the Commonwealth of Pennsylvania. This court has supplemental jurisdiction to hear and adjudicate these claims.

**WHEREFORE**, Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual defendants;
- c. Reasonable attorney's fees and costs;
- d. Interest;
- e. Injunctive relief;
- f. Such other and further relief as appears reasonable and just.

**JOHN SELLERS,  
THE PLAINTIFF**

Date: \_\_\_\_\_

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