

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

MATTHEW RANKIN

Plaintiff,

v.

Case No.

Hon.

OFFICER WAYNE CASEY (DSN 789),
CITY OF PEVELY, a political
subdivision of the State of Missouri.

Defendants,

_____/

Solomon M. Radner
EXCOLO LAW, PLLC
Attorney for Plaintiff
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_____/

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, MATTHEW RANKIN, by and through his
attorneys, Solomon M. Radner and Excolo Law, PLLC, complaining of Defendants,
and respectfully alleges as follows:

JURISDICTION AND VENUE

1. This is a civil rights action in which the Plaintiff seeks relief for the violation of his rights secured by 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments.

2. Jurisdiction of this Court is found upon 28 U.S.C. § 1331.

3. The events that give rise to this lawsuit took place in The City of Pevely, County of Jefferson, MO

4. Venue is appropriate in the Eastern District of Missouri pursuant to 28 U.S.C § 1391(b) since the individual Defendant is an employee of The City of Pevely and the acts providing the legal basis for this complaint occurred in the City of Pevely, County of Jefferson, State of Missouri.

PARTIES

5. Plaintiff, MATTHEW RANKIN (“Plaintiff” or “Mr. Rankin”), is a law abiding citizen of the United States and a resident of the City of Corpus Christi, County of Nueces, State of Texas.

6. Defendant, City of Pevely, is a political subdivision of the State of Missouri, and at all times relevant herein, was acting under color of state law.

7. Defendant, Wayne Casey (“Casey”) is employed by the City of Pevely as a police officer in the City of Pevely Police Department and was acting under the color of state law.

8. On or about January 16, 2019, at the time of the events alleged in this Complaint, the Defendants were at all times each acting in their capacities, within the course and scope of their employment as police officers and/or agents employed by the City of Pevely and under the color of law.

FACTUAL BACKGROUND

9. On January 16, 2019, at about 12:15 AM, Mr. Rankin observed a traffic stop in the City of Pevely, County of Jefferson, Missouri and began recording the scene with his mobile camera approximately 200 feet away.

10. Defendant Officer Casey observed that Mr. Rankin was recording the traffic stop.

11. Casey then got into his police car and drove over to where Mr. Rankin was standing.

12. Casey asked Mr. Rankin if he has ID with him.

13. Mr. Rankin responded that he did not.

14. Mr. Rankin then advised Casey that it is not a “stop and ID state.”

15. Casey responded that in fact it is.

16. Casey continued to state that in the state of Missouri it is now illegal to record police officers.

17. Casey then said, “I can seize your phone right now as evidence.”

18. Casey then said, “Let me see your phone. Go ahead and hand it.”

19. Mr. Rankin said, “No.”

20. Casey then said, “Hand it right now or I will place you under arrest.”

21. Mr. Rankin then said, “Sir, you just committed a couple felonies. Its protected...”

22. Casey then shouted over Mr. Rankin, “Listen do you understand what I just said to you?!”

23. Casey continued to shout at Mr. Rankin, “Stop it right now. Stop it right now.”

24. Mr. Rankin attempted to calmly respond, but Casey instead aggressively grabbed Mr. Rankin’s left hand and placed his thumb in a "thumb lock" with his right hand, and used pain compliance to pry Plaintiff’s hand open to retrieve his cell phone.

25. Casey then turned off the live stream which Mr. Rankin was using to record, and began scrolling through Mr. Rankin’s phone, viewing its contents.

26. Casey again reiterated in a loud tone, “It is illegal in the State of Missouri to film us.”

27. Mr. Rankin responded, “The Supreme Court already ruled against that sir.”

28. Casey shouted back, “No. Bull.”

29. Casey continued, “I am going to seize your phone as evidence.”

30. Mr. Rankin said, "I am going to suggest you don't do that."

31. Casey responded, "I don't care what you suggest."

32. Mr. Rankin continued, "You lost your qualified immunity."

33. Casey then demanded from Mr. Rankin that he show him his ID.

34. Casey then said, "You are interfering with my traffic stop. Let me see your ID."

35. Mr. Rankin replied, "I am on the other side of the street sir."

36. Casey responded, "It doesn't matter. You are taking my attention away from my traffic stop. Because now I have to watch over here to see what you're doing to make sure you're not going to harm me, therefore you're interfering with my stop because I am now taking my attention away from my traffic stop. Do you understand what I just said? Give me your ID."

37. Casey continued to talk over Mr. Rankin's attempted calm response and said, "I don't want your explanation. I don't want your explanation. Do you understand that?"

38. Mr. Rankin then handed over his ID.

39. Casey then said, "stand right here in front of my patrol car."

40. Mr. Rankin then asked Casey twice if he was being detained. Casey responded, "you don't get to ask questions."

41. Mr. Rankin then stated that Casey had seized Plaintiff and his property, and that this was a constitutional violation under 1983. Casey replied, “there is no such thing.”

42. Casey then took his ID and searched it the information in his computer in his police patrol car.

43. Casey then got out of his patrol car and said, “You’re out here trying to record us and trying to act like you know the laws.”

44. Casey continued, “Let me explain things. You’re over here trying to act like your one of them guys who want to quote the laws to the cops and act like you know everything and act like all this I committed federal felonies, there’s no such thing you don’t even know what your talking about bud. Alright. I’ve done nothing wrong. I’m well within my rights to do my job. Like I said you’re over here interfering with my traffic stop. Because now I see you over here. I see something. A red light flashing at us occasionally. I don’t know if that’s a laser I don’t know what that is. There was some sort of red light coming off your phone.”

45. Mr. Rankin shook his head as to the red light.

46. Casey continued, “I saw it several times. That’s what caught my attention over here. So therefore, you are now interfering with my stop because now I have to take my attention off of this stop to watch you and see what your doing to make sure you’re not sitting over here with a weapon that’s going to hurt me or my

partner or the people that we have stopped over here. I don't know you I don't know what your doing over here."

47. Casey continued, "I can seize this phone if I want to, get a search warrant, and search it for any evidence pertaining to my traffic stop. Would you like me to do so?"

48. Mr. Rankin responded that he did not.

49. Casey then continued, "I suggest you get back in your vehicle and let us do our job. We have more than enough officers over here."

50. Mr. Rankin responded that he had no intention of interfering.

51. Casey responded, "but that's what you were doing."

52. Mr. Rankin responded, "You are entitled to your opinion."

53. Casey responded, "No. It's not my opinion. That is by statute what you were doing. You took my attention off of my traffic stop. I now had to take my attention and turn it towards you which is interfering with what I'm doing over there."

54. Casey continued, "I would suggest you get in your vehicle bud and have a good night. We have more than enough officers over here that know what we're doing."

55. Mr. Rankin then advised Casey that in Mr. Rankin's opinion Casey violated his first amendment rights, unlawfully detained him and unlawfully seized his phone.

56. Casey said, 'no I didn't illegally detain you.'

57. Mr. Rankin continued to explain that the supreme court ruled that obstruction is only crime if you are close to the scene of the investigation.

58. Casey said, "No. No. Do you realize the distance a rifle can shoot?"

59. Casey continued, "If you have a weapon pointed at me that's not legal. That is not legal if you have a weapon pointed at me that is not legal."

60. Mr. Rankin then continued to explain that Casey illegally seized his phone.

61. Casey responded, "I held on to your phone while we conducted our business."

62. Casey continued, "You could have turned around and walked away. You could have turned around and walked away. You could have turned around and walked away. Goodbye. Goodbye."

63. Mr. Rankin then asked if he stays there will Casey arrest him.

64. Casey answered, "If you start recording us again and interfering with my stop, I'm going to come over here and I'm going to seize your phone and I'm going to arrest you for interfering once again with my stop."

65. The unlawful detainment of Mr. Rankin was done in blatant violation of the Fourth and First Amendments.

66. The unlawful threat to arrest Mr. Rankin was done in blatant violation of the First and Fourth Amendments.

67. The unlawful taking of Mr. Rankin's video camera was done in blatant violation of the First and Fourth Amendments.

68. No lawful basis existed for the Defendant to confiscate Mr. Rankin's phone.

69. Defendant Casey's actions were done sadistically, intentionally, maliciously, knowingly, wantonly, recklessly, purposely, deliberately, unlawfully, and through deliberate indifference and gross negligence and without any objective reasonableness or good faith, and not in furtherance of a legitimate government interest.

COUNT I
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(First Amendment – Unlawfully Preventing Recording a Traffic Stop
and Police Officers)

(Against Casey and City of Pevely Defendants)

70. Plaintiff incorporates herein all the prior allegations.

71. Plaintiff engaged in Constitutionally protected conduct of recording a traffic stop and police officers.

72. Defendant threatened Plaintiff that if he would continue to record him he would arrest him and take his camera away.

73. Plaintiff was prevented from exercising his First Amendment right to record a traffic stop and police officers.

74. Defendant intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently prevented Plaintiff from recording a traffic stop and police officers without a warrant or any lawful basis.

75. Defendant's actions were based on Defendants' knowing, deliberate, and reckless disregard for the truth. Further, Defendants had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

76. Defendant intentionally prevented Plaintiff from recording a traffic stop and police officers which deprived Plaintiff of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

77. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT II
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(First Amendment – Retaliation for Protected Conduct)

(Against Defendants Casey and City of Pevely)

78. Plaintiff incorporates herein all the prior allegations.

79. Plaintiff engaged in Constitutionally protected conduct of recording a police officer with his phone camera.

80. Defendant Casey detained Plaintiff for exercising his First Amendment right to record on-duty police officers.

81. In retaliation for this protected conduct, Defendant Casey intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently detained, Plaintiff without a warrant or any lawful basis.

82. Plaintiff's retaliatory detainment was based on Defendant Casey's knowing, deliberate, and reckless disregard for the truth. Further, Defendant Casey had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

83. Such retaliation would serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

84. The retaliation was motivated at least in part by the protected speech and action of recording police officers.

85. There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by the Defendant against Plaintiff.

86. Defendant Casey intentionally detained Plaintiff and/or had him detained with the intention of confining him within the fixed boundaries of the front of his patrol vehicle and kept him detained for a substantial amount of time before releasing him. Additionally, Defendant Casey's conduct in detaining Plaintiff deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

87. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

88. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT III
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(First Amendment – Retaliation for Protected Conduct)

(Against Defendants Casey and City of Pevely)

89. Plaintiff incorporates herein all the prior allegations.

90. Plaintiff engaged in Constitutionally protected conduct of recording police officers with his phone camera.

91. Defendant Casey seized Plaintiff's ID for exercising his First Amendment right to record police officers.

92. In retaliation for this protected conduct, Defendant Casey intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's ID without a warrant or any lawful basis.

93. Plaintiff's retaliatory detainment was based on Defendant Casey's knowing, deliberate, and reckless disregard for the truth. Further, Defendant Casey had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

94. Such retaliation would serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

95. The retaliation was motivated at least in part by the protected speech or action of filming police officers.

96. There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by Defendant Casey against Plaintiff.

97. Defendant Casey intentionally seized Plaintiff's ID with the intention of seizing it for a substantial amount of time before releasing it. Additionally, Defendant Casey's conduct in seizing Plaintiff's ID deprived him of his liberty

without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

98. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

99. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT IV
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(First Amendment – Retaliation for Protected Conduct)

(Against Defendants Casey and City of Pevely)

100. Plaintiff incorporates herein all the prior allegations.

101. Plaintiff engaged in Constitutionally protected conduct of recording police officers with his phone camera.

102. Defendant Casey seized Plaintiff's phone for exercising his First Amendment right to record police officers.

103. In retaliation for this protected conduct, Defendant Casey intentionally, knowingly, maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's phone without a warrant or any lawful basis.

104. Plaintiff's retaliatory detainment was based on Defendant Casey's knowing, deliberate, and reckless disregard for the truth. Further, Defendant Casey had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

105. Such retaliation would serve as a deterrent to a person of ordinary firmness from engaging in such protected conduct.

106. The retaliation was motivated at least in part by the protected speech or action of filming police officers.

107. There was a causal connection between Plaintiff's Constitutionally protected conduct and the adverse retaliatory actions taken by Defendant Casey against Plaintiff.

108. Defendant Casey intentionally seized Plaintiff's phone with the intention of seizing it for a substantial amount of time before releasing it. Additionally, Defendant Casey's conduct in seizing Plaintiff's phone deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

109. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

110. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT V
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(Fourth Amendment - Unlawful Seizure of Phone)

(Against Defendants Casey and City of Pevely)

111. Plaintiff incorporates herein all the prior allegations.

112. The Fourth Amendment requires police officers to possess sufficient probable cause before seizing the property of a criminal suspect.

113. Defendant Casey intentionally, knowingly, and maliciously, recklessly, unreasonably, and/or gross negligently seized Plaintiff's phone without a warrant or any lawful basis.

114. At all times relevant, Plaintiff had a clearly established right to liberty, including unlawful seizure pursuant to the Fourth Amendment to the United States Constitution.

115. At all times relevant, as a police officer acting under color of law, Defendant Casey was required to obey the laws of the United States.

116. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, with the entire actual and/or apparent authority attendant thereto.

117. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

118. Defendant, while acting under the color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden under the Constitution of the United States.

119. In violation of Plaintiff's clearly established constitutionally-protected right to be free from punishment and deprivation of life, liberty, and property without due process of law under the Fourth Amendments to the United States Constitution, Defendant Casey unlawfully seized Plaintiff's property.

120. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT VI
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(Fourth Amendment - Unlawful Seizure of ID)

(Against Defendants Casey and City of Pevely)

121. Plaintiff incorporates herein all the prior allegations.

122. The Fourth Amendment requires police officers to possess sufficient probable cause before seizing the property of a criminal suspect.

123. Defendant Casey intentionally, knowingly, and maliciously, recklessly, unreasonably, and/or gross negligently ordered Plaintiff to give him his ID and thereafter, seized Plaintiff's ID without a warrant or any lawful basis.

124. At all times relevant, Plaintiff had a clearly established right to liberty, including unlawful seizure pursuant to the Fourth Amendment to the United States Constitution.

125. At all times relevant, as a police officer acting under color of law, Defendant Casey was required to obey the laws of the United States.

126. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, with the entire actual and/or apparent authority attendant thereto.

127. The acts complained of were carried out by the individual Defendant in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

128. Defendants collectively and individually, while acting under the color of state law, engaged in conduct that constituted a custom, usage, practice, procedure

or rule of the respective municipality/authority, which is forbidden under the Constitution of the United States.

129. In violation of Plaintiff's clearly established constitutionally-protected right to be free from punishment and deprivation of life, liberty, and property without due process of law under the Fourth Amendments to the United States Constitution, Defendant Casey unlawfully seized Plaintiff's property.

130. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT VII
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(Fourth Amendment - Unlawful Detainment)

(Against Defendants Casey and City of Pevely)

131. Plaintiff incorporates herein all the prior allegations.

132. The Fourth Amendment requires police officers to possess sufficient reasonable suspicion of criminal activity to detain a suspect.

133. At all times relevant, Plaintiff had a clearly established right to liberty, including his right to personal safety and bodily integrity, as well as protection from unlawful seizure, unnecessary force, unreasonable force pursuant to the Fourth Amendment to the United States Constitution.

134. At all times relevant, as police officers acting under color of law, Defendant Officers were required to obey the laws of the United States.

135. Defendant Casey wantonly, intentionally, knowingly, maliciously, recklessly, objectively unreasonably, and/or with gross negligence and/or deliberate indifference, detained Plaintiff without a warrant or any lawful basis.

136. Plaintiff was detained by Defendant Casey for filming the traffic stop.

137. Plaintiff was ordered to stand in front of Defendant Casey's vehicle, phone was forcibly seized, and ID was seized was not free to leave and was therefore detained.

138. Plaintiff's detainment was based on Defendant Casey's knowing, deliberate, and reckless disregard for the truth, wherein, Defendant Casey, made false statements regarding the law. Further, Defendant Casey had no knowledge of any fact or circumstance which would lead a reasonable person to believe that Plaintiff committed any offense, whatsoever.

139. Defendant Casey intentionally detained Plaintiff and/or had him detained with the intention of confining him within the fixed boundaries of in front of his police car and kept him detained for a substantial amount of time. Additionally, Defendant's conduct in detaining Plaintiff deprived him of his liberty without his consent, probable cause, legal justification, just cause, or any other legally valid reason.

140. All the aforementioned acts deprived Plaintiff of the rights, privileges and immunities guaranteed to citizens of the United States by the First, Fourth, and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. § 1983.

141. The acts complained of were carried out by Defendant Casey in his capacity as a police officer, with the entire actual and/or apparent authority attendant thereto.

142. The acts complained of were carried out by Defendant Casey in his capacity as a police officer, pursuant to the customs, usages, practices, procedures, and the rules of the City of Pevely, all under the supervision of ranking officers of said department.

143. Defendant Casey, while acting under the color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden under the Constitution of the United States.

144. Defendants Casey's actions constituted unlawful detention of Plaintiff.

145. As a proximate result of the illegal and unconstitutional acts of the Defendant, Plaintiff was harmed and suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment.

COUNT VIII
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

(Municipal Liability-Unlawful Policy)

(Against City of Pevely)

146. Plaintiff incorporates herein all the prior allegations.

147. A municipality is liable under 42 U.S.C. § 1983 if the acts that violated a person's rights are attributable to its own policies, practices, and customs.

148. At all times relevant to this complaint, Defendant City of Pevely acted with deliberate indifference to Plaintiff's constitutional rights by maintaining policies, practices, and customs that condoned and fostered Defendant Casey's conduct.

149. Defendant Casey stated that he was permitted to seize Plaintiff's phone.

150. Defendant City of Pevely maintained a custom or policy that permitted officers to prevent individuals from recording public officials. This policy allows officers to detain individuals and seize their property for recording police officers.

151. This custom and policy that prohibits recording traffic stops and police officers was the standard operating procedure for Defendant Casey, including supervising police officers and directly caused Defendant Casey to deprive Plaintiff of his constitutionally-protected rights as described herein.

152. Defendant Casey detained Plaintiff and seized Plaintiff's ID and phone for engaging in protected conduct, and without probable cause or reasonable suspicion that he had engaged in any criminal activity.

153. As a result of this policy and custom as reason to detain and seize property for exercising protected conduct, Plaintiff was harmed and now seeks compensatory and punitive damages in addition to reasonable attorney fees.

COUNT IX
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983
(Municipal Liability-Failure to Train and Supervise)

(Against City of Pevely)

154. Plaintiff incorporates herein all the prior allegations.

155. A municipality is liable under 42 U.S.C. § 1983 if the alleged violations are attributable to its own policies, practices, and customs.

156. At all times relevant to this complaint, Defendant City of Pevely acted with deliberate indifference to Plaintiff's constitutional rights by maintaining policies, practices, and customs that condoned and fostered Defendant Casey's conduct.

157. In the alternative and at all times relevant to this complaint, Defendant City of Pevely did not in fact have such a policy in place, but failed to properly train Defendant Casey, including supervising police officers, thereby demonstrating deliberate indifference to Plaintiff's rights.

158. Defendant City of Pevely failed to: (a) adequately supervise and train its officers and agents, especially Defendant Casey, thereby failing to adequately

discourage further constitutional violations on the part of its officers; and (b) properly and adequately monitor and discipline its officers.

159. As is being pled in this alternative, the fundamental lack of knowledge of such basic Constitutionally protected conduct by Defendant Casey could only be the by-product of City of Pevely failure to adequately train Defendant Casey before putting him in the position in which he was placed by the Defendant City.

160. Defendant City of Pevely failed to properly train its police officers on the proper standard for initiating an investigation of a criminal suspect, and how and when to seize their property.

161. Defendant City of Pevely's failure to adequately supervise and train its police officers on the proper procedures for investigations and criminal investigations caused Defendant Officers to violate Plaintiff's Constitutional rights.

162. As a result of Defendant City of Pevely's failure to adequately train or correct their policy to arrest people for exercising protected conduct, Plaintiff was harmed and seeks compensatory and punitive damages in addition to reasonable attorney fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Matthew Rankin, demands judgment and prays for the following relief, jointly and severally, against all Defendants:

- a. Full and fair compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. Reasonable attorney's fees and costs of this action; and
- d. Any such other relief as appears just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all triable issues, per Fed. R. Civ. P. 38(b).

Respectfully Submitted,

EXCOLO LAW, PLLC

Dated: June 13, 2019

By: /s/ Solomon M. Radner
Solomon M. Radner
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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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MATTHEW RANKIN

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Excolo Law, PLLC || Solomon M. Radner, Esq.
26700 Lahser Rd., Suite 401, Southfield, MI 48033
(866) 939-2656

DEFENDANTS

OFFICER WAYNE CASEY and the CITY OF PEVELY

County of Residence of First Listed Defendant Jefferson
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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 PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

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 Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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 - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments.

Brief description of cause:

Defendants unlawfully detained and seized property of Plaintiff, while he was engaged in constitutionally protected conduct.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ TBD

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

June 13, 2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Solomon M. Radner

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

MATTHEW RANKIN

Plaintiff,

V.

OFFICER WAYNE CASEY
and the CITY OF PEVELY ,

Defendant,

Case No.

ORIGINAL FILING FORM

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.**

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

☐ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY, THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☒ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 06/13/2019

/s/ Solomon M. Radner
Signature of Filing Party

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

MATTHEW RANKIN

Plaintiff(s),

vs.

OFFICER WAYNE CASEY and

The CITY OF PEVELY

Defendant(s).

)
)
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)
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)
)
)
)
)

Case No.

**DISCLOSURE OF ORGANIZATIONAL INTERESTS
CERTIFICATE**

Pursuant to Local Rule 3-2.09 of the Local Rules of the United States District Court for the Eastern District of Missouri and Federal Rule of Civil Procedure 7.1, Counsel of record for MATTHEW RANKIN hereby discloses the following organizational interests:

1. If the subject organization is a corporation,
 - a. Its parent companies or corporations (if none, state "none"):
None.
 - b. Its subsidiaries not wholly owned by the subject corporation (if none, state "none"):
None.
 - c. Any publicly held company or corporation that owns ten percent (10%) or more of the subject corporation's stock (if none, state "none"):
None.
2. If the subject organization is a limited liability company or a limited liability partnership, its members and each member's state of citizenship:
None.

/s/ Solomon M. Radner

Signature (Counsel for Plaintiff/Defendant)

Print Name: Solomon M. Radner

Address: 26700 Lahser Rd., Suite 401

City/State/Zip: Southfield, MI 48033

Phone: (866) 939-2656

Certificate of Service

I hereby certify that a true copy of the foregoing Disclosure of Organizational Interests Certificate was served (by mail, by hand delivery, or by electronic notice) on all parties on:

June 13, 20 19.

/s/ Solomon M. Radner

Signature

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

MATTHEW RANKIN

Plaintiff

v.

OFFICER WAYNE CASEY and
The CITY OF PEVELY

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

OFFICER WAYNE CASEY (DSN 789)
c/o PEVELY POLICE DEPARTMENT
401 MAIN STREET
PEVELY, MO 63070

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

SOLOMON M. RADNER, ESQ.
EXCOLO LAW, PLLC
26700 LAHSER RD., SUITE 401
SOUTHFIELD, MI 48033
(866) 939-2656
sradner@excololaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

MATTHEW RANKIN

Plaintiff

v.

OFFICER WAYNE CASEY and
The CITY OF PEVELY

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

CITY OF PEVELY
401 MAIN STREET
PEVELY, MO 63070

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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EXCOLO LAW, PLLC
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SOUTHFIELD, MI 48033
(866) 939-2656
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CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: