



were ignored. Ms. Thomas brings this case to secure fair compensation and to prevent future abuse by the Defendants.

## **II. JURISDICTION**

2. Jurisdiction over claims arising from Defendant's violation of the Civil Rights Act is conferred upon this Court by 28 U.S.C. § 1331.

3. Jurisdiction over Ms. Thomas' state law claims is conferred upon this Court by 28 U.S.C. §1367.

4. Venue is proper in this Division.

## **III. THE PARTIES**

5. Plaintiff Thomas is a resident of this judicial district and an Ohio citizen.

6. Defendant Steven Koebel was at all times relevant to this action employed by the Village of Middleport as a police officer and acting under color of law. He is sued in his individual and official capacities.

7. Defendant Village of Middleport is a unit of local government organized under the laws of the State of Ohio.

## **IV. FACTS**

8. On or about February 14, 2009, at approximately 10:15 p.m., Ms. Tammy Thomas was in her home in Middleport, Ohio with her grandson. Her friend, Ty Woodford, was outside retrieving some items from Ms. Thomas' vehicle.

9. At that time, Defendant Koebel approached Mr. Woodford and told him that he wanted Ms. Thomas to come outside. Mr. Woodford called for Ms. Thomas to come to the door. When she arrived at the door, Defendant Koebel stated, "You're coming with me." She refused.

10. Defendant Koebel then forced his way into the house and attacked Ms. Thomas, bruising her arm, forcing her against the furniture and grabbing her breast, all without probable cause.

11. Ms. Thomas posed no threat to the safety of the public or the officer and any use of force against her in her own home was without any justification.

12. During the arrest Defendant Koebel also directed other officers to seize Ms. Thomas' automobile.

13. Ms. Thomas was taken to the Middleport police station and detained until she posted bond.

14. At no time was Ms. Thomas offered a field sobriety test or breath test. Defendant Koebel falsified the ticket stating untruthfully that she refused a breath test.

15. All of the criminal charges against Ms. Thomas were eventually dismissed.

16. As a result of the manner in which she was arrested, Ms. Thomas suffered bruises and endured severe pain. As a result of her arrest, Ms. Thomas was detained at the jail, had to post bond, had to spend months defending the criminal charges, was deprived of her driving privileges for many months, lost time and wages from work, lost jewelry she was wearing on her wrist when arrested and cuffed, and suffered severe emotional distress.

17. At all times herein Defendant Koebel acted without probable cause and in an unreasonable manner. He used excessive force on Ms. Thomas.

18. Defendant Koebel acted without probable cause, intentionally, knowingly, unreasonably, maliciously, sadistically, negligently, recklessly and with deliberate indifference to the rights and safety of Tammy Thomas when they took action with respect to her on February 14, 2009.

19. Defendant Middleport failed to train and failed to supervise Defendants Koebel with respect to arrest procedures and that failure to train was the moving force behind the arrest of Tammy Thomas in this case. Defendant Middleport knew that Defendant Koebel was unfit for service as a police officer and that he posed a risk to the safety of citizens and yet he was hired, retained and not trained or properly supervised for his duties. Nor was he disciplined for his misconduct.

20. Ms. Thomas reported the abuse by Koebel to both the Mayor and to the Chief of Police but they ignored her complaints. Defendant Middleport has ratified the conduct of defendant Koebel in this case.

#### **V. FIRST CAUSE OF ACTION – §1983**

21. The Defendants have, under color of law, deprived Plaintiff of clearly established rights, privileges and immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution of which a reasonable person would have known. These rights include, but are not limited to, the right to due process of law, the right to liberty, the right to be free of an arrest without probable cause, free of excessive force and free of unreasonable searches and seizures.

#### **VI. SECOND CLAIM – FALSE ARREST**

28. Defendant Koebel knew or should have known that the charges against plaintiff were false; Defendants caused the Plaintiff to be arrested without probable cause.

**VII. THIRD CLAIM – MALICIOUS PROSECUTION**

29. Defendant Koebel prosecuted Plaintiff with malice, for an improper purpose or a purpose other than bringing an offender to justice, and the prosecution was terminated in Plaintiff's favor.

**VIII. FOURTH CLAIM – ASSAULT AND BATTERY**

30. Defendant Koebel intentionally and maliciously applied and threatened to apply unlawful and unnecessary force against the Plaintiff.

**X PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests this Court to award her:

- A. Compensatory damages in an amount to be shown at trial.
- B. Punitive damages against the individuals (not the Village) in an amount to be shown at trial;
- C. Reasonable attorney fees;
- D. Prejudgment interest;
- E. Costs incurred in this action;
- F. Such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

s/Alphonse A. Gerhardstein  
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**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues triable by a jury.

s/ Alphonse A. Gerhardstein