

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
MAY 11 2007
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LOUIS ALDINI, JR.
C/O Alphonse A. Gerhardstein
Gerhardstein & Branch Co. LPA
617 Vine Street # 1409
Cincinnati, OH 45202

Case No. **3 : 07 cv 0183**

THOMAS M. ROSE

Plaintiff,

COMPLAINT AND
JURY DEMAND

vs.

DUSTIN L. JOHNSON
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

And

TROY E. BODINE
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

And

JOSHUA PAUL KACZMAREK
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

And

STEVEN R. LEOPOLD
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

And

CHARLES L. KILBY
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

And

CHAD W. JONES
c/o Dayton Police Department
335 W. Third Street
Dayton, OH 45402

And

JOHN DOE 1-5
c/o Montgomery County Sheriff's Office
345 West Second Street
Dayton, OH 45422

Defendants.

I. PRELIMINARY STATEMENT

1. This is a civil rights action brought against the Montgomery County Sheriff's Officers who viciously beat Louis Aldini while he was in custody at the Montgomery County jail. Defendants used excessive force on Mr. Aldini and failed to protect Mr. Aldini from being beaten. As a result of the Defendant's actions Mr. Aldini suffered lacerations, bruises, and wounds to his face, head, and body, which required emergency medical treatment. Mr. Aldini seeks compensatory damages, punitive damages, and reasonable attorney fees.

II. JURISDICTION

2. Jurisdiction over the federal civil rights claims is conferred on this Court by 28 U.S.C. §§ 1331 and 1343(3) and (4). Jurisdiction over the state law claims is conferred by 28 U.S.C. § 1367(a). Venue is proper in this Division.

III. PARTIES

3. Plaintiff Louis Aldini, Jr. was at all times relevant to this action a resident of Montgomery County, Ohio, and a citizen of the State of Ohio.

4. Defendant Dustin L. Johnson was at all times relevant to this action a Montgomery County Sheriff's Corrections Officer employed by Montgomery County, Ohio. He is sued in his individual and official capacities.

5. Defendant Troy E. Bodine was at all times relevant to this action a Sergeant in the Montgomery County Sheriff's Office employed by Montgomery County, Ohio. He is sued in his individual and official capacities.

6. Defendant Joshua Paul Kaczmarek was at all times relevant to this action a Montgomery County Sheriff's Corrections Officer employed by Montgomery County, Ohio. He is sued in his individual and official capacities.

7. Defendant Steven R. Leopold was at all times relevant to this action a Montgomery County Sheriff's Corrections Officer employed by Montgomery County, Ohio. He is sued in his individual and official capacities.

8. Defendant Charles L. Kilby was at all times relevant to this action a Montgomery County Sheriff's Medic employed by Montgomery County, Ohio. He is sued in his individual and official capacities.

9. Defendant Chad W. Jones was at all times relevant to this action a Police Officer employed by the City of Dayton, Ohio. He is sued in his individual and official capacities.

10. Defendants John Doe 1-5 were at all times relevant to this action a Montgomery County Sheriff's Office employee. He is sued in his individual and official capacities.

IV. STATEMENT OF FACTS

11. Louis Aldini, Jr. is 25 year olds and is employed by the United States Air Force.

12. In the early hours of May 13, 2006, Louis Aldini was arrested by Defendant Jones for disorderly conduct and criminal damaging for breaking some glass in the door as he was leaving a bar in Dayton.

13. Defendant Jones transported Mr. Aldini to the Montgomery County jail at about 2 a.m. At the jail Defendant Corrections Officer Johnson grabbed Mr. Aldini by his shirt, threw him into the wall, punched him, and then took him to the ground. The remaining County Defendants rushed to the cell and took part in the assault of Mr. Aldini. While Aldini was down, CO Johnson kicked Aldini and Sgt. Bodine tased him repeatedly.

14. Afterwards, Mr. Aldini was placed in a restraint chair and was subjected to more unnecessary blows and taser jolts by CO Johnson, Co Leopold, CO Kaczmarek and Sgt. Bodine. A mask was placed over his face. Mr. Aldini was restrained and masked for several hours. During this time he was bleeding from cuts above his eye and from his nose. Despite knowing that Aldini needed medical treatment and stitches Defendant Kilby, a medic, refused to provide him medical care.

15. All Corrections Officers punched, kicked, and struck Mr. Aldini multiple times. Sgt. Bodine tased Mr. Aldini multiple times all over his back. Defendants acted without justification. Mr. Aldini cooperated with all commands, placed his hands on the back of his head and took no actions to touch or injure any of the defendants who were attacking him.

16. All Defendants including Police Officer Jones observed the excessive use of force and failed to protect Mr. Aldini from the excessive force.

17. During the beatings Mr. Aldini begged for mercy and screamed for help but no one came to his aid. Instead he heard Defendants laugh at him, mock him by saying such

things as “how do you like this, officer,” and “let’s get him” and “you are going to die in here.” While he was locked in a room, strapped to the chair with blood dripping down his masked face, Mr. Aldini cried out for help. All he heard back was a voice on the intercom which said “have a good night.” Mr. Aldini was afraid for his life while he was left locked in the room.

18. As further punishment, County Defendants kept Mr. Aldini restrained in the chair and masked for more than an hour and a half after his bond was posted and he was eligible for release.

19. Immediately after his release from the Montgomery County jail Mr. Aldini went to the Miami Valley Hospital emergency and trauma center. His head showed evidence of trauma and multiple areas of swelling and bruising over his head and neck. There were two lacerations above his left eye which required six stitches to close. His back was red and irritated where he had been tased multiple times and his wrists shows signs of skin irritation from the restraints.

20. As a result of the Defendants’ actions, Mr. Aldini has suffered serious physical injury; protracted pain; mental anguish; and emotional distress.

21. Given the circumstances, County Defendants used an unreasonable and excessive amount of force against Mr. Aldini and all Defendants failed to protect him from the force used by the other Defendants. Defendants Doe #1-5 failed to protect Mr. Aldini from harm.

22. Defendants’ actions were negligent, were done with intent, recklessness, deliberate indifference, malice, callousness, and were done wantonly and oppressively.

23. Defendants have each acted intentionally, recklessly, and with deliberate indifference to the federally protected rights of the Plaintiff. These actions reflect an arbitrary abuse of government power, which shocks the conscience.

VI. FIRST CAUSE OF ACTION – 42 U.S.C. § 1983

24. Defendants, while acting under color of state law, deprived Plaintiff of his rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

VII. SECOND CAUSE OF ACTION – ASSAULT AND BATTERY

25. The conduct of Defendants Johnson, Bodine, Kaczmarek, and Leopold Constitutes assault and battery under Ohio law.

VII. THIRD CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. The Defendants have intentionally inflicted serious emotional distress on Plaintiff.

IX. FOURTH CAUSE OF ACTION - CIVIL ACTION FOR PERSON INJURED BY CRIMINAL ACT -- R.C. § 2307.60

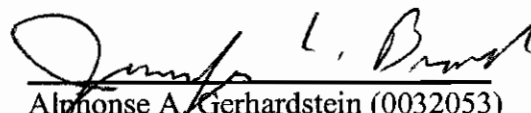
27. Defendants Johnson, Bodine, Kaczmarek, and Leopold committed crimes against Plaintiff including, but not limited to violating R.C. 2903.10 et seq. (assault).

X. CLAIM FOR RELIEF

WHEREFORE, Plaintiff demands that the court:

- A. Award plaintiff compensatory damages in an amount to be determined at trial.
- B. Award plaintiff punitive damages against the individual Defendants in an amount to be determined at trial.
- C. Award plaintiff reasonable attorney fees and costs.
- D. Order such other relief as the Court deems just and appropriate.

Respectfully submitted,



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JURY DEMAND

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

