

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

DEMARCUS FOX,)	
)	
Plaintiff,)	File No. 4:23-cv-133
)	
v.)	(JURY TRIAL DEMANDED)
)	
CITY OF GREENVILLE;)	
KEITH L. KNOX,)	
in his individual capacity;)	
BRICE A. WORDSWORTH,)	
in his individual capacity;)	
JUSTIN L. WHITE,)	
in his individual capacity;)	
KURT F. PUERTO,)	
in his individual capacity; and)	
JUSTIN W. WOOTEN,)	
in his individual capacity,)	
)	
Defendants)	
)	

COMPLAINT

NOW COMES Plaintiff, by and through undersigned counsel, complaining of Defendants and alleges as follows:

INTRODCTION

Plaintiff brings this action pursuant to 42 U.S.C § 1983 against Defendants, alleging that Defendants, acting under the color of state law, violated Plaintiff’s Fourth Amendment rights, under the United States Constitution, to be free from unreasonable search and seizure, which is

applicable to the States by incorporation of the Fourteenth Amendment of the United States Constitution.

PARTIES

1. Plaintiff Demarcus Fox is a resident and citizen of North Carolina.
2. Defendant City of Greenville (hereinafter “City”) is an incorporated municipal body politic of the State of North Carolina.
3. Defendant City is a “person” within the meaning 42 U.S.C. §1983.
4. Defendant City is a resident and citizen of North Carolina.
5. Defendant City includes the City of Greenville Police Department (“Department”), which is responsible for law enforcement in the city of Greenville, North Carolina.
6. For the purpose of this Complaint, Defendant City and the Department are one and the same. Accordingly, “City” and “Department” may be used interchangeably throughout this Complaint.
7. Upon information and belief, Defendant Keith L. Knox (hereinafter “Knox”) is a resident and citizen of North Carolina.
8. At all relevant times, Defendant Knox was a law enforcement officer employed by the City of Greenville.
9. Upon information and belief, Defendant Brice A. Wordsworth (hereinafter “Wordsworth”) is a resident and citizen of North Carolina.
10. At all relevant times, Defendant Wordsworth was a law enforcement officer employed by the City of Greenville.

11. Upon information and belief, Defendant Justin L. White (hereinafter “White”) is a resident and citizen of North Carolina.
12. At all relevant times, Defendant White was a law enforcement officer employed by the City of Greenville.
13. Upon information and belief, Defendant Kurt F. Puerto (hereinafter “Puerto”) is a resident and citizen of North Carolina.
14. At all relevant times, Defendant Puerto was a law enforcement officer employed by the City of Greenville.
15. Upon information and belief, Defendant Justin W. Wooten (hereinafter “Wooten”) is a resident and citizen of North Carolina.
16. At all relevant times, Defendant Wooten was a law enforcement officer employed by the City of Greenville.
17. With respect to all matters complained of hereinafter, Defendants acted under the color of state law.
18. For the purpose of the this Complaint, any reference to “Defendant Officers” shall mean Defendants Knox, Wordsworth, White, Puerto and Wooten, individually and collectively.
19. Upon information and belief, pursuant to N.C. Gen. Stat. § 160A-485(a), Defendant City of Greenville, has waived its governmental immunity through the purchase of liability insurance.

JURISDICTION

20. This matter involves claims which arise under the United States Constitution and; therefore, the Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331.
21. In addition to the claims arising under the Court's Original jurisdiction, the Complaint includes state law claims which are so related to claims arising under the Court's original jurisdiction, that they form part of the same case or controversy under Article III of the United States Constitution; and therefore, the Court has supplemental jurisdiction of such state law claims pursuant to 28 U.S. Code § 1367.

VENUE

22. The events or omissions giving rise to the claim(s) in this matter, occurred in Pitt County, North Carolina, which is within the United States Eastern District of North Carolina.

STATEMENT OF FACTS

23. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.
24. This matter arises out of a traffic stop which occurred on October 7, 2022, in Greenville, North Carolina.
25. Plaintiff is a black male.
26. At the time of the traffic stop at issue, Plaintiff was thirty-nine years old.
27. On the evening of October 7, 2022, Plaintiff was subjected to a traffic stop by Defendant Officers.
28. The stop occurred near or about Plaintiff's family home, located at 110 Fairwood Lane, Greenville, North Carolina, 27834.

29. In the time leading up to the traffic stop at issue, Defendant Officers, were following behind Plaintiff in marked and unmarked police vehicles.
30. In the time leading up to the traffic stop at issue, Defendants Officers, who were looking for a reason to justify stopping Plaintiff, and who had not found a reason to stop Plaintiff, repeatedly describe Plaintiff over police radio as “still obeying all traffic laws”.
31. At no point during the time that Defendant Officers were following behind Plaintiff, did Plaintiff exceed the posted speed limit.
32. At no point during the time that Defendant Officers were following behind Plaintiff, did Plaintiff commit a traffic violation.
33. At all relevant times, Plaintiff had not committed a traffic violation and/or any other crime or infraction.
34. Upon information and belief, each of the police vehicles that were following Plaintiff in the time leading up to the stop, were equipped with dashboard cameras.
35. Notwithstanding the fact that Defendant Officers were clearly looking for a reason to justify the stopping of Plaintiff, Defendant Officers failed to activate their dashboard cameras.
36. Had Defendant Officers activated their dashboard cameras as they were following behind Plaintiff, the dashboard cameras recordings would have shown what Defendant Officers themselves had acknowledged multiple times over their police radio, which is the fact that Plaintiff was “obeying all traffic laws”.
37. Had Defendant Officers activated their dashboard cameras as they were following behind Plaintiff, the dashboard cameras recordings would have shown that Plaintiff had not

committed a traffic violation and had not otherwise engaged in other activity which would support a stop.

38. At the time that Defendant Officers activated their lights to initiate the stop of Plaintiff, Defendant Officers did not have reasonable articulable suspicion that Plaintiff was engaged in criminal activity afoot.

39. Shortly after Defendant Officers activated their lights, Plaintiff pulled into the driveway of his family home located 110 Fairwood Lane, Greenville, NC 27834.

40. Upon stopping his vehicle in his family's driveway, Plaintiff was aggressively approached by Defendant Officers, who were pointing their firearms at him, yelling profanity and instructing Plaintiff to get out of the vehicle.

41. With the vehicle he was driving parked, Plaintiff immediately put both of his hands up and communicated his intent to comply.

42. After commanding Plaintiff to exit his vehicle, Defendant Officers did not allow Plaintiff, who had communicated his intent to cooperate, a reasonable amount of time to comply.

43. At no point during the stop at issue, did Plaintiff make any sudden or furtive movements.

44. At all times during the course of the stop at issue, Plaintiff was compliant.

45. At no point during the course of the stop at issue, did Plaintiff resist Defendant Officers.

46. Plaintiff was wearing his hair in dreadlocks, a hair style commonly referred to as "dreads" or "locs", which is characterized by rope-like strands of hair formed by braiding and/or matting.

47. At the time of the stop at issue, Plaintiff had been growing his dreads for approximately ten (10) years.

48. Defendant Knox initiated physical contact with Plaintiff by violently pulling Plaintiff by his dreadlocks.
49. Defendant Knox pulled Plaintiff by his dreadlocks with such force, that multiple locs were torn from Plaintiff's head.
50. Defendant Knox's act of initiating physical contact with Plaintiff by forcefully grabbing Plaintiff by his hair was a malicious act intended to antagonize and provoke Plaintiff into a reactionary response.
51. Notwithstanding Defendant Officers' attempts to antagonize Plaintiff, Plaintiff remained compliant.
52. Defendant Knox and the other Defendant Officers continued to apply excessive force against Plaintiff by pushing and pulling him in multiple directions, slamming him to the ground, placing a knee on Plaintiff's neck, repeatedly punching and kneeing Plaintiff, continuously pulling Plaintiff by his hair, and needlessly grinding Plaintiff's face into the ground.
53. During the course of the stop, Defendant Officers, and in particular, Defendant White violently punched, kicked and kneed Plaintiff.
54. During the course of the stop Defendant Puerto joined the other Defendant Officers in striking Plaintiff
55. As Defendant Officers subjected Plaintiff to excessive force, Plaintiff cried out that it was not necessary for Defendant Officers to pull him by his hair.
56. As Defendant Officers subjected Plaintiff to excessive force, Plaintiff cried out that it was not necessary for Defendant Officers to punch him in his face.

57. Defendant Wooten, who assisted with the arrest, did nothing to intervene as Plaintiff was being subjected to excessive force by his fellow officers.
58. After Defendant Officers had repeatedly struck Plaintiff, Defendant Officers, and in particular, Defendant Wordsworth, smiled and laughed.
59. At the time of the stop, Plaintiff was unarmed.
60. At the time of the stop, Plaintiff was not in possession of contraband.
61. Defendant Officers did not seize any weapons or contraband from Plaintiff's person or the vehicle that Plaintiff was driving at the time of the stop.
62. At the time of the stop at issue, Defendant Brice Wordsworth was wearing a body-worn camera.
63. Upon information and belief, Defendant Wordsworth failed to activate his body-worn camera during the course of the stop at issue.
64. Upon information and belief, Defendant J.W. Wooten was an assisting officer with respect to the stop at issue.
65. Upon information and belief, Defendant Wooten was wearing a body-worn camera at the time of the stop at issue.
66. Upon information and belief, Defendant Wooten failed to activate his body-worn camera during the course of the stop at issue.
67. Upon information and belief, Defendant Officers intentionally and deliberately failed to activate their body-worn cameras and/or deactivated their body-worn cameras at various points during the course of the stop.

68. Upon information and belief, during the course of the stop at issue, Defendant Officers, intentionally covered the lenses of their body-worn cameras, thus preventing the cameras from capturing certain events during the course of the stop.
69. Upon information and belief, Defendant Officers muted the audio of their dashboard and/or body-worn camera at various points during the course of the seizure at issue, so as to conceal what was being said.
70. Upon information and belief, the Defendant Officers' conduct in failing to activate and/or their deactivation of their body-worn camera, was in line with a de facto policy and practice of the City of Greenville Police Department, which was condoned by the Chief of Police and the City of Greenville.
71. At the time of the stop at issue, there was a third-party eyewitness who began filming the stop using a mobile device.
72. It is not unlawful for an individual to record police officers in public as they perform their duties.
73. The third-party eyewitness, who was attempting to record the stop with a mobile device, was in no way interfering with Defendant Officers or their ability to conduct the stop at issue.
74. Defendant Officers and in particular, Defendant Knox, commanded the third-party eyewitness, who was attempting to record the seizure at issue, to leave.
75. Defendant Officers' order for the third-party eyewitness, who was attempting to record the seizure, to leave, was unlawful.

76. Upon information and belief, at some point, the above-referenced third-party eyewitness, who had used his mobile device to record the stop at issue, uploaded a video recording of the stop at issue to the internet.
77. Upon information and belief, the third-party eyewitness was later approached and harassed by City of Greenville police officers and coerced into removing the video recording of the stop, which the eyewitness had uploaded to the internet.
78. The video recording taken by the third-party eyewitness shows Defendant Officers using excessive force against Plaintiff.
79. Plaintiff was arrested and charged with *Fleeing/Eluding Arrest* and *Resisting a Public Officer* in connection with the stop.
80. At the time that Defendant Officers arrested Plaintiff, Defendants did not have probable cause that Plaintiff had committed a crime.
81. While Plaintiff was charged with Fleeing/Eluding Arrest and Resisting, Plaintiff was not charged with any underlying offense for which Defendants were attempting to arrest Plaintiff for, nor was Plaintiff charged with any alleged offenses which would have been the basis for Defendant Officers' initiation of the stop.
82. The use of force employed by Defendant Officers was excessive, in violation of Plaintiff's well-established right to be free from unreasonable search and seizure.
83. Under the circumstances, no reasonable law enforcement officers could have failed to appreciate that the force used against Plaintiff was excessive, in violation of Plaintiff's well-established rights under the Fourth Amendment of United States Constitution.

84. After arresting Plaintiff, Defendant Officers further violated Plaintiff's rights by asking him questions intended to elicit an incriminating response, prior to advising Plaintiff of his Miranda Rights.
85. Upon taking Plaintiff into custody, Defendant Officers informed Plaintiff that they wanted him to work as a confidential informant for the City of Greenville Police Department.
86. In their attempt to induce Plaintiff into becoming a confidential informant, Defendant Officers indicated that criminal charges associated with the stop would go away, and also offered to pay Plaintiff for his cooperation, and further indicated that if Plaintiff agreed to work with them, he could engage in criminal activity without fear of being hassled by Greenville Police, which Defendant Officers indicated could prove a lucrative arrangement for all involved.
87. Plaintiff declined Defendant Officers' offer to work as a confidential police informant.
88. Plaintiff informed Defendant Officers of his intent to plead not guilty to all charges associated with the arrest at issue.
89. The criminal file number associated with the seizure at issue is 22CR314094-730.
90. On or about January 18, 2023, all of the criminal charges related to the arrest at issue, were dismissed.
91. Notwithstanding the dismissal of all criminal charges associated with the seizure at issue, Plaintiff continues to suffer ongoing damages as a result of the unlawful seizure.
92. As a result of Defendant Officers' violation of Plaintiff's constitutional rights, Plaintiff has suffered irreparable harm.

93. At all relevant times, Defendant City had delegated to the City of Greenville's Chief of Police, authority to issue and/or implement the policies, directives, rules of conduct and/or other practices for City of Greenville police officers, without any further action needed by the City Manager, the City Council, or any other City officials, before such policies, directives, rules, and/or practices took effect.
94. At all relevant times, Defendant City had delegated to Ted Sauls (hereinafter "Chief"), as the interim Chief of Police for the City of Greenville Police Department, authority to issue and/or implement the policies, directives, rules of conduct and/or other practices for City of Greenville police officers, without any further action needed by the City Manager, the City Council, or any other City officials, before such policies, directives, rules, and/or practices took effect.
95. Chief Sauls was in a policy making position in his role with Defendant City.
96. Chief Sauls, as the Interim Chief of Police, had authority to implement directives, standards, guidelines and rules of conduct for the City of Greenville Police Department.
97. Chief Sauls, acting under the color of state law, implemented the directives, standards, guidelines, rules and practices at issue in this case.
98. Upon information and belief, prior to the occurrence at issue, Chief Sauls, as his predecessors, failed to take appropriate corrective and/or disciplinary action against City of Greenville officers for similar wrongful conduct.
99. Upon information and belief, the failure of Chief Sauls and his predecessors, to take appropriate corrective and/or disciplinary actions against City of Greenville Police Officers, served to condone, encourage and promote such officer misconduct, resulting in

the established de facto practice of the City of Greenville of turning a blind eye to officer misconduct, which only served to encourage further violations, such as those at issue in this case.

100. Upon information and belief, the City of Greenville Police Department has an Internal Affairs division, which is supposed to investigate use of force by officers.
101. Upon information and belief, the City of Greenville Police Department, by and through its Internal Affairs Division, investigated the seizure at issue in this case.
102. Upon information and belief, Chief Sauls, had been made aware of the seizure at issue in this case and had reviewed custodial law enforcement recordings of the seizure at issue, as well as a video recording of the seizure recorded by a third-party eyewitness.
103. Upon information and belief, Chief Sauls and the Department's internal Affairs Department, likewise failed to take appropriate corrective and/or disciplinary action against Defendant Officers for their violation of Plaintiff's rights with respect to the seizure at issue in this matter.
104. Defendant Officers acted in accordance with the established custom and practices of the City of Greenville.
105. With respect to all matters complained of, Defendant Officers acted maliciously and/or corruptly, acted beyond the scope of their duties, and/or failed to act at all.
106. With respect to all matters complained of, Defendant Officers' conduct was objectively unreasonable.
107. With respect to all matters complained of, Defendant Officers' conduct was objectively unjustified.

108. Defendant Officers acted in concert to unlawfully stop, arrest and employ excessive force against Plaintiff.
109. Each of Defendant Officers failed to act as appropriate to prevent and/or stop the other Defendant Officers from unlawfully stopping, arresting, and using excessive force against Plaintiff.
110. Each of the Defendant Officers had a duty to protect Plaintiff from the willful, wanton, malicious and wrongful conduct of their fellow officers.
111. Under the circumstances, the Defendant Officers' utter failure to act, amounted to deliberate omission, in gross violation of their duty, which was in reckless and wanton disregard of Plaintiff's rights.
112. Upon information and belief, Defendant City of Greenville is in possession of both dashboard and body-worn camera recordings of the seizure at issue.
113. Upon information and belief, Defendant Officers failed to comply with the Department's official policy concerning the use of dashboard and body-worn cameras.
114. Upon information and belief, Defendant Officers complied with the Department's unofficial, de facto policy concerning the use of dashboard and body-worn cameras, which condones officers failing to initiate their camera, deactivating their cameras, muting their audio and/or covering their lenses so as to impede the cameras' ability to capture certain violative conduct.
115. As a result of the unreasonable seizure, Plaintiff has suffered severe emotional distress.
116. Upon information and belief, the Defendant City of Greenville has an established practice having it law enforcement officers stop suspects without reasonable articulable suspicion

and then having their law enforcement officers apply excessive force, with the intention of provoking a reactionary response from otherwise compliant suspects, in an effort to justify even further use of force, with the ultimate intent of charging otherwise compliant individuals with resisting arrest.

117. Upon information and belief, Defendant Officers have been the subject of multiple use of force complaints and/or investigations.
118. Upon information and belief, Defendant Officers identify as “white”
119. Upon information and belief, the conduct of the Defendants, complained of hereinabove, was in-part due to racial bias and inability and/or refusal to recognize the humanity of black people and in particular, black males.

**FIRST CLAIM FOR RELIEF:
DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED
PLAINTIFF TO AN UNLAWFUL STOP, IN VIOLATION OF PLAINTIFF’S
FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES
CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT**

120. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.
121. At the time that Defendants stopped Plaintiff, Defendants did not have reasonable articulable suspicion that Plaintiff was engaged in criminal activity afoot.
122. Without reasonable articulable suspicion, Defendants’ stop of Plaintiff was unlawful, in violation of Plaintiff’s right to be free from unreasonable seizure as guaranteed by the Fourth Amendment of the United States Constitution, as incorporated and applied to the States by the Fourteenth Amendment.

123. With respect to all matters complained of, Defendants acted under the color of state law.
124. With respect to all matters complained of, Defendant Officers acted in accordance with an established custom, policy, and/or practice of Defendant City of Greenville.
125. As a direct and proximate cause of Defendants' unlawful stop of Plaintiff, Plaintiff has suffered damages, including, but not limited to deprivation of his constitutional rights.

**SECOND CLAIM FOR RELIEF:
DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED
PLAINTIFF TO EXCESSIVE FORCE, IN VIOLATION OF PLAINTIFF'S
FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES
CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT**

126. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.
127. During the course of Defendant Officers' seizure of Plaintiff, Defendant Officers subjected Plaintiff to more force than reasonably necessary under circumstances to effectuate the seizure.
128. Under the circumstances, Defendant Officers' use of force against Plaintiff was excessive, in violation of Plaintiff's right to be free from unreasonable seizure as guaranteed by the Fourth Amendment of the United States Constitution, as incorporated and applied to States by the Fourteenth Amendment.
129. Defendants' use of force against plaintiff was grossly excessive.
130. With respect to all matters complained of, Defendants acted under the color of state law.

131. As a direct and proximate cause of Defendants' used of excessive force against Plaintiff, Plaintiff has suffered damages, including, but not limited to physical and emotional injury, along with deprivation of his constitutional rights.

**THIRD CLAIM FOR RELIEF:
DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED
PLAINTIFF TO AN UNLAWFUL ARREST, IN VIOLATION OF PLAINTIFF'S
FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES
CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT**

132. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.

133. At the time that Defendants arrested Plaintiff, the facts and circumstances were not such that Defendants had reasonable grounds to believe that Plaintiff had committed a crime.

134. At the time that Defendants arrested Plaintiff, Defendants did not have probable cause that Plaintiff had committed a crime.

135. Without probable cause that Plaintiff had committed a crime, Defendants' arrest of Plaintiff was unlawful, in violation of Plaintiff's right to be free from unreasonable seizure as guaranteed by the Fourth Amendment of the United States Constitution, as incorporated and applied to States by the Fourteenth Amendment.

136. With respect to all matters complained of, Defendants acted under the color of state law.

137. As a direct and proximate cause of the unlawful arrest, Plaintiff has suffered damages, including, but not limited to deprivation of his constitutional rights.

**FOURTH CLAIM FOR RELIEF:
DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED
PLAINTIFF TO A MALICIOUS PROSECUTION, IN VIOLATION OF
PLAINTIFF'S FOURTH AMENDMENT RIGHTS UNDER THE UNITED
STATES CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH
AMENDMENT**

138. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.
139. Defendants initiated a criminal prosecution against Plaintiff.
140. The criminal prosecution was not supported by probable cause.
141. Defendants acted with malicious and corrupt intent in initiating the criminal prosecution against Plaintiff.
142. With respect to all matters complained of, Defendants acted under the color of state law.
143. The criminal prosecution was terminated in Plaintiff's favor.
144. As a direct result of the criminal prosecution initiated by Defendants against Plaintiff, Plaintiff has suffered damages, including, but not limited to, deprivation of his Fourth Amendment rights under the United States Constitution, to be free from malicious prosecution, unsupported by probable cause, as applied to the States by incorporation of the Fourteenth Amendment of the United States Constitution.

**FIFTH CLAIM FOR RELIEF:
DEFENDANT OFFICERS ARE LIABLE
TO PLAINTIFF FOR BATTERY**

145. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.

146. Defendants intended to cause and did cause Plaintiff a harmful and/or offensive touching when they subjected Plaintiff to excessive force.
147. In their intent to cause Plaintiff a harmful and/or offensive touching, Defendants acted maliciously and corruptly.
148. Plaintiff did not consent to the harmful and/or offensive touching.
149. As a direct and proximate cause of the harmful and/or offensive touching caused by Defendants, Plaintiff has suffered damages in the form of physical injury, medical expenses, mental suffering and mental anguish, and other losses to be proven at trial.
150. Defendants' use of force against Plaintiff was grossly excessive and resulted in a harmful and/or offensive touching to Plaintiff.
151. Defendants were not privileged to use excessive force against Plaintiff.
152. Given the malicious and corrupt intent of Defendants in causing Plaintiff a harmful and/or offensive touching by the use of excessive force, Defendants are not entitled to qualified immunity.

**SIXTH CLAIM FOR RELIEF:
DEFENDANTS ARE LIABLE TO PLAINTIFF FOR INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS**

153. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.
154. Defendants' conduct, including, but not limited to their use of grossly excessive force against Plaintiff, was extreme and outrageous.
155. Defendants intended and/or knew or should have known that their conduct would cause Plaintiff severe emotional distress.

156. Defendants acted with reckless indifference to the likelihood that their conduct would cause Plaintiff severe emotional distress.

157. As a direct and proximate cause of Defendants' extreme and outrageous conduct, Plaintiff has suffered severe emotional distress, medical expenses, and other losses to be proven at trial.

158. Given the malicious and corrupt intent of Defendants in causing Plaintiff severe emotional distress, Defendants are not entitled to qualified immunity.

**SEVENTH CLAIM FOR RELIEF:
DEFENDANT OFFICERS ARE LIABLE FOR PUNITIVE DAMAGES
IN THEIR INDIVIDUAL CAPACITIES**

159. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.

160. With respect to all acts and/or omissions complained of, the individual Defendant Officers acted willfully, wantonly, maliciously, recklessly and with callous indifference to Plaintiff's federally and state protected rights, such that an award of punitive damages, is appropriate.

**EIGHTH CLAIM FOR RELIEF:
DEFENDANTS HAVE CAUSED PLAINTIFF IRREPARABLE HARM, WHICH
WARRANTS INJUNCTIVE RELIEF**

161. The allegations contained in all of the foregoing paragraphs are re-alleged and are incorporated herein by reference as if fully set forth.

162. As a direct result of Defendant's violation of Plaintiff's rights, Plaintiff has and continues to suffer irreparable harm.

163. The available legal remedies are insufficient to adequately address Plaintiff's harms.

164. Considering the balance of hardships between Plaintiff and Defendants, a remedy in equity is warranted.
165. In the absence of an appropriate equitable remedy, Defendants are likely to continue engaging in the same or substantially similar conduct.
166. The public interest would not be disserved by the issuance of a permanent injunction.
167. Wherefore, Plaintiff seeks an order enjoining Defendants from further violations of Plaintiff's constitutional rights.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff prays the following relief:

1. That Plaintiff recover from Defendants judgment for compensatory damages in excess of \$500,000.00;
2. That Defendants be held jointly and severally liable for all compensatory damages;
3. That Plaintiff recover from Defendant Officers, in their individual capacity, punitive damages in excess of \$500,000.00;
4. That Defendant Officers be held jointly and severally liable for punitive damages;
5. That Plaintiff recover pre-judgment and post-judgment interest on all damages awarded;
6. That Plaintiff recover the costs of this litigation, including, statutory attorney fees.
7. That all issues of fact be tried by a jury; and
8. Such other and further relief as the Court shall deem just and proper.

This the 8th day August, 2023.

/s/ Brandon S. Atwater
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