

77. As a direct and proximate result of the wrongful conduct of Defendant BARNER as alleged above, Plaintiff JUSTIN suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

78. The acts of Defendant BARNER deprived Plaintiff JUSTIN of his right to be free from the use of excessive force and otherwise deprived Plaintiff of due process of law in violation of the rights, privileges, and immunities guaranteed to the Plaintiff under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States of America.

79. Plaintiff JUSTIN has retained the undersigned law firm to bring this suit and has agreed to pay said law firm a reasonable fee for services rendered, and is therefore entitled to reimbursement from Defendant BARNER pursuant to the provisions of 42 U.S.C. 1983.

WHEREFORE, Plaintiff, JUSTIN ZIVOJINOVICH, prays:

A. that the Plaintiff be awarded compensatory damages, together with interest against Defendant BARNER;

B. that the Plaintiff be awarded punitive damages against the Defendant BARNER;

C. that the Plaintiff be awarded costs of this litigation to be paid by Defendant BARNER; and

D. that the Plaintiff be awarded reasonable attorney's fees incurred in connection with the prosecution of this matter to be paid by Defendant BARNER.

COUNT X
(Violation of Civil Rights- Michelle/Ritz)

80. At all times material hereto, Defendant RITZ was acting through its agents, servants and employees, and specifically through its managing agent in charge, Defendant BARNER.

81. The acts and conduct of Defendant RITZ as alleged herein were done in wilful participation and conspiracy with Defendants KNOTT, STANFORD AND RUSSELL as deputy sheriffs, and thus under color of state law.

82. Defendant RITZ illegally detained and restricted the freedom of Plaintiff MICHELLE and therefore Defendant RITZ intentionally or recklessly disregarded the constitutional rights of Plaintiff MICHELLE secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

83. Defendant RITZ used unnecessary and excessive force in escorting Plaintiff MICHELLE and therefore Defendant RITZ intentionally or recklessly disregarded the constitutional rights of Plaintiff MICHELLE secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

84. As a direct and proximate result of the wrongful conduct of Defendant RITZ as alleged above, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

85. The acts of Defendant RITZ deprived Plaintiff MICHELLE of her right to be free from the use of excessive force and otherwise deprived Plaintiff of due process of law in violation of the rights, privileges, and immunities guaranteed to the Plaintiff under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States of America.

86. Plaintiff MICHELLE has retained the undersigned law firm to bring this suit and has agreed to pay said law firm a reasonable fee for services rendered, and is therefore entitled to reimbursement from Defendant RITZ pursuant to the provisions of 42 U.S.C. 1983.

WHEREFORE, Plaintiff, MICHELLE ZIVOJINOVICH, prays:

A. that the Plaintiff be awarded compensatory damages, together with interest against Defendant RITZ;

B. that the Plaintiff be awarded punitive damages against the Defendant RITZ;

C. that the Plaintiff be awarded costs of this litigation to be paid by Defendant RITZ; and

D. that the Plaintiff be awarded reasonable attorney's fees incurred in connection with the prosecution of this matter to be paid by Defendant RITZ.

COUNT XI
(Violation of Civil Rights- Michelle/Barner)

87. At all times material hereto, Defendant RITZ was acting through its agents, servants and employees, and specifically through its managing agent in charge, Defendant BARNER.

88. The acts and conduct of Defendant BARNER, as alleged herein were done in wilful participation and conspiracy with Defendants KNOTT, STANFORD AND RUSSELL as deputy sheriffs, and thus under color of state law.

89. Defendant BARNER, illegally detained and restricted the freedom of Plaintiff MICHELLE, and therefore Defendant BARNER, intentionally or recklessly disregarded the constitutional rights of Plaintiff MICHELLE secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

90. Defendant BARNER, used unnecessary and excessive force in dealing with Plaintiff MICHELLE and therefore Defendant BARNER, intentionally or

recklessly disregarded the constitutional rights of Plaintiff MICHELLE secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

91. As a direct and proximate result of the wrongful conduct of Defendant BARNER, as alleged above, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

92. The acts of Defendant BARNER, deprived Plaintiff MICHELLE of her right to be free from the use of excessive force and otherwise deprived Plaintiff of due process of law in violation of the rights, privileges, and immunities guaranteed to the Plaintiff under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States of America.

93. Plaintiff MICHELLE has retained the undersigned law firm to bring this suit and has agreed to pay said law firm a reasonable fee for services rendered, and is therefore entitled to reimbursement from Defendant BARNER, pursuant to the provisions of 42 U.S.C. 1983.

WHEREFORE, Plaintiff, MICHELLE ZIVOJINOVICH, prays:

A. that the Plaintiff be awarded compensatory damages, together with

interest against Defendant BARNER.;

B. that the Plaintiff be awarded punitive damages against the Defendant BARNER.;

C. that the Plaintiff be awarded costs of this litigation to be paid by Defendant BARNER.; and

D. that the Plaintiff be awarded reasonable attorney's fees incurred in connection with the prosecution of this matter to be paid by Defendant BARNER..

COUNT XII
(Violation of Civil Rights- Alex/Ritz)

94. At all times material hereto, Defendant RITZ was acting through its agents, servants and employees, and specifically through its managing agent in charge, Defendant BARNER.

95. The acts and conduct of Defendant RITZ as alleged herein were done in wilful participation and conspiracy with Defendants KNOTT, STANFORD AND RUSSELL as deputy sheriffs, and thus under color of state law.

96. Defendant RITZ illegally detained and restricted the freedom of Plaintiff ALEX and therefore Defendant RITZ intentionally or recklessly disregarded the constitutional rights of Plaintiff ALEX secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

97. Defendant RITZ used unnecessary and excessive force in escorting

Plaintiff ALEX and therefore Defendant RITZ intentionally or recklessly disregarded the constitutional rights of Plaintiff ALEX secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

98. As a direct and proximate result of the wrongful conduct of Defendant RITZ as alleged above, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, loss of past income and the ability to earn income, as well as loss of the costs and related charges of his defense of criminal charges.

99. The acts of Defendant RITZ deprived Plaintiff ALEX of his right to be free from the use of excessive force and otherwise deprived Plaintiff of due process of law in violation of the rights, privileges, and immunities guaranteed to the Plaintiff under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States of America.

100. Plaintiff ALEX has retained the undersigned law firm to bring this suit and has agreed to pay said law firm a reasonable fee for services rendered, and is therefore entitled to reimbursement from Defendant RITZ pursuant to the provisions of 42 U.S.C. 1983.

WHEREFORE, Plaintiff, ALEX ZIVOJINOVICH, prays:

A. that the Plaintiff be awarded compensatory damages, together with

interest against Defendant RITZ;

B. that the Plaintiff be awarded punitive damages against the Defendant RITZ;

C. that the Plaintiff be awarded costs of this litigation to be paid by Defendant RITZ; and

D. that the Plaintiff be awarded reasonable attorney's fees incurred in connection with the prosecution of this matter to be paid by Defendant RITZ.

COUNT XIII
(Violation of Civil Rights- Alex/Barner)

101. At all times material hereto, Defendant RITZ was acting through its agents, servants and employees, and specifically through its managing agent in charge, Defendant BARNER.

102. The acts and conduct of Defendant BARNER as alleged herein were done in wilful participation and conspiracy with Defendants KNOTT, STANFORD and RUSSELL as deputy sheriffs, and thus under color of state law.

103. Defendant BARNER illegally detained and restricted the freedom of Plaintiff ALEX and therefore Defendant BARNER intentionally or recklessly disregarded the constitutional rights of Plaintiff ALEX secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

104. Defendant BARNER used unnecessary and excessive force in dealing

with Plaintiff ALEX and therefore Defendant BARNER intentionally or recklessly disregarded the constitutional rights of Plaintiff ALEX secured by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

105. As a direct and proximate result of the wrongful conduct of Defendant BARNER as alleged above, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

106. The acts of Defendant BARNER deprived Plaintiff ALEX of his right to be free from the use of excessive force and otherwise deprived Plaintiff of due process of law in violation of the rights, privileges, and immunities guaranteed to the Plaintiff under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States of America.

107. Plaintiff ALEX has retained the undersigned law firm to bring this suit and has agreed to pay said law firm a reasonable fee for services rendered, and is therefore entitled to reimbursement from Defendant BARNER pursuant to the provisions of 42 U.S.C. 1983.

WHEREFORE, Plaintiff, ALEX ZIVOJINOVICH, prays:

A. that the Plaintiff be awarded compensatory damages, together with

interest against Defendant BARNER;

B. that the Plaintiff be awarded punitive damages against the Defendant BARNER;

C. that the Plaintiff be awarded costs of this litigation to be paid by Defendant BARNER; and

D. that the Plaintiff be awarded reasonable attorney's fees incurred in connection with the prosecution of this matter to be paid by Defendant BARNER.

SUPPLEMENTAL CLAIMS

COUNT XIV (Negligence- Alex/Ritz)

108. At all times material hereto, Defendant RITZ had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

109. At all times material hereto, Defendant RITZ had a duty to apply accepted industry standards of guest relations and procedures to the Plaintiffs.

110. At all times material hereto, Defendant RITZ had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident for which they were summoned.

111. Defendant RITZ breached its duty to Plaintiffs, and specifically Plaintiff ALEX, by failing to advise Plaintiff JUSTIN to leave the premises before

employing law enforcement to eject him, by failing to apply accepted industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

112. It was foreseeable to Defendant RITZ that harm would come to Plaintiff ALEX as a result of its breaches of duty in that intervention by law enforcement carries with it known risks of physical injury and deprivation of rights.

113. As a direct and proximate result of the wrongful conduct of Defendant RITZ as alleged above, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

WHEREFORE Plaintiff ALEX demands judgment for damages and costs of the action against Defendant RITZ.

COUNT XV
(Negligence- Alex/Barner)

114. At all times material hereto, Defendant BARNER had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

115. At all times material hereto, Defendant BARNER had a duty to apply

accepted industry standards of guest relations and procedures to the Plaintiffs.

116. At all times material hereto, Defendant BARNER had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident.

117. Defendant BARNER breached his duty to Plaintiffs, and specifically Plaintiff ALEX, by failing to advise Defendant JUSTIN to leave the premises before employing law enforcement to eject him, by failing to apply accepted industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

118. It was foreseeable to Defendant BARNER that harm would come to Plaintiff ALEX as a result of its breaches of duty in that intervention by law enforcement carries with it known risks of physical injury and deprivation of rights.

119. As a direct and proximate result of the wrongful conduct of Defendant BARNER as alleged above, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, and the cost of medical care. Such injuries are either permanent or continuing, as well as loss of the costs and related expenses of his defense of criminal charges.

WHEREFORE Plaintiff ALEX demands judgment for damages and costs of the action against Defendant BARNER.

COUNT XVI
(Battery - Alex/Ritz)

120. Plaintiff ALEX was intentionally physically struck and/or unlawfully touched by co-conspirators of Defendant RITZ, Russell and Stanford, against his will.

121. As a direct and proximate result, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff ALEX demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XVII
(Battery-Alex/Barner)

122. Plaintiff ALEX was intentionally physically struck and/or unlawfully touched by co-conspirators of Defendant BARNER, Russell and Stanford, against his will.

123. As a direct and proximate result, Plaintiff ALEX suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and

loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff ALEX demands judgment for compensatory and punitive damages and costs of the action against Defendant BARNER.

COUNT XIII
(False Imprisonment-Alex/Ritz)

124. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff ALEX was falsely imprisoned.

125. Defendant RITZ, through its agents servants and employees, including, but not limited to, Defendant BARNER, personally and actively participated in the procurement of Plaintiff ALEX's false imprisonment by falsely reporting the facts of a disturbance and acting in concert with law enforcement to batter and illegally arrest Plaintiff ALEX.

126. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff ALEX had broken no laws and was not otherwise a danger to Defendant RITZ.

127. As a direct and proximate result Plaintiff ALEX was damaged.

WHEREFORE Plaintiff ALEX demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XIX
(False Imprisonment - Alex/Barner)

128. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff ALEX was falsely imprisoned.

129. Defendant BARNER personally and actively participated in the procurement of Plaintiff ALEX's false imprisonment by acting in concert with co-conspirators Knott, Stanford and Russell as alleged herein.

130. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff ALEX broken no laws and was not otherwise a danger to Defendants.

131. As a direct and proximate result Plaintiff ALEX was damaged.

WHEREFORE Plaintiff ALEX demands judgment for damages and costs of the action against Defendant BARNER.

COUNT XX
(Battery- Justin/Ritz)

132. Plaintiff JUSTIN was physically struck and/or unlawfully touched by Defendant RITZ and co-conspirators Defendants Knott, Russell and Stanford, against his will.

133. As a direct and proximate result, Plaintiff JUSTIN suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and

loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff JUSTIN demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XXI
(Battery- Justin/Barner)

134. Plaintiff JUSTIN was physically struck and/or unlawfully touched by Defendant BARNER and co-conspirators Knott, Russell and Stanford, against his will.

135. As a direct and proximate result, Plaintiff JUSTIN suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff JUSTIN demands judgment for damages and costs of the action against Defendant BARNER.

COUNT XXII
(False Imprisonment- Justin/Ritz)

136. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff JUSTIN was falsely imprisoned.

137. Defendant RITZ personally and actively participated in the procurement of Plaintiff JUSTIN's false imprisonment by handcuffing him and acting in concert with co-conspirators Knott, Stanford and Russell as alleged herein.

138. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff JUSTIN had broken no laws and was not otherwise a danger to Defendants.

139. As a direct and proximate result, Plaintiff JUSTIN was damaged.

WHEREFORE Plaintiff JUSTIN demands judgment for damages and costs of the action against Defendant RITZ.

COUNT XXIII
(False Imprisonment- Justin/Barner)

140. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff JUSTIN was falsely imprisoned.

141. Defendant BARNER personally and actively participated in the procurement of Plaintiff JUSTIN's false imprisonment by handcuffing Plaintiff JUSTIN and acting in concert with co-conspirators Knott, Stanford and Russell as alleged herein.

142. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff JUSTIN had broken no laws and was not otherwise a

danger to Defendants.

143. As a direct and proximate result Plaintiff JUSTIN was damaged.

WHEREFORE Plaintiff JUSTIN demands judgment for compensatory and punitive damages and costs of the action against Defendant BARNER.

COUNT XXIV
(Negligence - Justin/Ritz)

144. At all times material hereto, Defendant RITZ had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

145. At all times material hereto, Defendant RITZ had a duty to apply accepted industry standards of guest relations and procedures to the Plaintiffs.

146. At all times material hereto, Defendant RITZ had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident.

147. Defendant RITZ breached its duty to Plaintiffs, and specifically Plaintiff JUSTIN, by failing to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him, by failing to apply accepted industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

148. It was foreseeable to Defendant RITZ that harm would come to Plaintiff JUSTIN as a result of its breaches of duty in that intervention by law

enforcement carries with it known risks of physical injury and deprivation of rights.

149. As a direct and proximate result of the wrongful conduct of Defendant RITZ as alleged above, Plaintiff JUSTIN suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

WHEREFORE Plaintiff JUSTIN demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XXV
(Negligence- Justin/Barner)

150. At all times material hereto, Defendant BARNER had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

151. At all times material hereto, Defendant BARNER had a duty to apply accepted industry standards of guest relations and procedures to the Plaintiffs.

152. At all times material hereto, Defendant BARNER had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident.

153. Defendant BARNER breached his duty to Plaintiffs, and specifically Plaintiff JUSTIN, by failing to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him, by failing to apply accepted industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

154. It was foreseeable to Defendant BARNER that harm would come to Plaintiff JUSTIN as a result of its breaches of duty in that intervention by law enforcement carries with it known risks of physical injury and deprivation of rights.

155. As a direct and proximate result of the wrongful conduct of Defendant BARNER as alleged above, Plaintiff JUSTIN suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

WHEREFORE Plaintiff JUSTIN demands judgment for damages and costs of the action against Defendant BARNER.

COUNT XXVI
(Malicious Prosecution-Justin/Ritz)

156. Defendant RITZ accused Plaintiff JUSTIN of destructive and dangerous behavior which accusation was false and known to Defendant RITZ to be false.

157. Defendant RITZ falsely stated to law enforcement that Plaintiff JUSTIN had refused to leave the premises, when in truth and in fact, Plaintiff JUSTIN had never been asked to leave the premises.

158. As a direct and proximate result, Plaintiff JUSTIN was unlawfully detained and taken into custody by law enforcement.

159. As a direct and proximate result, Plaintiff JUSTIN was damaged.

WHEREFORE Plaintiff JUSTIN demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XXVII
(Malicious Prosecution-Justin/Barner)

160. Defendant BARNER accused Plaintiff JUSTIN of destructive and dangerous behavior which accusation was false and known to Defendant BARNER to be false.

161. Defendant BARNER falsely stated to law enforcement that Plaintiff JUSTIN had refused to leave the premises, when in truth and in fact, Plaintiff JUSTIN had never been asked to leave the premises.

162. As a direct and proximate result, Plaintiff JUSTIN was unlawfully detained and taken into custody by law enforcement.

163. As a direct and proximate result, Plaintiff JUSTIN was damaged.

WHEREFORE Plaintiff JUSTIN demands judgment for compensatory and punitive damages and costs of the action against Defendant BARNER.

COUNT XXVIII
(Negligence- Michelle/Ritz)

164. At all times material hereto, Defendant RITZ had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

165. At all times material hereto, Defendant RITZ had a duty to apply accepted industry standards of guest relations and procedures to the Plaintiffs.

166. At all times material hereto, Defendant RITZ had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident.

167. Defendant RITZ breached its duty to Plaintiffs, and specifically Plaintiff MICHELLE, by failing to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him, by failing to apply accepted

industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

168. It was foreseeable to Defendant RITZ that harm would come to Plaintiff MICHELLE as a result of its breaches of duty in that intervention by law enforcement carries with it known risks of physical injury and deprivation of rights.

169. As a direct and proximate result of the wrongful conduct of Defendant RITZ as alleged above, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

WHEREFORE Plaintiff MICHELLE demands judgment for damages and costs of the action against Defendant RITZ.

COUNT XXIX
(Negligence- Michelle/Barner)

170. At all times material hereto, Defendant BARNER had a duty to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him.

171. At all times material hereto, Defendant BARNER had a duty to apply accepted industry standards of guest relations and procedures to the Plaintiffs.

172. At all times material hereto, Defendant BARNER had a duty to Plaintiffs to properly and truthfully advise law enforcement of the true facts of the incident.

173. Defendant BARNER breached his duty to Plaintiffs, and specifically Plaintiff MICHELLE, by failing to advise Plaintiff JUSTIN to leave the premises before employing law enforcement to eject him, by failing to apply accepted industry standards of guest relations and procedures and by failing to properly and truthfully advise law enforcement of the true facts of the incident.

174. It was foreseeable to Defendant BARNER that harm would come to Plaintiff MICHELLE as a result of its breaches of duty in that intervention by law enforcement carries with it known risks of physical injury and deprivation of rights.

175. As a direct and proximate result of the wrongful conduct of Defendant BARNER as alleged above, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life, as well as loss of the costs and related charges of his defense of criminal charges.

WHEREFORE Plaintiff MICHELLE demands judgment for damages and costs of the action against Defendant BARNER.

COUNT XXX
(Battery-Michelle/Ritz)

176. Plaintiff MICHELLE was intentionally physically struck and/or unlawfully touched by co-conspirators of Defendant RITZ, Russell, Knott and Stanford, against her will.

177. As a direct and proximate result, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff MICHELLE demands judgment for damages and costs of the action against Defendant RITZ.

COUNT XXXI
(Battery-Michelle/Barner)

178. Plaintiff MICHELLE was physically struck and/or unlawfully touched by co-conspirators of Defendant BARNER, Russell, Knott and Stanford, against her will.

179. As a direct and proximate result, Plaintiff MICHELLE suffered bodily injury and resulting pain and suffering, mental anguish, loss of employment, and loss of capacity for the enjoyment of life and the cost of medical care. Such injuries are either permanent or continuing.

WHEREFORE Plaintiff MICHELLE demands judgment for compensatory and punitive damages and costs of the action against Defendant BARNER.

COUNT XXXII
(False Imprisonment-Michelle/Ritz)

180. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff MICHELLE was falsely imprisoned.

181. Defendant RITZ personally and actively participated in the procurement of Plaintiff MICHELLE's false imprisonment by acting in concert with co-conspirators Knott, Stanford and Russell as alleged herein.

182. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff MICHELLE had broken no laws and was not otherwise a danger to Defendants.

183. As a direct and proximate result, Plaintiff MICHELLE was damaged.

WHEREFORE Plaintiff MICHELLE demands judgment for compensatory and punitive damages and costs of the action against Defendant RITZ.

COUNT XXXIII
(False Imprisonment-Michelle/Barner)

184. By being placed in physical custody, handcuffs, a law enforcement vehicle and the county jail, Plaintiff MICHELLE was falsely imprisoned.

185. Defendant BARNER personally and actively participated in the procurement of Plaintiff MICHELLE's false imprisonment by acting in concert with co-conspirators Knott, Stanford and Russell as alleged herein.

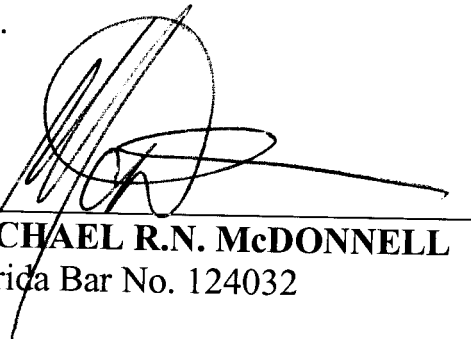
186. Such restraint was unreasonable and unwarranted under the circumstances as Plaintiff MICHELLE had broken no laws and was not otherwise a danger to Defendants.

187. As a direct and proximate result, Plaintiff MICHELLE was damaged.

WHEREFORE Plaintiff MICHELLE demands judgment for damages and costs of the action against Defendant BARNER.

PLAINTIFFS DEMAND TRIAL BY JURY.

Filed this 2nd day of June, 2005.

By: 
MICHAEL R.N. McDONNELL
Florida Bar No. 124032

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