

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
~~NORTHERN~~ DIVISION
~~Eastern~~

2015 SEP -8 A 10:15

D'ANGELO FOSTER and AMANDA
UNDERWOOD, on behalf of themselves and
those similarly situated,

Plaintiffs,

v.

CITY OF ALEXANDER CITY and WILLIE
ROBINSON, in his official and individual
capacities,

Defendants.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
Case No. **3:15-cv-647-WKW**
MIDDLE DISTRICT ALA

COMPLAINT

CLASS ACTION

JURY TRIAL DEMANDED

I. PRELIMINARY STATEMENT

1. Defendant City of Alexander City ("Alexander City") has maintained a modern-day debtors' prison through its unconstitutional policy, practice, or custom of using its police department to arrest and detain poor defendants who cannot pay fines and costs owed to the Municipal Court. Defendant Alexander City, through the authorization or acquiescence of Defendant Police Chief Willie Robinson, requires these individuals to remain in the city jail until someone comes to pay on their behalf or until they "sit out" their time at a base rate of \$20 per day.

2. Plaintiffs were arrested and jailed under these policies, practices, or customs simply because they did not have the money to secure their release. Each was given a sentence of fines and costs only on their traffic tickets and misdemeanors, and each was immediately arrested when they could not afford to pay in full that day. In taking away their liberty for days or weeks, Defendants further destabilized Plaintiffs' lives by removing them from their jobs,

their families, and their homes.

3. The actions of Defendant Alexander City and Defendant Robinson violate the Fourth, Sixth, and Fourteenth Amendments to the U.S. Constitution. They further constitute false imprisonment under Alabama law.

4. Over the past two years alone, this practice has affected over two hundred low-income people who obtained traffic tickets or misdemeanors in Alexander City. Plaintiffs bring these claims on their own behalf and on behalf of all others similarly situated who suffered under these policies or will continue to suffer if these practices are not curtailed.

5. Plaintiffs seek damages for the harms that these policies and practices have caused. They also seek injunctive and declaratory relief to prevent these practices from continuing to harm them and others in their community.

II. JURISDICTION AND VENUE

6. Plaintiffs bring claims arising under 42 U.S.C. § 1983 and the U.S. Constitution, which this Court has jurisdiction over pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3). This Court has supplemental jurisdiction over the state law cause of action asserted in this Complaint pursuant to 28 U.S.C. § 1367.

7. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to Plaintiffs' claims occurred in this District.

III. PARTIES

A. Plaintiffs

8. Plaintiff D'Angelo Foster is a resident of Alexander City, Alabama.

9. Plaintiff Amanda Underwood is a resident of Alexander City, Alabama.

B. Defendants

10. Defendant City of Alexander City ("Alexander City") is a municipal corporation located within Tallapoosa County, Alabama.

11. Defendant Willie Robinson is the Chief of Police of the Alexander City Police Department. He has held this role since July 8, 2013.

IV. STATEMENT OF FACTS

A. Background on Defendants' Policies, Practices, or Customs

12. Alexander City is located in Tallapoosa County in Central Alabama. It has a population of approximately 15,000 people. According to census data, almost 30% of the population in Alexander City lives below the poverty level.

13. Defendant Alexander City operates a municipal court and municipal jail, both of which are housed in the same building as the police station.

14. The Alexander City Municipal Court typically conducts judicial court proceedings twice per month, on Thursday afternoons. Court generally commences at 1:00 pm, and typically lasts a couple hours. Alexander City has appointed a single part-time judge, Judge Randall Stark Haynes. As required by Alabama law, the city also contracts with attorneys to serve as prosecutor and as appointed defense counsel.

15. The Alexander City Municipal Court is authorized to hear cases involving city ordinance violations, including traffic tickets and misdemeanors, which occur within the city's police jurisdiction.

16. Collections for fines and court costs are done through the clerks of Alexander City Municipal Court.

17. If a person wishes to plead guilty before court, she may do so for charges that have a pre-set fine amount through the court clerk, whose office is generally open between 8 am

and 5 pm each day. The court clerk requires immediate payment if pleading guilty.

18. If a person is assessed fines or costs in court by the judge, then the money owed is generally to be paid that same day. The money is collected in a room located adjacent to the courtroom, behind the municipal judge's bench.

19. This back room where money is collected is not accessible to the public.

20. During court proceedings, there is generally no instruction, either to the courtroom as a whole or to individual defendants, about defendants' right to counsel, and no warnings are given regarding the waiver of those rights.

21. Counsel is not appointed in every case. If a monetary penalty is the only sentence being contemplated by the Judge, or if a suspended sentence with no immediate jail term is being contemplated by the Judge, counsel is not appointed.

22. During the court proceedings, the Municipal Court Judge does not assess a person's ability to pay. On rare occasion the Judge may order the fines and costs due on a later date, but generally when a person expresses that they cannot pay, the Judge's response is to tell them to discuss this in the back room.

23. For those who plead guilty or are found guilty and are assessed a monetary penalty, the Judge tells them after sentencing to go to the back room behind the judge's bench.

24. Once in the back room, persons must pay the full amount due before court ends for the day, which typically means before 3:00 pm, unless the Judge had previously ordered that the full amount was due on a later date. Partial payments are not accepted. If they cannot pay the amount owed in full, they are instructed to sit and wait for an officer to take them to jail, which is located on the lower level of the building.

25. The Alexander City Chief of Police has implemented a policy or practice, or

consented to a custom whereby police officers arrest and detain all those who cannot pay, though there is no probable cause or arrest warrant to arrest these individuals.

26. Those who are unable to pay the fine in full are sent to jail after court ends that day, where they stay until they have either paid the court debt owed or sat in jail for a number of days that is based on the fine amount.

27. When a person is processed into the jail for their failure to pay fines and costs, an arrest report is created by the Alexander City Police Department. This arrest report typically states the reason for arrest as "Court Disposition"; typically includes a note of the amount of debt owed, such as "held from Court for \$XXX Cash," where "XXX" is the amount owed; and typically notes in the release section either that the fine was paid or that the required amount of time was served.

28. The Alexander City Police Department maintains a log of those who are processed into the jail, the reason for their jailing, and the circumstances of their release. For those who are jailed because they cannot pay their fines and costs, the log typically states that the reason for incarceration is "Court XXX," where "XXX" represents the amount owed, or "Court Disposition."

29. Individuals are credited \$20 per day in jail. Individuals who are appointed as trustees of the jail and do jobs such as laundry, repairs around the jail, cleaning offices, or washing police cars can earn another \$20 per day.

30. For over a decade and likely much longer, Alexander City has had this policy, practice, or custom of arresting individuals who cannot pay in full on the date fines and costs are assessed, and jailing them until they sit out the amount owed.

31. Over the time period relevant to this Complaint, police officers of Alexander City

implemented the policies or practices alleged in paragraph 30 pursuant to the authorization of Defendant Chief Robinson.

32. Over the time period relevant to this Complaint, Defendant Chief Robinson was aware of the customs alleged in paragraph 30 and he acquiesced to this custom.

33. Defendants Alexander City and Chief Robinson also have a longstanding policy, practice, or custom of jailing people who are unable to pay the assessed fines and costs in full, despite the Defendants' clear knowledge that the persons being incarcerated have not been provided with or validly waived their right to counsel.

B. Factual Allegations Regarding the Plaintiffs

i. Plaintiff D'Angelo Foster

34. Plaintiff D'Angelo Foster is a resident of Alexander City, where he lives with his mother, brother, and daughter. He works at a plant that manufactures car parts.

35. On July 24, 2014, Mr. Foster came to court for charges of driving under the influence, possession of drug paraphernalia, and possession of marijuana. He was found not guilty on the possession of marijuana charge, and pled guilty to the other two charges. He was sentenced to fines and costs totaling over \$1,700.

36. He did not have an attorney appointed to represent him. He was not informed of his right to be represented by an attorney or have one appointed for him, and he did not waive this right.

37. After getting his sentence, he was told to go into the back room.

38. He spoke with a Court Referral Officer, who had him fill out paperwork and told him about his required classes and appointments. He was required to take substance abuse classes and report for drug testing monthly.

39. Mr. Foster had saved for his court hearing and brought \$800 to court, thinking that this would cover his charges. He learned that partial payments were unacceptable. He remained in the back room until police officers took him and approximately ten others downstairs to the jail.

40. The police department completed an arrest report for Mr. Foster on the day he was jailed. The narrative contained in the police department's arrest report from that day states only, "Held from Court for \$1784.00 Cash," and notes a charge of "Court Disposition."

41. In the jail log, the police department noted that the reason for Mr. Foster's incarceration was "Court 1784."

42. No representative of the city told him how long Mr. Foster would be in jail when they arrested and booked him into jail. Later, he learned that he would be in jail until his fines and costs were paid off, and that he would receive a credit towards his fines and costs of \$20 per day, or \$40 per day if he became a "trustee."

43. Only a few people at a time are permitted to be trustees of the jail. Mr. Foster applied and was selected as one during his second week of jail. He was instructed to do whatever jobs officers asked him to do, including laundry, cleaning the jail facilities, and washing officer's police cars.

44. Mr. Foster was finally released on August 28, 2014, 35 days after he was initially sentenced to a fine and costs and then jailed for not being able to pay that amount.

45. In his arrest report, his release details say "Time Served per Lt. Easterwood."

46. Mr. Foster lost his job when he could not report to work during his jailing. He had been working at a company that manufactured car parts, and over the two years he worked there he received a series of promotions that increased his wages to \$10.50 per hour.

47. Mr. Foster was unable to regain his previous job, and could not find another job until he was hired through a staffing agency as a temporary worker at a different company. He ended up doing the same type of work, but for \$8.00 per hour—\$2.50 per hour less than he was previously earning for the same work before he was jailed.

48. Without a job or any way to make money, he fell behind on child support during the time he was in jail and accrued additional interest on the balance he already owed.

49. Mr. Foster was also required to pay \$395 to take four classes with the Court Referral Officer and pay \$55 for each of six monthly drug test appointment, as well as a \$10 fee each time he had to reschedule. He had his final appointment in August 2015.

iii. Plaintiff Amanda Underwood

50. Plaintiff Amanda Underwood is a resident of Alexander City. She is a mother of five children who currently live in Alexander City with her ex-husband. She works at a fast food restaurant in town.

51. On April 24, 2014, she appeared in Alexander City Municipal Court.

52. Ms. Underwood was not offered an attorney or advised of her right to have one appointed, and did not knowingly, voluntarily, or intelligently waive her right to counsel.

53. Ms. Underwood pled guilty to a traffic violation and received a sentence of a monetary penalty.

54. Ms. Underwood went to the back room and was booked into jail. Her partner and the father of her two youngest children, David Kauffman, also was booked into jail that day as he, too, was unable to pay his fines and costs. Ms. Underwood was desperate to get out because nobody was available to take care of their two young children, and it was her son's second birthday. She called her ex-husband to borrow money. They were able to borrow and pay the

total owed— \$205 for Ms. Underwood and \$455 for Mr. Kaufmann—and were released that day.

55. Because Ms. Underwood was processed into the jail, an arrest report was completed, which states that she was arrested for a charge of “Court Disposition,” notes that she was “Held from Court \$205.00 fine,” and explains that she was released for “Fines paid.”

56. Ms. Underwood appeared again in court on June 25, 2015 for a traffic ticket.

57. Ms. Underwood was not offered an attorney or advised of her right to have one appointed, and did not knowingly, voluntarily, or intelligently waive her right to counsel.

58. Ms. Underwood pled guilty to the traffic ticket, and was assessed a monetary penalty of approximately \$250.

59. She went into the back room but could not pay. She had no money to pay because she had been unable to find a job at the time. She was arrested and taken to jail.

60. The police department completed an arrest report for Ms. Underwood on the day she was jailed. The arrest report states that she was arrested with a charge of “Court Disposition,” and notes that she was being “Held from Court for \$230.00 Cash.”

61. In the jail log, the police department noted that the reason for Ms. Underwood’s incarceration was “Court Disposition.”

62. No representative of the City told her how long she would be in jail when they arrested and booked her into jail. Ms. Underwood had to ask a correctional officer to find out how long she would be in jail.

63. Because she had been in jail for nonpayment previously, she knew to request and complete a trustee application immediately so that she could earn an extra \$20 per day towards her fines. She became a trustee soon thereafter.

64. As a trustee, she washed police cars and cleaned the cells, bathrooms, and officers' break room.

65. She stayed in jail for five days, and was finally released on June 30, 2015.

66. The arrest report notes that she was released for "Time Served per Lt Easterwood," and the jail log says "T/S," which is an abbreviation for "Time Served."

67. The police department also sent a letter from Lt. James Easterwood, Jail Administrator, to the Municipal Court Clerk and Judge, saying that Ms. Underwood "[s]erved 06 days on \$230 fine from Municipal Court."

68. Ms. Underwood was recently given a ticket for driving with a suspended license when she borrowed her friend's car in order to pick up food for her friend's children. She was told to appear in court on October 1, 2015.

69. Ms. Underwood fears being jailed once again because she does not believe she will have enough money to pay for this ticket. She earns minimum wage at the restaurant chain and receives social security disability income. However, her income is minimal and insufficient to cover her current expenses, as she is facing garnishment from the New Jersey Department of Human Services (DHS), where she and her ex-husband formerly lived. Because of her limited funds, Ms. Underwood has been unable to turn the water back on in her home, and she walks two hours each way to work since she has no means of paying for a car, gas money, or even a bicycle.

V. CLASS ALLEGATIONS

70. Plaintiff Underwood seeks class certification pursuant to Fed. R. Civ. P. 23(a) and (b)(2), related to Claims One, Two, and Three, on behalf of a class referred to herein as the "Declaratory and Injunctive Relief Class." This class is defined as: All individuals who in the

future will be adjudicated by the Alexander City Municipal Court to owe fines and/or court costs, and who will be jailed on that date of adjudication by the Alexander City Police Department for their failure to pay fines or court costs.

71. Plaintiffs Underwood and Foster seek class certification pursuant to Fed. R. Civ. P. 23(a) and (b)(3) related to Claims One, Two, Three, and Four, on behalf of a class referred to herein as the “Damages Class.” This class is defined as: All individuals who, on or after September 8, 2013, were arrested and jailed for their failure to pay fines and court costs by the Alexander City Police Department.

72. Rule 23(a)(1), Numerosity: The precise size of both classes is unknown by Plaintiffs but is or will in the future be in the hundreds. Both classes are comprised of low-income individuals who were or will be incarcerated because they could not afford to pay the full fines and costs they owed. Joinder of every class member would be impracticable.

73. Rule 23(a)(2), Commonality: Plaintiffs for both classes raise claims based on questions of law and fact that are common to and typical of the putative class members.

74. Questions of fact common to the classes include:

a. Whether Alexander City has a policy, practice, or custom of arresting those who cannot pay fines and costs and converting those unpaid monetary sentences to jail time;

b. Whether Alexander City has a policy, practice, or custom of not informing individuals who will be incarcerated of their right to counsel, appointing counsel on their behalf, or obtaining a knowing, intelligent, and voluntary waiver of counsel;

c. Whether the Alexander City Police Department has a policy, practice, or custom of arresting and incarcerating individuals without probable cause when those individuals

cannot pay the money owed to the court; and

d. Whether Alexander City has a policy, practice, or custom of having debtors serve out their debts in the City jail at a rate of \$20 or \$40 per day; and

75. Questions of law common to the classes include:

a. Whether individuals are entitled to a hearing into their ability to pay before being jailed by Alexander City Police Department for nonpayment of debts;

b. Whether individuals who cannot afford to pay Alexander City are entitled to consideration of alternatives to incarceration before being jailed for non-payment of debts;

c. Whether individuals who cannot afford legal representation are entitled to the appointment of and representation by a lawyer in proceedings initiated and litigated by Alexander City that result in incarceration;

d. Whether arrests of individuals who cannot afford to pay debts owed to Alexander City Municipal Court are unlawful seizures;

e. Whether injunctive and declaratory relief is appropriate for the Declaratory and Injunctive Relief Class and, if so, what the terms of such relief should be; and

f. Whether damages are appropriate for the Damages Class and, if so, what the terms of such relief should be.

76. Rule 23(a)(3), Typicality: The claims of Plaintiffs Foster and Underwood are typical of those asserted on behalf of the proposed class. The injuries of Plaintiffs Foster and Underwood and the proposed class all arise out of the same policies and practices of Defendant Alexander City and Defendant Robinson.

77. Rule 23(a)(4), Adequacy: Plaintiffs Foster and Underwood will fairly and adequately protect the interests of the proposed classes. Plaintiffs are represented by attorneys

from the Southern Poverty Law Center, who have experience in class-action litigation involving civil rights law, as well as experience litigating policies and practices in municipal courts that are unconstitutional. Counsel has the resources, expertise, and experience to prosecute this action. Counsel knows of no conflict among members of the proposed classes.

78. Rule 23(b)(2): Each of the Defendants has acted on grounds generally applicable to the Declaratory and Injunctive Relief Class, making declaratory and injunctive relief with respect to the class as a whole appropriate and necessary. Defendants have acted pursuant to the unlawful policies and practices at issue in this case and identified in this Complaint.

79. Rule 23(b)(3): The common questions of fact and law predominate over the questions of law and fact affecting individual members, and a class action is a superior method to adjudicate these claims, making it appropriate to decide the damages claims through the class mechanism. Particularly, the factual and legal questions surrounding the general policies and practices of Alexander City apply equally to all members of the Damages Class. Furthermore, class members have little ability to pursue these claims individually, and it would be in the interest of judicial economy to adjudicate the constitutionality of Alexander City's policies and practices in one proceeding.

VI. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Fourteenth Amendment to the U.S. Constitution

All Named Plaintiffs and Damages Class vs. All Defendants in All Capacities; and Plaintiff Underwood and Declaratory and Injunctive Relief Class vs. Defendant City of Alexander City and Chief Robinson in his official capacity only

80. Plaintiffs re-allege and incorporate by reference each and every allegation contained in Paragraphs 1 to 79 as if fully set forth herein.

81. Plaintiffs Foster and Underwood, and those similarly situated, have been jailed because of their inability to pay the fines and costs in full on the day they received their monetary sentence.

82. The Fourteenth Amendment due process and equal protection clauses prohibit automatically converting a fine-only sentence to a sentence of imprisonment if that person is unable to pay.

83. Defendant Alexander City has a policy, practice, or custom, enforced through the authorization or acquiescence of Defendant Chief Robinson, of jailing those who are sent to the back room with orders to pay fines and costs and who do not pay the amount ordered in full.

84. Defendants Alexander City and Chief Robinson were acting and will be acting under color of law when their actions caused Plaintiffs' confinement.

85. Plaintiff Underwood, and those similarly situated, will be subject to confinement and imminent injury in the future if Defendants' policies, practices, and customs are not enjoined.

86. Plaintiffs Foster and Underwood, on behalf of themselves and the Damages Class, seek an award of damages for their injuries from Defendant City of Alexander City and Defendant Chief Robinson in his individual and official capacities.

87. Plaintiff Underwood, on behalf of herself and the Declaratory and Injunctive Relief Class, seeks a declaration and injunction to prevent future injury against Defendant City of Alexander City and Defendant Chief Robinson in his official capacity.

88. Plaintiffs bring this claim pursuant to 42 U.S.C. § 1983 for actions taken by Defendants under color of law.

SECOND CLAIM FOR RELIEF

Fourth Amendment to the U.S. Constitution

All Named Plaintiffs and Damages Class vs. All Defendants in All Capacities; and Plaintiff Underwood and Declaratory and Injunctive Relief Class vs. Defendant City of Alexander City and Chief Robinson in his official capacity only

89. Plaintiffs re-allege and incorporate by reference each and every allegation contained in paragraphs 1 to 79 as if fully set forth herein.

90. Defendant Alexander City has a policy, practice, or custom enforced through the authorization or acquiescence of Defendant Chief Robinson, of arresting and detaining individuals who are unable to pay court fines and costs in full on the day they receive their sentence.

91. These arrests are conducted without a warrant or probable cause.

92. The Fourth Amendment prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

93. The warrantless arrests and subsequent detention of Plaintiffs by Defendants constituted an unlawful search and seizure in violation of the Fourth Amendment to the U.S. Constitution.

94. Defendants Alexander City and Chief Robinson were acting and will be acting under color of law when their actions caused plaintiffs' arrests and detention.

95. Plaintiff Underwood, and those similarly situated, will be subject to warrantless arrests, confinement, and imminent injury in the future if Defendant's policies, practices, and customs are not enjoined.

96. Plaintiffs Foster and Underwood, on behalf of themselves and the Damages Class, seek an award of damages for their injuries from Defendant City of Alexander City and Defendant Chief Robinson in his individual and official capacities.

97. Plaintiff Underwood, on behalf of herself and the Declaratory and Injunctive Relief Class, seeks a declaration and injunction to prevent future injury against Defendant City of Alexander City and Defendant Chief Robinson in his official capacity.

98. Plaintiffs bring this claim pursuant to 42 U.S.C. § 1983 for actions taken by Defendants under color of law.

THIRD CLAIM FOR RELIEF

Sixth Amendment to U.S. Constitution

*All Named Plaintiffs and Damages Class vs. Defendant City of Alexander City; and
Plaintiff Underwood and Declaratory and Injunctive Relief Class vs. Defendant City of
Alexander City*

99. Plaintiffs re-allege and incorporate by reference each and every allegation contained in Paragraphs 1 to 79 as if fully set forth herein.

100. Plaintiffs were each jailed because of fines and costs owed to Defendant Alexander City that they were unable to pay in full on the date the fines and costs were assessed.

101. Defendant Alexander City calculated Plaintiffs' jail time using a formula based on the amount of money that they owed in fines and costs.

102. Plaintiffs were not represented by counsel when the fines and costs were assessed.

103. Defendant Alexander City violated Plaintiffs' rights under the Sixth Amendment to the U.S. Constitution by jailing Plaintiffs without informing Plaintiffs of their right to counsel, appointing counsel on their behalf, or obtaining a knowing, intelligent, and voluntary waiver of counsel.

104. Plaintiff Underwood, and those similarly situated, will be subject to future imprisonment without the benefit of counsel if Defendant's practices are not enjoined.

105. Plaintiffs Foster and Underwood, on behalf of themselves and the Damages Class, seek an award of damages for their injuries from Defendant City of Alexander City.

106. Plaintiff Underwood, on behalf of herself and the Declaratory and Injunctive Relief Class, seeks a declaration and injunction to prevent future injury against Defendant City of Alexander City.

107. Plaintiffs bring this claim pursuant to 42 U.S.C. § 1983 for actions taken by Defendants under color of law.

FOURTH CLAIM FOR RELIEF

Tort of False Imprisonment

All Named Plaintiffs and Damages Class vs. All Defendants in All Capacities

108. Plaintiffs re-allege and incorporate by reference each and every allegation contained in paragraphs 1 to 79 as if fully set forth herein.

109. Plaintiffs were arrested for being too poor to pay court costs and fines in full on the day they received their sentence.

110. Plaintiffs were arrested by law enforcement officers employed by Defendant Alexander City.

111. Plaintiffs' arrests were conducted without a warrant or probable cause in violation of Alabama law.

112. Defendant Alexander City's employees, acting within the scope of their employment as Alexander City police officers, caused Plaintiffs to be detained, restrained, and imprisoned due to the neglect, carelessness, or unskillfulness of these police officers.

113. Defendant Chief Robinson caused Plaintiffs to be detained, restrained, and imprisoned through his orders to subordinate police officers.

114. Plaintiffs Foster and Underwood, on behalf of themselves and the Damages Class, seek an award of damages for their injuries from Defendant City of Alexander City and Defendant Chief Robinson in his individual capacity.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court grant the following relief:

- a. Assume jurisdiction over this action;
- b. Certify two classes under Rules 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure, represented by Plaintiff Underwood related to the declaratory and injunctive relief requested in Claims One through Three, and represented by Plaintiffs Foster and Underwood related to the request for damages in Claims One through Four;
- c. Grant declaratory and injunctive relief against Defendant City of Alexander City and Defendant Chief Robinson in his official capacity;
- d. Award compensatory damages against all Defendants;
- e. Award punitive damages against Defendant Chief Robinson in his individual capacity;
- f. Award Plaintiffs costs, including attorneys' fees, as the prevailing party; and
- g. Order such other relief as the Court deems just and appropriate.

JURY TRIAL IS DEMANDED ON DAMAGES FOR CLAIMS ONE THROUGH FOUR.

DATED this 8th day of September, 2015

Respectfully submitted,



Samuel Brooke (ASB-1172-L60B)
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that arrangements have been made to, on this date, deliver a true and correct copy of the foregoing by hand delivery to the following parties, at the below addresses:

Harriet Scott
City of Alexander City Clerk
4 Court Square
Alexander City, AL 35011


Chief Willie Robinson
Alexander City Police Department
1 Court Square
Alexander City, AL 35010

Formal proof of service will be filed with the Court when completed.

I further certify that arrangements have been made to, on this date, deliver a true and correct courtesy copy of the foregoing by electronic mail to the City Attorney for Alexander City at the below address:

Larkin Radney
BARNES & RADNEY, P.C.
P.O. Drawer 877
Alexander City, AL 35011-0877
lradney@barnesandradney.com

I so certify this 8th day of September, 2015.



Samuel Brooke