

3. On and before July 12, 2014, and at all relevant times, Defendants OFFICER BORDELON, OFFICER OWEN, OFFICER HAYES, OFFICER TONG, and other UNKNOWN OFFICERS (together as "DEFENDANT OFFICERS") were Shreveport Police Officers employed by the Defendant CITY OF SHREVEPORT Police Department.

4. On and before July 12, 2014, and at all relevant times, when DEFENDANT OFFICERS were engaging in the complained of conduct, they were acting under color of law and in the course of their employment as Shreveport Police Officers.

5. At all times relevant, DESMOND LEWIS was a citizen of the United States and a resident of Houston, Harris County, Texas.

JURISDICTION AND VENUE

6. This is an action brought pursuant to pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1988, the Fourth and Fourteenth Amendments to the United States Constitution, and the laws of the State of Louisiana against Defendants, CITY OF SHREVEPORT, OFFICER BORDELON, OFFICER OWEN, OFFICER HAYES, OFFICER TONG, and DOES 1-100 after Plaintiff, DESMOND LEWIS, was unreasonably detained, assaulted, battered, and arrested on July 12, 2014, in the City of Shreveport, County of Caddo, State of Louisiana.

7. This Court has original jurisdiction over Plaintiff's § 1983 claims pursuant to 28 U.S.C. §§ 1343(a)(3) and 1331.

8. This Court has supplemental jurisdiction over the state claims under 28 U.S.C. § 1367 because said claims are so related to Plaintiff's § 1983 claims, which are within this Court's original jurisdiction, since they arise out of the same case or controversy under Article III of the United States Constitution.

9. Venue is proper herein under 28 U.S.C. § 1391(b) since the defendants reside, or, at the time the events took place, formerly resided in this judicial district, and the events giving rise to the claims asserted herein occurred here as well.

10. All conditions precedent to the filing of this action have either been performed or waived.

FACTUAL ALLEGATIONS

11. On or about July 12, 2014, at approximately 6:15 p.m., DESMOND LEWIS, exited Walgreen's Pharmacy located at 6101 W. 70th St, Shreveport, LA 71129, after picking up medication to treat his diagnosed mental condition. Plaintiff then began returning to a relative's residence on foot.

12. At the same time and in same vicinity that DESMOND LEWIS was walking, DEFENDANT OFFICERS were searching for a known burglary suspect who was not DESMOND LEWIS.

13. On July 12, 2014, OFFICERS BORDELON and OWEN, in their patrol vehicle, observed DESMOND LEWIS, an African-American male, and demanded he approach the vehicle.

14. At this time, DESMOND LEWIS, out of fear ran in a direction opposite the Defendants, OFFICERS BORDELON and OWEN.

15. OFFICERS BORDELON, OWEN and HAYES then proceeded to chase DESMOND LEWIS without cause.

16. OFFICER HAYES forcefully took down DESMOND LEWIS with a "straight arm bar" tactic and DEFENDANT OFFICERS restrained and handcuffed DESMOND LEWIS.

17. Upon restraining DEMOND LEWIS, DEFENDANT OFFICERS made statements that DESMOND LEWIS was not the suspect for whom they were searching.

18. Upon DEFENDANT OFFICERS restraining DEMOND LEWIS and making statements that they were aware that DESMOND LEWIS was not the suspect for whom they were searching, DEFENDANT OFFICERS made statements that they would have to arrest DESMOND LEWIS for some offense since they had used force in apprehending and restraining him.

19. DEFENDANT OFFICERS then forced DESMOND LEWIS into OFFICER TONG's patrol vehicle by shoveling DESMOND LEWIS face-first into the exterior of the vehicle.

20. Without provocation, OFFICER BORDELON then punched DESMOND LEWIS, who was restrained and unable to defend himself, several times in his face.

21. Without provocation, OFFICER BORDELON then struck DESMOND LEWIS, who was handcuffed, face-down and unable to defend himself in the rear seat of the patrol vehicle, with multiple blows of a nightstick across his legs.

22. Without provocation, DEFENDANT OFFICERS sodomized DESMOND LEWIS by forcing a nightstick into his rectum.

23. As a result of the conduct of DEFENDANT OFFICERS on July 12, 2014, DESMOND LEWIS required immediate care by paramedics of the Shreveport Fire Department.

24. As a result of the conduct of DEFENDANT OFFICERS on July 12, 2014, DESMOND LEWIS bled profusely through his shorts and paramedics of the Shreveport Fire Department recommended that DESMOND LEWIS be immediately transported by ambulance to Louisiana State University hospital for required treatment.

25. DEFENDANT OFFICERS also falsely charged DESMOND LEWIS with resisting arrest and battery of a police officer.

26. Charges against DESMOND LEWIS for resisting arrest and battery of a police officer were subsequently dismissed.

27. DESMOND LEWIS spent approximately forty (40) days in jail until he was released.

COUNT I – VIOLATION OF 42 U.S.C. §1983—False Arrest
Desmond Lewis v. Defendant Officer Bordelon

28. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

29. This is an action for damages against OFFICER BORDELON for the deprivation of DESMOND LEWIS's Fourth, and Fourteenth Amendment rights in violation of 42 USC § 1983.

30. At all times relevant hereto, OFFICER BORDELON was acting under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

31. OFFICER BORDELON, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable and unlawful seizures of his person.

32. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER BORDELON, as set forth above, DESMOND

LEWIS suffered injuries, including being falsely arrested, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

33. As a result of DESMOND LEWIS's injuries, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

34. Plaintiff is also seeking punitive damages against OFFICER BORDELON because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER BORDELON, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT II – VIOLATION OF 42 U.S.C. §1983—False Arrest
Desmond Lewis v. Defendant Officer Owen

35. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

36. This is an action for damages against OFFICER OWEN for the deprivation of DESMOND LEWIS's Fourth and Fourteenth Amendment rights in violation of 42 USC § 1983.

37. At all times relevant hereto, OFFICER OWEN was acting under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

38. OFFICER OWEN, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable and unlawful seizures of his person.

39. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER OWEN, as set forth above, DESMOND LEWIS suffered injuries, including being falsely arrested, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

40. As a result of DESMOND LEWIS's injuries, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

41. Plaintiff is also seeking punitive damages against OFFICER OWEN because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER OWEN, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT III – VIOLATION OF 42 U.S.C. §1983—False Arrest
Desmond Lewis v. Defendant Officer Hayes

42. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

43. This is an action for damages against OFFICER HAYES for the deprivation of DESMOND LEWIS's Fourth and Fourteenth Amendment rights in violation of 42 USC § 1983.

44. At all times relevant hereto, OFFICER HAYES was acting under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

45. OFFICER HAYES, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable and unlawful seizures of his person.

46. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth, and Fourteenth Amendments, and the misconduct of OFFICER HAYES, as set forth above, DESMOND LEWIS suffered injuries, including being falsely arrested, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

47. As a result of DESMOND LEWIS's injuries, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

48. Plaintiff is also seeking punitive damages against OFFICER HAYES because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional

conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER HAYES, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT IV – VIOLATION OF 42 U.S.C. §1983—False Arrest
Desmond Lewis v. Defendant Officer Tong

49. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

50. This is an action for damages against OFFICER TONG for the deprivation of DESMOND LEWIS's Fourth and Fourteenth Amendment rights in violation of 42 USC § 1983.

51. At all times relevant hereto, OFFICER TONG was acting under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

52. OFFICER TONG, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable and unlawful seizures of his person.

53. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER TONG, as set forth above, DESMOND LEWIS

suffered injuries, including being falsely arrested, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

54. As a result of DESMOND LEWIS's injuries, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

55. Plaintiff is also seeking punitive damages against OFFICER TONG because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER TONG, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT V – VIOLATION OF 42 U.S.C. §1983—Excessive Force
Desmond Lewis v. Defendant Officer Bordelon

56. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

57. At all times relevant hereto, OFFICER BORDELON was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

58. The aforementioned conduct of OFFICER BORDELON constituted excessive force in violation of the Fourth and Fourteenth Amendments of the Constitution of the United

States, including Plaintiff's right to be free from the use of unreasonable seizures of Plaintiff's person.

59. The aforementioned conduct of OFFICER BORDELON was objectively unreasonable.

60. The aforementioned acts of OFFICER BORDELON were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

61. As a result of OFFICER BORDELON's unjustified and excessive use of force, OFFICER BORDELON, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable seizures and excessive force against his person.

62. As a result of OFFICER BORDELON's unjustified and excessive use of force, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

63. As a result of OFFICER BORDELON's unjustified and excessive use of force, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

64. Plaintiff is also seeking punitive damages against OFFICER BORDELON because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER BORDELON, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT VI – VIOLATION OF 42 U.S.C. §1983—Excessive Force
Desmond Lewis v. Defendant Officer Owen

65. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

66. At all times relevant hereto, OFFICER OWEN was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

67. The aforementioned conduct of OFFICER OWEN constituted excessive force in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, including Plaintiff's right to be free from the use of unreasonable seizures of Plaintiff's person.

68. The aforementioned conduct of OFFICER OWEN was objectively unreasonable.

69. The aforementioned acts of OFFICER OWEN were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

70. As a result of OFFICER OWEN's unjustified and excessive use of force, OFFICER OWEN, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the

Constitution of the United States, including the right to be free from unreasonable seizures and excessive force against his person.

71. As a result of OFFICER OWEN's unjustified and excessive use of force, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

72. As a result of OFFICER OWEN's unjustified and excessive use of force, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

73. Plaintiff is also seeking punitive damages against OFFICER OWEN because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER OWEN, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT VII – VIOLATION OF 42 U.S.C. §1983—Excessive Force
Desmond Lewis v. Defendant Officer Hayes

74. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

75. At all times relevant hereto, OFFICER HAYES was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

76. The aforementioned conduct of OFFICER HAYES constituted excessive force in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, including Plaintiff's right to be free from the use of unreasonable seizures of Plaintiff's person.

77. The aforementioned conduct of OFFICER HAYES was objectively unreasonable.

78. The aforementioned acts of OFFICER HAYES were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

79. As a result of OFFICER HAYES's unjustified and excessive use of force, OFFICER HAYES, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, including the right to be free from unreasonable seizures and excessive force against his person.

80. As a result of OFFICER HAYES's unjustified and excessive use of force, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

81. As a result of OFFICER HAYES's unjustified and excessive use of force, Plaintiff is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

82. Plaintiff is also seeking punitive damages against OFFICER HAYES because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER HAYES, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT VIII – VIOLATION OF 42 U.S.C. §1983—Failure to Intervene
Desmond Lewis v. Defendant Officer Bordelon

83. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein. At all times material hereto, OFFICER BORDELON was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

84. The aforementioned conduct of DEFENDANT OFFICERS constituted excessive force in violation of the United States Constitution.

85. The aforementioned conduct of DEFENDANT OFFICERS was objectively unreasonable.

86. The aforementioned acts of DEFENDANT OFFICERS were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

87. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER BORDELON had knowledge that the aforementioned conduct of DEFENDANT OFFICERS constituted unreasonably excessive force under the United States Constitution.

88. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER BORDELON had knowledge that DESMOND LEWIS's constitutional rights were being violated.

89. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER BORDELON had a realistic opportunity to intervene and prevent deprivation of DESMOND LEWIS's constitutional rights.

90. As a result of OFFICER BORDELON's failure to intervene, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

91. OFFICER BORDELON, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, by failing to intervene when OFFICER BORDELON knew that DEFENDANT OFFICERS were conducting an unreasonable seizure and using excessive force against Plaintiff's person.

92. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER BORDELON, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

93. As a result of DEFENDANT OFFICERS' unjustified and excessive use of force and OFFICER BORDELON's failure to intervene, DESMOND LEWIS suffered injuries and is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

94. Plaintiff is also seeking punitive damages against OFFICER BORDELON because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER BORDELON, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT IX – VIOLATION OF 42 U.S.C. §1983—Failure to Intervene
Desmond Lewis v. Defendant Officer Owen

95. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

96. At all times material hereto, OFFICER OWEN was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

97. The aforementioned conduct of DEFENDANT OFFICERS constituted excessive force in violation of the United States Constitution.

98. The aforementioned conduct of DEFENDANT OFFICERS was objectively unreasonable.

99. The aforementioned acts of DEFENDANT OFFICERS were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

100. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER OWEN had knowledge that the aforementioned conduct of DEFENDANT OFFICERS constituted unreasonably excessive force under the United States Constitution.

101. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER OWEN had knowledge that DESMOND LEWIS's constitutional rights were being violated.

102. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER OWEN had a realistic opportunity to intervene and prevent deprivation of DESMOND LEWIS's constitutional rights.

103. As a result of OFFICER OWEN's failure to intervene, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

104. OFFICER OWEN, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, by failing to intervene when OFFICER OWEN knew that DEFENDANT OFFICERS were conducting an unreasonable seizure and using excessive force against Plaintiff's person.

105. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth

Amendments, and the misconduct of OFFICER OWEN, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

106. As a result of DEFENDANT OFFICERS' unjustified and excessive use of force and OFFICER OWEN's failure to intervene, DESMOND LEWIS suffered injuries and is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

107. Plaintiff is also seeking punitive damages against OFFICER OWEN because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER OWEN, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT X – VIOLATION OF 42 U.S.C. §1983—Failure to Intervene
Desmond Lewis v. Defendant Officer Hayes

108. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

109. At all times material hereto, OFFICER HAYES was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

110. The aforementioned conduct of DEFENDANT OFFICERS constituted excessive force in violation of the United States Constitution.

111. The aforementioned conduct of DEFENDANT OFFICERS was objectively unreasonable.

112. The aforementioned acts of DEFENDANT OFFICERS were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

113. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER HAYES had knowledge that the aforementioned conduct of DEFENDANT OFFICERS constituted unreasonably excessive force under the United States Constitution.

114. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER HAYES had knowledge that DESMOND LEWIS's constitutional rights were being violated.

115. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER HAYES had a realistic opportunity to intervene and prevent deprivation of DESMOND LEWIS's constitutional rights.

116. As a result of OFFICER HAYES's failure to intervene, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

117. OFFICER HAYES, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth

Amendments of the Constitution of the United States, by failing to intervene when OFFICER HAYES knew that DEFENDANT OFFICERS were conducting an unreasonable seizure and using excessive force against Plaintiff's person.

118. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER HAYES, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

119. As a result of DEFENDANT OFFICERS' unjustified and excessive use of force and OFFICER HAYES's failure to intervene, DESMOND LEWIS suffered injuries and is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

120. Plaintiff is also seeking punitive damages against OFFICER HAYES because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER HAYES, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT XI – VIOLATION OF 42 U.S.C. §1983—Failure to Intervene

Desmond Lewis v. Defendant Officer Tong

121. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

122. At all times material hereto, OFFICER TONG was acting within the scope of his employment, under the color of state law and pursuant to the policy, custom and/or usage of the City of Shreveport Police Department.

123. The aforementioned conduct of DEFENDANT OFFICERS constituted excessive force in violation of the United States Constitution.

124. The aforementioned conduct of DEFENDANT OFFICERS was objectively unreasonable.

125. The aforementioned acts of DEFENDANT OFFICERS were undertaken intentionally, willfully, with malice, and with reckless indifference to DESMOND LEWIS's constitutional rights.

126. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER TONG had knowledge that the aforementioned conduct of DEFENDANT OFFICERS constituted unreasonably excessive force under the United States Constitution.

127. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER TONG had knowledge that DESMOND LEWIS's constitutional rights were being violated.

128. Throughout the July 12, 2014 encounter with DESMOND LEWIS, OFFICER TONG had a realistic opportunity to intervene and prevent deprivation of DESMOND LEWIS's constitutional rights.

129. As a result of OFFICER TONG's failure to intervene, DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

130. OFFICER TONG, through the actions described above, deprived DESMOND LEWIS of his rights, privileges and immunities secured by the Fourth and Fourteenth Amendments of the Constitution of the United States, by failing to intervene when OFFICER TONG knew that DEFENDANT OFFICERS were conducting an unreasonable seizure and using excessive force against Plaintiff's person.

131. As a direct and proximate foreseeable result of the violations of Plaintiff's constitutional rights, including the rights guaranteed to Plaintiff by the Fourth and Fourteenth Amendments, and the misconduct of OFFICER TONG, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

132. As a result of DEFENDANT OFFICERS' unjustified and excessive use of force and OFFICER TONG's failure to intervene, DESMOND LEWIS suffered injuries and is entitled to recover all damages allowable for violation of 42 USC § 1983 including compensatory damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

133. Plaintiff is also seeking punitive damages against OFFICER TONG because the conduct set forth above constitutes deliberate indifference, willful conduct, and intentional conduct towards the public in general and specifically DESMOND LEWIS, and this conduct caused substantial physical and emotional injuries.

WHEREFORE, Plaintiff DESMOND LEWIS demands judgment for damages against the Defendant, OFFICER TONG, whose constitutional violations, civil rights violations, misconduct, and acts and omissions as set forth herein caused Plaintiff's injuries, and for all damages allowed by law including compensatory damages, punitive damages, costs and attorney's fees, and Plaintiff further demands trial by jury on all issues so triable.

COUNT XII – VIOLATION OF 42 U.S.C. §1983—Policy & Custom
Desmond Lewis v. City of Shreveport

134. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

135. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF SHREVEPORT's Police Department, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, were acting under the color of state law.

136. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF SHREVEPORT's Police Department, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, were acting pursuant to an expressly adopted official policy or a longstanding practice or custom of the Defendant CITY OF SHREVEPORT Police Department.

137. Upon information and belief, Defendant CITY OF SHREVEPORT Police Department, including its agents, employees, and/or officers, together with other City of SHREVEPORT policymakers and supervisors maintained, *inter alia*, the following unconstitutional customs, practices, and/or policies:

- a. Using excessive force;
- b. Providing inadequate training regarding how to detain suspects and the proper amount of force appropriate;

c. Providing inadequate training regarding how to intervene to stop other officers from using excessive force in detaining suspects;

d. Providing inadequate training regarding how to detain mentally ill persons (MIPs) and the proper amount of force appropriate in detaining MIPs;

e. Employing and retaining as police officers individuals, such as Defendants , including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, who the Defendant CITY OF SHREVEPORT knew or reasonably should have known had dangerous propensities for abusing authority and for using excessive force on suspects and other citizens;

f. Inadequately supervising, training, controlling, assigning, and disciplining CITY OF SHREVEPORT police officers and other personnel, including Defendants , including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, who Defendant CITY OF SHREVEPORT knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits; and/or

g. Maintaining a policy of inaction and an attitude of indifference towards increasing numbers of excessive use of police force, including by failing to discipline, retrain, investigate, terminate, and recommend officers for criminal prosecution who participate in excessive use of police force.

138. CITY OF SHREVEPORT Police Department had actual and/or constructive knowledge of the deficient policies, practices and customs alleged above. Despite having knowledge of the above, the Defendant condoned, tolerated and through its own actions or inactions thereby ratified such policies. Such Defendant also acted with deliberate indifference to the foreseeable effects and consequences of these policies with respect to the constitutional rights of Plaintiff DESMOND LEWIS.

139. As a direct and proximate result of the Constitutional violations caused by the employees, agents and/or officers of the Defendant CITY OF SHREVEPORT Police Department, and other policymakers, Plaintiff DESMOND LEWIS suffered violations of his Constitutional rights guaranteed to him by the Fourth, Fifth, Fourteenth, and Eighth Amendments, as well as other provisions, of the United States Constitution, and suffered severe physical and emotional injuries.

140. Moreover, as a result of Defendant Officers including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and the Defendant CITY OF SHREVEPORT Police Department, Plaintiff DESMOND LEWIS suffered injuries and is entitled to recover all damages allowable for constitutional violations such as 42 USC § 1983, including compensatory damages, special damages, economic damages, all costs incurred in prosecuting this action, and attorney's fees pursuant to 42 USC § 1988.

WHEREFORE, Plaintiff DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees pursuant to 42 USC § 1988, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XIII – LOUISIANA STATE LAW CLAIM—Excessive Force
Desmond Lewis v. Defendant Officers

141. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

142. This is an action for damages against DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, for the assault, battery and excessive force used against Plaintiff DESMOND LEWIS.

143. At all times material hereto, DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, were acting under the color of state law and within the scope of their employment with the City of Shreveport Police Department.

144. At all relevant times, DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, owed Plaintiff DESMOND LEWIS a duty to exercise reasonable care for the Plaintiff's safety and to avoid unnecessarily harming him.

145. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton DESMOND LEWIS, as outlined more fully above, despite their knowledge that Plaintiff was an not the suspect for whom they were searching.

146. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, even after Plaintiff was firmly restrained.

147. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, even after Plaintiff was handcuffed.

148. As a direct and proximate result of the negligent and intentional misconduct of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, described above, including the use of excessive force, Plaintiff DESMOND LEWIS suffered substantial injuries.

149. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100's misconduct was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

150. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, economic loss, loss or hindrance of personal goals, and the loss of quality of life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic damages, special damages, punitive damages, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XIV – LOUISIANA STATE LAW CLAIM—Excessive Force
Desmond Lewis v. City of Shreveport

151. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

152. This is an action for damages against Defendant CITY OF SHREVEPORT for the excessive force, assaults, and batteries committed by DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, against Plaintiff DESMOND LEWIS.

153. At all times relevant hereto, the employees of Defendant CITY OF SHREVEPORT, including the DEFENDANT OFFICERS, including OFFICERS BORDELON,

OWEN, HAYES, TONG, and DOES 1-100, were acting under the color of state law and within the scope of their employment with the City of SHREVEPORT Police Department.

154. At all times relevant, it was the duty of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, individually and as officers, agents and/or employees of the CITY OF SHREVEPORT Police Department, to refrain from using unreasonable excessive force against others, including DESMOND LEWIS.

155. Defendant Officers DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, despite their knowledge that Plaintiff was not the suspect for whom they were searching.

156. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, even after Plaintiff was firmly restrained, held down by DEFENDANT OFFICER, and handcuffed.

157. The CITY OF SHREVEPORT is vicariously liable for the negligent and intentional misconduct of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, its employees, agents, and police officers.

158. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees,

economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XV – LOUISIANA STATE LAW CLAIM—
Negligent Hiring, Training and/or Supervision
Desmond Lewis v. The City of Shreveport

159. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

160. This is an action for damages against Defendant CITY OF SHREVEPORT for the excessive force and batteries committed by DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, against Plaintiff DESMOND LEWIS.

161. At all times relevant hereto, the employees of Defendant CITY OF SHREVEPORT, including the DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, were acting under the color of state law and within the scope of their employment with the City of SHREVEPORT Police Department.

162. At all times relevant, it was the duty of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, individually and as officers, agents and/or employees of the CITY OF SHREVEPORT Police Department, to refrain from using unreasonable excessive force against others, including DESMOND LEWIS.

163. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, despite their knowledge that Plaintiff for whom they were searching.

164. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, even after Plaintiff was firmly restrained and held down by DEFENDANT OFFICERS.

165. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, breached that duty by punching, hitting, and striking with a baton Plaintiff DESMOND LEWIS, as outlined more fully above, even after Plaintiff was handcuffed.

166. Prior to the aforementioned misconduct against Plaintiff DESMOND LEWIS, the CITY OF SHREVEPORT had a duty to use reasonable care to properly screen, train, hire, supervise and control its agents, employees, and police officers, including DEFENDANT OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100,.

167. Notwithstanding said duty, the CITY of SHREVEPORT breached its duty by committing one or more of the following acts or omissions:

- a. Failed to properly train its police officers in the use of reasonable force;
- b. Failed to properly train its police officers in how to encounter and manage a situation involving a mentally ill person (MIP);
- c. Failed to properly train its police officers in the use of reasonable force in an encounter with a MIP;
- d. Provided inadequate training regarding how to detain suspects and the proper amount of force appropriate;
- e. Provided inadequate training regarding how to intervene to stop other officers from using excessive force in detaining suspects;

f. Provided inadequate training regarding how to detain mentally ill persons (MIPs) and the proper amount of force appropriate in detaining MIPs;

g. Employed and retained as police officers individuals, such as Defendant Officers, who the Defendant City of SHREVEPORT knew or reasonably should have known had dangerous propensities for abusing authority and for using excessive force on suspects and other citizens;

h. Inadequately supervised, trained, controlled, assigned, and/or disciplined City of SHREVEPORT police officers and other personnel, including Defendant Officers, who Defendant City of SHREVEPORT knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;

i. Failed to supervise its police officers in their use of force against citizens;

j. Failed to supervise its police officers in their use of force against MIPs;

k. Failed to properly pre-screen candidates for employment with the City of SHREVEPORT Police Department;

l. Failed to discover that Defendant Officers were unfit to remain in a law enforcement position within the City of SHREVEPORT Police Department; and/or

m. Retained Defendant Officers in a law enforcement position within the City of SHREVEPORT Police Department despite the knowledge that said officers were unfit for such a position.

168. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XVI – LOUISIANA STATE LAW CLAIM—Assault
Desmond Lewis v. Defendant Officers and the City of Shreveport

169. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

170. On or about July 12, 2014, DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and Defendant CITY OF SHREVEPORT by and through their agents, servants, and employees, perpetrated an assault upon the person, mind, and body of Plaintiff.

171. In the time period immediately before perpetrating a physical battery upon PLAINTIFF DESMOND LEWIS by and through their words, actions, hand and body movements intentionally, deliberately, maliciously, and willfully acted aggressively putting him in apprehension of a future battery.

172. These actions created a well-founded fear in PLAINTIFF DESMOND LEWIS that violence, as well as impermissible and harmful contact, was imminent and that these individuals were coupled with an apparent ability to commit violence against him.

173. At no time did PLAINTIFF DESMOND LEWIS give any person at or near the moment of these events any consent, permission, or authority to assault him verbally, or through actions or conduct.

174. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XVII – LOUISIANA STATE LAW CLAIM—Battery
Desmond Lewis v. Defendant Officers and the City of Shreveport

175. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

176. On or about July 12, 2014, DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, individually and together, and jointly and severally, and by and through their agents, servants, and employees, intentionally, deliberately, maliciously, and willfully battered and perpetrated a battery upon the person and body of PLAINTIFF DESMOND LEWIS.

177. At no time did PLAINTIFF DESMOND LEWIS give DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, or anyone, permission, consent, or authority to touch him in any manner whatsoever, let alone to batter him or attack him.

178. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including

physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees pursuant to as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XVIII – LOUISIANA STATE LAW CLAIM— False Imprisonment
Desmond Lewis v. Defendant Officers and the City of Shreveport

179. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

180. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, individually and together, and jointly and severally, and by and through their agents, servants, and employees, unlawfully restrained/imprisoned PLAINTIFF DESMOND LEWIS as to his personal liberty, and freedom of locomotion.

181. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, through their agents, servants, and employees physically, aggressively, and unlawfully surrounded the PLAINTIFF DESMOND LEWIS, and violently took hold of him, rendering him immobile at their hands.

182. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, through their agents, servants, employees, maliciously, willfully, deliberately, wantonly, intentionally,

violently, negligently, carelessly, and/or recklessly restrained PLAINTIFF DESMOND LEWIS, and restricted his movements, by violence, brute force, weapons and the use of mechanical restraints including handcuffs.

183. The overpowering violence and physical force caused PLAINTIFF DESMOND LEWIS to succumb to their control, and he was helpless under their brutality.

184. PLAINTIFF DESMOND LEWIS falsely imprisoned, without any justification, and against his will.

185. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, by and through their agents, servants, employees acted without having any reasonable grounds to believe that PLAINTIFF DESMOND LEWIS had committed a criminal offense, or that it was otherwise legally and morally necessary to restrain him, or imprison him.

186. At no time did PLAINTIFF DESMOND LEWIS give permission, consent, or authority to be restrained or imprisoned or confined by anyone and lacked sufficient and probable cause.

187. PLAINTIFF DESMOND LEWIS's imprisonment(s) and confinement(s) were by physical force and physical barrier, and his confinement was complete.

188. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees,

economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XIX – LOUISIANA STATE LAW CLAIM—False Arrest
Desmond Lewis v. Defendant Officers and the City of Shreveport

189. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

190. At all relevant times, PLAINTIFF DESMOND LEWIS was arrested and/or detained against his will without proper legal authority, legal justification, or probable cause.

191. The actions and omissions of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT maliciously, willfully, deliberately, wantonly, intentionally, violently, negligently, carelessly, and/or recklessly resulted in the false arrest of the PLAINTIFF DESMOND LEWIS.

192. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

COUNT XX – LOUISIANA STATE LAW CLAIM—Malicious Prosecution
Desmond Lewis v. Defendant Officers and the City of Shreveport

193. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

194. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, as well as their agents, servants, and employees to which they are vicariously liable, caused PLAINTIFF DESMOND LEWIS to be charged with crimes he did not commit and not suited for the offense(s) charged with the intent to cause harm to Plaintiff and coerce him into a plea of guilty so as to cover up the illegal acts of the Defendants hereinabove set forth.

195. The criminal charges against PLAINTIFF DESMOND LEWIS were terminated in his favor, not in an adverse manner, and/or in a manner indicative of innocence.

196. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT initiated criminal charges against PLAINTIFF DESMOND LEWIS without probable cause.

197. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT knew no probable cause existed to support the charges brought against PLAINTIFF DESMOND LEWIS but they intentionally and maliciously pursued false charges against PLAINTIFF DESMOND LEWIS.

198. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT caused PLAINTIFF DESMOND LEWIS to be prosecuted for a purpose other than seeking justice.

199. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, as well as their agents, servants, and employees of which they are vicariously liable, made false assertions their police reports, to the media, and through other oral and written devices to support their intentional malicious prosecution of PLAINTIFF DESMOND LEWIS.

200. As a direct result of DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, as well as their agents, servants, and employees of whom they are vicariously liable, intentional and malicious conduct, PLAINTIFF DESMOND LEWIS was seized and held on false criminal charges and suffered associated deprivations of liberty.

201. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT collectively knowingly, deliberately, willfully, maliciously, negligently, carelessly, and/or recklessly conspired to charge the Plaintiff with criminal charges that the Plaintiff did not commit and for which a colorable claim could not be supported.

202. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS, awarding compensatory damages, special damages, economic damages, punitive damages, attorney's fees, and any further relief this Court deems just, individually, jointly, and severally.

COUNT XXI – LOUISIANA STATE LAW CLAIM—Civil Conspiracy
Desmond Lewis v. Defendant Officers and the City of Shreveport

203. Plaintiff repeats and incorporates the allegations of paragraphs one through twenty-seven (1-27) as though fully pled and stated herein.

204. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, individually and together, and jointly and severally, are parties to a civil conspiracy.

205. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, individually and together, and jointly and severally, conspired with malicious intent to perpetrate tortious acts or conduct on, or towards PLAINTIFF DESMOND LEWIS including assaulting him, perpetrating a battery against him, injuring him, using excessive force, falsely imprisoning him, falsely arresting him, maliciously prosecuting him, and violating other constitution, each of which acts were unlawful acts, and which were done by unlawful means.

206. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT communicated with one another, and with supervisory and management personnel, and with other persons in a supervising and/or oversight capacity.

207. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and Defendant CITY OF SHREVEPORT, were communicated with one another verbally, and via eye contact, and on-scene communications, and with electronic devices.

208. An understanding and agreement was made by and between DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT to physically grab and attack him, apply excessive force, falsely imprison, falsely arrest, and violate other civil and constitutional rights as set forth in this complaint including, but not limited to, malicious prosecuting him with criminal charges.

209. The conspiracy has continued since the initial moment of physical contact thereafter for the days, months, and years after, including until the present.

210. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT collectively knowingly, deliberately, willfully, maliciously, negligently, carelessly, and/or recklessly conspired to charge and prosecute the Plaintiff with criminal charges that the Plaintiff did not commit and for which a colorable claim could not be supported.

211. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, by and through their agents, servants, and employees, owed a duty to PLAINTIFF to protect him from this conspiracy of attack, assaults, excessive force, batteries, false arrest, and false imprisonments, malicious prosecution and other unlawful acts.

212. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, committed an overt act in furtherance of their conspiracy.

213. DEFENDANT OFFICERS, including OFFICERS BORDELON, OWEN, HAYES, TONG, and DOES 1-100, and/or Defendant CITY OF SHREVEPORT, conspiracy and

their overt acts are a direct and proximate result of causing damages to PLAINTIFF DESMOND LEWIS.

214. As a direct and proximate foreseeable result of the Defendant Officers' use of excessive force, as set forth above, Plaintiff DESMOND LEWIS suffered injuries, including physical injuries, physical pain and suffering, mental pain and suffering, emotional distress, disability, economic loss, and the loss of a normal life.

WHEREFORE, Plaintiff, DESMOND LEWIS, respectfully requests that this Court enter judgment against DEFENDANTS awarding compensatory damages, attorneys' fees, economic losses, special damages, punitive damages, including costs and fees as appropriate, and for any further relief this Court deems just, individually, jointly, and severally.

Respectfully submitted this 10th of July, 2015.

ELTON B. RICHEY & ASSOCIATES, LLC.



S/ELTON B. RICHEY
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Desmond Lewis

(b) County of Residence of First Listed Plaintiff Harris County, Texas (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Elton B. Richey, 400 Travis Street, Ste. 1805, Shreveport, La 71101; 227-1460 (PH.); 424-8222 (FX.)

DEFENDANTS

City of Shreveport, Officer Bordelon, Officer Owen, Officer Hayes, Officer Tong, Unknown Police Officers John and Jane Does 1-100

County of Residence of First Listed Defendant Caddo Parish, Louisiana (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §1983

Brief description of cause:

Excessive use of force, false arrest, battery, and personal injury.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

07/10/2015 s/Elton Richey

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE