

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**

CLIFFORD HAINES, ESQ.	:	
3815 The Oak Road	:	PHILADELPHIA COUNTY
Philadelphia, PA 19129	:	COURT OF COMMON PLEAS
	:	TRIAL DIVISION
Plaintiff	:	
vs	:	December Term, 2017
	:	
	:	
DEFENDANT DOES' 1-5	:	
FIVE UNKNOWN SHERIFF'S DEPUTIES	:	
	:	
And	:	
	:	
DEFENDANT SGT. ROE	:	No.
(Individually and in Official Capacity)	:	
c/o, Sozi Pedro Tulante City Solicitor	:	
City of Philadelphia Law Department	:	JURY TRIAL DEMANDED
One Parkway, 1515 Arch Street, 15 th Floor	:	
Philadelphia, PA 19102-1595	:	
	:	
Defendants	:	
	:	

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-1701

demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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CLIFFORD HAINES, ESQ.
3815 The Oak Road
Philadelphia, PA 19129

Plaintiff

vs

DEFENDANT DOES' 1-5
FIVE UNKNOWN SHERIFF'S DEPUTIES

And

DEFENDANT SGT. ROE
(Individually and in Official Capacity)
c/o, Sozi Pedro Tulante City Solicitor
City of Philadelphia Law Department
One Parkway, 1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595

Defendants

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

December Term, 2017

No.

JURY TRIAL DEMANDED

COMPLAINT – CIVIL ACTION

I. PRELIMINARY STATEMENT

Plaintiff Clifford Haines brings this action under state law seeking redress for the extraordinary misconduct of five Sheriff's Deputies who, without probable cause, tackled him, one holding him by the throat in a choke hold while others pulled and shoved him onto the belt of a metal

detector before throwing him to the floor and jumping on top of him. The identities of these defendants are as yet unknown to Plaintiff. During the course of this unprovoked attack, Defendant Sheriff's dislocated and fractured Plaintiff's right shoulder. His hands were then cuffed behind his back exacerbating the extreme pain Plaintiff had already suffered. Plaintiff was thereafter unlawfully arrested and taken into custody in the basement of the Criminal Justice Center. Subsequently, and for the next 1 hour, Defendant Sgt. Sheriff, ignored Plaintiff's repeated requests that he remove the handcuffs because he was in agony. Plaintiff was finally transported to Hahnemann hospital where he was treated for his injuries. He was then transported to 8th and Race to await filing of criminal charges. After viewing the videotape from the CJC which had captured the entire attack, the Office of the District Attorney declined to prosecute Plaintiff.

II. PARTIES

1. Plaintiff, Clifford Haines is an adult individual, citizen of the United States who resides at the above captioned address.

2. Defendant Does 1-5 and Defendant Sgt. Roe (Herein after referred to collectively as the "Defendants" or "the officers") are adult individuals and at all relevant times were Deputy Sheriffs, employed by the City and County of Philadelphia, Pennsylvania and United States citizens and residents of Pennsylvania. At all times herein, Defendants were acting under color of law and in the course and scope of their employment. They are sued in both their official and individual capacities.

3. At all relevant times, the Defendant officers were acting in concert and conspiracy and their actions deprived the Plaintiff of his common law rights.

III. JURISDICTION

4. This cause of action arose out of transactions or occurrences which took place in the City and County of Philadelphia, Pennsylvania.

5. Venue is appropriate in this Court pursuant to Pa. R.C.P. 1006.

IV. BACKGROUND

6. At the time of these events, Mr. Haines was a 72 year old man, licensed to practice law in the Commonwealth of Pennsylvania who had lived and worked in Philadelphia the majority of his adult life.

7. Mr. Haines is married to his wife Julie and is the father of two adult children and 12 year old twins.

8. Mr. Haines is the sole shareholder of Haines & Associates, a firm he founded in 2004 and which engages exclusively in civil litigation.

9. Prior to starting his own firm, Mr. Haines was for twenty years, a shareholder in the storied civil litigation firm of Litvin, Blumberg, Matusow & Young where he represented catastrophically injured people during his twenty-three year employment with that firm.

10. Mr. Haines started his career as an Assistant District Attorney in Philadelphia where he served for 9 years rising through the office to become Chief of its Homicide Division.

11. Mr. Haines holds a juris doctor, cum laude from Ohio State University College of Law.

12. Mr. Haines has a long history of public service to the legal profession including having served as Chancellor of the Philadelphia Bar Association, the 115th President of the Pennsylvania Bar Association and Chairman of the Board of Pennsylvanians for Modern Courts.

13. Mr. Haines is a Fellow of the International Academy of Trial Lawyers.

14. Because he has devoted the last thirty-six years of his career to civil practice, Mr. Haines has had little occasion to visit the Criminal Justice Center (“CJC”) or to become familiar with the policies and practices of the Deputy Sheriffs who staff it, prior to the events of August 22, 2017 which give rise to this action.

V. ALLEGATIONS

The Assault and Battery

15. On August 22, 2017 Mr. Haines traveled to the CJC to attend the hearing of a client he was representing in two related matters. Mr. Haines had forgotten his bar card identification and, as a result, entered the CJC through the general security screening [walk through] metal detector.

16. Pursuant to CJC policy, visitors are required to surrender cell phones so that they can be secured in a locked pouch which prevents use of the phone in Courtrooms. Mr. Haines surrendered his cell phone and received it back in a locked pouch. He then proceeded to the assigned courtroom. However, upon arrival, Mr. Haines remembered that he hadn’t shut off his cell phone before it was placed in the pouch and realized that he would need to return to the security screening area so that the pouch could be opened and the phone could be turned off.

17. When Mr. Haines returned to the first floor, he was stopped by a Sheriff’s deputy who told him to exit the other way, saying “Go the other way”. Mr. Haines attempted to explain that he needed to have his phone turned off. That Deputy was Defendant Doe 1.

18. Defendant Doe 1 refused to listen to Mr. Haines’ requests and rudely ordered him to exit another way, repeating “go the other way.”

19. Mr. Haines did leave the area, walked around the wall, got in line, had the pouch

opened and the phone disabled.

20. Before returning to the Courtroom, Mr. Haines walked over to Defendant Doe 1 who had been so rude to him and reprimanded him for the way in which he had treated a member of the public, reminding him that many of the people who visited the CJC were upstanding members of society, witnesses, friends and family of accused persons, some of whom were innocent of criminal conduct, and all of whom deserved to be treated with dignity and respect.

21. Defendant Doe 1 did not appreciate Mr. Haines' proximity and as the contemporaneous video of these events clearly shows, after Mr. Haines spread and extended both of his arms to the side parallel to the floor, the Defendant Doe 1 shoved him in the chest, twice in rapid succession. Mr. Haines deflected Defendant Doe 1's hand, and calmly repeated his previous statement.

22. At that point, Doe 1 and four other Sheriff's Deputies, identified herein as Defendant Does 2-5, tackled Mr. Haines, one holding him by the throat in a choke hold while others pulled and shoved him onto the belt of the metal detector before throwing him to the floor and jumping on top of him.

23. At no time was a verbal warning given by any of the Defendant Does 1-5. A true and correct video depicting these events is herewith embedded within the body of this Complaint. Video can be viewed [here](#).

24. Defendant Does 1-5 pulled Mr. Haines' arms behind his back, handcuffed him and hauled him to his feet.

25. By this point, Mr. Haines was in extreme pain, and was actually screaming, because his right shoulder had been dislocated and fractured during the assault and arrest. Defendants then took Mr. Haines into custody and transported him to a room in the basement of the CJC to await further processing.

26. While in the holding area, as well as multiple times immediately following cuffing, Mr. Haines repeatedly begged the Supervisor, Defendant Sgt. Roe, to have the handcuffs removed so that he could be re-cuffed with his hands and arms to the front of his body because he was in extreme pain.

27. Defendant Sgt. Roe refused and left Mr. Haines in a (behind his back) handcuffed position for 1 hour with a dislocated and fractured shoulder, even though Mr. Haines, clearly presented no immediate threat or security risk. Mr. Haines was transported first to Hahnemann Hospital for treatment and then to the Police Administration Building for processing. While at Hahnemann Hospital, Mr. Haines was treated for an anterior right shoulder dislocation and fractured right shoulder. Mr. Haines was placed under conscious sedation with Propofol and his shoulder was manipulated back into place in a closed procedure. His arm and shoulder were placed in an immobilizer that he was directed to wear at all times. Mr. Haines also suffered multiple bruising of the arm, legs and chest. Mr. Haines has followed up with Rothman Orthopedics for continuing treatment and is currently engaged in physical therapy which he attends twice a week. He continues to have restricted mobility in his right arm, preventing him from activities that require him to lift his right arm or use it to reach even simple objects like a car radio button. Mr. Haines is not able to exercise or lift weights, and is unable to dress himself without assistance for example. He has on-going difficulty sleeping as a result of intractable pain.

The False Arrest

28. On information and belief, one or more of the Defendants falsely alleged that Mr. Haines had been arrested for assaulting Defendant Doe 1 and/or for resisting a lawful arrest. Mr. Haines was never notified that he was being placed under arrest, or advised as to why he was

taken into custody.

29. After viewing all of the evidence, including the videotape which depicted the assault upon Plaintiff, the Office of the District Attorney refused to prosecute Mr. Haines.

30. The acts and omissions of the Defendant Officers put Plaintiff in fear of imminent bodily injury.

31. The acts and omissions of the Defendant Officers resulted in an offensive touching to which Plaintiff did not consent.

32. The assault and battery of Plaintiff was unprovoked, unjustified and clearly excessive and abusive.

33. As a result of the Defendant Officers' attack upon Plaintiff, he suffered a dislocated shoulder, a fracture to his shoulder which required surgical treatment, a likely torn rotator cuff, bruises and abrasions to his arms, shoulder, legs, thighs and buttocks.

34. Mr. Haines was arrested without probable cause and with malice.

35. Defendant Officers knew or reasonably should have known that Mr. Haines did not assault Defendant Doe 1 and did not resist a lawful arrest.

36. Following his arrest, Mr. Haines declined to comment about this incident publicly.

37. However, following the decision by the District Attorney to decline prosecution, Barbara Grant, a spokesperson for the Sheriff's Office, gave a press release falsely describing the assault upon Mr. Haines as Haines having gotten into "a dispute with a deputy," "hitting" the Deputy and then being subdued by a couple of Sheriffs. Specifically, Ms. Grant is quoted as having said the following:

"Mr. Haines hit the deputy. It took a couple of officers to subdue him. He was apprehended and detained."

38. Ms. Grant's statement was false.

39. Ms. Grant's statement concerning these events has resulted in Mr. Haines and his wife having to defend against community perceptions that he attacked the Defendant Doe 1 provoking the incident.

40. As a result of the acts and omissions of each Defendant, jointly and severally, Plaintiff has suffered and will continue to suffer in the future, physical pain, emotional distress, humiliation, embarrassment, anxiety, loss of income and loss of life's pleasures, all to his great detriment and loss.

V. CLAIMS

COUNT I

CLIFFORD HAINES v. DEFENDANT DOES 1-5

ASSAULT and BATTERY

41. The averments contained in the preceding paragraphs are incorporated by reference as though fully set forth herein.

42. The acts and omissions of the Doe Defendants constitute the common law torts of assault and battery upon Plaintiff.

43. As a direct and proximate result of the Defendant officers' actions, Plaintiff was subjected to excessive force and suffered offensive touching.

44. The Defendant officers conspired in the manner aforesaid, for the purpose of shielding their own as well as their fellow officers' unlawful behavior.

45. As a direct and proximate result of the Defendant officers' actions, Plaintiff suffered and continues to have physical pain and suffering, loss of freedom, emotional distress,

humiliation, anxiety and loss of the enjoyment of life's pleasures all to his great detriment and loss.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendants jointly, severally and in the alternative, and seeks compensatory and punitive damage and costs of suit.

COUNT II

CLIFFORD HAINES v. DOE DEFENDANTS

FALSE ARREST

46. The averments contained in the preceding paragraphs are incorporated by reference as though fully set forth herein.

47. The acts and omissions of the Doe Defendants constitute the common law tort of false arrest.

48. Plaintiff was arrested and detained without probable cause to warrant a reasonable person in believing that he was guilty of any crime.

49. The acts and omissions of the Doe Defendants were intentional, willful and malicious.

50. As a direct and proximate result of the Doe Defendant's actions, Plaintiff suffered loss of freedom, emotional distress, humiliation, anxiety and loss of the enjoyment of life's pleasures all to his great detriment and loss.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendants jointly severally and in the alternative, and seeks compensatory damages, punitive damages and costs.

COUNT III

CLIFFORD HAINES V. DEFENDANT ROE

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

51. The averments contained in the preceding paragraphs are incorporated by reference as though fully set forth herein.

52. Defendant Roe knew that Plaintiff, a 72 year old man, had been assaulted and battered by five of the officers under his command, placed in a choke hold, slammed into the belt of a metal detector, thrown to the ground and jumped on, each Doe Defendant piling on after the other.

53. Defendant Roe knew that it was highly likely that Plaintiff's claims that he was in pain and pleas to be released from handcuffs were genuine cries for help.

54. Defendant Roe deliberately chose to allow Plaintiff to continue to suffer needlessly or was deliberately indifferent to the high probability that Plaintiff was in extreme pain and required immediate medical treatment.

55. Defendant Roe's refusal to take immediate steps to alleviate Plaintiff's suffering by removing the handcuffs and transporting him to the hospital for treatment was extreme, outrageous and intolerable in a civilized society.

56. Defendant Roe's actions and omissions were intended to and did result in causing Plaintiff extreme emotional distress.

57. Defendant Roe's actions and omissions constitute the common law tort of intentional infliction of emotional distress.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendant Roe and seeks compensatory damages, punitive damages and costs.

Respectfully submitted,

s/ PATRICIA V. PIERCE

Ronald L. Greenblatt, Esquire

James Funt, Esquire

Patricia V. Pierce, Esquire

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Date: December 18, 2017

VERIFICATION

I, CLIFFORD HAINES, ESQ. , hereby state that I am the Plaintiff in this action, and that the statements made in the foregoing Civil Action Complaint, are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties to 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

s/ CLIFFORD HAINES
CLIFFORD HAINES, ESQ.

DATE: December 18, 2017

VERIFICATION

I, PATRICIA V. PIERCE, hereby state that I am the attorney for the Plaintiff in this action, and that the statements made in the foregoing Civil Action Complaint, are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties to 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

s/ PATRICIA V. PIERCE
PATRICIA V. PIERCE, ESQUIRE

DATED: December 18, 2017