

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

05 JUN -9 AM 9:14

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

CASE NO.

6:05-cv-850-OR-31 KRS

RONALD M. PARILLA, ALDA RUGG,)
BILLY CATES, THERESA DECLUE,)
AILEEN NUNEZ, DAVID W. ROBERTS, and)
FRANTARSHIA STAFFORD, individually)
and on behalf of a Class of all)
others similarly situated,)

Plaintiffs,)

v.)

DONALD ESLINGER, individually and)
in his official capacity as Sheriff of Seminole)
County, MICHAEL TIDWELL, individually and)
in his official capacity as Director of the John E.)
Polk Correctional Facility, DAVID DIGGS, in his)
individual capacity, and SEMINOLE COUNTY,)

Defendants.)

CLASS ACTION COMPLAINT

and

JURY TRIAL DEMAND

Plaintiffs, individually, and as representatives of a class of persons similarly situated, sue Defendants and allege:

INTRODUCTION

1. All persons who are booked into the John E. Polk Correctional Facility (the Seminole County Jail) upon remand by the court are routinely subjected to dehumanizing strip or visual body

cavity searches regardless of the charge, regardless of the arrestee's ability to make bond, and in the absence of probable cause or reasonable suspicion to believe that the arrestee is in possession of a weapon, drugs, or any other form of contraband.

2. Unless enjoined and restricted, upon information and belief, Defendants will maintain their practice of illegally subjecting all persons booked into the John E. Polk Correctional Facility to illegal strip or visual body cavity searches.

JURISDICTION

3. This action is brought pursuant to 42 U.S.C. § 1983 and § 1988, and the Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. § 1331 and § 1341(3) and (4) and the aforementioned statutory and constitutional provisions.

PARTIES

4. Plaintiff, RONALD PARILLA is, and at all times material hereto was, a resident of the city of Oviedo, Florida. Plaintiff, RONALD PARILLA is, and at all times material hereto was, a resident of the city of Oviedo, Florida.

5. Plaintiff ALDA RUGG is, and at all times material hereto, was a resident of Oviedo, Florida.

6. Plaintiff BILLY CATES is, and at all times material hereto was, a resident of Altamonte Springs, Florida.

7. Plaintiff THERESA DECLUE is, and at all times material hereto was, a resident of Heathrow, Florida.

8. Plaintiff AILEEN NUNEZ is, and at all times material hereto was, a resident of Orlando, Florida.

9. Plaintiff, DAVID ROBERTS is, and at all times material hereto was, a resident of the city of Osteen, Florida.

10. Plaintiff FRANTARSHIA STAFFORD is, and at all times material hereto, was a resident of Orlando, Florida.

11. Plaintiffs, Parilla, Rugg, Cates, Declue, Nunez, Roberts, and Stafford, and all those similarly situated, were arrested in open court and remanded to the jail where, as a matter of policy, practice and custom, they were automatically subjected to a strip or visual body cavity search without regard to their charges, without reasonable suspicion or probable cause to believe they were concealing a weapon, a controlled substance, or any other form of contraband, and without prior written supervisory approval.

12. Defendant, DONALD F. ESLINGER, is, and at all times material to this action was, the Sheriff of Seminole County. As Sheriff, he is responsible for the operation of the John E. Polk Correctional Facility (hereinafter the "jail"), and is responsible for the care, custody and control of those individuals committed to the jail, and for making, implementing, allowing, authorizing, or acquiescing in the policies, practices, and customs challenged herein. He is sued in his individual and official capacity.

13. Defendant MICHAEL TIDWELL is, and at all times material to this action was, the individual in charge of the day to day operations of the jail commencing on approximately January 18, 2005. As such, he is responsible for the policies, practices and customs herein challenged. He is sued in his individual capacity.

14. Defendant DAVID DIGGS was the individual in charge of the day to day operations of the jail until approximately December 31, 2004. As such, he was responsible for the policies,

practices and customs herein challenged until approximately December 31, 2004. He is sued in his individual capacity.

15. Defendant SEMINOLE COUNTY is, and at all material times to this action was, a political division of the state of Florida. Pursuant to state law, it has delegated its responsibility for the operation of a county jail to the Defendant, Sheriff Eslinger.

16. At all material times mentioned herein, each of the Defendants was acting under the color of state law and the conduct of each constitutes state action.

FACTS

A. RONALD M. PARILLA

17. On December 3, 2004, Plaintiff Parilla went to the Seminole County Courthouse in Sanford, Florida for a non-moving traffic citation for an improperly registered company car. After passing through the metal detector he asked Seminole County Deputy Sheriff Carraday for directions to courtroom F as noted on his ticket. Carraday told Plaintiff Parilla that there was no courtroom F and directed him to courtroom 1B, pointing towards the courtroom as they spoke. In the courtroom, a court employee told Plaintiff Parilla to sit down until his name was called.

18. Approximately two hours later the judge in courtroom 1B suggested that there were too many people in his courtroom and called the names of people still on his docket. The people not named, which included Parilla, were told by the judge to go to courtroom 1A next door. Shortly after Plaintiff Parilla arrived at courtroom 1A, the room began filling with Deputy Sheriffs. Then, one of the Deputies announced to the crowd that the judge in courtroom 1A, Judge John R. Sloop, had signed warrants for their arrests for failure to appear.

19. Plaintiff Parilla and the others were taken into custody, handcuffed, and moved to

another location in the courthouse where leg-irons and waist chains were applied.

20. At the courthouse, Plaintiff's belt, shoelaces and personal belongings were taken, he was subjected to a pat down search, and then placed in a van and transported to the John E. Polk Correctional Facility.

21. At the jail, Plaintiff Parilla was subjected to a strip or visual body cavity search. He was required to remove all his clothing, lift his private parts and spread his rectum.

22. At the conclusion of the search, Plaintiff Parilla was allowed to dress in his civilian clothing.

23. An Order to release Plaintiff Parilla from custody was filed by the clerk of the circuit court at 2:22 pm and faxed to the jail at 3:48 pm. Despite this Order, jail staff booked Parilla and placed him in custody. Plaintiff Parilla was not released from custody until approximately 8:40 pm.

24. Prior to December 3, 2004, Plaintiff Parilla was never incarcerated.

25. Plaintiff Parilla is a 56 year old married Mercedes Benz salesman. He was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. He suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving him of rights secured to him by the Fourth and Fourteenth Amendments to the United States Constitution.

B. ALDA RUGG

26. On December 3, 2004, Plaintiff Rugg appeared at the Seminole County Courthouse in response to a ticket for failure to display a tag in the vehicle she was driving. She was sent to courtroom 1B and later sent to courtroom 1A where she was arrested in the courtroom for "failure to appear" in court.

27. After her arrest, Plaintiff Rugg was placed in handcuffs, bellychains and leg irons and transported to the jail. Immediately after arrival at the jail, Plaintiff Rugg, and the other women arrested in the courtroom, were taken to a hallway where they were made to open their mouth and lift their tongues. Then Plaintiff Rugg was taken to a room where an officer told her to remove all her clothing. She was made to squat and cough, lift her breasts and run her fingers through her hair.

28. The strip or visual body cavity search made Plaintiff Rugg feel extremely uncomfortable and dehumanized.

29. Despite a release order signed at 2:30 pm, Plaintiff Rugg was kept in custody inside a holding cell until about 9:00 pm.

30. Prior to December 3, 2004, Plaintiff Rugg had never been arrested or incarcerated.

31. Plaintiff Rugg is a housewife with two children, one of whom is disabled. Because of her arrest, she was unable to care for her disabled child. She was humiliated, embarrassed and suffered mental and emotional distress as a result of being subjected to a strip or visual body cavity search and as a result of being held in custody for nearly an entire day for failure to display car tags.

C. BILLY CATES

32. On December 2, 2004, Plaintiff Cates was five minutes late to court, having originally gone to the wrong courthouse. When he arrived at the Seminole County Courthouse in Sanford he was arrested on a failure to appear warrant.

33. Plaintiff Cates was taken into custody, handcuffed, and moved to another location in the courthouse where leg-irons and waist chains were applied.

34. At the courthouse, Plaintiff's belt, shoelaces and personal belongings were taken, he was subjected to a pat down search, and then placed in a van and transported to the John E. Polk

Correctional Facility.

35. At the jail, Plaintiff Cates was subjected to a strip or visual body cavity search. He was required to remove all his clothing, lift his private parts and spread his rectum.

36. Plaintiff Cates is a 25 year, self-employed floor installer. He was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. He suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving him of rights secured to him by the Fourth and Fourteenth Amendments to the United States Constitution.

D. THERESA DECLUE

37. On December 3, 2004, Plaintiff Declue went to the Seminole County Courthouse in Sanford, Florida for an infraction charging her with driving with a suspended license. Her traffic ticket told her to report to courtroom 1B. In the courtroom, a court employee told Plaintiff Declue to sit down until her name was called.

38. Approximately two hours later the judge in courtroom 1B suggested that there were too many people in his courtroom and called the names of people still on his docket. The eleven people not named, which included Plaintiff Declue, were told by the judge to go to courtroom 1A next door. Shortly after Plaintiff Declue arrived at courtroom 1A, the room began filling with Deputy Sheriffs. Then, one of the Deputies announced to the crowd that the judge in courtroom 1A, Judge John R. Sloop, had signed warrants for their arrests for failure to appear.

39. Plaintiff Declue and the others were taken into custody, handcuffed, and moved to another location in the courthouse where leg-irons and waist chains were applied.

40. At the courthouse, Plaintiff Declue's personal belongings were taken. She was then

subjected to a pat down search and placed in a van and transported to the John E. Polk Correctional Facility.

41. At the jail, Plaintiff Declue was subjected to a strip or visual body cavity search. She was required to remove all her clothing, squat and spread her rectum.

42. At the conclusion of the search, Plaintiff Declue was required to dress in a jail uniform.

43. An Order to release Plaintiff Declue from custody was filed by the clerk of the circuit court at 2:22 pm and faxed to the jail at 3:48 pm. Despite this Order, jail staff continued the booking process. Plaintiff Declue was not released from custody until approximately 9:00 pm.

44. Prior to December 3, 2004, Plaintiff Declue had never been in a jail.

45. Plaintiff Declue is a 29 year old Administrative Assistant for a major employer in the Orlando area. She was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

E. AILEEN NUNEZ

46. On December 3, 2004, Plaintiff Nunez went to the Seminole County Courthouse in Sanford, Florida for a non-moving traffic violation. She was told to report to courtroom 1B. In the courtroom, a court employee told Plaintiff Nunez to sit down until her name was called.

47. Approximately two hours later the judge in courtroom 1B suggested that there were too many people in his courtroom and called the names of people still on his docket. The eleven people not named, which included Plaintiff Nunez, were told by the judge to go to courtroom 1A next door.

Shortly after Plaintiff Nunez arrived at courtroom 1A, the room began filling with Deputy Sheriffs. Then, one of the Deputies announced to the crowd that the judge in courtroom 1A, Judge John R. Sloop, had signed warrants for their arrests for failure to appear.

48. At the Courthouse, Plaintiff Nunez was placed in restraints and then taken to the jail.

49. Upon arrival at the Jail, Plaintiff Nunez was subjected to a strip or visual body cavity search. She was forced to squat and cough, and the officers ran their fingers through her hair. The officers took her bra with under wire. After eight hours in custody, she was released.

50. Plaintiff Nunez is a 25 year old bank employee. She was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

F. DAVID W. ROBERTS

51. On December 3, 2004, Plaintiff Roberts went to the Seminole County Courthouse in Sanford, Florida, for a non-moving traffic violation. He went to courtroom 1B, where a court employee told Plaintiff Roberts to sit down until his name was called.

52. Approximately two hours later the judge in courtroom 1B suggested that there were too many people in his courtroom and called the names of people still on his docket. The people not named, which included Plaintiff Roberts, were told by the judge to go to courtroom 1A next door. Shortly after Plaintiff Roberts arrived at courtroom 1A, the room began filling with Deputy Sheriffs. Then, one of the Deputies announced to the crowd that the judge in courtroom 1A, Judge John R. Sloop, had signed warrants for their arrests for failure to appear.

53. Plaintiff Roberts and the others were taken into custody, handcuffed, and moved to another location in the courthouse where leg-irons and waist chains were applied.

54. At the courthouse, Plaintiff's belt, shoelaces and personal belongings were taken, he was subjected to a pat down search, and then placed in a van and transported to the John E. Polk Correctional Facility.

55. At the jail, Plaintiff Roberts was subjected to a strip or visual body cavity search.

56. Plaintiff Roberts is a 39 year old employee of a local construction firm. He was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. He suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving him of rights secured to him by the Fourth and Fourteenth Amendments to the United States Constitution.

G. FRANTARSHIA STAFFORD

57. On December 3, 2004, Stafford appeared at the Seminole County Courthouse in response to traffic tickets for no insurance and no registration. She was initially directed to the wrong courtroom and then arrested for "failure to appear" after being directed to courtroom 1B at the Seminole County Courthouse. At the Courthouse, she was handcuffed, forced to take off her shoes and put on jailhouse slippers, and put in belly chains.

58. Upon arrival at the Jail, Plaintiff Stafford was subjected to a strip or visual body cavity search. She was forced to squat, bend over, and cough, and the officers ran their fingers through her hair. The officers took her bra with under wire. After eight hours in custody, she was released.

59. Although arrested before, Plaintiff Stafford was never subjected to a strip search prior to December 3, 2004.

60. Plaintiff Stafford was humiliated and embarrassed by being subjected to the aforementioned strip and visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

H. ALL PLAINTIFFS

61. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated are subjected are short-lived legal violations that are over before they can be challenged in court because all plaintiffs are released prior to or at first appearance (within the first 48 hours of incarceration), and are legal violations which are an on-going policy of the Defendants and for which monetary damages after-the-fact is not suitable long-term relief. There is a reasonable likelihood that Defendants' policy and practice will continue and some plaintiff class members will most certainly be re-arrested in Seminole County, Florida. Therefore the illegal policy is capable of repetition but evading judicial review if declaratory and injunctive relief is not provided.

62. As a result of being subjected to the strip and visual body cavity searches complained of herein, each of the Plaintiffs suffered physical, mental and emotional distress, invasion of privacy, and the violation of due process of law and federal constitutional rights, and is entitled to recover damages according to proof.

CLASS ACTION ALLEGATIONS

63. The named Plaintiffs bring this suit as a class action, pursuant to the provisions of Rule 23(b)(2) & (3) of the Federal Rules of Civil Procedure for injunctive and declaratory relief, and monetary damages on behalf of a class of all persons similarly situated.

64. The class of Plaintiffs consists of all individuals who, during the period beginning four (4) years before the date this action is filed, were taken to the jail and who were subjected by Defendants to pre-first appearance strip and/or visual body cavity searches at the John E. Polk Correctional Facility without Defendants having, and recording in writing, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

65. The Plaintiff class consists of an unknown but large number of individuals, numbering in the thousands, so that joinder of all members is impracticable.

66. Plaintiffs are informed and believe, and thereupon allege, that Defendants have the ability to identify all such similarly situated Plaintiffs who were subjected to strip and/or visual body cavity searches prior to first appearance without Defendants first having, and recording, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

67. There are questions of fact common to the class including, but not limited to: (1) where Defendants routinely subject all arrested persons to strip or visual body cavity searches prior to first appearance if they intend such persons to be housed in the John E. Polk Correctional Facility; (2) whether persons are subjected to strip or visual body cavity searches prior to first appearance without there being any particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons, and/or contraband in bodily cavities which could be detected by means of a strip or visual body cavity search; (3) whether the strip or visual body cavity searches are conducted in an area of privacy so that the searches cannot be observed by persons not participating in the searches, or whether the strip or visual body cavity search are conducted in areas where they may be observed by persons not participating in the searches; and (4) whether the strip or visual body cavity searches are reasonably related to Defendants' penological

interest to maintain the security of the jail whether or not there are less intrusive methods for protecting any such interest.

68. There are questions of law common to the class, including, but not limited to: (1) whether Defendants may perform strip or visual body cavity searches on persons prior to their first appearance without particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons and/or contraband, which would likely be discovered by a strip or visual body cavity search; (2) whether Defendants may perform strip or visual body cavity searches on persons without first reasonably relating the use of the strip search to Defendants' penological interest to maintain the security of the jail and determining if there is a less intrusive method to protect that interest; (3) whether strip or visual body cavity searches may be conducted in areas where the search can be observed by people not participating in the search without violating Plaintiff's federal constitutional rights; and (4) whether or not Defendants' strip search policy and procedure is in accordance with the federal constitution.

69. The claims of the representative Plaintiffs are typical of the class. Plaintiffs were searched, prior to first appearance, without reasonable suspicion that a strip or visual body cavity search would produce drugs, weapons or contraband (and without the facts supporting any such suspicion being articulated in a supervisor approved document). Representative Plaintiffs have the same interests and suffered the same type of injuries as all of the other class members. Plaintiffs' claims arose because of Defendants' policy, practice, and custom of subjecting arrestees to strip and visual body cavity searches before first appearance without having, and recording in writing, a reasonable suspicion that the search would be productive of contraband or weapons. Plaintiffs' claims are based upon the same legal theories as the claims of the class members. Each class

member suffered actual damages as a result of being subjected to a visual body cavity search. The actual damages suffered by representative Plaintiffs are similar in type and amount to the actual damages suffered by each class member.

70. The representative Plaintiffs will fairly and adequately protect the class interest. Plaintiffs' interests are consistent with and not antagonistic to the interests of the class. They have a strong personal interest in the outcome of this action and have no conflicts of interest with members of the Plaintiff class. The named Plaintiffs were all subjected to strip and visual body cavity searches without legal justification. As long as the policies, practices and customs of the Defendants continue to permit dehumanizing invasive strip and visual body cavity searches, the named Plaintiffs, and the class they represent, are and will remain at high risk of being subjected to searches in clear violation of established constitutional rights.

71. The named Plaintiffs are represented by experienced counsel who specialize in civil rights litigation.

72. The prosecutions of separate actions by individual members of the class would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the class.

73. The prosecutions of separate actions by individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class which would, as a practical matter, substantially impair or impede the ability of the other members of the class to protect their interests.

74. The Defendants have acted on grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory relief with respect to the class as a whole.

75. A class action is superior to all other available methods for the fair and equitable adjudication of the controversy between the parties. Plaintiffs are informed and believe, and thereupon allege, that the interests of members of the class in individually controlling the prosecution of a separate action is low in that most class members would be unable individually to prosecute any action at all. Plaintiffs are informed and believe, and thereupon allege, that most members of the class will not be able to find counsel to represent them. Plaintiffs are informed and believe, and thereupon allege, that it is desirable to concentrate all litigation in one forum because all of the claims arise in the same location. It will promote judicial efficiency to resolve the common questions of law and fact in one form, rather than in multiple courts.

CAUSE OF ACTION

76. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated were subjected were performed pursuant to policies, practices, and customs of named Defendants.

77. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated were subjected are short-lived legal violations that are over before they can be challenged in court because all plaintiffs are released prior to or at first appearance (within the first 48 hours of incarceration), are legal violations which are an on-going policy of the Defendants and for which monetary damages after-the-fact is not a suitable long-term solution, there is a reasonable likelihood that the policy and practice will continue and plaintiff class members will be re-arrested, and therefore the illegal policy is capable of repetition but evading review if declaratory and injunctive relief is not provided.

78. The searches complained of herein were performed without regard to the nature of the

alleged offenses for which Plaintiffs had been arrested, without regard to whether or not Plaintiffs were eligible for prompt release and without regard to whether or not Plaintiffs were eligible for and/or were released on their own recognizance. Furthermore, the searches complained of herein were performed without Defendants having a reasonable belief that the Plaintiffs so searched possessed weapons or contraband or that there existed facts supporting a particularized reasonable suspicion that the searches would produce contraband, and those facts being articulated and recorded in a supervisor-approved document.

79. Plaintiffs are informed and believe, and thereupon allege, that Defendants routinely follow their policy, practice, and custom of requiring pre-first appearance detainees to strip naked and to submit to visual body cavity searches without having, and recording in writing, a particularized reasonable suspicion that the searches will be productive of contraband or weapons.

80. Strip and body cavity searches, as alleged in this Complaint, are done as a matter of routine, and are permitted and encouraged, in accordance with the established policies, practices and customs of the Defendants.

81. In searching the Plaintiffs as alleged, staff at the jail act or have acted in accordance with the policy, practice and customs authorized or permitted by Defendants Diggs and Tidwell.

82. The policy, practice and custom of strip or visual body cavity searching all arrestees, as authorized or permitted by Defendants Tidwell and Diggs is attributable to Defendant Eslinger who, if he did not specifically authorize and permit the strip and visual body cavity searches as herein alleged, allowed Defendants Tidwell and Diggs to create and implement the policy, practice and customs employed at the Jail.

83. The policy, practice and custom of strip or visual body cavity searching all arrestees, as

authorized or permitted by Defendants Tidwell, Diggs, and Eslinger, is attributable to Seminole County, which has delegated the creation of policy, practice and custom at the Jail to Defendant Eslinger.

84. Defendants Tidwell, Diggs, and Eslinger facilitate, encourage, and acquiesce in the behavior of their subordinates, who routinely conduct strip and visual body cavity searches, as alleged in this Complaint.

85. Individual named Defendants herein are personally responsible for the promulgation and continuation of the strip search policy, practice, and custom pursuant to which Plaintiffs herein and all those similarly situated, were subjected to the searches complained of herein.

86. Defendants' policies, practices, and customs regarding the strip and visual body cavity searches complained of herein violated Plaintiffs' rights under the Fourth Amendment of the U.S. Constitution to be free from unreasonable searches and seizures, and violated said Plaintiffs' rights to due process and privacy under the Fourteenth Amendment, and directly and proximately damaged Plaintiffs as herein alleged, entitling Plaintiffs to recover damages for said constitutional violation pursuant to 42 U.S.C. § 1983.

Wherefore, Plaintiffs pray for relief as hereunder appears.

PRAYER FOR RELIEF

A. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, Defendants' policies, practices, and customs of subjecting pre-first appearance detainees to strip and visual body cavity searches without having and recording in writing a reasonable suspicion that such searches would be productive of contraband or weapons;

B. Certification of this action as a class action, designation of Plaintiffs as class

representatives and counsel as class counsel;

C. For compensatory, general, and special damages for each representative and for each member of the class of Plaintiffs, as against all Defendants;

D. Exemplary damages as against all of the individual Defendants in an amount sufficient to deter and to make an example of those Defendants;

E. Attorneys' fees and costs under 42 U.S.C. § 1988; and

F. The cost of this suit and such other relief as the court finds just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand trial by jury as to all issues triable as a right before a jury.

Respectfully submitted,

Randall C. Berg, Jr., Esq.

Fla. Bar No. 0318371

Peter M. Siegel, Esq.

Fla. Bar No. 227862

Cullin A. O'Brien, Esq.

Fla. Bar No. 0597341

Florida Justice Institute, Inc.

2870 Wachovia Financial Center

200 South Biscayne Blvd.

Miami, FL 33131-2310

305/358-2081 - Telephone

305/358-0910 - Facsimile

rcberg@bellsouth.net - E-Mail

and

J. Larry Hanks, Esq.

Fla. Bar No. 813982

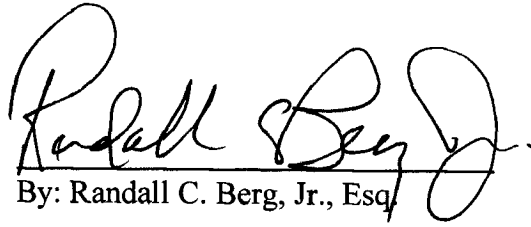
Larry Hanks, P.A.

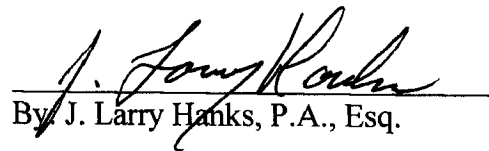
6500 South Highway 17-92

Fern Park, Florida 32730

407-423-1231 - Telephone

407-423-3066 - Facsimile
larrylaw@bellsouth.net E-Mail


By: Randall C. Berg, Jr., Esq.


By: J. Larry Hanks, P.A., Esq.