

Second Cause of Action for Plaintiff Christine Townsend for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C § 1983 against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig, In their Official and Individual Capacities.

47. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.

48. Aside from the above-referenced set of facts, the City of Buffalo and its police department caused the Plaintiff to be subjected to Fourth Amendment violations because Defendant Vara and Craig's actions were part of the customary practices of the City of Buffalo and its police department. Such repeated Fourth & Fourteenth Amendment violations amount to the City of Buffalo Police Departments deliberate indifference to an obvious need for training of its officers both in the laws pertaining to unlawful seizures as well as overly charged, used, and abused statutes such as disorderly conduct, resisting arrest, and obstruction of governmental administration. The Department condones a policy of "us against them," leading to many Officers discarding any notion of protecting and serving its citizens and instead, violating their civil rights to ensure they obtain more court pay. In short, Defendants Vara and Craig have a financial incentive to make wrongful and brutal arrests such as the one they made against the Plaintiff when not supervised properly by their superiors. This failure of the Department to

adequately train its officers resulted in the Defendants' actions that caused the Plaintiff harm, and will result in more unnecessary brutality unless corrective measures are taken by the City of Buffalo Police Department.

49. Furthermore, the City of Buffalo, the City of Buffalo Police Department , and Police Commissioner Daniel Derenda tacitly condone the practice of unlawful arrests by only performing a superficial, biased, and artificial review of said claims which indubitably result in the erroneous and contrived finding that the officer's actions were proper. .

50. The above-referenced misuse of authority and power by Defendants, the City of Buffalo, the City of Buffalo Police Department, Police Commissioner Daniel Derenda, and Police Officers Mark Vara and Kelly Craig were egregious and shocking to the conscience. As a result, Plaintiff was caused and will continue to undergo and endure severe mental anguish, hardship, and distress as result thereof.

51. Such deprivations of Plaintiff's property rights and right to liberty and happiness were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by Title 42 U.S.C. § 1983.

52. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.

53. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.

Third Cause of Action for Plaintiff Christine Townsend for violations of the Fourteenth Amendment as per 42 U.S.C § 1983 against the City of Buffalo Police Department and the City of Buffalo, Buffalo Police Commissioner Daniel Derenda, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig In Their Official and Individual Capacities.

54. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
55. In engaging in the above-referenced conduct, by using excessive force against the Plaintiff to summarily deprive her of her civil rights, the defendants deprived the Plaintiff of her civil rights pursuant to 42 U.S.C § 1983. Further, as police officers employed by the City of Buffalo, defendants were acting under the color of state law.
56. The above-referenced misuse of authority and power by the defendants was egregious and shocking to the conscience. As a direct result, Plaintiff was caused to sustain severe mental anguish, humiliation, and severe emotional distress as a result thereof, as well as severe physical injuries.
57. Such deprivations were in violation of the rights secured to Plaintiff by the Fourth and Fourteenth Amendments of the United States Constitution and by 42 U.S.C § 1983.

58. As a result of the above-referenced defendant's deprivation of Plaintiff's civil and Constitutional rights, Plaintiff has been damaged in an amount to be determined at trial.

59. Plaintiff demands costs and attorney fees pursuant to 42 U.S.C. § 1988.

Fourth Cause of Action for Plaintiff Christine Townsend for the intentional infliction of emotional distress against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig, In their Official and Individual Capacities.

60. Plaintiff, CHRISTINE TOWNSEND repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.

61. Defendant Vara and Craig's unjustifiable abuse of the Complainant as specified in the above allegations, constituted extreme and outrageous conduct under the circumstances. The plaintiff had originally called the Police for assistance, which further heightened the emotional distress that the Plaintiff has suffered as a result thereof of the defendant's actions.

62. The police actions were an intent to cause, or more likely represents a complete disregard of the substantial probability of causing severe emotional distress to the Plaintiff.

63. The brutality inflicted upon Plaintiff, in such a violent and gratuitous manner in the presence of her children, neighbors, and friends, has in fact caused the Plaintiff severe emotional distress from which she still suffers.

64. Furthermore, the slanderous statements made by Defendant Vara, in which he asked Plaintiff's then nine year old daughter Cassandra Pope, "Is that psycho bitch your mother,?" as well as telling Pope and Plaintiff's neighbor Pat Barkley that Plaintiff was "high on drugs and that she would not be coming home for a long time," constitutes outrageous conduct that has caused Plaintiff severe emotional distress for which she still suffers.
65. The above-referenced state of facts, when taken in their entirety, constitutes outrageous conduct that has caused Plaintiff severe emotional distress for which she still suffers.

Fifth Cause of Action for Plaintiff Christine Townsend for the intentional tort of battery against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig In their Official and Individual Capacities.

66. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint defendants, in violation of Title 42 of the United States Code § 1983, et sec.
67. Defendants Mark Vara and Kelly Craig engaged in physical conduct by manhandling Plaintiff, throwing her against her house, handcuffing her, and throwing her to the ground on May 9, 2014 at or about 1:00 am. Defendant Vara then essentially dragged Plaintiff into a Police vehicle. Said actions caused Plaintiff a tear in her ankle, chronic back and neck pain, and severe bruising... the physical effects of which Plaintiff still suffers from to this day.

68. Said physical contact was made with intent, offensive in nature such that any reasonable person would find such actions to be offensive, and have caused Plaintiff severe physical injuries for which she still suffers from.

Sixth Cause of Action for Plaintiff Christine Townsend for the tort of negligence against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig, In Their Official and Individual Capacities.

69. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.

70. The defendants were negligent in various aspects leading to the above-referenced damages. Particularly, and among other things, The defendants were negligent in:

- Failing and omitting to ensure its police officers used appropriate care, discretion, and regard towards their citizens.
- Failing and omitting to properly and adequately instruct, supervise and train their police officers;
- Negligently entrusting officers to respond to situations involving animals without any kind of proper training, causing said officers to overcompensate to those situations by, in this case, brutalizing Plaintiff.

- Performing artificial reviews for complaints of excessive force, leading to nearly all such claims to be unfounded by the Department. Such bogus findings essentially tacitly endorse the using of excessive force, brutality, and dehumanization such as what Plaintiff underwent. Such oversight constitutes negligence on the part of Defendant Derenda, The City of Buffalo, and The City of Buffalo Police Department.

Seventh Cause of Action for Plaintiff Christine Townsend for Intentional tort of trespass against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig, In their Official and Individual Capacities.

71. Plaintiff, CHRISTINE TOWNSEND repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
72. Defendants Buffalo Police Officers Mark Vara and Kelly Craig wrongfully and intentionally, without any lawful basis and without permission, intruded and invaded into the private residence of the Plaintiff at 59 Briggs Ave., Buffalo, New York 14207, which is also located within the County of Erie, State of New York.
73. Said entry was without exigency, permission, nor any justifiable legal basis.

Eighth Cause of Action for Plaintiff Christine Townsend for violations of the Fourth and Fourteenth Amendment as per 42 U.S.C § 1985 (3) against the City of Buffalo Police Department and the City of Buffalo, Daniel Derenda, Commissioner of the City of Buffalo Police Department, in His Official and Individual Capacity, and City of Buffalo Police Officers Mark Vara and Kelly Craig, In their Official and Individual Capacities.

74. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.

75. Defendants, subsequently did conspire, for the purpose of depriving, either directly or indirectly, Plaintiff of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; namely due process in filing erroneous and fallacious criminal charges against Plaintiff to try and conceal the unlawful nature of their conduct that had already taken place. This conduct was amplified by Defendant Vara's interference with a video being taken by a witness of the Defendants brutality.

Ninth Cause of Action for Plaintiff Christine Townsend for violations of the tort of malicious prosecution against City of Buffalo Police Officers Mark Vara and Kelly Craig, in their Official and Individual Capacities.

76. Plaintiff, Christine Townsend repeats and reiterates each and every foregoing allegation of this complaint with full force and effect as if set forth at length in this cause of action.
77. Defendants, subsequently did knowingly erroneously, fallaciously, and maliciously pursue bogus criminal charges against Plaintiff to try and conceal the unlawful nature of their conduct that had already taken place. Charges were ultimately rightfully dismissed by the Honorable Judge Joseph Fiorella in Buffalo City Court.
78. Such arrest and prosecution was done without probable cause, where circumstances ended in favor of the complainant, and the circumstances in their totality, as set forth in this complaint, clearly are indicative of malice and bad faith undertaken by Defendants Vara and Craig, as would be found by any reasonable person viewing these facts objectively.

Ninth Cause of Action for Plaintiff Christine Townsend for violations of the tort of false imprisonment against City of Buffalo Police Officers Mark Vara and Kelly Craig, In their Official and Individual Capacities.

79. Plaintiff incorporates by reference all of the allegations set forth herein in this Complaint as if fully set forth herein.
80. Defendants Vara and Craig, as indicated by all the above-referenced facts, confined Plaintiff against her will, were conscious of the confinement,

Plaintiff did not consent to the consent to the confinement, and that, as a warrantless arrest under such circumstances does not provide the Defendants any form of privilege.

Tenth Cause of Action for Plaintiff Christine Townsend for violations of the tort of slander against City of Buffalo Police Officer Mark Vara and, In his Official and Individual Capacities.

81. Plaintiff incorporates by reference all of the allegations set forth herein in this Complaint as if fully set forth herein.
82. Defendant Mark Vara, when asked what by Plaintiff's neighbor Pat Barkley what Plaintiff was being arrested for, stated that Plaintiff was on drugs and that Ms. Barkely should not follow Plaintiff to the police station as Plaintiff would not be going anywhere for a long time. Further, he questioned Plaintiff's daughter, Cassandra Pope, "Is that psycho bitch your mother?" These comments were made in the presence of Pat Barkley when Defendant Vara had illegally and unconstitutionally entered Plaintiff's residence while Plaintiff was unlawfully being arrested and seized in a police vehicle.
83. The comments both caused special harm and constituted defamation per se in that stating that Plaintiff was on drugs is tantamount to saying she was in possession of a controlled substance, which is a serious crime. The malice, falsity of the statements, and complete reckless disregard for the truth in disparaging Plaintiff in front of her neighbor and daughter, when taken in the

context of the entire incident, deprive Defendant of any sort of absolute privilege.

84. Said comments were false in nature, said with malice, and were published or spoken to a third party. Defamation is the making of a false statement about a person that “tends to expose the plaintiff to public contempt, ridicule, aversion or disgrace, or induce an evil opinion of him [or her] in the minds of right-thinking persons, and to deprive him [or her] of their friendly intercourse in society.

Punitive Damages against Defendants Mark Vara and Kelly Craig in their Official and Individual Capacities.

85. Plaintiff incorporates by reference all of the allegations set forth herein in this Complaint as if fully set forth herein.
86. Defendants Mark Vara and Kelly Craig, in their Official and Individual Capacities were deliberately indifferent to Plaintiff Townsend's Constitutional rights by performing a battery upon her, wrongfully confining her, slandering her, trespassing upon her premises, inflicting emotional distress upon her, maliciously prosecuting her, and of course violating her civil rights while acting under the color of law pursuant to 42 U.S.C § 1985 (3) , and 42 U.S.C § 1983.
87. Punitive damages are justified against the above-stated defendant for their deliberate indifference and malice towards the Plaintiff herein.

WHEREFORE, the plaintiff demands judgment on the above counts against the defendants, their units, their officers, employees, against and other persons acting in concert or participation with them as stated above, and award the following amounts:

- A. Compensatory damages in favor of the Plaintiffs in an amount to be determined by a jury;
- B. Exemplary damages in favor of the Plaintiff;
- C. Costs of this action, including reasonable attorney fees to the Plaintiff Pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, U.S.C. 1988 (1976); and
- D. Such other relief as the court may deem appropriate.

DATED: Buffalo, New York
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