

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**CV 07 1312**  
**VITALIANO, J.**

TODD JAMISON,

Claimant,

-against-

CITY OF NEW YORK,  
NEW YORK CITY POLICE DEPARTMENT,  
POLICE OFFICER ALISON JAMISON, and  
PATROLEMEN'S BENEVOLENT ASSOCIATION.

Respondents.

VERIFIED REYES, M.J.  
COMPLAINT

Civ. No.

JURY FILED DEMAND  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 29 2007 ★

BROOKLYN OFFICE

MICHAEL P. MAYS, ESQ., an Attorney-At-Law, duly licensed to practice law in the state of New York, affirms the following under the pains and penalties of perjury, except as to those matters which are stated upon information and belief, and as to those matters, Michael P. Mays, Esq., believes them to be true.

Plaintiff, TODD JAMISON, by and through his attorneys, MICHAEL P. MAYS, ESQ., OF MAYS & ASSOCIATES, as and for their verified complaint, respectfully alleges, upon information and belief, that:

PARTIES

1. Plaintiff, TODD JAMISON is a law abiding resident of Kings County, City and State of New York.
2. Defendant, CITY OF NEW YORK, hereinafter referred to as CITY, is a municipal corporation created under and existing pursuant to the laws and Constitution of the State of New York.
3. Defendant NEW YORK CITY POLICE DEPARTMENT, hereinafter

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referred to as NYPD, is an agency, under the control of the defendant CITY, and charged with the responsibility of operating, maintaining a police force and implementing the rules and regulations of the defendant CITY in compliance with the laws of the City and State of New York, and securing their enforcement.

4. On April 10, 2006, and at all times herein mentioned, defendant OFFICER ALISON JAMISON, hereinafter referred to as defendant OFFICER JAMISON, was a New York City Police Officer and employed with defendants NYPD and CITY and acting under the color of state law and in furtherance of her employment. She is being sued in both her official and individual capacities.

5. Defendant, PATROLEMEN'S BENEVOLENT ASSOCIATION, hereinafter referred to as "PBA", is an organization created under and existing pursuant to the laws and Constitution of the State of New York, and charged with the responsibility of operating, and maintaining legal support and assorted counseling services for New York City Police Officers.

#### JURISDICTION

6. The Jurisdiction of this Court is invoked pursuant to, and under 28 U.S.C. §1331 and 1343(3) and (4) in conjunction with the Civil Rights Act of 1981, 42 U.S.C. § 1983, as well as the Fourth and Fourteenth Amendments to the United States Constitution and Federal Rule of Civil Procedure 8(a).

7. Jurisdiction is also invoked pursuant to, and under 28 U.S.C. § 1367, known as "Supplemental Pendent Party Jurisdiction", the State law claims against any pendent party have a common nucleus of operative fact with the federally based cause of action asserted herein and arising out of the same transaction and

occurrence giving rise to the federally based claims and causes of action asserted herein.

8. Plaintiff requests that the Court exercise its appropriate discretion and powers to consider all pendent party and pendent state law claims. The claim derives from and out of the same transactions and occurrences giving rise to the federally based claims and causes of action and they have a common nucleus of operative fact with the federally based claims and causes of action.

9. This is an action seeking redress for the violation of Plaintiff, JAMISON'S Constitutional and Civil Rights and rights otherwise guaranteed under the law.

VENUE

10. Venue is properly laid in this Court pursuant to 28 U.S.C. § 1391.

AS FOR A FIRST CAUSE OF ACTION  
ASSAULT AND BATTERY

11. The incidents giving rise to this cause of action took place on or about April 10, 2006, at the location of the corner of Van Siclen Avenue and Linden Boulevard, Brooklyn, New York, City and State of New York.

12. At said time and place, Plaintiff, TODD JAMISON, was lawfully inside his vehicle at the aforementioned location.

13. Plaintiff TODD JAMISON, was approached by defendants OFFICER ALISON JAMISON, who began firing her New York City Police Department issued firearm at the Plaintiff.

14. That said incident occurred without any provocation on the part of the plaintiff.

15. That Plaintiff TODD JAMISON suffered multiple gun shot wounds about

his body and has lost the normal use of his arm.

16. Defendant ALISON JAMISON recklessly, wrongfully, maliciously and without probable cause, caused permanent physically injuries to the plaintiff, TODD JAMISON, by shooting him about his body while lawfully his vehicle.

17. As a result of the foregoing the Plaintiff was damaged in the sum of One Million Dollars (\$1,000,000.00).

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**VIOLATION OF U.S.C. § 1983**

18. Plaintiff, JAMISON, reiterates each and every allegation set forth in paragraphs "1-17" herein and they are incorporated by reference as if fully set forth herein.

19. That as a result of defendant ALISON JAMISON' S unlawful and malicious and unconstitutional assault on Plaintiff TODD JAMISON, was hospitalized for several months and continues to undergo physical therapy to reestablish the use of his motor functions.

20. As a direct and proximate cause of Defendants' unlawful deliberate and malicious acts, Plaintiff TODD JAMISON, suffered irreparable harm and was deprived of his right to be free from punishment and of due process of law as guaranteed by the 14<sup>th</sup> Amendment to the United States Constitution.

21. Defendants NYPD, CITY, PBA were negligent and reckless in that they failed to adequately train, supervise and or control Defendants, OFFICER JAMISON and who violated Plaintiff TODD JAMISON's civil rights under 42 U.S.C. § 1983 and all other relevant statutes aforementioned.

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22. That the defendants NYPD, CITY, and PBA, were on notice and possessed knowledge that the defendant OFFICER ALISON JAMISON required continuous counseling and supervision in order to tame or otherwise subside her violent propensities towards others as well as the plaintiff TODD JAMISON.

23. That defendants NYPD, CITY, and PBA became aware of defendant ALISON JAMISON's need for counseling, and or, supervision, as a result of initial counseling sessions and the admonishing of defendant ALISON JAMISON's by supervisors regarding defendant ALISON JAMISON'S behavior.

24. That defendants NYPD, CITY, and PBA knew that there existed a pervasive risk that defendant ALISON JAMISON's was violent, unstable and too dangerous to continue to possess a New York City Police Department issued firearm.

25. The actions of the Defendants, NYPD, CITY, PBA, and OFFICER ALISON JAMISON, individually and collectively, violated the Plaintiff TODD JAMISON's rights as guaranteed under the Fourth and Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

26. The action, conduct and policies of the Defendants CITY, NYPD, PBA, OFFICER ALISON JAMISON individually and collectively, violated Plaintiff TODD JAMISON's rights as guaranteed under both federal law and the Constitution of the United States.

27. As a result of the foregoing, the Plaintiff TODD JAMISON, has sustained damages in the amount of One Million Dollars (\$1,000,000.00).

**AS AND FOR A FIFTH CAUSE OF ACTION OF  
NEGLIGENCE**

28. Plaintiff, JAMISON, reiterates each and every allegation set forth in paragraphs "1-27" herein and they are incorporated by reference as if fully set forth herein.

29. Defendants, CITY, NYPD, and PBA were negligent in that they had a duty to reasonably protect the plaintiffs from the arbitrary, capricious and wanton violation of the rules, regulations, procedures, and enactments of the Defendants, CITY and NYPD by their agents OFFICER ALISON JAMISON.

30. Furthermore, Defendants, CITY, NYPD, and PBA breached this duty by failing to supervise, direct control, command and instruct defendants, OFFICER ALISON JAMISON, on permissible criteria for arrest and or dealing with citizens and by failing to protect the Plaintiff TODD JAMISON from being gunned down about his body and suffering numerous injuries on and about his body by the aforementioned agents.

31. The defendants, CITY, NYPD and PBA, failed to adequately screen, evaluate, test or otherwise ascertain the physiological or psychological fitness of the defendants, OFFICER ALISON JAMISON, to serve as members of the police department.

32. As a result of the failures, omissions, and negligence on the part of CITY, NYPD and PBA, their employees while working in the scope of their employment, willfully violated the rights of plaintiff TODD JAMISON, a citizen of the United

States who was lawfully in his own vehicle, who, as a result suffered substantial physical, psychological and economic injuries.

33. As a result of the foregoing, the Plaintiff TODD JAMISON, has sustained damages in the amount of One Million Dollars (\$1,000,000.00).

34. Defendants, OFFICER ALISON JAMISON, did the acts allegedly herein willfully and maliciously with the wrongful intention of injuring Plaintiff TODD JAMISON and with improper and evil motive amounting to malice totally lacking probable cause in a manner entitling Plaintiff JAMISON to recover punitive damages against her individually.

35. Alternatively, Defendants OFFICER ALISON JAMISON did the acts allegedly herein with gross or reckless disregard of whether or not her actions violated the Plaintiff's JAMISON's rights entitling Plaintiff JAMISON, to recover punitive damages against her individually.

WHEREFORE, Plaintiff demands judgment awarding compensatory damages in the amount of Three Million Dollars (\$3,000,000.00), punitive damages in a like amount, reasonable attorney's fees and costs, all together with interest thereon along with such other further relief as this court deems just and equitable.

Dated: Queens, New York  
August 22, 2006

Respectfully Submitted,  
  
MICHAEL P. MAYS, ESQ.(MM6402)  
Attorney for Plaintiff

TO:  
New York City Corporation Counsel  
Michael A. Cardozo, Esq.  
100 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

**VERIFICATION**

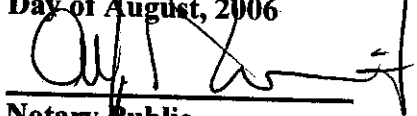
DISTRICT COURT )  
STATE OF NEW YORK )SS.:

**I, Todd Jamison, being Duly Sworn, Deposes and Says:**

**I am the Plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof, and the same is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters that are a result of investigations and court documents filed in the Queens County Criminal Court.**

  
**Todd Jamison**

Sworn to before me this 22<sup>nd</sup>  
Day of August, 2006

  
Notary Public

**ALFRED TOUSSAINT**  
State Of New York  
Department Of State  
Notary Public  
Reg. No. 01TO6057168  
County of Queens  
Exp. 06-17-2007

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