

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GEORGE GRAHAM,	:
ON BEHALF OF HIMSELF AND THOSE	: CIVIL ACTION NO. 98-
SIMILARLY SITUATED,	: JURY TRIAL DEMANDED
Plaintiffs	:
	:
v.	:
	:
CITY OF PHILADELPHIA,	:
OFFICER JOHN ROSS	:
BADGE NUMBER 4967,	:
OFFICER DANIEL DAVIS	:
BADGE NUMBER 5631,	:
OFFICER JOHN DOE(S), and	:
OFFICER JANE ROE(S),	:
Individually and as Officers of the:	:
Philadelphia Police Department,	:
Defendants	:

COMPLAINT

Preliminary Statement

1. Plaintiff Graham, on behalf of himself and all others similarly situated, seeks to enjoin Defendants' pattern, practice and policy of unlawfully arresting, searching and maliciously prosecuting homeless individuals on pretextual criminal charges for the purpose of removing homeless persons from the public streets of Philadelphia and deterring them from returning to the streets. Plaintiff Graham and the Plaintiff Class have been and continue to be deprived of rights guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution and 42

U.S.C. §1983. Further, Plaintiff Graham and the Plaintiff Class seek damages as a result of the harms caused by Defendants' actions and the loss of fundamental constitutional rights.

Jurisdiction

2. This action is brought pursuant to 42 U.S.C. §1983. Jurisdiction is based upon 28 U.S.C. §§1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Pursuant to 28 U.S.C. §§2201 and 2202, this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper. Plaintiffs further invoke the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367(a) to hear and decide claims arising under state law.

Parties

3. Plaintiff George Graham is a homeless citizen of Philadelphia, Pennsylvania.

4. Defendant City of Philadelphia is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employs the other named defendants, including Defendants Ross, Davis, Doe(s) and Roe(s).

5. Defendant Police Officer Ross is a police officer for the

Philadelphia Police Department and acting under color of state law. He is being sued in both his individual and official capacity.

6. Defendant Police Officer Davis is a police officer for the Philadelphia Police Department and acting under color of state law. He is being sued in both his individual and official capacity.

7. Defendant Doe(s) is/are and was/were at all times relevant to this action police officer(s) with the Philadelphia Police Department and acting under color of state law. He/they are being sued in both his/their individual and official capacity.

8. Defendant Roe(s) is/are and was/were at all times relevant to this action police officer(s) with the Philadelphia Police Department and acting under color of state law. She/they are being sued in both her/their individual and official capacity.

9. At all relevant times, all defendants were acting under color of state law and in concert and agreement with each other and were part of a conspiracy to improperly detain, arrest, search and maliciously prosecute Plaintiff Graham and the Plaintiff Class and to otherwise deprive Plaintiff Graham and the Plaintiff Class of their constitutional and statutory rights.

CLASS ACTION ALLEGATIONS

10. Plaintiff Graham seeks to maintain this action on behalf of himself and all others similarly situated pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure. Plaintiff Graham represents a class of persons who have been, are, or may be detained, arrested, searched and maliciously prosecuted by Defendants Davis, Ross, Doe(s) and Roe(s) for pretextual criminal charges because of their status as homeless individuals in Philadelphia. The class members have been and will be subjected to deprivations of their rights under the First, Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §1983. Plaintiffs therefore seek declaratory and injunctive relief to eliminate Defendants' actions, policies and practices which caused and will continue to cause constitutional violations.

11. The requirements of Rules 23(a) and (b) are satisfied by this class action. Upon information and belief, the Plaintiff Class, as of the present time, consists of more than one hundred individuals and will include additional individuals in the future, thereby making joinder of all members impractical.

12. There are questions of law and fact common to the class, including the constitutionality of the Defendants' practices and policies. The claims of Plaintiff Graham is typical of the claims of the class and he will fairly and adequately represent and protect the interests of the class. Plaintiff Graham is an

adequate representative of the Plaintiff Class as he was and is subject to Defendants' pattern, practice and policy of unlawfully arresting, searching and maliciously prosecuting homeless individuals on pretextual criminal charges for the purpose of removing homeless persons from the public streets of Philadelphia and deterring them from returning to the streets. It is the existence of this pattern, practice and policy of arresting, searching and prosecuting homeless individuals in the absence of probable cause or other lawful grounds that gives rise to questions of law and fact common to all members of the Plaintiff Class.

13. Upon information and belief, there is no pending litigation concerning these issues which would be disrupted by maintaining this matter as a class action. Moreover, this is the appropriate forum for this litigation. To the extent that management of this matter as a class action will pose difficulties, the fact that the Plaintiff Class is represented by several experienced civil rights litigators with the support of the American Civil Liberties Union will substantially reduce the burdens on the Court and litigants.

14. With regard to the issue of damages, maintenance of a class action is clearly in the interests of the Plaintiff Class as most, if not all, are indigent and therefore unable to retain private counsel.

15. The Defendants have acted or refused to act on grounds

generally applicable to the Plaintiff Class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

Facts

16. Over an extended period of time, including but not limited to the period from August 1, 1997, to the present, Plaintiff Graham sat on a milk crate on a public sidewalk at the intersection of 15th and Cherry Streets in the City of Philadelphia holding a cup. Plaintiff Graham was seated against a metal fence which encircles a parking lot at that location. There was more than ten feet of sidewalk between Plaintiff Graham and the sidewalk curb. Persons passing Plaintiff Graham would, on occasion, place spare change into the cup. Plaintiff Graham did not interfere with the free flow of pedestrian traffic at that location and did not otherwise commit any offenses against the laws of the Commonwealth of Pennsylvania.

17. At that location, on or about August 12, 1997, defendant Davis approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a

maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-044422. On October 2, 1997, upon application of the attorney for the Commonwealth of Pennsylvania, the aforementioned prosecution was withdrawn.

18. At that location, on or about November 20, 1997, defendant Ross approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-066284. On January 7, 1998, upon application of the attorney for the Commonwealth of Pennsylvania, the aforementioned prosecution was withdrawn.

19. At that location, on or about March 31, 1998, defendant Davis approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-019664. On October 28, 1998,

Plaintiff Graham appeared for trial before the Honorable Marsha Niefield of the Municipal Court of Philadelphia County and was found not guilty of the aforementioned charge.

20. At that location, on or about May 27, 1998, defendant Davis approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-033298. On October 28, 1998, Plaintiff Graham appeared for trial before the Honorable Marsha Niefield of the Municipal Court of Philadelphia County and was found not guilty of the aforementioned charge.

21. At that location, on or about June 13, 1998, defendant Ross approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-037540. On October 28, 1998,

Plaintiff Graham appeared for trial before the Honorable Marsha Niefield of the Municipal Court of Philadelphia County and was found not guilty of the aforementioned charge.

22. At that location, on or about July 27, 1998, defendant Davis approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-048475. On October 28, 1998, Plaintiff Graham appeared for trial before the Honorable Marsha Niefield of the Municipal Court of Philadelphia County and was found not guilty of the aforementioned charge.

23. At that location, on or about August 13, 1998, defendant Ross approached Plaintiff Graham and, without cause or justification, placed him under arrest, searched him and secured him in handcuffs. Plaintiff Graham was transported to the police station where he was searched, detained for approximately one hour and charged with the crime of obstructing the highway, 18 Pa.C.S. §5507, a summary offense punishable under Pennsylvania law by a maximum period of ninety days incarceration and a \$300 fine, as laid in Summary Citation Number 97-09-052408. On October 14, 1998,

upon application of the attorney for the Commonwealth of Pennsylvania, the aforementioned prosecution was withdrawn.

24. Over an extended period of time, including but not limited to the period from August 1, 1997 to the present, members of the Plaintiff Class were on the public streets and sidewalks of the City of Philadelphia. Members of the Plaintiff Class did not interfere with the free flow of pedestrian traffic and did not otherwise commit any offenses against the laws of the Commonwealth of Pennsylvania. Without cause or justification, Defendants Doe(s) and Roe(s) arrested members of the Plaintiff Class and charged them with criminal offenses, including obstructing the highway.

25. At all times on the dates specified above, Plaintiff Graham and the Plaintiff Class were on public property in the City of Philadelphia communicating a need for charitable contributions as was and is their right under the First Amendment to the United States Constitution and the laws and Constitution of the Commonwealth of Pennsylvania.

26. At no time on the dates specified above, did Plaintiff Graham and the Plaintiff Class commit any offenses against the laws of the Commonwealth of Pennsylvania. At no time did Plaintiff Graham or members of the Plaintiff Class strike, attempt to strike or intend to strike any of the defendant police officers or any other police officer. At no time did Plaintiff Graham and members of the Plaintiff Class obstruct any highway or sidewalk or other

public passage, harass, threaten, resist arrest, commit any illegal act, or engage in any conduct which justified the actions of all defendant police officers.

27. The arrests, searches and malicious prosecutions of Plaintiff Graham and the Plaintiff Class were undertaken by the defendant officers pursuant to a pattern, practice and policy of using pretextual criminal charges, including obstructing the highway, to remove homeless individuals, including Plaintiff Graham and members of the Plaintiff Class, from the public streets of the City of Philadelphia and to deter those individuals from returning to the streets of Philadelphia.

28. As a direct and proximate result of the actions of all defendants, Plaintiff Graham and the Plaintiff Class suffered and continue to suffer mental anguish, psychological and emotional distress, some or all of which may be permanent.

29. As a direct and proximate result of the actions of all defendants, Plaintiff Graham and the Plaintiff Class suffered and continue to suffer a fear of returning to the public streets of Philadelphia to seek charitable contributions and to enjoy the freedom of movement guaranteed by the First Amendment to the United States Constitution and the laws and Constitution of the Commonwealth of Pennsylvania.

30. The individual defendants knew that they were without authority to arrest Plaintiff Graham and members of the Plaintiff

Class. The arrests were a pretext designed to remove Plaintiff Graham and the Plaintiff Class from the streets of the City of Philadelphia and to deter future behavior, including panhandling, by Plaintiff Graham and the Plaintiff Class.

31. All individual defendants conspired to inflict harm on Plaintiff Graham and the Plaintiff Class and deprive them of their constitutional rights.

32. All individual defendants made statements to police, the district attorney and others in order to conceal their unlawful and unconstitutional conduct and in an attempt to deny Plaintiff Graham and the Plaintiff Class access to the courts and to due process.

33. All individual defendants engaged in the aforesaid conduct for the purpose of violating the constitutional rights of Plaintiff Graham and the Plaintiff Class by subjecting them to unreasonable searches and seizures, depriving them of property and liberty without due process of law and subjecting them to unlawful arrests.

34. As a direct and proximate cause of the all defendants' illegal and unconstitutional actions, Plaintiff Graham and the Plaintiff Class suffered pain, fear, anxiety, embarrassment, loss of liberty, confinement, emotional trauma, and the loss of the enjoyment of life.

35. As a direct and proximate cause of all defendants' illegal and unconstitutional actions, Plaintiff Graham and the Plaintiff Class suffered and continue to suffer financial loss and

deprivation of other liberty interests.

**FIRST CAUSE OF ACTION
FEDERAL CIVIL RIGHTS VIOLATIONS
Count I: Plaintiff Graham v. Defendants Davis and Ross**

36. Plaintiffs hereby reallege paragraphs 1-35 of this Complaint, as though fully set forth herein.

37. As a direct and proximate result of the above described conduct, committed under color of state law, and while acting in that capacity, defendants Davis and Ross deprived Plaintiff Graham of his rights to freedom of speech, to be free from unreasonable searches, seizures, false arrest, false imprisonment and malicious prosecution, and to due process and equal protection of the law. As a result, Plaintiff Graham suffered harm in violation of his rights under the First, Fourth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. §1983.

Count II: Plaintiff Class v. All Individual Defendants

38. Plaintiffs hereby reallege paragraphs 1-37 of this Complaint, as though fully set forth herein.

39. As a direct and proximate result of the above described conduct, committed under color of state law, and while acting in that capacity, the defendant officers deprived the Plaintiff Class of their rights to freedom of speech, to be free from unreasonable searches, seizures, false arrest, false imprisonment and malicious

prosecution, and to due process and equal protection of the law. As a result, the Plaintiff Class suffered harm in violation of their rights under the First, Fourth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. §1983.

**Count III: All Plaintiffs v. Defendant City of Philadelphia
Municipal Liability**

40. Plaintiffs hereby reallege paragraphs 1-39 of this Complaint, as though fully set forth herein.

41. Upon information and belief, the Philadelphia Police Department has instituted a pattern, policy and practice of unlawfully arresting, searching and maliciously prosecuting members of the Plaintiff Class on pretextual criminal charges for the purpose of removing homeless persons from the public streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia. The arrests, searches and malicious prosecutions were and are undertaken in the absence of probable cause or other lawful grounds.

42. As a direct and proximate result of the above pattern, policy and practice, committed under color of state law, defendant officers Davis, Ross, Doe(s) and Roe(s) deprived Plaintiff Graham and the Plaintiff Class of their rights to freedom of speech, to be free from unreasonable searches, seizures, false arrest, false imprisonment and malicious prosecution, and to due process and equal protection of the law. As a result, Plaintiff Graham and the

Plaintiff Class suffered harm, in violation of the First, Fourth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. §1983.

43. The Defendant City of Philadelphia has enacted, adopted, permitted, encouraged, tolerated and ratified a pattern, practice and policy of abuse of police powers by police officers, including the use of pretextual criminal charges, such as obstructing the highway, to arrest homeless individuals, including Plaintiff Graham and the Plaintiff Class, to deter those individuals from soliciting contributions from other citizens in the past, now and in the future on the public streets of the City of Philadelphia. As a result, Plaintiff Graham and the Plaintiff Class suffered harm, in violation of the First, Fourth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. §1983.

44. The City of Philadelphia adopted, permitted, encouraged, tolerated, ratified and was and is deliberately indifferent to a pattern, practice and custom of:

a. The illegal abuse of police powers to falsely arrest, harass, improperly search and maliciously prosecute homeless persons seeking charitable contributions on the public streets of Philadelphia; and

b. Abuse of police powers by police officers who use pretextual criminal charges, such as obstructing the highway, to arrest homeless individuals and who act to deter those individuals from

soliciting contributions from other citizens on the public streets of the City of Philadelphia.

45. Defendant City of Philadelphia was and is deliberately indifferent to the need for training, supervision, investigation or discipline in the areas of:

a. Training its officers in the appropriate exercise of police powers, including the precise circumstances in which a homeless and indigent person who is panhandling may be arrested and charged with a criminal offense;

b. Adopting, facilitating, encouraging, tolerating and ratifying a pattern, practice and policy in which officers use their status as police officers to employ pretextual criminal charges to have persons falsely arrested, maliciously prosecuted, or to achieve ends not reasonably related to their police duties; and

c. Monitoring compliance with the Department's directives and guidelines relating to pretextual arrests and the failure to properly train, supervise and discipline officers with regard to such arrests and prosecutions.

46. The City of Philadelphia has failed to properly sanction or discipline officers, who commit, conceal and/or aid and abet violations of constitutional rights of citizens by other Philadelphia Police Officers, thereby causing and encouraging Philadelphia police, including the defendant officers in this case, to violate the rights of citizens such as Plaintiff Graham and the

Plaintiff Class.

47. By these actions, all defendants have deprived Plaintiff Graham and the Plaintiff Class of rights secured by the First, Fourth and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. §1983.

**SECOND CAUSE OF ACTION
INJUNCTIVE RELIEF**

48. Plaintiffs hereby reallege paragraphs 1-47 of this Complaint, as though fully set forth herein.

49. By adopting, permitting, encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy in which officers of the Philadelphia Police Department unlawfully arrest, search and maliciously prosecute members of the Plaintiff Class on pretextual criminal charges for the purpose of removing homeless persons from the streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia, Defendant City of Philadelphia has and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

50. By engaging in the practice of unlawfully arresting, searching and maliciously prosecuting Plaintiff Graham and members of the Plaintiff Class on pretextual criminal charges for the

purpose of removing homeless persons from the streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia, Defendants Davis Ross, Doe(s) and Roe(s) have and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

51. By adopting, permitting, encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy in which officers of the Philadelphia Police Department unlawfully arrest, search and maliciously prosecute members of the Plaintiff Class in the absence of probable cause or reasonable suspicion, Defendant City of Philadelphia has and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

52. By engaging in the practice of unlawfully arresting, searching and maliciously prosecuting Plaintiff Graham and members of the Plaintiff Class in the absence of probable cause or reasonable suspicion, Defendants Davis, Ross, Doe(s) and Roe(s) have and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and

Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff Graham and the Plaintiff Class respectfully request that the Court:

(a) Certify the Plaintiff Class pursuant to Rule 23 of the Federal Rules of Civil Procedure;

(b) Issue a declaratory judgment that the actions, policies and practices described above of the Defendant City of Philadelphia, the Philadelphia Police Department and Defendants Davis, Ross, Doe(s) and Roe(s) cause the deprivation of rights guaranteed to Plaintiff Graham and the Plaintiff Class under the First, Fourth and Fourteenth Amendments of the Constitution of the United States, 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania;

(c) Permanently enjoin Defendants Davis, Ross, Doe(s) and Roe(s) and all officers of the Philadelphia Police Department from unlawfully arresting, searching and maliciously prosecuting Plaintiff Graham and members of the Plaintiff Class in the absence of probable cause or other lawful grounds;

(d) Permanently enjoin Defendants Davis, Ross, Doe(s) and Roe(s) and all officers of the Philadelphia Police Department from unlawfully arresting, searching and maliciously prosecuting Plaintiff Graham and members of the Plaintiff Class on pretextual

criminal charges for the purpose of removing homeless persons from the streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia in the absence of probable cause or other lawful grounds; and

(e) Award Plaintiff Graham and the Plaintiff Class reasonable counsel fees and costs.

**THIRD CAUSE OF ACTION
DAMAGES**

53. Plaintiffs hereby reallege paragraphs 1-52 of this Complaint, as though fully set forth herein.

54. By adopting, permitting, encouraging, tolerating, ratifying or being deliberately indifferent to a pattern, practice and policy in which officers of the Philadelphia Police Department unlawfully arrest, search and maliciously prosecute Plaintiff Graham and members of the Plaintiff Class on pretextual criminal charges for the purpose of removing homeless persons from the streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia, Defendant City of Philadelphia has and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

55. By engaging in the practice of unlawfully arresting,

searching and maliciously prosecuting Plaintiff Graham and members of the Plaintiff Class on pretextual criminal charges for the purpose of removing homeless persons from the streets of Philadelphia and deterring such persons from returning to the streets of Philadelphia, Defendants Davis Ross, Doe(s) and Roe(s) have and will continue to deprive Plaintiff Graham and the Plaintiff Class of rights guaranteed by the First, Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and the laws and Constitution of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff Graham and the Plaintiff Class respectfully request that the Court:

(a) Award Plaintiff Graham and the Plaintiff Class compensatory and punitive damages;

(b) Award Plaintiff Graham and the Plaintiff Class reasonable counsel fees and costs pursuant to 42 U.S.C. §1982;

(c) Order such other and further relief as the Court deems necessary.

**FOURTH CAUSE OF ACTION
SUPPLEMENTAL STATE LAW CLAIMS**

56. Plaintiffs hereby reallege paragraphs 1-55 of this Complaint, as though fully set forth herein.

57. The acts and conduct of all defendants alleged in the above stated cause of action constitute assault and battery, false arrest, false imprisonment, malicious prosecution, intentional infliction of emotional distress, negligence, and negligent hiring, retention and supervision under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate said claims.

PUNITIVE DAMAGES

58. Plaintiffs hereby reallege paragraphs 1-57 of this Complaint, as though fully set forth herein.

59. The conduct of the individual defendants was outrageous, malicious, wanton, willful, reckless and intentionally designed to inflict harm upon Plaintiffs.

60. As a result of the acts of the individual defendants alleged in the preceding paragraphs Plaintiffs are entitled to punitive damages as to each cause of action.

JURY DEMAND

61. Plaintiff Graham and the Plaintiff Class demand a jury trial as to each defendant and as to each count.

WHEREFORE, Plaintiff Graham and the Plaintiff Class request the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. A declaratory judgment that the practices and policies complained of are unconstitutional;
- d. Reasonable attorney's fees and costs; and
- e. Such other and further relief as appears reasonable and just.

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