

Reset



COMMON PLEAS COURT
CUYAHOGA COUNTY, OHIO

FILED

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Jill Ann Stewart
Plaintiff

2010 MAR 10 Case No 52

vs.

City of Lakewood, et al.
Defendant

Judge:
GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

Judge: EILEEN T GALLAGHER

CV 10 720872

Has this case been previously filed & dismissed? Yes No

Case #: _____ Judge: _____

Is this case related to any cases now pending or previously filed Yes No

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) in ONE Classification Only.

Professional Torts:

- 1311 Medical Malpractice
- 1315 Dental Malpractice
- 1316 Optometric Malpractice
- 1317 Chiropractic Malpractice
- 1312 Legal Malpractice
- 1313 Other Malpractice

Foreclosures:

- Utilize Separate Foreclosure Designation Form

Commercial Docket:

- 1386 (Temp.Sup.R. 1.03)

Product Liability:

- 1330 Product Liability

Administrative Appeals:

- 1540 Employment Services
- 1551 Other

Other Torts:

- 1310 Motor Vehicle Accident
- 1314 Consumer Action
- 1350 Misc Tort

Other Civil:

- 1500 Replevin/Attachment
- 1382 Business Contract
- 1384 Real Estate Contract
- 1390 Cognovit Contract
- 1391 Other Contract
- 1490 Foreign Judgement
- 1491 Stalking Civil Protection Order
- 1501 Misc Other
- 1502 Petition to contest Adam Walsh Act

Workers Compensation:

- 1550 Workers Compensation
- 1531 Workers Comp. Asbestos

Amount of Controversy:

- None Stated
- Less than \$25,000
- Prayer Amount _____

Parties have previously attempted one of the following prior to filing:

- Arbitration
- Early Neutral Evaluation
- Mediation
- None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Goldstein & Goldstein Co., LPA
Firm name (Print or type)

55 Public Square, #1575
Address

Cleveland, OH 44113
Address

(216) 241-6677
Phone

William M. Goldstein (0001557)
Attorney of Record (Print or type)

Signature

William@goldsteinandgoldstein.net
Email Address

FILED
 IN THE COURT OF COMMON PLEAS
 CUYAHOGA COUNTY, OHIO
 2010 MAR 10 P 1:52

JILL ANN STEWART
 22651 J Fox Avenue
 Euclid, Ohio 44123

Plaintiff

Vs

CITY OF LAKEWOOD
 c/o its Law Director Nora L. Hurley
 Lakewood City Hall
 12650 Detroit Avenue
 Lakewood, Ohio 44107

And

JOHN DOES 1-10, INCLUSIVE,
 WHOSE NAMES AND
 ADDRESSES ARE UNKNOWN TO
 PLAINTIFFS AT THIS TIME

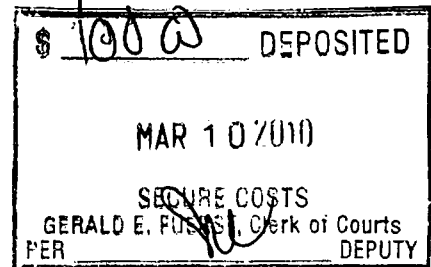
Defendants

) CASE NO.
) GERALD E. FUERST
) CLERK OF COURTS
) CUYAHOGA COUNTY

Complaint
 EILEEN T GALLAGHER
 CV 10 720872

COMPLAINT

(Jury demand endorsed hereon)



Now comes the Plaintiff, by and through counsel, and for her Complaint alleges and avers as follows:

1. At all times relevant herein, John Does 1 through 10, inclusive, are persons, including but not limited to, City of Lakewood police officers, court personnel, and Law Department personnel, whose names are currently unknown to the Plaintiff and have been unable to presently ascertain, and may be a proximate cause or liable party for the incident alleged herein. Defendants John Does 1 through 10, inclusive, will in no way be prejudiced in the maintenance of their defense because of their constructive or actual notice of the institution of this case. Except for the inability of the Plaintiff to discover

the names of Defendants John Does 1 through 10, inclusive, this action would be brought against them in their proper, true and exact names and capacities, and said information will be provided by the Plaintiff when such information becomes fully known to the Plaintiff.

2. Upon information and belief, Defendants John Does 1-10, inclusive, were acting as agents and/or in their capacities on behalf of Defendant City of Lakewood. Defendant City of Lakewood is vicariously responsible for the actions by Defendants.

3. On or about March 12, 2009, at approximately 3:30 p.m., Plaintiff Jill Ann Stewart was arrested by the Mayfield Police Department pursuant to an illegal and wrongful arrest warrant issued by Lakewood Police Department.

4. Approximately three hours after the arrest, Plaintiff Jill Ann Stewart, was released by the Mayfield Police Department after having a friend post a 10% bond with Defendant City of Lakewood.

5. On March 17, 2009, Defendant City of Lakewood dismissed the case against Plaintiff Jill Ann Stewart and returned her bond payment to her, minus a \$10.00 handling fee.

6. Upon information and belief, the subject arrest warrant was issued when a John Doe Defendant misused Law Enforcement Automated Data Systems (hereinafter called "LEADS") in an attempt to issue a citation to a Lakewood resident who had committed a minor misdemeanor, to wit: "having a dog at large," and instead caused the warrant to be issued to Plaintiff Jill Ann Stewart.

7. Plaintiff has reason to believe that the John Doe Defendant, in attempting to make an identification, never met the Ms. Stewart that he was attempting to issue the

citation to, nor did he have a correct address of that Ms. Stewart, nor did he have any other identifying factors about the person to whom the citation was intended.

8. John Does 1-10, inclusive, including said police officer, police department personnel and/or other Lakewood Municipal Court and Law Department personnel, acted recklessly and wantonly with gross disregard for the rights of the arrested Plaintiff Jill Ann Stewart, by illegally and improperly using the State of Ohio LEADS system to identify the party to whom they intended to issue a citation.

9. The conduct of the Defendants, in failing to follow proper procedures to identify individuals to be arrested, caused Plaintiff Jill Ann Stewart to be wrongfully arrested and detained.

10. At the time of the arrest, Plaintiff Jill Ann Stewart was in the process of picking her daughter up from daycare and therefore wound up being arrested, handcuffed, and paraded in front of her daughter's school companions, parents, and teaching staff.

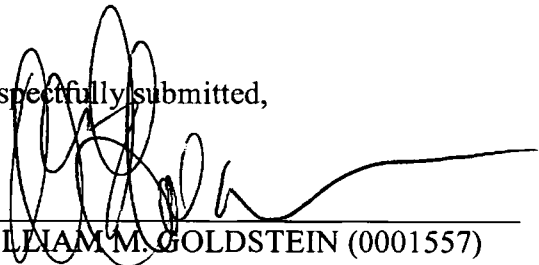
11. These events have humiliated Plaintiff Jill Ann Stewart, caused her mental anguish, fear and distrust of police and police action, disgraced and ridiculed her in front of her friends and acquaintances, and caused her to incur attorney fees and additional fees.

12. The Defendants, including Defendant City of Lakewood, by and through John Does 1-10, inclusive, violated Plaintiff Jill Ann Stewart's Fourth Amendment rights, enumerated in the United States Constitution, to wit: "to be free from illegal search and seizure."

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jill Ann Stewart demands judgment against all Defendants, jointly and severally, for compensatory damages in excess of \$25,000.00 (TWENTY-FIVE THOUSAND DOLLARS), attorney fees, prejudgment interest, plus the cost of this action, and any other additional relief as the Court deems proper.

Respectfully submitted,



WILLIAM M. GOLDSTEIN (0001557)
MICHAEL D. GOLDSTEIN (0075661)
GOLDSTEIN & GOLDSTEIN CO., L.P.A.
55 Public Square, Suite 1575
Cleveland, Ohio 44113
(Ph: 216/241-6677; fax- 241-3748)
E-mail: William@goldsteinandgoldstein.net
Attorneys for Plaintiff

Jury Demand

A trial by jury is hereby requested on all matters herein.



WILLIAM M. GOLDSTEIN (0001557)

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

CASE NO.
CY10720872

D1 CM

SUMMONS NO.
15333423

Rule 4 (B) Ohio

Rules of Civil
Procedure

JILL ANN STEWART
VS
CITY OF LAKEWOOD, ET AL
PLAINTIFF
DEFENDANT

SUMMONS

CITY OF LAKEWOOD
C/O ITS LAW DIRECTOR NORA L. HURLEY
LAKEWOOD CITY HALL
12650 DETROIT AVENUE
LAKEWOOD OH 44107-0000

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:



Plaintiff's Attorney

WILLIAM M GOLDSTEIN
55 PUBLIC SQUARE
SUITE 1575
CLEVELAND, OH 44113-0000

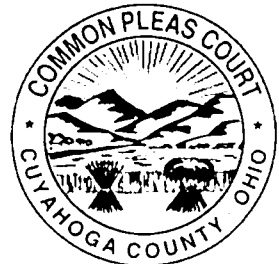
Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

EILEEN T GALLAGHER
Do not contact judge. Judge's name is given for attorney's reference only.



GERALD E. FUERST
Clerk of the Court of Common Pleas
By _____
Deputy

DATE
Mar 25, 2010

COMPLAINT FILED 03/10/2010

