

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

JASON EDGERTON	:	
Plaintiff	:	CIVIL ACTION NO. _____
<hr style="border: 0.5px solid black;"/>		
VS.	:	
CITY OF PHILADELPHIA POLICE DEPARTMENT, P/O BRANDON RUFF, BADGE# 9594, individually and in his official capacity, P/O BARRY GRIER, BADGE# 5114, individually and in his official capacity, C/O Legal Department 1515 Arch Street Philadelphia, PA 19102	:	JURY TRIAL DEMANDED
Defendants	:	
<hr style="border: 0.5px solid black;"/>		

COMPLAINT

I. JURISDICTION AND VENUE

1. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and § 1988 and the Fourth, and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1985(3).
2. The Court has jurisdiction in this action under 42 U.S.C. § 1983, 28 U.S.C. § 1343 and 28 U.S.C. § 1331.
3. Plaintiff also invokes the supplemental jurisdiction of this court to hear and decide claims arising under the state law.

II. PARTIES

4. All preceding paragraphs are re-alleged herein as if fully set forth at length below.

5. Plaintiff Jason Edgerton is a citizen and resident of Voorhee, New Jersey.
6. Defendant City of Philadelphia (hereinafter “City”) is a municipal corporation organized and existing under the laws of Commonwealth of Pennsylvania as a city of the first class. In this cause of action, the City acted or failed to act through its agents, employees, servants, who are or were policy-makers for the Philadelphia Police Department and for the conduct of the police officers employed by the department.
7. At all times relevant hereto, Defendant Grier, Badge No. 5114 (hereinafter “Grier”) was a police officer of the Philadelphia Police Department and was acting in such capacity as an agent, servant and employee of the City of Philadelphia and its Police Department, and was acting under the direction and control of the City and its Police Department and was acting pursuant to either official or unofficial policy or the custom, practice, and usage of the City and its Police Department.
8. At all times relevant hereto, Defendant Grier acted under color of laws, statutes ordinances, regulations, policies, customs, practices, and usages of the Commonwealth of Pennsylvania, the City of Philadelphia, and the Philadelphia Police Department and pursuant to his authority as a police officer of the Department and the City.
9. At all times relevant hereto, Defendant Officer Ruff, Badge No. 9594, was a police officer of the City of Philadelphia Police Department, and was acting under the direction and control of the City and its Police Department, and was acting pursuant to either official policy, or the custom, routine, practice and usage of the City of Philadelphia and its Police Department.
10. At all times relevant hereto, under color of laws, statutes, ordinances, regulations,

customs, policies, practices and routine of the Commonwealth of Pennsylvania, the City of Philadelphia and the Philadelphia Police Department and pursuant to his authority as police officer of the Department and the City. These individuals, the defendants, acted jointly and severally to deprive Plaintiff of rights secured to him under the United States Constitution, Federal Statutes and the laws of the Commonwealth of Pennsylvania.

FACTS COMMON TO ALL COUNTS

11. All preceding paragraphs are re-alleged herein as if fully set forth below.
12. On or about January 9, 2008 at approximately 11:30 P.M., after leaving work, Plaintiff Jason Edgerton was en route to his brother, Eddie Edgerton's, home located at 1525 Napa Street, Philadelphia, Pennsylvania 19146.
13. At or about the same time Plaintiff was approached by two Philadelphia police officers on the 1300 block of South Hollywood Street, Philadelphia, Pennsylvania, who began cursing at him and questioning him as to where he was coming from.
14. Plaintiff questioned the reason for the officers' interrogating him.
15. As a result of Plaintiff's questioning, the police officers became enraged. One of the officers grabbed Plaintiff's left arm and twisted it. While having his arm twisted, Plaintiff was hit forcefully with a forearm across the face and knocked to the ground. This rendered him unconscious.
16. As Plaintiff regained consciousness, he was repeatedly kicked and stomped about the face and both sides of his body by the two officers.
17. The Plaintiff did not fit the description (red shirt) of the person police were looking for.
18. The Plaintiff, who had just finished his shift and had left his employment for the night, was wearing a blue shirt at the time.

19. As a result of numerous blows to the head and body, Plaintiff was taken semi-conscious to an emergency police wagon to Thomas Jefferson Hospital, Philadelphia, Pennsylvania, where he stayed for Fifteen (15) hours while still in police custody.
20. After receiving medical treatment, the Plaintiff was charged with Resisting Arrest, Disorderly Conduct, Recklessly Endangering Another Person, and Harassment.
21. On July 15, 2008, the Plaintiff appeared for trial, Judge Lydia Kirkland presiding. After hearing evidence from all parties, the Honorable Judge found Plaintiff not guilty of all charges.
22. From the evidence presented at trial, at no time did Plaintiff assault Defendant officers or made offers of violence, or threaten them.
23. Plaintiff was severely beaten repeatedly by Officers Grier, Badge # 5114 and Ruff, Badge # 9594, causing him serious bodily injuries and trauma to his entire person, specifically his head, including his nose, eyes, and cranial area.
24. After conducting X-ray, ultrasound, and CAT scan studies, the findings revealed a complex fracture, including a fracture extending through the malar eminence and extending into the most inferior portion of the right lateral orbit (eye), and into the zygomatic arch. There is also an associated fracture of the anterolateral maxillary sinus (nose).
25. Due to the injuries as stated above, the Plaintiff presently suffers from loss of memory and chronic headaches.
26. The Plaintiff continues to treat for these injuries.

COUNT I - Assault / Battery

27. All preceding paragraphs are re-alleged herein as if fully set forth below.
28. The act of unlawful beating and offensive touching of Jason Edgerton by Defendants Grier and Ruff were intentional.
29. The conduct herein described, and attributable to Grier and Ruff, was completely unjustified and without reason.
30. As a result of the physical attack committed by Defendants, Plaintiff was caused to suffer serious and permanent bodily injuries as heretofore described.
31. As a result of the physical attack on Plaintiff by Defendants, Plaintiff has a continuing need for future medical and psychological treatments.
32. The physical attack on Plaintiff by Defendants was malicious, mentally and physically abusive, wanton, outrageous and intentional, thereby entitling Plaintiff to punitive damages against Grier, and Ruff in their individual capacities.

WHEREFORE, it is respectfully requested that this Honorable Court enter a judgment against Defendants in an amount in excess of \$250,000.00 plus interest, costs, punitive damages and attorney's fees and any other relief which the Court deems just.

COUNT II - Intentional Infliction of Emotional Distress

33. All preceding paragraphs are re-alleged herein as if fully set forth below.
34. The unjustified and illegal attack maliciously and intentionally places this law-abiding citizen, who had never been arrested before, in a mental state of permanent neurological disorder.
35. As stated above, the direct and proximate result of Defendants' conduct has caused severe emotional distress, mental anguish, humiliation and pain to Plaintiff.

WHEREFORE, it is respectfully requested that this Honorable Court enter judgment against Defendants, jointly and severally, for damages in excess of \$250,000.00, plus interest, costs, punitive damage, and attorney's fees.

Respectfully submitted,

BY: _____
S. Timothy A. Crawford, Esquire
Attorney For Plaintiff, Jason Edgerton