

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JIMMY ALVARADO

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER PAVEL
N. KUZNETSOV, POLICE OFFICER PEDRO
RODRIGUEZ, POLICE OFFICERS "JOHN DOES"
1-10 (names and number of whom are
unknown at present), and other
unidentified members of the New York
City Police Department, EMERGENCY
MEDICAL TECHNICIAN JACK KADDAH, and
EMERGENCY MEDICAL TECHNICIAN MICHAEL
VALE,

Defendant (s).

SUMMONS

Index No.:
Date Purchased:

The Basis of Venue
is:
County of Incident

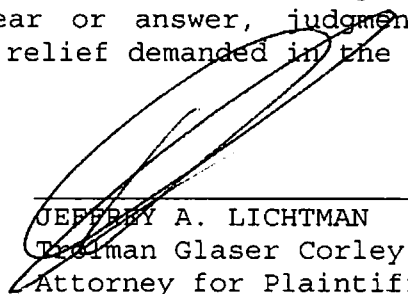
Plaintiff designates
Kings County as the
place of trial.

JURY TRIAL DEMANDED

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
July 24, 2019



JEFFREY A. LICHTMAN
Trellman Glaser Corley & Lichtman, P.C.
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212-750-1200

Roth & Roth P.C.
Co-Counsel for Plaintiff

TO:

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POLICE OFFICER PAVEL N. KUZNETSOV,
1301 First Avenue North,
St. Petersburg, Florida 33705

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EMERGENCY MEDICAL TECHNICIAN JACK KADDAH,
9 Metrotech Center,
Brooklyn, New York 11201

EMERGENCY MEDICAL TECHNICIAN MICHAEL VALE,
9 Metrotech Center
Brooklyn, New York 11201

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JIMMY ALVARADO

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER
PAVEL N. KUZNETSOV, POLICE OFFICER
PEDRO RODRIGUEZ, POLICE OFFICERS
"JOHN DOES" 1-10 (names and number
of whom are unknown at present),
and other unidentified members of
the New York City Police
Department, EMERGENCY MEDICAL
TECHNICIAN JACK KADDAH, and
EMERGENCY MEDICAL TECHNICIAN
MICHAEL VALE,

Defendant(s).

Index No.:

VERIFIED COMPLAINT

JURY TRIAL
DEMANDED

Plaintiff, JIMMY ALVARADO, by his attorneys, TROLMAN GLASER
CORLEY & LICHTMAN, P.C., and ROTH & ROTH, LLP as and for his
Verified Complaint herein, allege upon information and belief as
follows:

CONDITIONS PRECEDENT

1. Plaintiff, in furtherance of his State causes of
action, filed a Notice of Claim against the CITY OF NEW YORK.
2. More than thirty (30) days have elapsed since said
Notice of Claim was filed and the CITY OF NEW YORK has failed to
pay or adjust the claim.
3. This action is being brought within one year and 90
days of the event giving rise to Plaintiff's State causes of
action.
4. A statutory hearing in accordance with General
Municipal law § 50-h was held on or about May 7, 2019.

5. This action falls within one or more of the exceptions as set forth in CPLR Section 1602, involving intentional actions, as well as the Defendants, and/or Defendant, having acted in reckless disregard for the safety of others, as well as having performed intentional acts.

6. Plaintiff sustained damages in an amount in excess of the jurisdictional limits of all the lower Courts of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

7. Plaintiff, JIMMY ALVARADO, is a resident of Kings County, City and State of New York.

8. Defendant CITY OF NEW YORK ("CITY") is a municipal entity created and authorized under the laws of the State of New York, and acts by and through its agencies, employees and agents, including but not limited to, the New York City Police Department ("NYPD"), the Fire Department of the City of New York ("FDNY") and their employees.

9. POLICE OFFICER ("P.O.") PAVEL N. KUZNETSOV ("KUZNETSOV"), was at all times relevant herein, an officer, employee and agent of the NYPD.

10. P.O. PEDRO RODRIGUEZ ("RODRIGUEZ") was at all times relevant herein, an officer, employee and agent of the NYPD.

11. P.O.s "JOHN DOES" 1-10 ("John Does"), are and were at all times relevant herein, officers, employees and agents of the NYPD.

12. POLICE OFFICER ("P.O.") PAVEL N. KUZNETSOV ("KUZNETSOV"), P.O. PEDRO RODRIGUEZ ("RODRIGUEZ"), P.O.s "JOHN DOES" 1-10 ("John Does") (collectively, "Defendant Police Officers," individually, "Defendant Police Officer"), are and were at all times relevant herein, officers, employees and agents of the NYPD.

13. EMERGENCY MEDICAL TECHNICIAN ("EMT") JACK KADDAH, was at all times relevant herein an employee of the FDNY.

14. EMERGENCY MEDICAL TECHNICIAN MICHAEL VALE was at all times relevant herein an employee of the FDNY.

15. EMERGENCY MEDICAL TECHNICIAN ("EMT") JACK KADDAH, and EMT MICHAEL VALE (collectively, "Defendant EMTs," individually, "Defendant EMT"), are and were at all times relevant herein, officers, employees and agents of the FDNY.

16. At all times relevant herein, the individual NYPD and EMT Defendants were acting under color of state law in the course and scope of their duties and functions as agents, servants, employees and officers and EMTs of the Defendant CITY OF NEW YORK, and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. They were acting for and on behalf of the NYPD and FDNY at all times relevant herein, with the power and authority vested in them as officers, agents and employees of the NYPD and FDNY and incidental to the lawful pursuit of their duties as officers, employees and agents of the NYPD, FDNY and City of New York.

17. The Defendant NYPD officers and EMTs are being sued in their individual and official capacities.

18. The individual NYPD and FDNY Defendant's acts hereafter complained of were carried out negligently, intentionally, recklessly, with malice, and in gross disregard of Plaintiff's rights.

19. At all relevant times, the individual Defendants were engaged in joint ventures, assisting each other in performing the various actions described herein and lending their physical presence in support and the authority of their offices to one another.

20. On May 20, 2018, at approximately 2:30 a.m., Plaintiff, Jimmy Alvarado was lawfully present on the sidewalk in the vicinity of 56th Street and 6th Avenue, Brooklyn, New York.

21. On May 20, 2018, at approximately 2:30 a.m., several unknown individuals had an altercation in the vicinity of 56th Street and 6th Avenue, Brooklyn, New York.

22. Mr. Alvarado was not involved in the altercation.

23. At no time did Mr. Alvarado commit a crime or violate the law in any manner.

24. During and after the altercation in the vicinity of 56th Street and 6th Avenue, Brooklyn, New York, several NYPD officers arrived at the scene, including but not limited to Defendants KUZNETSOV and RODRIGUEZ.

25. After the NYPD officers arrived on May 20, 2018, at approximately 2:30 a.m., Mr. Alvarado left the vicinity of 56th Street and 6th Avenue, Brooklyn, New York.

26. The NYPD Defendants lacked reasonable or probable cause to believe that Mr. Alvarado had committed a crime or violated the law in any manner.

27. By leaving the area of 56th Street and 6th Avenue, Mr. Alvarado did not commit any crime or violate the law in any manner.

28. KUZNETSOV and RODRIGUEZ lacked reasonable or probable cause to believe Mr. Alvarado committed a crime or violated the law in any manner.

29. Nevertheless, P.O. KUZNETSOV unlawfully pursued Mr. Alvarado.

30. P.O. KUZNETSOV seized Mr. Alvarado and violently tackled him to the ground in the vicinity of the intersection of 54th Street and 5th Avenue, Brooklyn, New York.

31. The other NYPD Defendants, including RODRIGUEZ, had the time and a realistic opportunity to prevent KUZNETSOV from chasing, seizing and tackling Mr. Alvarado to the ground, but failed to do so.

32. After KUZNETSOV tackled him to the ground, Mr. Alvarado told KUZNETSOV, RODRIGUEZ, and other NYPD officers that he could not feel his legs or move.

33. Nevertheless, KUZNETSOV, RODRIGUEZ, and other NYPD officers yanked Mr. Alvarado's arms behind his back and placed handcuffs upon his wrists.

34. KUZNETSOV, RODRIGUEZ, and other NYPD officers then attempted to make Mr. Alvarado stand up, but he informed the officers that he was unable to stand. Nevertheless, the officers attempted to force Mr. Alvarado to stand.

35. After Mr. Alvarado told the NYPD officers that he could not feel his legs and he could not move, KUZNETSOV, RODRIGUEZ, and other NYPD officers grabbed Mr. Alvarado's limbs and body and dragged and moved his body.

36. Thereafter, several EMTs arrived at the scene, including Defendants KADDAH and VALE.

37. The NYPD officers told KADDAH and VALE that Mr. Alvarado could not move his legs.

38. Mr. Alvarado told KADDAH and VALE that he could not feel or move his legs.

39. Mr. Alvarado relied upon KADDAH and VALE to provide emergency medical treatment.

40. KADDAH and VALE failed to perform even a rudimentary physical evaluation of Mr. Alvarado as required by good and accepted emergency medical standards.

41. KADDAH and VALE failed to provide any medical assistance at the scene and unreasonably delayed immediate

transport to the hospital as required by good and accepted emergency medical standards.

42. After Mr. Alvarado told KADDAH and VALE that he could not feel or move his legs, KADDAH and VALE failed to immobilize Mr. Alvarado's cervical spine, failed to place him in a neck brace, failed to put him on a long board or took any other precautions to protect his neck, back or spinal cord.

43. KADDAH and VALE eventually loaded Mr. Alvarado on a stretcher without a backboard or neck brace, put him into an ambulance, and transported him in an improper position to the emergency room at Lutheran NYU Langone Hospital, located at 150 55th Street, Brooklyn, New York.

44. After he was put in the ambulance, neither KADDAH nor VALE stabilized Mr. Alvarado in a neck brace or took any other precautions to protect his spinal cord, neck and back while Mr. Alvarado was being transported to the emergency room.

45. KADDAH and VALE's treatment, services and lack thereof were rendered to Mr. Alvarado carelessly, unskillfully, negligently, grossly negligently, recklessly, and not in accordance with good and accepted standards of emergency medical services, paramedic services, life support care services, and services in the community.

46. KADDAH and VALE's treatment, services and lack thereof caused and exacerbated Mr. Alvarado injuries.

47. At the hospital, Mr. Alvarado was diagnosed with fractures in his neck and serious injuries to his spinal cord and underwent several surgical procedures.

48. While he was at the hospital, the Defendant NYPD officers maliciously initiated a criminal prosecution of Mr. Alvarado by serving him with an appearance ticket that falsely

accused him of committing Disorderly Conduct, CPL 240.20, which is a violation.

49. No reasonable police officer would have believed they had reasonable or probable cause to seize or arrest Mr. Alvarado for disorderly conduct or any other crime or offense.

50. No reasonable police officer would have believed they had reasonable or probable cause to initiate the prosecution of Mr. Alvarado for disorderly conduct.

51. The false disorderly conduct charge against Mr. Alvarado has since been dismissed.

52. All of the above occurred as a direct result of the unconstitutional policies, customs or practices of the City of New York, including, without limitation: the falsification of evidence by police officers to justify the arrest and prosecution of innocent individuals, their use of excessive force, and the City's failure to discipline officers who fabricate evidence, destroy evidence, and use excessive force.

53. During all the foregoing wrongful acts committed against Plaintiff, not one of the Defendant NYPD officers intervened on Plaintiff's behalf to prevent the violation of his constitutional rights, despite having realistic opportunities to do so.

54. Mr. Alvarado's injuries were caused and/or exacerbated by the Defendant Police Officers and EMTs in improperly, negligently, grossly negligently and recklessly, moving Mr. Alvarado without first securing and protecting his spinal cord, neck and back.

55. The Defendant Police Officers were negligent in failing to use such care in the performance of police duties as a reasonably prudent and careful police officer(s) would have used under similar circumstances, in performing their duties in

an improper, negligent, grossly negligent, careless and reckless manner all without any negligence on the part of the Plaintiff.

56. Defendants, their agents, servants employees, police officers, police supervisors, emergency medical technicians, emergency personnel were further negligent, grossly negligent, acted with willful disregard for the wellbeing of Mr. Alvarado, by further injuring and exacerbating his injuries by moving, turning, lifting and dragging him around, instead of securing and stabilizing him; by failing to follow proper spine immobilization protocols, by failing to provide proper medical care, by failing to follow emergency medical training regarding care for someone who suffered a spine injury, after Plaintiff was clearly and obviously severely injured, and the Defendants, their agents servants employees, police officers, police supervisors, emergency medical technicians and emergency personnel, were additionally informed by Jimmy Alvarado and were aware of or should have been aware of his condition by their own observations.

57. Defendants, their agents, servants, employees, police officers, police supervisors, emergency medical technicians, and emergency personnel had a special duty to Jimmy Alvarado because they injured him, placed him under arrest and were responsible for his condition, and were required to take all reasonably prudent steps to avoid further injuring him and/or exacerbating his injuries.

58. Pursuant to CPLR 1602(2)(iv), Defendants are jointly and severally liable for all of Plaintiff's damages, including but not limited to his non-economic loss, irrespective of CPLR Section 1601, by reason of the fact that Defendants owed Plaintiff a non-delegable duty of care.

59. Pursuant to CPLR Section 1602(2)(iv), Defendants are jointly and severally liable for all of Plaintiff's damages, including but not limited to his non-economic loss, irrespective of the provisions of CPLR 1601, by reason of the fact that Defendants are vicariously liable for the negligent acts and omissions of its servants, agents, officers, EMTs and/or employees.

60. Pursuant to CPLR Section 1602(7), Defendants are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that said Defendants acted with reckless disregard for the safety of others.

61. The Defendant Police Officers and EMTs are employees of the Defendant City, which is responsible for their conduct under *respondeat superior*.

62. Because of the foregoing, Plaintiff sustained, *inter alia*, physical pain, paralysis, permanent physical injuries, mental injuries, emotional distress, embarrassment, humiliation, lost income, loss of liberty, and deprivation of his common law and constitutional rights.

63. Because of the foregoing, Plaintiff demands judgment against Defendants in an amount of money to be determined at trial.

AS AND FOR A SECOND CAUSE OF ACTION

64. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

65. All of the aforementioned acts of the Defendant City, POLICE OFFICERS and EMTs, and their agents, servants and

employees ("Defendants"), were carried out under the color of state law.

66. All of the foregoing acts by Defendants deprived Plaintiff of federally protected rights, including, but not limited to, the right:

- a. Not to be deprived of liberty without due process of law;
- b. To be free from seizure and arrest not based upon probable cause;
- c. To freedom from being subjected to false criminal charges by the police;
- d. To freedom from excessive force;
- e. To freedom from retaliatory prosecution;
- f. To receive needed medical care; and
- g. To freedom of speech and expression.

67. All of the aforementioned acts deprived Plaintiff of the rights, privileges and immunities guaranteed to citizens of the United States by the First, Fourth, and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. § 1983.

68. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers and EMTs with all of the actual and/or apparent authority attendant thereto.

69. The acts complained of were carried out by the aforementioned individual NYPD and EMT Defendants in their capacities as police officers and EMTs, pursuant to the customs, usages, practices, procedures, and the rules of Defendant CITY, all under the supervision of ranking officers of said departments.

70. As a result of the above constitutionally impermissible conduct, Plaintiff was caused to suffer personal injuries, violation of his civil rights, severe and permanent

physical injuries, emotional distress, anguish, anxiety, fear, humiliation, loss of freedom, legal expenses and damage to his reputation and standing within his community.

71. Defendants THE CITY and the NYPD are responsible for the actions of their employees under the doctrine of *Monell v. City of New York Department of Social Services*, 436 U.S. 658 (1978).

72. As a result of Defendants' impermissible conduct, Plaintiff's rights were violated as secured by the Civil Rights Act, 42 U.S.C. § 1983, the First, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and he is entitled to attorney's fees and costs pursuant to 42 U.S.C. § 1988.

73. As a result of Defendant' impermissible conduct, Plaintiff was injured and harmed.

74. Accordingly, Plaintiff demands judgment against Defendants in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

75. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

76. One or more of the Defendant police officers, including but not limited to Defendants KUZNETSOV and RODRIGUEZ handcuffed and arrested Plaintiff.

77. As a result of the aforesaid conduct by the Defendant CITY and the Defendant POLICE OFFICERS, Plaintiff was unlawfully detained and confined.

78. The Defendant Police Officers - in performance of their duties with powers and authorities designated upon them by the Defendant CITY - intentionally confined Plaintiff.

79. Plaintiff was at all times consciously aware of his confinement by the Defendant Police Officers.

80. The arrest was made in the absence of a warrant for the arrest.

81. The arrest was made in the absence of probable cause for the arrest.

82. The Defendant police officers arrested Plaintiff without having exigent circumstances for doing so.

83. There was no other authority for the arrest of Plaintiff.

84. Plaintiff was conscious of the arrest.

85. Plaintiff did not consent to the arrest.

86. At no point throughout Plaintiff's unlawful detention and confinement by the Defendant Police Officers were the actions of the Defendant Police Officers otherwise privileged.

87. Defendant City is also liable to Plaintiff on the basis of *respondeat superior* as a result of the unlawful actions of the Defendant Police Officers as described herein.

88. As a result of Defendants' impermissible conduct, Plaintiff was injured and harmed.

89. Accordingly, Plaintiff demands judgment against Defendants in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION

90. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

91. By deliberately manufacturing false evidence against Plaintiff, including a ticket and arrest paperwork containing the Defendant NYPD officers' own fabricated and falsified accounts that Mr. Alvarado had committed disorderly conduct

and/or other offenses, and forwarding that fabricated evidence to prosecutors, the Defendant NYPD officers caused Plaintiff Mr. Alvarado to be arrested, detained, prosecuted and to suffer a deprivation of his rights pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, to due process of law and to a fair trial, and are liable to Plaintiff under 42 U.S.C. § 1983, for compensatory and punitive damages.

92. As a result of Defendants' impermissible conduct, Plaintiff was injured and harmed.

93. Accordingly, Plaintiff demands judgment against Defendants in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION

94. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

95. Defendant City was negligent in the hiring and retention of the Defendant police officers as follows:

- A. Upon information and belief, Defendant City failed to use reasonable care in the hiring and retention of the Defendant Police Officers who conducted and participated in the acts of subjecting Plaintiff to an unlawful stop, unlawful seizure, false arrest, unlawful and excessive use of force, and violated his constitutional rights in the manners described herein.
- B. Defendant City knew or should have known in the exercise of reasonable care, the propensities of the aforesaid Defendant Police Officers to

engage in the wrongful conduct heretofore alleged in this complaint.

96. Defendant City was negligent in the training and supervision of the Defendant Police Officers as follows:

- A. Defendant City knew or should have known that the requirements, guidelines, and terms of its training for the Defendant police officers were insufficient and inadequate regarding foot pursuits and seizures of the individuals that were pursued.
- B. Defendant City knew or should have known that the requirements, guidelines, and terms of its training for the defendant police officers were insufficient and inadequate regarding foot pursuits and seizures of individuals suspected of committing violations such as disorderly conduct.
- C. Defendant City knew or should have known that the requirements, guidelines, and terms of its training for the defendant police officers were insufficient and inadequate regarding the constitutional requirements for seizing individuals suspected of committing violations such as disorderly conduct.
- D. Defendant City knew or should have known that the requirements, guidelines, and terms of its training for the defendant police officers were insufficient and inadequate regarding identifying, caring for, and providing treatment to individuals who may have sustained spinal cord injuries.

E. Defendant City failed to provide proper emergency service training to its police officers.

97. Defendant City was negligent in the hiring and retention of the Defendant EMTs as follows:

- A. Upon information and belief, Defendant City failed to use reasonable care in the hiring and retention of the Defendant EMTs who conducted and participated in the negligent acts of failing to secure and protect Plaintiff's spinal cord, neck and back at the scene and prior to transporting him to the hospital in the ambulance;
- B. Defendant City knew or should have known in the exercise of reasonable care, the propensities of the aforesaid Defendant EMTs to engage in the negligent and incompetent conduct heretofore alleged in this complaint.

98. Defendant the City was negligent in the training and supervision of the Defendant EMTs as follows:

- A. Defendant City knew or should have known that the requirements, guidelines, and terms of its training for the Defendant EMTs were insufficient and inadequate regarding securing and protecting the spinal cord of individuals who exhibit signs of spinal cord injury, and to prevent the Defendant EMTs from engaging in the negligent and incompetent conduct heretofore alleged in this complaint.
- B. Defendant City knew or should have known that the requirements, guidelines, and terms of its

training for the Defendant EMTs were insufficient and inadequate regarding conducting independent and objective medical evaluations of individuals injured during encounters with NYPD officers.

99. Defendant City is also liable to Plaintiff on the basis of *respondeat superior* as a result of the unlawful actions of the Defendant Police Officers and EMTs as described herein.

100. As a result of Defendants' impermissible conduct, Plaintiff was injured and harmed. Accordingly, Plaintiff demands judgment against Defendants in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION

101. Plaintiff re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

102. KUZNETSOV rushed upon Plaintiff, grabbed his body, and tackled him and slammed his body to the ground, despite not having reasonable or probable cause for his arrest.

103. By the aforescribed conduct, KUZNETSOV, acting within the scope of his employment, intentionally, willfully and maliciously assaulted Plaintiff in that he had the real or apparent ability to cause imminent harmful and/or offensive bodily contact and intentionally did a violent and/or menacing act which threatened such contact to the Plaintiff, and that such acts caused apprehension of such contact in the Plaintiff.

104. By the aforescribed conduct, KUZNETSOV, acting within the scope of his employment, intentionally, willfully and maliciously battered Plaintiff, when he, in a hostile and/or offensive manner struck and tackled Plaintiff without his

consent and with the intention of causing harmful and/or offensive bodily contact to the Plaintiff and caused such battery.

105. KUZNETSOV was at all times an agent, servant, and employee acting within the scope of his employment by the Defendants CITY and the NYPD, which are therefore responsible for their conduct.

106. The Defendant City, as the employer of individual NYPD Defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

107. As a result of KUZNETSOV's impermissible conduct, Plaintiff was injured and harmed. Accordingly, Plaintiff demands judgment against Defendants in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION

108. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

109. KUZNETSOV roughly seized and violently tackled Mr. Alvarado without probable cause for his arrest.

110. The level of force employed by KUZNETSOV against Plaintiff was objectively unreasonable and a violation of Mr. Alvarado's rights under the constitution of the State of New York and the United States.

111. The force employed by KUZNETSOV against Plaintiff did not advance any proper governmental objective.

112. As a result of the aforementioned conduct, Plaintiff suffered and sustained serious and permanent physical injuries.

113. As a result of Defendants' impermissible conduct, Plaintiff was injured and harmed. Accordingly, Plaintiff demands

judgment against Defendant in a sum of money which exceeds the jurisdictional limits of all courts of lesser jurisdiction.

AS AND FOR AN EIGHTH CAUSE OF ACTION

114. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

115. The Defendant City and the Defendant Police Officers have acted under color of law to deprive Plaintiff of his civil, constitutional and statutory rights to due process of law pursuant to the Fourth and Fourteenth Amendments of the United States Constitution and are liable to Plaintiff under 42 USC §1983.

116. In response to Plaintiff informing Defendants that he was in pain and could not feel his legs, he was denied proper medical treatment.

117. Despite Plaintiff's obvious serious physical injuries, and the fact that he could not move or feel his legs, Defendants refused to provide him needed medical treatment, refused to stabilize his spine, neck and back, and moved his body and transported him to the hospital without taking any measures to protect his spine, neck and back, which constituted deliberate disregard towards Plaintiff's serious medical needs and the substantial risk of serious harm he faced.

118. Plaintiff was otherwise prevented from obtaining needed medical attention prior to arriving at the hospital.

119. Because Plaintiff was refused immediate and proper medical treatment while he was in custody, his physical injuries were exacerbated.

120. Plaintiff was damaged by the deliberate indifference of the Defendant CITY, the Defendant Police Officers and the Defendant EMTs.


121. As a result of Defendants' impermissible conduct, Plaintiff demands judgment against Defendants in a sum of money to be determined at trial.

122. Defendants committed the foregoing violations of Plaintiff's rights knowingly, intentionally, willfully, recklessly, and/or with deliberate indifference to Plaintiffs constitutional rights or to the effect of such misconduct upon Plaintiffs constitutional rights.

123. By reason of the foregoing, the Defendants are liable to Plaintiff, pursuant to 42 U.S.C. § 1983, for compensatory and for punitive damages.

WHEREFORE, Plaintiff demands judgment against all the Defendants on each cause of action set forth above in an amount which exceeds the jurisdictional limitations of all lower courts that would otherwise have jurisdiction over this action, together with the interest, costs and disbursements of this action, and attorney's fees and costs pursuant to 42 U.S.C. § 1988.

DATED: New York, New York
July 24, 2019



JEFFREY A. LICHTMAN
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212-750-1200

Roth & Roth P.C.
Co-Counsel for Plaintiff

TO:

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New York, New York 10007

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EMERGENCY MEDICAL TECHNICIAN JACK KADDAH,
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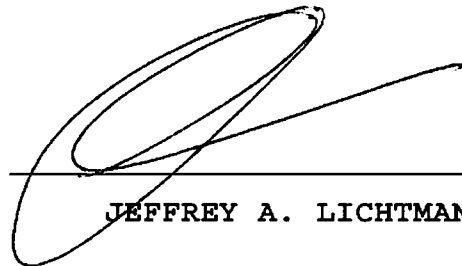
EMERGENCY MEDICAL TECHNICIAN MICHAEL VALE,
9 Metrotech Center
Brooklyn, New York 11201

ATTORNEY'S VERIFICATION

JEFFREY A. LICHTMAN, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a partner of TROLMAN GLASER CORLEY & LICHTMAN, P.C., I have read the annexed VERIFIED COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

DATED: New York, New York
July 24, 2019



JEFFREY A. LICHTMAN