

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LARRY MASON; individually and :
on behalf of a class similarly situated; :
MODESTO RODRIGUEZ; :
individually and on behalf of a class : CIVIL ACTION NO.
of all others similarly situated :
Plaintiffs, :

V. :

STATE MARSHAL JOHN BARBIERI, in his :
individual capacity; :
STATE MARSHAL BRIAN HOBART, in his :
individual capacity; :
STATE MARSHAL JON GALLUP, in his :
individual capacity :
STATE MARSHAL DOMINIC JANNETTY, in :
his individual capacity; :
MICHAEL BROWN; :
RAYMOND BROWN; :
DENNIS KERRIGAN, CHAIRMAN, :
STATE MARSHAL COMMISSION, in his : DEMAND FOR JURY TRIAL
individual capacity; :
JAMES E. NEIL, OPERATIONS DIRECTOR, :
STATE MARSHAL COMMISSION, in his :
individual capacity; :
CHARISSE E. HUTTON, DIRECTOR, :
SUPPORT ENFORCEMENT :
ADMINISTRATION, in her individual :
capacity; :
JOHN G. MAXWELL, DEPUTY DIRECTOR :
OF OPERATIONS, SUPPORT :
ENFORCEMENT ADMINISTRATION, :
in his individual capacity; :
DAVID PANKE, DEPUTY DIRECTOR OF :
PROGRAM & POLICY, SUPPORT :
ENFORCEMENT ADMINISTRATION, in his :
individual capacity; :
KAREN ARCHAMBAULT, SUPERVISOR, :

SUPPORT ENFORCEMENT :
ADMINISTRATION, in her individual :
capacity; : **FEBRUARY 23, 2007**
Defendants :

COMPLAINT

1. The Plaintiffs, LARRY MASON and MODESTO RODRIGUEZ, bring this civil action on behalf of themselves and a class of similarly situated individuals, seeking relief for the Defendants' violations of their rights, privileges, and immunities secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Fourth Amendment of the United States Constitution, and the Constitution and laws of the State of Connecticut.

PRELIMINARY STATEMENT

2. The DEFENDANT STATE MARSHALS JOHN BARBIERI, BRIAN HOBART, JON GALLUP, and DOMINIC JANNETTY (collectively referred hereinafter as "DEFENDANT STATE MARSHALS") organized *capias* arrest sweeps in which they inducted, solicited, and thereafter allowed the Defendants, MICHAEL BROWN and RAYMOND BROWN, both civilian non-marshals, to participate and conduct *capias* arrests, under the guise of being State Marshals, in which the Plaintiffs, LARRY MASON and MODESTO RODRIGUEZ, and at least two hundred and forty three (243) other similarly situated individuals, were arrested in violation of the Fourth Amendment of the United States Constitution and the Constitution and laws of the

State of Connecticut.

3. The Defendants DENNIS KERRIGAN, CHAIRMAN of the STATE MARSHAL COMMISSION; and JAMES E. NEIL, OPERATIONS DIRECTOR of the STATE MARSHAL COMMISSION, as members and as supervisory officers of the State Marshal Commission, implemented and/or allowed to exist a policy or custom where the DEFENDANT STATE MARSHALS were permitted to organize capias arrest sweeps in which civilian non-marshals were able to participate and make arrests, which caused the Plaintiffs, LARRY MASON and MODESTO RODRIGUEZ, and at least two hundred and forty three (243) other similarly situated individuals, to be arrested in violation of the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut; further, the above named Defendants failed to adequately monitor and investigate such incidents and/or supervise and discipline the marshals involved, failed to adequately train and provide guidelines for executing a capias arrest warrant by trained and duly authorized individuals only, and created and allowed an atmosphere and culture in which marshals were allowed to bring along civilian non-marshals to conduct, attend, and participate in capias arrests.

4. The Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR of OPERATIONS of the SUPPORT ENFORCEMENT

ADMINISTRATION; DAVID PANKE, DEPUTY DIRECTOR OF PROGRAM & POLICY of the SUPPORT ENFORCEMENT ADMINISTRATION; and KAREN ARCHAMBAULT, SUPERVISOR of the SUPPORT ENFORCEMENT ADMINISTRATION, as members of the Judicial Branch Enforcement Services, implemented, condoned, promoted, and allowed to exist a policy and custom where the Defendants MICHAEL BROWN, a civilian non-marshal, along with other civilian non-marshals, were compensated for making capias arrests, which caused or encouraged the unlawful arrests of the Plaintiffs, LARRY MASON and MODESTO RODRIGUEZ, and at least two hundred and forty three (243) other similarly situated individuals, in violation of the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut; further, the above named Defendants failed to adequately monitor and investigate persons that were being paid to execute capias arrest warrants, and created an atmosphere and culture in which civilian non-marshals were compensated for their participation in capias arrest warrants.

5. The Plaintiffs seek compensatory and punitive damages against each individual Defendant, as well as attorneys' fees and cost pursuant to 42 U.S.C. § 1988, against all the above Defendants in connection with the Plaintiffs' civil rights violations.

JURISDICTION

6. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343(3) and (4), as this action seeks to vindicate the Plaintiffs' constitutional rights under 42 U.S.C. § 1983.

7. Plaintiffs invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state constitutional and state law claims that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

VENUE

8. Venue is proper in the United States District Court for the District of Connecticut pursuant to 28 U.S.C. § 1391(a), (b) and (c).

JURY DEMAND

9. The Plaintiffs demand a trial by jury in this action on each and every one of their claims.

PARTIES

CLASS REPRESENTATIVE PLAINTIFFS

10. At all relevant times, the Plaintiff LARRY MASON was an adult citizen, and a resident of Waterbury, Connecticut.

11. At all relevant times, the Plaintiff MODESTO RODRIGUEZ was an adult citizen, and a resident of Waterbury, Connecticut.

CLASS DEFENDANTS

12. At all relevant times, the Defendant JOHN BARBIERI was acting in his capacity as a State Marshal for the State of Connecticut, and under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut.

13. At all relevant times, the Defendant BRIAN HOBART was acting in his capacity as a State Marshal for the State of Connecticut, and under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut.

14. At all relevant times, the Defendant JON GALLUP was acting in his capacity as a State Marshal for the State of Connecticut, and under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut.

15. At all relevant times, the Defendant DOMINIC JANNETTY was acting in his capacity as a State Marshal for the State of Connecticut, and under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances,

rules, regulations, customs and usages of the United States and of the State of Connecticut.

16. At all relevant times, the Defendant MICHAEL BROWN was acting under the guise of a State Marshal for the State of Connecticut, and under the color of state law, that is, under the apparent authority of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut, and/or he participated in State Marshal activities, and/or his conduct was sanctioned by the State of Connecticut.

17. At all relevant times, the Defendant RAYMOND BROWN was acting under the guise of a State Marshal for the State of Connecticut, and under the color of state law, that is, under the apparent authority of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut, and/or he participated in State Marshal activities, and/or his conduct was sanctioned by the State of Connecticut.

18. At all relevant times, the Defendant DENNIS KERRIGAN, the CHAIRMAN of the STATE MARSHAL COMMISSION, was responsible for policies and procedures relating to the service of *capias* arrest warrants and as such has the obligation to investigate, and take any proper action concerning any matter involving the service of *capias* arrest warrants, and to protect the State's citizens and residents against unlawful policy and procedures relating to the service of *capias* arrest

warrants, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; he is sued in his individual capacity.

19. At all relevant times, the Defendant JAMES E. NEIL, the OPERATIONS DIRECTOR of the STATE MARSHAL COMMISSION, was responsible for policies and procedures relating to the service of capias arrest warrants and as such has the obligation to investigate, and take any proper action concerning any matter involving the service of capias arrest warrants and to protect the State's citizens and residents against unlawful policy and procedures relating to the service of capias arrest warrants, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; he is sued in his individual capacity.

20. At all relevant times, the Defendant CHARISSE E. HUTTON, the DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION,, was responsible for policies and procedures relating to the payment for the service of capias arrest warrants and as such has the obligation to investigate, and take any proper action concerning any matter involving the payment for the service of capias arrest warrants and to protect the State's citizens and residents against unlawful

policy and procedures relating to the payment for the service of capias arrest warrants, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; she is sued in her individual capacity.

21. At all relevant times, the Defendant JOHN G. MAXWELL, the DEPUTY DIRECTOR of OPERATIONS of the SUPPORT ENFORCEMENT ADMINISTRATION, was responsible for policies and procedures relating to the payment for the service of capias arrest warrants and as such has the obligation to investigate, and take any proper action concerning any matter involving the payment for the service of capias arrest warrants, and to protection the State's citizens and residents against unlawful policy and procedures relating to the payment for the service of capias arrest warrants, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; he is sued in his individual capacity.

22. At all relevant times, the Defendant DAVID PANKE, as the DEPUTY DIRECTOR of PROGRAM & POLICY of the SUPPORT ENFORCEMENT ADMINISTRATION, and is responsible for policies and procedures relating to the payment for the service of capias arrest warrants and as such has the obligation to

investigate, and take any proper action concerning any matter involving the payment for the service of capias arrest warrants and to protect the State's citizens and residents against unlawful policy and procedures relating to the payment for the service of capias arrest warrants, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; he is sued in his individual capacity.

23. At all relevant times, the Defendant KAREN ARCHAMBAULT, the SUPERVISOR of SUPPORT ENFORCEMENT ADMINISTRATION, was responsible for policies and procedures relating to the issuance of capias arrest warrants in the City of Waterbury and as such has the obligation to investigate, and take any proper action concerning any matter involving the issuance of capias arrest warrants and to protect the State's citizens and residents against unlawful policy and procedures relating to the issuance of capias arrest warrants in the City of Waterbury, and was acting under the color of state law, that is, under color of the Constitution, statutes, laws, charter, ordinances, rules, regulations, customs and usages of the United States and of the State of Connecticut; she is sued in his individual capacity.

STATEMENT OF FACTS

ALLEGATIONS COMMON TO ALL CLASS CLAIMS

24. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS organized, and engaged in, capias arrest sweeps, in which they recruited civilian non-marshals, including the Defendants MICHAEL BROWN and RAYMOND BROWN, to participate and aide in the capias arrests.

25. In the three years preceding the filing of this action, and up until approximately December of 2006, the above capias arrest sweeps organized by the DEFENDANT STATE MARSHALS were executed throughout the State of Connecticut, including, but not limited to, the cities of Waterbury, New Britain, and Hartford.

26. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS allowed the Defendants, MICHAEL BROWN and RAYMOND BROWN, and other civilian non-marshals, to sign capias service vouchers that were then submitted to Court Enforcement Services for payment.

27. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS allowed the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian non-marshals, to participate in the execution of capias arrest warrants, including, but

not limited to, detaining capias suspects, handcuffing capias suspects, entering the homes of capias suspects, transporting capias suspects in law enforcement vehicles, and delivering capias suspects in their custody to detention centers.

28. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS provided the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian non-marshals, with State Marshal jackets, badges and handcuffs in order to hold out the civilian non-marshals as State Marshals, and in order to aid their participation in the capias arrest sweeps and execution fo the habeas arrest warrants.

29. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS provided the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian non-marshals, access to State or municipal law enforcement vehicles in order to aid their participation in the capias arrest sweeps.

30. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS allowed the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian non-marshals, to accompany them on capias arrest sweeps, including entering the capias suspects home in order to detain and seize the suspect.

31. In the three years preceding the filing of this action, and up until approximately December of 2006, the Defendants MICHAEL BROWN and RAYMOND BROWN, with the aid of the DEFENDANT STATE MARSHALS, held themselves out as State Marshals with the authority to make capias arrests, and under such apparent authority made numerous capias arrests.

32. In the three years preceding the filing of this action, and up until approximately December of 2006, the civilian non-marshals, including the Defendants MICHAEL BROWN and RAYMOND BROWN, were not authorized by law or by warrant to participate as civilians in the capias arrest sweeps or to execute the capias arrest warrants.

33. In the three years preceding the filing of this action, and up until approximately December of 2006, the civilian non-marshals, including the Defendants MICHAEL BROWN and RAYMOND BROWN, who participated in the capias arrest sweeps did not undergo necessary training nor did they possess special expertise that made their participation in the capias arrest essential.

34. In the three years preceding the filing of this action, and up until approximately December of 2006, the DEFENDANT STATE MARSHALS would submit vouchers for capias arrest warrants executed by the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian non-marshals, for payment to Court Support Enforcement Services.

35. The DEFENDANT STATE MARSHALS were paid by Court Support Services for the capias arrest warrants executed by civilian non-marshals, including the Defendants MICHAEL BROWN and RAYMOND BROWN.

36. In the three years preceding the filing of this action, and up until approximately December of 2006, the Defendant MICHAEL BROWN would sign capias vouchers as a State Marshal, or "indifferent person", and submit the vouchers to Court Support Enforcement Services for payment.

37. In the three years preceding the filing of this action, the Defendant MICHAEL BROWN was paid by Court Support Enforcement Services approximately \$25,720 for making approximately one hundred thirty four (134) capias arrests.

38. In the three years preceding the filing of this action, the Defendant MICHAEL BROWN made approximately one hundred fifty eight (158) capias arrests.

39. The Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR of OPERATIONS, SUPPORT ENFORCEMENT ADMINISTRATION; DAVID PANKE, DEPUTY DIRECTOR of PROGRAM & POLICY, SUPPORT ENFORCEMENT ADMINISTRATION were responsible for overseeing Court Support Enforcement Services payment of funds for capias arrests; the above named Defendants paid MICHAEL BROWN for executing capias arrest warrants despite MICHAEL BROWN not being a licensed State Marshal.

40. In the three years preceding the filing of this action, until approximately December of 2006, the Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR of OPERATIONS, SUPPORT ENFORCEMENT ADMINISTRATION; ; DAVID PANKE, DEPUTY DIRECTOR of PROGRAM & POLICY, SUPPORT ENFORCEMENT ADMINISTRATION had a policy and/or custom of paying civilian non-marshals, including MICHAEL BROWN, for executing capias arrest warrants.

41. The Defendant KAREN ARCHAMBAULT, SUPERVISOR, SUPPORT ENFORCEMENT ADMINISTRATION; was responsible for overseeing the issuance of capias arrest warrants in the City of Waterbury, and, as such, promulgated a policy or custom in which the DEFENDANT STATE MARSHALS were allowed to bring along the Defendants, MICHAEL BROWN and RAYMOND BROWN, along with other civilian, non-marshals, in order to participate in capias arrest sweeps and the execution of capias arrest warrants.

42. The Defendant KAREN ARCHAMBAULT, SUPERVISOR, SUPPORT ENFORCEMENT ADMINISTRATION, knew, or should have known, that civilian non-marshals were involved in the execution of capias arrest warrants issued to the DEFENDANT STATE MARSHALS.

43. The Defendants DENNIS KERRIGAN, CHAIRMAN of the STATE MARSHAL COMMISSION; and JAMES E. NEIL, OPERATIONS DIRECTOR

of the STATE MARSHAL COMMISSION, as members of the State Marshal Commission, failed to promulgate policies and guidelines for the proper execution of capias arrest warrants, failed to adequately monitor and investigate the capias arrest sweeps organized by the DEFENDANT STATE MARSHALS, in which civilian non-marshals were allowed to participate, and created an atmosphere and culture in which the DEFENDANT STATE MARSHALS allowed civilian non-marshals to execute and participate in the execution of capias arrest warrants.

44. As a result of the Defendants acts and omissions described above, the named Plaintiffs, and approximately two hundred and forty three (243) class members, were detained and seized without proper legal authority and in an unreasonable manner in violation of their rights under the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut.

CLAIM OF CLASS REPRESENTATIVE LARRY MASON

45. On or about October 21, 2006, the Plaintiff, LARRY MASON, was at his home in Waterbury, Connecticut.

46. On the above date, the DEFENDANT STATE MARSHALS were engaged in a capias arrest sweep in which the Defendants, MICHAEL BROWN and RAYMOND BROWN, civilian non-marshals, were brought along to participate and assist.

47. At approximately 9:00 a.m., on the above date, the DEFENDANT

STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN, went to the Plaintiff's residence in order to arrest him pursuant to a capias arrest warrant.

48. At said time and place, the Defendants MICHAEL BROWN and RAYMOND BROWN were wearing State Marshal jackets, carrying badges, and handcuffs provided to them by the DEFENDANT STATE MARSHALS.

49. At said time and place, the DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN, knocked on the Plaintiff's front door and entered his home under the apparent authority of the capias arrest warrant.

50. The DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN proceeded to detain and arrest the Plaintiff inside his home, and placed the Plaintiff in handcuffs.

51. The DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN then proceeded to transport the Plaintiff in a law enforcement vehicle, provided for use in the capias sweeps, to New Haven Correctional Center.

52. The capias arrest warrant issued for the Plaintiff did not expressly permit the participation of the civilian non-marshals, the Defendants MICHAEL BROWN and RAYMOND BROWN.

53. The DEFENDANT STATE MARSHALS did not limit the participation of the Defendants MICHAEL BROWN or RAYMOND BROWN in the execution of the capias arrest warrant against the Plaintiff, and allowed the Defendants MICHAEL BROWN and RAYMOND BROWN to enter the Plaintiff's home, detain and/or handcuff him, and transport the Plaintiff to New Haven Correctional Center.

54. The Defendants MICHAEL BROWN and RAYMOND BROWN did not possess any special expertise that made their participation in the capias arrest of the Plaintiff essential.

55. The DEFENDANT STATE MARSHALS held out the Defendants MICHAEL BROWN and RAYMOND BROWN as State Marshals with the authority to enter the Plaintiff's home, detain, arrest and transport him pursuant to the capias arrest warrant.

CLAIMS OF CLASS REPRESENTATIVE MODESTO RODRIGUEZ

56. On or about October 22, 2006, at approximately 3:00 a.m., the Plaintiff, MODESTO RODRIGUEZ, was asleep in his home in Waterbury, Connecticut.

57. On the above date and time, the DEFENDANT STATE MARSHALS were engaged in a capias arrest sweep in which the Defendants, MICHAEL BROWN and RAYMOND BROWN, civilian non-marshals, were brought along to participate and assist.

58. At said time and place, the DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN, went to the Plaintiff's residence in order to arrest him pursuant to a capias arrest warrant.

59. At said time and place, the Defendants MICHAEL BROWN and RAYMOND BROWN were wearing State Marshal jackets, carrying badges, and handcuffs provided to them by the DEFENDANT STATE MARSHALS.

60. At said time and place, the DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN, pounded on the Plaintiff's front door, awoke him, and entered his home under the apparent authority of the capias arrest warrant.

61. Once inside the Plaintiff's home, the DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN detained, arrested and handcuffed the Plaintiff.

62. Subsequently, the DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN transported the Plaintiff to New Haven Correctional Center.

63. The capias arrest warrant issued for the Plaintiff did not expressly permit the participation of the civilian non-marshals, the Defendants MICHAEL BROWN and RAYMOND BROWN.

64. The DEFENDANT STATE MARSHALS did not limit the participation of

the Defendants MICHAEL BROWN or RAYMOND BROWN in the execution of the capias arrest warrant against the Plaintiff, and allowed the Defendants MICHAEL BROWN and RAYMOND BROWN to enter the Plaintiff's home, detain and/or handcuff him, and transport the Plaintiff to New Haven Correctional Center.

65. The Defendants MICHAEL BROWN and RAYMOND BROWN did not possess any special expertise that made their participation in the capias arrest of the Plaintiff essential.

66. The DEFENDANT STATE MARSHALS held out the Defendants MICHAEL BROWN and RAYMOND BROWN as State Marshals with the authority to enter the Plaintiff's home, detain, arrest and transport him pursuant to the capias arrest warrant.

CLASS ACTION ALLEGATIONS

67. Pursuant to Rule 23(a) and (b)(3) of the Federal Rules of Civil Procedure, the named Plaintiffs seek to represent a Certified Class of Plaintiffs similarly situated to the named Plaintiffs.

68. The Plaintiffs seek to represent a class consisting of all persons detained and arrested, pursuant to a capias arrest warrant, by the DEFENDANT STATE MARSHALS, in which civilian non-marshals, including the Defendants MICHAEL BROWN and RAYMOND BROWN, were allowed to participate under the guise of being State Marshals.

69. The Class Period commences on the date three years prior to the filing of this lawsuit and extends to the date of the last capias arrest warrant executed under the circumstances described in the preceding paragraph.

70. The members of the class are so numerous as to render joinder of each class plaintiff impracticable.

71. Upon information and belief, the class consists of at least two hundred and forty three other individuals similarly situated to the named Plaintiffs.

72. Joinder of each class member is impracticable because, upon information and belief:

- (a) many members of the class are not aware of the fact that their constitutional rights have been violated and that they have a right to seek judicial redress,
- (b) many members of the class are without the means to retain an attorney to represent them in a civil rights lawsuit,
- (c) many members who have had their constitutional rights violated by the Defendants' unconstitutional conduct and practices do not bring individual claims for fear of retaliation and reprisals,
- (d) there is no appropriate avenue for the protection of the class members' constitutional rights other than a class action.

73. The class members share a number of questions of law and fact in common, including but not limited to (1) whether the DEFENDANT STATE MARSHALS engaged in capias arrest sweeps, in which they allowed civilian non-marshals to participate, under the guise of being State Marshals, in violation of the

Plaintiffs' and class members' rights under the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut; (2) whether the Defendants DENNIS KERRIGAN, CHAIRMAN of the STATE MARSHAL COMMISSION, and JAMES E. NEIL, OPERATIONS DIRECTOR of the STATE MARSHAL COMMISSION, as members of the State Marshal Commission, implemented a policy or custom where, the DEFENDANT STATE MARSHALS were allowed to organize capias arrest in which civilian non-marshals were able to detain and arrest the Plaintiffs and class members, without legal authority, in violation the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut; (3) whether the Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR OF OPERATIONS of the SUPPORT ENFORCEMENT ADMINISTRATION; DAVID PANKE, DEPUTY DIRECTOR of PROGRAM & POLICY of the SUPPORT ENFORCEMENT ADMINISTRATION; and KAREN ARCHAMBAULT, SUPERVISOR of the SUPPORT ENFORCEMENT ADMINISTRATION, as members of the Judicial Branch Enforcement Services, implemented a policy or custom where, civilian non-marshals were paid for executing capias arrests proximately causing deprivation of the Plaintiffs' and class members' rights under the Fourth Amendment of the United States Constitution and the Constitution and laws of the State of Connecticut.

74. The named Plaintiffs' claims are typical of those of the class members.

75. Each of the named Plaintiff's claims is based upon the same legal theories as the claims of the class members they represent.

76. Each class member suffered actual damages as a result of being detained and arrested by the Defendants without proper legal authority or in an unreasonable manner.

77. The actual damages suffered by the named Plaintiffs are similar in type and amount to the actual damages suffered by each class member.

78. As the other members of the class, the Plaintiffs were arrested during capias sweeps organized by the DEFENDANT STATE MARSHALS in which civilian non-marshals were allowed to participate in the arrests under the guise of being state marshals.

79. The named Plaintiffs have a strong personal interest in the outcome of this action, have no conflicts of interest with other members of the class, and will fairly and adequately protect the interest of the class.

80. The questions of law or fact common to the members of the class predominate over questions of law or fact affecting only individual members and that a class action is superior to other available methods for the fair and efficient adjudication of this matter.

81. The Plaintiffs are informed and believe, and thereon allege, that most

members of the class will not be able to find counsel to represent them.

82. The Plaintiffs are informed and believe, and thereon allege, that it is desirable to concentrate all litigation in one forum because all of the claims arise from the same legal theories and similar set of facts, and it will promote judicial efficiency to resolve the common questions of law and fact in one forum, rather than in multiple courts.

83. The Plaintiffs know of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action.

84. The class action will be manageable because so many different records systems exist from which to ascertain the members of the putative class.

85. Liability can be determined on a class-wide basis because damages can be determined on a class-wide basis using a damages matrix set by a jury, or by trying the damages of a statistically valid sample of the class to a jury and extrapolating those damages to the class as a whole.

86. The Plaintiffs are informed and believe, and thereon allege, that the identities of the class members may be ascertained from the DEFENDANT STATE MARSHALS' records and/or the State of Connecticut's Court Support Enforcement Services' records.

87. The Plaintiffs are informed and believe, and thereon allege, that the DEFENDANT STATE MARSHALS' records and/or the State of Connecticut's Court

Support Enforcement Services' records reflect the names and addresses of the individuals arrested during the capias arrest sweeps described above, and/or contain capias vouchers signed by the Defendants MICHAEL BROWN or RAYMOND BROWN, which were submitted for payment after the capias's had been executed.

88. The Plaintiffs contemplate that individual notice will be given to class members at such last known address by first class mail, as well as notice by publication.

89. The Plaintiffs contemplate that the notice inform class members of the following:

- (a) The pendency of the class action, and the issues common to the class;
- (b) The nature of the action;
- (c) Their right to 'opt out' of the action within a given time, in which event they will not be bound by a decision rendered in the class action;
- (d) Their right, if they do not 'opt out,' to be represented by their own counsel and enter an appearance in the case; otherwise, they will be represented by the named Plaintiffs and their counsel; and
- (e) Their right, if they do not 'opt out,' to share in any recovery in favor of the class, and conversely to be bound by any judgment on the common issues, adverse to the class.

90. The named Plaintiffs are represented by Spinella & Associates which has extensive experience in litigating civil rights claims, has litigated a wide-range of

civil rights cases, and has the resources, expertise, and experience to prosecute this action.

91. Counsel for the Plaintiffs knows of no conflicts among members of the class or between the attorneys and members of the class.

COUNT ONE, 42 U.S.C. § 1983: (Against All Defendants)

92. By this reference, the Plaintiffs incorporate all the previous and following paragraphs as if fully set forth herein.

93. The conduct of the DEFENDANT STATE MARSHALS, as described above, deprived the Plaintiffs and the class members of their Fourth Amendment right under the United States Constitution to be free from unauthorized arrest, and to be free from unreasonable searches and seizures.

94. The conduct of the Defendants MICHAEL BROWN and RAYMOND BROWN, as described above, deprived the Plaintiffs and the class members of their Fourth Amendment right under the United States Constitution to be free from unauthorized arrest, and to be free from unreasonable searches and seizures.

95. The conduct of the Defendants DENNIS KERRIGAN, CHAIRMAN of the STATE MARSHAL COMMISSION, and JAMES E. NEIL, OPERATIONS DIRECTOR of the STATE MARSHAL COMMISSION, as members of the State Marshal Commission, as described above, deprived the Plaintiffs and the class

members of their Fourth Amendment right under the United States Constitution to be free from unauthorized arrest, and to be free from unreasonable searches and seizures.

96. The conduct of the Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR of OPERATIONS of the SUPPORT ENFORCEMENT ADMINISTRATION; DAVID PANKE, DEPUTY DIRECTOR of PROGRAM & POLICY of the SUPPORT ENFORCEMENT ADMINISTRATION; and KAREN ARCHAMBAULT, SUPERVISOR of the SUPPORT ENFORCEMENT ADMINISTRATION, as described above, deprived the Plaintiffs and the class members of their Fourth Amendment right under the United States Constitution to be free from unauthorized arrest, and to be free from unreasonable searches and seizures.

97. As a direct and proximate cause of the aforementioned acts of the Defendants, the Plaintiffs and the class members were damaged in amounts to be determined at trial.

**COUNT TWO, Articles 1, §§ 7 and 9 of Constitution of the State of Connecticut:
(Against All Defendants)**

98. By this reference, the Plaintiffs incorporate all the previous and following paragraphs as if fully set forth herein.

99. The conduct of the DEFENDANT STATE MARSHALS, as described above, deprived the Plaintiffs and the class members of their rights under Article 1, §§ 7 and 9 of the Constitution of the State of Connecticut to be free unreasonable searches and seizures and to be free from unauthorized arrest.

100. The conduct of the Defendants MICHAEL BROWN and RAYMOND BROWN, as described above, deprived the Plaintiffs and the class members of their rights under Article 1, §§ 7 and 9 of the Constitution of the State of Connecticut to be free unreasonable searches and seizures and to be free from unauthorized arrest.

101. The conduct of the Defendants DENNIS KERRIGAN, CHAIRMAN of the STATE MARSHAL COMMISSION, and JAMES E. NEIL, OPERATIONS DIRECTOR of the STATE MARSHAL COMMISSION, as members of the State Marshal Commission, as described above, deprived the Plaintiffs and the class members of their rights under Article 1, §§ 7 and 9 of the Constitution of the State of Connecticut to be free unreasonable searches and seizures and to be free from unauthorized arrest.

102. The conduct of the Defendants CHARISSE E. HUTTON, DIRECTOR of the SUPPORT ENFORCEMENT ADMINISTRATION; JOHN G. MAXWELL, DEPUTY DIRECTOR of OPERATIONS of the SUPPORT ENFORCEMENT ADMINISTRATION; DAVID PANKE, DEPUTY DIRECTOR of PROGRAM & POLICY, SUPPORT ENFORCEMENT ADMINISTRATION; and KAREN ARCHAMBAULT,

SUPERVISOR of the SUPPORT ENFORCEMENT ADMINISTRATION, as described above, deprived the Plaintiffs and the class members of their rights under Article 1, §§ 7 and 9 of the Constitution of the State of Connecticut to be free unreasonable searches and seizures and to be free from unauthorized arrest.

103. As a direct and proximate cause of the aforementioned acts of the Defendants, the Plaintiffs and the class members were damaged in amounts to be determined at trial.

COUNT THREE, Fraudulent Misrepresentation Under the Connecticut Common Law: (As to DEFENDANT STATE MARSHALS and MICHAEL BROWN and RAYMOND BROWN)

104. By this reference, the Plaintiffs incorporate all the previous and following paragraphs as if fully set forth herein.

105. The DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN falsely represented to the Plaintiffs and class members that MICHAEL BROWN and RAYMOND BROWN were State Marshals authorized to execute capias arrest warrants.

106. The DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN knew that the above representation was untrue.

107. The DEFENDANT STATE MARSHALS and the Defendants MICHAEL BROWN and RAYMOND BROWN made the aforementioned false representation to

induce the Plaintiffs and class members to rely on MICHAEL BROWN'S and RAYMOND BROWN'S authority to execute the capias arrest warrant.

108. The Plaintiffs and class members acted on the aforementioned false representation.

109. As a direct and proximate cause of the aforementioned acts of the Defendants, the Plaintiffs and the class members were damaged in amounts to be determined at trial.

COUNT FOUR: Liability Under C.G.S. § 6-32 (as to DEFENDANT STATE MARSHALS)

110. By this reference, the Plaintiffs incorporate all the previous and following paragraphs as if fully set forth herein.

111. The conduct of the DEFENDANT STATE MARSHALS as described above, in violating the Plaintiffs' and class members' constitutional and common law rights, constitutes an undue execution of process.

112. As a direct and proximate cause of the aforementioned acts of the Defendants, the Plaintiffs and the class members were damaged in amounts to be determined at trial.

113. Pursuant to C.G.S. § 6-32 the DEFENDANT STATE MARSHALS are liable to pay double damages for the undue execution of process.

PRAYER FOR RELIEF

WHEREFORE, the named Plaintiffs and class members respectfully requests that this Court grant the following relief:

- 1) Compensatory and punitive damages against each individually named Defendants;
- 2) An award of attorneys' fees and cost pursuant to 42 U.S.C. § 1988;
- 3) Double damages pursuant to C.G.S. § 6-32 against each Defendant State Marshal;
- 4) Grant such other relief that the Court deems just and proper.

PLAINTIFF,

BY _____

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