

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
DEVON TAYLOR,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICER AYALA SHIELD NO.
4081, POLICE OFFICERS JOHN DOE #1-2 (IDENTITIES
CURRENTLY UNKNOWN), LIEUTENANT SORANO OF
THE OS2 COMMAND, ALL AS POLICE OFFICERS AND
IN THEIR INDIVIDUAL CAPACITY,

Defendants.

-----X

SUMMONS

Index No.

Date Purchased:

Plaintiff designates Bronx
County as the place of trial.
The basis of the venue is
that Bronx County is the
place where the cause of
action arose.

To the above named Defendant(s):

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 Plaintiffs' Attorney with twenty (20) days after the service of this summons,
exclusive of the day of service (30) days after the service is complete if the summons is not
personally delivered to you within the State of New York; and 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
June 20, 2024

/s/ ROYCE RUSSELL

Royce Russell, Esq.
R-SQUARE, ESQ. PLLC.
Attorneys for the Plaintiff
112 West 34th Street 18 Fl.
New York, New York 10120
(718) 785-8890

Defendants' addresses:

City of New York
Office of the Corporation Counsel
100 Church Street, 4th Floor
New York, New York 10007

The New York City Police Dept.
New York City Police Department
One Police Plaza
New York, N.Y. 10007

Police Officer Ayala Shield No. 4081
c/o New York City Police Department
One Police Plaza
New York, N.Y. 10007

Lieutenant Sorano, OS2 Command
c/o New York City Police Department
One Police Plaza
New York, N.Y. 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
DEVON TAYLOR,

Plaintiff,

-against-

VERIFIED COMPLAINT

Index No.

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICER AYALA SHIELD NO.
4081, POLICE OFFICERS JOHN DOE #1-2 (IDENTITIES
CURRENTLY UNKNOWN), LIEUTENANT SORANO OF
THE OS2 COMMAND, ALL AS POLICE OFFICERS AND
IN THEIR INDIVIDUAL CAPACITY,

Defendants.

-----X

Plaintiff, Devon Taylor, by his attorney, R-SQUARE, ESQ., PLLC., complaining of the
Defendants respectfully alleges as follows:

PRELIMINARY STATEMENT/ NATURE OF CLAIMS

1. Plaintiff brings this action for compensatory damages, punitive damages, and attorney's fee pursuant to Article 1 Section 11 of the New York State Constitution for denial of Equal Protection and redress for tortuous conduct against Plaintiff by Defendants through False Detention, Battery, Abuse of Power and Authority, and Excess Force; Conspiracy and Prima Facie Tort.
2. Additionally, Plaintiff brings this action for compensatory damages, punitive damages, and attorney's fees pursuant to 42 U.S.C. §§1981, 1983, and 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitution of the State of New York and the United States as well as State Law claims articulated herein.
3. Plaintiff seeks redress pursuant to 42 U.S.C. §1983 and 1988, et. seg, for violating his rights secured by the First, Fourth, Sixth, and Eight Amendments and the Due Process clause of the Fourteenth Amendment of the United States Constitution.

JURISDICTION AND VENUE

4. Jurisdiction and Venue are appropriate given that the incident arose in Bronx County within the State of New York.

JURY TRIAL DEMANDED

5. Plaintiff respectfully demands a trial by jury of all issues in this matter pursuant to State Law and Fed. R. Civ. P.38 (b). The Plaintiff seeks both compensatory and punitive damages, affirmative and equitable relief, an award of costs, interest, and attorney's fees, and other further relief as this Court deems equitable and just.

PARTIES

6. Plaintiff Devon Taylor, an African American male, currently residing at 1750 Van Buren Street, #4B Bronx, New York 10460, and at the time of this incident, resided at the abovementioned location.
7. Defendant City of New York was and is a Municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
8. Defendant City of New York maintains the New York City Police Department (hereinafter referred to as "NYPD"), a duly authorized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the aforementioned municipal corporation, City of New York.
9. That at all times hereinafter mentioned, Police Officers Ayala (Shield No. 4081), John Doe #1-2, and Lt. Sorano of the OS2 command were duly sworn police officers of the New York City Police Department and were acting under the supervision of the said department and according to their official duties, prior to June 22, 2023, and thereafter.
10. That at all times hereinafter mentioned, the Defendants, either personally or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, custom/ usages, patrol guidelines and/or practices of the State of New York and/or the City of New York, prior to June 22, 2023, on June 22, 2023, and thereafter.
11. Each and all of the acts of the Defendants alleged herein were done by Defendants while acting within the scope of their employment by Defendant City of New York.

12. The City of New York, its agents, servants, or employees committed all of the aforementioned acts while acting within the scope of their employment.
13. At all relevant times herein, Police Officers Ayala (Shield No. 4081), John Doe #1-2, and Lt. Sorano of the OS2 command were present, assisted, and/or witnessed said conduct and failed to intervene, stop or mitigate it.
14. The Plaintiff was falsely detained and falsely accused.
15. The Plaintiff was never charged with a crime, although he was threatened with criminal charges.
16. That notice of the Plaintiff's claim and notice of intention to sue for damages, which set forth the nature of the claim and the date of the time when, the place where, and how the claim arose, were duly served upon the Comptroller of the Defendant City of New York and the Corporation Counsel of the City of New York. Said Notice included a Notice to Preserve Evidence.
17. That a 50(h) hearing was held on December 15, 2023.
18. That more than 30 days have elapsed since the Notice of Claim and intention to sue has been served upon the Defendants, and the said Defendants have neglected or refused to make any adjustment or payment thereof.
19. That the action commenced within one year and 90 days after the cause of action arose.
20. It is hereby alleged, pursuant to CPLR 1603, that the action is exempt from the operation of CPLR §1601 from the operation of CPLR §1601 by reason of one or more of the exemptions provided in CPLR §1602.
21. That the action commenced within one year and 90 days after the cause of action arose.

FACTS

22. On or about June 22, 2023, at approximately 2:00 a.m., the Plaintiff was lawfully driving in a rental car with his friend at the location of Fordham Road-East Kingsbridge Avenue and 192nd Street in the County of the Bronx, within the City and State of New York when he was unlawfully detained by Defendant Police Officers Ayala (Shield No. 4081), John Doe #1-2 and Lt. Sorano of the OS2 Command.
23. The Defendants were in an unmarked vehicle facing opposite the Plaintiff's vehicle. The

Plaintiff and a friend (who was in the passenger seat) were stopped at a red light waiting for the traffic light to change.

24. The Plaintiff was in the left lane with his signal light indicating a right turn. The Plaintiff waited until the car in the right lane completed the right turn, and when no cars were in the right lane, the Plaintiff switched lanes and made the right turn. While waiting for the traffic light to change, Plaintiff observed the Defendant Officers in the unmarked police vehicle signal for cars to turn right.
25. Since the Plaintiff was already turning right, he disregarded the signal.
26. The Plaintiff completed his turn and drove for about a block when he observed Defendants directly behind him with siren lights flashing. The Plaintiff immediately pulled over and stopped. He rolled down every window, turned off the engine, and held his hands above his head.
27. The Plaintiff was grabbed out of the vehicle and searched 3 to 4 times, in particular in his groin area. The Plaintiff did not consent to the search and objected to being touched in his groin area several times by Police Officer Ayala (Shield 4081).
28. The Plaintiff's friend was also removed from the car, but the Plaintiff did not observe whether he was searched or not.
29. The Plaintiff was escorted to the back of the vehicle and was ordered by Police Officer John Doe #1, an African American male, to look forward as the Plaintiff proceeded to look at the Defendant's search of the vehicle.
30. The Plaintiff stated, "I can and will look at Officer Ayala search the vehicle" for fear he would place something illegal in the car. The Plaintiff did not give the Defendants permission or authority to search the vehicle. The Defendants did not find anything illegal in the car.
31. The Plaintiff informed the Defendants that the car was rented. After the illegal detention and search, the Defendants stated they could have given the Plaintiff a ticket for cutting off a driver and speeding.

32. The Plaintiff stated there was no driver in the lane he entered to make the right turn, and there was a speeding camera present, so he was not speeding. The Defendant Officers left the location without issuing any tickets or providing a truthful reason for the detention.
33. After the illegal search and seizure, the officers returned to their vehicle. No summons/ticket was issued to the Plaintiff, nor was anything retrieved by the officers during their search.
34. The detention and the physical contact were all without cause and provocation and said actions were unprivileged and offensive to Plaintiff without his consent.
35. Defendants did not at any time intervene in the illegal detention, arrest, search, and seizure in reference to the false arrest of the Plaintiff.
36. The detention, search, and seizure were all without cause, provocation, and said actions were excessive, offensive to the Plaintiff, unprivileged, and without his consent.
37. 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 inadequate screening, hiring, retaining, training, and supervising of its' employees, deliberate indifference as to punishment for misconduct against Devon Taylor.
38. As a result of the foregoing, Devon Taylor sustained emotional distress, embarrassment, humiliation, and deprivation of his Constitutional Rights.
39. All aforementioned conduct was committed by the City of New York, their agents, servants, or employees while acting in the scope of their employment.
40. The City of New York, their agents, servants, or employees intended to confine the Plaintiff; the Plaintiff was conscious of said confinement and did not consent thereto, and the confinement was not otherwise privileged, all without just right, probable cause, and without grounds therefor.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS
PURSUANT TO NEW YORK CONSTITUTION ARTICLE I, 11**

41. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “40” with the same force and effect as if fully set forth herein.
42. By the aforesaid acts, Defendants have violated Plaintiff’s right to the equal protection laws under Article I, 11 of the New York State Constitution, thereby giving rise to a cause of action pursuant to that Article.
43. The conduct and actions of the named Defendant Police Officers and the Defendant City of New York, acting under color of law, in falsely detaining, arresting, imprisoning, battering, assaulting, and conspiring against Plaintiff, was done intentionally, maliciously and/or with a reckless disregard for the natural probable consequences of their acts, was done without lawful justification, and was designed to and did cause specific and serious bodily, mental and emotional harm, pain and suffering in violation of the Plaintiff’s Constitutional rights as guaranteed under law and Constitution of the State of New York. The above-described actions and omissions engaged in under color of state law by the named Defendant Police Officers, Defendant City of New York and The New York City Police Department sued as a person within the meaning of Article I, 11 deprived the Plaintiff of rights, including but not limited to, his rights under Article I, 8, 9 guaranteeing freedom of expression and association, Article I, 12 guaranteeing protection against unlawful seizure of his person, Article I, 11 ensuring due process and equal protection under the law, and Article I, 15 guaranteeing protection from cruel and unusual punishment.
44. By reason of the Constitutional violations by Defendants, Plaintiff has been damaged as set forth above.

**AS AND FOR A SECOND CAUSE OF ACTION FOR
NEGLIGENT HIRING, TRAINING AND SUPERVISION**

45. Plaintiff repeats, reinstates, and realleges each and every allegation contained in

paragraphs “1” through “44” with the same force and effect as if fully set forth herein.

46. The above-described injuries suffered by the Plaintiff are the proximate result of the negligence of the Defendant New York City Police Department, in that the Defendant City of New York and the New York Police Department failed to exercise reasonable care in the hiring, employment, supervision, and training of its employees.
47. The Defendant City of New York and the New York City Police Department had or should have had knowledge of the vicious and violent tendencies of its employees, including all of the named Police Officer Defendants.
48. Defendant City of New York and the New York City Police Department knew or should have known of the unlawful actions of the named Police Officer Defendants, through actual and constructive notice of their unlawful activities including, but not limited to, those allegations as set forth in the preceding paragraphs above. Defendants City of New York and New York City Police Department failed to exercise reasonable care by retaining and not terminating the employment of the named Police Officer Defendants or taking other appropriate action. The occurrence complained of herein was due to the negligence and recklessness of the Defendant City of New York and the New York Police Department.
49. By reason of the Constitutional violations by Defendants, Plaintiff has been damaged as set forth above.

**AS AND FOR A THIRD CAUSE OF ACTION FOR
FALSE DETENTION/ FALSE IMPRISONMENT**

50. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “49” with the same force and effect as if fully set forth herein.
51. By the aforesaid acts, Defendants unlawfully and unjustifiably detained Plaintiff without any lawful cause whatsoever. Defendants acted willfully, unlawfully, maliciously, recklessly, and negligently in detaining and arresting Plaintiff despite Plaintiff’s

innocence and utilized its power and authority to illegally seize and search Plaintiff as well as to cover up their own wrongful conduct. The Defendants illegally seized Plaintiff's person, detaining and imprisoning the Plaintiff by not allowing him to exercise his right to liberty when no probable cause existed to detain the Plaintiff.

52. As set forth above, the Defendants' tortuous conduct directly resulted in the Plaintiff being wrongfully detained and arrested.

53. By reason of the Constitutional violations by Defendants, Plaintiff has been damaged as set forth above.

**AS AND FOR A FOURTH CAUSE OF
ACTION FOR FALSE ARREST**

54. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "53" with the same force and effect as if fully set forth herein.

55. By the aforesaid acts, the Defendants unlawfully and unjustifiably arrested the Plaintiff without any lawful cause whatsoever. The Defendants acted willfully, unlawfully, maliciously, recklessly, and negligently in detaining and arresting Plaintiff despite Plaintiff's innocence and utilized its power and authority to illegally seize and search Plaintiff as well as to cover up their own wrongful conduct. The Defendants illegally seized Plaintiff's person by detaining, handcuffing, and imprisoning the Plaintiff by not allowing him to exercise his right to liberty when no probable cause existed to arrest the Plaintiff.

56. The Defendant's tortuous conduct as set forth above herein directly resulted in the Plaintiff being wrongfully arrested.

57. By reason of the Constitutional violations by Defendants, Plaintiff has been damaged as set forth above.

**AS AND FOR A FIFTH CAUSE OF ACTION:
PRIMA FACIE TORT**

58. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “57” with the same force and effect as if fully set forth herein.
59. In falsely detaining, arresting, imprisoning, fabricating, conspiring against Plaintiff, and maliciously prosecuting Plaintiff, Defendants acted with malicious intent, recklessness, and negligence to injure and harm Plaintiff.
60. By reason of the tortuous conduct of Defendants, Plaintiff has been damaged as set forth above.
61. For all claims under New York State Law, Defendants are jointly and severally liable to the Plaintiff inasmuch as this action arises out of the exceptions outlined in 1602 subdivisions 5, 7, and 11 of the Civil Practice Law and Rules.

**AS AND FOR A SIXTH CAUSE OF ACTION:
BATTERY**

62. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “61” with the same force and effect as if fully set forth herein.
63. By the aforesaid acts, Defendants have caused physical harm and injury upon the person(s) of the Plaintiff named in this complaint. Defendants acted willfully, unlawfully, maliciously, recklessly, unjustifiably, negligently, in the abuse of power and authority, excessive force used therein which resulted in the Plaintiff being seized by the Defendants who illegally detained the Plaintiff, handcuffed the Plaintiff, which resulted in damage to his wrists, and mental and emotional health.
64. By reason of the Constitutional violations by Defendants, Plaintiff has been damaged as set forth above.

**AS AND FOR A SEVENTH CAUSE OF ACTION:
CONSPIRACY AND FABRICATION OF EVIDENCE**

65. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “64” with the same force and effect as if fully set forth herein.
66. The named Defendant Police Officers knowingly and intentionally agreed and/or otherwise conspired to provide false evidence against the Plaintiff to cover up their wrongdoing of falsely detaining, imprisoning, battering, searching, and illegally seizing Plaintiff by the omissions above.
67. The Defendant’s tortuous conduct caused Plaintiff to suffer severe emotional distress, and thus, Plaintiff has been damaged as set forth above.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR
USE OF EXCESSIVE FORCE**

68. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “67” with the same force and effect as if fully set forth herein.
69. Police Officers Ayala (Shield No. 4081), John Doe #1-2, and Lt. Sorano of the OS2 Command as agents, servants, and/or employees of the City of New York maliciously used excessive force in detaining the Plaintiff.
70. Defendants physically abused the Plaintiff by forcibly grabbing, pushing, and forcibly twisting the Plaintiff’s wrists. The Defendants’ exercise of excessive force resulted in Plaintiff suffering swollen wrists.
71. As a result of the Defendants’ misconduct, Plaintiff suffered mental and emotional treatment.
72. That by reason of the aforesaid, Plaintiff has been damaged in a sum exceeding the jurisdictional limits of the lower court.

WHEREFORE, Plaintiff, Devon Taylor, respectfully requests judgment upon all causes of action against Defendants as follows:

- i. With respect to the Defendant, the City of New York, and the New York City Police Department:
 - (a) Declaratory judgment declaring that the Defendant City of New York and New York City Police Department has violated the aforesaid statutes and constitutions.
 - (b) Restitution to Plaintiff of his rights, privileges, benefits, and income which would have been received by him but for the Defendants' unlawful, wrongful, tortuous, and unconstitutional conduct;
 - (c) Compensatory damages in an amount to be determined by the court and jury;
 - (d) Punitive damages in the amount to be determined by the court and jury;
 - (e) All legal and statutory interest on sums awarded;
 - (f) Such other and further relief as this honorable court may deem proper and equitable;
- ii. With respect to each Defendant Police Officer;
 - (a) Declaratory judgment declaring that the Defendants have violated the aforesaid statutes and constitutions;
 - (b) Restitution to Plaintiff of his rights, privileges, benefits, and income which would have been received by him but for Defendants' unlawful, wrongful, tortuous, and unconstitutional conduct;
 - (c) Compensatory damages in an amount to be determined by the court and jury;
 - (d) Punitive damages in an amount to be determined by the court and jury;

All legal and statutory interest on sums awarded.

FEDERAL CLAIMS**AS AND FOR A NINTH CAUSE OF ACTION
(Deprivation of Rights Under 42 U.S.C. §§1981 and 1983)**

73. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs “1” through “72” with the same force and effect as if fully set forth herein.
74. All of the aforementioned acts of Defendants, their agents, servants, and employees were carried out under the color of state law.
75. All of the aforementioned acts deprived Plaintiff, Devon Taylor, of his rights, privileges, and immunities guaranteed to him as a citizen of the United States by the Fourth and Fourteenth Amendments to the Constitution of the United States of America, in violation of 42 U.S.C. §§1981 and 1983.
76. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers, with the entire actual and/or apparent authority attendant thereto, and with the intent to discriminate based on gender.
77. The Defendants herein battered the Plaintiff, more specifically, touched the Plaintiff’s body without his consent.
78. Defendants battered Devon Taylor by handcuffing the Plaintiff’s wrists, causing physical injury.
79. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers, under the customs, usages, practices, procedures, and rules of the City of New York and the New York City Police Department, all under the supervision of ranking officers of said department.
80. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure, or rule of the respective municipality/authority, which the Constitution of the United States forbids.

81. As a result of the foregoing, Plaintiff, Devon Taylor, is entitled to compensatory damages in an amount to be fixed by a jury and is further entitled to punitive damages against the individuals in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

AS AND FOR A TENTH CAUSE OF ACTION
(False Detention/ False Arrest/ Unlawful Imprisonment under 42 U.S.C. § 1983)

82. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "81" with the same force and effect as if fully set forth herein.

83. Defendants did falsely detain the Plaintiff, Devon Taylor, and falsely detained and imprisoned the Plaintiff, Devon Taylor, without probable cause, causing him to be detained against his will for an extended period and subjected to physical restraint.

84. Defendants' false detention, arrest, and illegal search of the Plaintiff was without Probable Cause and said the misconduct was malicious in nature.

85. As a result of the foregoing, the Plaintiff is entitled to compensatory damages in an amount to be fixed by a jury and is further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

AS AND FOR AN ELEVENTH CAUSE OF ACTION
(Malicious Abuse of Process Authority under 42 U.S.C. § 1983)

86. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "85" with the same force and effect as if fully set forth herein.

87. Defendants issued criminal process against Plaintiff, Devon Taylor, by detaining and illegally searching Plaintiff, as they acted under the color of law.

88. The Defendants' actions were an abuse of authority, given that they had no probable cause to detain, seize, and/or search the Plaintiff, Devon Taylor.

89. As a result of the foregoing, the Plaintiff is entitled to compensatory damages in an amount to be fixed by a jury and is further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

AS AND FOR A TWELFTH CAUSE OF ACTION
(Violation of the Equal Protection Clause under 42 U.S.C. § 1983)

90. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "89" with the same force and effect as if fully set forth herein.

91. Plaintiff, Devon Taylor, was falsely detained and physically restrained. During this physical restraint, Devon Taylor was seized, forcibly handcuffed, searched, battered, falsely detained, arrested, and subjected to excessive force.

92. The physical restraint and public search of the Plaintiff, Devon Taylor, were based on his nationality as an African-American male, age, and gender, and the failure to intervene to prevent such treatment committed by the named Defendants were also based on the above-mentioned.

93. The battery and false detention/arrest committed on Devon Taylor were based on his being an African-American male, his age, and his gender. But for those factors, Devon Taylor would not have been physically restrained or searched.

94. Moreover, the failure to intervene by other unknown officers present as to said battery, assault, and search were founded on the above-cited factors.

95. The Defendants' false detention and arrest of Devon Taylor was based on his Nationality, Race, Gender, and Age, as well as the named Defendants' failure to intervene as to this misconduct.

96. As a result of the foregoing, Plaintiff, Devon Taylor, was deprived of his rights under the Equal Protection Clause of the United States Constitution.

97. As a result of the foregoing, the Plaintiff is entitled to compensatory damages in an amount to be fixed by a jury and are further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

**AS AND FOR A THIRTEENTH CAUSE OF ACTION
(Deprivation of Substantive Due Process under 42 U.S.C. § 1983)**

98. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "97" with the same force and effect as if fully set forth herein.

99. The Defendants' conduct herein was an abuse of executive power so clearly unjustified by any legitimate objective of law enforcement as to be barred by the Fourteenth Amendment.

100. As a result of the foregoing, Plaintiff, Devon Taylor, was deprived of his liberty and right to substantive due process, causing emotional injuries.

101. As a result of the foregoing, the Plaintiff is entitled to compensatory damages in an amount to be fixed by a jury and are further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

**AS AND FOR A FOURTEENTH CAUSE OF ACTION
(Failure to Intervene under 42 U.S.C. § 1983)**

102. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "101" with the same force and effect as if fully set forth herein.

103. Defendants have an affirmative duty to intervene on behalf of Plaintiff, Devon Taylor, whose constitutional rights were being violated in his presence by other officers.

104. The Defendants failed to intervene to prevent the unlawful conduct described herein.

105. As a result of the foregoing, the Plaintiff's liberty was restricted for an extended period, he was put in fear for his safety, and he was humiliated and subjected to other physical restraints.
106. As a result of the foregoing, Plaintiff, Devon Taylor, is entitled to compensatory damages in an amount to be fixed by a jury and are further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

AS AND FOR A FIFTEENTH CAUSE OF ACTION
(Supervisory Liability under 42 U.S.C. § 1983)

107. Plaintiff repeats, reinstates, and realleges each and every allegation contained in paragraphs "1" through "106" with the same force and effect as if fully set forth herein.
108. The supervisory defendants personally caused the Plaintiff's constitutional injury by being deliberately or consciously indifferent to the rights of others in failing to properly supervise, train, and/or discipline their subordinates' employees.
109. The foregoing customs, policies, usages, practices, procedures, deliberate indifferences to discipline and rules of the City of New York and the New York City Police Department were the direct and proximate cause of the constitutional violations suffered by Plaintiff, Devon Taylor, as alleged herein.
110. The foregoing customs, policies, usages, practices, procedures, deliberate indifferences to discipline, and rules of the City of New York and the New York City Police Department were the moving force behind the Constitutional violations suffered by Plaintiff, Devon Taylor, as alleged herein.
111. As a result of the foregoing customs, policies, usages, practices, procedures, and deliberate indifference as to discipline and rules of the City of New York and the New York City Police Department, the Plaintiff was unlawfully detained, arrested, battered and searched.

112. Defendants, collectively and individually, while acting under color of state law, were directly and actively involved in violating Plaintiff's constitutional rights.

113. All of the foregoing acts by Defendants deprived the Plaintiff, Devon Taylor, 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 false detention, false arrest, and unlawful imprisonment;
- c) To be free from the failure to intervene;
- d) To be free from malicious prosecution;
- e) To be free from malicious abuse of process, excessive force, and battery;
- f) To receive equal protection under the law.

114. As a result of the foregoing, Plaintiff, Devon Taylor, is entitled to compensatory damages in an amount to be fixed by a jury and are further entitled to punitive damages against the individual Defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action.

WHEREFORE, the Plaintiff, Devon Taylor, demands judgment and prays for the following relief, jointly and severally, against the Defendants as follows:

- i. Full and fair compensatory damages in an amount to be determined by a jury;
- ii. Punitive damages in an amount to be determined by a jury;
- iii. Reasonable attorney's fees and the costs and disbursements of this action; and
- iv. Such other and further relief as appears just and proper.

Dated: New York, New York
June 20, 2024

/s/ ROYCE RUSSELL
R-SQUARE, ESQ. PLLC.
Royce Russell, Esq.
Attorney for Plaintiff
112 West 34th St. #18 Fl.
New York, New York 10120

ATTORNEY'S VERIFICATION

The undersigned, an attorney admitted to practice in the Courts of the State of New York, certifies as follows:

I am an attorney associated with the law firm of R-SQUARE, ESQ. PLLC., the attorneys of record for the Plaintiff in the within action, that I have read the foregoing Verified Complaint and know the contents thereof; that the same is true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, I believe them to be true.

The undersigned further states that this Verified Complaint is made by me and not by Plaintiff because Plaintiff does not reside in the County where the undersigned maintains an office.

My interviews with the Plaintiff and reading the documents in my case file are the grounds for my belief as to all matters stated to my knowledge.

The undersigned affirms that the foregoing statements are true under the penalty of perjury.

Dated: New York, New York
June 20, 2024

/s/ ROYCE RUSSELL
By: Royce Russell, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

DEVON TAYLOR,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, POLICE
OFFICER AYALA SHIELD NO. 4081, POLICE OFFICERS JOHN DOE #1-2 (IDENTITIES
CURRENTLY UNKNOWN), LIEUTENANT SORANO OF THE OS2 COMMAND, ALL AS
POLICE OFFICERS AND IN THEIR INDIVIDUAL CAPACITY,
Defendants.

SUMMONS WITH VERIFIED COMPLAINT

R-SQUARE, ESQ. PLLC.
Attorneys for Plaintiff
112 West 34th Street Floor 18
New York, NY 10120
(718) 785 8890

To: City of New York
c/o Office of the Corporation Counsel
100 Church Street
New York, NY 10007

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The New York City Police Department
1 Police Plaza
New York, New York 10038

Lieutenant Sorano, OS2 Command
c/o New York City Police Department
One Police Plaza
New York, N.Y. 10007

Pursuant to 22 NYCRR 130-1.0, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: June 20, 2024

Signature

/s/ ROYCE RUSSELL
Royce Russell, Esq.

=====

PLEASE TAKE NOTICE

☐ NOTICE OF ENTRY
that the within is a (certified) true copy of a duly entered in the office of the
clerk of the within named court on

☐ NOTICE OF SETTLEMENT
that a of which the within is a true copy
will be presented for settlement to the HON. one of the judges of the, on