

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLIFTON A. JACKSON, et al., :
Plaintiff(s), : Case No. 2:17-cv-163
vs. : CHIEF JUDGE SARGUS
OHIO STATE HIGHWAY PATROL, et al., : MAGISTRATE JUDGE JOLSON
Defendant(s). :

PLAINTIFF(S)' ANSWER TO ANY AND ALL DEFENDANT(S)' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION "AND/OR" FED.CIV.R. 12(b)(1) OR 12(b)(6) BECAUSE PLAINTIFF(S) HAVE PLEADED FACTS WHICH, IF PROVEN, WOULD ENTITLE THEM TO RELIEF, DISMISSAL IS INAPPROPRIATE, AND BOTH PARTIES HAVE DEMANDED A JURY TRIAL TO SETTLE THEIR CONTROVERSY!

Now comes the Plaintiff(s) and gives the following answer to any and all Defendant(s) who continue to deliberately cause injury to Plaintiff(s), and continue to eat of the fruit of the poisonous tree known to all Defendant(s) to be absolutely forbidden under the Fourth and Fourteenth Amendments. Plaintiff(s) asserts that their Civil Action pleaded facts which, if proven, would entitle them to relief, credibility is questioned, facts are disputed, and dueling statistical studies purporting to show divergent truths are presented. Viewing the evidence in the light most favorable to Plaintiff(s) the non-moving party, the Defendant(s) has not addressed their actions complained of which made them liable as knowing or unknowing co-conspirators in the first place. And yet, the Plaintiff(s) have presented evidence, which, when regarded in the light most favorable to it, prevents Defendant(s) from obtaining dismissal in their favor. A trial is necessary to resolve these disputes over material facts.

Respectfully submitted,


Clifton A. Jackson #A652-163

Lake Erie Correctional Inst.
501 Thompson Road
P.O. Box 8000
Coneaut, Ohio 44030

PLAINTIFF(C) CLASS MEMBERS

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MEMORANDUM IN SUPPORT OF
PLAINTIFF(S)' ANSWER TO ANY AND ALL DEFENDANT(S)' MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION "AND/OR" FED.CIV.R. 12(b)(1) OR 12(b)(6)
BECAUSE PLAINTIFF(S) HAVE PLEADED FACTS WHICH, IF PROVEN, WOULD ENTITLE
THEM TO RELIEF, DISMISSAL IS INAPPROPRIATE, AND BOTH PARTIES HAVE DEMANDED
A JURY TRIAL TO SETTLE THEIR CONTROVERSY!!!

Introduction

Pro Se Plaintiff, Clifton Jackson, brought this suit in his own name and ostensibly in the name of eleven other Plaintiffs against several Defendant(s), Mr. Jackson's [hereinafter "Plaintiff-1] claims arise from a June 14, 2011 infringement and encroachment of both Civil and Constitutional Rights based on Racial Profiling resulting in a traffick stop, his arrest and the ensuing proceedings. Case:2:17-cv-000163-EAS-KAJ Doc #: 1-1 Filed: 02/23/17 Page: 1 of 17 PAGEID #: 8.

Although this Honorable Court must, for purposes of this motion only, "contrue the complaint liberally in the Plaintiff(s)' favor and accept as true all **factual** allegations," *Gazette v. City of Pontiac*, 41 F.3d 1061, 1064 (6th Cir. 1994)(**emphasis added**). Plaintiff(s) have pleaded facts which, can be proven with un-contested evidence, which will entitle them to a "plausible claim for relief" and survive any attempts of dismissal. See Plaintiff(s)' accompanying "Plaintiff(s)' Request For Leave To Amend Their Complaint Pursuant To Fed,Civ.R. 15(a), And Leave To Supplement Their Complaint To Incl-

ude Additional Injuries Which Have Happened Since The Date Of The Pleading Sought To Be Supplemented Pursuant To Fed.Civ.R. 15(d); And Class Action Status Pursuant To Fed.Civ. R. 23(a)&(b)(1)(a)(b), (2), and (3)."

Jurisdiction

Jurisdiction over the federal claims is proper pursuant to 28 U.S.C.A. §§ 1331 (federal question) and 1343 (civil rights). Supplemental jurisdiction over the remaining state-law claims is proper under 28 U.S.C.A. §1367

I. Summary of the Civil and Constitutional Violations:

This case is before this Honorable Court due to Defendant(s) - Geno Taliano and Caitlin Szczepinski counsel of record Leah M. Wolfe (0093299), Assistant United States Attorney, filing of its Certification of Scope of Employment, ECF No. 1-3. Upon that Certification, the United States of America removed Plaintiff(s)' action from State Court to this Honorable Court under 28 U.S.C.A. §2679(d)(2). Notice of Removal, ECF No. 1. Following removal, the United States filed a Notice of Substitution, substituting it as the sole defendant by operation of law in place of the individual Defendants - Geno Taliano and Caitlin Szczepinski for the state law tort claims alleged. Notice of Substitution, ECF No. 2. The fact that this case was removed from the State Court to this Honorable Court does not remove the facts of infringements and encroachments of Plaintiff(s)' Civil and Constitutional Rights and Laws. Because Plaintiff(s) have pleaded facts which, can in fact be proven by Plaintiff(s)' star-key-witness, they are entitled to their relief requested, and dismissal is inappropriate, when both parties have in fact demand a jury trial.

A. Clarification as to Plaintiff(s) Claims of Civil and Constitutional violations pursuant to 42 U.S.C.A. §§1981, 1983, 1985, and 1988.

42 U.S.C.A. §1981. Equal rights under the law states:

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same

right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Plaintiff(s) have alleged that policies, guideleines, and patterns of conduct established by Defendant - Ohio State Highway Patrol of Racial Profiling caused Plaintiff(s) to be detained, interrogated, and investigated because of race clearly alleges a direct nonabstract injury which was unique from that sustained by all members of the public as result of adoption of the policies and Plaintiff(s) thus have standing to assert Civil Rights claims based on the adoption and enforcement of those policies. *Raffety v. Prince George's County, D.C.Md.1976, 423 F.Supp. 1045.*

Plaintiff(s) have alleged that as family members who have been deprived of Plaintiff-1's presence have establish deliberate indifference and consortium as emotional distress, these Plaintiff(s) are made up of a Mother, Sisters, Daughters, Sons, and Nephew and have suffered dramatically because of Plaintiff-1 who is incarcerated in Ohio because of Defendant - Christopher Beyer's conspiring to infringe upon his Civil and Constitution Rights has standing to bring their Civil Right Action asserting their interests as family members of their right to preserve them access to Plaintiff-1 and their access to effective judicial relief which Defendant(s)' conduct allegedly destroyed, where Plaintiff(s) were not attempting to assert wrongful imprisonment nor false imprisonment, where Defendant(s)' alleged conduct unquestionably caused injury to Plaintiff(s) with respect to their Civil and Constitutionally protected rights. Plaintiff(s)' injuries in fact to their recognized legal interests is enough to grant them standing. Plaintiff(s) are not challenging validity of Plaintiff-1's state conviction or sentence by seeking damages pursuant to Civil Rights Sections on Equal Rights under the law and conspiracy to interfere with Civil Rights. *Martinez v. Ensor, D.Colo. 1997, 958 F.Supp. 515.*

1. Persons Liable

Plaintiff(s)' asserted factual allegations against all Defendant(s) in their origin-

al action filed in the State Court on January 20, 2017, in the Court of Common Pleas of Franklin County, City of Columbus, State of Ohio, Civil Division. In the body of Plaintiff(s) filing, all Defendant(s) were placed on notice of Plaintiff(s)' claims against each Defendant, for acts of discrimination being committed under the color of law on June 14, 2011 and continuing to date, which intentional acts were racially motivated and substantially certain to produce deprivation of Plaintiff(s) constitutional rights by engaging in an overt act in furtherance of the conspiracy. The fact that Plaintiff(s)' action was removed from the State Court to this Honorable Court does not remove the injuries committed against Plaintiff(s) and continuing to date - - - - - by all named Defendant(s) in the furtherance of the conspiracy committed by all Defendant(s) who viewed Exhibit A. **Continuing Violation Doctrine** so as to toll limitations period applies to 42 U.S.C.A. §1981 actions as in the instant case. *Moore v. Allstate Ins. Co.*, N.D.Ill.1996, 928 F.Supp. 744. Local statute of limitation is not applicable to an action under this section where continuous discrimination, rather than single discriminatory act, is alleged. *White v. City of Suffolk*, E.D.Va.1978, 460 F.Supp. 516; Also see Exhibit A [Plaintiff(s)' star-key-witness (Defendant - Christopher Beyer's cruiser audio & video recording of June 14, 2011, 08:39:17 to 08:51:00)].

42 U.S.C.A. §1983. Civil action for deprivation of rights:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Plaintiff(s) have alleged that each Defendant viewed Defendant - Christopher Beyer's cruiser audio & video recording [Plaintiff(s)' star-key-witness], and in so doing were clearly aware of the discriminatory conduct leading to deliberate deprivation of Civil and

Constitutional Rights with clear and convincing evidence as presented by way of Exhibit A.

So do to these Defendant(s) being fully aware of the violations being committed, and as public officers of the State of Ohio or the United States (Troopers, DEA Agents, Prosecutors, Attorneys, and Judges), who failed to take any curative measures to correct a violation of establish Civil and Constitutional Rights of which each Defendant had full knowledge after viewing Exhibit A.

2. Persons Liable

Plaintiff(s)' asserted factual allegation against all Defendant(s) in their original action filed in the State Court on January 20, 2017, in the Court of Common Pleas of Franklin County, City of Columbus, State of Ohio, Civil Division. In the body of Plaintiff(s) filing, all Defendant(s) were placed on notice of Plaintiff(s)' claims against each Defendant, for acts of discrimination being committed under the color of law on June 14, 2011 and continuing to date, which intentional acts were racially motivated and substantially certain to produce deprivation of Plaintiff(s) constitutional rights by engaging in an overt act in furtherance of the conspiracy. The fact that Plaintiff(s)' action was removed from the State Court to this Honorable Court as of February 23, 2017, does not remove the injuries committed against Plaintiff(s) and continuing to date - - - - by all named Defendant(s) in the furtherance of the conspiracy by all Defendant(s) who viewed Exhibit A. 42 U.S.C.A. §1983 was brought against government officials in their respective official capacities, regardless of the manner in which damages were pled, where caption of the amended complaint and jury demand, like that of the initial complaint, named government officials as defendants in their capacities as mayor of the city and county, chief of city police department, and manager of safety for city and county. *Davoll v. Webb*, D.Colo.1996, 943 F.Supp. 1289. County employees were proper defendants in action brought for deprivation of a constitutional right under color of state law because this section was designed to remedy depruvation of constitutional rights by officials who abuse their governmental position. *Savina v. Gebhart*, D.C.Md.1980, 497 F.Supp. 65.

Plaintiff-1 has discovered during the filing of this process, that he may not sue under this section for deprivation of another's constitutional rights. *Javits v. Stevens*, S.D.N.Y.1974, 382 F.Supp. 131. So with that being said, Plaintiff-1 wish to request a stay of the proceeding until he can obtain counsel, or, Plaintiff-1 request that all additional Plaintiff(s) be removed as parties to the complaint? If Plaintiff-1 is granted the herein requested stay, he also requests leave to amend and supplement his complaint a second time in order to include how Defendant(s)' actions has effected each Plaintiff?

42 U.S.C.A. §1985. Conspiracy to interfere with civil rights:

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any rights or privileges of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Plaintiff(s) have alleged that each Defendant viewed Defendant - Christopher Beyer's cruiser audio & video recording [Plaintiff(s)' star-key-witness, Exhibit A], and in so doing were clearly aware of the discriminatory conduct leading to deliberate deprivation of Civil and Constitutional Rights with clear and convincing evidence as presented by way of Exhibit A.

So do to these Defendant(s) being fully aware of the violations being committed, and as public officers of the State of Ohio or the United States (Troopers, DEA Agents, Prosecutors, Attorneys, and Judges), who failed to take any curative measures to correct a violation of established Civil and Constitutional Rights of which each Defendant had full kn-

nowledge after viewing Exhibit A.

3. Persons Liable

Plaintiff(s)' asserted factual allegation against all Defendant(s) in their original action filed in the State Court on January 20, 2017, in the Court of Common Pleas of Franklin County, City of Columbus, State of Ohio, Civil Division. In the body of Plaintiff(s) filing, all Defendant(s) were placed on notice of Plaintiff(s)' claims against each Defendant, for acts of discrimination being committed under the color of law on June 14, 2011 and continuing to date, which intentional acts were racially motivated and substantially certain to produce deprivation of Plaintiff(s) constitutional rights by engaging in an overt act in furtherance of the conspiracy. The fact that Plaintiff(s)' action was removed from the State Court to this Honorable Court as of February 23, 2017, does not remove the injuries committed against Plaintiff(s) and continuing to date - - - - by all named Defendant(s) in the furtherance of the conspiracy by all Defendant(s) who viewed Exhibit A. 42 U.S.C.A. §1985(3) is restricted to conspiracies for purpose of depriving any person or class of persons of their right to equal protection of the laws and requires that a conspiracy be motivated by some racial, or perhaps otherwise class-based, invidiously discriminatory animus; however, section 1985(3) provides no substantive rights but merely provides a remedy for violation of the rights it designates. *Moire v. Temple University School of Medicine*, E.D.Pa.1985, 613 F.Supp. 1360. Elements of §1985(3) claim are: (1) a conspiracy; (2) for purpose of depriving, either directly or indirectly, any person or class of persons of equal protection of the laws, or of equal privileges and immunities under the laws; (3) act in furtherance of conspiracy; (4) whereby person is either injured in his person or property or deprived of any right of citizen of United States. *Mian v. Donaldson, Lufkin & Jenrette Securities Corp.*, C.A.2 (N.Y.) 1993, 7 F.3d 1085. Police officers' purported agreement to conceal assault and battery with false police reports was not product of routine police department decision making, and thus intracorporate conspiracy doctrine did not bar arrestee's §§1983 claims against police officers for conspiring to assault and batter him and to cover it up with false police reports. *Kivanc v. Ramsey*, D.D.C.

2006, 407 F.Supp.2d 270.

42 U.S.C.A. §1986. Action for neglect to prevent:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action.

Plaintiff(s) have alleged that each Defendant viewed Defendant - Christopher Beyer's cruiser audio & video recording [Plaintiff(s)' star-key-witnes, Exhibit A], and in so doing were clearly aware of the discriminatory conduct leading to deliberate deprivation of Civil and Constitutional Rights [wrongful act] with clear and convincing evidence as presented by way of Exhibit A.

So do to these Defendant(s) being fully aware of the violations being committed, and as public officers of the State of Ohio or the United States (Troopers, DEA Agents, Prosecutors, Attorneys, and Judges), who having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the Plaintiff(s) for their injuries, and as asserted herein above any number of persons guilty of such wrongful neglect or refusal may be joined as these Defendant(s) in this action.

4. Persons Liable

Plaintiff(s)' asserts factual allegation against all Defendant(s) in their original action filed in the State Court on January 20, 2017, in the Court of Common Pleas of Franklin County, City of Columbus, State of Ohio, Civil Division which was assigned Case No. 2017-cv-616. In the body of Plaintiff(s) filing, all Defendant(s) were placed on notice of Plaintiff(s)' Claim Numbers 1 through 17, and ¶¶31 through 47. Each Defendant were properly joined as defendants in the action, do to their viewing of Exhibit A, all Defendant(s) had power to prevent or aid in preventing the wrongful act, and neglected or refused

to do so. And in their neglect or refusal to act, they became knowing or unknowing Co-Defendant(s) for acts of discrimination being committed under the color of law on June 14, 2011 and continuing to date, which intentional acts were racially motivated and substantially certain to produce deprivation of Plaintiff(s) constitutional rights by engaging in an overt act in furtherance of the conspiracy. The fact that Plaintiff(s)' action was removed from the State Court to this Honorable Court as of February 23, 2017 [Case: 2:17-cv-00163-EAS-KAJ Doc #: 1-1 Filed: 02/23/17 Page: 1 of 17 PAGEID #: 8], does not remove the injuries committed against Plaintiff(s) and continuing to date - - - - - by all named Defendant(s) in the furtherance of the conspiracy by all Defendant(s) who viewed Exhibit A. Township officials who failed to come forward with any affirmative evidence demonstrating the absence of a genuine issue of material fact were thus not entitled to summary judgment in action alleging that by not taking action when presented with evidence that a police officer engaged in racially motivated stops of African-Americans, they neglected to take action to prevent a civil rights conspiracy. *Johnson v. Anhorn*, E.D.Pa.2006, 416 F.Supp.2d 338. Plaintiffs had right to jury trial in their action alleging that county police officer signed and swore to information and complaint which having committed offense of assault and that such defendant and other county police officers conspired to give false testimony, tampered with, and withheld, relevant evidence and otherwise maliciously prosecuted plaintiffs, resulting in their conviction, and that county police commissioner, police captain and police officer knowingly or negligently refused to prevent commission of the wrong. *Burch v. Carmody*, E.D.N.Y.1974, 377 F.Supp. 1157.

42 U.S.C.A. §1988. Proceedings in vindication of civil rights:

(b) Attorney's fees

In any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92-318 [20 U.S.C.A. §16-81 et seq.], the Religious Freedom Restoration Act of 1993 [42 U.S.C.A. §2000bb et seq.], the Religious Land Use and Institutionalized Persons Act of 2000 [42 U.S.C.A. §2000cc et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C.A. §2000d et seq.], or section 13981 of this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part

of the costs, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction.

(c) Expert fees

In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of section 1981 or 1981a of this title, the court, in its discretion, may include expert fees as part of the attorney's fee.

Plaintiff(s) have alleged that each Defendant viewed Defendant - Christopher Beyer's cruiser audio & video recording [Plaintiff(s)' star-key-witness, Exhibit A], and in so doing were clearly aware of the discriminatory conduct leading to deliberate deprivation of Civil and Constitutional Rights which formed the basis of this action, and pursuant to the above-stated right, Plaintiff(s) are requesting attorney fees in order to obtain an attorney of choice do to the magnitude of the implications associated with the precedent this case will set for all future litigation of this type of discrimination. And if necessary additional fees for an expert [Private Investigator or Liquidator] to oversee Plaintiff(s) Fed.Civ.R. 64 against all Defendant(s) to protect Plaintiff(s)' interest.

5. Persons Liable

Plaintiff(s)' asserted factual allegation against all Defendant(s) in their original action filed in the State Court on January 20, 2017, in the Court of Common Pleas of Franklin County, City of Columbus, State of Ohio, Civil Division. In the body of Plaintiff(s) filing, all Defendant(s) were placed on notice of Plaintiff(s)' claims against each Defendant, for acts of discrimination being committed under the color of law on June 14, 2011 and continuing to date, which intentional acts were racially motivated and substantially certain to produce deprivation of Plaintiff(s) constitutional rights be engaging in an overt act in furtherance of the conspiracy. The fact that Plaintiff(s)' action was removed from the State Court to this Honorable Court as of February 23, 2017, does not remove the injuries committed against Plaintiff(s) and continuing to date - - - - by all named Defendant(s) in the furtherance of the conspiracy by all Defendant(s) who viewed Exhibit A.

Federal official who acted in concert with state official in coercing private alcohol treatment center to discharge counselor supervisor was liable for attorney fees. *Merritt v. Mackey*, C.A.9 (Or.) 1991, 932 F.2d 1317.

II. The Plaintiff(s) "uncontested" evidence:

1. It is important to note:
(Supported by Exhibit "J", Page 11, Lines 7-14)

Defendant - Christopher Beyer testified to alleged notated issues concerning the "Time Stamp" with his patrol cruiser video [Although discovery was requested (supported by Exhibits "L", "M", and "AO" *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1184 (1963), this Brady request information has been denied to date, as supported by Exhibits "AR" and "AT")]. However, Defendant - Edward Zaleski supported by the altered an alleged Suppression Hearing Decision of September 28, 2012 [See Exhibits "N" and "O"], based his Suppression Hearing Decision consistent with the timelines of the Plaintiff(s) Affidavit and star-key-witnes, being Defendant - Christopher Beyer's cruiser video with the actual time stamp and date of June 14, 2011. Since Defendant - Dennis Will contends in his response to Plaintiff(s)' Brady request of July 3, 2013 [See Exhibit "AN"], Defendant - Dennis Will first gave a partial response on October 17, 2013 [See Exhibit "AR"], then on November 18, 2013 gave the response that there in fact was no Brady Material available consistent with the alleged notated issues Defendant - Christopher Beyer testified to. [See Exhibit "AT"]. This Honorable Court must adopt the timeline consistent with Defendant - Christopher Beyer's cruiser actual video [See Exhibit "A"]; See also Plaintiff(s)' Affidavit and the timeline consistent with what Defendant - Edward Zaleski used, which the requested adoption is all one of the same.

2. The Falsified Arrest Report of Defendant - Christopher Beyer's Initiating His Conspiracy To Cover Up His Discriminatory Conduct Occurring on June 14, 2011 and Continuing to Date:
(Supported by Exhibit "B")

On June 14, 2011, Defendant - Christopher Beyer at 0844 hours, Defendant - Christopher Beyer alleged the Plaintiff handed him an alleged vehicle rental agreement [See Exhi-

bit "B"]. At 0850 hours Defendant - Christopher Beyer alleged the Plaintiff was voluntarily patted down and voluntarily set in the back of his cruiser [See Exhibit "B"]. Then at 0901 hours Defendant - Christopher Beyer alleged L.E.A.D.S. had been out of service on the initial stop. [See Exhibit "B"].

3. Defendant - Christopher Beyer's Knowingly Perjured Testimony
Given at the June 4, 2012 Suppression Hearing
Broken Down into Three (3) Specific Time Frames of
(A) 0840 to 0842; (B) 0842 to 0845; and (C) 0845 to 0851
(Supported by Exhibit "A" and "J")

This break down will first highlight on direct examination Defendant - Jennifer Riedthaler.

A. 08:40:04 to 08:42:08 (Supported by Exhibits "A" and "J")

At the June 4, 2012 Suppression Hearing on direct examination by Defendant - Jennifer Riedthaler, S.H.Tr., Pages 7-9, Lines 8--11, Defendant - Christopher Beyer testified:

S.H.Tr., Page 7, states: "Perjured Testimony"

8 A. Okay. After asking for his license, registration
9 and insurance, while he was looking for requested
10 documents, he initially handed me his driver's license,
11 which was a New York license. I noticed that he was out of
12 Buffalo, New York. I asked where he was headed to. He
13 said his cousin's house in Cleveland. I said, "who owns
14 the vehicle?" He said, "Well, my cousin owns the vehicle."
15 I said, "Okay." He then handed me a rental agreement --
16 or, I'm sorry.

17 While he was looking for the rental agreement, I
18 said, "where are you coming from today?" He said, "My
19 mom's house in --" I'm not sure how to pronounce it "--
20 Beloit, Michigan there." And then he went on to say that
21 his mother was sick.

22 After looking at that, he handed me a rental
23 agreement, which was in the name of a Latrice Thomas.
24 Looking through that, to verify who should have the vehicle
25 and such, his name was not on the rental agreement. It was

S.H.Tr., Page 8, states: "Perjured Testimony"

1 Latrice Thomas was the only person to be on the rental
2 agreement there. Looking through a little farther, he said

* * *

20 A. It did. That was kind of odd. So as we further
21 talked there, while I was looking over the documents he
22 handed me, I said, "Well, where's your cousin?" He said he

S.H.Tr., Page 9, states: "Perjured Testimony"

10 counsin. At that point in time, I was able to look through
11 all the documents. I went back to the vehicle then.

B. 08:42:08 to 08:45:30 (Supported by Exhibits "A" and "J")

S.H.Tr., Page 10, states: "Perjured Testimony"

4 Q. Okay. You stated that you walked away from the
5 vehicle then?

6 A. I did. I went back to my vehicle to further look
7 at the rental agreement, which can be a little bit
8 cumbersome and quite large and fine print. I went back and
9 took his license and rental agreement back with me.

S.H.Tr., Page 13, states: "Perjured Testimony"

9 pocket. He made sure he locked the vehicle before exiting
10 the car, which is all very strange. Why are you locking
* * *

24 Q. At what point did you call dispatch with the
25 defendant's information, and were they able to determine

S.H.Tr., Page 14, states: "Perjured Testimony"

1 anything?

2 A. At the time, I'm not exactly sure of the exact
3 time I was able to get a hold of dispatch with this info.
4 Our LEADS was down at the time. They were doing
5 maintenance on it or there was some issues with it. So at
6 the time, I wasn't able to give them, or able to have them
7 check that information. I believe at the time there, while
8 I was waiting for Trooper Trader, I tried running checks
9 through LEADS there, and they were all -- they came back
10 that LEADS was down at time. So after the , after there was
11 probable cause to search the vehicle, LEADS had then came
12 up, and then I radioed district, which would be believe
13 dispatch center.

* * *

15 A. This was around, I would say, 8:59 or 9:00 when
16 LEADS had went back in service. I believe dispatch had
17 radioed everyone to say, hey, LEADS is back in service. If
18 you need anything, you could check on your computer.

C. 08:45:30 to 08:51:00 (Supported by Exhibits "A" and "J")

S.H.Tr., Page 16, states: "Contradicting Testimony"

4 Q. Did the K-9 indicate on the vehicle?

5 A. He did.

6 Q. Where did he indicate? did you observe that?

7 A. Yes, I was. It would be better if Trooper

8 Trader --

* * *

10 A. -- testified to it, but I observed it.

S.H.Tr., Page 30, states: "Contradicting Testimony"

18 Q. Now, you did say that the dog did alert to this
19 vehicle?

20 A. Yes. I was advised by Trooper Trader that there
21 was a positive K-9 alert.

22 Q. Okay. But you didn't actually observe where the
23 dog actually did alert?

24 A. I was watching traffick. I didn't see the exact
25 spot, but in our photographs that we have of it, you can

S.H.Tr., Page 31, states: "Contradicting Testimony"

1 see clearly where that was.

S.H.Tr., Page 16, states: "Perjured Testimony"

13 Q. Did you participate in the search?

14 A. I did, yes.

15 Q. What, if anything, did you find?

16 A. The search began in the front there. Trooper
17 Trader and I began to search the vehicle. The trunk was
18 then popped, and there was a huge duffel bag, like an

S.H.Tr., Page 17, states: "Defendants "Jennifer Riedthaler", "Jack Bradley", and "Edward Zaleski" actually viewed Defendant - Christopher Beyer's cruiser video [state's Exhibit 2 (Plaintiff(s)' star-key-witness - Exhibit A)], and having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, were about to be committed, and having power to prevent or aid in preventing the commission of the same, neglected or refused so to do!"

18 Q. Trooper, I'm going to show you what has been
19 maked, or will be maked, as State's Exhibit 2 for
20 identification.

21 Judge, pre -- as an aside, before this hearing
22 started, the parties agreed that I would just have the
23 trooper identify the video. It's rather lengthy, it's over
24 an hour. Rather than playing the entire thing now, for the
25 court to review later. Is that accurate, Attorney Bradley?

S.H.Tr., 18, states:

1 MR. BRADLEY: Yes.

2 THE COURT: Yeah, I could review it in chambers.

* * *

7 STATE'S EXHIBIT 2 MARKED FOR IDENTIFICATION

* * *

9 Q. Trooper Beyer, there is, as I said, what has been
10 made as State's Exhibit 2 for identification. Did you
11 have an opportunity to review this before this hearing?
12 A. Yes.

* * *

16 (A portion of State's Exhibit 2 was played
17 in open court.)

* * *

25 Q. And whose cruiser recorded this?

S.H.Tr., Page 19, states: "The star-key-witness's birth"

1 A. Mine.

* * *

5 A. This is all from firsthand from my vehicle, my
6 patrol car.

4. Cross examination of Defendant - Christopher Beyer
by Defendant - Jack Bradley

S.H.Tr., Page 21, states: "Confirmation that no rental agreement was reserved or preserved for the record"

22 Q. Did you make a copy of the rental agreement that
23 you're referred to in your testimony today?

24 A. I don't believe I did, no.

S.H. Tr., Page 22, states: "Prejudured Testimony"

13 Q. You said that it took you, you know, a little bit
14 of time to even review the agreement because there was a
15 lot of fine print and so forth?

16 A. Correct.

17 Q. But you did not preserve that agreement?

18 A. No.

S.H.Tr., Page 24, states:

5 Q. I'm just asking you, you can turn on your
6 camara without having to turn on your lights?

7 A. Yes, you can.

S.H.Tr., Page 25, states:

19 Q. Well, you reviewed the video before we came in
20 here today, didn't you?

21 A. Yeah.

S.H.Tr., Page 26, states:

6 Q. So he wasn't behind the motor home any further?

7 A. Okay.

* * *

11 Q. All right. And so you followed him for a distance
12 of almost two miles, and then you pulled him over?
13 A. No, it wasn't two miles. We were -- at which
14 point, we were passing there, it's mile maker 135.9. So
15 we're talking a mile to a mile-and-a-half. At which point,

S.H.Tr., Page 31, states: "Perjured Testimony"

2 Q. And you started your search in the interior of the
3 vehicle I take it?
4 A. Yeah.

S.H.Tr., Page 32, states: "Confirmation of Profile Team"

2 schools. At the time I was working with the criminal
3 patrol team.

* * *

20 Q. I'm just wondering, when the prosecutor asked you
21 what you were doing out there on the highway, you didn't
22 mention that part of your detail was going out there

5. Direct examination of Defendant - Michael Trader
by Defendant - Jennifer Riedthaler

S.H.Tr., Page 34, states:

12 A. I'm a State Trooper assigned to the K-9 Division.
13 Q. How long have you been assigned to the K-9
14 Division?
15 A. Since 2010.

* * *

18 A. My primary responsibility is the management of my
19 K-9.

S.H.Tr., Page 35, states:

15 Q. What is your Dog's name?
16 A. Argo.

S.H.Tr., Page 37, states: "Defendant - Michael Trader's testimony concerning his tapping the veh-
icle on June 4, 2012, contradicts his trial testimony of February 11, 2015, tapped to get K-9 Argo's attention

1 Q. Did you complete, or did Argo I guess, complete a
2 free-air sniff of the area?

* * *

5 will you describe that to the court?

6 A. Yes, ma'am. I deployed my Dog in a
7 counterclockwise pattern, starting at the rear of the
8 vehicle. When my K-9 reached the driver's side door and
9 driver's side back door area, he showed a distinct change
10 in behavior, showing that he was in the odor of narcotics,
11 his breathing changed, he squared off to the vehicle, then
12 he indicated to the odor of narcotics by scratching the

13 vehicle.

* * *

22 my dog is

23 trained to scratch when he smells drugs.

S.H.Tr., Page 38, states:

16 Q. How did you obtain the probable cause to begin
17 that search?

18 A. Positive K-9 indication on the vehicle.

6. Cross examination of Defendant - Michael Trader
by Defendant - Jack Bradley

S.H.Tr., Page 40, states:

18 Q. So it's pretty important to preserve that rental
19 agreement, right?

20 A. Yes, sir.

S.H.Tr., Page 42, states:

1 A. The dog gets a reward when he indicates,

* * *

17 Q. So even when he's wrong, he gets a reward?

* * *

20 A. I can't tell you if and when he's ever been wrong?

21 Q. Why not? Don't you keep records of that?

22 A. We don't.

S.H.Tr., Page 43, states: "Confirmation of legality concerns with Defendant - Trader
and K-9 Argo combo"

3 Q. You understand that one of the judges in our court
4 has found that you and your dog are not credible means of
5 detecting the odor of cocaine, you understand that, don't
6 you?

* * *

8 Q. That's the State of Ohio verses Antwonne Duke?

9 A. I am very familiar with that case.

S.H.Tr., Page 44, states: "Confirmation of '4th' Amend. violation"

4 Q. It wasn't until you went into the trunk of the
5 vehicle and found this orange duffel bag, yes.

* * *

7 Q. And you then had to open that duffel bag that was
8 in the trunk, and that's where you located this cocaine?

9 A. Correct.

10 Q. Your dog did not alert to the trunk of the
11 vehicle, did it?

12 A. No, he did not.

Additional acts of Defendant(s) in furtherance of the conspiracy to deprive Plaintiff(s) of Civil and Constitutional Rights, privileges , or immunities.

Defendant - Edward Zaleski in furtherance of the conspiracy of Defendant - Christopher Beyer to conceal evidence of his deprivation of Civil and Constitutional Rights committed on June 14, 2011, deliberately altered the Decisions related to his ruling of the June 4, 2012 Suppression Hearing by his filing of "two" different decisions for the same issue. See Exhibits "N" and "O". Additionally, knowing Defendant - Christopher Beyer's testimony was perjury failed to prevent the harm associated with such misconduct and willingly became a co-conspirator by re-enforcing Defendant - Christopher Beyer's perjured testimony by reference to three (3) specific times in his decisions, specifically 08:48, how can Defendant - Edward Zaleski reference or allege anything that he had personal knowledge was in fact not true after viewing the Plaintiff(s) star-key-witness Exhibit A.

Defendant - John R. Miraldi in furtherance of the conspiracy of Defendant - Christopher Beyer to conceal evidence of his deprivation of Plaintiff(s) Civil and Constitutional Rights during the February 11, 2014, jury trial after viewing Defendant - Christopher Beyer's cruiser video of June 4, 2011, and deprived Plaintiff(s) of his constitutional right under the Fourth Amendment, by denying Plaintiff(s) request for re-cross to address those Fourth Amendment violation. See Plaintiff(s) Affidavit.

Finally, Plaintiff(s) had brought their complaint of those events surrounding the misconduct of Defendant - Christopher Beyer's conduct on June 4, 2011 and violation of Civil and Constitutional Rights of Plaintiff(s) to the attention of his superiors, on February 5, 2014 and response February 19, 2014. See Exhibits "AAE" and "AAJ".

CONCLUSION

For the following reasons, because Plaintiff(s) have pleaded facts which, if proven, would entitle them to relief, dismissal is inappropriate, and both parties have demanded

a jury trial to settle their controversy.

Respectfully submitted,

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