

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD LOPEZ,

11 cv 7790 [Judge Briccetti][White Plains]

Plaintiff,

**COMPLAINT**

vs.

ROBERT RAMOS, COURT OFFICERS  
JOHN DOES 1-6,

Defendants.  
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By and through his counsel, Michael Sussman, plaintiff alleges as and against the defendant,

Robert Ramos:

I. **PARTIES**

1. Plaintiff, Richard Lopez, is a United States citizen of legal age who resides in Ocala, Florida.

2. Defendant, Robert Ramos, is a court officer employed at the City of Yonkers City Court. He is sued in his Individual capacity for acts taken within this judicial district under color of state law.

Defendants John Doe 1-6 are court officers whose identity are currently unknown to the plaintiff. Each Defendant John Doe 1-6 used excessive force against plaintiff under color of state law.

II. **JURISDICTION**

3. As defendants acted under color of state law in a manner which violated plaintiff's federal constitutional right to due process of law as guaranteed by the 14<sup>th</sup> Amendment and effectively seized plaintiff's body without cause in violation of the Fourth Amendment, this Honorable Court has jurisdiction of this matter pursuant to 28 U.S.C. secs. 1331, 1343 (3) & (4) and 28 U.S.C. secs. 1983 and 1988.

III. **STATEMENT OF FACTS**

4. During the third week of May 20, 2011, plaintiff, then in Florida, was advised that his brother had been assaulted, was in the hospital and his condition was worsening.

5. Plaintiff flew to New York to be with his brother in the hospital.
6. While at the hospital, plaintiff learned that a second suspect had been apprehended in the attack on his brother and went to the City of Yonkers Courthouse for the arraignment of that suspect.
7. Upon arriving in courtroom 2 of the Cacace Center on May 20, 2011, plaintiff observed defendant court officer Robert Ramos standing at the far left of the courtroom with two or three other officers.
8. As plaintiff entered the courtroom with other members of his family, he heard Ramos say, "who the fuck are all these people?"
9. Plaintiff ignored the comment and sat down with other members of his family.
10. As he was awaiting the arraignment, plaintiff spoke with an old family friend.
11. After his sister advised him to stop speaking, plaintiff did so and sat quietly awaiting the arraignment.
12. At one moment, plaintiff turned toward Ramos and observed the defendant glaring at him from across the room.
13. Ramos then directed all in the courtroom to be quiet.
14. At the point Ramos gave this direction, plaintiff had already desisted from speaking.
15. After hearing this direction, plaintiff put his hands up and said, "okay."
16. After giving this direction and observing plaintiff's response,, Ramos charged at the plaintiff.
17. Ramos screamed at plaintiff, "What's with the fucking hands?", "What's with the fucking hands?" Ramos repeated this several times, directing his comments to plaintiff.
18. After Ramos repeated this several times, plaintiff responded, "What's with your fucking mouth?"
19. After hearing this remark, defendant immediately further approached plaintiff and starting

swinging with closed fists at the plaintiff.

20. Defendant made contact with plaintiff's face, striking him, as plaintiff screamed, "What is your problem?"

21. During the altercation, plaintiff fell on top of his sister, Lorraine.

22. As a direct result of defendant's out of control conduct, six other court officers made physical contact with plaintiff, threw him to the ground and handcuffed him.

23. Though plaintiff complained of a shoulder injury, these officers threw him to the ground, and cuffed him.

24. As force was being used against plaintiff, the courtroom was cleared and plaintiff's relatives waited for him outside the Court.

25. During this period, defendant exited the courtroom and Susan Rivera's plaintiff's sister, asked him for his name. Defendant responded, "Shut your fucking mouth or you're next."

26. As a consequence of the force used by Ramos and that thereafter used by other court Officers, plaintiff has a newly torn shoulder and needs surgery.

27. As a consequence of the force used by Ramos and that thereafter used by other court officers, plaintiff has been forced to take hydro-cordone, a pain killer, for the ongoing pain and discomfort.

28. As a consequence of the excessive force intentionally inflicted by the defendants, plaintiff was made to suffer ongoing pain and discomfort, deprived to date of the full use of his shoulder and made to feel humiliated and embarrassed.

#### IV. CAUSES OF ACTION

29. By engaging in the conduct set forth in paras. 1-28, plaintiff alleges that defendants violated his right to due process of law and to be free of excessive force against his person, as protected by the Fourth and Fourteenth Amendments to the United States Constitution, as made actionable

against them by 42 U.S.C. sec. 1983.

V. **PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays that this Honorable Court:

- a) accepts jurisdiction over this matter;
  - b) empanels a jury to hear and decide the matter;
  - c) awards to plaintiff compensatory and punitive damages against defendants;
  - d) awards punitive damages against defendants;
  - e) awards plaintiff the reasonable attorneys' fees and costs arising from the prosecution of this matter
- and
- f) enters any other relief the interests of justice and equity require.

Respectfully submitted,

MICHAEL H. SUSSMAN [3497]

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Dated: October 26, 2011