

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JURY FEE PAID
5-10-12

MARYANN GODBOLDO,
ARIANA GODBOLDO-HAKIM, a Minor by
her Next Friend, MARYANN GODBOLDO, and
MUBARAK HAKIM,

Plaintiffs,

Case No:

NO

v.

Hon:

CITY OF DETROIT, a Municipal Corporation,
DETROIT POLICE OFFICER THOMAS TREWHELLA,
DETROIT POLICE OFFICER KEVIN SIMPSON,
DETROIT POLICE OFFICER ROBERT STANKIEWICZ,
DETROIT POLICE OFFICER AHMED MORSY,
DETROIT POLICE LIEUTENANT MICHAEL NIED,
COUNTY OF WAYNE, a Sub Unit of Government, JANE DOE 1,
an EMPLOYEE OF COUNTY OF WAYNE and JANE DOE 2, an
EMPLOYEE OF COUNTY OF WAYNE,
CHILD PROTECTIVE SERVICES WORKERS MIA WENK, SUPERVISORS
AT CHILD PROTECTIVE SERVICES, JANE DOE 3 AND JANE DOE 4,
HAWTHORN CENTER and JOHN DOE 1 and
JOHN DOE 2,

Defendants,

ROBINSON and ASSOCIATES, P.C.
David A. Robinson (P 38754)
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PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

s/David A. Robinson

NOW COME the Plaintiffs, by and through counsel, ROBINSON and ASSOCIATES, P.C., and for their Complaint against Defendants state unto this Honorable Court as follows:

INTRODUCTORY AND JURISDICTIONAL STATEMENTS

This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983, and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, and under the statutes and common law of the State of Michigan against these named defendants in their individual capacities and/or official capacities and against the City of Detroit, Michigan and the County of Wayne, Michigan. Jurisdiction is based upon 28 U.S.C. §§ 1331, 1332 and 1343, and on the supplemental jurisdiction of this Court to entertain claims arising under state law pursuant to 28 U.S.C. § 1367(a). Further, jurisdiction is based on the Americans with Disability Act at 42 USC 12132.

1. This is a case about whether a Mother, MARYANN GODBOLDO, who voluntarily consented to allow the administration of the drug Risperdol, a controversial anti-psychotic medication with known dangerous side effects to be given to her minor child, should be denied her express right to withdraw her consent (**IT HAS BEEN EXPLAINED TO ME THAT I HAVE THE RIGHT TO WITHDRAW THIS CONSENT AT ANY TIME AND CAN STOP TAKING THE MEDICATION AT ANY TIME**) at any time and not be mandated by the State/County to pre-empt that decision, with circumvention, by resort to a court system policy and procedure that allowed, supported and condoned the entry of perfunctory court orders for extraction of minor children from their parents to be the product of rubber stamped justice.

2. This case is also about a mother, MARYANN GODBOLDO and her minor

daughter, Ariana, who sought help for a sudden medical condition that confounded them both and then were put in the hands of professionals who failed to listen to the dynamic history of that mother and that daughter instead ignoring it and jumping to the first drug of choice, Risperdol. NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER and CHILDREN'S CENTER called to Child Protective Services to report that Godboldo had "abruptly" taken the minor off the imminently risky drug Risperdol. On information and belief these calls were made by Tracey Dorsey. On information and belief the calls instigated the ultimate arrest and imprisonment of Godboldo and imprisonment and hospitalization of the Minor and her unconsented to medical treatment.

3. This case is as well about governmental agencies and their agents who failed in their diligence to properly investigate allegations of neglect or to adequately probe the background of a minor child's history instead looking only to find biased support for hapless allegations in order to place a mother and her child in the clutches of an indifferent system, and about a police system itself ignorant of it's own rules and authority that conspired to arrest, extract and separate the nurturing bond between the mother and her child. MIA WENK, devoid of proper medical or psychiatric training, who, based on the report by NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER and CHILDREN'S CENTER, knowing how easy it was to have an unauthorized court employee stamp a judge's signature on an order for custody of the minor, impulsively and grossly negligently petitioned the court securing what she alleged to the police to be a "warrant" improperly directing THOMAS TREWHELLA, MICHAEL NIED, KEVIN SIMPSON, ROBERT STANKIEWICZ and AHMED MORSY to wrongfully engage Godboldo in an unconstitutional 4th amendment patently wrong invasion into her home resulting in her apprehension. Wenk, grossly negligently, did not seek sufficient background information on the Minor. She only sought

information by the instigators, NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER and CHILDREN'S CENTER about that history. Wenk, grossly negligently, ignored all risk assessments and safety assessments and admitted to being unfamiliar with her own department policy and procedures failing to follow protocol by not even signing the Permanency Planning Conference referral leaving boxes unchecked and yet opted to "open a case" against Godboldo. This was a rush to judgment. Wenk admitted to not making any reasonable efforts to prevent removal of the Minor.

4. THOMAS TREWHELLA, MICHAEL NIED, KEVIN SIMPSON, ROBERT STANKIEWICZ and AHMED MORSY, Detroit Police officers were in possession, not of a "warrant", but of an order, questionable on it's face, and without lawful authority, broke into Godboldo's home. THOMAS TREWHELLA, MICHAEL NIED, KEVIN SIMPSON, ROBERT STANKIEWICZ and AHMED MORSY, in violation of the 4th and 14th amendments, purposely ignoring police department written policy, broke into Godboldo's home where there was no probable cause that a crime was committed, no exigency, no danger to the safety of the Minor, no urgency as evidenced by the the defective order from which they operated. In direct violation of the law and their own written policy, with a "crowbar" they broke into Godboldo's home under color of law but inconsistent with any lawful authority . THOMAS TREWHELLA, MICHAEL NIED, KEVIN SIMPSON, ROBERT STANKIEWICZ and AHMED MORSY then accused Godboldo of crimes they knew she did not commit.

5. Employees at HAWTHORN CENTER who will be identified through discovery in this case were responsible for physical abuse, battery and other indignities resulting in embarrassment, humiliation and physical injury to the Minor, Ariana. Following the Minor's release from Children's hospital she was conveyed to Hawthorn Center. A medical record from Children's

hospital dated March 25, 2011, the date of her custody, noted Ariana's body was examined and there were no bruises, no ecchymosis, no trauma and the "rest of the skin also looks like it well taken care of." In the physical assessment at Hawthorn Ariana was noted as having a bruise to the palm area of her left hand and scraping to he left leg. Ariana, an amputee, at Hawthorn was deliberately deprived of her prosthesis as a punishment consistent with the systemic indifference to the Plaintiffs' personal bodily integrity and in violation of the Americans with Disability Act.

6. By this collection of calamities Godboldo was arrested and carted off to jail after which she was alleged to have committed crimes against the police, the equivalent of which if convicted, could have kept her imprisoned for 22 years.

7. Ironically, Godboldo was jailed for the first time in her life for defending her right to protect her daughter's health and her minor daughter's right to not have inappropriate and potentially devastating psychotroptic medication forced upon her. Godboldo had adequate time to see first hand the effect of the dastardly anti-psychotic medication on her daughter and chose to invoke her right to withdraw consent. She did so under medical supervision and not imprudently or abruptly and if Wenk had studied the history would have known the same. But since the wheels of the court had been set in motion, Godboldo was subject to answering the criminal charges.

8. On March 25, 2011, Ms. Godboldo stood before the Magistrate at 36th District where the criminal charges were read off to her. Following that she remained in jail until her release 4 days later. On July 25, 2011, before the Honorable Ronald Giles, the People of the State of Michigan sought to show how Ms. Godboldo threatened the life of 3 police officers with a dangerous weapon and resisted and obstructed their efforts. On August 29, 2011, after laborious testimony 36th District Court Judge Giles dismissed all charges holding: **"The Order has to do more than just look**

official. Again, we're talking about a person's constitutional rights here to be—or actual constitutionally protected liberty, interest and familiar (sic) integrity. That is a constitutional right. And to have that put up against this order, which is grossly inadequate, incorrect, the mistakes on it are numerous, as identified by the Protective Service worker, who typed it up. It is ridiculous to go in to remove, in this Court's opinion, somebody's child based on this order. It does not even express any situation where we have exigent circumstances where it says the child is at risk. ...as a result...I'm gonna quash it, (order) which makes everything that happens thereafter null and void, the fruit of the poisonous tree argument.”

9. Judge Giles dismissal was not good enough for the Wayne County Prosecutor. The County prosecutor appealed Judge Giles' dismissal, again protracting the Plaintiffs' saga. The County prosecutor again made the argument, that Godboldo unlawfully resisted and obstructed and threatened the lives of the police officers. Hearing the legal argument asserted by the County prosecutor, the reviewing Judge, Judge Bills, ruled as did Judge Giles... “ **And I'm going to affirm his ruling.**”

10. The allegations initiated by WENK also resulted in a civil proceeding wherein GODOBOLDO's right as a mother was questioned but resoundingly accorded the imprimatur of the Court where Judge Lynne Pierce determined, “ **It's not this Court's intention to order Ariana to be placed on any drug, Rispirdol or otherwise without her parents consent. Barring a life-threatening emergency a decision to administer psycho-tropic drugs is a parental decision. The possible side effects are such that the potential detriment can out weigh any potential benefit.**

This decision must be-must lay in the hands of the parents not the state in conjunction with consultation of the medical professionals of their choice. Ultimately, medical decisions such as this one are the parents decision and only their decision.”

THE PARTIES

1. Plaintiff MARYANN GODBOLDO (hereinafter Godboldo) is and was, at all times relevant to this complaint the mother of the Minor and a citizen of the United States and resident of the City of Detroit, County of Wayne.

2. Plaintiff ARIANA GODBOLDO (hereinafter”the Minor child”) is and was, at all times relevant to this complaint a citizen of the United States and resident of the City of Detroit, County of Wayne. GODBOLDO is appointed the Next Friend of the Minor.

3. Plaintiff MUBARAK HAKIM (hereinafter Hakim) is and was, at all times relevant to this complaint the father of the Minor and a citizen of the United States and resident of the City of Detroit, County of Wayne.

4. It is alleged that Defendant, THOMAS TREWHELLA , Police Officer for the City of Detroit, was acting under color of law and within the scope of his authority. However, THOMAS TREWHELLA acted in bad faith and only ministerially in his conduct on the date he interacted with the Plaintiffs. Further, at all times pertinent hereto THOMAS TREWHELLA was domiciled in and resided in the County of Wayne.

3. It is alleged that Defendant KEVIN SIMPSON, Police Officer for the City of Detroit, was acting under color of law and within the scope of his authority. However, KEVIN SIMPSON acted in bad faith and only ministerially in his conduct on the date he interacted with the

Plaintiffs. Further, at all times pertinent hereto KEVIN SIMPSON was domiciled in and resided in the County of Wayne.

4. It is alleged that Defendant ROBERT STANKIEWICZ, Police Officer for the City of Detroit, was acting under color of law and within the scope of his authority. However, ROBERT STANKIEWICZ acted in bad faith and only ministerially in his conduct on the date he interacted with the Plaintiffs. Further, at all times pertinent hereto ROBERT STANKIEWICZ was domiciled in and resided in the County of Wayne.

5. It is alleged that Defendant AHMED MORSY, Police Officer for the City of Detroit, was acting under color of law and within the scope of his authority. However, AHMED MORSY acted in bad faith and only ministerially in his conduct on the date he interacted with the Plaintiffs. Further, at all times pertinent hereto AHMED MORSY was domiciled in and resided in the County of Wayne.

6. It is alleged that Defendant MICHAEL NIED, Police supervisor for the City of Detroit, was acting under color of law and within the scope of his authority. However, MICHAEL NIED acted in bad faith and only ministerially in his conduct on the date he interacted with the Plaintiffs. Further, at all times pertinent hereto MICHAEL NIED was domiciled in and resided in the County of Wayne.

7. Defendant City of Detroit is a municipal corporation operating under, and subject to, the U.S. Constitution and laws of the State of Michigan and of the United States. That at all relevant times the defendant Detroit Police officers were employed by the City of Detroit Police Department and at all relevant times defendants acted in the capacities of agents, employees and

servants of the Defendant City of Detroit and all these defendants are sued in their individual and official capacities.

8. Defendant County of Wayne is sub unit of government operating under, and subject to, the U.S. Constitution and laws of the State of Michigan and of the United States. That at all relevant times the defendant DOE 1 and DOE 2 were employed by the County of Wayne and at all relevant times defendants acted in the capacities of agents, employees and servants of the Defendant County of Wayne and all these defendants are sued in their individual and official capacities.

8. Child Protective Service is a department of the State of Michigan and conducts business in Wayne County. That at all relevant times CPS employed Defendants WENK, DOE 3 and DOE 4 as Child Protective Services workers who conducted their activities in Wayne County.

9. HAWTHORN CENTER is a psychiatric facility run by the DEPARTMENT OF COMMUNITY HEALTH and employs JOHN DOE 1 and JOHN DOE 2 who on information and belief reside in the County of Wayne

10. The conduct and events upon which this action is based occurred in City of Detroit, County of Wayne, State of Michigan.

11. The amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000.00) dollars, exclusive of costs, interest and attorney fees.

FACTUAL ALLEGATIONS

12. Plaintiff realleges each and every paragraph stated above as if said paragraphs were more fully and specifically set forth herein.

13. In September of 2009, Godboldo took Ariana for immunizations in order that she attend the Montessori school system. Before that she had been home schooled by Godboldo. Shortly following the immunizations, Godboldo began to see certain behavioral changes in Ariana. Up to that point in her life Ariana functioned and exhibited behaviorally as any other child her age.

14. In February of 2010, Godboldo took Ariana to Children's Hospital for examination. Children's referred Godboldo to Carelink, a provider of health services to a network of private behavioral agencies. Carelink Network is funded by the Detroit-Wayne County Community Mental Health Agency.

15. Carelink met with Godboldo and referred Godboldo to NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER AND CHILDREN'S CENTER.

16. GODBOLDO, relying on the representations offered by NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER and CHILDREN'S CENTER, began allowing voluntary administration of the psycho-tropic medication Risperdol to her Minor daughter. Before doing so, Godboldo was apprised that her consent was essential, that pursuant to manufacturer's warnings there were inherent risks and potential life threatening side affects in the administration of this drug to her minor daughter and that she could withdraw her consent for the administration of the drug at any time. This agreement formed the bases of a contract between Godboldo and NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER AND CHILDREN'S CENTER.

17. Noticing substantial changes in her Minor daughter since beginning the drug, such as weight gain of 32 pounds or more, extreme behavioral changes, agitation, Godboldo sought the advise of other medical direction in order to effect revocation of consent to the administration of the obviously altering drug. Godboldo also complained to NEW OAKLAND CHILD,

ADOLESCENT and FAMILY CENTER AND CHILDREN'S CENTER that she had stern concerns about the new drug and how it was manifesting odd and significant changes in her minor daughter.

18. In the course of recanting her voluntary consent for the drug Godboldo understood any abrupt cessation would be harmful. Methodically she, in consultation with her medical consultant, began a weaning process to attempt to reverse the harmful effects of the drug, Risperdol.

19. Godboldo informed NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER AND CHILDREN'S CENTER of her decision to take her daughter off the drug. As a result NEW OAKLAND CHILD, ADOLESCENT and FAMILY CENTER AND CHILDREN'S CENTER reported her decision to Child Protective Services stating that Godboldo was neglecting her minor daughter by abruptly taking her Minor daughter off the drug Risperdol. None of this was true.

20. Child Protective Services assigned the complaint to WENK. WENK embarked on an irresponsible course to allege Godboldo to be in violation of the law and irresponsibly alleging that "Ariana is not safe in the home."

21. With no more information than a deficient report that Godbodo had "abruptly" taken Ariana off the dangerous drug, Wenk sought a Permanent Placement Conference (PPC) where a decision was made to petition the court for removal of the Minor.

22. The PPC was held on March 23, 2011. WENK abruptly typed up an Order To Take Childr(ren) into Protective Custody and on March 24, 2011 presented it to DOES 1 & 2 at the Lincoln Hall of Juvenile Justice where the procedure to make legal a "court order" to separate a parent and child was routinely and cavalierly circumvented avoiding the requirement that a judge of the court follow the rigid process accorded a parent and the child. By this custom of conduct at

the juvenile court WENK by passed the sacrosanct question of a parents right to determine fundamental issues involving their children. This process to bypass justice was a function of policy, pattern and custom attributable to Wayne County and repugnant to our Constitution.

23. Armed with this defective Order leaving the Lincoln Hall of Justice WENK dialed 911 reporting to the Detroit Police that she had a “warrant” and needed police assistance to make a confiscation of the Minor.

24. Parked some distance from the Godboldo home, WENK waited for the police to arrive. Upon their arrival WENK made allegations that the Order directed the Defendant officers to take the Minor into custody.

25. Failing to read and interpret the Order, the Defendant officers made their first attempt to separate the Minor from her parent. The Defendants with no authority at law, but acting under color of law, approached the home. The officers were refused.

26. Not having committed any violation of law or ordinance Plaintiff protected her home, her safety and her minor daughter’s safety from illegal entry simply by not allowing the police inside her home.

27. Confounded by the Plaintiffs conduct” TREWHELLA and SIMPSON called for NIED, the supervisor who arrived along with STANKIEWICZ and MORSY.

28. Upon his arrival, armed only with the Order, NIED, TREWHELLA and SIMPSON attempted but were again refused entry to the home. Further confounded, the three defendants resorted to Plaintiff’s side door where the plan was hatched to use a “crowbar” retrieved from NIED’s trunk and illegally break into the Plaintiff’s home.

29. The plan was foiled which confounded the three defendants who called for further

assistance to extract a mother and her minor daughter from the sanctity of their home.

30. Armed only with imperfect information, a defective Order and the force of authority the Plaintiff relented and was taken into custody.

31. Plaintiff was cuffed, placed into a police car by STANKIEWICZ and MORSY and whisked off to jail for processing. The Minor, was taken by WENK to Detroit Receiving Hospital.

32. For 4 days the GODOBOLO was in police custody where she was charged with crimes alleging her to have placed in jeopardy the lives and safety of the Defendant police officers.

33. The Minor Ariana was transported to HAWTHORNE CENTER where she was assaulted and battered and administered unconsented to psychotropic and other medication and deprived of her prosthetic leg in order to restrict her mobility as a punishment.

34. Ariana was separated from her mother, Godboldo and her father, Hakim, for several months. During this time she was subjected to physical prodding, emotional probing and personal indignity for which she will suffer permanent harm.

35. Godboldo and Hakim have been alleged to have been neglectful parents whose reputation has been spurned. The disconnection of parental bond caused by the defendants was severe and caused damaged that will require therapies to heal. During this time Godboldo and Hakim were caused to lose the nurture and affection from their minor child and suffered humiliation and embarrassment through the 8 month long court process.

36. Finally, on December 12, 2011, the Court returned Ariana to the care and custody of Godboldo and Hakim.

COUNT I : VIOLATION OF 42 U.S.C. 1983 AGAINST THE CITY OF DETROIT

37. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

38. That on information and belief the City of Detroit and its police department authorized and tolerated as an institutional practice, illegal searches and seizures and the excessive use of force by officers in the Detroit Police Department by:

- A. Failing to properly investigate, and/or discipline, restrict and control employees, including the defendants, suspected of or known to be committing illegal searches and seizures, and using excessive force;
- B. Failing to take adequate precautions in the hiring, promotion, and retention of police officers, especially regarding defendants;
- C. Failing to forward to the Michigan State Police, FBI, U.S. District Attorney and/or other appropriate officials evidence relating to incidents of illegal search and seizures, excessive force and brutality committed by police personnel, including, but not limited to, the facts of this case;
- D. Failing to establish and assure a bona fide and meaningful departmental system for investigating and reducing complaints of police misconduct; and
- E. Failing to discipline officers committing illegal search and seizures, using excessive force and by covering up their misconduct, and encouraging, ratifying, and acquiescing in said illegal conduct by officers in the Detroit Police Department, including Defendants herein.
- F. Failing to investigate, train and supervise its officers, including defendants in the use of deadly force.

39. That the policy and/or custom of the City Of Detroit was the moving force behind the acts and omissions of Defendants and the arrest of Plaintiff.

40. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment; fright; shock, fear, anguish;

- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT II : VIOLATION OF 42 U.S.C. 1983
AGAINST THE INDIVIDUAL DEFENDANT POLICE OFFICERS

41. That Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

42. By reason of their acts as set forth in the Complaint, Defendants acted under color of state law and with oppression and malice to subject Plaintiff to the deprivation of their rights, privileges and immunities secured by the Constitution and laws, to wit;

- A. The right to not be deprived of life, liberty or property without due process of law, as secured by 4th, and Fourteenth Amendments to the Constitution of the United States of America;
- B. The right not to be subjected to unreasonable searches and seizures, as provided by the 4th and 14th Amendment of the Constitution, and not to be subjected to excessive force;
- C. The right to be guaranteed equal protection of the laws, as provided by the 4TH and 14th Amendments to the Constitution of the United States of America.

43. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;

- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT III VIOLATION OF 42 U.S.C. 1983 AGAINST WAYNE COUNTY

44. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

45. That on information and belief the County of Wayne authorized and tolerated an institutional practice which allowed CPS workers to obtain orders for custody of minor children that circumvented a judge's review for the legal sufficiency for the order. In fact, the process at Wayne County Juvenile Court regularly required a probation officer to control the judge's signature stamp, to not examine the allegations of the accuser or petitioner, to not take testimony under oath as to the veracity, accuracy or integrity of the allegations and to create a process inconsistent with statute and court rule, allowing for the impression that the judge's signature afforded due process and judicial scrutiny to the prospective parent(s) of a minor child subject to the order.

46. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment; fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

**COUNT IV VIOLATION OF 42 U.S.C. 1983 AGAINST WAYNE COUNTY
INDIVIDUAL EMPLOYEES**

47. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

48. That on information and belief the County of Wayne individual employees DOE 1 & 2 breached the Minor's Constitutionally protected rights under the 4th and 14th amendments to the Constitution by participating in the process as tolerated in the Juvenile court as an institutional practice which allowed CPS workers to obtain orders for custody of minor children that circumvented a judge's review for the legal sufficiency for the order. In fact, DOE 1 & 2 regularly processed petitions and without authority stamped judge's signature's on orders resulting in seizures of children without and judicial examination of the allegations of the accuser or petitioner, or any testimony under oath from the petitioner as to the veracity, accuracy or integrity of the allegations in the petition in an effort to create a process inconsistent with statute and court rule, allowing for the impression that the judge's signature afforded due process and judicial scrutiny to prospective parents of a minor child subject to the order.

49. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and

F. Other physical, psychological and emotional injuries and damages.

**COUNT V VIOLATION OF 42 U.S.C. 1983 AGAINST DHS/CPS
INDIVIDUAL EMPLOYEES WENK, DOE 3 & 4**

50. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

51. By reason of their acts as set forth in the Complaint, Defendants acted under color of state law and with oppression and malice to subject Plaintiffs to the deprivation of their rights, privileges and immunities secured by the Constitution and laws, to wit;

- A. The right to not be deprived of life, liberty or property without due process of law, as secured by 4th, and Fourteenth Amendments to the Constitution of the United States of America;
- B. The right not to be subjected to unreasonable searches and seizures, as provided by the 4th and 14th Amendment of the Constitution, and not to be subjected to excessive force;
- C. The right to be guaranteed equal protection of the laws, as provided by the 4TH and 14th Amendments to the Constitution of the United States of America.

52. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT VI VIOLATION OF 42 U.S.C. 12132 AGAINST HAWTHORNE

CENTER and INDIVIDUAL EMPLOYEES JOHN DOES 1 & 2

53. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

54. Defendants are public entities under the Americans with Disabilities Act pursuant to 42 USC 12131(1).

55. The Minor is a disabled person within the meaning of the Americans with Disabilities Act pursuant to 42 USC 12131(2), because she actually and currently has a record and is regarded as having a physical disability that substantially limits one or more major life activities.

56. Defendants knew the Minor was disabled, yet discriminated against her by denying her equal services and programs and activities.

57. Defendants were intentional and acted with deliberate disregard for the rights and sensibilities of the Minor Plaintiff.

COUNT VII
VIOLATION OF THE MICHIGAN CONSTITUTION, 1963
BY INDIVIDUAL DEFENDANT POLICE OFFICERS

58. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

59. Plaintiffs have the right to fair treatment during the course of executive and legislative investigations.

60. The conduct of the Individual Police Defendants violated Godboldo's right to fair treatment during the course of this executive investigation when they provided false statements and suborned perjury from other officers and fabricated evidence to create probable cause against

Plaintiff.

61. The Individual Police Defendants' actions also denied plaintiff other rights guaranteed under the Michigan Constitution, 1963 including, but not limited to: protection against unlawful assault and battery, search and seizure, false arrest, false imprisonment, excessive force and malicious prosecution.

62. These actions were taken pursuant customs, policy and practice of the city with the knowledge, sanction and acquiescence of policy makers within the police department.

63. Alternatively, the city allowed certain individuals total discretion in making traffic stops and patrolling unsupervised knowing the that the constitutional rights of suspects are violated by the routine conduct of these specific defendant police officers.

64. The city failed to investigate and discipline officers for the violation of constitutional rights of arrested persons.

65. As a direct and proximate result of the Individual Police Defendants' actions, Plaintiff suffered injury and damages including those set forth above.

66. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT VIII
FALSE ARREST, FALSE IMPRISONMENT, ASSAULT AND BATTERY
BY INDIVIDUAL DEFENDANT POLICE OFFICERS and JOHN DOE 1 & 2

67. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

68. Individual Police Defendants assaulted and/or battered Godboldo in bad faith, using excessive force.

69. Individual Defendants caused and/or effected the false arrest and false imprisonment of Plaintiff without probable cause and the Individual Defendants' certain knowledge that Plaintiff could not have committed the crime alleged, in bad faith.

70. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment; fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT IX
GROSS NEGLIGENCE OF INDIVIDUAL POLICE OFFICERS , WENK and JOHN DOE
1 & 2

71. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said

paragraph were more fully and specifically stated herein.

72. The actions of the Individual Police Defendants, Wenk and John Doe 1 & 2 recklessly disregarded the rights of the Godboldo to fair treatment, due process, right to be free of retaliation for protected speech, to be free use of excessive force, among others.

73. The Individual Police Defendant's actions in denying these rights caused loss of rights and injury to the plaintiff.

74. The Individual Police Defendant's actions were in reckless and callous disregard to Plaintiff's rights and to the injury to Plaintiff.

75. Under MCL 691.1407, citizens may maintain an action in tort against police officers whose actions constitute gross negligence and state granted immunity does not bar such a claim even when the officer is acting within the scope of his authority.

76. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

COUNT X
LIABILITY UNDER STATE LAW AS TO INDIVIDUAL POLICE DEFENDANTS,
WENK and JOHN DOE 1 & 2

77. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said

paragraph were more fully and specifically stated herein.

78. The individual Defendants were at all times relevant hereto performing ministerial-operational duties which did not involve significant decision-making, personal deliberation or judgment.

79. The minor decision making involved in Individual Police Defendants' actions at all times relevant hereto were merely incidental to the execution of said Individual Police Defendants' ministerial-operational duties.

80. At all times relevant hereto, Plaintiff had the right under statutes, common law, rules, regulations and/or ordinances of the State of Michigan, to be free from the negligent, reckless, knowingly and/or intentionally tortuous, wilful, wanton and/or grossly negligent execution of ministerial-operational duties contrary to the Michigan Constitution, by Individual Police Defendants.

81. At all times relevant hereto, individual Defendants failed, notwithstanding their standard duty of due care to execute their said ministerial-operational duties in good faith, without negligence, recklessness, willfulness, wantonness, gross negligence and/or knowingly and/or intentional tortuous conduct, in a manner consistent with the Michigan law, as follows, but not limited hereto:

- a. to use ordinary care and act in good faith to protect and safeguard Plaintiff from wrongful, illegal and unconstitutional retaliation for exercise of protected speech;
- b. to take reasonable precautions and act in good faith, to assure Plaintiff was not seized or arrested without probable cause nor retaliated against.
- c. to comply with all applicable statutes, laws, rules, regulations and/or ordinances, including but not limited to the Michigan laws and Constitution.

82. Notwithstanding these duties, individual Defendants, knowingly and intentionally

while acting under color of law, violated, breached and/or failed to fulfill their ministerial duties to Plaintiff in a manner violative of the Michigan Constitution and laws, by acting in bad faith and engaging in ultra vires conduct.

83. Notwithstanding these duties, individual Defendants knowingly failed to fulfill their ministerial duties while on duty and acting in the course of their employment and/or authority, under color of law and pursuant to customs, policies and/or practices, wrongfully assaulted and battered, arrested and seized, then prosecuted Plaintiff, in bad faith.

84. Notwithstanding these duties individual Defendants, negligently, grossly negligently, deliberately, recklessly, willfully, wantonly, knowingly and/or intentionally violated, breached and failed to fulfill his ministerial duties to Plaintiff, in bad faith, and in violation of the Michigan Constitution and laws, including, but not limited to, the following:

a. by failing to use ordinary care to protect and safeguard Plaintiffs from wrongful, illegal retaliation for exercise of protected speech;

b. by failing to provide for seizure and/or arrest based on probable cause;

c. by failing to take reasonable precautions to protect Plaintiffs from the foreseeable risk of assault and battery, fabrication of evidence, failure to provide all exculpatory evidence, malicious prosecution and false arrest and imprisonment;

d. by violating applicable Constitution, laws, statutes, rules, regulations and/or ordinances of the State of Michigan.

85. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

A. Extreme pain and suffering;

B. Humiliation; embarrassment fright; shock, fear, anguish;

C. Extreme emotional distress;

- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

86. As a direct and a proximate result of individual Defendants' aforesaid negligent, reckless, wilful, wanton, grossly negligent, and knowingly and intentionally tortuous and unconstitutional violations of the aforesaid ministerial duties, all done in bad faith, Plaintiffs suffered and continues to suffer serious and permanent personal injuries, including physical and mental pain, mental anguish, emotional distress, shock, fright, humiliation, degradation, embarrassment, loss of enjoyment of life, medical complications and a lesser leaning, liking and ability towards previous home, family, social, recreational and personal activities, all past, present and future, and any other damages listed above.

COUNT XI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

87. Plaintiffs re-allege each and every paragraph set forth in the Complaint as if said paragraph were more fully and specifically stated herein.

88. At all times relevant the individual Defendants notwithstanding their standard duty of due care, owed to Plaintiffs the following duties, among others:

- a. to refrain from inflicting negligent, grossly negligent, bad faith, and/or intentional emotional distress on Plaintiffs;
- b. to refrain from subjecting Plaintiffs to unsubstantiated and false statements meant to create probable cause in bad faith;
- c. to refrain from subjecting Plaintiffs to emotional distress through wrongful seizure, imprisonment;
- d. to refrain from treating Plaintiff in an extremely and outrageously abusive manner;

89. The individual Defendants, negligently, grossly negligently, willfully, wantonly, knowingly and/or intentionally breached and continue to breach one or more of said duties by, among other things:

a. negligently, grossly negligently and/or intentionally, in bad faith, inflicting emotional distress upon Plaintiffs, by wrongfully assaulting, battering, arresting, seizing, wrongfully prosecuting, wrongfully retaliating against protected speech, wrongfully creating false statements, perjury or suborning perjury against Plaintiffs;

b. negligently, grossly negligently, and/or intentionally, in bad faith, subjecting Plaintiffs to undue and unlawful assault and battery, arrest and detention and malicious prosecution;

c. negligently, grossly negligently and/or intentionally, in bad faith, subjecting Plaintiffs to injury and pain resulting from use of wrongful seizure;

d. negligently, grossly negligently, and/or intentionally, in bad faith, treating Plaintiffs in an extremely and outrageously abusive manner.

90. That as a result of the actions and inactions of the Defendants as set forth in this Complaint, Plaintiffs suffered damages including, but not limited to:

- A. Extreme pain and suffering;
- B. Humiliation; embarrassment fright; shock, fear, anguish;
- C. Extreme emotional distress;
- D. Psychological distress;
- E. Physical distress, and
- F. Other physical, psychological and emotional injuries and damages.

WHEREFORE Plaintiff requests that this court award damages for Plaintiff, and against Defendants in whatever amount Plaintiff is found to be entitled to in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus applicable interest, costs and attorney fees. Plaintiff further requests an award for punitive and/or exemplary damages and to grant such other and further

relief as is consistent with law and which this Honorable Court deems just and proper.

Respectfully submitted,

ROBINSON and ASSOCIATES, P.C.


s/David A. Robinson

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(P 38754)

May 9, 2012

DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiffs, by and through their attorneys ROBINSON and ASSOCIATES, P.C., and hereby respectfully request that the above-named civil action be heard before a jury.

Respectfully submitted,

ROBINSON and ASSOCIATES, P.C.


s/David A. Robinson

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