

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PEARLIE JACKSON, PERSONAL REPRESENTATIVE
OF THE ESTATE OF STANLEY JACKSON

Plaintiff,

Case No.:

vs.

Hon.

WASHETENAW COUNTY,
DEPUTY THOMAS MERCURE,
DEPUTY DEAN REICH, DEPUTY
SEAN URBAN, DEPUTY HOLLY FARMER

Defendant.

ROMANO LAW, P.L.L.C.
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*There is no other pending or resolved civil action between these parties
or other parties arising out of the transaction or occurrence alleged in
the complaint.*

COMPLAINT & DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, PEARLIE JACKSON Personal Representative of the
ESTATE OF STANLEY JACKSON, by and through her attorneys, ROMANO LAW, PLLC,
and for her Complaint against the above-named Defendants, states as follows:

LAW OFFICES
ROMANO LAW, PLLC
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GENERAL ALLEGATIONS

1. This is a Wrongful Death action brought by Plaintiff in her representative capacity against Defendants for their violation of the clearly established constitutional rights of Plaintiff's Decedent and the damages resulting there from.

2. Pearlie Jackson is the mother of Plaintiff's Decedent Stanley Jackson. She is a resident of the City of Ypsilanti, County of Washtenaw. She is the duly appointed Personal Representative of the Estate of Stanley Jackson pursuant to an Order of the Washtenaw County Probate Court and Letters of Authority which have been issued empower her to bring this lawsuit versus the listed Defendants.

3. This action is brought pursuant to 42 USC 1983. Jurisdiction is conferred by 28 USC 1331 & 1343. Venue is proper pursuant to 28 USC 1391, since this action since all defendants reside or are located and the events giving rise to this action occurred in this district.

4. At all times relevant hereto, Plaintiffs Decedent Stanley Jackson was a resident of the City of Ypsilanti, Washtenaw County, Michigan.

5. At all times relevant hereto, Defendants were Deputies with the Washtenaw County Sherriff's office acting within the scope of their employment as agents of the Washtenaw County Sheriff Department, under the color of state law, cloaked with the authority which was granted to them as law enforcement officers. These Defendants were on duty and acted in concert with each other and mutually achieved the result of Decedent's injuries ultimately resulting in his death. These Defendants are sued in their individual and their official capacities, jointly and severally.

6. Defendant Washtenaw County is a municipal corporation within the State of Michigan and at all times pertinent hereto did operate a Sheriff's Department pursuant to the statutes of the State of Michigan.

7. As a direct and proximate result of the acts, omissions and egregious conduct by Defendants, Plaintiff's Decedent Stanely Jackson:

A. Was tasered multiple times while being cuffed, which proximately caused an agonizing and painful death to occur;

B. Suffered prolonged pain and mental anguish prior to death; and

C. Suffered a permanent loss of consciousness, health, life's activities and ability to lead a life as a whole, and died on August 20, 2010.

8. In accordance with the provisions of MCL 600.2922, a Wrongful Death action has accrued to Plaintiff Pearlle Jackson, as Personal Representative of the Estate of Stanley Jackson.

9. In accordance with the provisions of the Wrongful Death Statute and/or Survival Statute, Plaintiff is entitled to certain damages including but not limited to:

A. Reasonable compensation for funeral, medical, and hospital expenses for which the estate is responsible;

B. Reasonable compensation for the pain and suffering undergone by the deceased person during the intervening period of time from the initial injury until death;

C. Reasonable compensation for injuries and damages resulting in the death of Stanley Jackson to his heirs-at law and next-of-kin to compensate for the damages and loss of support and maintenance, services, gifts, and other valuable gratuities, and other damages herein mentioned as may be fair and just;

D. Damages for the loss of the continued love, society, companionship, consortium, comfort, affection, fellowship, parental training and guidance, aid, and other assistance which Stanley Jackson's heirs-at-law and next-of-kin are respectfully entitled to and other damages as may be fair and just;

E. Other damages as may be fair, just, permitted and recoverable by law.

10. On August 20, 2010, Defendants Sherriff's were conducting surveillance of Plaintiff's Decedent Stanley Jackson's home. When Plaintiff's Decedent was observed in the driveway of his home, Defendants Mercure, Urban, Farmer, Reich chased him into his home.

11. When Plaintiff's Decedent Stanley Jackson turned around to face the Defendants, Defendant Urban discharged his Taser device into him, causing him to immediately drop to the ground.

12. Once on the ground, the Defendants did not remove the Taser device and Plaintiff's Decedent began to make unrecognizable statements and pursuant to Defendants' own reports, did not have any eye movement, was showing signs of muscle contraction and was salivating and making grunting sounds.

13. Plaintiff's Decedent's condition was so severe that Defendant Mercure called for an ambulance.

14. Although Plaintiff's Decedent was on the ground and in clear distress awaiting an ambulance, the Defendants acting in concert, continued to forcefully detain him and used excessive physical force to keep him on the ground and even though he clearly required medical attention and was in a severely distressed state, Defendants applied several "Drive Stun" applications with their Taser devices to his person.

15. As he was cuffed and continually tasered, Plaintiff's Decedent began to bleed from his mouth and remained in the forceful custody of the Defendants until an ambulance arrived and transported him to the hospital.

16. Plaintiff's Decedent was conveyed to St. Joseph Mercy Hospital in Ann Arbor, Michigan where he was eventually pronounced dead.

17. The Medical Examiner report determined that Stanley Jackson died of sudden cardiac death resulting from non-occlusive ischemic heart disease associated with acute adrenergic stress reaction, and further stated that the Taser or Electronic Electromechanical Disruptive Device may have contributed in providing external stress.

COUNT I
Constitutional Deprivation
42 U.S.C. §1983

18. Plaintiff incorporates by reference paragraphs 1 through 17 above as though fully stated herein, paragraph by paragraph, and word for word.

19. Plaintiffs Decedent's constitutionally protected rights include:

A. His right to be secure in his person against unreasonable searches and seizures as provided for in the United States Constitution.

20. On August 20, 2010, Defendants Mercure, Urban, Farmer, Reich, individually and acting in concert, were deliberately indifferent to the clearly established constitutional rights of Stanley Jackson, to wit:

a. Failed to adequately assess the quantum and effect of the force visited upon Plaintiff's Decedent and

b. Used more force than was reasonably necessary to effectuate the arrest of Plaintiff's Decedent.

21. The actions of the individual Defendants were so severe, so wanton, and reflect such a quantum of disregard for constitutionally protected rights, Plaintiff Pearlie Jackson, Representative of the Estate of Stanley Jackson, requests punitive damages for the constitutional violations.

WHEREFORE, Plaintiff prays this Honorable court enter Judgment against Defendants jointly and severally, in whatever amount is fair, just and equitable for the injuries and

damages, compensatory and punitive so wrongfully sustained by Plaintiff together with interest, costs and attorney fees under 42 U.S.C. §1988.

COUNT II
Liability as to Defendant Washtenaw County
42 U.S.C. §1983

22 Plaintiff incorporates by reference paragraphs 1 through 21 above as though fully stated herein, paragraph by paragraph, and word for word.

23. Defendant Washtenaw County through its policy making officials demonstrated actual awareness of and conscious disregard to the substantial risk to Plaintiffs Decedent in that they:

A. Failed to adequately screen, hire, train and employ capable and professional deputies; and

B. Failed to properly train its deputies in the proper, safe, utility of Tasers

C. Failed to adequately investigate and discipline repeated acts of misconduct of its professional deputies.

24. Defendant Washtenaw County, as a corporate entity and through its agents has repeatedly violated the constitutional rights or arrestees, resulting in serious injury and even death. Despite Washtenaw County's poor record of constitutional rights violations for past and present arrestees, the County has refused to change any policy or conduct day-to-day activities any differently.

25. Defendant Washtenaw County as a corporate entity and through its agents, by its policy making officials including its Sheriff, caused or permitted the aforesaid systemic deficiencies to percolate and perpetuate, and continuously failed to remedy them, all as a matter of policy, practice and custom. At all relevant times, the individual Defendants were acting pursuant to policy, practice and custom, and Defendant Washtenaw County is thus liable for the acts and omissions.

26. Plaintiff seeks declaratory and injunctive relief prohibiting the use of Taser devices by officers of the Washtenaw County Sheriff's Department as it is clear its officers' training did not rise to a minimal constitutional level as guaranteed to detainees who are subjected to the use of excessive force and abuse which was proximately related to the injuries sustained by Plaintiff's decedent.

WHEREFORE Plaintiff prays this Honorable court enter Judgment against Defendants jointly and severally, in whatever amount is fair, just and equitable for the injuries and damages so wrongfully sustained by Plaintiff together with interest, cost and attorney fees under 42 U.S.C. § 1988.

COUNT III
GROSS NEGLIGENCE, WILLFUL AND WANTON MISCONDUCT, ASSAULT,
BATTERY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS-ALL
DEFENDANTS

27. Plaintiff incorporates by reference paragraphs 1 through 26 above as though fully stated herein, paragraph by paragraph, and word for word.

28. That Defendants acts constitute gross negligence, willful and wanton misconduct, assault, battery, and or intentional infliction of emotional distress on Plaintiff, and as a direct and proximate cause of the acts of Defendants, Plaintiff suffered severe injuries, which resulted in the painful and lingering suffering and Plaintiff's death.

29. That Plaintiff now seeks compensation for damages as recoverable under Michigan Law.

30. That as a direct and proximate result of the wrongful acts of Defendants as aforesaid, that Plaintiff sustained severe injuries and death.

31. That Plaintiff's Decedent left surviving as his heirs at law next of kin, the following persons with the following relations:

- a. Pearlie Jackson, Mother
- b. Keirra Jackson, daughter
- c. Lashawna Jackson, daughter
- d. Dajanae Jackson, daughter
- e. Stanley Jackson III, son
- f. Rita McFarland-Hinton, sister
- g. Reginald Allen McFarland, brother
- h. Stanley H. Jackson, Sr. Father

32. That as a direct and proximate result of the actions of the Defendants in total and individually as alleged herein, Plaintiff's decedent, Stanley Jackson sustained personal injuries and death.

33. That the within cause is brought on behalf of said estate and the heirs and next of kin of said decedent to recover for conscience pain and suffering suffered by Plaintiff decedent prior to his death, loss of love, affection, companionship, and income services sustained by Plaintiff decedent's heirs' at law and next of kin, as a result of the death of Plaintiff decedent Stanley Jackson, the funeral, burial expense, and any and all amounts recoverable under the statutes and case law of the State of Michigan, next of kin in our state of said deceased.

34. That Plaintiff's Estate and heirs of Plaintiff's decedent, Stanley Jackson, as a direct and proximate result of the acts alleged herein were damaged by a loss of love, services, society, affection, advise, consortium, and earnings by reason of the injuries to their said relative.

35. That as a direct and proximate result of the acts alleged herein, Plaintiff Estate extended or became liable for various sums of money in and about securing medical supplies and attention for said decedent and will be liable for any such bills.

36. That Defendants intentionally and without provocation or justification did do the acts described, all excluded from Government Immunity to Plaintiff's Decedent Stanley Jackson causing him severe and debilitating injury to his chest and other body parts.

37. The Defendants intentionally and without provocation or justification did use excessive force on Plaintiff's Decedent Stanley Jackson.

38. As a direct and proximate result of Defendants' assault and battery of Plaintiffs Decedent, Plaintiffs Decedent suffered injury and damage, past, present and future and must be compensated consistent with the provisions if the Michigan Wrongful Death Statute.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants in whatever amount the Plaintiff is found to be entitled together with exemplary and punitive damages, plus interest, costs and attorney fees.

Respectfully submitted,

ROMANO LAW, P.L.L.C.

/s/Gordana Misovski
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