

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. \_\_\_\_\_**

**KATHY LIVINGSTON**, as Administratrix of  
The Estate of John David Livingston, II,  
**MICHAEL CARDWELL**,  
**CHRISTINE BROOM**,  
**WESLEY WRIGHT**,  
**TYRONE BETHUNE**, and  
**RYAN HOLLOWAY**,

PLAINTIFFS,

vs.

**NICHOLAS KEHAGIAS**, both individually  
and in his official capacity as a law enforcement  
officer with the Harnett County Sheriff's  
Department,  
**JOHN WERBELOW**, both individually and  
in his official capacity as a law enforcement  
officer with the Harnett County Sheriff's  
Department,  
**MICHAEL BRANDON KLINGMAN**, both  
individually and in his official capacity as a law  
enforcement officer with the Harnett County  
Sheriff's Department,  
**JOHN KNIGHT**, both individually and in his  
official capacity as a law enforcement officer  
with the Harnett County Sheriff's Department,  
**LARRY ROLLINS**, in his official capacity as  
**SHERIFF OF HARNETT COUNTY**, North  
Carolina,  
**WAYNE COATS**, in his official capacities as a  
Major and Sheriff of Harnett County, North  
Carolina, and  
**WESTERN SURETY COMPANY** as Surety,

DEFENDANTS.

**COMPLAINT  
AND DEMAND FOR JURY TRIAL**

NOW COME, the Plaintiffs, by and through the undersigned counsel, complaining of the  
Defendants as follows:

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## **INTRODUCTION**

All of the following facts and claims are alleged upon information and belief:

1. In this action, Plaintiffs are asserting claims jointly and severally against the Defendants arising from bodily injuries, pain, suffering, wrongful arrests, and loss of life as a result of multiple violations of Plaintiffs' rights as guaranteed by state and federal law. Each of the Plaintiffs in this action alleged their civil rights were egregiously violated by certain Harnett County Sheriff's Deputies who committed illegal acts while acting under the color of state law.

2. Plaintiffs allege that Defendant deputies from the Harnett County Sheriff's Office (hereinafter "HCSO") used excessive force upon them and executed their duties in a grossly negligent manner which proximately caused personal injuries to all Plaintiffs and the wrongful death of John David Livingston, II. Mr. Livingston — who was in his home, had committed no crime, had no warrant issued for his arrest or entry into his home, was unarmed, and posed no threat of harm to anyone — was shot three times at close range and killed on November 15, 2015 by Defendant Deputy Nicolas Kehagias' use of excessive and unreasonable deadly force. Defendant Werbelow, who was present for the encounter, aided and did nothing to stop Kehagias' illegal actions toward Livingston. In the months prior to Livingston's killing, Plaintiffs Michael Cardwell, Christine Broom, Wesley Wright, Tyrone Bethune, and Ryan Holloway were each wrongfully arrested and harmed by excessive and unreasonable force by Defendants Kehagias, Knight, and/or Klingman in violation of their constitutional rights.

3. Plaintiffs allege that the HCSO, under the leadership of Defendants Rollins and Coats, has a long and disturbing history of police misconduct, excessive force, and other civil rights violations against the citizens of Harnett County. Upon information and belief, the Plaintiffs in this civil action are but a small sampling of the many individuals who, in recent years, have been brutalized, wrongfully detained, and humiliated by certain Harnett County Sheriff's deputies. Despite repeated complaints lodged by concerned citizens, these deputies operated for years in Harnett with impunity as the HCSO and its leaders appear to have

condoned and/or simply turned a blind eye to the misconduct, thereby creating a culture of excessive force among its officers. This deliberate indifference by the HCSO sent a clear message that such law enforcement behavior was not only tolerated, but encouraged.

4. Each of the Plaintiffs seek compensatory and punitive damages under federal and state law claims against the Defendants. Each Plaintiff further seeks an award of attorneys' fees under 42 United States Code §§ 1988. Plaintiffs invoke this court's supplemental jurisdiction pursuant to 28 United States Code §§ 1367 to entertain and adjudicate state law claims against Defendants.

#### **PARTIES, JURISDICTION, AND VENUE**

5. Plaintiff Kathy Livingston has been duly qualified and appointed Administratrix of the Estate of John David Livingston, II having been so appointed by the Clerk of Superior Court of Harnett County, NC on February 22, 2016. Ms. Livingston is a citizen and resident of Cumberland County, North Carolina, and is under no legal disability.

6. John David Livingston, II, (hereinafter "Mr. Livingston" or "Decedent"), at all times relevant to this Complaint was a resident of Harnett County, North Carolina, until his death on November 15, 2015, the circumstances of which are more fully described below.

7. Mr. Livingston was born on April 2, 1982 and at the time of his death was 33 years old. He is survived by his mother, Plaintiff Kathy Livingston, who is the Administratrix of his Estate, and his minor son John David Livingston, III.

8. Plaintiff Michael Cardwell at all times relevant to this Complaint was a resident of Harnett County, North Carolina, and is under no legal disability.

9. Plaintiff Christine Broome at all times relevant to this Complaint was a resident of Harnett County, North Carolina, and is under no legal disability.

10. Plaintiff Wesley Wright at all times relevant to this Complaint was a resident of Harnett County, North Carolina, and is under no legal disability.

11. Plaintiff Tyrone Bethune (also known as referred to hereinafter as “King Knowledge-El”) at all times relevant to this Complaint was a resident of Harnett County, North Carolina, and is under no legal disability.

12. Plaintiff Ryan Holloway at all times relevant to this Complaint was a resident of Harnett County, North Carolina, and is under no legal disability.

13. Defendant Nicholas Kehagias (hereinafter “Kehagias”) is a resident of Harnett County, North Carolina, who was at all times relevant hereto employed as a Deputy by the Sheriff of Harnett County. He is sued in his individual and official capacities for compensatory and punitive damages under both state and federal law.

14. Defendant John Werbelow (hereinafter “Werbelow”) is a resident of Harnett County, North Carolina, who was at all times relevant hereto employed as a Deputy by the Sheriff of Harnett County. He is sued in his individual and official capacities for compensatory and punitive damages under both state and federal law.

15. Defendant Michael Brandon Klingman (hereinafter “Klingman”) is a resident of Harnett County, North Carolina, who was at all times relevant hereto employed as a Deputy by the Sheriff of Harnett County. He is sued in his individual and official capacities for compensatory and punitive damages under both state and federal law.

16. Defendant John Knight (hereinafter “Knight”) is a resident of Harnett County, North Carolina, who was at all times relevant hereto employed as a Deputy by the Sheriff of Harnett County. He is sued in his individual and official capacities for compensatory and punitive damages under both state and federal law.

17. Defendants Kehagias, Werbelow, Klingman and Knight may be collectively referred to hereinafter as the “Defendant Deputies” or “Deputy Defendants.”

18. Under state and federal law, an aggrieved citizen has the ability to file suit against a county Sheriff’s Office by naming the Sheriff as a defendant in his official capacity.

19. Defendant Larry Rollins (hereinafter "Rollins") was at all times relevant hereto a citizen of Harnett County, North Carolina, and at all times relevant hereto, and until his resignation from office on March 21, 2016, was the duly elected and acting Sheriff of Harnett County. As such, Defendant Rollins was the employer of the Deputy Defendants and Defendant Coats. Defendant Rollins is sued herein under federal and state law causes of action in his Official Capacity as Sheriff of Harnett County.

20. Defendant Wayne Coates (hereinafter "Coates") is a resident of Harnett County, North Carolina, who was at all times relevant hereto, prior to his appointment as Sheriff of Harnett County on March 21, 2016, was employed by the Sheriff of Harnett County. Defendant Coates held the rank of Major with the HCSO during the times relevant to this Complaint when Defendant Rollins served as Sheriff. Following Rollins' resignation, Defendant Coates was appointed Harnett County Sheriff by the Harnett County Board of Commissioners on March 21, 2016. He is sued in his official capacities for compensatory and punitive damages under both state and federal law

21. Defendant Western Surety Company is an insurance and surety corporation which is licensed, admitted, and authorized to do business in the State of North Carolina pursuant to North Carolina law. On information and belief, at all times relevant hereto, Western Surety Company was the surety for the Harnett County Sheriff pursuant to N. C. Gen. Stat. §§ 162-8 and 58-76-5, and by virtue of said surety bond had undertaken that in all things, the Sheriff would faithfully execute the office of Sheriff and perform all duties incumbent upon him by reason of his election to said office.

22. The Defendants have waived governmental immunity by the purchase of a surety bond through Defendant Western Surety Company, and as such all Defendants in this action are subject to liability to Plaintiffs for any injuries caused by "the neglect, misconduct, or misbehavior" of any Defendant done "under the color of that officer's office." N.C. Gen. Stat. §

58-76-5. Accordingly, the Defendants in this action have waived governmental immunity with respect to all acts and omissions complained of herein.

23. Upon information and belief, Defendants are also insured by one or more policies of liability insurance with respect to all acts or omissions complained of herein, or they participate in a government risk pool, or they maintain a funded reserve, and to such extent Defendants have waived – for themselves, their agents, employees, and all personnel acting in their official or individual capacities – any official, sovereign, qualified, or governmental immunity to which they might otherwise be entitled in their official capacities. Defendants, their officers, directors, employees and agents have waived governmental immunity that may apply under state law by the purchase of insurance by Harnett County, North Carolina, and/or the Sheriff of Harnett County, insuring the Office of Sheriff of Harnett County and any of their officers, agents and employees, including the Defendants named herein, against liability for negligent or intentional damage to person or property, or against absolute liability to person or property caused by an act or omission of the Defendants or of any of their officers, agents or employees when acting within the scope of their authority and/or under the color of their offices.

24. Subject matter jurisdiction is, therefore, appropriate and proper and any and all such governmental immunity and sovereign immunity is and has been fully waived pursuant to N.C. Gen. Stat. §160A-485 and/or N.C. Gen. Stat. §153A-435.

25. Pursuant to Rule 20 of the Federal Rules of Civil Procedure, Plaintiffs and Defendants are properly joined in this action as Plaintiffs each assert rights (i) to relief against multiple common Defendants jointly, severally, or, in the alternative, (ii) with respect to, or arising out of, the same transactions, occurrences, or series of transactions or occurrences. Additionally, common questions of law and fact exist to all parties in the action.

26. This case presents an actual case and controversy arising under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and asserts claims for relief under 42 U.S.C. §§ 1983 and 1988, as well as claims for relief under North Carolina state law.

27. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1343(a) in that this action is to redress deprivation by the Defendants, under the color of state laws, of the rights of privileges and immunities granted to Plaintiffs by the United States Constitution and by federal statutes.

28. Jurisdiction is further proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1443.

29. This Court has pendant and/or supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

30. Venue is proper in this, the Eastern District of North Carolina, under 28 U.S.C. § 1391 in that one or more of the Defendants reside in Harnett County, North Carolina, and a substantial part of the claims asserted herein arose in this District.

#### **AUTHORITY, AGENCY, AND VICARIOUS LIABILITY**

19. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

20. At all times relevant to this action, Defendants Rollins and/or Coats as the elected Sheriff served as the chief law enforcement officer for Harnett County.

21. At all times relevant to this action, the HCSO, under the leadership and authority of Defendants Rollins and/or Coats, exercised jurisdiction throughout the County, including both the incorporated and the unincorporated areas, and the Sheriff's Office provided primary law enforcement for the unincorporated areas of Harnett County.

22. During their respective times as Sheriff of Harnett County, Defendant Rollins and Coats were the final policymakers for the HCSO with respect to Sheriff's department law enforcement activities within that jurisdiction. Upon information and belief, Defendant Harnett

County reposed in Defendants Sheriff Rollins and/or Coats final policymaking authority with respect to the use of force, arrest practices, citizen encounter practices, entry into citizen homes practices, and all other law enforcement practices or conduct by deputies employed with the Sheriff's Office.

23. At all times relevant hereto, Defendant Rollins was acting in the course and scope of his official duties as the Sheriff of Harnett County, under the color of his office, and/or under the color of state law.

24. At relevant times to this Complaint, Defendant Coats was acting in the course and scope of his employment and agency with the HCSO until March 21, 2016, and, thereafter, in the course and scope of his official duties as the Sheriff of Harnett County. At all times relevant hereto, Defendant Coats was acting under the color of his office and/or he was acting under the color of state law.

25. At times relevant to the allegations alleged in this Complaint, Defendants Kehagias, Werbelow, Knight, Klingman, and Coats were employed by the Harnett County Sheriff's Office as law enforcement officers, and in committing the acts and omissions herein alleged, each was acting as an agent of the HCSO, under the color of state law, by virtue or under the color of each's office within the HCSO, and/or within the course and scope of his employment as a sworn officer with the HCSO.

26. In addition, Defendants Kehagias, Werbelow, Klingman, and Knight's actions toward Plaintiffs as alleged herein were malicious, corrupt, and/or done outside the scope of their official duties as HCSO deputies.

27. Based upon principles of agency and *respondeat superior*, Defendants Rollins and/or Coats are vicariously liable to Plaintiffs for the wrongful acts or omissions by the individual Deputy Defendants as alleged herein.

**JOINT AND SEVERAL LIABILITY OF ALL DEFENDANTS**

28. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

29. The Defendants are jointly and severally liable for all damages alleged herein to each respective Plaintiff since their wrongful, negligent, grossly negligent, reckless, intentional, willful and wanton acts and omissions, singularly or in combination, are a direct and proximate cause of each Plaintiff's damages, injuries and losses.

**FACTS**

**I. History of Excessive Use of Force by HCSO Under the Leadership of Defendants Rollins and Coats**

30. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

31. The HCSO has a long history of excessive force by its officers.

32. This Complaint alleges numerous of incidents of excessive force against the individual Plaintiffs and Decedent, all of which were known or should have been known by Defendant Rollins and/or Defendant Coats. These incidents involving Plaintiffs appear in Section III of the Complaint below.

33. The incidents of excessive force against each Plaintiff and Decedent alleged represent only a small fraction of the many incidents of excessive and unreasonable use of force, and improper conduct by officers of the Harnett County Sheriff's office over the years. This history of improper conduct and use of excessive force was known or should have been known by Defendant Rollins and/or Coats.

34. For example, in March 2011, HCSO jail officers killed an unarmed man, Brandon Bethea, in the Harnett County jail. The jail security cameras captured the entire Bethea incident in plain view and from multiple angles. This security footage was in the sole possession,

custody, and control of Sheriff's Office leaders following the incident. The footage clearly shows the following:

- a. Multiple HCSO officers took Bethea, bound in leg shackles and handcuffs, into a padded jail cell. As an officer unlocked Bethea's handcuffs, another officer pulled out a Taser and walked into Bethea's cell with the Taser hidden behind his back so Bethea could not see the device. Bethea was unarmed, was not displaying in aggressive actions, and posed no threat of harm to the officers around him at the time.
- b. Without warning and with no legal justification, the officer pointed the Taser at Bethea's chest. Bethea can be seen backing away and putting his arms up in fear and surrender. However, the officer fired the Taser, hitting Bethea in the chest with the prongs. This caused a painful and debilitating electric current to surge through Bethea's body, including through and around his heart. Bethea dropped to the ground clutching his chest and rolled over onto his stomach.
- c. A total of five officers watched casually as Bethea's body laid face-down in the jail cell with the prongs still stuck in his chest. The same HCSO officer then fired the Taser two more times, holding down the trigger for extended periods of time during each firing, as Bethea's body continued to lay helplessly on the floor.
- d. Immediately following the third firing, all of the HCSO officers walked out of the cell, leaving Bethea's body alone and face-down. No one returned or checked on Bethea for twenty minutes as he lay in this state on the jail floor. The cameras show Bethea's body still moving during this twenty-minute period. When personnel finally returned, they discovered that Bethea now lay dead on the jail floor. Emergency medical personnel were called in and worked code resuscitation efforts, but Bethea was pronounced dead of a cardia arrest.
- e. At no time does the video show Bethea ever fighting or displaying any form of aggression toward any HCSO officer or employee. Instead, the video plainly shows Bethea calmly obeying all commands until he was shot with the Taser.
- f. The officer who killed Bethea can be seen on the video growing increasingly worried as emergency medical personnel were unsuccessful at reviving Bethea in the jail cell. When it becomes clear that Bethea could not be resuscitated, the officer appears to become overwhelmed and sick. At no time does the video ever show Bethea and this officer in an altercation, or show Bethea inflict any type of injury upon this or any other officer.

35. Despite the above being captured clearly on camera, HCSO officials, while under the leadership and direction of Defendants Sheriff Rollins and then-Major Coats, created an incident report that contained manifestly false and misleading information regarding the Bethea death incident. The false information in the report read in such a way as to provide the jail officer involved with complete justification for killing Bethea with his Taser. The incident report

contained the following statements which were demonstrably untrue based upon the video footage that was in the possession and knowledge of the HCSO officials at the time of the report's creation:

- a. "An altercation took place" in the jail cell between Bethea and the detention officers during which Officer Clark deployed his Taser. It is undisputed that the video shows no altercation ever took place.
- b. Office Clark deployed his Taser "in an attempt to gain control of Bethea and restrain him." It is undisputed that the video shows no fighting or disobedience by Bethea at any time, and instead shows him complying with all commands peacefully, as well as backing up in fear when the Taser was pointed at him.
- c. "Bethea was conscious and alert when officer left him." It is undisputed that the video shows Bethea lying face-down on the cell floor, nearly motionless, and unresponsive as the officers walked out and left him alone.
- d. "Several minutes later officer returned to the cell." It is undisputed that the timer on the video footage shows that Bethea was left alone and dying in the cell for twenty minutes before anyone came back in the room to check on him.
- e. Officer Clark "sustained minor injuries as a result of the altercation." It is undisputed that the video shows no altercation ever took place, and that Officer Clark became overwhelmed and appeared to become sick to his stomach as he watched emergency medical personnel unsuccessfully attempt to revive Bethea for many minutes in the jail.

36. Moreover, despite being in possession of the Bethea video footage, then Sheriff Rollins made statements to the public and press following the incident containing the same false or misleading information regarding Bethea's death. Specifically, Defendant Rollins made public statements that Bethea's death was unavoidable, and that the jail officer was forced to deploy his Taser as a result of an altercation with Bethea. Rather than fire, suspend, or otherwise discipline the officer for what was shown on the video footage, Sheriff Rollins publicly defended his actions by giving false information to the public.

37. Bethea's family filed a federal lawsuit seeking redress against Defendant Rollins and multiple other HCSO defendants for the violation of constitutional rights and wrongful death of Brandon Bethea (*See Estate of Bethea vs. Larry Rollins, et. al.*, E.D.N.C. No. 5:12-CV-707). Upon information and belief, the Defendants in the Bethea lawsuit, including Defendant

Rollins, agreed to pay money to the Bethea family in exchange for a confidential settlement agreement that forever prevented the family from speaking about the true facts they had learned about the Bethea jail death incident, or speaking any disparaging remarks about Sheriff Rollins or the other HCSO defendants.

38. Upon information and belief, the jail security camera footage of the Bethea jail death incident was not released to the public by the HCSO, despite numerous prior public records requests calling for its release, until several years following the confidential settlement with Bethea's family.

39. Another example of excessive and unjustified force happened in 2005 when the then Major and the Chief Deputy of the HCSO under Defendant Rollins, Officer Jeff Huber, repeatedly and aggressively kicked the head of a driver who was surrendering after an automobile pursuit. After that incident, Defendant Rollins did not fire or discipline Officer Huber, but instead publicly defended him and said that he was doing his job by taking control of the situation.

40. Another example of excessive force and wrongful conduct by HCSO occurred in on September 25, 2014 when Defendants Kehagias, Klingman, and Knight entered the home of John Gill, a retired special forces staff sergeant that was living in Harnett County at the time. The facts of the John Gill incident are summarized as follows:

- a. Defendants Kehagias, Klingman, and Knight approached the private residence of John Gill with instructions from HCSO to arrest him for making what they claimed were harassing phone calls to the 911 dispatch center.
- b. Gill had been calling 911 repeatedly to try and get contact information for the HCSO to report an incident that occurred on September 22, 2014 when a deputy knocked on his door to serve some civil paperwork. Gill said the deputy was rude and he was unnerved by the visit. On September 25, 2014, Gill called the non-emergency number for the sheriff's office so he could notify Sheriff Rollins that some of his deputies may be out of control and had been rude to him. After calling the non-emergency number and speaking with the dispatch supervisor, Gill was informed by the supervisor to call back the next day and speak to Defendant Coats, who was then a Major in the Sheriff's Office. Gill became annoyed and kept calling to get more information. The dispatcher warned Gill that if he continued to call she would have him arrested for interfering with emergency communication.

- c. An hour later on September 25, 2014, eight deputies from the “D squad” swarmed Gill’s home, including Kehagias, Klingman, and Knight. Gill called 911 to ask the dispatcher to tell the officers to leave him alone. Gill looked out the window to see Knight pointing a gun at him, Gill asked Knight to “please don’t shoot.” Gill then heard the deputies at the living room door trying to make their way inside. Gill ran to the door to try and let them know if they stopped ramming the door he would open it. As deputies rushed inside Gill’s home, he was pushed back several feet. Gill then turned on the video camera on his smartphone to record them. Deputy John Knight punched him in the face once he realized Gill was recording them. Knight then grabbed the phone to delete the video. Gill was shoved to the ground by Knight and was repeatedly kicked as other deputies handcuffed him. The deputies then zapped Gill with a Taser and yelled at him to stop resisting.
- d. Gill’s injuries included a fractured toe, bruised ribs and a black eye. Gill was charged with making harassing phone calls and resisting arrest. Gill filed a complaint with Defendant Rollins, the Harnett County District Attorney, and the SBI, all with no action. Gill has since moved out of the state because he was unwilling to live in a state where no one would listen to his complaints about deputies.

41. Over numerous years leading up to the incidents involving the Plaintiffs in this action, numerous other citizens called or wrote to the HCSO, the Harnett County District Attorney’s Office, or other officials of Harnett County complaining that they were abused or harassed by deputies of the HCSO, including the Defendant Deputies. These complaints were ignored.

42. Many prior incidents of excessive force, abuse, harassment, or other improper law enforcement activities by Defendants and other HCSO personnel have been covered and publicized in detail by news media outlets, including but not limited to the News and Observer, the Fayetteville Observer, ABC News, CBS North Carolina, WRAL, WNCN, the Harnett County Daily Record, and others.

43. Upon information and belief, Defendant Rollins and numerous other members of the Harnett County Sheriff’s Office have been sued multiple times in federal and state courts, prior to the events alleged in this Complaint, for alleged acts of excessive force, constitutional violations, and other forms of law enforcement misconduct. Upon information and belief, many or all of those cases have ended with settlements paid to the named Plaintiffs.

44. Upon information and belief, numerous claims have been made against Defendant Rollins and other members of the HCSO, prior to and during the events alleged in this Complaint, for alleged acts of excessive force, constitutional violations, and other forms of law enforcement misconduct. Upon information and belief, many or all of those claims have ended with pre-litigation settlements paid to the claimants.

45. Defendant Rollins has regularly defended the use of force by HCSO deputies, including in the alleged wrongful incidents alleged herein.

46. Defendant Coats has regularly defended the use of force by HCSO deputies, including in the alleged wrongful incidents alleged herein.

## **II. Pattern of Wrongful Conduct by the Deputy Defendants that Was Ignored by Defendants Rollins and Coats**

47. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

48. Defendant Rollins was the elected Sheriff of Harnett County from 2002 until his resignation from office in 2016.

49. The Sheriff of Harnett County has the authority to hire and fire deputies of the HCSO at will, including the Defendant Deputies.

50. The Sheriff of Harnett County has the authority and duty to properly train, monitor, supervise, and review the conduct of HCSO deputies, including the Defendant Deputies, to make sure the deputies follow the laws of North Carolina, the laws of the United States of America, as well as the policies of the HCSO.

51. Defendant Coats, the current Sheriff of Harnett County, was the Major in charge of patrol units of deputies during the times relevant to this complaint while Defendant Rollins was the Sheriff of Harnett County. During those times, Defendant Coats reported to Defendant Rollins, and Coats had a duty to properly train, monitor, supervise, and review the conduct of HCSO patrol squads and patrol deputies, including the Defendant Deputies, to make sure the

deputies the laws of North Carolina, the laws of the United States of America, as well as the policies of the HCSO.

52. The HCSO is organized into four patrol units of deputies known as squads: "A Squad," "B Squad," "C Squad," and "D Squad." Four deputies are assigned to each patrol squad.

53. Defendant Kehagias, Defendant Knight and Defendant Klingman were three of the four members of the D Squad until the squad members were reassigned to a different patrol groups in July 2015.

54. Upon information and belief, Defendants Kehagias, Knight and Klingman referred to themselves as the "KKK," a fact which was known to others in Harnett County.

55. Upon information and belief, Defendants Kehagias, Knight and Klingman privately took part in a "fight club" type of association, during which they physically fought or spared with each other or other individuals. The purpose of this was because each Defendant enjoyed the thrill of physical altercations and had a desire to hone their fighting and attack skills.

56. Upon information and belief Defendant Knight has training as a mixed martial arts fighter, and he worked with Defendants Kehagias and Klingman to help them develop and utilize powerful fighting techniques in the field in order to inflict pain and control over citizens they chose to encounter physically.

57. Prior to the incidents involving the Plaintiffs, the HCSO received multiple complaints from the public for excessive use of force by Defendants Kehagias, Knight and Klingman and the other deputies of the D Squad. These complaints were ignored or otherwise not properly responded to by HCSO officials, including but not limited to Defendants Rollins and Coats.

58. Prior to the incidents involving the Plaintiffs, the HCSO received multiple complaints from the public for abuse and harassment by Defendants Kehagias, Knight and Klingman and the other deputies of the D Squad. These complaints were ignored or otherwise

not properly responded to by HCSO officials, including but not limited to Defendants Rollins and Coats.

59. Prior to the incidents involving the Plaintiffs, the HCSO received multiple complaints from the public for wrongful arrest and wrongful issuance of “resisting arrest” or “resisting public officer” charges by Defendants Kehagias, Knight and Klingman and the other deputies of the D Squad. These complaints were ignored or otherwise not properly responded to by HCSO officials, including but not limited to Defendants Rollins and Coats.

60. While Defendants Kehagias, Klingman, and Knight were members, the D squad of the HCSO issued more “resisting arrest” or “resisting public officer” charges than any other HCSO squad in the years 2014 and 2015.

61. Defendant Kehagias first joined the HCSO in 2013 as a deputy.

62. Since Defendant Kehagias joined the HCSO and through the day of his resignation on June 23, 2016, he used force against citizens more times than any other deputy at the HCSO.

63. Defendant Kehagias issued more “resisting arrest” or “resisting public officer” charges in 2014 than any other law enforcement officer at the HCSO.

64. Defendant Kehagias issued more “resisting arrest” or “resisting public officer” charges again in 2015 than any other law enforcement officer at the HCSO.

65. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, owed a duty to properly monitor the arrest and use of force reports and conduct of HCSO deputies, including but not limited to conduct of the Deputy Defendants.

66. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, owed a duty to train and supervise the employees of HCSO, including the Deputy Defendants, with reasonable care and diligence.

67. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, owed a duty to monitor and review the conduct of HCSO deputies, including the Deputy Defendants, in the field and as reported by citizens.

68. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty respond to complaints or warning signs about the wrongful conduct of officers within the HCSO, including the Deputy Defendants, and take action to prevent future similar wrongful conduct by officers.

69. Upon information and belief, the supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, were trained to be on the lookout for a high volume of “resisting arrest” or “resisting a public officer” charges by respective deputies because those charges are a warning sign that a deputy may be using excessive force or otherwise engaging in wrongful conduct.

70. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had access to arrest reports and other information that would have alerted them that the Deputy Defendants were issuing wrongful and baseless arrests for “resisting public officer” and were using excessive force. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, intentionally ignored and/or failed to properly review or act upon this information in their possession.

71. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, intentionally ignored and/or failed to detect signs that residents were being injured, abused or were having their homes needlessly invaded by Harnett County Sheriff’s deputies.

72. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, intentionally ignored and/or failed to properly analyze arrest records or use-of-force documents that signaled potential problems with excessive use of force and violation of protected rights by its deputies.

73. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of using excessive force that Defendants Rollins and Coats either knew or should have known was occurring and needed to be corrected and/or stopped altogether.

74. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of using excessive force was known, or should have been known, to Defendants Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

75. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of unlawfully wrongfully entering people's homes without a warrant or a valid legal basis to do so.

76. In particular, Defendant Kehagias engaged in a pattern of approaching a citizen's home unannounced, without a warrant, and knocking on the door. When the citizen opened the door, Kehagias' *modus operandi* included intentionally and unlawfully placing his boot and/or parts of his body across the doorframe threshold, thereby entering the home. The purpose of this maneuver was to ensure that if/when the citizen attempted to exercise his or her right to end the encounter by shutting the door, Kehagias' boot and/or body would block the door frame so that the door could not be closed. Instead, the door would touch Kehagias' boot or body, which Kehagias would immediately thereafter use this touching as an excuse to fully enter the citizen's home and physically arrest him or her for assault on a law enforcement officer.

77. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of unlawfully gaining entry into citizen's homes was known, or should have been known, to Defendants Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

78. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of engaging in excessive or unnecessary force against citizens and then issuing them citations for "resisting arrest" or "resisting/delaying/obstructing" a public officer charges. This pattern of conduct included, but was not limited to, a practice of telling citizens to "stop resisting" when

the citizen was not, in fact, resisting, as a way to manufacture an excuse in real time to use even more physical force against the citizen when the same as unnecessary.

79. The fact that Defendants Kehagias, Knight and Klingman engaged in the above patterns a pattern and practice of wrongful issuing of “resisting arrest” or “resisting public officer” charges was known, or should have been known, to Defendant Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

80. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of abusing and/or harassing poor and vulnerable people in Harnett County, often those who lived in rural parts of the County, or areas with a lower socioeconomic status, as well as those citizens who suffer from mental health issues or disorders, such as military veterans with post-traumatic stress disorder.

81. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of abusing and harassing poor and vulnerable people in Harnett County was known or should have been known to Defendant Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

82. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of targeting military veterans with their abuse and harassment.

83. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of targeting military veterans with their abuse and harassment was known or should have been known to Defendant Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

84. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of beating, Tasing and pepper spraying people who are not resisting arrest while saying “stop resisting” or some similar statements.

85. The fact that Defendants Kehagias, Knight and Klingman engaged in the above-described a pattern and practice regarding beating, Tasing and pepper spraying was known, or should have been known, to Defendants Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

86. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of knowingly and intentionally violating peoples’ constitutional rights.

87. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of knowingly and intentionally violating peoples’ constitutional rights was known, or should have been known, to Defendants Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

88. Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of knowingly and intentionally violating the law of North Carolina and the United States of America while in the uniform of a deputy of the HCSO and acting under the color of law.

89. The fact that Defendants Kehagias, Knight and Klingman engaged in a pattern and practice of knowingly and intentionally violating the law of North Carolina and the United States of America while acting under the color of law was known, or should have been known, to Defendants Rollins and Coats, and these Defendants intentionally ignored and/or failed to take any measures to stop this conduct by Defendants Kehagias, Knight or Klingman.

90. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty actively monitor the conduct of their officers, while looking for signs of a high volume of “resisting arrest” or “resisting/delaying/obstructing” a public officer charges by HCSO

deputies, because those charges are a warning sign that a deputy may be using excessive force or otherwise engaging in wrongful conduct.

91. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty to thoroughly investigate, properly train, and correct the conduct any deputy who issued a high volume of “resisting arrest” or “resisting a public officer” charges.

92. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty to immediately suspend and/or fire any deputy who it knows has repeatedly used excessive force.

93. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty to immediately suspend and/or fire any deputy who it knows has repeatedly abused and harassed people.

94. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty to immediately suspend and/or fire any deputy who it knows has repeatedly violated people’s constitutional rights.

95. The supervisors at the HCSO, including but not limited to Defendants Rollins and Coats, had a duty to immediately suspend and/or fire any deputy who it knows has repeatedly violated the laws of North Carolina and the United States of America.

96. Prior to the incidents giving rise by to the claims of each respective Plaintiff, Defendant Rollins and Defendant Coats had notice and knowledge of repeated allegations of police abuse, excessive force, and misconduct by deputies of the HCSO, including by the Deputy Defendants.

97. Prior to the incidents giving rise by to the claims of each respective Plaintiff, Defendant Rollins, Defendant Coats and Defendant County chose not to enforce established policies and procedures to insure the safety of the public, suspects and arrestees.

98. Prior to the incidents giving rise by to the claims of each respective Plaintiff, Defendant Rollins, Defendant Coats and Defendant County refused to discipline any of the

Deputy Defendants despite having knowledge of repeated allegations of police abuse and assaultive misconduct by deputies.

99. Prior to the incidents giving rise to the claims of each respective Plaintiff, Defendants Rollins and Coats engaged in a pattern or practice of deliberately suppressing information to the public or concerned citizens regarding the misconduct of HCSO officers and employees. This included, but was not limited to, making public statements that the conduct of HCSO personnel in question was proper when they knew, or should have known, this was not true, and/or reviewing or taking part in the creation of records and reports within the HCSO that intentionally made the conduct of the HCSO personnel in question appear proper when they knew they this was not true. In some instances, this included public statements or the creation of records or reports that contained false statements about the incidents in question.

100. After the incidents giving rise by to the claims of each respective Plaintiff, Defendant Rollins and Defendant Coats intentionally chose not to discipline or reprimand any of the Deputy Defendants. To the contrary, these Defendants made the deliberate choice to stand by and publicly support the conduct of the Deputy Defendants.

101. All Defendants overtly and/or tacitly condoned and acted with deliberate indifference toward the acts of misconduct by HCSO officers described in this action, including but not limited to the Deputy Defendants.

102. Defendant Rollins and Defendant Coats intentionally chose not to and/or failed to adequately train and educate HCSO officers, including but not limited to the Deputy Defendants, in the reasonable use of non-deadly and deadly force.

103. Defendant Rollins and Defendant Coats intentionally chose not to and/or failed to adequately supervise law enforcement officers under their control and supervision, including but not limited to the Deputy Defendants.

104. Defendant Rollins, Defendant Coats and Defendant County fostered and encouraged within the HCSO a culture lawlessness, abuse, and misconduct toward citizens,

which, by the time of the incidents involving the Plaintiffs alleged herein, this culture represented the policy, practice, custom, and procedure of the HCSO.

105. As a direct and proximate result of Defendants Rollins and Defendant Coats' pattern of conduct described above, the Deputy Defendants committed wrongful acts against plaintiffs causing Plaintiffs to suffer personal injury, emotional distress, loss of liberty, violation of protected rights, and the death of John Livingston, as alleged herein.

### **III. Violations of Plaintiffs' Constitutional and State Rights by Defendants**

106. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

107. At all times relevant to this action, Decedent and all Plaintiffs were adult citizens of the United States of America residing in Harnett County, North Carolina, entitled to exercise all of the rights and privileges provided by the Constitutions of the State of North Carolina and the United States of America, including but not limited to the Fourth and Fourteenth Amendments to the Constitution of the United States.

108. At all times relevant to this action, Decedent and all Plaintiffs were citizens of the United States of America and had the right of physical integrity, to be free from unlawful detention and to be properly cared for and treated as secured by the substantive due process provisions of the Fourteenth Amendment of the Constitution of the United States.

109. At all times relevant to this action, Decedent and all Plaintiffs were citizens of the United States of America and have the right to be secure against unreasonable seizures as secured by the Fourth Amendment of the Constitution of the United States.

110. At all times relevant to this action, Decedent and all Plaintiffs were citizens of the United States of America and have the right to be secure against wrongful arrests and wrongful criminal proceedings or prosecution initiated against them without probable cause or legal justification.

111. At all times relevant to this action, Decedent and all Plaintiffs were citizens of the United States of America and had the right be free from excessive, arbitrary and unreasonable use of force by law enforcement officers while making an arrest and processing an arrestee pursuant to the Fourth Amendment of the Constitution of the United States.

112. As is more fully-described below, the Defendant Deputies, acting under the color of state law and under the color of their office, exceeded their lawful authority against Plaintiffs and Decedent, and in so doing proximately causing injury or damages to Plaintiffs, by having engaged in the following conduct:

- a. Used excessive physical and weapons-based force, without lawful justification, inflicting physical injury upon Plaintiffs and Decedent in contravention to due process of law, in violation of state law, and in violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- b. Used excessive, arbitrary and unreasonable force in making arrests against and processing the Plaintiffs and Decedent as arrestees, in contravention to due process of law, in violation of state law, in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- c. Wrongfully arrested and improperly filed charges or otherwise instituted criminal proceedings against Plaintiffs without probable cause or justification to do so in contravention to due process of law, in violation of state law, in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- d. Used force on Plaintiffs and Decedent that was unjustified, unreasonable, illegal under state law, and without just cause in contravention to due process of law, in violation of state law, in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- e. Used force on Plaintiffs and Decedent that was excessive, unreasonable, and unnecessary in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- f. Used force on Plaintiffs and Decedent that was improperly intended to be prejudicial and injurious in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- g. Used force on Plaintiffs and Decedent that inflicted injury and, in the case of John Livingston causing his death, in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.
- h. Used force on Plaintiffs and Decedent not in a good faith effort to maintain or restore discipline, but was instead for malicious and/or for the improper purpose of causing

harm in violation of state law and the violation of the Fourth and Fourteenth Amendment of the Constitution of the United States.

113. At all times relevant to this action where Decedent or any of the individual Plaintiffs encountered one or more of the Defendant Deputies, Decedent and all individual Plaintiffs had not committed, nor was he/she in the process of committing, any criminal act which would threaten the safety or welfare of any person one or establish probable cause or reasonable suspicion for his/her arrest.

114. At all times relevant to this action where Decedent or any of the individual Plaintiffs encountered one or more of the Defendant Deputies, Decedent and all individual Plaintiffs never engaged in any conduct sufficient for a reasonable person or law enforcement officer to develop an objectively reasonable belief that he poses a threat of physical harm to either the HCSO officers present at the scene or to the general public at any time.

115. At all times relevant to this action where Decedent or any of the individual Plaintiffs encountered one or more of the Defendant Deputies, Decedent and all individual Plaintiffs never voluntarily waived, relinquished or forfeited any of his/her Fourth Amendment rights or privileges at any time.

116. All times relevant to this action where Decedent or any of the individual Plaintiffs encountered one or more of the Defendant Deputies, Decedent and all individual Plaintiffs acted with due care for his/her own safety and never breached any duty he/she may have pursuant to North Carolina law to exercise due care for his own safety.

117. The Defendant Deputies' conduct herein, including but not limited to their decisions to use excessive and unnecessary force against Decedent and the individual Plaintiffs was contrary to generally accepted, reasonable law enforcement procedures and tactics and proximately caused the damages to the Plaintiffs as set forth in this Complaint.

**The Christine Broom Incident**  
**(January 1, 2015)**

118. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

119. Christine Broom (hereinafter “Broom”) owned her home located at 122 Forest Manor Drive, Sanford, Harnett County, North Carolina. She lived there with her daughter.

120. Prior to January 1, 2015, Broom rented a room in her home to a man named Thomas Corbin (hereinafter “Corbin”).

121. Broom came to learn that Corbin had a drug and alcohol abuse problem. Based on Corbin’s substance abuse issues, Broom and Corbin entered into a verbal agreement regarding the rental of the room that Corbin must be sober in order to be enter or be present at Broom’s house. Broom and Corbin agreed that he would not be allowed to enter the home if he ever came to the door drunk on alcohol or under the influence of drugs.

122. On January 1, 2015, Corbin tried to enter Broom’s home, while she and her daughter were inside, while Corbin was high on cocaine and obviously not sober. Broom feared for the safety of herself and her daughter, and told Corbin that he could not come pursuant to their prior agreement. Because Corbin was obviously not sober, Broom did not let Corbin inside her house pursuant to their agreement.

123. In his drug-induced state, Corbin ignored his prior agreement with Broom and called 911, claiming that he was denied entry to Broom’s home. The HCSO dispatched deputies to Broom’s home to investigate. Defendant Klingman and another deputy, Deputy P.A. Phillips (hereinafter “Phillips”), responded to the call and went to Broom’s home.

124. No warrant was issued allowing Defendant Klingman, Phillips, or any member of the HCSO to enter Broom’s home or arrest Broom. No law enforcement officer had yet responded to the scene to investigate the legitimacy, or lack thereof, of Corbin’s claim that he was wrongfully being denied entry, or to investigate Corbin’s state of mind. Defendant

Klingman and Phillips were aware of these facts as they responded to the call and approached Broom's home.

125. Once the deputies arrived, Broom then watched in shock, disbelief, and fear as Klingman and Phillips helped Corbin physically break into her home.

126. Klingman and Phillips knew, or should have known, that Corbin was intoxicated and/or under the influence of drugs, that he did not own Broom's residence or have a right to enter, that he posed a danger to Broom and her daughter, that Broom had rightfully denied him entry, and that Corbin should not be allowed to enter Broom's home. Despite this being true, Broom watched as Klingman and Phillips assisted Corbin and ignored Broom's requests to stop.

127. Klingman and Phillips repeatedly yelled at Broom to open the door and allow the officers, as well as Corbin, into the house. Broom's daughter was crying from fright. Broom answered repeatedly to the deputies by respectfully saying to them that they had no right to break into her home, or to allow Corbin to break into her home.

128. Phillips and Corbin together went around the back of the house to the back door. Phillips ordered Corbin to put away Broom's dog or else he would shoot it, and Corbin put the dog away. Phillips and Corbin then used a screw-driver and crowbar in an attempt to forcibly open the back door. They were unable to force the door open and decided that the only way to get into the house would be to break down either the front door or the back door.

129. Even in his drug and/or alcohol-induced state, Corbin realized that the back door, a decorative French door, would be more expensive to replace, so he went to the front of the home where Defendant Klingman was still located in order to break the front door down.

130. Klingman and/or Corbin proceeded to physically break down or into Broom's front door. They kicked the door and forced it open by Klingman holding the exterior screen door open so that Corbin could apply all of his weight and force with his shoulder to Broom's front door.

131. As Klingman was helping Corbin break into the front door by force, Broom was shocked, horrified, and knew her rights were being clearly violated by Defendant Klingman and Phillips' conduct.

132. As soon as Klingman and Corbin broke into Broom's front door, Klingman ran through the house to unlock the back door to let in Phillips, who was still at that location.

133. The actions of Defendant Klingman in breaking through Broom's front door and frame caused property damage to the door, totaling \$2,204.00 in necessary repair costs.

134. Once inside of Broom's house, after breaking into her front door, Klingman arrested Broom for resisting a public officer. Klingman displayed a violent, aggressive, and intimidating attitude toward Broom.

135. Klingman placed Broom under arrest for resisting a public officer.

136. In arresting Broom, Klingman forcibly grabbed parts of Broom's body, including her arms and hands. Broom did not consent to this touching by Klingman.

137. Klingman did not have probable cause to arrest Broom on January 1, 2015.

138. Klingman and Phillips did not have probable cause or legal justification to enter Broom's home on January 1, 2015.

139. Klingman claimed that his arrest of Broom was warranted because she "failed to obey commands, struggled with deputy and slipped out of the handcuffs."

140. In fact, Broom never took a single action to resist or break free from the handcuffs placed on her wrists. Broom has a physical condition that causes her wrist to be naturally contorted, and once the handcuffs were on her wrist, it simply slipped off. Broom immediately and peacefully informed Klingman that his handcuff had innocently slipped off of her wrist, and Klingman reapplied the handcuff. Upon information and belief, Defendant Klingman knew this information and charged Broom with resisting a public officer anyway, without legal justification to do so.

141. Following the above incident, Broom filed a complaint with the HCSO in June 2015, notifying Defendants, Rollins, Coats, and other HCSO officials that Defendant Klingman and Deputy Phillips had illegally and improperly helped her tenant break into her home, improperly entered her home and charged her with a crime without legal justification to do so, and in the process caused \$2,204 of damage to her front door and frame.

142. Broom spoke with Defendant Wayne Coats about her complaint to the Harnett County Sheriff's Office. Defendant Coats informed Broom that he would look into it but she would not be notified of the outcome since it was personnel matter.

143. Upon information and belief, no action or discipline was ever taken by the Defendants Rollins, Coats, or any other member of the HCSO against Klingman or Phillips for their wrongful conduct in the incident with Broom.

144. As a result of the incident with Klingman and Phillips on January 1, 2015, Broom is now fearful of police officers, particularly deputies with the HCSO. She has lost her trust and faith in law enforcement and is concerned that if she were to ever call for the Harnett County Sheriff's Office for help that they would not help her, but would just wrongfully arrest her again instead and/or ignore her calls for help.

145. Klingman caused the criminal charge of resisting a public officer to be brought and prosecuted against Broom. After months of dealing with the criminal process that Klingman brought against her, Broom's charges from the January 1, 2015 incident were completely dismissed on April 27, 2015 after Klingman chose not to appear and testify in court to substantiate the legality of the charge and he was unable to be reached by the District Attorney's Office in response to calls regarding the Broom case.

146. Klingman's conduct in the Broom incident was in violation of North Carolina Law, federal law, and violated Broom's rights under the Constitution of the United States and the North Carolina Constitution.

147. Upon information and belief, Defendant Klingman had numerous prior incidents of excessive force, aggressive behavior, citizen or detainee complaints, and/or overuse of Resisting/Delay/Obstructing (also known as "RDO") charges arising from police-citizen encounters in Harnett County. Upon information and belief, Defendants Rollins and Coats were aware, or should have been aware, of these same prior instances. Upon information and belief, due to the culture, policies, practices, or customs created by, as well as due to the deliberate indifference displayed by, Defendants Rollins and/or Coats toward the prior improper similar conduct by Defendant Klingman, Defendant Klingman chose to act in the manner in which he did with Broom on January 1, 2015.

148. The actions of the Defendant Klingman and Phillips, as set forth herein, were the result of the failure of Defendants Rollins and/or Coats to properly train, supervise, and discipline its officers, including Defendant Klingman and Deputy Phillips. Upon information and belief, had Defendant Sheriff Rollins and his office properly trained, educated, and supervised Defendant Klingman and Deputy Phillips on the rights of limitations of police-citizen encounters, then this incident would, more likely than not, have never occurred. This failure to train, supervise, and discipline is a consequence of policies and practices of Defendants Rollins and Coats. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of Defendant Klingman and Deputy Phillips.

149. Defendants' unlawful actions as described above were done willfully, knowingly and with specific intent to deprive Broom of her constitutional rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

150. The conduct of Klingman in violating Broom's state and federal rights, in restraining, falsely imprisoning, assaulting/battering, wrongfully arresting, and maliciously prosecuting Broom, proximately caused harmful and offensive bodily contact, emotional injury, and financial injury to Broom, including, but not limited to, being arrested and restrained

against her will without probable cause, mental suffering, anguish, shock, fright, loss of liberty, reputational harms, property damages expenses to her front door, humiliation, embarrassment and deprivation of her constitutional rights.

**The Michael Cardwell Incident**  
**(May 12, 2015)**

151. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

152. On May 12, 2015 Michael Cardwell (hereinafter “Cardwell”), a 66-year-old military veteran, called 911.

153. Cardwell had been suffering from ongoing health issues. He had grown increasingly frustrated with the lack of proper care he was receiving at the Veteran’s Affairs Medical Centers he attended. He felt he had nowhere else to turn, and he became emotionally distressed. He became worried that in his state of distress he might hurt himself. He wanted someone to come help him get through this difficult time, so he called 911. The 911 operator assured Cardwell that help was on the way. Cardwell also expressed concern to the 911 operator over the healthcare he was receiving (or not receiving) as a military veteran.

154. Rather than sending individuals trained to assist and communicate with persons such as Mr. Cardwell (particularly the fact that Mr. Cardwell was a distressed military veteran), the HCSO sent Defendants Kehagias, Knight and Klingman to respond to Cardwell’s 911 call for help. These three “D-squad” Defendants and went to Cardwell’s home in Harnett County.

155. Cardwell lives on his own private property and tract of land, in a secluded and rural part of Harnett County. Cardwell’s home, which he maintains himself, sits at the end of a long stretch of dirt road. Cardwell’s private property lies deep into the woods. Upon information and belief, these Defendants knew upon driving to Cardwell’s secluded property location that there would be little to no chance of any witnesses seeing or hearing the encounter they were getting ready to have with Cardwell.

156. Defendants Kehagias, Knight and Klingman each drove separate patrol cars to Cardwell's house and pulled into his paved driveway.

157. Cardwell was standing peacefully in the driveway of his residence, waiting on their arrival. Cardwell's truck was parked in his driveway, and Cardwell standing with his back leaning against the truck's tailgate and his body facing the rest of the driveway where Defendants pulled up.

158. When Defendants Kehagias, Knight and Klingman arrived on the scene they exited their patrol cars and began approaching Cardwell.

159. Cardwell became uneasy seeing the three police cars and three large, intimidating officers advancing toward him.

160. When the deputies approached Cardwell, he asked that the deputies turn on their dash cameras. In response, Kehagias told him that he did not have a dash camera in his patrol car.

161. Cardwell then asked the Defendants for their names, in an attempt to make conversation, and in the hopes that they could all just talk the situation out. In response, one of the Defendants answered, "Donald Duck."

162. Cardwell then asked the deputies if any of them were military veterans, hoping that if they were veterans they could perhaps better understand the struggles he had been dealing with. The deputies either did not respond, or told Cardwell, "No," and they continued to approach Cardwell.

163. Cardwell felt uncomfortable by the demeanor, apparent attitude, and statements of Defendants Kehagias, Knight and Klingman. This included, in particular, Kehagias' refusal to turn on his dash cam or the Defendants' refusals to tell Cardwell their real names.

164. Out of growing fear and frustration, Cardwell turned around, away from the Defendants, and threw a can down into the bed of his pickup truck. This was the only object Cardwell had in his hand or on his person. He threw it down into the bed of his truck and

nowhere close to any of the Defendants or anywhere in their direction. Cardwell had broken no laws and did not pose a threat of harm to any person on the scene.

165. Rather than try to speak with Cardwell to find out what was wrong, Defendant Kehagias immediately responded by bull-rushing Cardwell, grabbing his arms, and pinning Cardwell's body against the tailgate of the truck. Kehagias' arms were wrapped forcibly around Cardwell's upper body such that Cardwell's arms were completely pinned against his sides.

166. While keeping Cardwell in this forceful clutch, Kehagias picked up Cardwell's body completely off the ground and slammed Cardwell violently down onto the concrete pavement driveway. With Cardwell lying face down on the pavement, Kehagias then got down, placed metal handcuffs around Cardwell's wrists behind his back, and Kehagias proceeded to forcefully drive his knee into the metal handcuffs in order to cause them to dig down painfully into Cardwell's lower back.

167. While Kehagias had Cardwell face down on the ground and in handcuffs, Cardwell was completely subdued and posed no threat of harm or movement. Despite this, Kehagias pulled out his pepper spray canister and sprayed Cardwell in the eyes and face with pepper spray. The pepper spray and fumes filled Cardwell's eyes and airway, and Cardwell struggled to breath.

168. Cardwell suffered from COPD and he feared for his life as a result of the substantial amount of pepper spray that Kehagias continued to discharge into his face from inches away.

169. While Kehagias had Cardwell forcibly pinned to the ground, Kehagias repeatedly told Cardwell to stop spitting on him. At that time, Cardwell's face was being shoved into the ground by Kehagias and it was physically impossible for him to have spat on Kehagias.

170. Cardwell never spat on Kehagias.

171. Cardwell never attempted to spit on Kehagias.

172. Any spitting by Cardwell during the incident with Kehagias was a reflexive attempt to get the burning pepper spray out of his mouth and airway so that he breath and plead for help.

173. Cardwell never resisted Kehagias in any way.

174. Kehagias then lifted Cardwell back on his feet, and told Cardwell once again to stop spitting on him and proceeded to pull Cardwell's shirt over his face. This maneuver made it so that Cardwell could not see, and further increased his trouble breathing. Cardwell was terrified for his own safety was in great pain during the incident. His trouble breathing, fear and anxiety was augmented by the effects of the pepper spray that Kehagias sprayed into his eyes and face. The pepper spray had temporarily blinded him and he couldn't catch his breath to speak.

175. When Cardwell was on his feet, Kehagias then tried to make Cardwell walk. Cardwell felt instant and extreme pain in his left side.

176. Feeling the pain in his left side, Cardwell told Kehagias that he was hurt and could not walk.

177. Kehagias ignored Cardwell's complaints of pain and injury and dragged and jerked Cardwell's body over to the edge of the driveway.

178. Eventually Kehagias realized Cardwell was seriously hurt and could not walk. Kehagias then released Cardwell and called emergency medical services to send an ambulance to the scene to care for Cardwell's obvious and severe injuries.

179. Defendants Klingman and Knight stood by, watched, and chose not to intervene or stop any of Kehagias' actions toward Cardwell, despite the fact that they knew, or should have known, that Kehagias' actions were excessive, unreasonable, likely to cause Cardwell injury or harm, and in violation of Cardwell's rights.

180. Paramedics rushed to the scene at Cardwell's house and transported Cardwell to a nearby hospital.

181. Later that same day, Cardwell was admitted to the hospital for his injuries suffered during the encounter with Kehagias earlier that day. He was subsequently diagnosed with a femur fracture and broken hip as a result of the actions by Kehagias during the incident.

182. The following day, May 13, 2015, Cardwell underwent major surgery to repair his fractured femur and replace a broken hip due to the injuries Cardwell suffered during the encounter with Kehagias.

183. After needlessly attacking Cardwell without any justification, Kehagias' created and represented a false account of the event in order to escape criminal, civil or administrative liability for his wrongdoing. Specifically, Kehagias told a magistrate that Cardwell had assaulted him, spitting in his direction and was cursing at him. Kehagias also claimed that Cardwell pushed him before Kehagias took Cardwell to the ground.

184. Kehagias caused criminal charges to be brought against Cardwell for "assault on government official/employee" and "injury to personal property." As Kehagias' stated in his report of the Cardwell Incident, Kehagias charged Cardwell with the injury to personal property offense because "in taking Cardwell to the ground, my uniform pants tore in two places on the left leg."

185. Defendants Klingman and Knight did nothing to stop Kehagias from attacking Cardwell. Klingman and Knight, by their threatening presence on the scene, and their deliberate choice to allow Kehagias to assault Cardwell in the fashion that he did, caused or contributed to Cardwell's belief that he could not escape the terrifying and painful encounter with Kehagias.

186. Defendants Klingman and Knight assisted Kehagias in attempting to avoid any civil, criminal or administrative consequences by not telling the truth about Kehagias wrongful and violent conduct towards Cardwell.

187. Kehagias did not have probable cause to physically confront, assault, arrest, or criminally charge Cardwell on May 12, 2015.

188. Kehagias did not have legal justification to use the force that he did against Cardwell on May 12, 2015.

189. Kehagias' conduct in the Cardwell incident was in violation of North Carolina Law, Federal law, and violated Cardwell's rights under the Constitution of the United States and the North Carolina Constitution.

190. Following Cardwell's arrest, Defendants Kehagias, Klingman, and Knight formed an agreement act unlawfully and make false statements about the Cardwell incident on May 12, 2015. The purpose of this agreement between Kehagias, Knight and Klingman was to avoid criminal, civil or administrative consequences of their unlawful actions in the incident on May 12, 2015, as well as to institute and support criminal charges and prosecution against Cardwell.

191. Upon information and belief, all charges against Cardwell stemming from the May 12, 2015 incident were dismissed by the District Attorney's Office following its investigation into the conduct of Cardwell and the Deputy Defendants on the day in question.

192. Upon information and belief, Defendants Kehagias, Klingman, and Knight had numerous prior incidents of excessive force, aggressive behavior, citizen or detainee complaints, and/or overuse of Resisting/Delay/Obstructing (also known as "RDO") charges arising from police-citizen encounters in Harnett County. Upon information and belief, Defendants Rollins and Coats were aware, or should have been aware, of these same prior instances. Upon information and belief, due to the culture, policies, practices, or customs created by, as well as due to the deliberate indifference displayed by, Defendants Rollins and/or Coats toward the prior improper similar conduct by Defendants, Defendants chose to act in the manner in which he did with Cardwell on May 12, 2015.

193. The actions of the Defendants Kehagias, Klingman, and Knight, as set forth herein, were the result of the failure of Defendants Rollins and/or Coats to properly train, supervise, and discipline its officers, including the Deputy Defendants. Upon information and belief, had Defendant Sheriff Rollins and his office properly trained, educated, and supervised

the Deputy Defendants on the rights of limitations of police-citizen encounters, then this incident would, more likely than not, have never occurred. This failure to train, supervise, and discipline is a consequence of policies and practices of Defendants Rollins and Coats. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of the Deputy Defendants.

194. Defendants' unlawful actions as described above were done willfully, knowingly and with specific intent to deprive Cardwell of his constitutional rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

195. The conduct of the Deputy Defendants in physically restraining, arresting, striking, threatening, grabbing, slamming his body to the ground, pepper-spraying, beating, intimidating, and maliciously prosecuting Cardwell proximately caused physical, emotional, and financial injury to Cardwell, including, but not limited to, severe physical pain, mental suffering, anguish, shock, fright, permanent scarring and disfigurement, permanent loss of use of certain body parts, permanent injury to body parts, loss of enjoyment of life, loss of liberty, reputational harms, incurred medical expenses, humiliation, embarrassment and deprivation of his constitutional rights.

**The Tyrone Bethune (aka King Knowledge-El) and Ryan Holloway Incident  
(July 30, 2015)**

196. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

197. On or about July 30, 2015, at or about 1:00 to 2:00, Defendant Kehagias knocked on the door of the private residence of Plaintiff Tyrone Bethune, who otherwise known as King Knowledge-El. King-Knowledge-El's home is located at 1982 Rosser Pittman Road, Broadway, Harnett County, North Carolina 27505.

198. At that time, date, and location, King Knowledge-El was peacefully inside of his home with his cousin, Plaintiff Ryan Holloway (hereinafter "Holloway"), recording music on an electronic recording system, and not disturbing any other person outside of the home.

199. King Knowledge-El and Holloway did not call 911 or otherwise request that law enforcement or emergency assistance come to the residence. Upon information and belief, no individual called 911 or otherwise requested that law enforcement or emergency assistance come to the residence.

200. No warrant was issued allowing Defendant Kehagias or any member of the HCSO to enter or search King Knowledge-El's home, and Defendant Kehagias was aware of this fact as he approached the home.

201. At the time Kehagias came to King Knowledge-El's residence, King Knowledge-El and Holloway did not violate any laws, nor had they caused anyone to complain about them or request that the Harnett County Sheriff go to their residence.

202. After knocking on the door, King Knowledge-El and Holloway became concerned why someone was knocking so late at night and called through the door asking the person to identify themselves. Kehagias responded by telling King Knowledge-El and Holloway through the closed door that he was responding to a 911 call of a potential suicide attempt in the home that was made from a phone inside King Knowledge-El's house. However, at the time, King Knowledge-El did not have a land line in his home, and neither he nor Holloway had used their cell phone to make such a call. Upon hearing this information, King Knowledge-El and Holloway immediately knew that Kehagias' stated reason for being at the house was false, they became very concerned, and did not open the door.

203. Kehagias continued to forcefully knock on the door and finally Holloway answered by opening the door. After he opened the door, Holloway walked out onto the porch with Kehagias and shut the door behind him, as the two spoke on the porch. Kehagias changed the reason for his visit and now told Holloway he was looking for an individual by the name of

Robert Cox. King Knowledge-El and Holloway knew that Robert Cox lived further down the road, at an entirely different address.

204. Kehagias later claimed that had originally lied about the potential suicide attempt call in order to figure out if Holloway or King Knowledge-El were the individual he was looking for to arrest (Robert Cox).

205. Holloway told Kehagias that he was not Robert Cox, that Cox was not inside, and that Cox lived at an entirely different address further down the road. Holloway then exercised his constitutional right to end the encounter and go back inside the home. Holloway was not under arrest or detained at the time, and he had done nothing wrong.

206. Holloway had previously served in the military and suffers from PTSD. He prefers not to be around any type of stressful situation if he can avoid the same.

207. On Holloway's walk back into the house, Kehagias followed him without invitation or consent to enter the house. Kehagias attempted to walk through the open front door when King Knowledge-El saw what was happening and asked him what he was doing. Kehagias lied and falsely told King Knowledge-El that Holloway gave him permission to enter and search the house. Holloway told King Knowledge-El this was not true.

208. During this exchange, Kehagias intentionally positioned his boots and body across the threshold and frame of the front door. Upon information and belief, this maneuver was part of Kehagias' intentional pattern and practice and was done for the purpose of making it impossible for the occupants in the home to shut the door without it touching a part of Kehagias' boots or his body. If the door touched Kehagias' boot or body in this fashion, his pattern and practice was to then wrongfully claim that the occupant in the home had just assaulted him as a law enforcement officer, and claim that he had now had legal justification to enter the home and/or arrest the occupant when, in fact, he did not. Upon information and belief, this is the same *modus operandi* employed by Kehagias in the John Livingston incident which is more fully described below.

209. Upon seeing Kehagias position himself across the door threshold, King Knowledge-El told him that if he did not have a warrant to search his home then he did not give Kehagias consent to enter and asked him to leave.

210. King Knowledge-El then attempted to shut the door in a peaceful manner and Kehagias stopped the door with his foot. Kehagias then reacted by forcefully pushing the door open, grabbing Holloway, and forcibly pulling him onto the porch. Kehagias violently grabbed Holloway's arms, pulled them behind his back against his will, and placed him in handcuffs while on the porch.

211. King Knowledge-El tried to video record the incident with his cell phone, but when Kehagias saw what he was doing, Kehagias immediately grabbed King Knowledge-El's body, lifted it completely off the ground and out of the doorway, and slammed him face down onto the wooden porch. The force was so great that King Knowledge-El's face impacted onto the wooden porch hard enough to cause one of his teeth to chip from the impact, and he experienced severe pain in his body and head. Kehagias then forcibly pulled King Knowledge-El's arms behind his back and placed him handcuffs.

212. Multiple times during the physical encounter, King Knowledge-El called out to Kehagias that he was not resisting, and that Kehagias had no right to arrest him or use force upon his person. Kehagias ignored these words and King Knowledge-El and Holloway's rights during the encounter.

213. Given his post-traumatic stress disorder, Holloway was terrified during the encounter with Kehagias, both as he used force against his person and against King Knowledge-El.

214. Kehagias then left both King Knowledge-El and Holloway on the porch in handcuffs as he proceeded to illegally enter and search the entire the home. Kehagias found no contraband or any type of illegal evidence of activity during the search.

215. King-Knowledge also repeatedly asked Kehagias to state the reason why Kehagias claimed he had legal justification to use force against him and place him under arrest. Kehagias never identified a reason during the encounter. Instead, Kehagias left King-Knowledge and Holloway in handcuffs and then went back to his patrol car, where, upon information and belief, he looked up King Knowledge-El in the law enforcement computer system. At this time, Kehagias first learned that King Knowledge-El had a warrant out for his arrest for missing a prior court date. Kehagias then grabbed King Knowledge-El from the porch and forcibly placed him into the back of the patrol car, telling him that he now had justification for the arrest and encounter because he had found the order for arrest on the computer.

216. King Knowledge-El was then taken to the local magistrate for processing for what Kehagias claimed was his actions in serving the outstanding warrant for King Knowledge-El's arrest.

217. Following the above incident, King Knowledge-El filed a complaint with the state Attorney General's office, which replied saying that it had no authority to respond.

218. Neither Kehagias, nor any HSCO officer, charged King Knowledge-El or Ryan Holloway with committing any crimes the night of July 30, 2015.

219. Upon information and belief, Defendant Kehagias had numerous prior incidents of excessive force, aggressive behavior, citizen or detainee complaints, and/or overuse of Resisting/Delay/Obstructing (also known as "RDO") charges arising from police-citizen encounters in Harnett County. Upon information and belief, Defendants Rollins and Coats were aware, or should have been aware, of these same prior instances. Upon information and belief, due to the culture, policies, practices, or customs created by, as well as due to the deliberate indifference displayed by, Defendants Rollins and/or Coats toward the prior improper similar conduct by Kehagias, he chose to act in the manner in which he did with King Knowledge-El and Holloway on July 30, 2015.

220. The actions of the Defendant Kehagias as set forth herein, were the result of the failure of Defendants Rollins and/or Coats to properly train, supervise, and discipline its officers, including Defendant Kehagias. Upon information and belief, had Defendant Sheriff Rollins and his office properly trained, educated, and supervised the Deputy Defendants on the rights of limitations of police-citizen encounters, then this incident would, more likely than not, have never occurred. This failure to train, supervise, and discipline is a consequence of policies and practices of Defendants Rollins and Coats. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of the Defendant Kehagias.

221. Defendant Kehagias' unlawful actions as described above were done willfully, knowingly and with specific intent to deprive King Knowledge-El and Holloway of their constitutional rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

222. The conduct of the Defendant Kehagias in physically restraining, arresting, striking, threatening, grabbing, slamming to the ground, intimidating, and trespassing against King Knowledge-El and Holloway proximately caused them to experience physical and emotional injuries, including, but not limited to, severe physical pain, mental suffering, anguish, shock, fright, permanent disfigurement, permanent loss of use of certain body parts, permanent injury to body parts, reputational harms, humiliation, embarrassment and deprivation of their constitutional rights.

**The Wesley Wright Incident**  
**(September 15, 2015)**

223. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

224. Wesley Wright (hereinafter "Wright"), age 42, was with family and friends at his residence for a birthday party and gathering in September 15, 2015. The residence is owned by

Wright's uncle, Donnie Scott, and Wright permanently resided there as his home, with the permission of Scott, in September 2015.

225. Deputy Kehagias arrived at the residence to investigate a noise and/or disturbance complaint called in by a neighbor.

226. Kehagias had no arrest warrant for any individual present, including Wright, and he had no search warrant that allowed access inside the residence.

227. While Kehagias was standing in the yard talking with Donnie Scott, Wright yelled something from the front porch of the home, walked back inside, and shut the front door.

228. Kehagias became visibly angry and approached the front door. Kehagias forcefully demanded that Scott open the door to allow him entry, despite the fact that he had no warrant. Scott initially refused, but as Kehagias persisted Scott became fearful of what Kehagias might do if he said no, so Scott used his key to open the door.

229. Immediately upon the door being unlocked, Kehagias pushed the door wide open and entered the home. Upon entry, he saw Wright peacefully sitting on the couch with his two dogs. Wright posed no threat of harm to Kehagias or anyone else in the residence, and he was lawfully sitting in his own home.

230. Kehagias drew his firearm and pointed it directly at Wright, ordering him to get up. Wright instantly threw his arms up in fear and submitted in every way to Kehagias' commands.

231. Kehagias then put his gun down, forcefully grabbed Wright's body, lifted him up, and slammed him against the front door. Multiple witnesses watched as Kehagias violently and repeatedly slammed Wright's body onto the wooden porch railings, down the porch walkway, and into the front yard. Kehagias then lifted Wright up slammed him facedown against the patrol car. Kehagias then body slammed him onto the ground.

232. While pinning Wright face-down on the ground, Kehagias proceeded to spray an entire canister of pepper spray directly into Wright's eyes from inches away.

233. After spraying his entire canister of pepper spray in Wright's eyes and face, Kehagias asked another Harnett County Sheriff's Officer who was on the scene to give him the other officer's canister of pepper spray because Kehagias' canister was empty. Kehagias then proceeded to spray the other officer's canister of pepper spray into Wright's eyes and face.

234. Throughout the entire encounter with Wright, Kehagias kept telling Wright to "stop resisting."

235. Throughout the entire encounter, Wright never resisted Kehagias or gave him any justification to use force against Wright.

236. Multiple witnesses at the scene were calling out to Kehagias that Wright was not resisting, that Kehagias was brutalizing him, and begging him to stop. Multiple witnesses confirmed that Wright was too completely overtaken, beaten, and subdued to be able to resist Kehagias.

237. Kehagias did not have probable cause to arrest Wright, nor did he have legal justification to use force against his person.

238. Kehagias placed Wright under arrest at the scene and charged with resisting a public officer.

239. Upon information and belief, all charges against Wright stemming from the September 15, 2015 incident were dismissed by the District Attorney's Office following its investigation into the conduct of Defendant Kehagias on the day in question.

240. Kehagias' conduct in the Wright incident was in violation of North Carolina Law, Federal law, and violated Wright's rights under the Constitution of the United States and the North Carolina Constitution.

241. Upon information and belief, Defendant Kehagias had numerous prior incidents of excessive force, aggressive behavior, citizen or detainee complaints, and/or overuse of Resisting/Delay/Obstructing (also known as "RDO") charges arising from police-citizen encounters in Harnett County. Upon information and belief, Defendants Rollins and Coats were

aware, or should have been aware, of these same prior instances. Upon information and belief, due to the culture, policies, practices, or customs created by, as well as due to the deliberate indifference displayed by, Defendants Rollins and/or Coats toward the prior improper similar conduct by Kehagias, he chose to act in the manner in which he did with Wright on September 15, 2015.

242. The actions of the Defendant Kehagias as set forth herein, were the result of the failure of Defendants Rollins and/or Coats to properly train, supervise, and discipline its officers, including Defendant Kehagias. Upon information and belief, had Defendant Sheriff Rollins and his office properly trained, educated, and supervised the Deputy Defendants on the rights of limitations of police-citizen encounters, then this incident would, more likely than not, have never occurred. This failure to train, supervise, and discipline is a consequence of policies and practices of Defendants Rollins and Coats. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of the Defendant Kehagias.

243. Defendant Kehagias' unlawful actions as described above were done willfully, knowingly and with specific intent to deprive Wright of his constitutional rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

244. The conduct of the Defendant Kehagias in physically restraining, arresting, striking, threatening, grabbing, slamming to the ground, intimidating, and charging Wright with the crime of resisting, proximately caused Wright to experience physical and emotional injuries, including, but not limited to, severe physical pain, mental suffering, anguish, shock, fright, reputational harms, humiliation, embarrassment and deprivation of his constitutional rights.

**The John Livingston Incident**  
**(November 15, 2015)**

245. The allegations set forth in the preceding and foregoing paragraphs are re-alleged and incorporated herein by reference.

246. Each and every excessive force, wrongful arrest, and instance of improper conduct by Defendants against the Plaintiffs described hereinabove occurred before John Livingston's death on November 15, 2015. Defendants Rollins, Coats, and others in the command structure at the HSCO either knew, or should have known, about Defendant Kehagias' prior misconduct as described hereinabove prior to November 15, 2015. Defendants Rollins, Coats, and other officials in the HCSO should have ensured that Defendant Kehagias was either fired, suspended, reprimanded, and/or properly re-trained before Kehagias ever had the opportunity to encounter John Livingston on November 15, 2015. Upon information and belief, had Defendants taken any of these necessary actions, John Livingston's death could and, more likely than not, would have been avoided.

247. On November 15, 2015, at approximately 3:45 a.m., Decedent John David Livingston, III was at his private residence located at 172 W. Everett St., Spring Lake, NC.

248. At the above described date, time and location, Decedent was peaceful and not in violation of any laws.

249. At the above described date, time and location, Decedent was accompanied by his roommate Clayton Carroll and friends Bradley Timmerman and Bristol Edge. No other individuals were in the Livingston home on the night of November 15, 2015.

250. Neither Decedent, nor any of the other people at his residence at the above described time had called 911 or otherwise requested that the HCSO to come to the residence.

251. Earlier in the morning of November 15, 2015, the Defendants Kehagias and Werbelow responded to one or more 911 call(s) made by a woman named Melissa Chestnutt who had complained to the 911 operator that individuals named Penny Setzer and Becca Setzer had assaulted her and forced her out of Penny Setzer's house on Evans Street, in Spring Lake, NC.

252. Upon hearing this call come over the HCSO dispatch radio network, Kehagias volunteered to leave the call he was currently on in another part of town and respond to the Chestnutt call.

253. Upon information and belief, the real reason Kehagias wanted to personally respond to the Chestnutt call is that he had a personal animosity toward Becca Setzer and the Setzer family. Upon information and belief, Kehagias intended to use the Chestnutt domestic disturbance call as a pretextual reason to locate and force an encounter with Lonnie Setzer, the brother of Becca Setzer.

254. Upon information and belief, Defendant Kehagias had a personal vendetta against Lonnie Setzer and sought him out for unlawful and improper purposes after hearing that his sister was involved in the alleged assault incident on Evans Street. Upon information and belief, Defendant Kehagias' personal vendetta against Lonnie Setzer stemmed from his belief that Mr. Setzer was involved in a prior assault against a confidential informant who worked with Kehagias named Christine Brannon.

255. Upon information and belief, Defendant Kehagias threatened Mr. Setzer prior to the November 15, 2015 incident by pulling his pistol out of its holster and pointing it at Mr. Setzer's face from close range and telling Mr. Setzer that he was going to kill him.

256. Upon information and belief, Kehagias made statements to others prior to this occasion that he wanted to hurt and/or kill Lonnie Setzer if the situation ever arose.

257. Defendants Kehagias and Werbelow were together on patrol the night of November 15, 2015. After informing dispatch that he and Werbelow would respond to the Chestnutt disturbance call at Evans Street, neither Kehagias nor Werbelow ever drove to the Evans Street address to interview Chestnutt, Penny Setzer, or any of the individuals remaining there who witnessed the alleged domestic disturbance.

258. Instead, Kehagias and Werbelow chose to drive to John Livingston's residence at 172 W. Everett Street based upon the pretext that they were looking for Lonnie Setzer there, who may have information as to the whereabouts of Becca Setzer.

259. Upon information and belief, Kehagias had personally observed Lonnie Setzer standing outside of John Livingston's residence several weeks prior to November 15, 2015, and

after fielding the Chestnutt 911 call, Kehagias hoped to find Lonnie Setzer at Livingston's address again so that he could force a physical encounter with him and/or arrest him. This was true despite the fact that Kehagias and Werbelow were supposed to be responding to a domestic disturbance call between two females at the Evans Street location.

260. The 911 call(s) from Melissa Chestnutt regarding the domestic disturbance at Evans Street were not related to John Livingston, his residence at 172 W. Everett Street, or any of the people in his residence in any way.

261. There was no justifiable reason for Defendants Kehagias and Werbelow to go to John Livingston's home in the early morning hours of November 15, 2015.

262. When Kehagias and Werbelow entered the home of John Livingston on November 15, 2015, which is more fully described below, they intentionally and knowingly did so without a warrant, without Mr. Livingston's consent, against his express wishes and instructions, and without probable cause to search or arrest anyone in the residence.

263. Defendants Kehagias and Werbelow knew when they chose to enter Livingston's home and engage in the use of force and deadly force, they had been earlier asked to report to a domestic assault disturbance at an entirely different address, in a different part of town, involving different individuals.

264. Defendants Kehagias and Werbelow never responded to the scene of the Chestnutt 911 call, and instead chose to approach John Livingston's home at approximately 3:40 a.m. on November 15, 2015.

265. At approximately 3:40 a.m., Defendant Kehagias knocked on the door of John Livingston's residence.

266. Upon information and belief, when Kehagias knocked on the front door of the residence, Werbelow went to the back door of the residence and began actively trying to open and gain unlawful entry into the Livingston home through the back door. The back door was

locked and Werbelow could not get in despite his efforts, so he came back around to the front door area where Kehagias was standing.

267. John Livingston answered the door when Kehagias knocked.

268. Once Livingston opened the door, Kehagias then entered Livingston's home by intentionally placing his boot and body inside the doorframe in a way that would prevent the door from closing.

269. Upon information and belief, Defendant Kehagias intentionally positioned his body so that John Livingston would not be able to close the door. Upon information and belief, this maneuver was consistent with Kehagias' pattern, practice, and *modus operandi* described hereinabove of unlawfully gaining entry and creating a pretextual reason for arrest against the home occupant if they attempt to close the door.

270. Defendant Kehagias asked Livingston if Lonnie Setzer and Becca Setzer were there at the residence. John Livingston truthfully responded to Defendant Kehagias that Lonnie Setzer and Becca Setzer were not present and that Lonnie Setzer did not live at the residence.

271. John Livingston told Kehagias where Lonnie Setzer lived and while pointing down the roadway away from his property, he said, "Lonnie does not live here. He lives down the road that way." Livingston also offered to give Kehagias directions to Lonnie Setzer's residence and Becca Setzer's residence, which is the same Evans Street location where Kehagias was called to respond, but Kehagias chose not to leave and instead chose to continue forcing the encounter with Livingston to continue.

272. After being told that Lonnie Setzer and Becca Setzer were not present, rather than leave the premises as he should have done, Defendant Kehagias asked Livingston if he could come in and search the residence. Livingston exercised his absolute right to decline the search by saying, "No," and telling Kehagias that he could not enter without a search warrant. Kehagias admitted to Livingston that he did not have a search warrant.

273. Livingston told Defendant Kehagias that he could not come into the residence without a warrant and asked the deputies to leave his property.

274. Mr. Livingston exercised his constitutional right to tell the deputies they were not allowed to enter his home without a warrant.

275. When asked to leave by John Livingston, Defendant Kehagias remained standing with his boot and body inside the open doorframe, and with his arm in the path of the door to prevent it from closing.

276. After asking Kehagias to leave and confirming that he did not have a warrant to enter the residence, John Livingston once again asked the Defendants to leave as he exercised his constitutional rights by attempting to shut his front door.

277. When John Livingston attempted to close the door, the door touched Kehagias' boot and/or arm that Kehagias had intentionally positioned inside the doorframe. Defendant Kehagias immediately said "this is not how this works." Kehagias forced the door open and proceeded to illegally enter John Livingston's residence followed by Werbelow.

278. Defendants Kehagias and Werbelow did not have reasonable suspicion, probable cause, consent or legal justification of any kind to enter John Livingston's home or arrest Livingston for any conduct.

279. After attempting to shut the door, Livingston peacefully turned away and sat down in a recliner chair inside of his living room.

280. Kehagias entered Livingston's home, approached Livingston who was sitting peacefully and in a non-threatening manner in his recliner, and ordered Livingston to stand up.

281. Following Kehagias' commands, Livingston stood up in a non-threatening manner, facing away from Kehagias. Kehagias told Livingston that he was under arrest and grabbed Livingston's upper body.

282. Kehagias began to physically attack and assault Livingston while saying repeatedly "stop resisting."

283. Upon information and belief, Kehagias forcibly took Livingston to the floor and positioned himself on top of Livingston's back. From this position, Livingston's face was pointed at the floor while Kehagias repeatedly punched Livingston's face and head, and slammed Livingston's head into the floor.

284. Upon information and belief, Kehagias was wearing his patrol uniform shirt tucked into his uniform pants, secured with a belt. His uniform shirt was sitting tightly over top of padded upper body armor vest that wrapped around his entire upper body, which itself was positioned over the top of a protective under shirt, which itself was over the top of a white tee shirt undershirt. Upon information and belief, Livingston was wearing only blue jeans and single tee shirt.

285. Kehagias proceeded to brutalize John Livingston by pinning his body face-down, repeatedly beating him about the face, spraying him with pepper-spray, and discharging a Taser into his body multiple times. Livingston cried out in pain as Kehagias continued to savagely beat and use a Taser on his back and sides.

286. Upon information and belief, at the time of this encounter, John Livingston was only 5 feet 9 inches tall and weighed approximately 110 pounds; whereas Defendant Kehagias was approximately 6 feet 2 inches tall and weighed 230 pounds.

287. Inside of Livingston's residence, Livingston feared for his life and tried to crawl away to escape from Kehagias. Kehagias did not let him escape. As he tried to crawl away, Kehagias pinned Livingston against a set of two small steps inside the residence and struck Livingston in the head multiple with his forearm and caused Livingston's face to be repeatedly bashed against the steps and floor.

288. Photos of Livingston's body from the scene and during the autopsy show that during Kehagias' assault against him, multiple cuts opened up on Livingston's forehead and about his face, his face was covered in blood, and he suffered multiple abrasions and impact bruises about his face, head, neck, shoulders, and back from Kehagias' attack.

289. Defendant Kehagias later claimed to investigators that Livingston was the aggressor during the incident, that he did not attack Livingston but instead Livingston physically overpowered him, and that Kehagias feared for his own life during the encounter. However, photos and videos taken of Defendant Kehagias mere hours after the incident show that Kehagias did not have a single scratch, cut, bruise, or abrasion on his face or any part of his body from the incident. The same pictures and video reveal that Kehagias' uniform was fully intact and showed no signs that he was attacked, overtaken, or that anyone had acted as an aggressor toward him. Lastly, the same pictures and video reveal that Kehagias' knuckles and fingers did contain areas of redness, abrasions, and/or small cuts consistent with the effects of him punching or beating another human with his fists or hands.

290. Still fearing for his life during the attack, Livingston again tried to crawl away to escape from Kehagias and this time crawled toward the front doorway. There, Kehagias pinned Livingston again and beat his head and body against the raised floor of the doorframe.

291. While Kehagias and Livingston were in the doorframe of the front door with Kehagias on top of Livingston pinning his body face-down, Kehagias ordered Werbelow to join in and punch Livingston in the face. Werbelow refused to punch Livingston in the face, and this angered Kehagias. Kehagias then yelled to Werbelow "well, spray him!"

292. Despite knowing that the officers had no lawful justification to be in Livingston's home or use force against him, Werbelow took out his pepper spray canister and fired pepper spray into Livingston's eyes and face from close range.

293. Livingston cried out to Defendants Kehagias and Werbelow that he could not see and could not breathe, yet Defendants continued their assault on Livingston.

294. The encounter with Livingston and Kehagias moved onto the front porch of the residence. On the porch of the residence, Kehagias discharged his Taser into Livingston's body again.

295. On the porch of the residence, Werbelow sprayed Livingston with pepper spray again.

296. On the porch of the residence, when he was being Tased by Kehagias multiple times and sprayed with pepper-spray by Werbelow, Kehagias had Livingston's body pinned face-down.

297. After shocking Livingston with the Taser for the final time, Kehagias either dropped the Taser intentionally or lost the Taser from his hand in the scuffle with Livingston on the front porch.

298. When Kehagias dropped the Taser, John Livingston's body was still shaking and/or feeling the effects of being electrocuted multiple times.

299. Upon information and belief, immediately after the Taser left Kehagias hand, and when the Taser was not in the control of John Livingston, Kehagias yelled "he's got my Taser."

300. Upon information and belief, John Livingston never grabbed the Taser by the handle or had his hand on the trigger.

301. Upon information and belief, John Livingston never possessed the Taser in a way that threatened Kehagias or Werbelow.

302. Upon information and belief, John Livingston never fired the Taser weapon at Kehagias.

303. Upon information and belief, John Livingston never shocked Kehagias with the Taser.

304. Upon information and belief, John Livingston never used the Taser against Kehagias in any way.

305. Upon information and belief, Livingston reasonably feared for his life and safety during Kehagias and Werbelow's actions on November 15, 2015.

306. Under North Carolina law, John Livingston had an absolute right to use force to resist the illegal entry into his home, illegal arrest of his person, and illegal or excessive force use against him by Kehagias or Werbelow.

307. Under North Carolina law, John Livingston had a statutory right as granted by the North Carolina General Assembly, as well as common law right as recognized by the North Carolina Supreme Court, to use force to resist the unlawful arrest and actions taken by Kehagias against him.

308. Under the circumstances of an illegal arrest as described above, during which officers have brutalized him with excessive force, pepper spray, and repeated use of a Taser, John Livingston had a right under North Carolina law to use force, including the use of a Taser against the officers, to protect his own life and safety.

309. Under North Carolina, had John Livingston's exercised absolute right to use force to defend himself from Kehagias' illegal actions, then Livingston's conduct would not have provided a justifiable reason for Kehagias or Werbelow to respond by using further force or deadly force against Livingston.

310. After dropping the Taser and yelling "he's got my Taser," Kehagias rolled his body away from Livingston and came to rest at the opposite side of the deck, several feet away.

311. From a distance of several feet away, at the other side of the deck, Kehagias drew his semi-automatic pistol from his holster, aimed the pistol at Livingston and fired at least four bullets at Livingston's body, while Livingston was still lying down on the porch.

312. Three bullets fired by Kehagias tore through Livingston's upper body, ripping through his flesh, muscles, and major blood vessels, causing him to experience excruciating pain and unspeakable fear that he was going to die.

313. One bullet fired by Kehagias missed Livingston's body completely.

314. Upon information and belief, at the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Kehagias intended to kill Livingston.

315. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body he was not being Tased by Livingston.

316. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body he was not within arms-reach of Livingston.

317. Upon information and belief, at the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Kehagias did not apprehend that Livingston posed an imminent threat of death to Kehagias.

318. Upon information and belief, at the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Kehagias did not apprehend that Livingston posed an imminent threat of serious physical injury to Kehagias, Werbelow, or anyone else.

319. Upon information and belief, at the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Kehagias did not apprehend that Livingston posed an imminent threat of death or serious physical injury to the officers present or to members of the general public.

320. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Livingston, in fact, did not pose an imminent threat of death or serious physical injury to the officers present or to members of the general public.

321. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, Kehagias and Werbelow could not have objectively reasonably believed that Livingston posed an imminent threat of death or serious physical injury to the officers present or to members of the general public.

322. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, the use of deadly force by Kehagias was not justified.

323. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, the use of deadly force by Kehagias was excessive.

324. At the time that Kehagias aimed his semi-automatic pistol at Livingston and fired multiple bullets into his body, the use of deadly force by Kehagias was in violation of HCSO's own use of force policy.

325. Kehagias' aiming his semi-automatic pistol at Livingston and firing multiple bullets into his body directly and proximately caused Livingston's death on November 15, 2015.

326. None of the witnesses in the Livingston home during the above-described incident – Clayton Carroll, Bradley Timmerman, and Bristol Edge – were displaying any aggressive behavior, or were threatening in any way to Defendants Kehagias or Werbelow. Each witness was in the home and watched in shock and terror as Livingston was brutalized by Defendants, and each was in a position to watch Livingston be shot and killed.

327. Livingston died slowly, over the course of many minutes, as he bled to death in the arms of his roommate, Clayton Carroll. Upon information and belief, there was an emergency medical services station approximately 300 yards from Livingston's home, however, it took over twenty minutes for EMS personnel to arrive on scene, during which time Livingston bled to death on the porch of his own home.

328. Livingston suffered three gunshot wounds, causing his death, as a result of the clearly excessive force used by Defendant Livingston.

329. The State Medical Examiner's autopsy report of Livingston's body showed that there were no signs of contact or close-range gunshot wounds on Livingston's body from the bullets that Kehagias fired. There was no evidence of marginal searing, soot deposition or surrounding gunpowder stippling with any of the gunshot wounds from the bullets that Kehagias fired into Livingston's body.

330. Upon information and belief, the Harnett County Sherriff's Office retained Livingston's clothes after he was shot and killed by Kehagias, the Sherriff's Office – including Defendants Rollins and Coats – intentionally chose not to perform any forensic testing on the clothes.

331. Werbelow took no action to assist Livingston or stop Kehagias from using excessive and deadly force against Livingston during the November 15, 2015 incident. Instead, Werbelow sprayed Livingston multiple times with pepper spray and assisted Kehagias in his use of excessive and deadly force against Livingston.

332. There was no justification in law or in fact for the unlawful entry into Livingston's home by Kehagias and Werbelow, there existed no underlying reason for the attempt to place Plaintiff's Intestate under arrest, and Plaintiff's Intestate was in all ways justified in resisting the unlawful entry into his home and attempted unlawful arrest and seizure of his person by the Defendant Kehagias.

333. At all times relevant herein, the Defendants Kehagias and Werbelow acted intentionally, willfully, maliciously, negligently, and with reckless disregard for and deliberate indifference to Livingston's rights and physical and mental well-being by physically assaulting, threatening, and kill Livingston.

334. Kehagias' conduct in the Livingston incident, including but not limited to aiming his semi-automatic pistol at Livingston and firing three bullets into his body was in violation of North Carolina law, including but not limited to N.C. Gen. Stat. § 15A-401.

335. Kehagias' conduct in the Livingston incident, including but not limited to aiming his semi-automatic pistol at Livingston and firing three bullets into his body was in violation of federal and state law.

336. Kehagias' conduct in the Livingston incident, including but not limited to aiming his semi-automatic pistol at Livingston and firing three bullets into his body was in violation of Livingston's rights under the Constitution of the United States and the North Carolina Constitution.

337. Werbelow's conduct in the Livingston incident was in violation of North Carolina Law, Federal law, and violated Livingston's rights under the Constitution of the United States and the North Carolina Constitution.

338. Upon information and belief, Defendants Kehagias had numerous prior incidents of excessive force, aggressive behavior, citizen or detainee complaints, and/or overuse of Resisting/Delay/Obstructing (also known as "RDO") charges arising from police-citizen encounters in Harnett County. Upon information and belief, Defendants Rollins and Coats were aware, or should have been aware, of these same prior instances. Upon information and belief, due to the culture, policies, practices, or customs created by, as well as due to the deliberate indifference displayed by, Defendants Rollins and/or Coats toward the prior improper similar conduct by Kehagias, he chose to act in the manner in which he did with Livingston on November 15, 2015.

339. The actions of the Defendants Kehagias and Werbelow as set forth herein, were the result of the failure of Defendants Rollins and/or Coats to properly train, supervise, and discipline its officers, including Defendant Kehagias. Upon information and belief, had Defendant Sheriff Rollins and his office properly trained, educated, and supervised the Deputy Defendants on the rights of limitations of police-citizen encounters, then this incident would, more likely than not, have never occurred. This failure to train, supervise, and discipline is a consequence of policies and practices of Defendants Rollins and Coats. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of the Defendants Kehagias and Werbelow.

340. Defendant Kehagias' and Werbelow's unlawful actions as described above were done willfully, knowingly and with specific intent to deprive Livingston of his constitutional rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

341. The conduct of the individual Defendants in restraining, arresting, striking, threatening, pepper-spraying, Tasing, beating, shooting, and killing proximately caused physical and emotional injury to Livingston while he was alive, including, but not limited to, severe physical pain, mental suffering, anguish, shock, fright, death and deprivation of his constitutional rights. These same actions by Defendants proximately caused the wrongful death

of John Livingston, and in so doing caused the heirs to Plaintiff Estate to lose the man they loved dearly and who provided for the family.

342. After Livingston was shot by Kehagias, Kehagias and Werbelow formed an agreement act unlawfully by making false statements to investigators, their supervisors, the media, and to other third parties about the Livingston incident, their conduct and Livingston's conduct leading up to the shooting incident on November 15, 2015. The purpose of this agreement between Kehagias and Werbelow was to avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

343. Upon information and belief, other officers and members of the Harnett County Sheriff's Office formed an agreement with Kehagias and Werbelow to make false statements to investigators, their supervisors, the media, and to other third parties about the Livingston incident and to otherwise assist Kehagias and Werbelow avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

344. Defendants Kehagias, Werbelow and, upon information and belief, other officers and members of the Harnett County Sheriff's Office committed overt acts in furtherance of their conspiracy and agreement to help Kehagias and Werbelow avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

345. Upon information and belief, in furtherance of their conspiracy, one or more officers and members of the HCSO either Tasered Kehagias or allowed Kehagias to use another officer's Taser to shock himself in order to make his skin appear as if he had been Tasered by Livingston when, in fact, he had not been.

346. Following Livingston's death, officers and members of the HCSO secured a search warrant for Livingston's residence later in the day of November 15, 2015. Among other things, the search warrant allowed the HCSO to seize any "cellphone or electronic device used to text, call or communicate with."

347. Upon information and belief, the HCSO under the leadership decisions of Defendants Rollins and Coats chose not to search Kehagias or Werbelow for any evidence related to the Livingston incident, including their cellphones or electronic devices, and did not obtain a search warrant to search for such evidence from Kehagias or Werbelow.

348. Upon information and belief, the act of securing a search warrant for Livingston's residence after Livingston's death and later in the day of November 15, 2015, and the act of searching Livingston's residence was done in furtherance of the conspiracy and agreement to help Kehagias and Werbelow avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

349. Upon information and belief, following John Livingston's death, Defendants Rollins and Coats have publicly defended Kehagias and have made public statements suggesting that he did nothing wrong in the Livingston incident, that the HCSO stands behind Kehagias, and/or that the HCSO would welcome him back onto the force.

**FIRST CAUSE OF ACTION**  
**All Plaintiffs' Claims of Negligence / Gross Negligence Against**  
**Defendant Rollins, in his Official Capacity**

350. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

351. Defendant Rollins, as the Sheriff of Harnett County and the chief law enforcement officer Harnett County, owed a duty to Plaintiffs, Decedent and the general public, to perform his duties and to ensure that the HCSO and its agents and employees performed their duties, in such a way as to avoid placing Plaintiffs, Decedent, and other members of the law abiding public, in danger of serious injury or death. Furthermore, Defendant Rollins owed a duty to ensure that Plaintiffs, Decedent and other members of the law abiding public, would be free from unreasonable searches and seizures and excessive force at the hands of the HCSO.

352. Defendant Rollins breached these duties with regard to Plaintiffs and Decedent in various ways, including, but not limited to, the following:

- a. He failed to establish reasonable policies or to take reasonable precautions in the hiring, promotion and retention of HCSO personnel;
- b. He negligently hired Defendants Kehagias, Werbelow, Klingman and Knight;
- c. He negligently failed to fire or suspend Defendants Kehagias, Werbelow, Klingman and Knight;
- d. He failed to properly train Defendants Kehagias, Werbelow, Klingman and Knight;
- e. He failed to properly supervise the activities of Defendants Kehagias, Werbelow, Klingman and Knight;
- f. He failed to train, supervise, instruct, and/or monitor employees of the HCSO, including Defendants Kehagias, Werbelow, Klingman and Knight, in the use of force against suspects, suspicious persons, and members of the law abiding public;
- g. He failed to establish reasonable procedures to train officers to properly respond to reports of suspicious activity;
- h. He failed to establish reasonable and appropriate policies and procedures governing the situations under which and the manner in which HCSO personnel could use deadly force against suspicious persons and/or members of the public;
- i. He failed to ensure that HCSO personnel, including patrol officers, complied with existing policies and procedures regarding the use of deadly force against suspicious persons and/or members of the public;
- j. He failed to take appropriate corrective action to prevent HCSO personnel and others under his command from utilizing unreasonable and excessive

force in response to other prior incidents involving the wrongful use of excessive or deadly force by HCSO personnel;

k. He was careless and negligent in such other ways as herein alleged; and

l. He was careless and negligent in such other ways as may be identified during the course of discovery and/or the trial of this action.

353. Defendant Rollins' actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or he acted outside the scope of his duties with the HCSO and with conscious and reckless disregard for the lives and safety of others, including Plaintiffs and Decedent.

354. Defendant Rollins' acts and omissions constitute proximate causes of the incidents herein alleged which resulted in injuries to all Plaintiffs and to the death of Decedent. Plaintiffs are entitled to recover damages against Defendant Rollins. Plaintiff Estate of John David Livingston, II, is entitled to recover damages under the North Carolina Wrongful Death Statute, N.C. Gen. Stat. §28A-18-2, as more particularly described herein.

**SECOND CAUSE OF ACTION**  
**All Plaintiffs' Claims of Negligence / Gross Negligence Against**  
**Defendant Coats in his Official Capacity**

355. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

356. Defendant Coats, as the current Sheriff of Harnett County and former Major of the HCSO in charge of the patrol units of deputies during the times relevant to this complaint, owed a duty to Plaintiffs, Decedent and the general public, to perform his duties and to ensure that the HCSO and its agents and employees performed their duties, in such a way as to avoid placing Plaintiffs, Decedent, and other members of the law abiding public, in danger of serious injury or death. Furthermore, Defendant Coats owed a duty to ensure that Plaintiffs, Decedent and other members of the law abiding public, would be free from unreasonable searches and seizures and excessive force at the hands of the HCSO.

357. Defendant Coats breached these duties with regard to Plaintiffs and Decedent in various ways, including, but not limited to, the following:

- a. He failed to establish reasonable policies or to take reasonable precautions in the hiring, promotion and retention of HCSO personnel;
- b. He negligently hired Defendants Kehagias, Werbelow, Klingman and Knight;
- c. He negligently failed to fire or suspend Defendants Kehagias, Werbelow, Klingman and Knight;
- d. He failed to properly train Defendants Kehagias, Werbelow, Klingman and Knight;
- e. He failed to properly supervise the activities of Defendants Kehagias, Werbelow, Klingman and Knight;
- f. He failed to train, supervise, instruct, and/or monitor employees of the HCSO, including Defendants Kehagias, Werbelow, Klingman and Knight, in the use of force against suspects, suspicious persons, and members of the law abiding public;
- g. He failed to establish reasonable procedures to train officers to properly respond to reports of suspicious activity;
- h. He failed to establish reasonable and appropriate policies and procedures governing the situations under which and the manner in which HCSO personnel could use deadly force against suspicious persons and/or members of the public;
- i. He failed to ensure that HCSO personnel, including patrol officers, complied with existing policies and procedures regarding the use of deadly force against suspicious persons and/or members of the public;
- j. He failed to take appropriate corrective action to prevent HCSO personnel and others under his command from utilizing unreasonable and excessive

force in response to other prior incidents involving the wrongful use of excessive or deadly force by HCSO personnel;

k. He was careless and negligent in such other ways as herein alleged; and

l. He was careless and negligent in such other ways as may be identified during the course of discovery and/or the trial of this action.

358. Defendant Coats' actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or he acted outside the scope of his duties with the HCSO and with conscious and reckless disregard for the lives and safety of others, including Plaintiffs and Decedent.

359. Defendant Coats' acts and omissions constitute proximate causes of the incidents herein alleged which resulted in injuries to all Plaintiffs and to the death of Decedent. Plaintiffs are entitled to recover damages against Defendant Coats. Plaintiff Estate of John David Livingston, II, is entitled to recover damages under the North Carolina Wrongful Death Statute, N.C. Gen. Stat. §28A-18-2, as more particularly described herein.

### **THIRD CAUSE OF ACTION**

#### **All Plaintiffs' Claims of Violation of Civil Rights, 42 U.S.C. § 1983, Against Defendants Kehagias, Werbelow, Klingman, and Knight**

360. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

361. By the actions and omissions described above, done under the color of state law, Defendants violated 42 U.S.C. §1983, depriving Plaintiffs and Decedent of the following clearly-established and well-settled constitutional rights protected by the Fourth and Fourteenth Amendments to the United States Constitution:

- a. The right to be free from unreasonable searches and seizures as secured by the Fourth and Fourteenth Amendments;
- b. The right to be free from excessive and unreasonable force in the course of search or seizure as secured by the Fourth and Fourteenth Amendments;

- c. The right to be free from the use of unlawful deadly force as secured by the Fourth and Fourteenth Amendments;
- d. The right to be free of unlawful, reckless, deliberately indifferent, and conscience shocking deadly and/or excessive force as secured by the Fourteenth Amendment;
- e. The right to be free from malicious prosecution as secured by the Fifth and Fourteenth Amendments;
- f. The right to be free from deprivation of liberty and injury without substantive due process and from state created danger as secured by the Fourteenth Amendment; and
- g. In such other particulars as may be learned through discovery.

362. As a direct and proximate result of Defendants' acts and/or omissions as set forth above, Plaintiffs sustained damages as set forth in this Complaint.

363. The conduct of Defendant Kehagias, Werbelow, Klingman and Knight entitles Plaintiffs to punitive damages and penalties allowable under 42 U.S.C. §1983.

364. Plaintiffs are also entitled to reasonable costs and attorney fees pursuant to 42 U.S.C. §1988.

**FOURTH CAUSE OF ACTION**  
**All Plaintiffs' Monell / Deliberate Indifference Claims, 42 U.S.C. § 1983, Against Defendants Rollins and Coats in Their Official Capacities**

365. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

366. During the years in which Defendants Rollins and Coats held the positions of Sheriff and Major of Harnett County, they were final policymakers with respect to law enforcement activities for the HCSO. Their actions constituted policy decisions that had the “stamp of approval” of HCSO.

367. As policymakers for HCSO, Defendants Rollins and Coats created, promulgated, and maintained policies which deprived Plaintiffs and Decedent of their constitutional rights, including but not limited to, their due process rights to be free from unreasonable searches, seizures, uses of force, and criminal charges and prosecutions, and their rights not to be subjected to improper deprivations of liberty and the pursuit of happiness.

368. The unconstitutional actions and/or omissions of Defendants as well as other officers employed by or acting on behalf of these Defendants, on information and belief, were pursuant to the following customs, policies, practices, and/or procedures of the HCSO, which Defendants Rollins and Coats created, promulgated, and maintained, and which they directed, encouraged, allowed, and/or ratified as final policymakers for the HCSO:

- a. To use or tolerate the use of excessive and/or unjustified force, in particular during the investigation of citizens;
- b. To create unnecessary danger and risk of serious harm or death, with deliberate indifference, to citizens being investigated by law enforcement officers;
- c. To resort to violence or the use of force against citizens without first attempting to exhaust other reasonable or non-forceful alternatives;
- d. To not discipline, reprimand, fire, suspend, train, re-train, or correct officers for whom they receive reports or complaints that the officer is engaging in improper use of force, abuse, filing of improper criminal charges, or harassment against citizens;
- e. To cover-up violations of constitutional rights by failing to properly investigate and/or evaluate officer involved shootings and by ignoring and/or failing to properly and adequately investigate and discipline unconstitutional or unlawful police activity;

- f. To allow, tolerate, and/or encourage a “code of silence” among law enforcement officers and police department personnel, whereby an officer or member of the department does not provide adverse information against a fellow officer or member of the department;
- g. To use or tolerate inadequate, deficient, and improper procedures for handling, investigating, and reviewing complaints of law enforcement officer misconduct; and
- h. In such other ways as may be learned during discovery in this case.

369. Defendants Rollins and Coats failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline officers of the HCSO, including the Deputy Defendants, with deliberate indifference to Plaintiffs’ and Decedent’s constitutional rights, which were thereby violated as described above.

370. The aforementioned customs, policies, practices, and procedures, the failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline, as well as the unconstitutional orders, approvals, ratification and toleration of wrongful conduct by Defendants Rollins and Coats, were a moving force and/or a proximate cause of the deprivations of Plaintiffs’ and Decedent’s clearly-established and well-settled constitutional rights in violation of 42 U.S.C. §1983, as more fully set forth above.

371. Defendants subjected Plaintiffs and Decedent to their wrongful conduct, depriving Plaintiffs and Decedent of the rights described herein, knowingly, maliciously, and with conscious and reckless disregard for whether the rights and safety of Plaintiffs and Decedent and other members of the general public would be violated by their acts and/or omissions.

372. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies, practices and procedures of Defendants, Plaintiffs are entitled to damages,

penalties, costs and attorney fees as set forth herein, including punitive damages against Defendants.

**FIFTH CLAIM FOR RELIEF**

**All Plaintiffs' Claims for Liability on Official Sheriff's Bond Against Defendant Western Surety Company, N. C. Gen. Stat. §§ 162-8 & 58-76-5**

373. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

374. In all the actions and conduct set forth herein in all causes of action, the Defendants were acting within the scope and course of their authority and under the color of their office as members of the HCSO.

375. The actions of each Defendant, in each claim for relief described herein, constitutes a form of negligence, misconduct, or other misbehavior done in violation of their duties as members of the HCSO.

376. The Plaintiffs and Decedent suffered injuries as a result of Defendants' neglect, misconduct or other misbehavior in office.

377. Defendants' neglect, misconduct, or other misbehavior in their offices and positions within the HCSO was a proximate cause of injury to Plaintiffs and Decedent.

378. Defendant Western Surety Company's bond(s), as alleged hereinabove, were in full force and effect during the times complained of herein.

379. Defendant Western Surety Company is liable to Plaintiffs for any and all injuries and damages alleged to have been caused to Plaintiffs herein by the acts or omissions of Defendants.

380. The Plaintiffs are entitled to recover the full amount of the Sheriff's bonds as to the claims against each Defendant according to the provisions of N.C. Gen. Stat. § 58-76-5.

**SIXTH CLAIM FOR RELIEF**

**Estate of Livingston's Claims of Negligence/Gross Negligence Against  
Defendant Kehagias in His Individual and Official Capacities**

381. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

382. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his acts and omissions of negligence related to the John Livingston incident include, but are not limited to breach of the following duties:

- a. He failed to properly respond to or investigate the 911 call on Evans Street involving Melissa Chestnutt and Penny Setzer;
- b. He went to John Livingston's residence after 3:00am without any legitimate reason or justification
- c. He knocked on John Livingston's door after 3:00am without any legitimate reason or justification;
- d. He knew or failed to properly realize that John Livingston had nothing to do with the 911 call he was responding to;
- e. He intentionally chose or failed to properly leave John Livingston's residence after learning that no one involved in the 911 call he was responding to was present at the residence;
- f. He intentionally chose or failed to properly to leave John Livingston's residence after learning that no one from the Setzer family was present at the residence;
- g. He intentionally chose or failed to properly John Livingston's residence when John Livingston asked him to leave;

- h. He intentionally chose or failed to properly John Livingston's residence when John Livingston refused to consent to a search of the residence without a warrant;
- i. He intentionally chose or failed to properly secure a warrant to allow him to enter John Livingston's residence before so entering;
- j. He intentionally entered Livingston's home without lawful authority by placing his boot, arm and body in the path of John Livingston's doorway in a way that prevented the door from closing;
- k. He intentionally entered Livingston's home without lawful authority by placing his boot, arm and body in the path of John Livingston's doorway in a way that caused him to be struck by the door when it closed and then wrongly considered the door contacting his body to be an "assault on an officer" that gave him probable cause to arrest Livingston;
- l. He knowingly ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- m. He improperly entered John Livingston's home without legal justification, a warrant or probable cause;
- n. He intentionally ignored or failed to properly realize that Livingston was not in violation of any laws before attempting to place Livingston under arrest;
- o. He intentionally ignored or failed to properly realize that he could have avoided the shooting encounter with Livingston by leaving when asked to leave because he had no warrant;
- p. He failed to properly determine or adequately assess the situation prior to attempting to place Livingston under arrest;
- q. He failed to properly determine or adequately assess the situation prior to engaging Livingston in a physical encounter

- r. He deliberately chose not to or failed to properly give Livingston an opportunity to comprehend the situation before using excessive force against Livingston;
- s. He deliberately chose not to or failed to properly to use less combative, provocative and aggressive methods of alerting Livingston that he was being placed under arrest;
- t. He deliberately chose not to or failed to properly to use less combative, provocative and aggressive methods of placing Livingston under arrest;
- u. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- v. He used excessive force against Livingston when he knew, or reasonably should have known, that the use of force was not necessary or justified;
- w. He used excessive force against Livingston when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;
- x. He deliberately chose to ignore or failed to properly to recognize that Livingston was unarmed prior to aiming his semi-automatic pistol at Livingston and firing three bullets into his body;
- y. He failed to properly determine or adequately assess the situation prior to aiming his semi-automatic pistol at Livingston and firing three bullets into his body;
- z. He knew or failed to properly realize that his life was not threatened by Livingston and that the use of deadly force was unreasonable, excessive and unjustified;

- aa. He used excessive and deadly force against Livingston when he knew, or reasonably should have known, that the use of deadly force was not necessary or justified;
- bb. He used excessive and potentially deadly force against Livingston when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;
- cc. In committing some or all of the following criminal offenses: Second Degree Murder and all lesser included offenses; False Imprisonment; Criminal Conspiracy; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- dd. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- ee. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

383. Defendant Kehagias' actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or Defendant Kehagias acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Livingston. Based on Defendant Kehagias' conduct, Defendant Kehagias is not entitled to immunity from personal liability and may be sued in his individual capacity.

384. The acts and omissions of Defendant Kehagias, as described hereinabove, were a proximate cause of Livingston's wrongful death and the other damages alleged herein.

385. The acts and omissions of Defendant Kehagias, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

386. Defendant Kehagias was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Livingston.

387. The negligence of Defendant Kehagias is imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

388. Plaintiff is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Kehagias' negligence, gross negligence, and/or willful and wanton negligence.

**SEVENTH CAUSE OF ACTION**  
**Estate of Livingston's Claims of Assault and Battery Against Defendant Kehagias in His Official and Individual Capacities**

389. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

390. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, unjustifiably used force against Livingston, which was objectively excessive and unreasonable under the circumstances.

391. Defendant Kehagias' intentional acts as described more fully hereinabove, put Livingston in actual, subjective apprehension of imminent harmful or offensive contact.

392. Livingston's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

393. Defendant Kehagias' intentional acts of laying hands on, beating, Tasing, pepper-spraying, shooting three times, and killing Livingston constituted a harmful or offensive contact with Livingston.

394. Defendant Kehagias' actions proximately caused the harmful or offensive contact with Livingston.

395. Livingston did not consent to the contact with, from or by Defendant Kehagias.

396. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

397. The Defendants are jointly and severally liable for the malicious assault and battery of Livingston by Defendant Kehagias for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

#### **EIGHTH CAUSE OF ACTION**

#### **Estate of Livingston's Claims of Negligence/Gross Negligence Against Defendant Werbelow in His Individual and Official Capacities**

398. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

399. Defendant Werbelow, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his acts and omissions of negligence include, but are not limited to the following breaches of duty:

- a. He failed to properly respond to or investigate the 911 call on Evans Street involving Melissa Chestnutt and Penny Setzer;
- b. He went to John Livingston's residence after 3:00am without any legitimate reason or justification
- c. He knocked on John Livingston's door after 3:00am without any legitimate reason or justification;
- d. He deliberately ignored or failed to properly realize that John Livingston had nothing to do with the 911 call he was responding to;

- e. He intentionally chose not to or failed to properly leave John Livingston's residence after learning that no one involved in the 911 call he was responding to was present at the residence;
- f. He intentionally chose not to or failed to properly leave John Livingston's residence after learning that no one from the Setzer family was present at the residence;
- g. He intentionally chose not to or failed to properly leave John Livingston's residence when John Livingston asked him to leave;
- h. He intentionally chose not to or failed to properly leave John Livingston's residence when John Livingston refused to consent to a search of the residence without a warrant;
- i. He intentionally chose not to or failed to properly secure a warrant to allow him to enter John Livingston's residence before so entering;
- j. He deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- k. He improperly attempted to and did enter John Livingston's home without legal justification, a warrant or probable cause;
- l. He intentionally ignored or failed to properly realize that Livingston was not in violation of any laws before attempting to place Livingston under arrest, or allowing Kehagias to attempt to place Livingston under arrest;
- m. He deliberately ignored or failed to properly realize or communicate to Kehagias that he could have avoided the shooting encounter with Livingston by leaving when asked to leave because he had no warrant;
- n. He failed to properly determine or adequately assess the situation prior to attempting to place Livingston under arrest;

- o. He failed to properly determine or adequately assess the situation prior to engaging Livingston in a physical encounter;
- p. He failed to properly instruct or cause Kehagias to avoid the shooting encounter with Livingston by leaving the property when asked to leave because they had no warrant;
- q. He failed to properly instruct or cause Kehagias to refrain from using force or excessive force against Livingston;
- r. He failed to properly instruct or cause Kehagias to not shoot Livingston;
- s. He failed to properly act to stop Kehagias from using excessive and deadly force against Livingston;
- t. He intentionally chose not to or failed properly to give Livingston an opportunity to comprehend the situation before using excessive force against Livingston;
- u. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting Livingston that he was being placed under arrest;
- v. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing Livingston under arrest;
- w. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- x. He used excessive force against Livingston when he knew, or reasonably should have known, that the use of force was not necessary or justified;
- y. He used excessive force against Livingston when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;

- z. In committing some or all of the following criminal offenses: False Imprisonment; Criminal Conspiracy; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- aa. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- bb. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

400. Defendant Werbelow's actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or Defendant Werbelow acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Livingston. Based on Defendant Werbelow's conduct, Defendant Werbelow is not entitled to immunity from personal liability and may be sued in his individual capacity.

401. The acts and omissions of Defendant Werbelow, as described hereinabove, were a proximate cause of Livingston's wrongful death and the other damages alleged herein.

402. The acts and omissions of Defendant Werbelow, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

403. Defendant Werbelow was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Livingston.

404. The negligence of Defendant Werbelow is imputed by law to Defendant Rollins by reason of Defendant Werbelow's agency relationship with, and employment by, the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

405. Plaintiff is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Kehagias' negligence, gross negligence, and/or willful and wanton negligence.

**NINTH CAUSE OF ACTION**  
**Estate of Livingston's Claims of Assault and Battery Against  
Defendant Werbelow in His Official and Individual Capacities**

406. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

407. Defendant Werbelow, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, unjustifiably used force against Livingston, which was objectively excessive and unreasonable under the circumstances.

408. Defendant Werbelow's intentional acts as described more fully hereinabove, put Livingston in actual, subjective apprehension of imminent harmful or offensive contact.

409. Livingston's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

410. Defendant Werbelow's intentional act of restraining and pepper-spraying Livingston constituted a harmful or offensive contact with Livingston.

411. Defendant Werbelow's actions proximately caused the harmful or offensive contact with Livingston.

412. Livingston did not consent to the contact with, from or by Defendant Werbelow.

413. The acts of Defendant Werbelow are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

414. The Defendants are jointly and severally liable for the malicious assault and battery of Livingston by Defendant Werbelow for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

**TENTH CAUSE OF ACTION**

**Estate of Livingston's Claims of False Imprisonment Against Defendants Kehagias and Werbelow in Their Individual and Official Capacities**

415. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

416. Defendants Kehagias and Werbelow, individually and in their official capacities as deputies for Harnett County Sheriff's Office, illegally restrained Livingston.

417. Specifically, Defendants Kehagias and Werbelow illegally restrained Livingston through an unlawful use of force and arrest of Livingston, without legal authority or probable cause.

418. The illegal restraint of Livingston by Defendants Kehagias and Werbelow was done by force, or by an express or implied threat of force.

419. The illegal restraint of Livingston by Defendants Kehagias and Werbelow was done against Livingston's will.

420. The acts of Defendants Kehagias and Werbelow are imputed by law to Defendant Rollins by reason of Defendants' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

421. The Defendants are jointly and severally liable for the false imprisonment of Livingston by Defendants Kehagias and Werbelow, which proximately caused damages to Livingston in excess of \$25,000.00, the exact amount later to be determined at trial.

**ELEVENTH CAUSE OF ACTION**  
**Estate of Livingston's Claims for Civil Conspiracy Against**  
**Defendants Kehagias, Werbelow, Rollins, and Coats**

422. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

423. Defendants Kehagias, Werbelow, Rollins, and Coats formed an agreement to do an unlawful act or to do a lawful act in an unlawful way.

424. After Livingston was shot by Kehagias, Kehagias and Werbelow formed an agreement act unlawfully by making false statements to investigators, their supervisors, the media, and to other third parties about the Livingston incident, their conduct and Livingston's conduct leading up to the shooting incident on November 15, 2015. The purpose of this agreement between Kehagias and Werbelow was to avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

425. Upon information and belief, other officers and members of the Harnett County Sheriff's Office – including but not limited to Rollins and Coats – formed an agreement with Kehagias and Werbelow to make false statements to investigators, their supervisors, the media, and to other third parties about the Livingston incident and to otherwise assist Kehagias and Werbelow avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

426. Defendants Kehagias, Werbelow, Rollins, and Coats, upon information and belief, committed overt acts in furtherance of their conspiracy and agreement to help Kehagias and Werbelow avoid criminal, civil or administrative consequences of their unlawful actions in the incident on November 15, 2015.

427. As a direct and proximate result of the conspiracy of Defendants Kehagias, Werbelow, Rollins, and Coats, Plaintiff has incurred damages in excess of \$25,000.00, the exact amount later to be determined at trial for which Defendants Kehagias, Werbelow, Rollins and Coats are jointly and severally liable.

**TWELFTH CAUSE OF ACTION**

**Estate of Livingston's Claims of Malice, Corruption, and Acts Outside Scope of Official Duties Against Defendants Kehagias and Werbelow**

428. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

429. The acts and omissions of Defendants Kehagias and Werbelow in The Livingston Incident, described hereinabove, were committed with such reckless and wanton disregard for the life and safety of Livingston that they were malicious, corrupt and/or beyond the scope of their official duties as Harnett County Sheriff's Office deputies.

430. Accordingly, Defendants Kehagias and Werbelow are not entitled to the defense of public official immunity, and Plaintiff is entitled to recover from the Defendants, jointly and severally, an amount in an amount later to be determined at trial as a result of Defendants' acts of malice, corruption and/or acts outside the scope of official duties.

**THIRTEENTH CAUSE OF ACTION**

**Estate of Livingston's Claims for Trespass to Realty Against Defendants Kehagias and Werbelow in Their Official and Individual Capacities**

431. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

432. John Livingston was in actual possession of his residence and land at the time that Kehagias and Werbelow entered the residence as hereinabove alleged.

433. Kehagias and Werbelow intentionally made an unauthorized and unlawful entry onto John Livingston's residence and land that he possessed.

434. John Livingston did not give Kehagias or Werbelow consent to enter upon his residence and land that he possessed, and, in fact, he verbally denied them access to the same.

435. As a direct and proximate result of Kehagias and Werbelow's unlawful entry upon his residence and land that he possessed, John Livingston's rights were invaded and he suffered damages, including but not limited to mental suffering.

436. The acts of Defendants Kehagias and Werbelow are imputed by law to Defendant Rollins by reason of Defendants' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrine of *respondeat superior* and/or agency.

437. The Defendants are jointly and severally liable for the trespass to realty of John Livingston by Defendant Kehagias, which proximately caused damages to in excess of \$25,000.00, the exact amount later to be determined at trial.

**FOURTEENTH CAUSE OF ACTION**  
**Estate of Livingston's Claims for Wrongful Death Against**  
**Defendants Kehagias, Werbelow, Rollins, and Coats**

432. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

433. The acts and omissions of the Defendants Kehagias, Werbelow, Rollins, and Coats, as previously set forth herein, directly and proximately caused the wrongful death of the Decedent, John David Livingston, II.

434. As the direct and proximate result of Defendants' conduct, Livingston suffered excruciating pain, discomfort, terror, and loss of liberty prior to his death.

435. Had Mr. Livingston lived, he would have been entitled to bring an action for against the Defendants based on the claims asserted herein.

436. Mr. Livingston was survived by his mother, Kathy Livingston, and his natural son, John Livingston, Jr.

437. Mr. Livingston was a loving and devoted son and father, care-taker, provider for his family, and a deeply cared-for member of his community and family.

438. Pursuant to N.C.G.S. § 28A-18-2(b), Mr. Livingston's heirs are entitled to recover all damages directly and proximately caused by the wrongful acts of Defendants causing Mr. Livingston's death, including the following:

- a. Expenses for any medical care and treatment incident to Decedent's injuries and death;
- b. Compensation for the pain and suffering of Decedent;
- c. Reasonable funeral and burial expenses of the Decedent;
- d. Present value of the Decedent to the persons entitled to receive damages for their loss of the reasonably expected net income of the decedent; services, protection, care and assistance of the decedent; the society, comfort, companionship, guidance, kindly offices and advice of the decedent; and;
- e. For such other damages as allowed by law.

**FIFTHTEENTH CAUSE OF ACTION**

**Estate of Livingston's Claims for Punitive Damages Against Defendants Kehagias, Werbelow, Rollins, and Coats**

438. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

439. As a direct and proximate result of the grossly negligent, reckless, intentional and willful conduct of Defendants Kehagias, Werbelow, Rollins, Coats, as well as their conscious disregard of the health and safety of Livingston, and other members of the law abiding public as alleged herein Plaintiff is entitled to recover punitive and exemplary damages under both federal and state law to punish Defendants for their illegal, egregiously wrongful, reckless, willful, and/or wanton misconduct and to deter such conduct by others.

440. Plaintiff is entitled to recover punitive damages from Defendants in amounts later to be determined at trial.

**SIXTEENTH CAUSE OF ACTION**

**Cardwell's Claims of Negligence / Gross Negligence Against Defendant Kehagias in His Individual and Official Capacities**

441. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

442. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his acts and omissions of negligence related to the Cardwell incident include, but are not limited to the following breaches of duty:

- a. He deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- b. He arrested and attempted to arrest Cardwell without legal justification, a warrant or probable cause;
- c. He deliberately ignored or failed to properly realize that Cardwell was not in violation of any laws before attempting to place Cardwell under arrest;
- d. He deliberately ignored or failed to properly realize that he could have avoided the physical encounter with Cardwell and he failed to avoid the encounter;
- e. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to attempting to place Cardwell under arrest;
- f. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to engaging Cardwell in a physical encounter
- g. He intentionally chose not to or failed to properly give Cardwell an opportunity to comprehend the situation before using excessive force against Cardwell;
- h. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting Cardwell that he was being placed under arrest;
- i. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing Cardwell under arrest;

- j. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- k. He used excessive force against Cardwell when he knew, or reasonably should have known, that the use of force was not necessary or justified;
- l. He used excessive force against Cardwell when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;
- m. In committing some or all of the following criminal offenses: False Imprisonment; Criminal Conspiracy; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- n. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- o. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

443. Defendant Kehagias' actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and Defendant Kehagias acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Cardwell. Based on Defendant Kehagias' conduct, Defendant Kehagias is not entitled to immunity from personal liability and may be sued in his individual capacity.

444. The acts and omissions of Defendant Kehagias, as described hereinabove, were a proximate cause of Cardwell damages alleged herein.

445. The acts and omissions of Defendant Kehagias, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

446. Defendant Kehagias was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Cardwell.

447. The acts of Defendants Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

448. Plaintiff is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Kehagias' negligence, gross negligence, and/or willful and wanton negligence.

**SEVENTEENTH CAUSE OF ACTION**  
**Cardwell's Claims of Assault and Battery Against**  
**Defendant Kehagias in His Individual and Official Capacities**

449. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

450. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, unjustifiably used force against Cardwell, which was objectively excessive and unreasonable under the circumstances.

451. Defendant Kehagias' intentional acts as described more fully hereinabove, put Cardwell in actual, subjective apprehension of imminent harmful or offensive contact.

452. Cardwell's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

453. Defendant Kehagias' intentional acts of laying hands on, beating, grabbing Cardwell's body and slamming it to the ground, pepper-spraying Cardwell, and pinning Cardwell's body to the ground constituted a harmful or offensive contact with Cardwell.

454. Defendant Kehagias' actions proximately caused the harmful or offensive contact with Cardwell.

455. Cardwell did not consent to the contact with, from or by Defendant Kehagias.

456. The acts of Defendants Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

457. The Defendants are jointly and severally liable for the malicious assault and battery of Cardwell by Defendant Kehagias for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

#### **EIGHTEENTH CAUSE OF ACTION**

#### **Cardwell's claims of Negligence/Gross Negligence Against Defendants Klingman and Knight in Their Individual and Official Capacities**

458. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

459. Defendants Klingman and Knight, individually and in their official capacities as deputies for the HCSO, were negligent at the time and place alleged hereinabove, and their acts and omissions of negligence include, but are not limited to the following breaches of duty:

- a. They deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- b. They deliberately ignored or failed to properly realize that Cardwell was not in violation of any laws before attempting to place Cardwell under arrest, or allowing Kehagias to attempt to place Cardwell under arrest;
- c. They intentionally chose not to or failed to properly determine or adequately assess the situation prior to attempting to place Cardwell under arrest;
- d. They intentionally chose not to or failed to properly determine or adequately assess the situation prior to engaging Cardwell in a physical encounter;

- e. They intentionally chose not to or failed to properly instruct or cause Kehagias to avoid the encounter with Livingston by leaving the property;
- f. They intentionally chose not to or failed to properly instruct Kehagias to refrain from using force or excessive force against Cardwell;
- g. They intentionally chose not to or failed properly to act to stop Kehagias from using excessive force against Cardwell;
- h. They intentionally chose not to or failed to properly give Cardwell an opportunity to comprehend the situation before using excessive force against Cardwell;
- i. They intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting Cardwell that he was being placed under arrest;
- j. They intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing Cardwell under arrest;
- k. They failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- l. In committing some or all of the following criminal offenses: False Imprisonment; Criminal Conspiracy; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- m. They failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- n. They were otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

460. Defendants Klingman and Knight's actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or Defendants Klingman and Knight acted outside the scope of their duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Livingston. Based on Defendants Klingman and Knight's conduct, they are not entitled to immunity from personal liability and may be sued in his individual capacity.

461. The acts and omissions of Defendants Klingman and Knight, as described hereinabove, were a proximate cause of Cardwell's damages alleged herein.

462. The acts and omissions of Defendants Klingman and Knight, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

463. Defendant Klingman and Knight were aware of the probable consequences of their reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Cardwell.

464. The acts of Defendants Klingman and Knight are imputed by law to Defendant Rollins by reason of Defendants' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

465. Plaintiff is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Klingman and Knight's negligence, gross negligence, and/or willful and wanton negligence.

**NINETEENTH CAUSE OF ACTION**  
**Cardwell's Claims for False Imprisonment Against**  
**Defendants Kehagias, Klingman, and Knight**  
**in Their Individual and Official Capacities**

466. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

467. Defendants Kehagias, Klingman and Knight, individually and in their official capacities as deputies for Harnett County Sheriff's Office, illegally restrained Cardwell.

468. Specifically, Defendants Kehagias, Klingman and Knight illegally restrained Cardwell through an unlawful arrest of Cardwell, without legal authority or probable cause. Defendant Kehagias also illegally restrained Cardwell by grabbing his body in a bear hug and by pinning his body face-down in his driveway.

469. The illegal restraint of Cardwell by Defendants Kehagias, Klingman and Knight was done by force, or by an express or implied threat of force.

470. The illegal restraint of Cardwell by Defendants Kehagias, Klingman and Knight was done against Cardwell's will.

471. The acts of Defendants Klingman and Knight are imputed by law to Defendant Rollins by reason of Defendants' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

472. The Defendants are jointly and severally liable for the false imprisonment of Cardwell by Defendants Kehagias, Klingman and Knight, which proximately caused damages to Cardwell in excess of \$25,000.00, the exact amount later to be determined at trial.

**TWENTIETH CAUSE OF ACTION**  
**Cardwell's Claims for Civil Conspiracy Against**  
**Defendants Kehagias, Klingman, and Knight**

473. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

474. Defendants Kehagias, Klingman and Knight formed an agreement to do an unlawful act or to do a lawful act in an unlawful way.

475. After Cardwell was assaulted, battered and maliciously prosecuted by Kehagias, Kehagias, Klingman and Knight formed an agreement act unlawfully by making false statements to investigators, their supervisors, the media, and to other third parties about the Cardwell

incident, their conduct and Cardwell's conduct on May 12, 2015. The purpose of this agreement between Kehagias, Klingman and Knight was to avoid criminal, civil or administrative consequences of their unlawful actions in the incident on May 12, 2015.

476. Defendants Kehagias, Klingman and Knight committed overt acts in furtherance of their conspiracy and agreement avoid criminal, civil or administrative consequences of their unlawful actions in the incident on May 12, 2015.

477. As a direct and proximate result of the conspiracy of Defendants Kehagias, Klingman and Knight, Cardwell has incurred damages in excess of \$25,000.00, the exact amount later to be determined at trial for which Defendants are jointly and severally liable.

**TWENTY-FIRST CAUSE OF ACTION**  
**Cardwell's Claims of Malicious Prosecution Against**  
**Defendants Kehagias, Klingman and Knight**

478. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

479. Defendants Kehagias, Klingman and Knight instituted criminal proceedings or caused criminal proceedings to be instituted against Cardwell.

480. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Cardwell, Defendants Kehagias, Klingman and Knight acted with express, actual and/or implied malice.

481. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Cardwell, Defendants Kehagias, Klingman and Knight acted without probable cause.

482. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Cardwell, Defendants Kehagias, Klingman and Knight acted as part of a conspiracy and agreement to unlawfully arrest Cardwell based on false pretenses with the intention to avoid criminal, civil or administrative consequences of their actions in the incident on May 12, 2015.

483. The criminal proceedings instituted by or as a result of Defendants Kehagias, Klingman and Knight resulted in Cardwell being wrongfully arrested on May 12, 2015.

484. The criminal proceedings instituted by or as a result of Defendants Kehagias, Klingman and Knight terminated in Cardwell's favor by virtue of the District Attorney's Office dismissal of all charges.

485. The acts of Defendants Kehagias, Klingman, and Knight are imputed by law to Defendant Rollins by reason of Defendants' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

486. The Defendants are jointly and severally liable for the malicious prosecution of Cardwell by Defendants Kehagias, Klingman and Knight, which proximately caused damages to Cardwell in excess of \$25,000.00, the exact amount later to be determined at trial.

#### **TWENTY-SECOND CAUSE OF ACTION**

#### **Cardwell's Claims for Malice, Corruption, and Acts Outside the Scope of Official Duties Against Defendants Kehagias, Klingman and Knight**

487. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

488. The acts and omissions of Defendants Kehagias, Klingman and Knight in the Cardwell incident, described hereinabove, were committed with such reckless and wanton disregard for the life and safety of Cardwell that they were malicious, corrupt and beyond the scope of their official duties as Harnett County Sheriff's Office deputies.

489. Defendants are not entitled to the defense of public official immunity and Cardwell is entitled to recover from the Defendants, jointly and severally, an amount in an amount later to be determined at trial as a result of Defendants' acts of malice, corruption and acts outside the scope of official duties.

**TWENTY-THIRD CAUSE OF ACTION**  
**Cardwell's Claims for Punitive Damages Against**  
**Defendants Kehagias, Klingman, Knight, Rollins and Coats**

490. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

491. As a direct and proximate result of the grossly negligent, reckless, intentional and willful conduct of Defendants Kehagias, Klingman, Knight, Rollins, and Coats, as well as their conscious disregard of the health and safety of Cardwell, and other members of the law abiding public as alleged herein Cardwell is entitled to recover punitive and exemplary damages under both federal and state law to punish Defendants for their illegal, egregiously wrongful, reckless, willful, and/or wanton misconduct and to deter such conduct by others.

492. Plaintiff is entitled to recover punitive damages from Defendants, jointly and severally, in an amount later to be determined at trial.

**TWENTY-FOURTH CLAIM FOR RELIEF**  
**Broom's Claims of Negligence / Gross Negligence Against**  
**Defendant Klingman in his individual and Official capacities**

493. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

494. Defendant Klingman, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his acts and omissions of negligence related to the Broom incident include, but are not limited to the following the breaches of duty:

- a. He deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- b. He arrested and attempted to arrest Broom without legal justification, a warrant or probable cause;
- c. He deliberately ignored or failed to properly realize that Broom was not in violation of any laws before attempting to place Broom under arrest;

- d. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to attempting to place Broom under arrest;
- e. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to helping an obviously intoxicated person break into Broom's home;
- f. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting Broom that she was being placed under arrest;
- g. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing Broom under arrest;
- h. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- i. He violated written Harnett County Sheriff's Office regulations;
- j. In committing some or all of the following criminal offenses: False Imprisonment; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- k. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- l. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

495. Defendant Klingman's actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or Defendant Klingman acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Broom. Based on Defendant Klingman's

conduct, Defendant Klingman is not entitled to immunity from personal liability and may be sued in his individual capacity.

496. The acts and omissions of Defendant Klingman, as described hereinabove, were a proximate cause of Broom's damages alleged herein.

497. The acts and omissions of Defendant Klingman, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

498. Defendant Klingman was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Broom.

499. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

500. Plaintiff is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Klingman's negligence, gross negligence, and/or willful and wanton negligence.

**TWENTY-FIFTH CAUSE OF ACTION**  
**Broom's Claims of Assault and Battery Against**  
**Defendant Klingman in His Individual and Official Capacities**

501. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

502. Defendant Klingman's intentional acts as described more fully hereinabove, put Broom in actual, subjective apprehension of imminent harmful or offensive contact.

503. Broom's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

504. Defendant Klingman's intentional act of touching Broom's body to unlawfully place her under arrest without probable cause or justification.

505. Defendant Klingman's actions proximately caused the harmful or offensive contact with Broom.

506. Broom did not consent to the contact with, from or by Defendant Klingman.

507. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

508. The Defendants are jointly and severally liable for the malicious assault and battery of Cardwell by Defendant Kehagias for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

**TWENTY-SIXTH CAUSE OF ACTION**  
**Broom's Claims for False Imprisonment Against**  
**Defendant Klingman in His Individual and Official Capacities**

509. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

510. Defendant Klingman, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, illegally restrained Broom.

511. Specifically, Defendant Klingman illegally restrained Broom through an unlawful arrest of Broom, without legal authority or probable cause.

512. The illegal restraint of Broom by Defendant Klingman was done by force, or by an express or implied threat of force.

513. The illegal restraint of Broom by Defendant Klingman was done against Broom's will.

514. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the

time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

515. The Defendants are jointly and severally liable for the false imprisonment of Broom by Defendants Klingman which proximately caused damages to Broom in excess of \$25,000.00, the exact amount later to be determined at trial.

**TWENTY-SEVENTH CAUSE OF ACTION**  
**Broom's Claims for Malicious Prosecution Against**  
**Defendant Klingman in His Individual and Official Capacities**

516. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

517. Defendant Klingman instituted criminal proceedings or caused criminal proceedings to be instituted against Broom.

518. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Broom, Defendant Klingman acted with express, actual and/or implied malice.

519. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Broom, Defendant Klingman acted without probable cause.

520. The criminal proceedings instituted by or as a result of Defendant Klingman resulted in Broom being wrongfully arrested on May 12, 2015.

521. The criminal proceedings instituted by or as a result of Defendant Klingman terminated in Broom's favor by virtue of the District Attorney's Office dismissal of all charges.

522. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

523. The Defendants are jointly and severally liable for the malicious prosecution of Cardwell by Defendant Klingman, which proximately caused damages to Broom in excess of \$25,000.00, the exact amount later to be determined at trial.

**TWENTY-EIGHTH CAUSE OF ACTION**  
**Broom's Claims for Malice, Corruption, and Acts Outside the Scope of Official Duties Against Defendant Klingman**

524. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

525. The acts and omissions of Defendant Klingman in the Broom incident, described hereinabove, were committed with such reckless and wanton disregard for the life and safety of Broom that they were malicious, corrupt and beyond the scope of his official duties as Harnett County Sheriff's Office deputies.

526. Broom is entitled to recover from the Defendant an amount in an amount later to be determined at trial as a result of Defendant Klingman's acts of malice, corruption and acts outside the scope of official duties.

**TWENTY-NINTH CAUSE OF ACTION**  
**Broom's Claims for Trespass to Realty Against Defendant Klingman in His Individual and Official Capacities**

527. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

528. Broom was in actual possession of her residence and land at the time that Klingman entered the residence as hereinabove alleged.

529. Klingman made an unauthorized and unlawful entry onto Broom's residence and land that she possessed.

530. Broom did not give Klingman consent to enter upon her residence and land that she possessed.

531. As a direct and proximate result of Klingman's unlawful entry upon his residence and land that he possessed, Broom's rights were invaded and she suffered damages, including but not limited to mental suffering.

532. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

533. The Defendants are jointly and severally liable for the trespass to realty of Broom by Defendant Klingman, which proximately caused damages to in excess of \$25,000.00, the exact amount later to be determined at trial.

**THIRTIETH CAUSE OF ACTION**  
**Broom's Claims for Trover and Conversion Against**  
**Defendant Klingman in His Individual and Official Capacities**

534. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

535. Broom is and was the owner of a home in Harnett County that was improperly broken into by Defendant Klingman in violation of her constitutional rights, as alleged herein.

536. Broom owned all doors in her home, including the door that Klingman broke through, as alleged herein.

537. Klingman, without any authority or consent from Broom, assumed and exercised the right of ownership over Broom's personal chattels, specifically over the door that he broke when wrongfully entering the residence.

538. Klingman altered the condition of Broom's door to the exclusion of Broom's rights.

539. As a direct and proximate result of Defendant Klingman's conduct in breaking into Broom's home, Broom's front door suffered approximately \$2,204.00 in damages.

540. The acts of Defendant Klingman are imputed by law to Defendant Rollins by reason of Defendant Klingman's agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

541. The Defendants are jointly and severally liable for the trover and conversion of Broom by Defendant Klingman, which proximately caused her damages in an amount to be determined at trial.

**THIRTY-FIRST CAUSE OF ACTION**  
**Broom's Claims for Punitive Damages Against**  
**Defendants Klingman, Rollins, and Coats**

542. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

543. As a direct and proximate result of the grossly negligent, reckless, intentional and willful conduct of Defendants Klingman, Rollins, and Coats, as well as their conscious disregard of the health and safety of Broom, and other members of the law abiding public as alleged herein Broom is entitled to recover punitive and exemplary damages under both federal and state law to punish Defendants for their illegal, egregiously wrongful, reckless, willful, and/or wanton misconduct and to deter such conduct by others.

544. Broom is entitled to recover punitive damages from Defendants, jointly and severally, in an amount later to be determined at trial.

**THIRTY-SECOND CAUSE OF ACTION**  
**Wright's Claims of Negligence / Gross Negligence Against**  
**Defendant Kehagias in his individual and Official Capacities**

545. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

546. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his

acts and omissions of negligence related to the Wright incident include, but are not limited to the following breaches of duty:

- a. He deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- b. He arrested and attempted to arrest Wright without legal justification, a warrant or probable cause;
- c. He deliberately ignored or failed to properly realize that Wright was not in violation of any laws before attempting to place Wright under arrest;
- d. He deliberately ignored or failed to properly realize that he could have avoided the physical encounter with Wright and he failed to avoid the encounter;
- e. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to attempting to place Wright under arrest;
- f. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to engaging Wright in a physical encounter
- g. He intentionally chose not to or failed to properly give Wright an opportunity to comprehend the situation before using excessive force against Wright;
- h. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting Wright that he was being placed under arrest;
- i. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing Wright under arrest;
- j. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- k. He used excessive force against Wright when he knew, or reasonably should have known, that the use of force was not necessary or justified;

- l. He used excessive force against Wright when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;
- m. In committing some or all of the following criminal offenses: False Imprisonment; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- n. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- o. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

547. Defendant Kehagias's actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and/or Defendant Kehagias acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including Wright. Based on Defendant Kehagias's conduct, Defendant Kehagias is not entitled to immunity from personal liability and may be sued in his individual capacity.

548. The acts and omissions of Defendant Kehagias, as described hereinabove, were a proximate cause of Wright damages alleged herein.

549. The acts and omissions of Defendant Kehagias, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

550. Defendant Kehagias was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including Wright.

551. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the

time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

552. Wright is entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Kehagias' negligence, gross negligence, and/or willful and wanton negligence.

**THIRTY-THIRD CAUSE OF ACTION**  
**Wright's Claims of Assault and Battery Against**  
**Defendant Kehagias in His Individual and Official Capacities**

553. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

554. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, unjustifiably used force against Wright, which was objectively excessive and unreasonable under the circumstances.

555. Defendant Kehagias' intentional acts as described more fully hereinabove, put Wright in actual, subjective apprehension of imminent harmful or offensive contact.

556. Wright's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

557. Defendant Kehagias' intentional act of beating Wright, grabbing Wright and slamming his body into the patrol car and into the ground it to the ground, pepper-spraying Wright, and pinning Wright's body to the ground constituted a harmful or offensive contact with Wright.

558. Defendant Kehagias' actions proximately caused the harmful or offensive contact with Wright.

559. Wright did not consent to the contact with, from or by Defendant Kehagias.

560. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the

time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

561. The Defendants are jointly and severally liable for the malicious assault and battery of Wright by Defendant Kehagias for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

**THIRTY-FOURTH CAUSE OF ACTION**  
**Wright's Claims for False Imprisonment Against**  
**Defendant Kehagias in His Individual and Official Capacities**

562. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

563. Defendants Kehagias individually and in his official capacities as deputies for Harnett County Sheriff's Office, illegally restrained Wright.

564. Specifically, Defendant Kehagias illegally restrained Wright through an unlawful arrest of Wright, without legal authority or probable cause. Defendant Kehagias also illegally restrained Wright by grabbing Wright and slamming his body into the patrol car and into the ground it to the ground, and pinning Wright's body to the ground.

565. The illegal restraint of Wright by Defendant Kehagias was done by force, or by an express or implied threat of force.

566. The illegal restraint of Wright by Defendant Kehagias was done against Wright's will.

567. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

568. The Defendants are jointly and severally liable for the false imprisonment of Wright by Defendant Kehagias, which proximately caused damages to Wright in excess of \$25,000.00, the exact amount later to be determined at trial.

**THIRTY-FIFTH CAUSE OF ACTION**  
**Wright's Claims for Malicious Prosecution Against**  
**Defendant Kehagias in His Individual and Official Capacities**

569. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

570. Defendants Kehagias instituted criminal proceedings or caused criminal proceedings to be instituted against Wright.

571. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Wright, Defendant Kehagias acted with express, actual and/or implied malice.

572. When instituting criminal proceedings, or causing criminal proceedings to be instituted against Wright, Defendants Kehagias acted without probable cause.

573. The criminal proceedings instituted by or as a result of Defendant Kehagias, resulted in Wright being wrongfully arrested.

574. The criminal proceedings instituted by or as a result of Defendants Kehagias terminated in Wright's favor by virtue of the District Attorney's Office dismissal of all charges.

575. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

576. The Defendants are jointly and severally liable for the malicious prosecution of Wright by Defendants Kehagias, which proximately caused damages to Wright in excess of \$25,000.00, the exact amount later to be determined at trial.

**THIRTY-SIXTH CAUSE OF ACTION**  
**Wright's Claims for Malice, Corruption, and Acts Outside  
the Scope of Official Duties Against Defendant Kehagias**

577. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

578. The acts and omissions of Defendant Kehagias in the Wright incident, described hereinabove, were committed with such reckless and wanton disregard for the life and safety of Wright that they were malicious, corrupt and beyond the scope of their official duties as Harnett County Sheriff's Office deputies.

579. Defendant Kehagias is not entitled to the defense of public official immunity, and Wright is entitled to recover from the Defendants, jointly and severally, an amount in an amount later to be determined at trial as a result of Defendant Kehagias' acts of malice, corruption and acts outside the scope of official duties.

**THIRTY-SEVENTH CAUSE OF ACTION**  
**Wright's Claims for Punitive Damages Against  
Defendants Kehagias, Rollins, and Coats**

580. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

581. As a direct and proximate result of the grossly negligent, reckless, intentional and willful conduct of Defendants Kehagias, Rollins, and Coats, as well as their conscious disregard of the health and safety of Wright, and other members of the law abiding public as alleged herein Wright is entitled to recover punitive and exemplary damages under both federal and state law to punish Defendants for their illegal, egregiously wrongful, reckless, willful, and/or wanton misconduct and to deter such conduct by others.

582. Plaintiff is entitled to recover punitive damages from Defendants, jointly and severally, in an amount later to be determined at trial.

**THIRTY-EIGHTH CAUSE OF ACTION**  
**Bethune and Holloway's Claims of Negligence / Gross Negligence Against  
Defendant Kehagias in His Individual and Official Capacities**

583. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

584. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, was negligent at the time and place alleged hereinabove, and his acts and omissions of negligence related to the King Knowledge-El/Holloway incident include, but are not limited to the following breaches of duty:

- a. He deliberately ignored or failed to properly understand and adhere to the laws of North Carolina and the United States of America;
- b. He arrested and attempted to arrest King Knowledge-El and Holloway without legal justification, a warrant or probable cause;
- c. He deliberately ignored or failed to properly realize that King Knowledge-El and Holloway were not in violation of any laws before attempting to place King Knowledge-El and Holloway under arrest;
- d. He deliberately ignored or failed to properly realize that he could have avoided the encounter with King Knowledge-El and Holloway and he failed to avoid the encounter;
- e. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to attempting to place King Knowledge-El and Holloway under arrest;
- f. He intentionally chose not to or failed to properly determine or adequately assess the situation prior to engaging King Knowledge-El and Holloway in a physical encounter

- g. He intentionally chose not to or failed to properly give King Knowledge-El and Holloway an opportunity to comprehend the situation before using excessive force against King Knowledge-El and Holloway;
- h. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of alerting King Knowledge-El and Holloway that he was being placed under arrest;
- i. He intentionally chose not to or failed to properly use less combative, provocative and aggressive methods of placing King Knowledge-El and Holloway under arrest;
- j. He used excessive force against King Knowledge-El and Holloway when he knew, or reasonably should have known, that the use of force was not necessary or justified;
- k. He used excessive force against King Knowledge-El and Holloway when such force was not justified under the circumstance and was in violation of written Harnett County Sheriff's Office regulations regarding the use of force;
- l. He failed to act as a reasonable, careful and prudent officer would have under the same or similar circumstances;
- m. In committing some or all of the following criminal offenses: False Imprisonment; Obstruction of Justice; Simple Assault and Battery in violation of the General Statutes of North Carolina and the common law of North Carolina (all of which are negligence within themselves);
- n. He failed to possess the necessary training and experience to serve as a deputy in the Harnett County Sheriff's Office; and
- o. He was otherwise careless and negligent in such other ways as may be revealed by discovery or during trial of this action.

585. Defendant Kehagias' actions were malicious, corrupt, intentional, illegal, excessive, unreasonable, willful and wanton, and Defendant Kehagias acted outside the scope of his duties with the Harnett County Sheriff's Office and with conscious and reckless disregard for the lives and safety of others, including King Knowledge-El and Holloway. Based on Defendant Kehagias' conduct, Defendant Kehagias is not entitled to immunity from personal liability and may be sued in his individual capacity.

586. The acts and omissions of Defendant Kehagias, as described hereinabove, were a proximate cause of King Knowledge-El and Holloway damages alleged herein.

587. The acts and omissions of Defendant Kehagias, as described hereinabove, were willful, wanton and/or reckless, and amount to gross negligence.

588. Defendant Kehagias was aware of the probable consequences of his reckless conduct described above and was aware that his conduct was reasonably likely to result in injury or death to others, including King Knowledge-El and Holloway.

589. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

590. King Knowledge-El and Holloway are each entitled to recover from the Defendants, jointly and severally, damages in excess of \$25,000.00, the exact amount later to be determined at trial as a result of Defendant Kehagias' negligence, gross negligence, and/or willful and wanton negligence.

**THIRTY-NINTH CAUSE OF ACTION**  
**Bethune and Holloway's Claims of Assault and Battery Against**  
**Defendant Kehagias in His Individual and Official Capacities**

591. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

592. Defendant Kehagias, individually and in his official capacity as a deputy for Harnett County Sheriff's Office, unjustifiably used force against King Knowledge-El and Holloway, which was objectively excessive and unreasonable under the circumstances.

593. Defendant Kehagias' intentional acts as described more fully hereinabove, put King Knowledge-El and Holloway in actual, subjective apprehension of imminent harmful or offensive contact.

594. King Knowledge-El and Holloway's apprehension was objectively reasonable under the circumstances in that a person of ordinary care and prudence under the same or similar circumstances would have believed that harmful, or offensive contact was about to occur.

595. Defendant Kehagias' acts laying hands on King Knowledge-El and Holloway in a forceful manner constituted a harmful or offensive contact with Plaintiffs.

596. Defendant Kehagias' actions proximately caused the harmful or offensive contact with King Knowledge-El and Holloway.

597. King Knowledge-El and Holloway did not consent to the contact with, from or by Defendant Kehagias.

598. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

599. The Defendants are jointly and severally liable for the malicious assault and battery of King Knowledge-El and Holloway by Defendant Kehagias for damages in excess of \$25,000.00, the exact amount later to be determined at trial.

**FORTIETH CAUSE OF ACTION**  
**Bethune and Holloway's Claims for False Imprisonment Against**  
**Defendant Kehagias in His Individual and Official Capacities**

600. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

601. Defendant Kehagias individually and in his official capacities as a deputy for Harnett County Sheriff's Office, illegally restrained King Knowledge-El and Holloway.

602. Specifically, Defendant Kehagias illegally restrained King Knowledge-El and Holloway through unlawful arrests of King Knowledge-El and Holloway, without legal authority or probable cause.

603. The illegal restraints of King Knowledge-El and Holloway by Defendant Kehagias was done by force, or by an express or implied threat of force.

604. The illegal restraints of King Knowledge-El and Holloway by Defendant Kehagias was done against King Knowledge-El and Holloway's will.

605. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

606. The Defendants are jointly and severally liable for the false imprisonment of King Knowledge-El and Holloway by Defendant Kehagias, which proximately caused damages to King Knowledge-El and Holloway in excess of \$25,000.00, the exact amount later to be determined at trial.

#### **FORTY-FIRST CAUSE OF ACTION**

#### **Bethune and Holloway's Claims for Malice, Corruption, and Acts Outside the Scope of Official Duties Against Defendant Kehagias**

607. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

608. The acts and omissions of Defendant Kehagias in the King Knowledge-El and Holloway Incident, described hereinabove, were committed with such reckless and wanton disregard for the life and safety of King Knowledge-El and Holloway that they were malicious, corrupt and beyond the scope of their official duties as Harnett County Sheriff's Office deputies.

609. King Knowledge-El and Holloway are entitled to recover from the Defendants, jointly and severally, an amount in an amount later to be determined at trial as a result of Defendant Kehagias' acts of malice, corruption and acts outside the scope of official duties.

**FORTY-SECOND CAUSE OF ACTION**  
**Bethune's Claim for Trespass to Realty Against**  
**Defendant Kehagias in His Individual and Official Capacities**

610. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

611. King Knowledge-El was in actual possession of his residence and land at the time that Kehagias entered the residence as alleged hereinabove.

612. Kehagias made an unauthorized and unlawful entry onto King Knowledge-El's residence and land that he possessed.

613. King Knowledge-El did not give Kehagias consent to enter upon his residence and land that he possessed.

614. As a direct and proximate result of Kehagias' unlawful entry upon his residence and land that he possessed, King Knowledge-El's rights were invaded and he suffered damages, including but not limited to mental suffering.

615. The acts of Defendant Kehagias are imputed by law to Defendant Rollins by reason of Defendant Kehagias' agency relationship with, and employment by the HCSO at the time and place that the incident occurred under the doctrines of *respondeat superior* and/or agency.

616. The Defendants are jointly and severally liable for the trespass to realty of King Knowledge-El by Defendant Kehagias, which proximately caused damages to in excess of \$25,000.00, the exact amount later to be determined at trial.

**FORTY-THIRD CAUSE OF ACTION**  
**Bethune and Holloway's Claims for Punitive Damages Against**  
**Defendants Kehagias, Rollins, and Coats**

617. The preceding and foregoing paragraphs are incorporated by reference as if fully set forth herein.

618. As a direct and proximate result of the grossly negligent, reckless, intentional and willful conduct of Defendants Kehagias, Rollins, and Coats, as well as their conscious disregard of the health and safety of King Knowledge-El and Holloway, and other members of the law abiding public as alleged herein King Knowledge-El and Holloway are each entitled to recover punitive and exemplary damages under both federal and state law to punish Defendants for their illegal, egregiously wrongful, reckless, willful, and/or wanton misconduct and to deter such conduct by others.

619. King Knowledge-El and Holloway are each entitled to recover punitive damages from Defendants, jointly and severally, in an amount later to be determined at trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiffs respectfully prays the Court for the following relief:

1. That each Plaintiff have and recover on his or her separate claims against Defendants, jointly and severally, an amount later to be determined at trial and exceeding the jurisdictional limit of this Court for the damages caused to Plaintiffs;

2. That each Plaintiff have and recover on his or her separate claims against Defendants, jointly and severally, an amount later to be determined at trial and exceeding the jurisdictional limit of this Court for punitive and exemplary damages;

3. That each Plaintiff have and recover from Defendants, jointly and severally, the costs of each Plaintiff's action and reasonable attorney's fees to the fullest extent allowed by the laws of North Carolina and the United States;

4. That in each Plaintiff's case, all issues of fact be tried by a jury, and each Plaintiff hereby makes a demand for trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure;

5. That each Plaintiff be granted all other relief, both legal and equitable, which the Court deems just and proper.

This the 16<sup>th</sup> day of November, 2016.

**ZAYTOUN LAW FIRM, PLLC**

/s/ Robert E. Zaytoun

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