

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LOURDES ASHLEY HUNTER  
1827 Summit Place, N.W.  
Washington, D.C. 20009,

Plaintiff,

v.

OFFICER RANDY ROGERS  
(Badge No. 5720)  
MPD Third District Station  
1620 V Street, N.W.  
Washington, D.C. 20009,

OFFICER CARLOS TEJERA  
(Badge No. 10376)  
MPD Third District Station  
1620 V Street, N.W.  
Washington, D.C. 20009,

OFFICER JOHN McKNIGHT  
(Badge No. 4447)  
MPD Third District Station  
1620 V Street, N.W.  
Washington, D.C. 20009,

OFFICER ROBERT OWEN  
(Badge No. 3931)  
MPD Third District Station  
1620 V Street, N.W.  
Washington, D.C. 20009, and

DISTRICT OF COLUMBIA  
c/o Office of the Attorney General  
441 4th Street, N.W.  
Washington, D.C. 20001,

Defendants.

No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Seeking damages for police misconduct: violation of rights under the  
Constitution of the United States and the law of the District of Columbia

## **INTRODUCTION**

1. On November 16, 2016, several officers of the District of Columbia Metropolitan Police Department (MPD) entered Plaintiff Lourdes Ashley Hunter's apartment and arrested her without a warrant based solely on allegations that she had committed misdemeanor simple assault. The officers' actions violated Ms. Hunter's rights under the Fourth Amendment to the Constitution of the United States and constitute false arrest under the laws of the District of Columbia. Ms. Hunter accordingly seeks compensatory and punitive damages from the officers and the District, as well as attorneys' fees, costs, and other appropriate relief.

## **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question). Ms. Hunter brings this action under 42 U.S.C. § 1983 to vindicate her rights under the Fourth Amendment to the United States Constitution. Her claims under the common law of the District of Columbia arise from the same events as her constitutional claim and are within the Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b). The events giving rise to Plaintiff's claims occurred in the District of Columbia.

## **PARTIES**

4. Plaintiff Lourdes Ashley Hunter is an adult resident of the District of Columbia.

5. Defendant Officer Randy Rogers, Badge No. 5720, is a sworn officer employed by the MPD. At the time of the events at issue he was acting within the scope of his employment. He is sued in his individual capacity.

6. Defendant Officer Carlos Tejera, Badge No. 10376, is a sworn officer employed by the MPD. At the time of the events at issue he was acting within the scope of his employment. He is sued in his individual capacity.

7. Defendant Officer John McKnight, Badge No. 4447, is a sworn officer employed by the MPD. At the time of the events at issue he was acting within the scope of his employment. He is sued in his individual capacity.

8. Defendant Officer Robert Owen, Badge No. 3931, is a sworn officer employed by the MPD. At the time of the events at issue he was acting within the scope of his employment. He is sued in his individual capacity.

9. Defendant District of Columbia is a municipal corporation, the local government of Washington, D.C., and operates and governs the MPD pursuant to the laws of the District of Columbia. In this case, the District of Columbia acted through its agents, employees and servants, including Defendants Rogers, Tejera, McKnight, and Owen.

### **FACTS**

10. On November 16, 2016, Ms. Hunter, the co-founder and Executive Director of the Trans Women of Color Collective, hosted a dinner and reception in her apartment for people from around the nation who would be attending the White House Transgender Community Briefing with her the following day.

11. During the gathering, Ms. Hunter's downstairs neighbors knocked on her door and told Ms. Hunter they thought she and her friends were being too loud. Ms. Hunter, some of her guests, and the neighbors engaged in a verbal disagreement regarding whether Ms. Hunter and her guests were in fact being too loud.

12. After verbally interacting for several minutes, the neighbors left the hallway outside Ms. Hunter's apartment.

13. A short while later, Defendants Rogers, Tejera, McKnight, and Owen knocked at Ms. Hunter's apartment door.

14. Ms. Hunter opened the door, and one of the officers asked her if "something [had] take[n] place between [her] and another neighbor." Ms. Hunter stated that she didn't understand what the officer was asking.

15. When the officer said he was "investigating a possible assault," Ms. Hunter reacted with disbelief, stepped back into her apartment, and closed the door.

16. Several minutes later, the same four officers knocked on Ms. Hunter's door again. When she opened the door, one of the officers asked for her identification.

17. When Ms. Hunter asked why, the officer responded that they were "doing an investigation." After additional questions, the officer stated that they were investigating an assault.

18. At that point, several individuals came to the stairway leading to the landing on which the four officers were standing. An officer asked one of the individuals to indicate who had pushed him. He pointed to Ms. Hunter and stated that she had pushed him.

19. Ms. Hunter asked in disbelief, "I pushed you? I pushed you?" She then began to explain that there had been no assault and that there had been no excessive noise coming from her apartment.

20. One of the four officers interrupted her and began to move towards her. She stated, "You're not going to listen? Excuse me," and stepped back into her apartment.

21. None of the circumstances provided probable cause, or any reason, for any of the officers to believe that unless Ms. Hunter was immediately arrested, she might not be apprehended, might cause injury to others, or might tamper with, dispose of, or destroy evidence.

22. The officer who had interrupted Ms. Hunter followed her into her apartment, where he grabbed her by her arm and neck.

23. Inside the apartment, the officer was joined by another officer.

24. When Ms. Hunter asked the officers to let go of her, the officers stated that they were arresting her. She asked what for, and one of the officers replied, "for assault."

25. Ms. Hunter was placed in handcuffs and escorted to the courtyard of her apartment building, where she was required to sit handcuffed on a picnic bench for approximately 45 minutes before being transported to the Third District MPD station.

26. She was held in custody from approximately 11 p.m. on November 16, 2016 to 3 a.m. on November 17, 2016.

27. Ms. Hunter's arrest report states that she was arrested for simple assault and resisting arrest. The United States Attorney declined to prosecute.

28. Ms. Hunter suffered the deprivation of her liberty for several hours as a result of Defendants' unlawful actions.

29. Ms. Hunter suffered physical injury and pain as a result of Defendants' unlawful actions, including a pinched nerve in her arm from the tight handcuffs, exacerbated osteoarthritis in her knee, and back pain.

30. As a result of Defendants' unlawful actions, Ms. Hunter suffered emotional distress and humiliation at being arrested in front of her friends and colleagues from

around the nation who would be with her at the White House the next day, being forced to sit handcuffed for 45 minutes in the courtyard of her apartment building, and knowing that many of the participants at the next day's White House Briefing knew of her arrest and were talking about it at the White House.

31. As a result of her injuries, Ms. Hunter has been required to receive physical therapy for her back pain, for which she has paid out of pocket.

32. Ms. Hunter's counsel has timely given notice in writing to the Mayor of the District of Columbia of the "approximate time, place, cause, and circumstances" of her injuries, pursuant to D.C. Code § 12-309. The Notice of Claim letter was delivered to the D.C. Office of Risk Management via certified mail on or about February 8, 2017.

#### **CLAIMS FOR RELIEF**

##### **Claim I: Violation of Fourth Amendment Rights / 42 U.S.C. § 1983 (Defendants Rogers, Tejera, McKnight, and Owen)**

33. The actions of Defendants Rogers, Tejera, McKnight, and Owen, namely their warrantless entry into Ms. Hunter's home in order to effect the warrantless arrest, violated Ms. Hunter's rights under the Fourth Amendment to the United States Constitution to be free from unreasonable searches and seizures.

34. Defendants Rogers, Tejera, McKnight, and Owen are jointly and severally liable to Ms. Hunter for this violation of her rights, pursuant to 42 U.S.C. § 1983.

##### **Claim II: False Arrest (All defendants)**

35. Defendants' actions, described above, constituted false arrest under the law of the District of Columbia.

36. Ms. Hunter's arrest for simple assault, a misdemeanor, was an unlawful warrantless arrest under D.C. Code § 23-581, as the misdemeanor in question was not committed in the presence of the officers and the defendants had no probable cause, or any reason, to believe that unless Ms. Hunter was immediately arrested, she might not be apprehended, might cause injury to others, or might tamper with, dispose of, or destroy evidence.

37. Defendants Rogers, Tejera, McKnight, and Owen are jointly and severally liable to Ms. Hunter for this violation of her rights under the law of the District of Columbia.

38. Defendant District of Columbia is liable under the doctrine of *respondeat superior* for the damages inflicted upon Ms. Hunter by the false arrest committed by its agents Rogers, Tejera, McKnight, and Owen while acting within the scope of their employment as MPD officers and on behalf of and in the interests of their employer.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court:

(a) RULE that the actions of Rogers, Tejera, McKnight, and Owen violated Plaintiff's rights under the Fourth Amendment to the United States Constitution and the laws of the District of Columbia;

(b) ENTER JUDGMENT awarding Plaintiff compensatory damages against all defendants in an amount appropriate to the evidence adduced at trial;

(c) ENTER JUDGMENT awarding Plaintiff punitive damages against defendants Rogers, Tejera, McKnight, and Owen in an amount appropriate to the evidence adduced at trial;

(d) ENTER JUDGMENT awarding Plaintiff her costs and reasonable attorneys' fees in this action as provided in 42 U.S.C. § 1988; and

(e) GRANT Plaintiff such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff requests a trial by jury.

Respectfully submitted,

/s/ Scott Michelman

Scott Michelman (D.C. Bar No. 1006945)

Arthur B. Spitzer (D.C. Bar No. 235960)

Shana Knizhnik\*

American Civil Liberties Union

of the District of Columbia

4301 Connecticut Avenue, N.W., Suite 434

Washington, D.C. 20008

Tel. 202-457-0800

Fax 202-457-0805

[smichelman@acludc.org](mailto:smichelman@acludc.org)

February 28, 2017

Counsel for Plaintiff

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\* Admitted in New York. Practicing in D.C. under supervision of a D.C. Bar member while D.C. Bar application pending, pursuant to D.C. Ct. App. R. 49(c)(8).





<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> <b>M. Contract</b>  110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran’s Benefits 160 Stockholder’s Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

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*Server's address*

Additional information regarding attempted service, etc:



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