

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION  
4

JOSEPH SAAD, Individually, ZIHRA SAAD,  
Individually,

PLAINTIFFS,

- Vs -

CITY OF DEARBORN HEIGHTS, SCOTT  
KELLER, Individually And In His Official  
Capacity; CARRIE CATES, Individually And In  
Her Official Capacity; RESERVE OFFICER  
NASON, Individually And In His Official  
Capacity; GREG GONDEK, Individually And  
In His Official Capacity; JERRY SKELTON,  
Individually And In His Official Capacity; And  
JOHN DOE OFFICERS I-XXX, Individually  
And In Their Official Capacities,

DEFENDANTS.

CIVIL CASE NO.

COMPLAINT

&

JURY DEMAND

- HONORABLE -

5  
6 **HADOUSCO | PLLC**

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8 Admitted to the United States District Court,

9 Eastern District of Michigan

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25 *Joseph Saad and Zihra Saad*

1 **PLAINTIFFS' COMPLAINT FOR VIOLATIONS OF 42 U.S.C. § 1983 - FOURTH AND**  
2 **FOURTEENTH AMENDMENTS, CONSPIRACY, ASSAULT, BATTERY,**  
3 **INTENTIONAL/RECKLESS INFLICTION OF EMOTIONAL DISTRESS, MALICIOUS**  
4 **PROSECUTION, FALSE ARREST, FALSE IMPRISONMENT,**  
5 **AND GROSS NEGLIGENCE**

6 **NOW COME** the Plaintiffs JOSEPH SAAD (“Joseph”) and ZIHRA SAAD (“Zihra” and, at  
7 times, “Mrs. Saad”) (collectively, the “Saads”), by and through their attorneys HADOUSCO.  
8 |PLLC and THE LAW FIRM OF PUCKETT & FARAJ, PC for their Complaint against the  
9 Defendants; CITY OF DEARBORN HEIGHTS (“City of Dearborn Heights”); SCOTT KELLER;  
10 CARRIE CATES; RESERVE OFFICER NASON; GREG GONDEK; JERRY SKELTON (collectively,  
11 the “Defendant Officers”; and JOHN DOE OFFICERS I-XXX (the “John Does”), alleging the  
12 following:

13 **INTRODUCTORY STATEMENT**

14 The Saads resided in the City of Dearborn Heights at the time of the events complained  
15 of herein. Joseph Saad (61) has since moved out of the City of Dearborn Heights out of fear for  
16 his liberty and personal safety. Mrs. Saad (78) still resides in the City of Dearborn Heights with  
17 her husband Mahmoud (86), who suffers from Alzheimer’s disease, Dementia, and Heart  
18 Arrhythmia and requires 24-hour care and supervision.

19 On July 2, 2010, Mrs. Saad and her husband filed a Complaint<sup>1</sup> in this Court against the  
20 City of Dearborn Heights, et al. for the events occurring on or about Thursday March 10, 2010  
21 whereby multiple Dearborn Heights police officers entered their home with guns and a vicious  
22 police dog over what was at worst, an alleged minor traffic infraction involving their son Joseph  
23 occurring less than 100 feet from the home.

24 The lawsuit drew local media attention and sparked a series of news stories.  
25 Approximately 3 days after the City of Dearborn Heights and the Dearborn Heights Police  
26 Department were served with the Complaint, **City officers retaliated against the Saads by**  
27 **forcing their way into the Saad’s home the following Saturday evening to beat and arrest**  
28 **Joseph and his mother absent probable cause, a warrant, or consent to enter the home.**

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<sup>1</sup> Civil Case No. 10-cv-12635

1           The officers surrounded Joseph, beat and kicked him to the floor. While the officers  
2 were holding Joseph facedown on the floor, one of the officers slammed Joseph's face against  
3 the tile floor causing Joseph to suffer disfigurement, facial lacerations and significant blood loss.  
4 While the officers were holding Joseph facedown on the floor, Defendant Keller repeatedly shot  
5 Joseph in the back with his TASER gun. Joseph's (78) year old mother was then handcuffed,  
6 arrested, and forcibly removed from the home without her religious headscarf. While being  
7 dragged to a police cruiser, an officer caused the (78) year old Mrs. Saad to fall to the ground  
8 and injure herself.

9           The Saads required immediate medical attention but were taken to a Dearborn Heights  
10 jail cell instead of a hospital emergency room. Mrs. Saad was eventually rushed to Oakwood  
11 Hospital after complaining of chest pains and underwent a cardiac operation. Joseph was not  
12 provided medical care until his attorney requested that he be taken to a hospital after repeated  
13 complaints of severe heart palpitations.

14           The defendants brought false and unfounded criminal charges against Joseph and his (78)  
15 year old mother. The charges against Mrs. Saad were thrown out during a preliminary exam  
16 hearing in District Court (20th Dist. - City of Dearborn Heights). The charges against Joseph  
17 were dismissed via directed verdict at trial in Circuit Court (3rd Cir. - Wayne County). Neither  
18 was required to put on a defense.

19           At the time of the officers' retaliation, no magistrate or competent judicial authority had  
20 issued a warrant of arrest for either Mrs. Saad or her son Joseph and no probable cause for their  
21 arrest existed.

### 22                           **JURISDICTION, VENUE, AND JURY DEMAND**

23           1.       The Saads file this action under 42 U.S.C. §1983 for violations of due process  
24 under the Fourth and Fourteenth Amendments to the United States Constitution.

25           2.       This Court has subject matter jurisdiction over the Saads' federal claims pursuant  
26 to 28 U.S.C. §§1331, 1333, and 42 U.S.C. §1983.

27           3.       Venue is proper in this Court pursuant to 28 U.S.C. §1391(b), inasmuch as the  
28 unconstitutional, unlawful, and wrongful conduct alleged was committed in the Eastern District of  
29 Michigan, one or more of the defendants reside in this District, and the Saads reside in this  
30 District.

31           4.       This Court has supplemental jurisdiction over the Saads' pendent state law claims

1 pursuant to 28 U.S.C. § 1367 and under the doctrine of pendent jurisdiction as set forth in *United*  
2 *Mine Workers v. Gibbs*, 383 U.S. 715, 86 S.Ct. 1130 (1966).

3 5. The Saads are entitled to an award of attorneys' fees and costs, pursuant to 42  
4 U.S.C. §1988.

5 6. The Saads hereby demand a trial by jury in this matter.

6 **PARTIES**

7 7. During all time pertinent to this Complaint, Zihra Saad resided in Wayne County,  
8 Michigan.

9 8. During all time pertinent to this Complaint, Joseph Saad resided in Wayne  
10 County, Michigan.

11 9. During all time pertinent to this Complaint, the City of Dearborn Heights was and  
12 is a municipal corporation duly organized and carrying on government functions in the City of  
13 Dearborn Heights, Wayne County, Michigan.

14 10. During all time pertinent to this Complaint, the Dearborn Heights Police  
15 Department was a political subdivision of the City of Dearborn Heights.

16 11. During all time pertinent to this Complaint, Defendant Scott Keller was employed  
17 by the Dearborn Heights Police Department, a political subdivision of the City of Dearborn  
18 Heights. Defendant Keller is sued in his individual and official capacities. Upon information  
19 and belief, Defendant Keller resides in Wayne County, Michigan.

20 12. During all time pertinent to this Complaint, Defendant Carrie Cates was employed  
21 by the Dearborn Heights Police Department, a political subdivision of the City of Dearborn  
22 Heights. Defendant Cates is sued in her individual and official capacities. Upon information  
23 and belief, Defendant Cates resides in Wayne County, Michigan.

24 13. During all time pertinent to this Complaint, Defendant Reserve Officer Nason was  
25 employed by the Dearborn Heights Police Department, a political subdivision of the City of  
26 Dearborn Heights. Defendant Nason is sued in his individual and official capacity. Upon  
27 information and belief, Defendant Nason resides in Wayne County, Michigan.

28 14. During all time pertinent to this Complaint, Defendant Greg Gondek was  
29 employed by the Dearborn Heights Police Department, a political subdivision of the City of  
30 Dearborn Heights. Defendant Gondek is sued in his individual and official capacity. Upon  
31 information and belief, Defendant Gondek resides in Wayne County, Michigan.

1 15. During all time pertinent to this Complaint, Defendant Jerry Skelton was  
2 employed by the Dearborn Heights Police Department, a political subdivision of the City of  
3 Dearborn Heights. Defendant Skelton is sued in his individual and official capacity. Upon  
4 information and belief, Defendant Skelton resides in Wayne County, Michigan.

5 16. During all time pertinent to this Complaint, the City of Dearborn Heights Chief of  
6 Police Lee Gavin was employed by the Dearborn Heights Police Department, a political  
7 subdivision of the City of Dearborn Heights.

8 17. During all time pertinent to this Complaint, the Defendant John Does were  
9 employed by the City of Dearborn Heights.

10 18. The Defendant John Does are individuals whose exact identities are unknown to  
11 Plaintiffs. During all time pertinent to this Complaint, the John Does agents and/or employees of  
12 the City of Dearborn Heights and/or the Dearborn Heights Police Department. During all time  
13 pertinent to this Complaint, the John Does were acting under color of Michigan state law and in  
14 concert with each other, and/or the individually named Defendants. The John Does are sued in  
15 their official and individual capacities. At such times when the identity of any John Doe is  
16 known to the Saads, they will substitute the real party in interest.

17 19. During all time pertinent to this Complaint, all of the individually named  
18 Defendants acted under color of Michigan state law and in concert with each other.

19 20. During all time pertinent to this Complaint, all of the individually named  
20 Defendants acted outside the scope of their employment, grossly negligent, and unreasonably.

### 21 FACTUAL BACKGROUND

#### 22 **THE DEFENDANTS RETALIATED AGAINST THE SAADS FOR FILING A LAWSUIT** 23 **AGAINST THE CITY OF DEARBORN HEIGHTS AND INDIVIDUAL POLICE OFFICERS**

24 21. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-20 as  
25 though fully set forth herein.

26 22. Mrs. Saad and her husband Mahmoud (86) (who is not a party to this action) filed  
27 a Complaint against the City of Dearborn Heights, et al. in the United States District Court for  
28 the Eastern District of Michigan on July 2, 2010. The Complaint alleged multiple violations of  
29 42 U.S.C. §1983 as well as pendent state law claims for conspiracy, assault, intentional infliction  
30 of emotional distress, negligent infliction of emotional distress, and false imprisonment.

1           23.     The Complaint drew local media attention and sparked a series of news stories  
2 featured in the Detroit News, the Dearborn Press and Guide, and the Arab American News.

3           24.     Approximately 3 days after serving the Complaint on the City of Dearborn  
4 Heights and the Dearborn Heights Police Department, Defendant Keller showed up at the Saads'  
5 home on a Saturday evening to "question" Joseph about a voicemail message Joseph had left for  
6 a neighbor who lived down the street.

7           25.     Defendant Keller knocked on the Saad's front door, failing to identify himself as a  
8 police officer or why he was there.

9           26.     As Joseph disengaged the deadbolt on the door, Defendant Keller shoved the door  
10 open and placed his boot into the entryway between the door and the door panel to prevent  
11 Joseph from closing the door.

12          27.     Joseph asked Defendant Keller to leave the property and to remove his boot from  
13 the entryway. Defendant Keller refused.

14          28.     Defendant Keller told Joseph that he was following-up on a nasty voicemail  
15 message Joseph allegedly left a neighbor earlier that night.

16          29.     Defendant Keller asked Joseph to identify himself, Joseph did.

17          30.     Defendant Keller asked Joseph whether Joseph had left a voicemail message for  
18 the neighbor, Joseph responded that he had.

19          31.     Joseph continued to asked Defendant Keller to leave the property, Defendant  
20 Keller refused.

21          32.     Fearing this was retaliation for the lawsuit his parents filed against the City,  
22 Joseph immediately telephoned one of his attorneys. Joseph's attorney instructed him to ask  
23 Defendant Keller whether he possessed a warrant for Joseph's arrest or to enter the home.  
24 Defendant Keller responded that there was no warrant for Joseph's arrest and that he did not  
25 have a warrant to enter the home.

26          33.     Joseph's attorney instructed him to ask Defendant Keller to leave the property and  
27 to inform the officer that he would accompany Joseph to the Dearborn Heights Police  
28 Department on Monday morning to answer any questions regarding the voicemail message.  
29 Joseph did so, but Defendant Keller still refused to leave.

30          34.     Mrs. Saad, who had been lying in bed with her husband, approached the entryway  
31 to the home.

1           35.     Keller asked Joseph and Mrs. Saad to produce identification.

2           36.     The Saads provided Keller with their driver's license identification cards through  
3 the doorway.

4           37.     Once Joseph and Mrs. Saad were positively identified, "backup" officers (the  
5 Defendant Officers named above) arrived at the Saad residence and forced their way into the  
6 Saad's home.

7           38.     Defendant Cates grabbed Mrs. Saad and confined her to a hallway adjacent to the  
8 entryway.

9           39.     The other defendants surrounded the non-resistant Joseph in the entryway and  
10 beat and kicked him to the floor.

11          40.     While the defendants were holding Joseph facedown on the tile floor, one of the  
12 officers slammed Joseph's face against the tile floor causing Joseph to suffer disfigurement,  
13 facial lacerations and significant blood loss.

14          41.     While the defendants were holding Joseph facedown on the floor, Defendant  
15 Keller repeatedly shot Joseph in the back with his TASER gun.

16          42.     This caused Joseph to scream out that he had been "shot" by the defendants.

17          43.     Mrs. Saad, who was less than ten feet away, heard this.

18          44.     Joseph was then handcuffed, arrested, and forcibly removed from his home.

19          45.     Mrs. Saad was also handcuffed, arrested, and forcibly removed from her home.

20          46.     Mrs. Saad, who adheres to the Islamic faith and wears a headscarf for religious  
21 removed from her home without her headscarf in front of stunned witnesses, including her  
22 youngest son Sam.

23          47.     The disabled Mahmoud was left unsupervised.

24          48.     While Defendant Cates was dragging Mrs. Saad to a police cruiser, she caused  
25 Mrs. Saad to fall to the ground and injure herself.

26          49.     Joseph and his mother were each confined to a Dearborn Heights jail cell instead  
27 of a hospital emergency room for the immediate medical care each required.

28          50.     Mrs. Saad was eventually rushed to Oakwood Hospital after complaining of  
29 severe chest pains. Mrs. Saad was hospitalized for approximately 4 days and underwent a  
30 cardiac operation.

1 51. Joseph was eventually rushed to Garden City Hospital to receive treatment for  
2 severe heart palpitations, his facial lacerations, and deep contusions. The hospital released the  
3 next morning and Joseph was returned to a jail cell for multiple days.

4 52. On or about, July 12, 2010, Channel 7 Action News (“WXYZ”) featured a  
5 television news story about what the Defendants had done to the Saads.

6 53. One or more Dearborn Heights Police officials falsely stated to a WXYZ reporter  
7 that the Defendants “**had done nothing wrong.**” Upon information and belief, the Dearborn  
8 Heights Chief of Police Lee Gavin made and/or authorized this statement.

9 54. One or more Dearborn Heights Police officials falsely stated to a WXYZ reporter  
10 that the Defendants Joseph and his mother had resisted arrest. Upon information and belief, the  
11 Dearborn Heights Chief of Police Defendant Lee Gavin made this statement.

12 55. One or more Dearborn Heights Police officials falsely stated to a WXYZ reporter  
13 that the (78) year old Mrs. Saad had “jumped on a police officer’s back.” Upon information and  
14 belief, the Dearborn Heights Chief of Police Defendant Lee Gavin made and/or authorized this  
15 statement.

16 56. On or about July 16, 2010, the Dearborn Press and Guide featured a story about  
17 what had happened to the Saads.

18 57. Dearborn Heights Chief of Police Lee Gavin falsely stated that Joseph had locked  
19 the door to the family’s home and that Mrs. Saad had allowed the officers to enter the home.  
20 Gavin further stated, “**Whatever took place happened behind closed doors.**”

21 58. The Defendants charged the (78) year old Mrs. Saad with the crimes of assault  
22 and resisting and obstructing a police officer. They charged her son Joseph (61) with the same  
23 crimes. The Defendants brought these charges unjustly and absent probable cause.

24 59. The criminal charges brought against the Saads were intended to discredit,  
25 degrade, harass, punish, and retaliate against the Saads for the lawsuit they previously filed  
26 against the City of Dearborn Heights, et al.

27 60. Defendants Cates and Keller each testified at the Saads’ preliminary hearing.  
28 Both provided knowingly false testimony regarding what happened at the Saads’ home.

29 61. The knowingly false testimony provided by the officers included that Joseph and  
30 his mother had assaulted the officers, resisted arrest, and/or obstructed justice.



1 62. The charges against Mrs. Saad were thrown out during a preliminary exam  
 2 hearing. Mrs. Saad did not require a defense showing.

3 63. The charges against Joseph were bound over to the Wayne County Circuit Court  
 4 (“Wayne County”) and dismissed by the trial judge on a directed verdict after the trial Judge  
 5 noted that there were too many “inconsistencies” (i.e., falsities) in the Defendant Officers’  
 6 testimony. Joseph did not require a defense showing.

7 **COUNT ONE**  
 8 **42 U.S.C. § 1983**

9 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**

10 **UNLAWFUL AND UNREASONABLE SEIZURE**

11 **- THE “DEFENDANT OFFICERS -**

12 64. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-63 as  
 13 though fully set forth herein.

14 65. This claim is brought on behalf of Mrs. Saad.

15 66. Mrs. Saad is entitled to be free and is protected from the unlawful seizure of her  
 16 person by and pursuant to the parameters of the Fourth and Fourteenth Amendments to the  
 17 United States Constitution.

18 67. The Defendant Officers’ acts violated Mrs. Saad’s protected rights and were an  
 19 extreme, excessive, unjust, and unreasonable seizure of her person without probable cause, were  
 20 objectively unreasonable based on the totality of the circumstances and violated the rights held  
 21 by Mrs. Saad to her life, liberty, and integrity, those rights fully protected by the Fourth and  
 22 Fourteenth Amendments to the United States Constitution.

23 68. The specific acts of the Defendant Officers individually and in concert with each  
 24 other alleged to be objectively unreasonable are more particularly set forth below:

25 (1) The Defendant Officers entered Mrs. Saad’s home absent lawful basis.

26 (2) The Defendant Officers restrained, handcuffed, and dragged Mrs. Saad  
 27 from her home absent lawful basis and used unlawful and unreasonable  
 28 force to do so.

29 (3) The Defendant Officers arrested Mrs. Saad absent lawful basis, probable  
 30 cause, or court order.

31 69. The Defendant Officers committed the foregoing acts under color of Michigan  
 32 state law while on active duty as law enforcement officers.

1 70. As a consequence of the violations of the Constitutional standards set forth herein,  
2 Mrs. Saad has suffered damages.

3 71. As further consequence of the violations of the Constitutional standards set forth  
4 herein, Mrs. Saad's pre-existing medical conditions have been aggravated.

5 **COUNT TWO**  
6 **42 U.S.C. § 1983**

7 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
8 **UNLAWFUL AND UNREASONABLE SEIZURE**  
9 **- THE DEFENDANT OFFICERS -**

10 72. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-71 as  
11 though fully set forth herein.

12 73. This claim is brought on behalf of Joseph Saad.

13 74. Joseph is entitled to be free and is protected from the unlawful seizure of his  
14 person by and pursuant to the parameters of the Fourth and Fourteenth Amendments to the  
15 United States Constitution.

16 75. The Defendant Officers' acts violated Joseph's protected rights and were an  
17 extreme, excessive, unjust, and unreasonable seizure of his person without probable cause, were  
18 objectively unreasonable based on the totality of the circumstances and violated the rights held  
19 by Joseph to his life, liberty, and integrity, those rights fully protected by the Fourth and  
20 Fourteenth Amendments to the United States Constitution.

21 76. The specific acts of the Defendant Officers individually and in concert with each  
22 other alleged to be objectively unreasonable are more particularly set forth below:

23 (1) The Defendant Officers entered Joseph's home absent lawful basis.

24 (2) The Defendant Officers used unlawful and unreasonable force when they  
25 beat Joseph, shot him with a TASER gun, restrained, handcuffed, and  
26 removed the elderly man from his home.

27 (3) The Defendant Officers arrested Joseph absent lawful basis, probable  
28 cause, or court order.

29 77. The Defendant Officers committed the foregoing acts under color of Michigan  
30 state law while on active duty as law enforcement officers.

31 78. As a consequence of the violations of the Constitutional standards set forth herein,  
32 Joseph has suffered damages.

1 79. As further consequence of the violations of the Constitutional standards set forth  
 2 herein, Joseph's pre-existing medical conditions have been aggravated.

3 **COUNT THREE**

4 **42 U.S.C. § 1983**

5 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**

6 UNLAWFUL AND UNREASONABLE FORCE

7 - THE DEFENDANT OFFICERS -

8 80. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-79 as  
 9 though fully set forth herein.

10 81. This claim is brought on behalf of Mrs. Saad.

11 82. Mrs. Saad is entitled to be free and is protected from the unlawful seizure of her  
 12 person by and pursuant to the parameters of the Fourth and Fourteenth Amendments to the  
 13 United States Constitution. Mrs. Saad is further entitled to be safe and secure from undue and  
 14 unreasonable force.

15 83. The Defendant Officers' acts violated Mrs. Saad's protected rights and were an  
 16 excessive seizure of her person and were objectively unreasonable based on the totality of the  
 17 circumstances. There existed no objectively reasonable facts, which would have supported any  
 18 belief that Mrs. Saad presented a danger to themselves or others. The Defendant Officers  
 19 violated the requirements of the Fourth and Fourteenth Amendments and the rights held by Mrs.  
 20 Saad as they relate to her life and the integrity and safety of her person and amounted to an  
 21 unconstitutional use of force.

22 84. The specific acts of the Defendant Officers individually and in concert with each  
 23 other alleged to be objectively unreasonable are more particularly set forth below:

- 24 (1) The Defendant Officers illegally restrained and handcuffed the elderly  
 25 Mrs. Saad.
- 26 (2) The Defendant Officers abused the (78) year old Mrs. Saad by dragging  
 27 the elderly woman from her home without her religious headscarf and  
 28 causing her to fall onto the ground outside of her home.
- 29 (3) The Defendant Officers used unreasonable force to place the elderly Mrs.  
 30 Saad into the back of a police cruiser.

31 85. The Defendant Officers committed the foregoing acts under color of Michigan  
 32 state law while on active duty as law enforcement officers.

1 86. As a consequence of the violations of the Constitutional standards set forth herein,  
2 Mrs. Saad has suffered damages.

3 87. As further consequence of the violations of the Constitutional standards set forth  
4 herein, Mrs. Saad's pre-existing medical conditions have been aggravated.

5 **COUNT FOUR**  
6 **42 U.S.C. § 1983**

7 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**

8 UNLAWFUL AND UNREASONABLE FORCE

9 - THE DEFENDANT OFFICERS -

10 88. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-87 as  
11 though fully set forth herein.

12 89. This claim is brought on behalf of Joseph Saad.

13 90. Joseph is entitled to be free and is protected from the unlawful seizure of his  
14 person by and pursuant to the parameters of the Fourth and Fourteenth Amendments to the  
15 United States Constitution. Joseph is further entitled to be safe and secure from undue and  
16 unreasonable force.

17 91. The Defendant Officers' acts violated Joseph's protected rights and were an  
18 excessive seizure of his person and were objectively unreasonable based on the totality of the  
19 circumstances. There existed no objectively reasonable facts, which would have supported any  
20 belief that Joseph presented a danger to themselves or others. The Defendant Officers violated  
21 the requirements of the Fourth and Fourteenth Amendments and the rights held by Joseph as they  
22 relate to his life and the integrity and safety of his person and amounted to an unconstitutional  
23 use of force.

24 92. The specific acts of the Defendant Officers individually and in concert with each  
25 other alleged to be objectively unreasonable are more particularly set forth below:

26 (1) The Defendant Officers abused the elderly and non-resistant Joseph by  
27 beating him and forcing him to the ground.

28 (2) The Defendant Officers abused the elderly and non-resistant Joseph by  
29 slamming his face onto a tile floor causing severe lacerations to his facial  
30 extremities.

31 (3) The Defendant Officers abused the elderly and non-resistant Joseph by  
32 shooting him in the back with a TASER gun twice after Joseph had been

1 incapacitated and while he was being held face down on the floor by one  
2 or more of the Defendant Officers.

3 (4) The Defendant Officers used unreasonable force to drag the elderly Joseph  
4 from his home and to throw him into the backseat of a police cruiser.

5 93. The Defendant Officers committed the foregoing acts under color of Michigan  
6 state law while on active duty as law enforcement officers.

7 94. As a consequence of the violations of the Constitutional standards set forth herein,  
8 Joseph has suffered damages.

9 95. As further consequence of the violations of the Constitutional standards set forth  
10 herein, Joseph's pre-existing medical conditions have been aggravated.

11 **COUNT FIVE**  
12 **42 U.S.C. § 1983**  
13 **CONSPIRACY - RETALIATION**  
14 **- THE DEFENDANT OFFICERS -**

15 96. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-95 as  
16 though fully set forth herein.

17 97. This claim is brought on behalf of Joseph Saad and Mrs. Saad.

18 98. The Defendant Officers acted in concert with one another and pursuant to a  
19 common design, and such acts, as described herein, including the assertion of false and  
20 unfounded criminal charges, were a deliberate, malicious, unlawful, willful and wanton attempt  
21 to degrade, discredit, harass, humiliate, intimidate, punish, and retaliate against the Saads for the  
22 lawsuit Mahmoud and Zihra Saad previously filed with this Court.

23 99. As a direct and proximate result of the Defendant Officers' concerted action as  
24 herein described, the Saads suffered damages.

25 **COUNT SIX**  
26 **42 U.S.C. § 1983**  
27 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
28 **MONELL CLAIM - UNLAWFUL POLICY BY ACTS OF OFFICIAL POLICYMAKER**  
29 **- CITY OF DEARBORN HEIGHTS -**

30 100. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-99 as  
31 though fully set forth herein.

32 101. This claim is brought on behalf of Joseph and Mrs. Saad.

1 102. The Defendant Officers' acts as, well as their conduct as described herein, were  
2 endorsed and approved by the Dearborn Heights Chief of Police Lee Gavin.

3 103. The Dearborn Heights Chief of Police Lee Gavin is an official policymaker and  
4 his actions in endorsing the illegal actions of his officers including allowing and endorsing the  
5 beating and tasing of non-resistant victims and the false arrest and malicious prosecution of  
6 United States citizens absent probable cause constitutes official municipal policy of the City of  
7 Dearborn Heights. The endorsement of actions of subordinate staff creates and enforces an  
8 unconstitutional and illegal policy.

9 104. The policy endorsed by the Dearborn Heights Chief of Police Lee Gavin, which  
10 includes allowing the beating and tasing of non-resisting victims, and the false arrest and  
11 malicious prosecution of parties absent probable cause violates the Fourth and Fourteenth  
12 Amendment protections held by Joseph and Mrs. Saad and are unconstitutional per se.

13 105. The official policy endorsed and created by the Defendant City of Dearborn  
14 Heights culminated in Constitutional violations to the Saads and caused them to suffer damages.

15 **COUNT SEVEN**  
16 **42 U.S.C. § 1983**

17 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
18 ***MONELL CLAIM - UNCONSTITUTIONAL MUNICIPAL POLICY***  
19 **- CITY OF DEARBORN HEIGHTS -**

20 106. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-105 as  
21 though fully set forth herein.

22 107. This claim is brought on behalf of Joseph Saad.

23 108. During all time pertinent to this Complaint, the City of Dearborn Heights, by and  
24 through the Dearborn Heights Police Department, had an official written policy governing the  
25 use of force.

26 109. The Dearborn Heights Police Department's official policy on the use of force  
27 allows officer to shoot persons with a TASER gun at any time an officer believes that the use of  
28 deadly force is justified, in situations where a supervisor deems the use of the TASER gun  
29 necessary to safely resolve an incident, and when the use of a TASER gun would assist in  
30 reducing the risk of injury to a suspect, bystander or police officer.

31 110. The Dearborn Heights Police Department's official policy on the use of a TASER  
32 gun, which when applied to an elderly person may amount to deadly force, violates constitutional

standards as it allows the officer to use their own reasonable subjective belief as to whether any situation creates danger to themselves rather than an objective probable cause belief.

111. The Defendant Officers' use of a TASER gun on Joseph was a direct consequence of the Dearborn Heights Police Department's official policy on the use of force and contributed to Joseph's injury.

112. The unconstitutional municipal policy endorsed and created by the Defendant City of Dearborn Heights culminated in Constitutional violations to Joseph Saad and caused him to suffer damages.

**COUNT EIGHT**  
**42 U.S.C. § 1983**

**VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**

***MONELL CLAIM - INFORMAL CUSTOM AND POLICY***

**- CITY OF DEARBORN HEIGHTS -**

113. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-112 as though fully set forth herein.

114. This claim is brought on behalf of Joseph Saad.

115. The City of Dearborn Heights has an informal custom, practice, or policy regarding the use of force and deadly force. The custom, practice, or policy includes:

- (1) Training officers to use TASER weapons, in situations where the officer would prefer not to physically restrain detainees, or as in this case, where restraint and the use of force was not called for;
- (2) Training officers to use TASER weapons in lieu of physical restraint and proper detention techniques;
- (3) Training officers to use TASER weapons as a first resort rather than other less confrontational and less harmful methods to deal with elderly persons or if necessary restrain a person with physical restraint;
- (4) Improper training and supervision of officers in the use of TASER weapons and/or deadly force, including without limitation, training to use deadly force and/or TASER weapons as a first resort rather than training officers to assess the totality of circumstances in an objectively reasonable manner;
- (5) The treatment and care of severely injured persons;

1 (6) The use of interrogation and good arrest procedures, including pursuit; and

2 (7) The management, detention and arrest of elderly persons.

3 116. The culture inherent in the Dearborn Heights Police Department which  
4 encourages the use of deadly force and TASER weapons is so ingrained that officers will  
5 automatically and primarily begin to analyze situations toward the use of TASER weapons  
6 without being physically present, without individually evaluating the scene and often with  
7 virtually no collateral data upon which to make an objectively reasonable assessment and  
8 decision; many times an unreasonable assessment will be made in isolation, in spite of other  
9 compelling reasons and evidence which would produce a non-hostile approach and a result free  
10 of injury.

11 117. As a consequence of the informal culture, practice and custom of the Dearborn  
12 Heights Police Department to use a TASER weapon and/or “shoot first,” the Defendant Officers  
13 shot the non-resistant and already incapacitated Joseph with a TASER weapon in his back twice,  
14 causing Joseph serious injury.

15 **COUNT NINE**

16 **ASSAULT**

17 - ALL DEFENDANTS -

18 118. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-117 as  
19 though fully set forth herein.

20 119. This claim is brought on behalf of Joseph Saad.

21 120. Joseph is a reasonable elderly person.

22 121. The Defendant Officers intentionally created an apprehension of immediate  
23 physical harm to Joseph by unlawfully and unreasonably entering his home and then  
24 approaching him with weapons intending to incapacitate him. The Defendant Officers acted  
25 absent lawful basis.

26 122. Any reasonable person, particularly an elderly one, would be apprehensive in the  
27 face of the Defendant Officers’ conduct.

28 123. The Defendant Officers’ assault caused Joseph to suffer damages.

29 124. The Defendant Officers committed the foregoing acts deliberately, maliciously,  
30 and violently.

31 125. The Defendant Officers’ actions demonstrated their reckless disregard for  
32 Joseph’s health, safety, and welfare.



1 126. Joseph is therefore entitled to recover exemplary damages.

2 **COUNT TEN**

3 **BATTERY**

4 - ALL DEFENDANTS -

5 127. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-126 as  
6 though fully set forth herein.

7 128. This claim is brought on behalf of Mrs. Saad.

8 129. Mrs. Saad is a reasonable elderly woman.

9 130. Mrs. Saad is an elderly woman in fragile health; this is visible and apparent by her  
10 appearance.

11 131. The Defendant Officers committed harmful and/or offensive contact with Mrs.  
12 Saad in excess of any legal right they may have had, constituting battery and excessive force and  
13 causing damages.

14 132. The Defendant Officers made such contact intentionally and willfully.

15 133. The Defendant Officers' harmful and offensive contact with Mrs. Saad caused her  
16 to suffer damages.

17 134. The Defendant Officers committed the foregoing acts deliberately, maliciously,  
18 and violently.

19 135. The Defendant Officers' actions demonstrated their reckless disregard for Mr.  
20 Saad's life, health, safety, and welfare.

21 136. Mrs. Saad is therefore entitled to recover exemplary damages.

22 **COUNT ELEVEN**

23 **BATTERY**

24 - ALL DEFENDANTS -

25 137. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-136 as  
26 though fully set forth herein.

27 138. This claim is brought on behalf of Joseph Saad.

28 139. Joseph is an elderly man; this is visible and apparent by his appearance.

29 140. Joseph is a reasonable elderly man.

30 141. The Defendant Officers committed harmful and/or offensive contact with Joseph  
31 in excess of any legal right they may have had, constituting battery and excessive force and  
32 causing damages.

1 142. The Defendant Officers made such contact intentionally and willfully.

2 143. The Defendant Officers' harmful and offensive contact caused Joseph to suffer  
3 damages.

4 144. The Defendant Officers committed the foregoing acts deliberately, maliciously,  
5 and violently.

6 145. The Defendant Officers' actions demonstrated their reckless disregard for  
7 Joseph's life, health, safety, and welfare.

8 146. Joseph is therefore entitled to recover exemplary damages.

9 **COUNT TWELVE**

10 **INTENTIONAL/RECKLESS INFLICTION OF EMOTIONAL DISTRESS**

11 - ALL DEFENDANTS -

12 147. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-146 as  
13 though fully set forth herein.

14 148. This claim is brought on behalf of Mrs. Saad.

15 149. Mrs. Saad is an elderly woman; this is visible and apparent by her appearance.

16 150. Mrs. Saad is a reasonable elderly woman.

17 151. Mrs. Saad heard/witnessed the Defendant Officers incapacitate her son Joseph.

18 152. Mrs. Saad heard Joseph scream out in pain "they shot me" after the Defendant  
19 Officers shot Joseph in the back with a TASER gun.

20 153. The Defendant Officers' conduct was intentional.

21 154. The Defendant Officers' conduct was extreme and outrageous.

22 155. The events described above would naturally and probably result in emotional  
23 distress.

24 156. The Defendant Officers' conduct as described above caused severe emotional  
25 distress to Mrs. Saad.

26 157. The emotional distress suffered by Mrs. Saad physically manifested itself in  
27 symptoms including, without limitation:

28 (1) Tremors;

29 (2) Sleeplessness;

30 (3) Increased anxiety;

31 (4) Crying spells;

32 (5) Nightmares;

- 1 (6) Loss of appetite;  
 2 (7) Cold sweats;  
 3 (8) Confusion and deliria;  
 4 (9) Dizziness; and  
 5 (10) Such other injuries and physical manifestations as may appear during the  
 6 course of discovery and at trial in this matter.

7 **COUNT THIRTEEN**  
 8 **INTENTIONAL/RECKLESS INFLICTION OF EMOTIONAL DISTRESS**  
 9 **- ALL DEFENDANTS -**

10 158. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-157 as  
 11 though fully set forth herein.

12 159. This claim is brought on behalf of Joseph Saad.

13 160. Joseph is an elderly man; this is visible and apparent by his appearance.

14 161. Joseph is a reasonable elderly man.

15 162. The Defendant Officers used unlawful and unreasonable force to incapacitate  
 16 Joseph.

17 163. The Defendant Officers used unreasonable force to restrain his (78) year old  
 18 mother who herself was arrested and confined to a jail cell.

19 164. The Defendant Officers conduct was intentional.

20 165. The Defendant Officers' conduct was extreme and outrageous.

21 166. The events described above would naturally and probably result in emotional  
 22 distress.

23 167. The Defendant Officers' conduct as described above caused severe emotional  
 24 distress to Joseph.

25 168. The emotional distress suffered by Joseph physically manifested itself in  
 26 symptoms including, without limitation:

- 27 (1) Tremors;  
 28 (2) Sleeplessness;  
 29 (3) Increased anxiety;  
 30 (4) Nightmares;  
 31 (5) Loss of appetite;  
 32 (6) Confusion and deliria; and

1 (7) Such other injuries and physical manifestations as may appear during the  
2 course of discovery and at trial in this matter.

3 **COUNT FOURTEEN**  
4 **MALICIOUS PROSECUTION**  
5 - ALL DEFENDANTS -

6 169. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-68 as  
7 though fully set forth herein.

8 170. This claim is brought on behalf of Mrs. Saad.

9 171. The Defendants instituted unjust criminal proceedings against Mrs. Saad.

10 172. The Defendants had no actual knowledge or probable cause to believe that the  
11 charges would succeed and acted unreasonably when they maliciously prosecuted Mrs. Saad.

12 173. The Defendants manufactured probable cause, failed to properly investigate,  
13 battered, seized, and confined Mrs. Saad for no legally justified reason.

14 174. The Defendants were the initiators of Mrs. Saad's prosecution because the  
15 presented unfounded and false facts against Mrs. Saad to the City of Dearborn Heights  
16 prosecutor.

17 175. The unjust criminal proceedings against Mrs. Saad were dismissed in their  
18 entirety at the preliminary examination stage.

19 176. The unjust criminal proceedings against Mrs. Saad were absent probable cause.

20 177. The unjust criminal proceedings against Mrs. Saad were instituted with malice  
21 and were a deliberate attempt to discredit, degrade, humiliate, and harass, and/or to retaliate  
22 against Mrs. Saad for the lawsuit she previously filed with this Court against the City of  
23 Dearborn Heights, et al.

24 178. As a result of the Defendants' malicious prosecution of Mrs. Saad, Mrs. Saad  
25 suffered injury to her character, fame, liberty, and reputation.

26 179. The Defendants knew that they falsely and recklessly built a case against Mrs.  
27 Saad and this exemplified their callous indifference to Mrs. Saad's life, liberty, health, safety and  
28 welfare.

29 180. Mrs. Saad is therefore entitled to recover exemplary damages.

30 181. As a consequence of the Defendants' malicious prosecution of Mrs. Saad, Mrs.  
31 Saad seeks compensation for her injuries, including, but not limited to, her mental anguish,  
32 embarrassment, and humiliation.

**COUNT FIFTEEN**  
**MALICIOUS PROSECUTION**  
 - ALL DEFENDANTS -

182. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-181 as though fully set forth herein.

183. This claim is brought on behalf of Joseph Saad.

184. The Defendants instituted unjust criminal proceeding against Joseph.

185. The Defendants had no actual knowledge or probable cause to believe that the charges would succeed and acted unreasonably when they maliciously prosecuted Joseph.

186. The Defendants manufactured probable cause, failed to properly investigate, assaulted, battered, seized, and confined Joseph for no legally justified reason.

187. The Defendants were the initiators of Joseph's prosecution because the presented unfounded and false facts against Joseph to the City of Dearborn Heights prosecutor.

188. The unjust criminal proceedings against Joseph were dismissed in their entirety by directed verdict at trial. During trial, the trial court judge stated that her decision was based on the multiple "inconsistencies" in the Defendant Officers' testimony.

189. The unjust criminal proceedings against Joseph were absent probable cause.

190. The unjust criminal proceedings against Joseph were instituted with malice and were a deliberate attempt to discredit, degrade, humiliate, harass, and/or retaliate against Joseph for the lawsuit his parents previously filed with this Court against the City of Dearborn Heights, et al.

191. As a result of the Defendants' malicious prosecution of Joseph, Joseph suffered injury to his character, fame, liberty, and reputation.

192. As a consequence of the Defendants' malicious prosecution of Joseph, Joseph seeks compensation for his injuries, including, but not limited to, his mental anguish, embarrassment, and humiliation.

**COUNT SIXTEEN**  
**FALSE ARREST AND FALSE IMPRISONMENT**  
 - ALL DEFENDANTS -

193. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-192 as though fully set forth herein.

194. This claim is brought on behalf of Mrs. Saad.

1 195. Mrs. Saad had not committed any crime before or after the Defendant Officers  
 2 arrived at her home, nor did the Defendant Officers have a warrant to arrest Mrs. Saad or have  
 3 probable cause or reasonable grounds to believe that Mrs. Saad had committed a crime.

4 196. The Defendant Officers arrested, handcuffed, and then confined Mrs. Saad to a  
 5 jail cell and then to a hospital room. At no time after the Defendants placed their hands upon  
 6 Mrs. Saad, was she free to move about her home, free to seek medical attention elsewhere, or  
 7 free to leave the grasp of the Defendant Officers.

8 197. Mrs. Saad was conscious of her confinement and her confinement was against her  
 9 will.

10 198. The Defendant Officers' false arrest and imprisonment of Mrs. Saad caused her to  
 11 suffer damages.

12 199. The Defendants committed the foregoing acts deliberately, maliciously, violently,  
 13 willfully, and wantonly.

14 200. The Defendants' actions demonstrated their reckless disregard for Mr. Saad's life,  
 15 health, safety, and welfare.

16 201. Mrs. Saad is therefore entitled to recover exemplary damages.

17 **COUNT SEVENTEEN**  
 18 **FALSE ARREST AND FALSE IMPRISONMENT**  
 19 - ALL DEFENDANTS -

20 202. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-201 as  
 21 though fully set forth herein.

22 203. This claim is brought on behalf of Joseph Saad.

23 204. Joseph had not committed any crime before or after the Defendant Officers  
 24 arrived at his home, nor did the Defendant Officers have a warrant to arrest Joseph or probable  
 25 cause or reasonable grounds to believe that Joseph had committed a crime.

26 205. The Defendant Officers arrested, handcuffed, and then confined Joseph to a jail  
 27 cell and then to a hospital room. At no time after the Defendants placed their hands upon Joseph,  
 28 was he free to move about his home, free to seek medical attention elsewhere, or free to leave the  
 29 grasp of the Defendant Officers.

30 206. Joseph was conscious of his confinement and his confinement was against his  
 31 will.

1           207. The Defendant Officers committed the foregoing acts deliberately,  
2 maliciously, violently, willfully, and wantonly.

3           208. The Defendant Officers' acts demonstrated their reckless disregard for Joseph's  
4 life, health, safety, and welfare.

5           209. Joseph is therefore entitled to recover exemplary damages.

6                                   **COUNT EIGHTEEN**  
7                                   **GROSS NEGLIGENCE**  
8                                   - ALL DEFENDANTS -

9           210. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-209 as  
10 though fully set forth herein.

11           211. This claim is brought on behalf of Joseph Saad and Mrs. Saad.

12           212. The Saads are elderly persons in fragile health; this is visible and apparent by  
13 their appearance.

14           213. The Defendant Officers owed duties to the Saads.

15           214. The Defendant Officers, by their acts and conduct as described herein, including  
16 the failure to provide Joseph and Mrs. Saad with immediately necessary medical attention,  
17 breached these duties with deliberate indifference and disregard for the Saads' rights, safety, and  
18 welfare.

19           215. The Defendant Officers conduct was so reckless that it demonstrated a substantial  
20 disregard/lack of concern for whether the Saads would be harmed. The Defendant Officers  
21 conduct therefore amounted to gross negligence.

22           216. As a consequence of the Defendant Officers' gross negligence, the Saads suffered  
23 damages.

24                                   **PRAYER FOR RELIEF**

25           217. The Saads incorporate, re-allege, and adopt by reference paragraphs 1-216 as  
26 though fully set forth herein.

27           218. All of the Defendants actions and omissions related to this Complaint were  
28 tortious, wrongful, objectively unreasonable, deliberately indifferent, exceeded the scope of their  
29 authority, negligent, grossly negligent, oppressive, malicious, reckless, sadistic, and outrageously  
30 indifferent to a highly unreasonable risk of harm, consciously indifferent to the Saads' life,  
31 health, safety and welfare, in reckless disregard of their rights, motivated by evil motive or

1 intent, and recklessly or callously indifferent to the Saads' protected rights; said actions and  
2 omissions directly and proximately caused their injuries.

3 **WHEREFORE**, the Saads respectfully request that this Honorable Court grant Judgment  
4 in their favor and against Defendants for the following:

- 5 1. Compensatory damages in an amount consistent with the allegations
- 6 contained herein and to be proven at trial;
- 7 2. Exemplary and/or punitive damages in an amount consistent with the
- 8 allegations contained herein and to be proven at trial;
- 9 3. Such other and further relief as may be just, proper and allowable,
- 10 including, attorneys' fees, pre-judgment and post-judgment interest and
- 11 costs of this suit.

12  
13 **RESPECTFULLY SUBMITTED THIS 7TH DAY OF JANUARY IN THE YEAR 2011.**

14  
15 **HADOUSCO. |PLLC**

16  
17 **/s/NEMER N. HADOUS**

18 **BY:** Nemer N. Hadous (CA: 264431) (AZ: 027529)  
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 27 *Joseph Saad and Zihra Saad*  
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