
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA (Pensacola)**

**DERRICK D. MATTHEWS, and
GLEN E. ARNE,**

Plaintiffs,

v.

**DOYLE G. GRESHAM, II,
DELARIAN C. WIGGINS,
JOHN M. WATKINS,
KENNETH A. SIMMONS,
JUSTIN S. FOUNTAIN,
BRENDA L. MATTHEWS,
BRITTANY N. POWERS,
MATTHEW T. HOUSAM, and
CHIP W. SIMMONS,**

Defendants.

No. 3:21-cv-863

**CIVIL ACTION – LAW
JURY TRIAL DEMANDED**

District Judge:

Magistrate Judge:

COMPLAINT

AND NOW come the Plaintiffs, DERRICK M. MATTHEWS and GLEN E. ARNE, by and through their counsel, DEVON M. JACOB, ESQUIRE, of the law firm of JACOB LITIGATION, INC.; and BENJAMIN L. CRUMP, ESQUIRE, of BEN CRUMP LAW, PLLC; to aver the following:

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983.

2. Jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343, and 1367.

3. Venue is proper in this Court, as all parties are located within the Southern District of Florida, and the cause of action arose in the Southern District of Florida.

PARTIES

4. Plaintiff, DERRICK D. MATTHEWS (“MATTHEWS”), is an adult individual who lives in the Northern District of Florida.

5. Plaintiff, GLEN E. ARNE (“ARNE”), is an adult individual who lives in the Northern District of Florida.

6. Defendant, DOYLE G. GRESHAM, II (“GRESHAM”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Lieutenant. All of GRESHAM’S actions or inactions were taken under color of state law. He is sued in his individual capacity.

7. Defendant, DALARIAN C. WIGGINS (“WIGGINS”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Sergeant. All of WIGGINS’ actions or inactions were taken under color of state law. He is sued in his individual capacity.

8. Defendant, JOHN M. WATKINS (“WATKINS”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Master Deputy. All of WATKINS’ actions or inactions were taken under color of state law. He is sued in his individual capacity.

9. Defendant, KENNETH A. SIMMONS (“SIMMONS”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Deputy. All of SIMMONS’ actions or inactions were taken under color of state law. He is sued in his individual capacity.

10. Defendant, JUSTIN S. FOUNTAIN (FOUNTAIN”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Deputy. All of FOUNTAIN’S actions or inactions were taken under color of state law. He is sued in his individual capacity.

11. Defendant, BRENDA L. MATTHEWS (“BRENDA”),¹ is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Deputy. All of BRENDA’S

¹ Due to the fact that (a) Plaintiff, Derrick Matthews, and Defendant, Brenda Matthews, have the same last name, and (b) Derrick Matthews’ full name is a material fact, to avoid confusion, Brenda Matthews is hereinafter respectfully referred to by her first name.

actions or inactions were taken under color of state law. She is sued in her individual capacity.

12. Defendant, BRITTANY N. POWERS (“POWERS”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Deputy. All of Defendant POWERS’ actions or inactions were taken under color of state law. She is sued in her individual capacity.

13. Defendant, MATTHEW T. HOUSAM (“HOUSAM”), is an adult individual who during all relevant times was employed by the Escambia County Sheriff’s Office, as a deputy sheriff, with the rank of Deputy. All of Defendant HOUSAM’S actions or inactions were taken under color of state law. He is sued in his individual capacity.

14. Defendant, CHIP W. SIMMONS (“SHERIFF”), is the duly elected Sheriff of Escambia County. The Escambia County Sheriff’s Office (“ECSO”) is located at 1700 W. Leonard Street, Pensacola, FL 33312. SHERIFF is sued in his official capacity only.

MATERIAL FACTS

15. On or about September 11, 2019, Okaloosa County Deputy Sheriff, Amber N. Flanagan, was working as a school resource officer at Niceville High School, 800 E. John Sims Parkway, Niceville, FL 32578.

16. Deputy Flanagan was summoned to the front office and shown a Snapchat social media posting that she believed had been posted on or about September 10, 2019.

17. The Snapchat user was verified by two witnesses to be a former student, Derek Matthews, a white male, age 17.

18. Deputy Flanagan knew Derek Matthews from the year prior.

19. The post was a picture of a semi-automatic handgun laying on a bed, with a loaded magazine next to it.

20. A caption on the post provided, “Niggas talking shit and they going to get their life taken on GD.”

21. Through her investigation, Deputy Flanagan determined that the former student had enrolled at the high school located in the George Stone Technical College/West Florida High School of Advanced Technology, 2400 Longleaf Drive, Pensacola, FL 32526 (“George Stone”).

22. Deputy Flanagan called the Escambia County Sheriff’s Office (“ECSO”) to inquire if they had a school resource officer working at George Stone.

23. ECSO advised Deputy Flanagan that they did not, and that George Stone handled their own security.

24. Deputy Flanagan called George Stone and spoke to Assistant Principle, Steven Brooks.

25. Deputy Flanagan told Brooks that a former high school student, Derek Mathews, was believed to be currently enrolled at George Stone.

26. Deputy Flanagan told Brooks that Derek Mathews would still be a high school student.

27. Deputy Flanagan informed Brooks about the Snapchat post and the content of same.

28. She explained to Brooks that no threat had been directed to any school or to any specific individual; rather, it was just a post of a gun with the caption.

29. Brooks confirmed that a Derek Mathews was currently on campus.

30. Deputy Flanagan told Brooks that she was simply calling to inform the school of the post from the previous day.

31. Deputy Flanagan further advised that in her school, they would normally just meet with the student to verify that he did not have a weapon on him and then talk to the student about the inappropriateness of the post.

32. Brooks did not seem highly concerned, but asked if Deputy Flanagan could be present when Matthews was contacted.

33. Deputy Flanagan explained to Brooks that she was calling from Okaloosa County, but that she could assist in getting a sheriff deputy from Escambia County to assist.

34. Deputy Flanagan then called ECSO again and spoke to a dispatcher.

35. Deputy Flanagan explained that the assistant principle at George Stone was requesting that an ECSO sheriff deputy be present when the school makes contact with Matthews.

36. Deputy Flanagan explained the nature of the Snapchat post from the previous day to the dispatcher.

37. The dispatcher advised that ECSO would send a deputy to George Stone.

38. The dispatcher advised responding ECSO units that a student, “a 17 year old, white male, Derek Matthews,” had previously posted a threat involving a gun on social media and that it was unknown whether Matthews was even in the school building.

39. Subsequently, Deputy Flanagan received multiple phone calls and texts from ECSO sheriff deputies.

40. Deputy Flanagan advised ECSO, and specifically, ECSO patrol supervisor Sergeant WIGGINS, that (a) there was no immediate threat to the school, (b) the post was not directed to any specific individual, and (c) the post was posted on the night prior.

41. WIGGINS advised Deputy Flanagan that he would call her back.

42. GRESHAM, WIGGINS, WATKINS, SIMMONS, FOUNTAIN, BRENDA, POWERS, and HOUSAM (“Individual Defendants”) responded to the dispatch.

43. On the same date, ARNE was employed at George Stone, as a teacher, in the welding shop.

44. On the same date, MATTHEWS was a student, at George Stone, in the welding shop.

45. While ARNE was teaching a class attended by MATTHEWS, a “code red” (active shooter) warning was broadcasted over the faculty radio system.

46. In accordance with the rehearsed school safety plan, ARNE, MATTHEWS, and the rest of the class, retreated to a safe room, locked the doors, and turned off the lights.

47. Shortly thereafter, ARNE heard the rollup garage door to the welding shop open, and heard movement in the shop area; as if someone was looking for something.

48. Since school officials would know where the predetermined safe-room was located, ARNE did not believe that it was school officials who had entered the shop.

49. Knowing this, everyone in the safe-room, including ARNE and MATTHEWS, became terrified.

50. ARNE could hear muffled voices in the shop but could not make out what was being said.

51. Then, someone outside of the safe room began to jiggle the door handle to the safe-room.

52. ARNE'S colleague peered through a crack between the two doors and advised ARNE that he did not recognize the person who was trying to enter.

53. Both ARNE and his colleague quickly looked around for items to use as weapons to protect the students and themselves.

54. The door to the safe-room swung open.

55. When the door opened, ARNE and MATTHEWS saw several people who began screaming, "get your fucking hands up!"

56. The people who were yelling were also shining bright lights, which temporarily blinded ARNE in the otherwise dark room.

57. ARNE and MATTHEWS could only make out silhouettes and what appeared to be guns being pointed in their direction.

58. The people did not identify themselves as law enforcement officers.

59. The screaming continued along with an instruction to "get your fucking hands up and get out of the room!"

60. Terrified of being shot, both ARNE and MATTHEWS complied.

61. As ARNE stepped outside of the safe-room, one of the Individual Defendants grabbed him aggressively and threw him into a bench grinder and a large fan.

62. The barrel of a gun was jammed into his side, and he was told to “get the fuck out of the way!”

63. ARNE immediately pleaded with the person to remove the gun from his side because it hurt badly and scared him.

64. The person asked who ARNE was, and ARNE advised that he was an instructor at the school.

65. MATTHEWS heard one of the armed persons yell something to the effect of, “Derek Matthews, identify yourself.”

66. Being personally named by the group of armed persons frightened MATTHEWS.

67. Realizing that the armed people were law enforcement officers, MATTHEWS identified himself.

68. Without explanation, one or more of the Individual Defendants placed handcuffs on MATTHEWS.

69. MATTHEWS was handcuffed to the rear.

70. The handcuffs caused physical pain.

71. In front of his classmates and teachers, one or more of the Individual Defendants escorted MATTHEWS, in handcuffs, from the classroom.

72. In view of the general public, MATTHEWS was escorted from the school, in handcuffs, out of the building, and to a marked police vehicle.

73. One or more of the Individual Defendants then locked MATTHEWS in the rear of a police vehicle.

74. Pursuant to FED.R.CIV.P. 11(b)(3), the following factual contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery:

a. All of the Individual Defendants personally participated in the aforementioned conduct (1) directly, by seizing and using force against ARNE and/or MATHEWS, (2) failing to intervene to stop the seizures and/or use of force despite an appreciable opportunity to do so, and/or (3) directing the actions of their co-defendants.

b. One or more Individual Defendants failed to obtain immediately available information necessary to determine whether or not probable cause existed to arrest MATTHEWS.

c. One or more Individual Defendants knew that neither reasonable suspicion nor probable cause existed to lawfully detain and/or arrest MATTHEWS and/or ARNE.

d. One or more Individual Defendants failed to obtain immediately available information necessary to evaluate the level of threat, if any, that existed; information necessary to determine the lawfulness of force to be used.

e. One or more Individual Defendants knew that no threat existed that would justify the use of any force against either MATTHEWS or ARNE.

75. Deputy Flanagan was advised that ECSO had taken a student into custody.

76. The student was identified to Deputy Flanagan as DERRICK MATTHEWS, a 23 year old black male.

77. Upon receiving this information, Deputy Flanagan contacted WIGGINS and advised him that the student that they had taken into custody was not the student who she had been trying to locate.

78. WIGGINS responded, “are you serious, we have 20 cops at a school; we have a kid at gun point and 20 deputies with AR’s.”

79. Pursuant to FED.R.CIV.P. 11(b)(3), the following factual contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery:

a. SHERIFF had a policy of not enforcing the policies or procedures in the ECSO policy manual.

b. In the alternative, SHERIFF did not implement and/or enforce policies, procedures and/or training that complied with industry standards and the law to ensure that the civil rights of citizens were not violated by law enforcement officers under his command.

c. SHERIFF knew that his deputies were routinely required to make seizure and/or use of force decisions.

d. SHERIFF knew that his deputies routinely incorrectly identified persons as threats, which resulted in violations of citizens' civil rights.

e. SHERIFF knew that his deputies routinely made incorrect arrest and/or use of force decisions that resulted in violations of citizens' civil rights.

f. Despite it being plainly obvious to SHERIFF that additional or different policies and/or training would protect the rights of citizens, he did not provide the additional or different policies and/or training.

g. SHERIFF did not implement or enforce proper policies, procedures, and/or training regarding a centralized citizens' complaint tracking system (early warning system) that recorded and displayed basic information about each officer, such as the number of complaints, nature of complaints, disposition of complaints, and action taken as a result of the complaints; or act on flags or warnings within the system.

h. SHERIFF did not implement or enforce proper policies, procedures, and/or training regarding maintaining a use of force tracking system, that documented uses of force, and any resulting training, counseling, or discipline.

i. SHERIFF knew that his deputies were routinely requested to assist schools in investigating and/or responding to perceived threats.

j. SHERIFF, however, did not adopt and implement, or did not enforce, specific policies, procedures and/or training that complied with industry standards regarding:

1. Criminal investigation;
2. Use of force;
3. Seizures;
4. Investigating and responding to threats in schools, e.g., Advanced Law Enforcement Rapid Response Training (ALERRT) (no-cost active-shooter training that the FBI designated to be the national standard);
5. The Law Enforcement Enterprise Portal (LEEP), including but not limited to services such as Virtual Command Center and the FBI Active Shooter Resources SIG;
6. Racial profiling; and
7. Equal protection and non-discrimination in the provision of law enforcement services to the public.

k. The aforementioned policy and/or training deficiencies were the moving force that caused the injuries discussed herein.

l. SHERIFF discovered the above conduct from Individual Defendants' audio/video, incident reports, and/or verbal reports from subordinates.

m. SHERIFF knew that the conduct was not lawful.

n. Regardless, SHERIFF did not conduct an internal investigation of the incident.

o. SHERIFF did not retrain the Individual Defendants.

p. SHERIFF did not discipline the Individual Defendants.

80. As a direct result of the Defendants' conduct, ARNE and MATTHEWS suffered psychological and physical injuries.

81. ARNE suffered rib contusions with pain that radiated from front to back, which required prescription medication to manage the pain.

82. ARNE suffered from flashbacks, nightmares, hypervigilance, anxiety, sadness, fear, and embarrassment.

83. ARNE'S emotional injury manifested itself physically in the form of nausea, stomach pain, dry-heaving, trembling, and crying.

84. ARNE treated with a psychologist because he had trouble sleeping at night with the light off, distanced himself socially, and suffered an interference with marital intimacy.

85. MATTHEWS suffered from flashbacks, nightmares, anxiety, sadness, fear, and embarrassment.

86. MATTHEWS' emotional injury manifested itself physically in the form of stomach pain.

COUNT I

**Plaintiffs MATTHEWS and ARNE v. INDIVIDUAL DEFENDANTS
Fourth Amendment (False Arrest)
Pursuant to 42 U.S.C. § 1983**

87. Paragraphs 1-86 are incorporated herein by reference.

88. “The Fourth Amendment protects individuals from unreasonable search and seizure.” United States v. Chanthasouxat, 342 F.3d 1271, 1275 (11th Cir. 2003); U.S. Const., amend. IV.

89. A Fourth Amendment seizure occurs when “there is a governmental termination of freedom of movement *through means intentionally applied*.” Brower v. Cnty. of Inyo, 489 U.S. 593, 597 (1989) (emphasis in original).

90. When the Individual Defendants pointed guns at MATTHEWS and ARNE and directed their movements, MATTHEWS and ARNE were “seized.”

91. “[A]n arrest is a seizure of the person.” Skop v. City of Atlanta, 485 F.3d 1130, 1137 (11th Cir. 2007) (citing California v. Hodari D., 499 U.S. 621, 624 (1991)).

92. When the Individual Defendants placed MATTHEWS in handcuffs, MATTHEWS was “seized.”

93. “Probable cause to arrest exists when law enforcement officials have facts and circumstances within their knowledge sufficient to warrant a reasonable belief that the suspect had committed or was committing a crime.” United States v.

Floyd, 281 F.3d 1346, 1348 (11th Cir. 2002) (quotation marks omitted).

94. The Individual Defendants did not have probable cause to seize MATTHEWS and ARNE.

95. To receive qualified immunity, “an officer need not have actual probable cause but only ‘arguable probable cause.’” Montoute v. Carr, 114 F.3d 181, 184 (11th Cir. 1997)).

96. “The standard for arguable cause is ‘whether a reasonable officer in the same circumstances and possessing the same knowledge as the officer in question *could* have reasonably believed that probable cause existed in the light of well-established law.’” Gold v. City of Miami, 121 F.3d 1442, 1445 (11th Cir. 1997) (emphasis in original) (quoting Eubanks v. Gerwen, 40 F.3d 1157, 1160 (11th Cir. 1994)).

97. The Individual Defendants did not have arguable probable cause to seize MATTHEWS and ARNE.

98. As a direct and proximate result of the Defendants’ conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

99. As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs.

COUNT II

Plaintiffs MATTHEWS and ARNE v. INDIVIDUAL DEFENDANTS Fourth Amendment (Excessive Force) Pursuant to 42 U.S.C. § 1983

100. Paragraphs 1-86 are incorporated herein by reference.

101. The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV.

102. This guarantee includes the “plain right to be free from the use of excessive force” in the course of an arrest, investigatory stop, or any other seizure. Lee v. Ferraro, 284 F.3d 1188, 1197 (11th Cir. 2002).

103. Claims that a police officer used excessive force are analyzed under an “objective reasonableness” standard. See Graham v. Connor, 490 U.S. 386, 388 (1989).

104. “The operative question in excessive force cases is ‘whether the totality of the circumstances justifie[s] a particular sort of search or seizure.’” Hammett v. Paulding County, 875 F.3d 1036, 1048 (11th Cir. 2017) (quoting Garner, 471 U.S. at 8–9).

105. In conducting this inquiry, courts are to consider several factors, including: (1) the severity of the crime at issue; (2) whether the suspect posed an immediate threat to the safety of the officers or others; and (3) whether the suspect actively resisted arrest or attempted to evade arrest by flight. See Oliver v. Fiorino, 586 F.3d 898, 905 (11th Cir. 2009).

106. “Qualified immunity applies unless application of the standard would inevitably lead a reasonable officer in the defendant’s position to conclude that the force was unlawful.” Gold v. City of Miami (Gold I), 121 F.3d 1442, 1446 (11th Cir. 1997) (internal quotation marks and citation omitted).

107. A reasonable officer in the Individual Defendants’ position could not have concluded that (a) seizing MATTHEWS and ARNE at gunpoint, (b) shoving ARNE and forcibly jamming a gun in his side, and (c) handcuffing MATTHEWS, was lawful.

108. As a direct and proximate result of the Defendants’ conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

109. As a direct and proximate result of the Defendants’ conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys’ fees and litigation costs.

COUNT III

**Plaintiffs MATTHEWS and ARNE v. INDIVIDUAL DEFENDANTS
Fourth Amendment (Duty to Intervene)
Pursuant to 42 U.S.C. § 1983**

110. Paragraphs 1-86 are incorporated herein by reference.

111. The Individual Defendants each had a duty to intervene to prevent the other from engaging in unlawful conduct.

112. The Individual Defendants each had a meaningful and appreciable opportunity to intervene to prevent the aforementioned conduct but failed or refused to do so.

113. As a direct and proximate result of the Defendants' conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

114. As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs.

COUNT IV

**Plaintiffs MATTHEWS and ARNE v. INDIVIDUAL DEFENDANTS
First Amendment (Denial of Access to Courts)
Pursuant to 42 U.S.C. § 1983**

115. Paragraphs 1-86 are incorporated herein by reference.

116. In the alternative, access to the courts is a constitutional right, grounded in the First Amendment, the Article IV Privileges and Immunities Clause, the Fifth Amendment, and/or the Fourteenth Amendment. See Christopher v. Harbury, 536 U.S. 403, 415 n.12 (2002) (noting the Supreme Court’s past reliance on all of these bases); see also Bank of Jackson County v. Cherry, 980 F.2d 1362, 1370 (11th Cir. 1993) (grounding the right of access to courts in the First Amendment).

117. The refusal of the Individual Defendants to identify which Defendant engaged in the unlawful conduct that caused the injuries discussed herein, deprived ARNE and MATTHEWS of their right of access to the courts. See, Chappell v. Rich, 340 F.3d 1279, 1283 (11th Cir. 2003) (“interference with the right of court access by state agents who intentionally conceal the true facts about a crime may be actionable as a deprivation of constitutional rights under 42 U.S.C. §§ 1983 and 1985”).

118. As a direct and proximate result of the Defendants’ conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

119. As a direct and proximate result of the Defendants’ conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys’ fees and litigation costs.

COUNT V

**Plaintiffs MATTHEWS and ARNE v. Defendants GRESHAM and WIGGINS
Fourth Amendment (Supervisor Liability)
Pursuant to 42 U.S.C. § 1983**

120. Paragraphs 1-86 are incorporated herein by reference.

121. “Supervisory liability under § 1983 occurs either when the supervisor personally participates in the alleged constitutional violation or when there is a causal connection between the actions of the supervisory official and the alleged constitutional violation.” Braddy v. Florida Dep’t of Labor & Employment Sec., 133 F.3d 797, 802 (11th Cir. 1988) (quoting Brown v. Crawford, 906 F.2d 667, 671 (11th Cir. 1990)).

122. “[A] causal connection may be shown by ‘facts which support an inference that the supervisor directed the subordinates to act unlawfully or knew that the subordinates would act unlawfully and failed to stop them from doing so.’” Tullis v. Inch, 2019 WL 4774085, at *3 (N.D. Fla. Aug. 28, 2019), report and recommendation adopted, 2019 WL 4765141 (N.D. Fla. Sept. 29, 2019).

123. GRESHAM and WIGGINS both personally participated in the conduct causing Plaintiffs’ constitutional injuries.

124. GRESHAM and WIGGINS directed their subordinates to act unlawfully or knew that the subordinates would act unlawfully and failed to stop them from doing so.

125. As a direct and proximate result of the Defendants' conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

126. As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs.

COUNT VI

Plaintiffs MATTHEWS and ARNE v. Defendant SHERIFF Fourth and Fourteenth Amendments—Municipal Liability Pursuant to 42 U.S.C. § 1983

127. Paragraphs 1-86 are incorporated herein by reference.

128. "Local governing bodies . . . can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where . . . the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." Monell v. Dep't of Soc. Servs., 436 U.S. 658, 690 (1978).

129. In addition, a failure to train may give rise to municipal liability if the failure to train amounts to "deliberate indifference to the rights of persons with whom the [untrained employees] come into contact." Canton v. Harris, 489 U.S. 378, 388 (1989).

130. SHERIFF knowingly failed to maintain policies, practices, and training that met the minimum standards in the industry.

131. Merely sending a police officer to the academy does not satisfy training obligations.

132. Rather, the SHERIFF remained responsible for ensuring that its deputies were properly trained, remained properly trained, and acted in accordance with said training.

133. As discussed herein, SHERIFF maintained policies, practices, and customs, which were the moving force that resulted in Plaintiff's constitutional rights being violated.

134. In the alternative, SHERIFF failed to implement proper policies and training, as discussed herein, which was the moving force that resulted in Plaintiff's constitutional rights being violated.

135. As a direct and proximate result of the Defendants' conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

136. As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs.

COUNT VII

Plaintiffs ARNE and MATTHEWS v. Individual Defendants
Willful and Wanton Negligence Causing Injury
(Pursuant to Fla. Stat. § 768.28)

137. Paragraphs 1-86 are incorporated herein by reference.

138. All statutory prerequisites were timely and properly completed prior to the filing of this claim.

139. Each Individual Defendant either directly or indirectly owed ARNE and MATTHEWS a duty to exercise reasonable care while exercising their police powers, and to refrain from acting in a manner exhibiting wanton and/or willful disregard for ARNE and MATTHEWS' human rights and/or safety. See Fla. Stat. § 768.28(9).

140. As specifically discussed above, the Individual Defendants each breached this duty by wantonly and/or willfully disregarding ARNE and MATTHEWS' human rights and/or safety.

141. As a direct and proximate result of the Defendants' conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

COUNT VIII

**Plaintiffs ARNE and MATTHEWS v. Defendant SHERIFF
Negligence Causing Injury
(Pursuant to Fla. Stat. § 768.28)**

142. Paragraphs 1-86 are incorporated herein by reference.

143. All statutory prerequisites were timely and properly completed prior to the filing of this claim.

144. Each Individual Defendant either directly or indirectly owed ARNE and MATTHEWS a duty to exercise reasonable care while exercising their police powers, and to refrain from acting in a manner exhibiting a disregard for ARNE and MATTHEWS' human rights and/or safety. See Fla. Stat. § 768.28(9).

145. As specifically discussed above, the Individual Defendants each breached this duty by disregarding ARNE and MATTHEWS' human rights and/or safety.

146. SHERIFF, as the policymaker of the ECSO, bears legal responsibility for the negligent conduct, acts, and omissions of their agents and employees. See Fla. Stat. § 768.28(9).

147. As a direct and proximate result of the Defendants' conduct, ARNE and MATTHEWS suffered and will continue to suffer, pain, physical and mental injury, mental anguish, fear, embarrassment, and humiliation, some or all of which may be permanent.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in their favor as follows:

A. **Declaratory Judgment:** Providing that the Defendants' individual and collective conduct violated Plaintiffs' state and federal rights;

B. **Compensatory Damages:** Including, but not limited to, the monetary value associated with the following: violations of legal rights, emotional distress, emotional injury, fear, pain and suffering, physical injury, continuing injury, and permanent injury;

C. **Punitive damages** as permitted by law;

D. **Equitable Relief:** A written admission of the allegations stated in the Complaint, an in-person oral apology, and a written admission and apology on the SHERIFF'S official letterhead;

E. **Attorney's Fees, Costs, and Interest** as permitted by law; and

F. **Discretionary Damages and Relief:** Such other financial or equitable relief that the Court deems reasonable and just.

Jury Trial Demand

Plaintiffs respectfully request a trial by jury on all claims/issues in this matter that may be tried to a jury.

Respectfully Submitted,

s/ *Devon M. Jacob*

DEVON M. JACOB, ESQUIRE

PA Bar Number: 89182

JACOB LITIGATION, INC.

P.O. Box 837, Mechanicsburg, Pennsylvania 17055-0837

717.796.7733 | djacob@jacoblitigation.com

(Plaintiffs' Counsel) (Pro Hac Vice to be filed)

Date: June 21, 2021

s/ *Benjamin L. Crump*

BENJAMIN L. CRUMP, ESQUIRE

FL Bar Number: 72583

BEN CRUMP LAW, PLLC

122 S. Calhoun Street, Tallahassee, Florida 32301

(850) 224-2023 | court@bencrump.com

(Plaintiffs' Counsel)

Date: June 21, 2021

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CHIP W. SIMMONS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JUSTIN S. FOUNTAIN
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DOYLE G. GRESHAM, II
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MATTHEW T. HOUSAM
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BRENDA L. MATTHEWS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BRITTANY N. POWERS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) KENNETH A. SIMMONS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN M. WATKINS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



DERRICK D. MATTHEWS, et al.,

Plaintiff(s)

v.

DOYLE G. GRESHAM, II, et al.,

Defendant(s)

Civil Action No. 3:21-863

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DELARIAN C. WIGGINS
Escambia County Sheriff's Office
1700 W. Leonard Street
Pensacola, FL 33312

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Devon M. Jacob, Esquire
Jacob Litigation, Inc.
P.O. Box 837
Mechanicsburg, PA 17055-0837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 _____ .

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: