

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Raven W. Bartz,

Plaintiff,

vs.

City of Minneapolis; and Minneapolis Police Officer J. Doe, whose identity is presently unknown, in his individual and official capacities,

Defendants.

COMPLAINT WITH JURY DEMAND

Court File No:

Case Type: Other

Judge:

FILED
MINNEAPOLIS, MN
2022 MAY 27 PM 1:20
CITY CLERK DEPARTMENT

INTRODUCTION

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the First and Fourth Amendments to the United States Constitution as well as Minnesota state law against the City of Minneapolis and Minneapolis Police Officer J. Doe, in his individual and official capacities.

VENUE

2. Venue is proper in this Court pursuant to Minn. Stat. §§ 542.03 and 532.09, in that this cause of action arose in Hennepin County, MN.

PARTIES

- 3. Plaintiff Raven W. Bartz was at all material times a resident of the State of Minnesota and of full age.
- 4. Defendant City of Minneapolis, Minnesota, is a municipal corporation and the public employer of Defendant Officer J. Doe.

5. Defendant Officer J. Doe was at all times relevant to this complaint duly appointed and acting officer of the police department of the City of Minneapolis, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Minnesota and/or the City of Minneapolis.

FACTS

6. On May 30, 2020, Plaintiff Raven W. Bartz was in the area of Nicollet Ave and East Lake Street in the City of Minneapolis. Ms. Bartz was in the area to participate in a peaceful protest/demonstration against the murder of George Floyd by the Minneapolis Police Department and its officers.
7. At approximately 12:30 a.m., Ms. Bartz was together with a small group of other people who were also engaged in a peaceful protest/demonstration. Ms. Bartz's group was facing a line of Minneapolis Police Officers who were approximately 30-40 feet away. One of these officers was Defendant Minneapolis Police Officer J. Doe.
8. Ms. Bartz's group was not assaulting, threatening, or throwing any objects at the group of Minneapolis Police Officers. Ms. Bartz personally was not engaged in any assaultive, threatening, or destructive behavior. Instead, Ms. Bartz's group was engaged in peaceful chanting at the direction of the group of Minneapolis Police Officers who were standing in a line approximately 30-40 feet away. Many of Ms. Bartz's fellow protesters had their hands up as a sign of peace and non-aggression. Ms. Bartz's group was standing and not approaching the group of Minneapolis Police Officers.
9. Next, without any warnings, directives, orders, or provocation, the line of Minneapolis Police Officers, including Defendant Officer J. Doe, opened fire directly at Ms. Bartz and her group

of fellow peaceful protesters using rubber and/or other “non-lethal” munitions. However, instead of aiming at the protesters’ torsos, the group of Minneapolis Police Officers, including Defendant Officer J. Doe, aimed at the protesters’ heads and faces, which constitutes use of deadly force.

10. Once the Minneapolis Police Officers opened fire, Ms. Bartz’s group turned away from the officers and ran away from the officers in an effort to avoid injury. However, even though the group of protesters was now running from the officers and dispersing, the group of Minneapolis Police Officers, including Defendant Officer J Doe, continued firing at members of Ms. Bartz’s group and continued targeting the protesters’ heads.
11. As Ms. Bartz was running away and making her best effort to avoid getting shot or injured, Defendant Officer J. Doe aimed at and shot Ms. Bartz in the back of the head with a rubber bullet or other “non-lethal” munition. Defendant Officer J. Doe’s act of aiming and shooting Ms. Bartz in the back of the head from a short distance constitutes use of deadly force, which Officer J. Doe knew at the time of the incident. The projectile fired by Defendant Officer J. Doe struck the back of Ms. Bartz’s head, causing a laceration and trauma to the back of her head. Ms. Bartz required medical attention and received 4 staples to close the laceration to the back of her head.
12. Defendant Officer J. Doe’s brutal assault on Ms. Bartz was not an isolated incident. Shortly after the murder of George Floyd, the City of Minneapolis Police Department devised and implemented a routine practice and custom of (1) assaulting peaceful demonstrators with rubber bullets, pepper-spray, and other non-lethal weapons without justification and (2) destroying private property belonging to peaceful demonstrators without justification. Minneapolis Police supervisors, such as sergeants, lieutenants, and commanders, knew about

this custom, participated in devising this custom, participated in unjustified assaults of peaceful demonstrators as well as destruction of private property, and actively encouraged and ordered Minneapolis police officers to assault peaceful protestors with pepper-spray and non-lethal weapons and to destroy private property without justification. Defendant Officer J. Doe's violent and unjustified assault against Ms. Bartz was carried out as part of and pursuant to the City of Minneapolis Police Department's practice and custom as outlined above.

13. As a result of Defendants' unnecessary and excessive use of force, Plaintiff suffered physical pain and trauma; an injury to the back of her head; emotional trauma, anguish, and distress; stress, fear, shame, humiliation, and embarrassment; diminished quality and enjoyment of life; and medical expenses. Ms. Bartz seeks recovery of reasonable damages in an amount greater than \$50,000.00.

CLAIMS FOR RELIEF

COUNT 1: 42 U.S.C. § 1983 – FIRST AMENDMENT RETALIATION AGAINST OFFICER J. DOE

14. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.
15. Based on the above factual allegations, Officer J. Doe, through his actions, acting under the color of state law, violated Plaintiff's constitutional right to free speech under the First Amendment to the United States Constitution. Specifically, Plaintiff exercised her right to free speech protected by the First Amendment when she engaged in a peaceful protest/demonstration. Defendant Officer J. Doe took actions against Plaintiff that were sufficiently serious to chill a person of ordinary firmness from engaging in protected speech when he shot and struck her with a projective to the back of her head. Defendant engaged in

this conduct against Plaintiff in retaliation for Plaintiff exercising her First Amendment rights.

16. As a result of these constitutional violations, Plaintiff suffered damages as aforesaid.

COUNT 2: 42 U.S.C. § 1983 – FOURTH AMENDMENT UNREASONABLE SEIZURE AND EXCESSIVE FORCE AGAINST OFFICER J. DOE

17. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.

18. Based on the above factual allegations, the Officer J. Doe, through his actions, acting under the color of state law, violated Plaintiff's constitutional right to remain free from unreasonable seizures and use of excessive force under the Fourth Amendment to the United States Constitution when he shot and struck Plaintiff with a projectile to the back of her head without justification. Officer J. Doe's assault against Plaintiff constitutes unjustified use of deadly force.

19. As a result of these constitutional violations, Plaintiff suffered damages as aforesaid.

COUNT 3: 42 U.S.C. § 1983 – FIRST AMENDMENT RETALIATION AND FOURTH AMENDMENT UNREASONABLE SEIZURE AND EXCESSIVE FORCE AGAINST THE CITY OF MINNEAPOLIS

20. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.

21. Shortly after the murder of George Floyd and prior to May 30, 2020, Defendant City of Minneapolis developed and implemented a custom of unjustified violent assaults against peaceful demonstrators as well as unlawful destruction of property, as outlined in detail in paragraph 12 above, exhibiting deliberate indifference towards the constitutional rights of persons in the City of Minneapolis or in the custody of the City of Minneapolis, which caused the violations of Plaintiffs' constitutional rights.

22. This custom was the cause of the violations of Plaintiff's constitutional rights alleged herein.

COUNT 4: BATTERY AGAINST ALL DEFENDANTS UNDER MINNESOTA STATE LAW

23. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.
24. Based on the above factual allegations, Defendant Officer J. Doe battered Plaintiff when he shot and struck Plaintiff with a projectile to the back of her head without justification.
25. Defendant City of Minneapolis is vicariously liable to Plaintiff for Officer J. Doe's battery.
26. As a direct and proximate result of this battery, Plaintiff suffered damages as aforesaid.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that this Court grant the following relief:

- a. Issue an order granting Plaintiff judgment against Defendants on all counts set forth above;
- b. Award of compensatory damages to Plaintiff against all Defendants, jointly and severally;
- c. Award of punitive damages to Plaintiff against Defendant Officer J. Doe as to Counts 1 and 2 of this Complaint pursuant to *Smith v. Wade*, 461 U.S. 30 (1983);
- d. Award of reasonable attorney's fees and costs to Plaintiff pursuant to 42 U.S.C. § 1988;
- e. Award of such other and further relief as this Court may deem appropriate.

THE PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: May 6, 2022

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions may be awarded pursuant to Minn. Stat. § 549.211, to the party against whom all allegations in this pleading are asserted.

Dated: May 6, 2022

By: s/ Zorislav R. Leyderman
ZORISLAV R. LEYDERMAN