

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF Kings

Index No.: \_\_\_\_\_  
Date Purchased: \_\_\_\_\_

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**SUMMONS**

A.L., an infant over the age of 14 years by his mother and natural guardian, MOLLIE JACE and MOLLIE JACE, Ind., A.L., an infant over the age of 14 years, by her mother and natural guardian, JENNA JACE and JENNA JACE, Ind., D.P., an infant over the age of 14 years, by her mother and natural guardian, ANNA NEUERAZ and ANNA NEUERAZ, Ind.,

Plaintiffs designate Kings County as the place of trial.

The basis of venue is:  
Place of Occurrence

Plaintiffs,

Plaintiffs reside at:  
371 Van Siclen Avenue  
Brooklyn, New York 11207

vs.

County of Kings

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, NEW YORK CITY POLICE DEPARTMENT - 75th Precinct, POLICE OFFICER BASSEN - BADGE NUMBER 14934, POLICE OFFICER VALLE GONZALEZ - BADGE NUMBER 26409, and POLICE OFFICERS JOHN DOE 1 - 5,

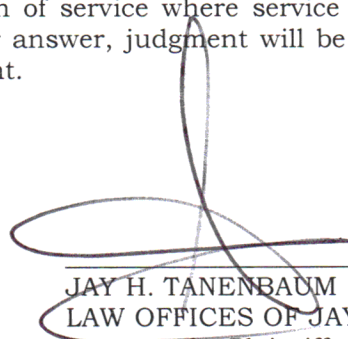
Defendants.

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**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
Saturday, June 26, 2021



JAY H. TANENBAUM  
LAW OFFICES OF JAY H. TANENBAUM  
Attorney for Plaintiff  
14 Wall Street - 5F  
New York, New York 10005  
(212) 422-1765  
File No.: 555-21J-0002

TO: The City of New York  
100 Church Street  
New York, New York 10007

New York City Police Department  
100 Church Street  
New York, New York 10007

New York City Police Department – 75<sup>th</sup> Precinct  
1000 Sutter Avenue  
Brooklyn, New York 11208

New York City Police Officer Bessen (Badge #14934)  
c/o New York City Police Department – 75<sup>th</sup> Precinct  
1000 Sutter Avenue  
Brooklyn, New York 11208

New York City Police Officer Valle Gonzalez (Badge #26409)  
c/o New York City Police Department – 75<sup>th</sup> Precinct  
1000 Sutter Avenue  
Brooklyn, New York 11208

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF Kings

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A.L., an infant over the age of 14 years by his mother and natural guardian, MOLLIE JACE and MOLLIE JACE, Ind., A.L., an infant over the age of 14 years, by her mother and natural guardian, JENNA JACE and JENNA JACE, Ind., D.P., an infant over the age of 14 years, by her mother and natural guardian, ANNA NEUERAZ and ANNA NEUERAZ, Ind.,

Index No.:  
Date Purchased:

**VERIFIED COMPLAINT**

Plaintiffs,

vs.

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, NEW YORK CITY POLICE DEPARTMENT - 75th Precinct, POLICE OFFICER BASSEN - BADGE NUMBER 14934, POLICE OFFICER VALLE GONZALEZ - BADGE NUMBER 26409, and POLICE OFFICERS JOHN DOE 1 - 5,

Defendants.

-----X

Plaintiffs, by their attorney, **Law Offices of Jay H. Tanenbaum**, complaining of the Defendants, respectfully alleges, upon information and belief:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney’s fees pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitution of the United States of America

**JURISDICTION**

2. This action is brought pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1988, AND THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

3. This Court has jurisdiction over each federal claim pursuant to concurrent jurisdiction.

**VENUE**

4. Venue is properly laid in the Supreme Court of the State of New York, in that the events giving rise to this claim occurred in Kings County in the State of New York.

**JURY DEMAND**

5. Plaintiff respectfully demands a trial by jury of all issues in this matter.

**PARTIES**

6. Plaintiffs, were, and has been, at all relevant times, a resident of Kings County, City and State of New York.

7. Defendant, The City of New York, was and is a municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

8. Defendant, New York City Police Department, was and is a municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

9. Defendant, The City of New York, maintains the New York City Police Department, a duly authorized public authority and/or police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, The City of New York.

10. That at all times hereinafter mentioned, defendant, Police Officer Bessen (Badge #14934), was and still is employed with defendant, New York City Police Department.

11. That at all times hereinafter mentioned, defendant, Police Officer Valle Gonzalez (Badge #26409), was and still is employed with defendant, New York City Police Department.

12. That at all times hereinafter mentioned, defendant, Police Officers John Doe 1-5, were and still is employed with defendant, New York City Police Department.

13. That at all times hereinafter mentioned, defendant, Police Officer Bessen (Badge #14934), was acting within the scope and course of his employment with the Defendants, The City of New York and New York City Police Department.

14. That at all times hereinafter mentioned, defendant, Police Officer Valle Gonzalez (Badge #26409), was acting within the scope and course of his employment with the Defendants, The City of New York and New York City Police Department.

15. That at all times hereinafter mentioned, defendant, Police Officers John Does 1 - 5, was acting within the scope and course of his employment with the Defendants, The City of New York and New York City Police Department.

16. That prior hereto on February 3, 2021, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with Plaintiff's demands for adjustment thereof was duly served on the claimant's behalf on the Comptroller for the City of New York and that thereafter said Comptroller for the City of New York refused or neglected for more than thirty (30) days, and up to the commencement of this action, to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

17. A hearing was not held within the time period pursuant to Municipal Law 50-h. The Plaintiffs are ready and willing to appear for their 50(h) hearing on a date scheduled by the Defendant, The City of New York

18. That this action is being commenced within one year and ninety days after accrual of this cause of action, or within the time allowed by law.

#### **FACTS**

19. On December 31, 2020 at approximately 10:30 p.m., infant plaintiffs, A.L., A.L. and D.P. were lawfully passengers in a motor vehicle in front of 200 Bethel Loop, in the County of Kings, City and State of New York.

20. At that time, Defendants, Police Officer Bessen, Police Officer Valle Gonzalez and Police Officers John Doe 1-5 arrived at the location on duty.

21. At said time and place, the motor vehicle that Infant-Plaintiffs were passengers, was pulled over by the individual defendants.

22. No search warrant for the motor vehicle was shown to the Infant-Plaintiffs.

23. Infant-Plaintiffs were not engaged in any unlawful or suspicious activity.
24. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Bessen without any legal justification or excuse.
25. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Valle Gonzalez without any legal justification or excuse.
26. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officers Police Officers John Doe 1 - 5 without any legal justification or excuse.
27. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Bessen without any legal justification or excuse.
28. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Valle Gonzalez without any legal justification or excuse.
29. Nonetheless Infant-Plaintiff, A.L., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officers Police Officers John Doe 1 - 5 without any legal justification or excuse.
30. Nonetheless Infant-Plaintiff, D.P., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Bessen without any legal justification or excuse.
31. Nonetheless Infant-Plaintiff, D.P., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officer Valle Gonzalez without any legal justification or excuse.
32. Nonetheless Infant-Plaintiff, D.P., was detained and risked without legal guardian, assaulted, battered and humiliated by Police Officers Police Officers John Doe 1 - 5 without any legal justification or excuse.



33. At no time on December 31, 2020, did Infant-Plaintiff, A.L commit or violation of the law.

34. At no time on December 31, 2020, did Infant-Plaintiff, A.L. commit or violation of the law.

35. At no time on December 31, 2020, did Infant-Plaintiff, D.P., commit or violation of the law.

36. At no time on December 31, 2020, did defendants possess probable cause to stop the motor vehicle Infant-Plaintiffs were passengers.

37. At no time on December 31, 2020, did Defendants possess information that would lead a reasonable officer to believe probable cause existed to stop the motor vehicle Infant-Plaintiffs were passengers.

38. As a result of the foregoing, Infant-Plaintiff, A.L., sustained emotional and psychological distress and his constitutional rights.

39. As a result of the foregoing, Infant-Plaintiff, A.L., sustained emotional and psychological distress and his constitutional rights.

40. As a result of the foregoing, Infant-Plaintiff, D.P., sustained emotional and psychological distress and his constitutional rights.

41. All of the aforementioned acts deprived Infant-Plaintiff, A.L., of the rights, privileges and immunities guaranteed to citizens of the United States by the Fourth and Fourteenth Amendments to be Constitution of the United States of America, and were therefore in violation of 42 U.S.C. Section 1983.

42. All of the aforementioned acts deprived Infant-Plaintiff, A.L., of the rights, privileges and immunities guaranteed to citizens of the United States by the Fourth and Fourteenth Amendments to be Constitution of the United States of America, and were therefore in violation of 42 U.S.C. Section 1983.

43. All of the aforementioned acts deprived Infant-Plaintiff, D.P., of the rights, privileges and immunities guaranteed to citizens of the United States by the Fourth and

Fourteenth Amendments to be Constitution of the United States of America, and were therefore in violation of 42 U.S.C. Section 1983.

44. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers with all of the actual and/or apparent authority attendant thereto.

45. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures, and rules of Defendants, The City of New York and New York City Police Department, all under the supervision of ranking officers of said department.

46. Defendants, collectively and individually, engaged in conduct which constituted custom, usage, practice, procedure or rule of respective municipality/authority, which is forbidden by the Constitution of the United States.

**FIRST CLAIM FOR RELIEF AGAINST INDIVIDUALLY NAMED DEFENDANTS FOR  
FALSE ARREST AND FALSE IMPRISONMENT UNDER FEDERAL LAW, PURSUANT  
TO 42 U.S.C. §1983.**

47. Plaintiffs repeat, reiterate and reallege each and every allegation set forth above with the same force and effect as if fully set forth herein and at length.

48. As a result of the Defendants' conduct, Infant-Plaintiff, A.L., was subjected to illegal, improper search, and detained without any probable cause, privilege or consent.

49. As a result of the Defendants' conduct, Infant-Plaintiff, A.L., was subjected to illegal, improper search, and detained without any probable cause, privilege or consent.

50. As a result of the Defendants' conduct, Infant-Plaintiff, D.P., was subjected to illegal, improper search, and detained without any probable cause, privilege or consent.

51. As a result of the foregoing, Infant-Plaintiff, A.L.'s liberty was restricted, he was put in fear of his safety and he was falsely detained and searched without probable cause.

52. As a result of the foregoing, Infant-Plaintiff, A.L.'s liberty was restricted, she was put in fear of her safety and she was falsely detained and searched without probable cause.



53. As a result of the foregoing, Infant-Plaintiff, D.P.'s liberty was restricted, she was put in fear of her safety and she was falsely detained and searched without probable cause.

**SECOND CLAIM FOR RELIEF FOR MUNICIPAL LIABILITY UNDER 42 U.S.C §1983**

54. Infant-Plaintiffs repeat, reiterate and reallege each and every allegation set forth above with the same force and effect as if fully set forth herein and at length.

55. Defendants interrogated and searched the Infant-Plaintiff, A.L., in the absence of a guardian, the absence of any evidence of criminal wrongdoing, notwithstanding their knowledge that said search and interrogation would jeopardize Infant-Plaintiff's liberty, well-being, safety and violate his constitutional rights.

56. Defendants interrogated and searched the Infant-Plaintiff, A.L., in the absence of a guardian, the absence of any evidence of criminal wrongdoing, notwithstanding their knowledge that said search and interrogation would jeopardize Infant-Plaintiff's liberty, well-being, safety and violate her constitutional rights.

57. Defendants interrogated and searched the Infant-Plaintiff, D.P., in the absence of a guardian, the absence of any evidence of criminal wrongdoing, notwithstanding their knowledge that said search and interrogation would jeopardize Infant-Plaintiff's liberty, well-being, safety and violate her constitutional rights.

58. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers and officials, with all the actual and/or apparent authority attendant thereto.

59. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers and officials pursuant to the customs, policies, usages, practices, procedures and rules of the defendants, The City of New York and New York City Police Department, all under the supervision of ranking officers of said department.

60. The foregoing customs, polices, usages, practices and procedures and rules of defendants, The City of New York and New York City Police Department, were the direct and proximate cause of the constitutional violations suffered by Plaintiff as alleged herein.

61. Defendant, The City of New York, has grossly failed and train and adequately supervise its police officers in the fundamental of law of interrogation and search where an individual, especially as here, has not committed a crime.

62. The aforementioned acts of Defendants were intentional, willful and malicious and performed with a reckless disregard for and deliberate indifference to Infant-Plaintiffs' rights.

63. That as a result of the foregoing, Infant-Plaintiff, A.L., was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries, Infant-Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and, as a further result, Infant-Plaintiff was and will continue to be rendered unable to perform Infant-Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

64. That as a result of the foregoing, Infant-Plaintiff, A.L., was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries, Infant-Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and, as a further result, Infant-Plaintiff was and will continue to be rendered unable to perform Infant-Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

65. That as a result of the foregoing, Infant-Plaintiff, D.P., was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries, Infant-Plaintiff has been caused to incur and will continue to incur expenses for medical

care and attention; and, as a further result, Infant-Plaintiff was and will continue to be rendered unable to perform Infant-Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

66. That as a result of the foregoing, Infant-Plaintiff, A.L. was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

67. That as a result of the foregoing, Infant-Plaintiff, A.L. was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

68. That as a result of the foregoing, Infant-Plaintiff, D.P. was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION  
ON BEHALF OF MOLLIE JACE**

69. Plaintiff, MOLLIE JACE, repeats, reiterates and realleges each and every allegation set forth in paragraphs contained herein, as though set forth herein at length.

70. At all times herein mentioned, Plaintiff, MOLLIE JACE, was the mother of Infant-Plaintiff, A.L. and as such was entitled to the services, society and companionship of the Infant-Plaintiff.

71. That by reason of the foregoing, Plaintiff, MOLLIE JACE, has been deprived of the services, society and companionship of Infant-Plaintiff.

72. That by reason of the foregoing, Plaintiff MOLLIE JACE, has been damaged in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION  
ON BEHALF OF JENNA JACE**

70. Plaintiff, JENNA JACE, repeats, reiterates and realleges each and every allegation set forth in paragraphs contained herein, as though set forth herein at length.

71. At all times herein mentioned, Plaintiff, JENNA JACE, was the mother of Infant-Plaintiff, A.L. and as such was entitled to the services, society and companionship of the Infant-Plaintiff.

72. That by reason of the foregoing, Plaintiff, JENNA JACE, has been deprived of the services, society and companionship of Infant-Plaintiff.

73. That by reason of the foregoing, Plaintiff JENNA JACE, has been damaged in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION  
ON BEHALF OF ANNA NEUERAZ**

74. Plaintiff, ANNA NEUERAZ, repeats, reiterates and realleges each and every allegation set forth in paragraphs contained herein, as though set forth herein at length.

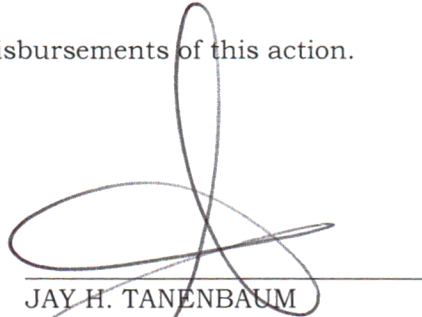
75. At all times herein mentioned, Plaintiff, ANNA NEUERAZ, was the mother of Infant-Plaintiff, D.P.. and as such was entitled to the services, society and companionship of the Infant-Plaintiff.

76. That by reason of the foregoing, Plaintiff, ANNA NEUERAZ, has been deprived of the services, society and companionship of Infant-Plaintiff.

That by reason of the foregoing, Plaintiff ANNA NEUERAZ, has been damaged in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York,  
Saturday, June 26, 2021



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JAY H. TANENBAUM  
LAW OFFICES OF JAY H. TANENBAUM  
Attorney for Plaintiff  
14 Wall Street – Suite 5F  
New York, New York 10005  
(212) 422-1765



ATTORNEY'S VERIFICATION

The undersigned, an attorney, admitted to practice in the Courts of the State of New York, shows:

That deponent is the attorney of record for the plaintiff(s) in the within action; that deponent has read the foregoing complaint bill of particulars, and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes that to be true. Deponent further says that the reason this verification is made by deponent and not by plaintiff (s) is that plaintiff (s) reside (s) in a county other than that in which deponent maintains his offices.

The grounds for deponent's belief as to all matters not stated upon his knowledge are investigations which he has made or has caused to be made concerning the subject matter of this action, and statements of parties and/or witnesses made herein.

The undersigned affirms that the foregoing statements are under the penalties of perjury:

Dated: New York, N.Y.

Sgd./ JAY H. TANENBAUM

INDIVIDUAL VERIFICATION

STATE OF NEW YORK, COUNTY OF New York )SS:

Mollie Tace Being duly sworn, deposes and says:

That deponent is one of the plaintiff (s) in the within action; that deponent has read the foregoing complaint bill of particulars, and knows the contents thereof; that the same is true except as to those matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

Sgd./ [Signature]

Sworn to before me this

day of

[Signature]

ELIETTE A. ALVAREZ  
Notary Public, State of New York  
No. 01AL4726327  
Qualified in Richmond County  
Commission Expires November 30, 2019

Index No.  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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Plaintiff(s),

-against-

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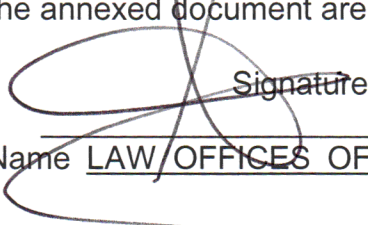
**SUMMONS AND VERIFIED COMPLAINT**

TO:

**LAW OFFICES OF JAY H. TANENBAUM**  
*Attorney for Plaintiff*  
14 Wall Street - Suite 5F  
New York, New York 10005  
Tel No.: (212) 422-1765  
Fax No.: (212) 425-7492

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Monday, June 28, 2021

  
Signature

Print Signors Name LAW/OFFICES OF JAY H. TANENBAUM