

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DIERRA FIELDS**

Plaintiff,

**CITY OF AKRON, OHIO**

C/O

Akron Law Director

172 S. Broadway, Suite 200

Akron, Ohio 44308

and

**OFFICERTHOMAS SHOEMAKER  
(In his Official and Individual Capacities)**

C/O

Akron Police Department

217 S. High Street

Akron, Ohio 44308

C/O

Akron Law Director

172 S. Broadway, Suite 200

Akron, Ohio 44308

and

**OFFICER TIMOTHY SHMIGAL  
(In his Official and Individual Capacities)**

C/O

Akron Police Department

217 S. High Street

Akron, Ohio 44308

C/O

Akron Law Director

172 S. Broadway, Suite 200

Akron, Ohio 44308

and

**CHIEF BRIAN HARDING**

**CASE NO.:**

**JUDGE:**

**PLAINTIFF'S COMPLAINT**

**(Jury Demand Endorsed Hereon)**

**(In his Official and Individual Capacities)**

C/O

Akron Police Department  
217 S. High Street  
Akron, Ohio 44308

C/O

Akron Law Director  
172 S. Broadway, Suite 200  
Akron, Ohio 44308

Plaintiff Dierra Fields, by and through counsel, brings this Complaint against Defendants City of Akron, Ohio, Thomas Shoemaker, Timothy Shmigal, and Brian Harding (collectively, “Defendants”), and makes the following allegations upon personal knowledge as to Plaintiff’s own acts and upon information and belief, and states as follows:

**INTRODUCTION**

1. This cause of action arises out of Dierra Fields’ January 11, 2024, encounter with members of the Akron Police Department at 818 Saxon, Akron, Ohio 44314.
2. Plaintiff alleges, without limitation, that on January 11, 2024, Defendant Thomas Shoemaker wrongfully used gratuitous force against Ms. Fields when he handcuffed Ms. Fields and subsequently lifted her in the air and body-slammed her to the ground. Ms. Fields was NOT actively resisting arrest and posed NO threat to Defendants or others.
3. Plaintiff further alleges that Defendant Timothy Shmigal violated his duty to intercede and prevent another officer from violating an individual’s constitutional rights.
4. Plaintiff further alleges, without limitation, that Defendant Thomas Shoemaker wrongfully arrested Ms. Fields after assaulting her and wrongfully pursued the criminal prosecution of Ms. Fields.

5. Plaintiff further alleges, without limitation, that Defendant City of Akron, Defendant Harding, and Defendant Shmigal knew or reasonably should have known, participated in, endorsed, condoned, and/or ratified the unconstitutional conduct of Defendants Thomas Shoemaker.
6. This cause of action is for money damages brought pursuant to 42 U. S. C. §1983 to redress the deprivation of the rights of Dierra Fields under the color of law by members of the Akron Police Department and City of Akron Law Department.
7. Plaintiff also brings this action pursuant to *Monell v. Department of Social Services of City of New York*, 463 U.S. 658 (1978) and its progeny.

#### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over federal questions pursuant to 28 U.S. C. § 1331, §1343, and 42 U. S. C. §§ 1983,1988.
9. Venue is proper in the Northern District of Ohio pursuant to 28 U.S.C.§1391 (b) because all incidents and events giving rise to the action occurred in the Northern District of Ohio, and upon information and belief, all parties reside in this Judicial District.

#### **PARTIES**

10. At all times relevant to this action, Plaintiff was a resident of the City of Akron, Summit County, Ohio.
11. At all times relevant to this action, Defendant Thomas Shoemaker, Timothy Shmigal, and Brian Harding are/were employed as police officers and/or Chief of Police for Defendant City of Akron, Ohio, and are residents of Summit, Stark, Portage, or Trumbull County, Ohio.

12. At all times relevant to this action, Defendant City of Akron, Ohio is a municipal corporation located in Summit County, state of Ohio.
13. At all times relevant to this action Defendant City of Akron employed all Defendant police officers identified herein.
14. Redress is being sought from all Defendants in their official and individual capacities, and all Defendants were acting under and/or outside of color of law and/or pursuant to the policies, customs, and/or usages of the City of Akron.

### **FACTUAL ALLEGATIONS**

#### **January 11, 2024 Arrest of Plaintiff**

15. On January 11, 2024, Defendant police officers were responding to a call involving a family argument at [insert address]
16. Upon arriving, Plaintiff and family members were in a verbal argument.
17. Defendant police officers separated family members involved in the verbal argument to opposite sides of the room.
18. Once separated, one of the young adults on scene was standing on the couch yelling at Plaintiff from across the room.
19. While individuals were arguing in the home, Plaintiff asked Defendant police officers multiple times to leave the home and wait outside with her children to deescalate the situation.
20. Defendant police officers refused every request to allow Plaintiff to wait outside to deescalate the situation.
21. The young adult standing on the couch refused to stop screaming at individuals in the home, while Plaintiff was standing across the room silent.

22. Despite Plaintiff attempting to deescalate the situation and ceasing to engage in the verbal argument, Defendant Shoemaker, without any justification or probable cause, went to detain Plaintiff by placing her in handcuffs.
23. As Defendant Shoemaker placed Plaintiff in handcuffs, Plaintiff asked why she was being arrested.
24. Defendant Shoemaker stated that he was not placing Plaintiff under arrest but detaining her.
25. Plaintiff asked repeatedly why she was being placed in handcuffs and why she was not allowed to wait outside with her children like she had been asking to do.
26. While Plaintiff was asking Defendant Shoemaker to justify this conduct, and without provocation by Plaintiff, Defendant Shoemaker grabbed Plaintiff, lifted her into the air, and body-slammed her headfirst to the ground.
27. Defendant Shoemaker then forcefully took Plaintiff outside and placed Plaintiff in the back of his police vehicle.
28. Plaintiff was told that she was being charged with obstruction of official business.
29. Defendant police officers then issued Plaintiff a citation and summons to appear in court on a single charge of resisting arrest.
30. Plaintiff asked why she was being charged with resisting arrest when Defendant police officers told her she was being charged with obstruction of official business.
31. While on scene, Defendant police officers discussed what criminal charges should be assigned.
32. Defendant police officers then informed Plaintiff that they discussed the situation, and that Plaintiff was just being charged with resisting arrest.

**Criminal Prosecution of Plaintiff**

33. Plaintiff appeared in court and pleaded not guilty to the charge of resisting arrest.
34. Plaintiff hired private counsel to fight the baseless criminal charge.
35. The City of Akron Prosecutors Office offered Plaintiff a number of unethical plea agreements to prevent Plaintiff from seeking accountability for the harm she suffered
  - a. First, Plaintiff was given the option to plead guilty to resisting arrest in exchange for Plaintiff being admitted into the Akron City Prosecutors Discretionary Rehabilitation Program.
  - b. Second, Plaintiff was given the option to plead guilty to resisting arrest and the Akron Prosecutors Office would move the court to immediately seal Plaintiff's record.
  - c. Third, Plaintiff was offered a dismissal if Plaintiff agreed to sign an agreement that would waive her right to file a civil lawsuit seeking damages for any claims arising out of her arrest.
36. During the entire plea-bargaining process, Plaintiff maintained her innocence and requested that all charges be dismissed.
37. Plaintiff, through counsel, sought to reason with the Akron City Prosecutors Office by explaining there was no probable cause and insufficient evidence to charge Plaintiff with resisting arrest, especially considering there was no underlying charge for which Dierra was supposedly arrested for.
38. The Akron City Prosecutors Office informed Plaintiff that if she was not going to accept any of the offers, Defendant Shoemaker would assign an additional charge of obstructing official business.

39. Dierra refused to accept any of the offers and Defendant Shoemaker, without probable cause, charged Dierra with obstruction of official business, months after her initial arrest.

40. On June 13, 2024, a jury trial was later held, and Dierra was unanimously acquitted of all criminal charges.

**Akron Independent Police Auditor Use of Force Review**

41. On April 12, 2024, City of Akron Independent Police Auditor, Anthony Finnell released a report detailing his conclusions and recommendations after having conducted a review of the incident.

42. Auditor Finnell made the following conclusions:

- a. Defendant Shoemaker violated City of Akron Police Department Policy by using force against Plaintiff that was not justified.
- b. Defendant Shoemaker had no reasonable suspicion to detain Plaintiff.
- c. Defendant Shoemaker had no probable cause to charge Plaintiff with resisting arrest and obstructing official business.
- d. Defendant Shmigal violated City of Akron Police Department Policy by failing to intercede when (1) Defendant Shoemaker placed Plaintiff in handcuffs when Plaintiff had not committed a crime, and (2) Defendant Shoemaker body-slammed Plaintiff.

43. Auditor Finnell ultimately recommend the Akron Police Department change the disposition of Defendant Shoemaker's use of force, under case number 24-00003974 from Objectively Reasonable to Not Objectively Reasonable and take appropriate disciplinary action as warranted by such a disposition.

44. Auditor Finnell also recommended the Akron Police department initiate an Internal Affairs investigation into Defendant Shoemaker and Defendant Shmigal for several violations of the Akron Police Department Policies and Procedures.

**CLAIMS ALLEGED  
COUNT 1  
(Excessive Force)**

45. All preceding paragraphs are incorporated as if fully re-written herein.

46. This claim is brought pursuant to Title 42 U.S.C. § 1983.

47. Title 42 U.S.C. §1983 states, in relevant part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. . . .”

48. The Fourth Amendment to the United States Constitution states, in relevant part, “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . .”

49. While acting under color of state law, Defendant police officers deprived Plaintiff of her well-established right to be free from excessive force by engaging in conduct described above.

50. While acting under color of state law, Defendant police officers deprived Plaintiff of her well-established constitutional right not to be subjected to excessive force while being arrested, even if her arrest could have been otherwise proper.



51. While acting under color of state law, Defendant police officers deprived Plaintiff of her well-established constitutional right to be free from gratuitous force when she was not actively resisting arrest and posed no danger to Defendant police officers or third parties.
52. On January 11, 2024, the Defendant police officers were only permitted to use the amount of force necessary under the circumstances to arrest Plaintiff.
53. At all times relevant to this matter, the Defendant police officers were clothed with the authority of the state and misused that authority.
54. In this case, Plaintiff claims the Defendant police officers used excessive force when they arrested and/or seized the person of Plaintiff, to wit:
  - a. Defendant Shoemaker placed Plaintiff in handcuffs; and
  - b. Defendant Shoemaker applied gratuitous force to Plaintiff when he body-slammed Plaintiff while Plaintiff was not resisting arrest.
55. Defendant Shmigal had a duty to intercede and prevent Defendant Shoemaker from violating Plaintiff's constitutional rights.
56. Defendant Shmigal watched Defendant Shoemaker use gratuitous force against Plaintiff in violation of Plaintiff's constitutional rights and did nothing to intercede, violating his duty.
57. As a direct and proximate result of Defendant police officer's actions, as set forth above, Plaintiff has been damaged, including but not limited to, physical injuries, endured pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, loss of sense of personal safety, dignity, and legal fees and costs.
58. Defendants are jointly and severally liable for this conduct.

**COUNT 2**  
**(Supervisory Liability)**

59. All preceding paragraphs are incorporated as if fully re-written herein.
60. This claim is brought pursuant to Title 42 U.S.C. § 1983.
61. Defendant Harding and Defendant Shmigal are/were the direct supervisors of Defendant Shoemaker.
62. Defendant Harding and Defendant Shmigal have supervisory authority over the Akron Police Department and/or the Defendant Shoemaker.
63. At all times relevant to this action, the Defendant Harding and Defendant Shmigal knew or reasonably should have known of, and/or participated in, and/or condoned, and/or ratified:
- a. Defendant Shoemaker handcuffing Plaintiff when she posed no threat to any officer or civilian; and
  - b. Defendant Shoemaker body-slammng Plaintiff when she posed no threat to any officer or civilian, was not resisting arrest, and committed no crime.
  - c. Defendant police officers pursuing criminal charges against Plaintiff when Defendant police officers had no probable cause
64. Defendant Harding and Defendant Shmigal knew or reasonably should have known that their acts and/or failure to act would likely cause the constitutional injury that befell Plaintiff, to wit: by failing to intercede, endorsing, promoting, encouraging, and/or not disciplining the Defendant Shoemaker's actions, Plaintiff was harmed as a result of Defendant Shoemaker's reckless, wanton, and/or willful actions which were endorsed, condoned, and/or ratified by Defendant Harding.

65. Defendant Harding and Defendant Shmigal had a duty and/or were required by his/their training to take action to discipline and/or otherwise prevent the Defendant Shoemaker from engaging in the above-stated conduct.

66. Despite Defendant Harding and Defendant Shmigal's knowledge of Defendant Shoemaker's misconduct, as stated above, the Defendant Harding and Defendant Shmigal took no action, failed to impose reasonable discipline, failed to follow chain of command, failed to document the instances of misconduct, and/or otherwise abandoned his supervisory duties.

67. The Supervisory Defendants engaged in acts and omissions that were the product of a reckless or callous indifference to Decedent's and Plaintiff's constitutional rights, to wit:

- a. Defendants Harding and Shmigal knew or had reason to know Defendant Shoemaker pursued criminal charges against plaintiff without probable cause;
- b. Defendants Harding and Shmigal trained, endorsed, failed to prevent, and/or condoned Defendant Shoemaker in using gratuitous force against individuals, including Plaintiff, when they were not resisting arrest or a danger to any person; and
- c. Defendant Harding knew or has reason to know Defendant Shoemaker and Defendant Shmigal coordinated their stories to create an artificial narrative in hopes of evading criminal and civil liability.

68. As a result of his failure and/or abandonment of their supervisory duties, as stated above, Defendant Harding and Defendant Shmigal created an environment that condoned the aforementioned misconduct and perpetuated and/or facilitated and/or aided Defendant Shoemaker in the pursuit of criminal charges against Plaintiff and the unreasonably

violent and grotesque seizure of Plaintiff's person when Plaintiff posed no threat to Defendants or anyone else and committed no crime.

69. As a direct and proximate result of Defendant Harding and Defendant Shmigel's actions, as set forth above, Plaintiff has been damaged, including but not limited to, physical injuries, endured pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, emotional distress, fear, anxiety, loss of sense of personal safety, dignity, and legal fees and costs.
70. Defendants are jointly and severally liable for this conduct.

**COUNT 3**  
**(Municipal Liability Pursuant to *Monell*)**

71. All preceding paragraphs are incorporated as if fully re-written herein.
72. Defendants acted pursuant to one or more interrelated de facto policies (even if not official written edicts), practices and/or customs of civil rights violations and unconstitutional practices of the City of Akron and its Police Department.
73. The City of Akron, at all times relevant herein, approved, authorized, ratified, and acquiesced in the unlawful and unconstitutional conduct of its respective employees and/or agents and consequently is directly liable for the acts of those agents pursuant to 42 U.S.C. § 1983.
74. Despite the facts and circumstances surrounding the assault and subsequent arrest of Plaintiff that clearly demonstrate that the actions of the Defendant police officers were unreasonable and unlawful, upon information and belief, the City of Akron has failed to effectively investigate or impose any discipline on Defendant police officers for their

illegal behavior and false reporting (directly or by omission of pertinent information and/or facts).

75. Akron Police failed to conduct independent and unbiased investigations into alleged misconduct of their officers.
76. Sergeant Belacic of the Akron Police Department was responsible for conducting the investigation to determine whether Defendant police officers' actions were justified, however, instead tried to justify the officers' actions by promoting an investigation based on the theory that Plaintiff was an imminent threat to police officers and that Plaintiff resisted arrest.
77. Defendant police officer Shoemaker has been the subject of a federal lawsuit involving similar behavior.
78. An individual was arrested while peacefully protesting the killing of Jayland Walker.
79. While this individual was restrained by Akron Police Officers with his hands behind his back, Defendant police officer Shoemaker punched him in the face twice with no valid justification.
80. This lawsuit was settled in Plaintiff's favor.
81. Since then, there has been no investigation into Defendant police officer Shoemaker's conduct. Had the City of Akron conducted a proper investigation after this incident and took proper disciplinary action been taken, Plaintiff would not have been assaulted and her constitutional rights violated by Defendant police officer Shoemaker.
82. Defendant police officer Shoemaker has a history of using excessive force and Defendant City of Akron has done nothing but approve, authorize, ratify, and acquiesce in the unlawful and unconstitutional conduct of Defendant police officer Shoemaker.

83. Upon information and belief, Defendant police officers have not been properly supervised or disciplined by the Akron Police Department.
84. Defendant City of Akron is aware that its officers engage in violent behavior that involves excessive force in violation of the Fourth Amendment which disproportionately involves African Americans, to wit:
- a. The excessively forceful and violent arrest of Charles Hicks II on February 7, 2021, an unarmed black male who was arrested with an officer's knee near his neck while the officer smothered his mouth and nose with snow as he lay on the ground following his refusal to leave the porch area of his home;
  - b. The excessively forceful and violent arrest of Patrick King on October 21, 2018, an unarmed white male who was tased, knocked to the ground, and punched while on his stomach for refusing to identify himself;
  - c. The excessively forceful and violent arrest of Jamon Pruiett and LaTrent Redrick on October 1, 2017, two Black males with no prior criminal records who were shot by an Akron police officer while standing outside of an downtown area nightclub and making no threat toward any officer;
  - d. The excessively forceful and violent arrest of Dr. Dale Leonhardt on December 5, 2015, an unarmed white male whose arm was broken by an Akron police officer following a minor traffic violation (failing to come to a full stop prior to turning right at a traffic light);
  - e. The excessively forceful and violent arrest of Tamika Williams on October 26, 2012, an unarmed Black 13-year-old girl whose arm was broken by an Akron

school resource officer after he put her arm behind her back, pushed her face-first into lockers, and lifted her off the ground.

85. At all times relevant, the Defendant City of Akron and its Police Department had interrelated de facto policies, practices, and customs which included, *inter alia*:

- a. Offering lawsuit waivers in exchange for dropping the charges against individuals who are subjected to excessive force during their arrest;
- b. The failure to properly hire, train, supervise, discipline, transfer, monitor, counsel and/or otherwise control City of Akron police officers who engage in unjustified use of excessive and unreasonable force, false arrest, and/or malicious prosecution;
- c. Officers are trained and aided on how to avoid prosecution for their violent actions by re-phrasing and artfully summarizing their violent actions and encounters with citizens in police documentation;
- d. The police code of silence;
- e. The failure to properly investigate the use of excessive and unreasonable force against civilians, especially African Americans, by City of Akron Police officers;
- f. The failure to properly discipline, monitor, counsel and otherwise control City of Akron police officers who engage in unjustified use of excessive and unreasonable force, false arrest, and/or malicious prosecution; and/or
- g. The failure to properly train and supervise City of Akron police officers with regard to *inter alia* restricting the airways of defendants while being restrained by six to seven other officers.

- h. The automatic ratification of Akron police officers' actions by their immediate supervisors and department leadership despite clear evidence to the contrary.
86. For years, the City of Akron has acquiesced to a culture of violence in the Akron Police Department by abandoning its duty under the Charter of the City of Akron to exercise control over the Police Department and by avoiding any study of the number of excessive force cases and violence involved in the arrest of citizens within the City of Akron.
87. For years the City of Akron has fostered and condoned a culture of violence in the Akron Police Department by abandoning its duty under the Charter of the City of Akron to remove police officers and/or exercise control over the Police Department by allowing city employees to restrict and/or interfere with and/or hamper the oversight activities of the Office of the Police Auditor
88. The aforementioned de facto policies, practices, and customs of the Akron Police Department include a pattern of acts of excessive use of force and other willful, wanton, and/or reckless behavior leading to harmful consequences to citizens.
89. The Akron Police Department has engaged in little or no meaningful investigation or disciplinary action in response to this pattern of Misconduct, thereby creating a culture or climate where members of the police can and do escape their acts of misconduct with impunity.
90. This pattern is the moving force behind the conduct of the Defendant police officers in the unjustified use of excessive force against Plaintiff. This event is not an isolated incident of unconstitutional policing within the City of Akron by its officers.
91. The policy, practice and custom of a police code of silence results in police officers refusing to report instances of police misconduct of which they are aware, including



unlawful searches, seizures, and prosecutions, despite their obligations under police regulations to do so, and also includes police officers remaining silent or giving false and misleading information during official investigations in order to protect themselves or fellow officers from internal discipline, civil liability or criminal charges, in cases where they and their fellow officers have engaged in misconduct.

92. The de facto policies, practices and customs of failing to hire, train, and supervise, monitor, disciplining, transfer, counsel and/or control police misconduct and the code of silence are interrelated and exacerbate the effects of each other, to institutionalize police lying and immunize police officers from discipline.
93. That the unconstitutional actions of the Defendants as alleged in this complaint were part and parcel of a widespread municipal policy, practice and custom is further established by the involvement in, and ratification of, these acts by municipal supervisors and policy makers, as well as by a wide range of other police officials, officers, and divisions of the Department.
94. The policies, practices and/or alleged customs alleged in this complaint, separately and together, are the proximate cause of the injuries to Plaintiff because Defendants had good reason to believe that their misconduct would not be revealed or reported by fellow officers or their supervisors, and that they were immune from disciplinary action, thereby protecting them from the consequences of their unconstitutional conduct.
95. But for the belief that they would be protected – both by fellow officers and the City of Akron Police Department – from serious consequences, Defendants would not have engaged in the conduct that resulted in the injuries to Plaintiff.

96. The interrelated policies, practices and customs, as alleged in this complaint, individually and together were maintained, and implemented with deliberate indifference and encouraged the Defendant police officers to commit the acts alleged in this complaint against the Plaintiff.
97. The City of Akron therefore acted as the moving force behind the direct and proximate causes of the violations of Plaintiff's constitutional rights and all injuries and damages suffered by her.

**COUNT 4**  
**(State Law Claim for Assault and Battery)**

98. All preceding paragraphs are incorporated as if fully re-written herein.
99. The actions of Defendant Shoemaker towards Plaintiff created in her the apprehension of an imminent, harmful, and offensive touching, and constituted a harmful touching, made knowingly and without legal justification.
100. Defendant Shoemaker accomplished this harmful, non-consensual touching by means of manual touch, handcuffing, and body-slamming Plaintiff as described more fully above.
101. Defendant Shoemaker directly and proximately caused this touching.
102. The actions of Defendant Shoemaker thereby constituted assault and battery against Plaintiff.
103. As a direct and proximate result of this conduct by Defendant Shoemaker, Plaintiff suffered and continues to suffer injuries and damages as described above, including, but not limited to, physical injury, adverse consequences for attending court proceedings, emotional trauma and distress, loss of reputation, loss of liberty, and other damages set forth in this Complaint.

104. In the course of this conduct Defendant Shoemaker acted under color of law and within the scope of their employment.

**COUNT 5**  
**(State Law Claim for Malicious Prosecution)**

101. All preceding paragraphs are incorporated as if fully re-written herein.

102. Defendant police officers acted with malice in pursuing criminal charges against Plaintiff.

103. Defendant police officers pursued criminal charges to evade liability for wrongdoing and accountability for the harm inflicted upon Plaintiff.

104. Defendant police officers had no probable cause to pursue any criminal charges against plaintiff.

105. Plaintiff was ultimately acquitted of all criminal charges.

**COUNT 6**  
**(State Law Claim for Negligence – Willful, Wanton, and/or Reckless Conduct)**

106. All preceding paragraphs are incorporated as if fully re-written herein.

107. Defendant police officers failed to exercise due care and acted in a willful, wanton, and reckless manner while engaged in police functions and activities that culminated in the above-described damages and injuries to Plaintiff.

108. Defendant police officers' reckless, wanton, and/or willful conduct proximately caused the physical and psychological damages to Plaintiff.

109. As a direct and proximate result of the misconduct of Defendant police officers, Plaintiff suffered and continues to suffer injuries and damages.

110. Defendants are jointly and severally liable for this conduct.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand that judgement be entered in their favor on all counts and pray the Court award the following relief:

- A. Compensatory and consequential damages in an amount exceeding the jurisdictional amount in controversy requirement, to be determined at trial, for the violation of Plaintiffs' rights;
- B. Punitive damages in an amount to be determined at trial for the Defendants' willful, wanton, malicious, and reckless conduct;
- C. Attorneys' fees and the costs of this action pursuant to law; and
- D. All other relief which this Honorable Court deems equitable and just.

#### **JURY DEMAND**

Plaintiffs respectfully demand a trial by jury of the within matter.

Dated: January 10, 2025

Respectfully submitted,

*Imokhai Okolo*

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Imokhai Okolo  
(Ohio Bar #100277)  
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*Counsel for Plaintiff*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Dierra Fields

(b) County of Residence of First Listed Plaintiff Summit (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Imokhai Okolo (Ohio Bar #100277)

DEFENDANTS

City of Akron, Ohio

County of Residence of First Listed Defendant Summit (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

City of Akron Law Department

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

1983

Brief description of cause:

This is a civil rights case for the violation of Plaintiff's Fourth Amendment and other state and federal rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 10, 2025

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1.  General Civil
- 2.  Administrative Review/Social Security
- 3.  Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. **RELATED OR REFILED CASES** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action:  is **RELATED** to another **PENDING** civil case  is a **REFILED** case  was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

**COUNTY:**

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

**COUNTY:**

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

**COUNTY:**

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

**EASTERN DIVISION**

**AKRON**

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

**CLEVELAND**

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

**YOUNGSTOWN**

(Counties: Columbiana, Mahoning and Trumbull)

**WESTERN DIVISION**

**TOLEDO**

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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## Document History

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 COMPLETED	<b>01 / 11 / 2025</b> 01:42:30 UTC	The document has been completed.



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

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Dierra Fields

Plaintiff(s)

v.

City of Akron, Thomas Shoemaker, Timothy Shmigal, and Brian Harding

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Thomas Shoemaker
Attn: Akron Police Department
217 S. High St.
Akron, Ohio 44308

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:

Imokhai Okolo
The Okolo Law Firm, LLC
850 1/2 W. Exchange St.
Akron, Ohio 44302
216-236-8857
iokolo@okololawfirm.com

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.

SANDY OPACICH, 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 Ohio

Dierra Fields

Plaintiff(s)

v.

City of Akron, Thomas Shoemaker, Timothy Shmigal, and Brian Harding

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Timothy Shmigal
Attn: Akron Police Department
217 S. High St.
Akron, Ohio 44308

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:

Imokhai Okolo
The Okolo Law Firm, LLC
850 1/2 W. Exchange St.
Akron, Ohio 44302
216-236-8857
iokolo@okololawfirm.com

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.

SANDY OPACICH, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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

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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

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*Printed name and title*

\_\_\_\_\_  
*Server's address*

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

**UNITED STATES DISTRICT COURT**

for the

Northern District of Ohio

Dierra Fields )

)

)

)

\_\_\_\_\_  
*Plaintiff(s)*

)

v.

)

Civil Action No.

City of Akron, Thomas Shoemaker, Timothy Shmigal,  
and Brian Harding )

)

)

)

)

\_\_\_\_\_  
*Defendant(s)*

)

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Brian Harding  
Attn: Akron Police Department  
217 S. High St.  
Akron, Ohio 44308

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:

Imokhai Okolo  
The Okolo Law Firm, LLC  
850 1/2 W. Exchange St.  
Akron, Ohio 44302  
216-236-8857  
iokolo@okololawfirm.com

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.

*SANDY OPACICH, CLERK OF COURT*

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

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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

**PROOF OF SERVICE**

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This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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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

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

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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 Ohio

Dierra Fields

Plaintiff(s)

v.

City of Akron, Thomas Shoemaker, Timothy Shmigal, and Brian Harding

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Akron Ohio
Attn: Akron Law Department
172 S. Broadway, Suite 200
Akron, Ohio 44308

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:

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850 1/2 W. Exchange St.
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SANDY OPACICH, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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

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\_\_\_\_\_ 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

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*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: