

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MICHAEL GOMEZ, an individual,
JOSEPH LOWE, an individual,
IAN JOI, an individual,
and ALEJANDRO BAEZ and JOSEPHINE
CARTAGENA, as Co-Representatives
of the Estate of JAYDEN BAEZ,

Plaintiffs,

CASE NO.: 6:23-CV-1824-GAP-LHP

vs.

SCOTT KOFFINAS, an individual,
RAMY YACOUB, an individual,
MARCO LOPEZ, in his official capacity
as Sheriff of Osceola County,

Defendants.

FIRST AMENDED COMPLAINT

COMES NOW, Plaintiffs, MICHAEL GOMEZ, JOSEPH LOWE, IAN JOI, and ALEJANDRO BAEZ and JOSEPHINE CARTAGENA, as Co-Representatives of the Estate of JAYDEN BAEZ, by and through their undersigned counsel, and with the permission of the Court, hereby file this First Amended Complaint against Defendants, SCOTT KOFFINAS (hereinafter “Koffinas”), RAMY YACOUB (hereinafter “Yacoub”), and MARCO LOPEZ, in his official capacity as Sheriff of Osceola County (hereinafter “Defendant Lopez”) and would show the following:

JURISDICTIONAL BASIS, VENUE, AND PARTIES

1. This is an action for damages in excess of seventy-five thousand dollars (\$75,000.00) exclusive of attorney's fees and costs.

2. This Complaint seeks remedies pursuant to 42 U.S.C §§ 1983 and 1988, alleging violations of the Fourth Amendment of the Constitution of the United States of America.

3. 42 U.S.C. § 1983 provides in relevant part:

Every person, who under the color of any statute, ordinance, regulation, custom or usage of any State or Territory . . . subjects, or causes to be subjected, any citizen or the United State 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 of law, suit in equity, or other proper proceeding for redress . . .

4. Venue is proper in the Middle District of Florida under 28 U.S.C. § 1391 because the acts giving rise to this Complaint occurred in Osceola County, Florida.

5. This Court has jurisdiction to hear the federal civil rights violations in this matter under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3)-(4).

6. Defendant Lopez was given timely written notice of this claim as required by *Fla. Stat.* § 768.28; however, said state law claims were not resolved within the period of time provided by the statute. Plaintiffs have decided to forgo pursuing relief under that state statute and will rely upon relief under 42 U.S.C. §§1983 and 1988.

7. All conditions precedent to the filing of this action have occurred, accrued, or have been waived as a matter of law.

8. At all times material to this complaint, Plaintiffs Michael Gomez, Ian Joi, and Joseph Lowe were residents of Orange County, Florida.

9. At all times material to this complaint, Decedent Jayden Baez was a resident of Osceola County, Florida.

10. Defendant Lopez is Sheriff of Osceola County and was a duly elected official, in charge of the Osceola County Sheriff's Office. Defendant Lopez is the current "constitutional officer" who employed and continues to employ Defendants Koffinas and Yacoub. Defendant Lopez is being sued in his official capacity.

11. Yacoub, upon information and belief, is a resident of Osceola County, Florida, and is *sui juris*. At all times material, Yacoub was acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the State of Florida and/or the Osceola County Sheriff's Office. Yacoub issued in his individual capacity.

12. Koffinas, upon information and belief, is a resident of Osceola County, Florida, and is *sui juris*. At all times material, Koffinas was acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the State of Florida and/or the Osceola County Sheriff's Office. Koffinas is sued in his individual capacity.

13. Alejandro Baez and Josephine Cartagena were appointed as co-personal representatives of the Estate of Jayden Baez (hereinafter, “Co-Representatives”). A true and correct copy of the Order is attached hereto as **Exhibit A**.

FACTS COMMON TO ALL COUNTS

14. Plaintiffs incorporate and re-allege all proceeding paragraphs, as though more fully pleaded herein, and further state as follows.

15. On April 27, 2022, Jayden Baez was the driver of a black Audi sedan operated in the city of Kissimmee located in Osceola County, Florida. Michael Gomez, Joseph Lowe, and Ian Joi were passengers within the vehicle.

16. Osceola County Law enforcement was conducting a training class on Dynamic Vehicle Takedowns for law enforcement in the parking lot of the Target store located at 4795 West Irlo Bronson Parkway, Kissimmee, Florida. The purpose of the class was to teach and to have the student(s) law enforcement certified in the technique. Osceola County Law enforcement observed the vehicle driven by Jayden Baez, parked near the entrance to the Target store.

17. Michael Gomez and Joseph Lowe exited the vehicle and entered the Target store. Jayden Baez and Ian Joi remained in the parked vehicle. At no point

in time did law enforcement approach the vehicle to determine who was inside, nor did any law enforcement officer make contact with any of the Plaintiffs.

18. Michael Gomez and Joseph Lowe were two young Hispanic males, each wearing a hoodie. Two Osceola County law enforcement officers targeted Michael Gomez and Joseph Lowe and followed the pair into the Target store. A third law enforcement officer made contact with Target loss prevention personnel who observed Michael Gomez and Joseph Lowe via the store's video surveillance system in the loss prevention office.

(a) At no point in time within the store did Osceola County law enforcement officers or any member of Target's staff make contact with Michael Gomez or Joseph Lowe.

(b) At no point in time were any lawfully issued commands directed at Michael Gomez or Joseph Lowe.

(c) At no point in time were Michael Gomez or Joseph Lowe questioned.

(d) At no point in time did Michael Gomez or Joseph Lowe pose any risk or threat to law enforcement or the general public.

(e) Michael Gomez and Joseph Lowe were observed stealing Pokémon Cards and a pizza, with a combined value of less than Fifty Dollars (\$50.00). This is a petit theft, in violation of F.S. 812.014. Since the value of the goods was under One-Hundred Dollars (\$100.00), the criminal penalty is the lowest penalty of any

criminal offense in Florida, being punishable by a maximum of 60 days in the county jail and a Five-Hundred Dollar (\$500.00) fine.

19. Joseph Lowe exited Target, while being under the continued surveillance of Osceola County deputies. Although witnesses to a crime, Osceola County deputies did not arrest Michael Gomez or Joseph Lowe, did not issue them a Notice to Appear, and did not stop them or instruct them to return the Pokémon cards and pizza. Rather, the Osceola County Sheriff Office elected to continue their field training under the direction of supervising law enforcement by using Michael Gomez and Joseph Lowe as human guinea pigs for their training exercises.

20. A supervising law enforcement officer radioed for other Osceola County law enforcement to “Gear up” in preparation for Michael Gomez and Joseph Lowe to reenter the vehicle. The class, that was actively in session at the Target parking lot, intended to teach and certify law enforcement on how to conduct a vehicle take down. The session was ended prematurely as the trainees were advised that a live takedown was going to occur so they could witness the practice, procedure, culture, and protocol of a Dynamic Vehicle Takedown. Osceola County law enforcement positioned their unmarked vehicles to effectuate a Dynamic Vehicle Takedown.

21. At least 30 law enforcement officers of Osceola County were involved in the response to the retail petit theft of a pizza and anime cards.

22. Upon information and belief, an Osceola County Sheriff helicopter known as Star 2, was called to the scene in response to the suspected petit retail theft of the pizza and anime cards. This excessive and unreasonable response illustrates the pervasive unconstitutional policies, culture, and procedures of the Osceola County Sheriff's Office.

23. Joseph Lowe was observed by law enforcement leaving the Target store and returning to the Audi vehicle driven by Jayden Baez. Joseph Lowe entered the vehicle and sat in the front passenger seat, with a stolen pizza now in his possession. Within a few minutes, the Audi moved to a spot in the parking lot closer to the grocery section of the store where it backed into a parking spot.

24. Minutes later, while the three occupants of the Audi remained in the vehicle, Michael Gomez was observed by Osceola County law enforcement leaving the Target store and returning to the Audi vehicle driven by Jayden Baez. Michael Gomez entered through the rear driver's side, in possession of a stolen pack of Pokémon playing cards.

25. Once Michael Gomez entered the Audi, Jayden Baez commenced driving as to exit and drive out. The Audi was occupied by the four young men.

26. As Jayden Baez commenced driving, there were no marked law enforcement vehicles in proximity to him or within his line of vision.

27. As Jayden Baez commenced driving, there were no law enforcement lights flashing in proximity to him or within his line of vision.

28. As Jayden Baez commenced driving, there were no law enforcement sirens in proximity to him or within earshot range.

29. The Audi vehicle was struck on the passenger side of the vehicle by an unmarked pick-up truck. The detective driving the pick-up truck stated in his official report that he did not have his sirens activated.

30. In a reaction to the ramming of this vehicle by an unmarked pick-up truck, Jayden Baez, whose vehicle was already in a forward motion, continued to move his vehicle forward through the opening in front of him when several additional unmarked vehicles belonging to the Osceola County Sheriff's Office, and driven by Osceola County deputy sheriffs and detectives, rammed the Audi from multiple sides. All of this was part of the training exercise.

31. Upon information and belief, Koffinas approached the vehicle from the rear and began firing multiple gun shots into the rear windshield of the Audi.

32. Upon information and belief, Yacoub exited the unmarked pick-up truck and began firing into the front windshield of the Audi.

33. The four young occupants of the Audi were helplessly caught in a crossfire, as Osceola County Sheriff's deputies continually and repeatedly discharged their weapons into the Audi from all angles.

34. Jayden Baez was shot multiple times in the chest by Yacoub. Jayden Baez died from his wounds. He was 20 years old.

35. As the shooting commenced, 19-year-old Joseph Lowe had both of his hands up in the air, indicative of a body signal representing “Stop”, “Surrender”, or “I do not have anything.” Nevertheless, while his hands were up in the air over his torso, he was shot multiple times in both his hands by Yacoub. Joseph Lowe lost portions of his hands, including a finger.

36. Michael Gomez, the 18-year-old back seat passenger, was shot multiple times in his back by Koffinas. Michael Gomez survived the gunshots in his torso and retains the scars from the bullet strikes. A portion of a bullet remains lodged in Michael Gomez’s shoulder.

37. Upon extracting the vehicle occupants, Ian Joi, the 17-year-old who was seated in the rear passenger seat, had at all times complied with law enforcement and was not suspected of any alleged crime. Despite this, Ian Joi was not only exposed to live and potentially deadly gunfire, but also violently slammed to the ground by law enforcement, causing him to land face first into the pavement and suffer physical injuries. Notwithstanding his injuries, Joi has voluntarily terminated his participation in this action and is no longer a Plaintiff.

38. The Plaintiffs who survived the encounter have suffered serious physical injuries including permanent impairment, and have suffered great emotional and psychological trauma, humiliation, and distress.

39. Michael Gomez was arrested on April 27, 2022, and subsequently charged with one count of Petit Theft First Offense case number 2022 MM 000955.

The State filed a No Information and the case was administratively closed on July 14, 2022.

40. Joseph Lowe was arrested on April 27, 2022, and subsequently charged with one count of Petit Theft First Offense case number 2022 MM 000955. The State filed a No Information and the case was administratively closed on July 14, 2022.

41. Ian Joi was not charged with any crime.

42. Jayden Baez was killed on the scene.

43. The force used by Osceola County law enforcement officers was gratuitous, excessive, and deadly. Widespread and persistent policy, practice, culture, and procedure of Osceola County Sheriff's Office allowed such a deadly and violent event to occur.

44. Upon information and belief, Koffinas has been investigated for occasions of excessive force and despite having prior notice of the propensities of Koffinas, Defendant Lopez took no steps to prevent Koffinas' abuse of authority, or to discourage any excessive use of his authority.

45. At all times material hereto, Defendant Lopez ratified an unwritten custom, persistent pattern, and/or practice of violating federally protected rights that has become so permanent and well-settled as to constitute official policy.

46. This ratification has resulted in regular use of excessive force from Osceola County Sheriff's Office employees when responding to minor and non-

violent crimes. Here, Osceola County Sheriff's Office employees unnecessarily and unreasonably escalated an alleged petit retail theft into a deadly firestorm.

47. All members of the Osceola County Sheriff's Office failed to intervene to stop the use of Plaintiffs as practice subjects for training exercises.

48. Upon information and belief, participants in the Dynamic Vehicle Takedown exercises were not certified in the technique but were nevertheless permitted to conduct said exercise. Allowing non-certified law enforcement officers to conduct training exercises on civilians was a perpetuation of Defendant Lopez' deadly and unconstitutional policies, procedures and protocols.

49. Defendant Lopez not only condoned but encouraged the use of dynamic vehicle takedowns as a response to alleged petit theft occurring within a retail store as part of his "by any means necessary" law enforcement model.

50. Pursuant to Osceola County Sheriff's Office Policy and Procedure 461.0, law enforcement implemented "Tactical Parking" and "Precision Immobilization Technique" (PIT) when attempting to apprehend the vehicle Plaintiffs occupied.

51. Policy 461.0 provides that such procedures are justified when the "necessity of immediate apprehension . . . outweighs the danger created by the apprehension." The policy further provides that "[t]he use of PIT may only be used . . . [when a suspect commits or is suspected of committing] a *forcible felony* and whose escape would *create a substantial risk to the general public.*"

52. Here, not only was there no need for immediate apprehension of the Plaintiffs for an alleged petit theft, but law enforcement had several opportunities to apprehend the Plaintiffs without the wrongful implementation of Policy 461.0.

53. Osceola County law enforcement officers were emboldened and encouraged to allow suspects of petit theft within a retail store to leave unchallenged and wait until they entered their vehicle before acting, thereby creating a fight or flight scenario, endangering Plaintiffs and the public at large.

54. Defendants Koffinas, Yacoub, and other law enforcement employed by Defendant Lopez created the supposed “exigency” which resulted in the death of Jayden Baez and injuries to Joseph Lowe and Michael Gomez.

55. Defendant Lopez fosters an agency-wide culture of escalating minor criminal offenses into violent and deadly scenes. This culture has been continually displayed on Defendant Lopez’ social media accounts, by his public comments, and by the violent policing culture that Defendant Lopez’ practices, procedures, and protocols have created and perpetuated.

56. Defendant Lopez, as Sheriff of Osceola County, has failed to provide adequate training to his deputies to avoid unnecessary violence and confrontation. To the opposite effect, Defendant Lopez has ratified policies and procedures that have resulted in deadly and excessive force being used regularly during law enforcement, regardless of the severity of suspected crime.

57. Upon information and belief, Koffinas has been subject to prior complaints and/or discipline. Koffinas was not disciplined for his actions on April 27, 2022.

58. Upon information and belief, Yacoub has been subject to prior complaints and/or discipline. Yacoub was not disciplined for his actions on April 27, 2022.

GRAND JURY PROCEEDINGS AS REPORTED TO THE PUBLIC

59. From on about October 26, 2023, through January 2, 2024, the Grand Jury for Osceola County, Florida, heard testimony and reviewed evidence related to the above-described events of April 27, 2022, in the parking lot the aforesaid Target store. On February 29, 2024, the Grand Jury issued its report of those proceedings and findings to the general public. That report is attached hereto as **Exhibit B**. In its report, the Grand Jury “considered the results of a thorough investigation by the Florida Department of Law Enforcement (‘FDLE’) and the State Attorney’s Office for the Ninth Judicial Circuit.” *See Exhibit B*, p. 1. Among its critical and relevant findings, the Grand Jury made the following points:

(a) “[I]t is our firm conclusion that the ineffective and insufficient communication and training by the Osceola County Sheriff’s Office needlessly created circumstances that resulted in this tragic shooting.” *Id.*

(b) “[W]e have serious concerns regarding the problematic, ill-planned, impulsive approach by the Osceola County Sheriff’s Office used when

executing the vehicle block that resulted in one man's death, and injury to two others." *Id.*

(c) "Our conclusion bluntly is that this should not have happened. Our findings uncovered grave concerns about whether the appropriate amount of force was used to apprehend misdemeanor shoplifters and how insufficient training around vehicle blocks and a lack of communication needlessly created circumstances where a deputy was faced with a death or great bodily harm. Furthermore, it is deeply troubling that there is no policy outlining when and where deputies can execute a vehicle block that considers the surroundings and circumstances to minimize the threat of potential harm to officers and the public." ... It is our firm belief that the circumstances of this case did not warrant a vehicle block based on what was known about the offense and the offenders." *Id.* at 7.

(d) "[T]he radio communication log reflects a gross lack of training and communication by the deputies involved in this matter." ... "The radio communication log shows the deputies' ineffective training and inability to communicate the plan or change of plans quickly and clearly." *Id.* at 10.

(e) "This was a poorly planned and poorly executed vehicle block. It increased the threat of potential harm from unintentional crossfire and deputies needlessly placed themselves in harm's way, creating circumstances where one deputy was faced with death or great bodily harm. We strongly suggest that the Osceola County Sheriff's Office examine the facts of this case very carefully and

implement sufficient policies that minimize those threats, thereby reducing potential harm or loss of life in the future.” *Id.* at 11.

(f) “Every law enforcement agency, like any other agency or organization, has a leader. This person represents the entire agency or organization and is ultimately responsible for the decisions each member of the agency or organization makes on a daily basis. We invited Sheriff Marcos Lopez to come testify before us so that he could have an opportunity to address our concerns with his agency’s actions. He declined to appear before us and instead provided other members of his agency to appear and testify. Because we feel the gravity of this situation warrants the Sheriff’s appearance before us, we, in turn, decline his invitation to have other members of his agency testify instead of him.” *Id.* at 12-13.

60. It is now evident that the factual allegations in the original complaint which was filed on September 20, 2023 were fully corroborated by the findings of the Grand Jury as set forth in its written report of February 28, 2024, and released to the public on February 29, 2024. *See Exhibit B.* Accordingly, the bulk of factual denials set forth in Defendants’ Answer and Affirmative Defenses filed on November 1, 2023, now appear to be factually unsupported and therefore in violation of Rule 8 of the Federal Rules of Civil Procedure.

**COUNT I – DEFENDANT KOFFINAS’ VIOLATION OF MICHAEL
GOMEZ’ CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

61. Michael Gomez repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

62. Koffinas used objectively unreasonable force in the detention and arrest of Michael Gomez. The force used by Koffinas was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Michael Gomez.

63. The acts of Koffinas violated Michael Gomez’ right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

64. Koffinas was aware that Michael Gomez had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Michael Gomez with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiff, MICHAEL GOMEZ, demands a judgment against Defendant Koffinas for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT II – DEFENDANT KOFFINAS’ VIOLATION OF JOSEPH
LOWE’S CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

65. Joseph Lowe repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

66. Koffinas used objectively unreasonable force in the detention and arrest of Joseph Lowe. The force used by Koffinas was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Joseph Lowe.

67. The acts of Koffinas violated Joseph Lowe’s right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

68. Koffinas was aware that Joseph Lowe had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Joseph Lowe with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiff, JOSEPH LOWE, demands a judgment against Defendant Koffinas for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

COUNT III – DEFENDANT KOFFINAS’ VIOLATION OF IAN JOI’S CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE

69. Ian Joi repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

70. Koffinas used objectively unreasonable force in the detention and arrest of Ian Joi. The force used by Koffinas was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Ian Joi.

71. The acts of Koffinas violated Ian Joi right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

72. Koffinas was aware that Ian Joi had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Ian Joi with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiff, IAN JOI, demands a judgment against Koffinas for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, an award of costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT IV – DEFENDANT KOFFINAS’ VIOLATION OF JAYDEN
BAEZ’ CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

73. The Co-Representatives of the Estate of Jayden Baez repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

74. Koffinas used objectively unreasonable force in the detention and arrest of Jayden Baez. The force used by Koffinas was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Jayden Baez.

75. The acts of Koffinas violated Jayden Baez’ right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

76. Koffinas was aware that Jayden Baez had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Jayden Baez with unreasonable, unnecessary, and deadly force.

WHEREFORE, Alejandro Baez and Josephine Cartagena, as Co-Representatives of Jayden Baez, demand a judgment against Koffinas for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including compensation for the deprivation of life, an award of costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT V – DEFENDANT YACOUB’S VIOLATION OF MICHAEL
GOMEZ’ CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

77. Michael Gomez repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

78. Yacoub used objectively unreasonable force in the detention and arrest of Michael Gomez. The force used by Yacoub was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Michael Gomez.

79. The acts of Yacoub violated Michael Gomez’ right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

80. Yacoub was aware that Michael Gomez had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Michael Gomez with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiff, MICHAEL GOMEZ, demands a judgment against Defendant Yacoub for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT VI – DEFENDANT YACOUB’S VIOLATION OF JOSEPH
LOWE’S CIVIL RIGHTS UNDER THE FOURTH AMENDMENT**
UNREASONABLE SEIZURE
EXCESSIVE FORCE

81. Joseph Lowe repeats and realleges paragraphs one 1 through 60 as though more fully set forth herein.

82. Yacoub used objectively unreasonable force in the detention and arrest of Joseph Lowe. The force used by Yacoub was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Joseph Lowe.

83. The acts of Yacoub violated Joseph Lowe’s right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

84. Yacoub was aware that Joseph Lowe had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Joseph Lowe with unreasonable, unnecessary force, and deadly force.

WHEREFORE, Plaintiff, JOSEPH LOWE, demands a judgment against Defendant Yacoub for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT VII – DEFENDANT YACOUB’S VIOLATION OF IAN JOI’S
CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

85. Ian Joi repeats and realleges paragraphs 1 through 60 as though more fully set forth herein.

86. Yacoub used objectively unreasonable force in the detention and arrest of Ian Joi. The force used by Yacoub was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Ian Joi.

87. The acts of Yacoub violated Ian Joi’s right to be free from an unreasonable seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. § 1983.

88. Yacoub was aware that Ian Joi had allegedly committed the crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue Ian Joi with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiff, IAN JOI, demands a judgment against Defendant Yacoub for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT VIII – DEFENDANT YACOUB’S VIOLATION OF JAYDEN BAEZ’
CIVIL RIGHTS UNDER THE FOURTH AMENDMENT
UNREASONABLE SEIZURE
EXCESSIVE FORCE**

89. The Co-Representatives of the Estate of Jayden Baez repeat and reallege paragraphs 1 through 60 as though more fully set forth herein.

90. Yacoub used objectively unreasonable force in the seizure of Jayden Baez. The force used by Yacoub was unjustified, excessive, and deadly, and showed a reckless and callous disregard for the constitutional rights of Jayden Baez.

91. The acts of Yacoub violated Jayden Baez’ right to be free from an unreasonable and fatal seizure in violation of the Fourth Amendment, actionable under 42 U.S.C. §§ 1983 and 1988.

92. Yacoub was aware that Jayden Baez was involved in an alleged crime of Petit Theft, a second-degree misdemeanor, yet proceeded to pursue and execute him with unreasonable, unnecessary, and deadly force.

WHEREFORE, Plaintiffs, Alejandro Baez and Josephine Cartagena, as Co-Representatives of Jayden Baez, demand a judgment against Yacoub for both compensatory and punitive damages under 42 U.S.C. §§ 1983 and 1988, including compensation for the deprivation of life, an award of costs of this action and attorney fees, and for such other relief as this Court deems just and proper.

**COUNT IX – PLAINTIFFS’ CONSOLIDATED CLAIMS AGAINST
DEFENDANT LOPEZ, IN HIS CAPACITY AS SHERIFF OF OSCEOLA
COUNTY, FOR LIABILITY UNDER 42 U.S.C § 1983**

93. All three (3) individual Plaintiffs, Michael Gomez, Joseph Lowe, and Ian Joi, along with the Co-Representatives of the Estate of Jayden Baez, repeat and reallege paragraphs 1 through 92 as though more fully set forth herein.

94. This is a cause of action for violation of civil rights under 42 U.S.C. §§ 1983 and 1988 against Defendant Lopez, in his official capacity as Sheriff of Osceola County, not predicated on vicarious liability, but instead independently predicated upon the affirmative ratification by Defendant Lopez, acting in his capacity as Sheriff, of the misconduct of Koffinas, Yacoub, and other law enforcement officers. None of these officers were disciplined or chastised by their Sheriff, and instead were supported and exonerated by Sheriff Lopez notwithstanding the misconduct alleged, even though such conduct resulted in death and/or permanent injury to Plaintiffs suspected of only petit theft, and who were not posing a threat of violence against known or unidentified police officers.

95. Approximately one week following the events that resulted in the death of Baez and the permanent injury of Gomez and Lowe, for allegedly committing a misdemeanor offense of petit theft, Defendant Lopez publicly ratified the actions of his deputies.

96. Despite the fact that there had been no internal investigation clearing the deputies or detectives of wrongdoing, this premature and full-throated ratification by Defendant Lopez, in his capacity as Sherriff, constitutes municipal or agency liability under the *Monell* doctrine. On May 4, 2022, Defendant Lopez stated to the media in a press conference: “I believe my deputies are justified in all their actions” and “I have the utmost, 200% trust in everything they do based on their training and their experience.”

97. This affirmative and unequivocal embrace by Defendant Lopez of the known and unconstitutional actions of his deputies constitutes ratification under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978), for which the Sheriff, in his official capacity, is now legally responsible.

98. Additionally, based upon the written findings of the Grand Jury released to the public on February 29, 2024, it clearly appears that there is a gross lack of training by Defendant Lopez which caused the tragic and unnecessary death and injuries alleged herein. Accordingly, agency liability attaches to the actions of the Defendant deputies for which the Sheriff, in his official capacity, is now legally responsible under *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989).

WHEREFORE, all four (4) Plaintiffs, including the Co-Representatives of the Estate of Jayden Baez, respectfully request entry of four (4) separate judgments against Defendant Lopez, in his official capacity as Sheriff, for compensatory damages under this Count suffered by each of the four (4) Plaintiffs, including costs

of this action and an award of attorney fees, and for such other relief as this Court deems just and proper.

DEMAND FOR A TRIAL BY JURY

Plaintiffs request a trial by jury on all issues so triable.

RESPECTFULLY submitted this 11th day of April 2024.

/s/ Mark E. NeJame

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