

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RYAN PITTS , an individual,)
c/o Sabol Mallory, LLC)
743 S. Front St)
Columbus, OH 43206,)

Plaintiff)

v.)

EMILY GEIER, in her individual)
capacity as a Columbus Police Officer,)
City of Columbus, Division of Police)
120 Marconi Blvd.)
Columbus, OH 43215)

-and-)

LUCAS LAUVRAY, in his individual)
capacity as a Columbus Police Officer,)
City of Columbus, Division of Police)
120 Marconi Blvd.)
Columbus, OH 43215)

-and-)

DAXTON CATES, in his individual)
capacity as a Columbus Police Officer,)
City of Columbus, Division of Police)
120 Marconi Blvd.)
Columbus, OH 43215)

Defendants.)

CIVIL ACTION NO.

JUDGE:

MAGISTRATE JUDGE:

COMPLAINT

JURY DEMAND ENDORSED HEREON

COMPLAINT

I. INTRODUCTION

1. The claims at issue in this case arise from an incident on August 11, 2023, in which Officers of the Columbus Division of Police (“CPD”), acting under color of state law, intentionally and willfully subjected Plaintiff Ryan Pitts (“Mr. Pitts”) to, *inter alia*, false arrest and false imprisonment in violation of his civil rights.
2. In this civil rights action, Mr. Pitts seeks relief for the violation of his rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments to the United States Constitution, and the common law of the State of Ohio.
3. Plaintiff seeks monetary damages (special, compensatory, and punitive) against defendants, as well as declaratory, injunctive, and equitable relief, an award of costs and attorneys’ fees, and such other and further relief as the Court deems just and proper.

II. JURISDICTION AND VENUE

4. Jurisdiction over claims brought under the Civil Rights Act of 1871, 42 U.S.C. § 1983 (deprivation of rights under color of law), is conferred on this Court by 28 U.S.C. § 1331 (federal question); 1343 (civil rights), and jurisdiction over the state claims is conferred by 28 U.S.C. § 1367 (supplemental jurisdiction).
5. Venue is proper pursuant to 28 U.S.C. § 1391(b) and S.D. Ohio Civ. R. 82.1(b), because the events that give rise to this action occurred in Franklin County, Ohio. Defendants reside and/or are employed as Columbus Police Officers in Franklin County, Ohio.
6. Costs and attorneys’ fees may be awarded pursuant to 42 U.S.C. § 1988, the common law of the State of Ohio, and Fed. R. Civ. P. 54.

III. PARTIES

7. Plaintiff Ryan Pitts is a resident of the State of Ohio and a citizen of the United States of America.
8. Defendants Geier, Lauvray, and Cates (Defendants Geier, Lauvray, and Cates will collectively be referred to herein as “Defendant Officers”) are being sued in their individual capacity; and were, at all times material to this Complaint, employees of the Columbus Police Department located in Franklin County, Ohio, and “persons” under 42 U.S.C. § 1983 acting under color of law.

IV. FACTUAL ALLEGATIONS

9. On August 11th, 2023, Defendant Officers were assigned to duty as police officers on behalf of the City of Columbus, to perform police work in Columbus, Ohio.
10. On August 11th, 2023, Mr. Pitts was lawfully operating his properly registered vehicle.
11. Mr. Pitts had a Commercial Driver’s License which he utilized for employment.
12. Defendant Geier followed Mr. Pitts as he drove.
13. Defendant Geier was able to clearly see Mr. Pitts’ license plate, ran his license plate number, and was told by dispatch that he was a valid driver.
14. Defendant Geier was also able to physically observe Mr. Pitts as he drove.
15. Mr. Pitts observed Defendant Geier stalking him and used his turn signal to pull to the side of the road. Geier also stopped but did not initiate a seizure at this point.
16. Defendant Cates arrived shortly after and pulled up to Defendant Geier. Geier told Cates that she didn’t see anything unusual about Mr. Pitts prior to him entering a gas station and had her attention drawn by “a better car.” Geier also told Cates that she believed Pitts was

driving a car with prohibited tint, and lamented not initially knowing that she could seize a vehicle for a tint violation.

17. Geier was incorrect as a matter of law because Pitts had no prohibited tint.

18. Because Defendant Geier did not initiate contact after Pitts initially pulled to the curb, Pitts drove away.

19. Observing Pitts begin to drive, Defendant Geier explained to Defendant Gates that while observing Mr. Pitts leave a gas station, Pitts stopped before he executed a turn.

20. Defendant Geier then saw Pitts' vehicle again and told Defendant Cates that she "kind of want[ed] to ask him why he's all turned around." She then initiated a traffic stop.

21. Defendant Geier has acknowledged that "tint is what I pulled him over for."

22. Mr. Pitts pulled over properly and without incident.

23. Upon contact, Mr. Pitts explained and demonstrated to the officers that he did not have an illegal tint. Defendant Geier told Mr. Pitts that she "did not care."

24. Mr. Pitts told Defendant Officers he believed his rights were being violated.

25. Defendant Geier seized Mr. Pitts' license, took it back to her cruiser, and noted he "had nothing on here" after running his information.

26. While Defendant Geier was at her cruiser running Pitts' information, Defendant Cates began interrogating Pitts as to whether he had weapons or whether he had drugs in the car. Pitts said no.

27. Mr. Pitts showed Cates again that he had no tint at all on his front windows and told Cates he was a truck driver and was heading home to his family.

28. Defendant Cates again told Pitts he was seized for a tint violation. Pitts showed him again he had no tint on his windows. Cates asked, “what about the front windshield?” Pitts pointed out that, like the front windows, there was zero tint on the front windshield as well.
29. Defendant Lauvray arrived in his own cruiser shortly after Pitts was seized.
30. Defendant Geier told Defendant Lauvray she had “forgotten” to ask about weapons and asked he do so.
31. Defendant Lauvray approached Pitts at his driver’s side window and reiterated the false claim that he had an unlawful tint. Pitts explained and demonstrated—yet again—that there was no tint on the front windows or windshield.
32. Mr. Pitts continued to show officers that he had no tint on his windshield or front windows. Defendants Lauvray and Cates expressed little interest and began asking questions about whether he “smokes weed.” Mr. Pitts replied “no.”
33. When Cates asked about Pitts possibly using drugs, there was no claim of evidence that he had used or possessed contraband at any time. A subsequent search of the vehicle proved Pitts had no contraband.
34. While Mr. Pitts was expressing his frustration at being asked what he was told were “standard questions” relating to drug use, Defendant Lauvray told Pitts to “shut up” and asked if Mr. Pitts had weapons. After again expressing frustration because he “did not break any laws,” Pitts stated that “I ain’t got no weapons.”
35. Defendant Lauvray then told Mr. Pitts to put his hands on the wheel. Pitts did. Pitts then said he was going to record the interaction with his phone, to which Defendant Geier—now back at the vehicle again—responded “that’s fine.” This was apparently not fine with Defendant Lauvray, however, who proceeded to yank Mr. Pitts out of his car.

36. Defendant Lauvray took custody of Pitts.

37. Defendant Lauvray claimed that, while he had control of Mr. Pitts and Pitts was facing away from him, Pitts touched his taser. He threatened to put Pitts “on the fucking ground.”

38. At no point did Mr. Pitts attempt to or actually grab Lauvray’s taser. In an interview with the Columbus Office of the Inspector General (Columbus IG), Defendant Lauvray conceded that he did not know if Pitts did anything “on purpose,” but claimed to feel “a little bit of a pull that was let go quick.”

39. Mr. Pitts was secured in the back of a cruiser.

40. At this point, Defendant Cates told Defendant Geier that he wanted to speak with her.

41. Cates asked Lauvray: “You have your cruiser cam off?” Once Defendant Lauvray checked and affirmed his video was not on, all three Defendants turned off their body worn cameras (BWC).

42. When asked by the Columbus IG as to what they were discussing with the cameras off, Defendant Cates admitted he was having a conversation with Defendant Geier where he told her that he did not believe they had probable cause for a window-tint violation.

43. Upon information and belief, Defendant Officers turned off their video and audio recording systems so there would not be evidence of them acknowledging amongst themselves that they had committed an unconstitutional seizure and arrest.

44. Upon information and belief, Defendant Officers used this time to conspire to fabricate a story which would justify their unlawful actions.

45. Defendant Officers Geier and Cates kept their BWCs turned off for about the next 27 minutes. Defendant Lauvray also had his BWC off apart from about 8 minutes when he turned it on and then off again.

46. During the time Defendant Officers ensured video was off they conducted an illegal search of Mr. Pitts' car. No drugs, weapons, or contraband was found.
47. After Defendant Cates informed Defendants Geier and Lauvray they did not have probable cause for a tint violation, they claimed to have attempted to find evidence of any other violation by looking at a CPD neighborhood video camera. Though this action was not noted on Geier's U-10-100 narrative or any other report generated that was contemporaneous with this incident, in the Columbus IG interviews Defendant Officers allege to have seen video of Mr. Pitts leaving a gas station.
48. Defendant Officers claimed to the Columbus IG this video did not show Mr. Pitts fail to use a turn signal, but it showed him not come to a complete stop prior to entering the roadway from the gas station.
49. Mr. Pitts told officers that he did come to a complete stop before exiting the gas station.
50. Defendant Geier conceded to Defendant Cates prior to the initial seizure that Pitts had come to a stop prior to leaving the gas station.
51. Officers cited Pitts with a violation of Columbus City Code (CCC) 2131.22(A) for failing to yield from a private drive based upon their false allegation that he did not come to a stop as he left the gas station. But even if the allegation were true, they still lacked reasonable suspicion to execute a stop for this offense because there was no traffic, pedestrian or anything else to yield to. At no point in their reports or conversations was there a claim by Defendant Officers that Pitts did not yield to an object, and in a conversation in court on November 16, 2023, Defendant Geier conceded there were no vehicles or pedestrians on the road when Pitts executed his turn.

52. The claimed video showing Pitts leaving the gas station was not saved or recorded by Defendant Officers, and due to their inaction, it is permanently deleted (if it ever existed). Though Defendant Geier told Mr. Pitts she had and could show video of him not stopping, this evidence was never produced.
53. Contrary to Defendant Geier's assertions, Mr. Pitts did use his turn signal and come to a stop prior to leaving the gas station, and he told the Defendant Officers this at the time of his arrest.
54. Pitts was cited with Failure to Comply, Failure to Yield, and Failure to Signal.
55. Knowing they had no probable cause for a tint violation, Mr. Pitts was still told by officers that they were doing him a "favor" not citing him with the violation.
56. Defendant Officers lacked probable cause for each of these offenses.
57. As the stop was concluding, Defendant Officers mocked Mr. Pitts. For the first time in the interaction, Mr. Pitts was referred to as "Jamal." Mr. Pitts' middle name is Jamal—a name that had not been referenced to this point—and Defendant Cates degradedly stated "all right, Jamal" to Mr. Pitts.
58. Upon information and belief, calling Pitts "Jamal" was a racially and socio-economically motivated attempt at an insult.
59. In their exchange, an officer taunted Mr. Pitts in stating "that's why you're the one in cuffs."
60. As Mr. Pitts drove away and used his turn signal, an Officer yelled "way to use your turn signal!" All officers laughed.
61. On August 14, 2023, Mr. Pitts filed a complaint with the City of Columbus Department of the Inspector General alleging that he was "pulled over for no reason."

62. The Columbus DIG conducted a thorough investigation. They interviewed Defendant Officers and Mr. Pitts, reviewed all available videos, investigated the scene, and analyzed Defendant Officers' conduct within the construct of constitutional rights, the laws of Columbus, and the policies of the Columbus Police Department.
63. The Columbus DIG found Mr. Pitts' allegation to be "sustained." That is, the Columbus DIG held "the investigation found evidence that substantiated the complainant's allegation and the alleged incident violated CPD policies, procedures and/or law."
64. While conducting their investigation, the Columbus DIG independently alleged and found further violations against Defendants Geier and Lauvray.
65. The Columbus DIG found that Defendant Geier violated CPD Directive 3.07 I B, which states "Profiling, in and of itself is not inappropriate when used legally and for a legitimate law enforcement purpose. However, bias-base profiling illegally infringes on the rights of others and will not be tolerated by the Division."
66. Mr. Pitts agrees that Defendant Geier engaged in illegal biased-based profiling.
67. The Columbus DIG found Geier violated CPD Directive 3.07 I A, which states "A fundamental right guaranteed by the Constitution of the United States to all persons in this nation is equal protection under the law. Additionally, citizens and non-citizens alike have the fundamental right to be free from unreasonable searches and seizures by government agents. The Columbus Division of Police is charged with protecting these rights for all."
68. Mr. Pitts agrees that Defendant Geier violated his fundamental constitutional right to equal protection and freedom from unreasonable searches and seizures.

69. The Columbus DIG found Defendant Lauvray also violated several provisions.

Specifically, it found Defendant Lauvray violated rules against profanity and rules prohibiting discourteous or rude behavior.

70. Mr. Pitts agrees Mr. Lauvray violated these CPD rules.

71. The investigation and findings were forwarded to the Chief of Police for review and disciplinary action.

72. On November 16, 2023, counsel for Pitts explained to an assistant prosecutor that, even if the officers were being truthful about what they claimed to have witnessed on video, they still lacked probable cause for any violation. After speaking to a supervisor, the assistant prosecutor dismissed all of Defendant's charges without condition.

V. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION - FALSE IMPRISONMENT IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS AND OHIO COMMON LAW

73. Paragraphs 1 through 72 above are realleged and incorporated herein.

74. On August 11, 2023, Defendants Geier, Cates, and Lauvray, either directly or indirectly, participated in the unlawful detention of Mr. Pitts.

75. Said Defendants lacked reasonable suspicion or probable cause to detain Mr. Pitts at any time relevant hereto.

76. At that time, Defendants Geier, Cates, and Lauvray were acting intentionally, deliberately, and maliciously, and under the color of state law.

77. Defendant Officers' conduct deprived Mr. Pitts of his right to be free of unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United

States Constitution. Defendants' conduct also deprived Mr. Pitts of his right to due process of law, pursuant to the Fourteenth Amendment of the United States Constitution.

SECOND CAUSE OF ACTION: FALSE ARREST IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS AND OHIO COMMON LAW

78. Paragraphs 1 through 77 above are realleged and incorporated herein.

79. On August 11, 2023, Defendants Geier, Cates, and Lauvray, either directly or indirectly, participated in the unlawful arrest of Mr. Pitts.

80. Said Defendants lacked probable cause to arrest Mr. Pitts at any time relevant hereto.

81. At that time, Defendants Geier, Cates, and Lauvray were acting intentionally, deliberately, and maliciously, and under the color of state law.

82. Defendant Officer's conduct deprived Mr. Pitts of his right to be free of unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. Defendants' conduct also deprived Mr. Pitts of his right to due process of law, pursuant to the Fourteenth Amendment of the United States Constitution.

83. By arresting Mr. Pitts when, at the moment of the arrest, the facts and circumstances within the knowledge of the Defendant Officers were insufficient to warrant a reasonable person to believe Mr. Pitts had committed a crime, Defendant Officers committed a false arrest. Defendants falsely arrested Mr. Pitts and failed to intervene in each other's obviously illegal actions.

THIRD CAUSE OF ACTION: MALICIOUS PROSECUTION IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS AND OHIO COMMON LAW

84. Paragraphs 1 through 83 above are realleged and incorporated herein.

85. By making, influencing, and/or participating in the decision to prosecute Mr. Pitts without probable cause, which prosecution was resolved in his favor by dismissal at the unilateral

request of the prosecution, and doing so with knowingly or recklessly making false statements in their paperwork, Defendant Officers maliciously prosecuted Mr. Pitts, resulting in his deprivation of liberty.

86. As a direct and proximate result of the malicious prosecution, Mr. Pitts was cited to court, lost time from employment, suffered humiliation, physical and mental pain, lost respect in the community and incurred substantial attorney fees.

FOURTH CAUSE OF ACTION: CIVIL CONSPIRACY TO VIOLATE THE FOURTH AND FOURTEENTH AMENDMENTS

87. Paragraphs 1 through 86 above are realleged and incorporated herein.

88. Defendant Officers conspired against Mr. Pitts to conceal their constitutional violations by further depriving Mr. Pitts of his Fourth and Fourteenth Amendment rights after it was clear he was seized without reasonable suspicion or probable cause. They then furthered this conspiracy by continuing to detain Pitts without probable cause, making knowingly or recklessly false statements in their paperwork, and making the decision to prosecute Mr. Pitts without probable cause.

FIFTH CAUSE OF ACTION: 42 U.S.C. §1983 PUNITIVE DAMAGE CLAIMS AGAINST INDIVIDUAL DEFENDANTS

89. Paragraphs 1-88 above are realleged and incorporated herein.

90. The acts of the individual Defendant Officers Geier, Cates, and Lauvray, as set forth herein, were performed under color of state law. The acts were malicious, wanton and reckless, and warrant a substantial punitive damage award.

VI. PRAYER FOR RELIEF

1. Declare that Defendant Officers have, through false arrest, false imprisonment, and malicious prosecution, violated Mr. Pitts' Fourth and Fourteenth Amendment rights, and conspired against Plaintiff to violate those rights.
2. Order more than \$25,000 in compensatory damages; more than \$25,000 in punitive damages; prejudgment and post-judgment interest; costs; attorneys' fees, and such other relief as the Court may deem appropriate.

Respectfully submitted,


Sabol Mallory LLC, by

A handwritten signature in blue ink, appearing to read "Daniel J. Sabol", is written over a horizontal line.

Daniel J. Sabol
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JURY DEMAND

Plaintiff requests that all issues in this matter be tried to a jury.

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Daniel J. Sabol (0081403)