

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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APRIL M. GOODS,

Case No. 1:21-cv-1357 (MAD/DJS)

Plaintiff,

COMPLAINT

- against -

(Jury Trial Demanded)

CHRISTOPHER G. BALDNER
in his individual capacity,

Defendants.

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PRELIMINARY STATEMENT

1. This is an action to recover for a violation of plaintiff APRIL M. GOODS's civil rights pursuant to 42 U.S.C. § 1983 and State law.
2. This matter arises from an incident in which New York State Trooper CHRISTOPHER G. BALDNER, acting under color of State law, intentionally rammed a vehicle owned by Plaintiff April M. Goods, in which she was riding as a passenger, multiple times at speeds which exceeded of 100 miles per hour, causing the vehicle to overturn and killing Plaintiff's 11-year-old stepdaughter. Plaintiff was in the zone of danger of bodily harm (*see Bovsun v. Sanperi*, 61 N.Y.2d 219 [1984]) and was contemporaneously aware of the death of her stepdaughter, M.G., as a result of Defendant's action.
3. As detailed below, Defendant's reckless and wanton conduct in exercising deadly force to apprehend an individual whom he had stopped for speeding, whose identity was known to him, and whose wife and children were passengers,

violated Plaintiff's rights under the United States and New York State Constitutions, and gave rise to State law causes of action for intentional and/or negligent infliction of emotional distress, assault and battery.

4. As a result, Plaintiff seeks compensatory and punitive damages as set forth below.

JURISDICTION AND VENUE

5. This action arises under the United State Constitution, specifically under the Fourth, Fifth, and Fourteenth Amendments, as well as under federal law, particularly 42 U.S.C. §§ 1983 and 1988.
6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.
7. This Court has supplemental jurisdiction over the plaintiff's claims arising under the New York State Constitution pursuant to 28 U.S.C. § 1367.
8. The wrongful acts complained of herein occurred in the Northern District of New York.

PARTIES

9. The plaintiff, APRIL M. GOODS (hereinafter, "Plaintiff"), was at all relevant times a citizen of the United States of America and a resident of the State of New York, County of Saratoga.
10. Defendant CHRISTOPHER G. BALDNER was at all relevant times a resident of the State of New York, County of Greene. He is sued in his individual capacity.

FACTUAL STATEMENT

December 22, 2020 Incident

11. On or about December 22, 2020, defendant Christopher G. Baldner (hereinafter, “Trooper Baldner”) was employed by the New York State Police as a Trooper.
12. All actions of defendant Trooper Baldner, as hereinafter described, were performed under color and pretense of state law.
13. All actions of defendant Trooper Baldner, as hereinafter described, constitute State action.
14. All actions of defendant Trooper Baldner, as hereinafter described, were performed in the scope of his employment as a New York State Trooper.
15. On or about December 22, 2020, at all times relevant herein, Trooper Baldner was in his New York State Police uniform and displaying a badge of authority.
16. On or about December 22, 2020, Trooper Baldner was operating a New York State Police vehicle on Interstate 87, the New York State Thruway, in the area of Exit 19.
17. On or about December 22, 2020, Plaintiff was the owner of, and a passenger in, a 2017 Dodge vehicle traveling northbound on Interstate 87, the New York State Thruway, in the area of Exit 19.
18. The vehicle was being driven by Plaintiff’s husband, Tristin G. Goods (hereinafter, “Goods”).
19. Riding as passengers in the vehicle were Plaintiff, and her two stepdaughters: T.G., 12 years old, and M.G., 11 years old.

20. Shortly before 11:44 p.m., Trooper Baldner used his New York State Police cruiser's lights to initiate a traffic stop of the vehicle driven by Goods. (hereinafter, "Plaintiff's vehicle").
21. Goods submitted to Trooper Baldner's demonstration of authority by stopping Plaintiff's vehicle.
22. Trooper Baldner approached Plaintiff's vehicle and told Goods, in sum and substance, that he had stopped him for exceeding the speed limit.
23. Trooper Baldner did not advise Goods of any reason for the stop beyond his alleged speed.
24. Upon information and belief, when Trooper Baldner stopped the vehicle, Trooper Baldner was not aware of Goods having committed any violation of law beyond allegedly speeding, a violation-level offense under New York State law.
25. Upon information and belief, a roadside electronic search or inquiry by Trooper Baldner would have confirmed that Goods was not the subject of any arrest warrant and had not been convicted of any crime previously.
26. Trooper Baldner had no reason to believe that there was any criminality afoot.
27. During the ensuing discussion, Trooper Baldner displayed an aggressive demeanor, berating Goods, raising his voice, and using profane language.
28. Upon information and belief, when Goods requested that Trooper Baldner summon a supervisor to the scene, Trooper Baldner instead escalated the interaction by raising his voice further and continuing to use profane language.
29. Trooper Baldner intentionally deployed pepper spray or similar chemical agent

into the cabin of the vehicle occupied by Goods, Plaintiff, and her infant stepchildren, causing physical injury and trauma to all.

30. Fearing for the safety of himself and his passengers, Goods drove away from Trooper Baldner and proceeded north on Interstate 87.
31. From the time that Trooper Baldner initiated the traffic stop of Plaintiff's vehicle until Goods began to drive away, Trooper Baldner did not observe any violations of criminal law by Goods, Plaintiff, or the children.
32. From the time that Trooper Baldner initiated the traffic stop, until Goods began to drive away, neither Goods, Plaintiff, nor the children did anything to threaten Trooper Baldner's safety.
33. Trooper Baldner then pursued Plaintiff's vehicle north on Interstate 87.
34. When he initiated the pursuit, Trooper Baldner had already obtained the license plate number of the Plaintiff's vehicle.
35. When he initiated the pursuit, Trooper Baldner was aware that Plaintiff's vehicle contained three passengers, including two children, ages 11 and 12.
36. Upon information and belief, as he pursued Plaintiff's vehicle, Trooper Baldner's New York State Police cruiser reached speeds of more than 130 miles per hour.
37. As a result of his professional training and experience, Trooper Baldner knew that pursuing and ramming Plaintiff's vehicle at high speed would endanger Goods, Plaintiff, the two infant children in the vehicle, himself, and others in the community.
38. At all times during the pursuit, Goods' identity was known to Trooper Baldner

and/or easily ascertainable based upon facts known to Trooper Baldner, and neither Goods, nor Plaintiff, nor the children presented no immediate danger to the public.

39. At all times mentioned herein, Trooper Baldner was aware by virtue of his extensive New York State Police training and his agency's written pursuit policy, specifically New York State Police Manual Art. 30E2, and de facto policy that he had a duty to drive in a manner exercising reasonable care for his safety and that of all other persons within the pursuit area, including Plaintiff and her family.
40. At all times mentioned herein, Trooper Baldner was aware by virtue of his New York State Police training and his agency's written pursuit policy that he had a duty to terminate the pursuit when it became apparent that the immediacy of apprehension was clearly outweighed by the unreasonable danger to the public posed by continuing the pursuit.
41. At all times mentioned herein, Trooper Baldner was aware that he was absolutely forbidden by New York State Police written and de facto pursuit policy from striking and/or initiating physical contact with the pursued vehicle without permission from his superior officer and/or the Sergeant on duty at the time of this event.
42. At all times mentioned herein, Trooper Baldner was aware that he was absolutely forbidden by New York State Police written and de facto pursuit policy from striking and/or initiating physical contact with the pursued vehicle without permission from his supervis

43. Nonetheless, Trooper Baldner intentionally used his cruiser as a weapon by ramming the rear of Plaintiff's vehicle twice, a maneuver prohibited by New York State Police Policy under any circumstances.
44. At the time of the first collision, the New York State Police cruiser was traveling in excess of 100 miles per hour.
45. At or near mile marker 93, approximately 9 seconds after and 7/10 of a mile farther north, Trooper Baldner then intentionally used his vehicle as a weapon again by causing his cruiser to ram Plaintiff's vehicle a second time, again at a speed that exceeded 100 miles per hour.
46. In the instant before the second impact, Trooper Baldner caused his vehicle to accelerate sharply, ensuring the violent collision that followed.
47. When Trooper Baldner caused the second collision with Plaintiff's vehicle, Trooper Baldner was performing "Vehicle Contact Action" within the meaning of New York State Police policy.
48. "Vehicle Contact Action" involves deliberate physical contact with the pursued vehicle for the purpose of terminating a pursuit.
49. At the time that Trooper Baldner rammed Plaintiff's vehicle for the second time, Plaintiff and her family posed no risk to Trooper Baldner or any other person on I-87.
50. Trooper Baldner performed Vehicle Contact Action despite knowing that Plaintiff and infant children were inside Plaintiff's vehicle and having stopped Goods for an alleged traffic violation.

51. Upon information and belief, Trooper Baldner openly and flagrantly violated New York State Police policy by failing to obtain approval from his supervisor before initiating Vehicle Contact Action in the absence of extraordinary or life-threatening circumstances.
52. When Trooper Baldner used his vehicle to ram Plaintiff's vehicle, Trooper Baldner was performing a maneuver disapproved and forbidden by the New York State Police.
53. Upon information and belief, the ramming maneuver performed by Trooper Baldner is forbidden by New York State Police policy under the circumstances in which Trooper Baldner employed it and is generally not approved for use by the New York State Police.
54. When Trooper Baldner rammed Plaintiff's vehicle for the second time, he knew that the maneuver he performed was unsafe at high speeds.
55. When Trooper Baldner rammed Plaintiff's vehicle for the second time as part of the unlawful maneuver, he knew that attempting that ramming technique at high speed violated New York State Police policy.
56. Given the speed of the vehicles, Trooper Baldner knew, or should have known, that causing his vehicle to strike Plaintiff's in that manner would cause Plaintiff's vehicle to overturn and cause serious injuries and/or death to the occupants, including Plaintiff.
57. When Trooper Baldner used his vehicle to ram Plaintiff's vehicle, he knew that he had deployed a chemical agent into the passenger cabin moments earlier which

would be expected to partially blind Goods, Plaintiff, as well as the children and/or compromise Good' ability to operate a motor vehicle.

58. When Trooper Baldner used his vehicle to ram Plaintiff's vehicle, he knew that operating an emergency vehicle neither relieved him from the duty to drive with due regard for the safety of all persons nor permitted him to act with reckless disregard for the safety of others, and his actions did, in fact, constitute such reckless disregard.

59. As a result of Trooper Baldner ramming Plaintiff's vehicle, Plaintiff's vehicle left the northbound lanes of Interstate 87, flipped over the median, and overturned before coming to rest on its roof on the southbound side of the highway.

60. Plaintiff's 11-year-old stepdaughter, M.G., was ejected from the vehicle as a result of the collision.

61. The overturned vehicle landed upon M.G., crushing her 11-year-old body and ultimately killing her.

62. M.G. died at the scene.

63. Plaintiff was aware at the scene that M.G. had been killed as a result of the collision.

64. As a result of the collision caused by Trooper Baldner, Plaintiff suffered serious permanent traumatic physical injuries and emotional injuries.

65. At the scene, Goods was kept handcuffed and prevented by New York State Police personnel from consoling, or being consoled by, Plaintiff or his surviving daughter.

66. After the fatal collision, Trooper Baldner remained at the scene after numerous additional members of the New York State Police and local law enforcement had arrived.
67. Plaintiff and Goods, who was handcuffed and segregated from his family, were aware that Trooper Baldner continued to roam the accident scene and to participate in the investigation despite Trooper Baldner having intentionally rammed Plaintiff's vehicle twice and caused it to overturn.
68. Upon information and belief, Trooper Baldner violated New York State Police policy by failing to terminate the pursuit when it became apparent that the immediacy of apprehension was outweighed by a clear and unreasonable danger to the public generally and, more particularly, the occupants of Plaintiff's vehicle.
69. Upon information and belief, Trooper Baldner violated New York State Police policy by initiating vehicle contact action (to wit: intentionally causing his vehicle to strike Plaintiff's vehicle) without obtaining approval from his supervisor.
70. Upon information and belief, before intentionally ramming Plaintiff's vehicle, Trooper Baldner failed to consider less dangerous alternatives.
71. It was foreseeable, and likely, that Plaintiff and her family would sustain significant damages and devastating emotional distress as a result of Trooper Baldner's reckless and wanton conduct.
72. The New York State Police, by its agents and employees, was aware prior to December 22, 2020, that Trooper Baldner had a propensity to act recklessly and wantonly during vehicular pursuits.

Prior Incident #1: January 2017

73. Upon information and belief, on or about January 19, 2017, Trooper Baldner engaged in a vehicular pursuit with a then-49-year-old motorist on the New York State Thruway.
74. On that occasion, Trooper Baldner wantonly and recklessly used his New York State Police cruiser to ram the motorist's vehicle, performing the PIT maneuver and disregarding the risk of physical injury to the motorist.
75. Upon information and belief, the motorist subsequently made a written complaint to the New York State Police regarding Trooper Baldner's reckless and wanton conduct.
76. The motorist's complaint fell upon deaf ears, although the New York State Police was aware of the complaint and the factual allegations set forth therein, upon information and belief, Trooper Baldner was not disciplined.

Prior Incident #2: September 2019

77. Upon information and belief, on or about September 6, 2019, at about 7:45 a.m., Trooper Baldner engaged in a vehicular pursuit on the New York State Thruway with a 2018 Dodge Caravan driven by a then-26-year-old motorist.
78. On that occasion, Trooper Baldner wantonly and recklessly used his New York State Police cruiser to ram the Dodge Caravan, performing the maneuver and disregarding the risk of physical injury to the vehicle's driver and passengers.
79. Upon information and belief, Trooper Baldner knew, or should have known, that the vehicle he rammed contained two young adult passengers (ages 19 and 21

years of age).

80. Upon information and belief, the Caravan was traveling at a high rate of speed when Trooper Baldner rammed its rear.
81. Upon information and belief, Trooper Baldner knew, or should have known, that ramming the Caravan in such manner, and under such circumstances, would cause the Caravan's driver to lose control of the vehicle.
82. Upon information and belief, Trooper Baldner's actions in ramming the Caravan caused it to spin into the median and crash against a guardrail, thereby causing a grave risk of death to the Caravan driver and its passengers.
83. Nonetheless, upon information and belief, the New York State Police failed to terminate, discipline, supervise, or otherwise act to address the known risk that Trooper Baldner posed to the public generally and, in particular, motorists using the New York State Thruway, thereby emboldening Trooper Baldner to continue to operate his vehicle in an obviously reckless and unlawful manner.
84. Trooper Baldner posed a grave risk because of his propensity to act recklessly and wantonly during vehicular chases, and his continuing to work as a New York State Trooper amounted to deliberate indifference to the rights of those individuals with whom Trooper Baldner came into contact, including Plaintiff.\

FIRST CAUSE OF ACTION
Excessive Force – Federal & State Law

85. Plaintiff repeats and realleges paragraphs 1 through 84 of this Complaint as if they

were set forth fully herein.

86. Plaintiff had the right, pursuant to the Constitutions of the United States of America and New York State, to be free of unreasonable seizures by State agents such as Trooper Baldner.
87. Trooper Baldner's conduct in intentionally causing his vehicle to strike Plaintiff's vehicle in a manner that he knew, or should have known, would cause Plaintiff's vehicle to overturn constituted a seizure.
88. The force employed by Trooper Baldner to seize Goods, and as a result, Plaintiff and her vehicle, was unwarranted, excessive, and unreasonable under the circumstances then and there existing.
89. Trooper Baldner did not reasonably believe the force used to seize Goods, and as a result, Plaintiff and her vehicle, was necessary under the circumstances.
90. As a result of the unreasonable seizure of Plaintiff and her vehicle by Trooper Baldner, Plaintiff was caused to suffer permanent and serious injuries traumatic injuries and damages.
91. As a result of the foregoing, Plaintiff was caused to be subjected to the deprivation of rights, privileges, and/or immunities secured by the Constitution and laws of the United States of America and State of New York, and has been damaged thereby, all in violation of 42 U.S.C. § 1983 and the laws of the State of New York.

SECOND CAUSE OF ACTION

Substantive Due Process – Federal & State Law

92. Plaintiff repeats and realleges paragraphs 1 through 91 of this Complaint as if they

were set forth fully herein.

93. Plaintiff had the right, pursuant to the Constitutions of the United States of America and New York State, to be free of governmental action which is arbitrary, abusive, or shocking to the conscience.
94. Trooper Baldner's conduct in intentionally causing his vehicle to strike Plaintiff's vehicle in a manner that he knew, or should have known, would cause Plaintiff's vehicle to overturn constituted an abuse of governmental power.
95. The aforementioned conduct by Trooper Baldner was committed with the intent to harm Plaintiff and her family physically.
96. The aforementioned conduct by Trooper Baldner was committed with the intent to terrorize Plaintiff and her family.
97. The aforementioned conduct by Trooper Baldner was reckless and performed with deliberate indifference to a substantial risk of serious injury.
98. The aforementioned conduct by Trooper Baldner was shocking to the conscience.
99. When Trooper Baldner rammed Plaintiff's vehicle, Trooper Baldner was not confronted with the need for quick action.
100. As a result of Trooper Baldner's intentional, reckless and/or conscience-shocking conduct, Plaintiff was caused to sustain serious and permanent traumatic physical injury and emotional injury.
101. Trooper Baldner's conduct caused Plaintiff to be deprived of her rights to substantive due process as guaranteed by the United States and New York State Constitutions.

102. As a result of the foregoing, Plaintiff was caused to be subjected to the deprivation of rights, privileges, and/or immunities secured by the Constitution and laws of the United States of America and State of New York, and has been damaged thereby, all in violation of 42 U.S.C. § 1983 and the laws of the State of New York.

THIRD CAUSE OF ACTION
Procedural Due Process – Federal & State Law

103. Plaintiff repeats and realleges paragraphs 1 through 102 of this Complaint as if they were set forth fully herein.

104. The aforesaid acts of Trooper Baldner violated Plaintiff's right not to be deprived of life, liberty or property without procedural due process.

105. As a result of the foregoing, Plaintiff was caused to be subjected to the deprivation of rights, privileges, and/or immunities secured by the Constitution and laws of the United States of America and State of New York, and has been damaged thereby, all in violation of 42 U.S.C. § 1983 and the laws of the State of New York.

FOURTH CAUSE OF ACTION
Fourth Amendment – Federal Law

106. Plaintiff repeats and realleges paragraphs 1 through 106 of this Complaint as if they were set forth fully herein.

107. Plaintiff had the right, pursuant to the Fourth Amendment to the U.S. Constitution to be free of unreasonable seizures.
108. Trooper Baldner's conduct in intentionally causing his vehicle to strike Plaintiff's vehicle in a manner that he knew, or should have known, would cause Plaintiff's vehicle to overturn, and thereby terminate Plaintiff's freedom of movement, constituted an unreasonable seizure.
109. Trooper Baldner's conduct in ramming Plaintiff's vehicle was intended to terminate Plaintiff's freedom of movement and effect a seizure of Plaintiff's person.
110. Trooper Baldner's conduct in ramming Plaintiff's vehicle was intended to effect a seizure of Plaintiff's property, specifically, the 2017 Dodge vehicle, which she owned.
111. As a result of the foregoing, Plaintiff was caused to be subjected to the deprivation of rights, privileges, and/or immunities secured by the Constitution and laws of the United States of America and State of New York, and has been damaged thereby, all in violation of 42 U.S.C. § 1983 and the laws of the State of New York.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress – State Law

112. Plaintiff repeats and realleges paragraphs 1 through 111 of this Complaint as if they were set forth fully herein.
113. The aforesaid conduct by Trooper Baldner was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and was

atrocious and utterly intolerable in a civilized community.

114. Trooper Baldner acted with the intent to cause, or reckless disregard of the probability of causing, severe emotional distress to Plaintiff.

115. Trooper Baldner's conduct caused Plaintiff to suffer physical injury and severe emotional distress.

116. Due to Trooper Baldner's extreme and outrageous conduct, Plaintiff has been damaged in an amount to be determined at trial and is likewise entitled to punitive and exemplary damages.

SIXTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress – State Law

117. Plaintiff repeats and realleges paragraphs 1 through 116 of this Complaint as if they were set forth fully herein.

118. Trooper Baldner's conduct created an unreasonable risk of causing physical harm to Plaintiff as a result of Trooper Baldner negligently initiating a high-speed pursuit.

119. As a result of Trooper Baldner's negligence, Plaintiff suffered emotional injury from witnessing the death of her 11-year-old stepdaughter, M.G.

120. Due to Trooper Baldner's negligent, reckless, and wanton conduct, Plaintiff has been damaged in an amount to be determined at trial and is likewise entitled to punitive and exemplary damages.

SEVENTH CAUSE OF ACTION
Gross Negligence / Reckless Disregard – State Law

121. Plaintiff repeats and realleges paragraphs 1 through 120 of this Complaint as if they were set forth fully herein.

122. At all times relevant herein, Trooper Baldner had a duty to exercise due care for the safety of others.

123. By intentionally causing his New York State Police cruiser to strike Plaintiff's vehicle at a high rate of speed and in a manner that Trooper Baldner knew, or should have known, would cause Plaintiff's vehicle to overturn, Trooper Baldner acted recklessly, wantonly, and in disregard of a known and/or obvious risk that was so great as to make it highly probable that harm would follow, and with conscious indifference to the outcome.

124. In acting with such reckless disregard for the safety of others, Trooper Baldner's conduct constituted gross negligence.

125. Due to Trooper Baldner's reckless, and wanton conduct, Plaintiff has been damaged in an amount to be determined at trial and is likewise entitled to punitive and exemplary damages.

EIGHTH CAUSE OF ACTION
Assault – State Law

126. Plaintiff repeats and realleges paragraphs 1 through 125 of this Complaint as if they were set forth fully herein.

127. After Plaintiff's vehicle had stopped on the side of the Thruway in response

to Trooper Baldner's flashing lights, Trooper Baldner displayed an aggressive demeanor, berating Goods in front of Plaintiff and the children, raising his voice, and using profane language.

128. Trooper Baldner deployed pepper spray or similar chemical agent into the cabin of the vehicle occupied by Goods, Plaintiff, and her infant stepchildren.

129. When Goods attempted to drive away to protect Plaintiff and the children from Trooper Baldner's aggression, Trooper Baldner pursued and intentionally rammed Plaintiff's vehicle twice.

130. As Trooper Baldner closed the distance between the vehicles and prepared to ram Plaintiff's vehicle, before each impact, Trooper Baldner intentionally caused Plaintiff to believe that a harmful bodily contact was about to occur by causing his New York State Police cruiser to bear down upon Plaintiff's vehicle at high speed.

131. Before each impact, Trooper Baldner had the real and apparent ability to carry out the threatened contact.

132. Plaintiff was placed in fear of the threatened and impending harmful contact as a result of Trooper Baldner's conduct.

133. Due to Trooper Baldner's intentional conduct, Plaintiff has been damaged in an amount to be determined at trial and is likewise entitled to punitive and exemplary damages.

NINTH CAUSE OF ACTION
Battery – State Law

134. Plaintiff repeats and realleges paragraphs 1 through 133 of this Complaint as if they were set forth fully herein.

135. Trooper Baldner caused his New York State Police vehicle to strike Plaintiff's vehicle with the intent to cause bodily harm to Plaintiff and her family.

136. As a result of Trooper Baldner's ramming Plaintiff's vehicle, Plaintiff suffered an offensive bodily contact and physical injury.

137. Due to Trooper Baldner's intentional conduct, Plaintiff has been damaged in an amount to be determined at trial and is likewise entitled to punitive and exemplary damages.

DEMAND FOR RELIEF

WHEREFORE, plaintiff APRIL M. GOODS demands judgment against defendants Christopher Baldner, New York State Police, and The State of New York as follows:

- a. Compensatory damages in an amount to be determined by the trier-of-fact;
- b. an award of attorney's fees pursuant to 42 U.S.C. § 1988,
- c. an award of punitive damages, and
- d. such other relief as to the Court seems just and proper.

JURY DEMAND

Plaintiff hereby demands a jury trial with respect to both liability and damages.

Dated: Albany, New York
December 20, 2021

DREYER BOYAJIAN LLP

By:



DONALD W. BOYAJIAN, ESQ.
Attorneys for Plaintiff
75 Columbia Street
Albany, New York 12210
(518) 463-7784