

**IN THE UNITED STATES DISTRICT
SOUTHERN DISTRICT OF INDIANA
AT INDIANAPOLIS**

MATTHEW SHORES

7332 Yorkshire Boulevard North
Indianapolis, Marion, Indiana 46229

CASE NO.

and

CHRISTOPHER KIBBEY

4738 Kintz Drive
Indianapolis, Marion, Indiana 46239

Plaintiffs

-vs-

INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT

39 Jackson Place, Suite 500
Indianapolis, Indiana 46225

CITY OF INDIANAPOLIS

200 East Washington Street, Suite 1601
Indianapolis, IN 46204

RANDAL TAYLOR

Chief of Police
Indianapolis Metropolitan Police Department
39 Jackson Place
Indianapolis, Indiana 46225

and

Various JOHN DOES 1-10,

Defendants.

VERIFIED COMPLAINT WITH JURY DEMAND ENDORSED HEREON

This is an action for money damages to redress the deprivation by Defendant Randal Taylor, Chief of Police, Indianapolis Metropolitan Police Department of the State of Indiana, the Indianapolis Metropolitan Police Department of the State of Indiana, and the City of Indianapolis of the State of Indiana (collectively “Defendants”), of the rights secured to Plaintiffs Matthew Shores and Christopher Kibbey (“collectively Plaintiffs”) by the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq, 5 U.S.C. §1502^[NL1], First Amendment claim of retaliation 42 U.S.C Sec. 1983.

JURISDICTION AND VENUE

1. This action arises under the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq, First Amendment claim of retaliation 42 U.S.C Sec. 1983 and the principal of pendent jurisdiction.
2. This action also includes state law violations of the Whistleblower Act, negligent supervision, hostile work environment, intentional infliction of emotional distress, and negligent infliction of emotional distress and retaliation.
3. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.
4. The venue is appropriate in the district under 28 U.S.C. §1391(b), because, during the relevant time, Defendants were residing in or had agents or transacted their illegal conduct in this district. The venue is also appropriate in this district because the claims arose in this judicial district. The venue is also appropriate in this district because of the exclusive jurisdiction concerning violations of the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

§§2000e et seq, 5 U.S.C. §1502, First Amendment claim of retaliation 42 U.S.C Sec. 1983. The acts constituting the violation of federal, state and common law complained of herein have occurred and unless restrained and enjoined or otherwise redressed will continue in the Southern District of Indiana.

PARTIES

5. During all times mentioned in this Complaint, Plaintiff Matthew Shores was, and is, an individual adult citizen of the United States residing at 7332 Yorkshire Boulevard North, Indianapolis, Indiana 46229. At the time of the events described herein, Defendants Indianapolis Metropolitan Police Department and Randal Taylor, Chief of Police for the Indianapolis Metropolitan Police Department of Indianapolis, Indiana employed Plaintiff Matthew Shores in Marion County, Indiana.
6. During all times mentioned in this Complaint, Plaintiff Christopher Kibbey was, and is, an individual adult citizen of the United States residing at 7332 Yorkshire Boulevard North, Indianapolis, Indiana 46229. At the time of the events described herein, Defendants Indianapolis Metropolitan Police Department and Randal Taylor, Chief of Police for the Indianapolis Metropolitan Police Department of Indianapolis, Indiana employed Plaintiff Matthew Shores in Marion County, Indiana.
7. During all times mentioned in this Complaint, the Defendant City of Indianapolis (“Defendant City”) is being sued as the governing and policy-making body for employees of the city and county government for Marion County, Indiana. Defendant City is being sued as being responsible for violating the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et

seq, 5 U.S.C. §1502, First Amendment claim of retaliation 42 U.S.C Sec. 1983 resulting in the injuries suffered by the Plaintiffs and in violation of statutorily mandated protections outlined in Ind. Code §12-10-3-11(c), Ind. Code §22-5-3-1. Defendant City has a principal place of business located at 200 East Washington Street, Suite 1601, Indianapolis, Indiana 46204.

8. During all times mentioned in this Complaint, the Defendant Indianapolis Metropolitan Police Department (“IMPD”) is being sued as the organization that manages its employees of the city and county government for Marion County, Indiana. IMPD is being sued as being responsible for violating the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq, First Amendment claim of retaliation 42 U.S.C Sec. 1983 resulting in the injuries suffered by the Plaintiffs and in violation of statutorily mandated protections outlined in Ind. Code §12-10-3-11(c), Ind. Code §22-5-3-1. IMPD has a principal place of business located at 39 Jackson Place, Suite 500, Indianapolis, Indiana 46225.
9. During all times mentioned in this Complaint, Defendant Randal Taylor (“Defendant Taylor”), Chief of the Indianapolis Metropolitan Police Department of Marion County, Indiana, is being sued in his organizational capacity as being responsible for violating the Constitution and laws of the United States, including Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq, First Amendment claim of retaliation 42 U.S.C Sec. 1983 resulting in the injuries suffered by the Plaintiffs and in violation of statutorily mandated protections outlined in Ind. Code §12-10-3-11(c), Ind. Code §22-5-3-1 and resulting in the injuries suffered by the Plaintiffs. Defendant Taylor has a principal place of business located at 39 Jackson Place, Indianapolis, Indiana 46225.

10. During all time mentioned in this Complaint, it is believed that various John Does 1-10, participated in a concert with the Defendants in violation of statutorily mandated protections outlined in Ind. Code §12-10-3-11(c), Ind. Code §22-5-3-1 resulting in the injuries suffered by the Plaintiffs.

ADMINISTRATIVE COMPLIANCE

11. On or about June 10, 2022, Plaintiff Matthew Shores (“Shores”) filed charges of employment discrimination against IMPD with the Federal Equal Employment Opportunity Commission (“EEOC”). Copies of the Notices are attached hereto as Exhibit A and incorporated herein by reference. It should be noted that these claims are not required to be administratively adjudicated before the institution of this action.
12. On or about June 10, 2022, Plaintiff Christopher Kibbey (“Kibbey”) filed charges of employment discrimination against IMPD with the EEOC. Copies of the Notices are attached hereto as Exhibit B and incorporated herein by reference. It should be noted that these claims are not required to be administratively adjudicated prior to the institution of this action.
13. On or about July 12, 2022, Shores received a “Notice of Suit Rights” from the EEOC. Attached hereto as Exhibit C and incorporated herein by reference is a true and accurate copy of the Notice.
14. On or about July 12, 2022, Kibbey received a “Notice of Suit Rights” from the EEOC. Attached hereto as Exhibit D and incorporated herein by reference is a true and accurate copy of the Notice.
15. On or about March 22, 2022, Shores and Christopher served the Defendant City with a Tort Claim Notice and Notice of Tort Claim for Property and/or Personal Property.

Attached hereto as Exhibit E and incorporated herein by reference are true and accurate copies of the Notices.

FACTS COMMON TO ALL CAUSES OF ACTION

16. On September 24, 2021, Shores, who is serving as a Police Officer, and Kibbey who is a Sergeant, were on duty at 50 Monument Circle. Plaintiffs observed Sgt. Huxley inappropriately apprehended a homeless person using excessive force which was determined through a review of the body-worn camera (BWC). The video revealed that Sgt. Huxley stomped on the head of the apprehended person, Jermaine Vaughn (“Mr. Vaughn”).
17. Immediately, Shores advised Sgt. Huxley that the video looked bad as to his use of force. Kibbey had been called to the scene of the incident providing minimal physical support in the apprehension by holding down the legs of Mr. Vaughn. Shores assisted in cuffing Mr. Vaughn. Both Plaintiffs did not use excessive force but used sufficient physical restraint to place Mr. Vaughn under control.
18. After Shores’ initial review of the BWC, he called Sgt. Huxley, who was also his supervisor, to request what was to be put in the report as to the use of force. Sgt. Huxley advised not to put any of his Blue Team information in the report and that Sgt. Huxley would be making a Use of Force Blue Team report to be sent to Sgt. Carpenter.
19. On September 25, 2021, Shores met with Sgt. Carpenter and Lt. Hopkins to advise them of the Vaughn incident and that the BWC should be reviewed as it reveals an excessive use of force by Sgt. Huxley. Shores submitted a timely Blue Team report to Sgt.

Carpenter with a copy to Capt. Hessong. Kibbey submitted the Blue Team use of force report to Sgt. Carpenter.

20. On October 5, 2021, Capt. Hessong summoned Shores to his office where he discussed the Vaughn incident suggesting that Shores had not timely reported the incident. Shores advised Capt. Hessong that he had timely advised Sgt. Carpenter and Lt. Hopkins earlier. Capt. Hessong then placed Shores on administrative leave.
21. Likewise, on October 5, 2021, District Commander Ron Hicks advised Kibbey, who was on vacation, that he was placed on administrative duty.
22. Thereafter, both Plaintiffs were not permitted to work overtime, part-time employment, or any other form of security duty. Shores and Kibbey were required to turn in the then-current police vehicles and thereafter were provided with old police vehicles that were not in good working order and were determined to be unsafe.
23. IMPD investigative units interviewed Shores and Kibbey extensively as to the incident with Mr. Vaughn and their subsequent conduct. Plaintiffs were removed from their regular duty by reason of them being involved in the Vaughn incident despite any wrongdoing on their part. Also, their colleagues treated Plaintiffs with disdain and as being untrustworthy and disloyal.
24. Later, on October 12, 2021, Defendant Taylor held a press conference in which he released to the public that Sgt. Huxley, Shores, and Kibbey were engaged in the incident of excess violent force used on Mr. Vaughn. The announcement included that there was an ongoing investigation while charging Sgt. Huxley. Shores and Kibbey were held in public ridicule.

ADDITIONAL FACTS REGARDING PLAINTIFF SHORES

25. Shores' medical records show that he had serious cardiovascular issues having previously suffered a heart attack. Shores was placed under significant stress with the abuse of his position and placement of him on administrative duty.
26. Shores was disparately treated in the investigation of four prior incidents for the six months prior to the Vaughn incident. This conduct resulted in Shores initially having severe pains that were cardiac-related and resulted in a heart attack. Shores had to seek psychological help by reason of the conduct of the Defendants.

ADDITIONAL FACTS REGARDING PLAINTIFF KIBBEY

27. Kibbey suffered additional economic stress due to the manner in which the Defendants treated him. The reduction in income due to the denial of overtime and part-time impacted Kibbey's ability to support his children. Kibbey suffered psychological and emotional stress including significant anger issues that caused a loss of confidence in his ability to do his job without retribution from the Defendants.

FIRST CAUSE OF ACTION
RETALIATION - TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED
42 USCS § 2000 et seq.

28. Plaintiffs re-allege the allegations contained in paragraphs 1 through 27 as if fully rewritten.
29. Title VII of The Civil Rights Act protects employees from retaliation or other negative consequences of engaging in protected activity like making a charge/report or participating in an investigation or proceeding among other protected activities.

30. Plaintiffs being dutiful police officers intervened when Sgt. Huxley used excessive force by stomping on the head of an apprehended person, Mr. Vaughn.
31. Plaintiffs reported the civil rights violation and the violation of the policies and rules of the IMPD about using excessive force by Sgt. Huxley to the superior officers.
32. Plaintiffs were engaged in protected activity by filing a report of the Vaughn incident and assisting and participating in the IMPD's internal investigation of the incident.
33. Soon thereafter, Defendants retaliated against Plaintiffs by placing them on administrative leave/duty. They were not permitted to work overtime, part-time employment, or be entrusted with any other form of security duty. Shores and Kibbey were required to turn in the then-current police vehicles and thereafter provided with old police vehicles that were not in good working order and were determined to be unsafe.
34. Plaintiffs were thus, entrusted with less prestigious and desirable duties for a police officer, and were also not allowed overtime and part-time employment which affected their monthly income.
35. Thus, Plaintiffs met with a materially adverse action for having engaged in the above activity.
36. Defendant Taylor made the press conference statement that Plaintiffs were engaged in the incident of excess violent force used on Mr. Vaughn when there was no wrongdoing on part of Shores and Kibbey. Sgt. Huxley was only responsible for the Vaughn incident.
37. The Defendants' actions were materially adverse that would deter reasonable employees from complaining about unlawful acts of a superior officer or from participating in an internal investigation.

38. Defendants took the materially adverse employment actions within close temporal proximity to Plaintiffs' protected activity.
39. The Defendants would not have taken the adverse action but for the Plaintiffs engaging in the above-protected activity.
40. Defendants' proffered reasons for taking action against Plaintiffs are a pretext designed to hide Defendants' retaliatory motive.
41. Defendants' retaliatory actions against Plaintiffs violated the Title VII of The Civil Rights Act of 1964, as amended.
42. As a direct and proximate result of said unlawful actions in disregard of Plaintiffs' rights. Plaintiffs have suffered humiliation, degradation, emotional distress, other consequential damages, and lost additional income.
43. Defendants acted with the requisite degree of fault warranting an award of compensatory damages, punitive damages, and attorney fees.

SECOND CAUSE OF ACTION
RETALIATION

44. Plaintiffs re-allege the allegations contained in paragraphs 1 through 43 as if fully rewritten.
45. Defendants knowingly and with deliberate indifference for the constitutional rights of employees like the Plaintiffs herein, who report illegal activities of other officers and participate in the inquiry or investigation, retaliated against them by taking adverse employment actions for engaging in such protected activities.
46. These policies, customs, and practices of Defendants were the moving forces behind the de facto customs and practices to retaliate and take adverse employment actions against

Plaintiffs. These customs, policies, and practices were the legal cause of the Plaintiffs' injuries.

47. Defendants deprived Plaintiffs of their federal rights, property interests, and otherwise discriminated against Plaintiffs based upon their protected activity.
48. Defendants acted with deliberate indifference to the rights of Plaintiffs by showing conscious disregard to the protected activity violating their constitutional rights and proximately causing them the damages described herein and above in violation of 42 U.S.C. §1983.
49. As a direct and proximate cause of the acts and omissions of Defendants, Plaintiffs suffered extreme and severe mental anguish and pain. Defendants' policy or custom, and its failure to adopt clear policies and failure to properly train its officials, were a direct and proximate cause of the constitutional deprivation suffered by Plaintiffs.

THIRD CAUSE OF ACTION
HOSTILE WORK ENVIRONMENT

50. Plaintiffs re-allege the allegations contained in paragraphs 1 through 49 as if fully rewritten.
51. Shores and Kibbey were removed from their regular duty by reason of them being involved in the Vaughn incident despite any wrongdoing on their part. They were treated with disdain by their colleagues as being untrustworthy and disloyal.
52. Defendant Taylor held a press conference falsely stating to the public that Shores and Kibbey were engaged in the incident of excess violent force used on Mr. Vaughn along with Sgt. Huxley. Shores and Kibbey were held in public ridicule.

53. Shores and Kibbey were subjected to abusive ridicule, embarrassment, and defamatory statements by Defendant Taylor, and Plaintiffs' superiors, all being employees, representatives, agents, or officers of Defendants whose incidents contributed to their emotional distress.
54. Plaintiffs suffered emotionally due to the Defendants' conduct. They have lost confidence in their ability to perform in their position as police officers with confidence as they both have been subjected to a hostile work environment.
55. Defendants discriminated against and humiliated Plaintiffs due to their alleged involvement in the Vaughn incident. Though Plaintiffs engaged in activity protected by statute, they were penalized along with the real wrongdoer. Plaintiffs were granted lesser work assignments and diminished job responsibilities, which resulted in a reduction in pay and thus loss of additional income. This caused economic and mental stress to the petitioners.
56. As a result of Defendants' discriminatory conduct, Plaintiffs lost additional compensation and other benefits of employment and suffered substantial emotional distress, inconvenience, humiliation, mental anguish, and other indignities.
57. Defendants subjected Plaintiffs to a harassing work environment, by retaliating against them and intimidating them, which were so severe or pervasive altering the conditions of Plaintiffs' employment.
58. Defendants acted with malice creating an abusive work environment and disregarding Plaintiffs' rights knowing that this conduct would cause them serious damage both physically and emotionally to their well-being. Defendants are liable to Plaintiffs.

FOURTH CAUSE OF ACTION
NEGLIGENT SUPERVISION

59. Plaintiffs re-allege the allegations contained in paragraphs 1 through 58 as if fully rewritten.
60. IMPD investigated Shores and Kibbey as perpetrators of the Vaughn incident. They had each reported excessive force used by Sgt. Huxley and cooperated in providing information as witnesses to the conduct of Sgt. Huxley.
61. Plaintiffs were treated in a manner by the IMPD that was perceived by them and observers as punitive. They suffered emotionally due to the conduct of their employer and superior officers and other employees in the IMPD. The conduct by Sgt. Huxley and the other employees are considered authorized by the IMPD.
62. The conduct of the Defendants and other employees fell below the standard expected of them. Plaintiffs were placed in a position by reason of negligent supervision, which was knowingly made to the detriment of Plaintiffs.
63. Defendants failed to properly train and provide supervision of its employees including Sgt. Huxley and Defendant Taylor to the detriment of Plaintiffs Shores and Kibbey.
64. The above negligent supervision has proximately caused irreparable damages to the Plaintiffs. They have been damaged in their person and property due to the negligence of the Defendants.

FIFTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF IND. CODE §12-10-3-11(c)

65. Plaintiffs re-allege the allegations contained in paragraphs 1 through 64 as if fully rewritten.

66. Ind. Code §12-10-3-11(c) protects an employee from retaliation for making certain disclosures.
67. The statute provides that “[a]n employer may not discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action to retaliate against an employee who in good faith files a report[.]” (*See*: Ind. Code §12-10-3-11(c)).
68. Plaintiffs made several protected disclosures after the Vaughn incident with regard to the conduct of Sgt. Huxley. Shores submitted a timely Blue Team report to Sgt. Carpenter with a copy to Capt. Hessong about his supervisor, Sgt. Huxley. Further, Kibbey submitted the Blue Team use of force report to Sgt. Carpenter.
69. Apart from filing reports regarding the Vaughn incident, Plaintiffs also assisted and participated in the IMPD’s internal investigation of the incident charged against Sgt. Huxley.
70. Plaintiffs’ actions which were made in good faith were protected under Ind. Code §12-10-3-11(c).
71. However, Defendants directly retaliated against Plaintiffs for whistleblowing, making a series of disclosures, filing reports, and participating in the inquiry relating to the Vaughn incident.
72. Defendants took retaliatory action against Plaintiffs by placing them on administrative leave/duty. Plaintiffs were given lesser work assignments, were not entrusted with any other form of security duty and were denied overtime/part-time duty. Shores and Kibbey were required to turn in the then-current police vehicles and thereafter were provided

with old police vehicles that were not in good working order and were determined to be unsafe.

73. Plaintiffs were entrusted with less prestigious and desirable duties for a police officer and were also not allowed overtime and part-time employment which affected their monthly income.
74. Plaintiffs suffered adverse employment decisions because of their protected activity.
75. Plaintiffs' reports were a contributing factor in the Defendants' decisions to take adverse employment action against Plaintiffs.
76. Defendants' retaliatory actions harmed Plaintiffs. The Defendants' conduct was a substantial factor in causing Plaintiffs' harm.
77. Defendants acted with intent to cause injury, and/or were done with a willful and knowing disregard of Plaintiffs' rights and the rights of the public at large.
78. A defendant acts with knowing disregard when the defendant is aware of the likely consequences of the defendant's conduct and deliberately fails to avoid those consequences.
79. As alleged herein, Sgt. Huxley alone used the excessive force and Plaintiffs never used excessive force on Mr. Vaughn. Plaintiffs communicated this action to the superior officers. The materially adverse actions were taken without any wrongdoing on Plaintiffs' part and after they engaged in an activity that was protected under law.
80. Defendants therefore acted willfully and in conscious disregard of Plaintiffs' rights.
81. Defendants' conduct entitles Plaintiffs to an award of damages.

SIXTH CAUSE OF ACTION
Violation of Ind. Code §22-5-3-1

82. Plaintiffs re-allege the allegations contained in paragraphs 1 through 81 as if fully rewritten.
83. Ind. Code §22-5-3-1 provides immunity from civil liability to an employer that discloses information about a current or former employee. However, the statute subjects an employer to civil liability if the employer discloses information about a current or former employee if it “is proven by a preponderance of the evidence that the information disclosed was known to be false at the time the disclosure was made.” (*See*: Ind. Code §22-5-3-1).
84. Shores and Kibbey, being police officers, intervened when Sgt. Huxley used excessive force by stomping on Mr. Vaughn.
85. Plaintiffs reported the use of excessive force by Sgt. Huxley to the superior officers in IMPD.
86. On September 25, 2021, the next day after the Vaughn incident, Shores met with Sgt. Carpenter and Lt. Hopkins to advise them of the Vaughn incident and that the BWC should be reviewed as it reveals an excessive use of force by Sgt. Huxley.
87. Shores submitted a timely Blue Team report to Sgt. Carpenter with a copy to Capt. Hessong. Kibbey submitted the Blue Team use of force report to Sgt. Carpenter.
88. Though Plaintiffs never used excessive force on Mr. Vaughn and since they reported the incident to the superior officers, the Plaintiffs were retaliated for whistleblowing, making a series of disclosures, filing reports, and participating in the inquiry relating to the Vaughn incident.
89. The department investigative units extensively interviewed Plaintiffs as to the transpiration of the incident with Mr. Vaughn and their subsequent conduct.

90. Plaintiffs were removed from their regular duty by reason of them being involved in the Vaughn incident despite any wrongdoing on their part.
91. Defendant Taylor held a press conference in which he released false information to the public that Shores and Kibbey were engaged in the incident of excess violent force used on Mr. Vaughn along with Sgt. Huxley. The announcement included that there was an ongoing investigation while charging Sgt. Huxley. As a result, Shores and Kibbey were held in public ridicule.
92. Defendants knew that Plaintiffs did not use excessive force and that Sgt. Huxley used excessive force.
93. Defendant Taylor and IMPD knew that the information they disclosed to the public with regard to Plaintiffs' alleged use of excessive force to be false at the time the disclosure was made.
94. Therefore, Defendants are not immune from civil liability and are liable to Plaintiff Shores and Kibbey.

SEVENTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

95. Plaintiffs re-allege the allegations contained in paragraphs 1 through 94 as if fully rewritten.
96. Defendants and their agents negligently engaged in acts as alleged herein and above, which proximately resulted in injury and emotional distress to Plaintiffs.
97. Defendants gave lesser work assignments to Plaintiffs; they were not entrusted with any other form of security duty and were denied overtime/part-time. Defendants replaced

Plaintiffs' police vehicles with old police vehicles that were not in good working order and were determined to be unsafe. Plaintiffs were entrusted with less prestigious and desirable duties for a police officer.

98. Further, Defendant Taylor's press conference statement to the public that Sgt. Huxley, Shores, and Kibbey engaged in the incident of excess violent force used on Mr. Vaughn. This was done when there was no wrongdoing on the part of Plaintiffs and Sgt. Huxley was only responsible for the incident. Thereby, the Plaintiffs were held in public ridicule.
99. Plaintiffs were treated with disdain by their colleagues as being untrustworthy and disloyal.
100. Defendants knew, or in the exercise of ordinary care should have known, that unless Defendants and their agents ceased to ridicule and humiliate, it would subject Plaintiffs to personal injury and emotional distress.
101. Defendants knew, or in the exercise of ordinary care should have known, that unless Defendants intervened to protect Plaintiffs, and to prohibit, control, regulate and/or penalize the conduct of Defendants' agents, as alleged herein, the conduct would continue, thereby subjecting Plaintiffs to personal injury and emotional distress.
102. Plaintiffs both suffered emotionally by the reason of the conduct of their employer. They both have lost confidence in their ability to do their position as police officers with confidence because if they follow the rules they will not be supported by their employer.
103. As alleged above, Plaintiffs have suffered special damages including but not limited to loss of additional income, and consequential damages in an amount to be proven at the time of trial, as a direct, proximate, and foreseeable result of Defendants' actions against Plaintiffs.

104. Shores who suffer from cardiovascular issues underwent severe stress triggering severe pains that were cardiac-related. Also, he had to seek psychological help due to the emotional distress he suffered and the severe stress damaged his physical well-being.
105. Kibbey went through economic stress and suffered psychological and emotional stress including significant anger issues which caused damage to his physical health. All of these caused a loss of confidence in his ability to do his job without retribution from the Defendants.
106. Both the Plaintiffs have suffered and continue to suffer general damages including but not limited to significant and enduring emotional distress including humiliation, mental anguish, physical distress, injury to mind and body, in a sum to be proven at the time of trial, as a direct and proximate result of Defendants' actions against Plaintiffs as alleged above.
107. Defendants' intentional act resulted in foreseeable emotional distress to Plaintiffs. Plaintiffs are thus entitled to and herein seek punitive and exemplary damages from Defendants, in an amount according to proof at trial, to punish Defendants and deter Defendants and others from engaging in similar future conduct.

EIGHTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
(Against All Defendants)

108. Plaintiffs re-allege the allegations contained in paragraphs 1 through 107 as if fully rewritten.
109. Defendants' conduct as stated herein and above, and continuing to the present, is extreme and outrageous.

110. Defendants gave lesser work assignments to Plaintiffs; they were not entrusted with any other form of security duty and were denied of overtime/part-time. Defendants replaced Plaintiffs' police vehicles with old police vehicles that were not in good working order and were determined to be unsafe. Plaintiffs were entrusted with less prestigious and desirable duties for a police officer.
111. Further, Defendant Taylor made a statement that Shores and Kibbey were also engaged in the Vaughn incident. This was done when there was no wrongdoing on the part of Plaintiffs and Sgt. Huxley was only responsible for the incident. As a result, Plaintiffs were held in public ridicule.
112. Plaintiffs were treated with disdain by their colleagues as being untrustworthy and disloyal.
113. Defendants and their agents acted with a discriminatory intent to cause, or with a reckless disregard for the probability to cause Plaintiffs, humiliation, mental anguish, and substantial and enduring emotional distress.
114. Defendants authorized and ratified the outrageous conduct to the extent it was perpetrated by certain agents of Defendants, being aware that Plaintiffs' emotional and physical distress would thereby increase, and with a wanton and reckless disregard for the negative consequences to Plaintiffs.
115. Shores who suffer from cardiovascular issues underwent severe stress triggering severe pains that were cardiac related. Also, he had to seek psychological help due to the emotional distress he suffered, and the severe stress has damaged his physical wellbeing also.

116. Kibbey went through economic stress and suffered psychological and emotional stress including significant anger issues which has caused damages to his physical health. All these caused a loss of confidence in his ability to do his job without retribution from Defendants.
117. As alleged above, as a direct and proximate result of Defendants' actions against Plaintiffs, Plaintiffs have suffered special damages including but not limited to loss of additional income and consequential damages in an amount to be proven at time of trial.
118. As a further direct and proximate result of Defendants' actions against Plaintiffs, Plaintiffs have suffered and continues to suffer general damages including but not limited to significant and enduring emotional distress including humiliation, mental anguish and physical distress, injury to mind and body, in a sum to be proven at time of trial, in excess of the minimum jurisdictional requirements of this Court.
119. Defendants' outrageous conduct resulted in emotional distress to Plaintiffs.
120. Plaintiffs are entitled to and herein seek punitive and exemplary damages from Defendants, in an amount according to proof at trial, to punish Defendants and deter Defendants and others from engaging in similar future conduct.

WHEREFORE, Plaintiffs respectfully demands the following relief:

- A. Plaintiff Matthew Shores seeks an award against defendants, jointly and severally, for actual, compensatory, punitive, exemplary, and consequential damages.
- B. Plaintiff Christopher Kibbey seeks an award against defendants, jointly and severally, for actual, punitive, exemplary, and consequential damages.
- C. General damages, including damages for mental and emotional distress, in a sum according to proof at time of trial;
- D. Payment of Plaintiff's costs and reasonable attorney fees. and

E. For such other and further legal and equitable relief as the court deems proper.

Respectfully submitted,

THE GREEN LAW FIRM, L.P.A., INC.

/s/ F. Harrison Green

F. Harrison Green, Trial Attorney for
Plaintiff Matthew Shores and Plaintiff
Christopher Kibbey

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DEMAND FOR JURY

Plaintiff MATTHEW SHORES and Plaintiff CHRISTOPHER KIBBEY hereby
demands trial by jury of their peers in this action.

/s/ F. Harrison Green

F. Harrison Green, Trial Attorney for
Plaintiff Matthew Shores and Plaintiff Christopher
Kibbey