

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff,

vs.

PAUL PARENT, CLINTON TOWNSHIP,
a municipal entity, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON,
in their official and individual capacities,
jointly and severally,

Defendants.

Case No.

Hon.

Removed from Macomb County Circuit
Case No. 10-944-NO

AMOS E. WILLIAMS (P39118)
THOMAS E. KUHN (P37924)
Amos E. Williams, P.C.
Attorney for Plaintiff
615 Griswold, Suite 1115
Detroit, MI 48226
(313) 963-5222

PETER W. PEACOCK (P37201)
Plunkett Cooney
Attorneys for Defendants Clinton Township,
Dykas, Figurski and Watson
10 S. Main Street, Ste. 400
Mt. Clemens, MI 48043
(586) 466-7605

**NOTICE OF REMOVAL TO THE UNITED
STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TO: United States District Court Judges of the District Court

NOW COME Defendants, CLINTON TOWNSHIP, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON, by and through their attorneys, Plunkett Cooney,
and pursuant to 28 USC 1441(b) and 1446 files this Notice of Removal pursuant to those statutes
for the following reasons:

1. On or about March 2, 2010, there was commenced and is now pending in
the Macomb County Circuit Court a certain civil action bearing docket no. 10-944-NO in which

Thomas D'Angelo is the Plaintiff and CLINTON TOWNSHIP, NICHOLAS DYKAS, JASON FIGURSKI and KEITH WATSON and Paul Parent are Defendants.

2. That Plaintiff's Complaint alleging violation under the Constitution of the United States of America.

3. The action filed by the Plaintiff is one which District Courts of the United States would have original jurisdiction under 28 USC. § 1331 as a civil action arising under the Constitution and laws of the United States of America. Specifically, Plaintiff alleges a violation of civil constitutional rights secured by 42 USC § 1983 and Plaintiff seeks damages.

4. This notice of removal is timely filed within 30 days after the service of the Complaint upon the Defendants and this case is otherwise removable pursuant to the statutes of the United States of America.

5. Attached hereto as Exhibit A and made a part hereof is a copy of the Complaint setting forth a claim for relief upon which the action is based by the Plaintiff against the above-named Defendants, and the time for filing of this removal under the statutes of the United States of America has not expired and is timely made.

6. The written notice of the filing of this notice of removal has been given to all parties as required by law, and a proof of service is attached hereto.

7. A copy of this notice of removal has been filed with the Clerk of the Court for the Macomb County Circuit Court, State of Michigan, as provided by law.

WHEREFORE, Defendants, CLINTON TOWNSHIP, NICHOLAS DYKAS, JASON FIGURSKI and KEITH WATSON, request that they be allowed to effect removal of the within action from the Macomb County Circuit Court to the United States District Court for the Eastern District of Michigan.

PLUNKETT COONEY

BY: S/Peter W. Peacock
PETER W. PEACOCK (P37201)
Attorney for Clinton Township Defendants
10 S. Main, Suite 400
Mt. Clemens, MI 48043
Primary Email: ppeacock@plunkettcooney.com
(586) 466-7605

Dated: June 3, 2010

PROOF OF SERVICE

Peter W. Peacock states that on June 3, 2010, he did cause to be served a copy of foregoing pleadings upon all counsel of record at their respective business addresses, by placing said documents in an envelope properly addressed to said parties and depositing same in the U.S. Mail with postage fully prepaid. I declare under penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

PLUNKETT COONEY

BY: S/Peter W. Peacock
PETER W. PEACOCK (P37201)
Attorney for Clinton Township Defendants
10 S. Main, Suite 400
Mt. Clemens, MI 48043
Primary Email: ppeacock@plunkettcooney.com
(586) 466-7605

Dated: June 3, 2010

EXHIBIT

A

STATE OF MICHIGAN
IN THE MACOMB COUNTY CIRCUIT COURT

THOMAS D'ANGELO,
Plaintiff,

v.

PAUL PARENT, CLINTON TOWNSHIP,
a municipal entity, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON,
in their official and individual capacities,
jointly and severally,

Defendants.

10-944-
Case Code: NO
MATTHEW SWITALSKI
P-51433
RECEIVED

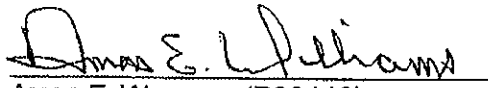
MAR 02 2010

CARMELLA SABAUGH
MACOMB COUNTY CLERK

AMOS E. WILLIAMS (P39118)
THOMAS E. KUHN (P37924)
AMOS E. WILLIAMS, P.C.
Attorneys for Plaintiff
615 Griswold St., Suite 1115
Detroit, Michigan 48226
(313) 963-5222

COMPLAINT and JURY DEMAND

There is no other pending or resolved cases between these parties or other parties arising from the transaction or occurrence alleged in the complaint.


AMOS E. WILLIAMS (P39118)

NOW COMES Plaintiff, THOMAS D'ANGELO, through his attorneys, and for his complaint against the Defendants says:

1. Plaintiff is a resident of Macomb County and a citizen of the State of Michigan and the United States.

2. Defendant, CLINTON TOWNSHIP, is a municipal entity organized under and operating subject to the laws and the constitution of the State of Michigan and the United States.
3. Defendants NICHOLAS DYKAS, JASON FIGURSKI and KEITH WATSON are, and at all times pertinent were, police officers for Defendant CLINTON TOWNSHIP, who were on duty, in uniform and operating pursuant to the custom, policies and practices of Defendant CLINTON TOWNSHIP.
4. Defendant PAUL PARENT, upon information and belief, is a resident of Macomb County.
5. The events giving rise to this complaint occurred on and after April 8, 2008, in Clinton Township, Macomb County, Michigan.
6. The Plaintiff seeks damages in excess of Twenty-five Thousand Dollars (\$25,000).

COMMON ALLEGATIONS OF FACT

7. All prior paragraphs are re-alleged.
8. On April 8, 2008, the Plaintiff was present in the adult computer room of the Clinton-Macomb Public Library doing research on the internet.
9. Defendant PAUL PARENT was also in the adult computer room sitting near the Plaintiff.
10. In addition to the Defendant and the Plaintiff, there were several other people in the computer room, all of whom were required to log in to use the computer facilities.
11. Defendant PARENT requested the library staff to call the police because the Plaintiff was watching pornography on the computer and masturbating in the computer room.

12. The library staff person did not call the police but allowed Defendant PARENT to make the call.
13. In response to the call, Defendants FIGURSKI and WATSON arrived at the library and spoke to Defendant PARENT and the library employee.
14. Defendant DYKAS reported that according to Defendant PARENT, the plaintiff was, for approximately forty-five (45) minutes to an hour, looking at "hard core porn web sites" with his pants unzipped, his penis out of his pants, and pumping is penis while moaning and groaning.
15. Defendant DYKAS further reported that the library employee corroborated that she saw the Plaintiff's "left hand moving back and forth inside his pants as if masturbating but that she could not see what he was viewing."
16. Defendants FIGURSKI and WATSON located the Plaintiff in the computer room and his pants were zipped at that time.
17. Defendants FIGURSKI and WATSON observed that the Plaintiff was not looking at porn when he located him in the computer room.
18. Defendants FIGURSKI and WATSON checked the computer history and discovered that the history showed no history of viewing porn sites.
19. Defendant officers did not interview or question any of the several other witnesses in the computer room.
20. The Plaintiff was not viewing pornography, was not exposing himself and was not masturbating.
21. Defendant DYKAS deliberately misrepresented the report of the library employee to manufacture probable cause.

22. The Defendant officers deliberately made false allegations of a reprehensible nature to cause the arrest of the Plaintiff.
23. The Defendant officers deliberately enhanced the false claims of Defendant PARENT to manufacture probable cause, specifically that the Plaintiff had his penis out.
24. The Defendant officers arrested the Plaintiff despite the fact that their investigation negated any probable cause to believe that the Plaintiff was committing indecent exposure based upon Defendant PARENT's report.
25. The Defendant officers arrested the Plaintiff without probable cause.
26. Defendant FIGURSKI used excessive force after the Plaintiff was handcuffed when placing him in the scout car and injured his leg.
27. The Plaintiff was subsequently tried for the crime of indecent exposure.
28. The Plaintiff was acquitted after a trial.
29. As a result of the unlawful arrest, the Plaintiff suffered special damages through wrongful incarceration, scandalous allegations and injury to his person.
30. Plaintiff suffered injuries and damages including, but not limited to,
 - a. Pain and suffering,
 - b. Loss of liberty,
 - c. Humiliation, anxiety, embarrassment,
 - d. Fright, shock and fear,
 - e. Scorn, ridicule
 - f. Attorney fees and costs.

COUNT I
FALSE ARREST AND FALSE IMPRISONMENT

31. Plaintiff re-alleges in this count, each and every prior paragraph.
32. Plaintiff was arrested without probable cause.
33. Plaintiff was imprisoned without probable cause incident to an arrest that was not based upon probable cause.
34. The deliberately false statements of Defendant PARENT instigated the unlawful arrest of the Plaintiff.
35. The deliberately false statements of the Defendant officers caused the unlawful arrest and imprisonment of the plaintiff.
36. As a direct and proximate result of the conduct of Defendant officers and Defendant PARENT, the Plaintiff suffered injury and damages set forth in paragraph 30.

COUNT II
MALICIOUS PROSECUTION

37. Plaintiff re-alleges in this count, each and every prior paragraph.
38. The Plaintiff was criminally prosecuted based upon the actions of the individual Defendants in the 41B District Court in Macomb County.
39. On September 11, 2008, the Plaintiff was found not guilty.
40. There was an absence of probable cause to bring this criminal prosecution based upon the Defendant officers' own investigation.
41. The proceedings against the Plaintiff were malicious being instituted and continued, inter alia, based upon willfully fabricated evidence.
42. The Plaintiff suffered special damages as set forth in paragraph 29.

43. As a direct and proximate result of the conduct of Defendants DYKAS, FIGURSKI, WATSON and PARENT, the Plaintiff suffered injury and damages as set forth in paragraph 30.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

44. Plaintiff re-alleges in this count, each and every prior paragraph.
45. The conduct of the individual Defendants, and each of them, in fabricating salacious and defamatory claims and charges against the Plaintiff was extreme and outrageous conduct.
46. The conduct of the individual Defendants was either intentional or it was done in reckless disregard of the truth based upon the evidence existing at the time of arrest which was contrary to the claims being made against the Plaintiff.
47. The treatment of the Plaintiff by the Defendant officers who intentionally intimidated, humiliated and embarrassed the Plaintiff through vile comments and insinuations while placing the Plaintiff in the scout car and transporting him to the station caused the Plaintiff severe emotional distress and physical injury.
48. As a direct and proximate result of the Defendants' conduct, the plaintiff suffered injuries and damages as set forth in paragraphs 29 and 30.

COUNT IV
VIOLATION OF 42 USC §1983

49. Plaintiff re-alleges in this count, each and every prior paragraph.
50. The Defendant officers were, upon information and belief, on duty and in uniform when the acts upon which this case is based were committed.

51. The conduct of the Defendant officers violated rights, privileges and immunities of the Plaintiff including, but not limited to: arrest, imprisonment, and prosecution without probable cause in violation of the 4th Amendment; the use of excessive force during an arrest in violation of the 4th Amendment; and, manufacturing and suborning perjury in violation of the 14th Amendment.
52. The Defendant officers were at all times acting pursuant to customs, policies and practices of Defendant CLINTON TOWNSHIP which were deliberately indifferent to the Plaintiff's rights and which proximately caused his injuries and damages.
53. The conduct of the Defendant officers was at all times objectively unreasonable and violated the Plaintiff's clearly established rights to be free from arrest, imprisonment and prosecution without probable cause as well as his rights to be free from excessive use of force during and arrest and to be free from being tried upon false and perjured testimony.
54. The Defendant TOWNSHIP'S failure to train, failure to discipline and failure to supervise are among those practices complained of here.
55. As a direct and proximate result of the Defendants' actions the Plaintiff suffered injuries and damages as set forth in paragraphs 29 and 30.

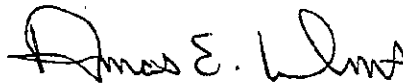
PRAYER FOR RELIEF

WHEREFORE, as to each and every count of this complaint, the Plaintiff demands judgment against each appropriate Defendant in each count, for whatever amount a jury shall determine based upon the evidence, as is allowed by law including treble damages

and punitive damages. The Plaintiff also seeks attorney fees and costs under 42 USC §1988 and statutory interest.

JURY DEMAND

The Plaintiff demands trial of his cause by jury.



Amos E. Williams (P39118)
Thomas E. Kuhn (P37924)
Attorneys for Plaintiff
615 Griswold St., Suite 1115
Detroit, Michigan 48226-3998
(313) 963-5222

Dated: March 1, 2010

RECEIVED

MAR 02 2010

CARMELLA SABAUGH
MACOMB COUNTY CLERK