

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
Southern Division**

WILLIAM CUNNINGHAM and SHAKETTA
CUNNINGHAM, *Husband and Wife*
12053 Hallandale Terrace
Bowie, Maryland 20721

Plaintiffs

vs.

CASE NO.

PRINCE GEORGE'S COUNTY, MARYLAND
A Body Corporate and Politic
SERVE: M. Andree Green, Esquire
County Office of Law
County Administration Building
14741 Governor Oden Bowie Drive, Suite 5121
Upper Marlboro, Maryland 20772

and

OFFICER JENCHESKY SANTIAGO (Badge No.
3668)
*Individually and in his capacity
as an Officer of the Princes George's County
Police Department*
SERVE: M. Andree Green, Esquire
County Office of Law
County Administration Building
14741 Governor Oden Bowie Drive, Suite 5121
Upper Marlboro, Maryland 20772

Defendants

COMPLAINT

COMES NOW the Plaintiffs, WILLIAM CUNNINGHAM and SHAKETTA
CUNNINGHAM, who are husband and wife, by and through counsel, Edward James Leyden and
LEYDEN LAW LLC, and Gabriel J. Christian and THE LAW OFFICES OF GABRIEL J.

CHRISTIAN & ASSOCIATES, LLC, to file this Complaint against Defendants PRINCE GEORGE'S COUNTY, MARYLAND and OFC. JENCHESKY SANTIAGO (Badge No. 3668), individually and in his capacity as an officer of the Prince George's County Police Department, and as cause therefore state as follow:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiffs William Cunningham and Shaketta Cunningham were and are residents of Prince Georges' County, Maryland, at all times relevant.
2. Defendant Jenchesky Santiago (Badge No. 3668) was and is an officer of the Prince George's County Police Department, at all times relevant.
3. Defendant Prince George's County, Maryland, was and is a body politic liable for, among other things, state constitutional torts committed by those officers employed by the Prince George's County Police Department, at all times relevant.
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.
5. The proper venue for this matter is the District of Maryland pursuant to 28 U.S.C. § 1391(b)(2).
6. Accordingly both venue and jurisdiction are appropriate and proper in this Court.

II. FACTS

12. Plaintiff William Cunningham is a 36-year-old husband and father and is married to Plaintiff Shaketta Cunningham. Mr. Cunningham has been employed for the past five years as a technician for a major HVAC service company. Ms. Cunningham works in an administrative capacity for the United States Department of Justice. The family lives together in a townhouse located at 12053 Hallandale Terrace in Bowie/Mitchellville, Maryland.

13. At approximately 4:30 p.m. on Saturday, May 10, 2014, Mr. Cunningham was a passenger in a 2013 Dodge Challenger owned and driven by his cousin, Kennieth Smith, who had just parked the vehicle at the curbside in front of the Plaintiffs' home.
14. After the two men had spent several minutes conversing in the parked vehicle, a marked patrol vehicle being driven by Defendant Officer Jenchesky Santiago of the Prince George's County Police Department (PGPD) pulled up beside them. In response to Officer Santiago's demand to explain, "What you are doing," Mr. Smith stated that he was, "Dropping [Mr. Cunningham] off [because] he lives right here"; to buttress this statement, Mr. Smith pointed with his hand to Mr. Cunningham's Hallandale Terrace house. Officer Santiago complained that Mr. Smith's vehicle was parked illegally; however, no signage or other visible indication existed then or now connoting that Mr. Smith's vehicle had been stopped in an unlawful place or manner.
15. Upon hearing Officer Santiago's stated concerns about the space in which Mr. Smith's vehicle was parked, Mr. Cunningham, while still seated in the front passenger seat next to Mr. Smith, stated to Officer Santiago, "I live right here and I'm about to go now."
16. In response, Officer Santiago, who until this point had, himself, remained seated in his patrol vehicle, shifted his police cruiser into reverse and backed up behind Mr. Smith's parked vehicle, declaiming in a loud voice, "You have my attention now!"
17. Mr. Cunningham, during this interval, had, for his part, exited Mr. Smith's vehicle and was traversing along the paved walkway leading to the front door of his home. As Mr. Cunningham did so, Officer Santiago shouted at the Plaintiff to, "Get back in the car!"
18. When Mr. Cunningham had reached the front door of his house, Officer Santiago leapt from his PGPD cruiser, ran over to where Mr. Cunningham was standing, and placed the barrel of

his drawn service weapon against the right side of Mr. Cunningham's head, all the while repeatedly berating Mr. Cunningham to "get back in the car!"

19. While still holding his drawn handgun to the back of Mr. Cunningham's head, Officer Santiago began punching Mr. Cunningham on his torso and arms in an apparent effort to alternately pull and push Mr. Cunningham back up the walkway towards Mr. Smith's parked vehicle. It was during this interval that Mr. Cunningham was able to somehow signal to his cousin, Mr. Smith, imploring Mr. Smith to begin using his cellular phone to visually record this ongoing encounter.
20. At one point during the interval while Officer Santiago was prodding Mr. Cunningham toward the street, Mr. Cunningham turned toward Officer Santiago to ask why the policeman had felt compelled to draw his weapon. Officer Santiago responded to Mr. Cunningham's inquiry by placing the aimed barrel of his firearm directly against Mr. Cunningham's forehead while continuing to shove Mr. Cunningham up the sidewalk. As he did so, Officer Santiago taunted Mr. Cunningham by "dar[ing Mr. Cunningham] to fucking fight me, son!" Officer Santiago punctuated this statement by placing the barrel of his brandished weapon into Mr. Cunningham's opened mouth. Mr. Cunningham submitted to Officer Santiago's demands by turning toward Mr. Smith's vehicle and placing his hands on its roof. Officer Santiago then ordered Mr. Smith, who had remained seated in his vehicle during this time, out of his car.
21. At approximately this same time, Plaintiff Shaketta Cunningham came out from her home to inquire about the ongoing activity she had heard and observed from inside. Upon being ordered by Officer Santiago not to come near the vehicle where her husband and his cousin were standing, Ms. Cunningham phoned the PGPD emergency line.

22. As Ms. Cunningham was phoning the 911 number to complain about Officer Santiago's behavior, Officer Santiago was conducting a physical search of both Mr. Cunningham and Mr. Smith, exclaiming all the while that, "You are going to learn about Officer Santiago; you better ask someone [because] I just came from Iraq and I'm not scared of none of ya'll!"
23. Officer Santiago then ordered Mr. Cunningham and Mr. Smith to sit down on the curb. When Mr. Cunningham protested that the ground was wet, Officer Santiago responded by announcing, "OK, you are getting locked up now," and placing Mr. Cunningham in handcuffs before forcing him to take a seat on the curb.
24. While Mr. Cunningham and Mr. Smith were sitting on the curbside, Officer Santiago demanded to see Mr. Smith's identification. When Mr. Smith indicated that his identification documents remained in his vehicle and expressly refused to give Officer Santiago permission to enter the car, Officer Santiago, apparently unimpeded, initiated a search of the vehicle anyway. Mr. Smith further attempted to explain to Officer Santiago that he was employed as a teacher for the Prince George's County Public Schools System and was not engaged in any unlawful conduct.
25. At approximately this time, two additional PGPD officers arrived on the scene, one a male supervisor and the other a female uniformed officer.
26. Upon hearing from Mr. Cunningham about Officer Santiago's behavior up to that point, including his placement of the muzzle of a gun barrel against Mr. Cunningham's head at three distinct times during the recent encounter, the supervisor claimed ignorance because he "was not there" and, hence, did not know if Mr. Cunningham had "threatened" Officer Santiago.

27. At about this time, Officer Santiago interjected to announce that he was having Mr. Smith's vehicle towed. The supervisor apparently overruled Officer Santiago, however, and informed Mr. Smith that his vehicle would not, in fact, be towed.
28. Officer Santiago then removed the handcuffs from Mr. Cunningham's wrists, while informing Mr. Cunningham that he was still being cited for disorderly conduct. Officer Santiago also advised Mr. Cunningham that, "next time, [Mr. Cunningham] need not have an attitude because PG police shoot people!"
29. In an apparent attempt to offer an excuse for Officer Santiago's conduct, the supervising officer ascribed this behavior to Officer Santiago being a recent graduate of the PGPD Police Academy and to the way that, allegedly, cadets are currently trained at the Academy in how to interact with citizens.
30. No criminal activity of any sort on the part of either of the Plaintiffs or by Mr. Smith was ever alleged or ascertained throughout the entirety of this encounter, which had been triggered simply by Officer Santiago's apparent curiosity about the way Mr. Smith's vehicle had been parked.
31. On December 17, 2014, the District Court of Maryland for Prince George's County dismissed the citation for Disorderly Conduct that Officer Santiago had issued against the Plaintiff, Mr. Cunningham.
32. Officer Santiago acted unreasonably, from the instant he accosted Mr. Cunningham at his doorstep, punched Mr. Cunningham, used his sidearm to threaten Mr. Cunningham by repeatedly placing the muzzle of the gun to Mr. Cunningham's head and in his mouth, handcuffed Mr. Cunningham, and verbally intimidated Mr. Cunningham with the warning that officers of the PGPD "shoot people."

33. Furthermore, this use of force and threatened use of deadly force was manifestly excessive in light of the totality of the circumstances existing at the time of this incident. Additionally, this physical force was utilized for improper purposes and to inflict unnecessary harm upon the Plaintiff.
34. What is more, Plaintiff Shaketta Cunningham directly observed these life-threatening humiliations being heaped upon her husband by Officer Santiago and reasonably feared for Mr. Cunningham's life and safety.
35. These unreasonable acts of Defendant Officer Santiago, thus, directly and proximately caused serious and permanent injuries to both of the Plaintiffs, including psychological injury.
36. Both of the Plaintiffs contend daily with the emotional trauma of this incident. They have incurred medical expenses, suffer from the inability to enjoy life as they once did, and suffered embarrassment along with emotional distress.
37. To the extent necessary, the Plaintiff has provided proper notice to Defendant Prince George's County, Maryland, in accordance with *Maryland Code Annotated, Courts & Judicial Proceedings Article*, §§ 5-301, *et seq.*

COUNT I (Violation of 42 U.S.C. § 1983 – Defendant Officer Santiago)

38. The allegations set forth in ¶¶ 1 through 37, above, are incorporated herein by reference.
39. The use of excessive force by the Defendant Santiago was in violation of the Plaintiffs' rights under the Fourth Amendment to the United States Constitution to be free from unreasonable seizures. Furthermore, this PDPD Officer displayed deliberate indifference to other rights of the Plaintiffs under the First Amendment and otherwise, thereby violating the rights of the

Plaintiffs to due process of law under the Fourteenth Amendment to the United States Constitution.

40. This claim for damages and other appropriate relief is brought pursuant to 42 U.S.C. § 1983 for violation of the Plaintiffs' civil rights by this PGPD Officer, whose actions were taken under color of State law.

WHEREFORE, the Plaintiffs, WILLIAM CUNNIGHAM and SHAKETTA CUNNINGHAM, respectfully request the following relief:

- (a) Compensatory damages in the amount of Two Million Dollars and punitive damages in the amount of Ten Million Dollars;
- (b) Under 42 U.S.C. § 1988, the attorneys' fees and costs incurred in bringing this action;
- (c) Pre-judgment and post-judgment interest, and
- (d) Any and all other relief that this Honorable Court may see fit to grant.

COUNT II (Violation of 42 U.S.C. § 1983 Pursuant to *Monell v. Dept. of Social Services*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed. 611 – Defendant Prince George's County, Maryland)

41. The allegations set forth in ¶¶ 1 through 40, above, are incorporated herein by reference.

42. The use of excessive force by Defendant Santiago was in violation of the Plaintiffs' rights under the Fourth Amendment to the United States Constitution to be free from unreasonable seizures. Furthermore, this PGPD Officer displayed deliberate indifference to the Plaintiffs' rights under the First Amendment and otherwise, thereby violating their individual rights to due process of law under the Fourteenth Amendment to the United States Constitution.

43. This claim for damages and other appropriate relief is brought pursuant to 42 U.S.C. § 1983 for violations of the Plaintiff's civil rights by Defendant Santiago (the PGPD Officer), whose actions were taken under color of State law. The actions of this PGPD Officer was caused by the custom and practice of Defendant Prince George's County, Maryland in:

- a Failing to adequately train and supervise its police officers in effectively and safely handling traffic and/or investigatory stops;
- b Failing to adequately screen its officers for mental and medical fitness;
- c Failing to maintain adequate internal checks on excessive use of force by its police officers;
- d Failing to adequately train and supervise its police officers in upholding the Constitutional rights of members of the public to electronically record the activities of police officers as those officers perform their public duties (*see, e.g., Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011)); and
- e Failing to adequately punish police officers who, in discharging their duties on behalf of Prince George's County, Maryland, utilize excessive force and/or otherwise violate the Constitutional rights of members of the public.

44. These customs and practices of Defendant Prince George's County, Maryland, promoted the practice of its police officers in utilizing excessive force in conducting traffic and/or investigatory stops and/or otherwise violating the Constitutional rights of members of the public.

45. Injuries to those in the class of persons who are the subject of traffic and/or investigatory stops, including the Plaintiffs was a foreseeable consequence of these customs and practices of Prince George's County, Maryland.

46. Injuries to those members of the public who, upon witnessing or experiencing the use of excessive force by PGPD officer, voice objection and/or record the event – and who are then subject to seizure – was also a foreseeable consequence of the customs and practices of Prince George’s County, Maryland.

WHEREFORE, the Plaintiff WILLIAM CUNNIGHAM and SHAKETTA CUNNINGHAM, respectfully requests the following relief:

- (a) Compensatory damages in the amount of Two Million Dollars and punitive damages in the amount of Ten Million Dollars;
- (b) Under 42 U.S.C. § 1988, the attorneys’ fees and costs incurred in bringing this action;
- (c) Pre-judgment and post-judgment interest, and
- (d) Any and all other relief that this Honorable Court may see fit to grant.

COUNT III (Violation of Articles 24 and 26 of Md. Declaration of Rights – Defendant Officer Santiago)

47. The allegations set forth in ¶¶ 1 through 46, above, are incorporated herein by reference.

48. The use of excessive force by Defendant Santiago (the PGPD Officer) was in violation of the Plaintiff’s rights under Article 26 of the Maryland Declaration of Rights to be free from unreasonable seizures. Furthermore, this PGPD Officer displayed deliberate indifference to the Plaintiff’s rights to due process of law under Article 24 of the Maryland Declaration of Rights.

49. This claim for damages and other appropriate relief is brought for the violation of the Plaintiffs' state constitution rights by the PGPD Officer, individually and in unison, whose actions were taken under color of State law.

WHEREFORE, the Plaintiffs, WILLIAM CUNNINGHAM and SHAKETTA

CUNNINGHAM respectfully request the following relief:

- (a) Compensatory damages in the amount of Two Million Dollars and punitive damages in the amount of Ten Million Dollars;
- (b) Under 42 U.S.C. § 1988, the attorneys' fees and costs incurred in bringing this action;
- (c) Pre-judgment and post-judgment interest, and
- (d) Any and all other relief that this Honorable Court may see fit to grant.

**COUNT IV (Violation of Articles 24 and 26 of Md. Declaration of Rights –
Respondeat Superior – Defendant Prince George's County, Maryland)**

50. The allegations set forth in ¶¶ 1 through 49, above, are incorporated herein by reference.

51. At all times relevant, Defendant Santiago (the PGPD Officers) was acting within the scope of his employment with Defendant, Prince George's County, Maryland.

52. Defendant Prince George's County, Maryland, is responsible for damages suffered as a result of state constitutional torts committed by its police officers in the scope of their employment.

53. Defendant Prince George's County, Maryland, therefore, is responsible for damages suffered by each of the Plaintiffs as a result of state constitutional violations committed by this PGPD Officer, as set forth in Count III, above.

WHEREFORE, the Plaintiffs, WILLIAM CUNNIGHAM and SHAKETTA CUNNINGHAM, respectfully request the following relief:

- (a) Compensatory damages in the amount of Two Million Dollars and punitive damages in the amount of Ten Million Dollars;
- (b) Under 42 U.S.C. § 1988, the attorneys' fees and costs incurred in bringing this action;
- (c) Pre-judgment and post-judgment interest, and
- (d) Any and all other relief that this Honorable Court may see fit to grant.

COUNT V (Assault and/or Battery – Defendant Officer Santiago)

54. The allegations set forth in ¶¶ 1 through 53, above, are incorporated herein by reference.
55. The conduct of Defendant Santiago (the PGPD Officer) constituted an intentional, non-consensual touching of Plaintiff William Cunningham, and was undertaken deliberately and with actual malice. Defendant Santiago, by his conduct, additionally and concurrently placed Plaintiff William Cunningham in reasonable fear of imminent fatal and/or serious bodily harm.
56. Plaintiff Shaketta Cunningham directly heard and observed the conduct of Defendant Santiago toward her husband and, furthermore, has suffered proximate harm to her marital relationship with Plaintiff William Cunningham and he, likewise, with her.

WHEREFORE, the Plaintiffs, WILLIAM CUNNIGHAM and SHAKETTA CUNNINGHAM, respectfully request the following relief:

- (a) Compensatory damages in the amount of Two Million Dollars and punitive damages in the amount of Ten Million Dollars;

- (b) Under 42 U.S.C. § 1988, the attorneys' fees and costs incurred in bringing this action;
- (c) Pre-judgment and post-judgment interest, and
- (d) Any and all other relief that this Honorable Court may see fit to grant.

JURY DEMAND

The Plaintiffs do hereby, by and through counsel, respectfully request trial of this matter by a jury.

May 9, 2015

Respectfully submitted,

/s/ Edward James Leyden
Edward James Leyden
District of MD Bar No.: 16913
Leyden Law LLC
14300 Gallant Fox Lane, Suite 103
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301.390.6600 (phone)
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Counsel for the Plaintiffs

/s/ Gabriel J. Christian
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Counsel for the Plaintiffs

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Case 8:15-cv-01332-GJH Document 1-1 Filed 05/09/15 Page 2 of 2
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

District of Maryland

WILLIAM CUNNINGHAM and SHAKETTA
CUNNINGHAM, Husband and Wife

Plaintiff(s)

V.

PRINCE GEORGE'S COUNTY, MARYLAND

A body Corporate and Politic

and

OFFICER JENCHESKY SANTIAGO, Badge No. 3668

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PRINCE GEORGE's COUNTY, MARYLAND
A Body Corporate and Politic
SERVE: M. Andree Green, Esquire
County Office of Law
County Administration Building
14741 Governor Oden Bowie Drive, Suite 5121
Upper Marlboro, Maryland 20772

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Edward James Leyden

Edward James Leyden
LEYDEN LAW LLC
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If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

District of _____

Defendant(s)

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: