



## **PARTIES**

2. Plaintiff, Sean D. Williams, is an adult individual, residing at 4414 ½ N. Queen Street, Lancaster, Pennsylvania 17603. Plaintiff is African American.

3. Defendant, the City of Lancaster, doing business as the Lancaster Police Department (“LPD”) is located at 39 W. Chestnut Street, Lancaster, Pennsylvania 17603. Defendant is a municipality, duly organized and existing under the laws of the Commonwealth of Pennsylvania.

4. Officer Philip Bernot (“Bernot”) who, at all times material herein, was employed as an Officer for the LPD. Bernot is sued both individually and in his official capacity.

## **JURISDICTION AND VENUE**

5. The above paragraphs are incorporated herein by reference.

6. Jurisdiction in this Honorable Court is based on federal question 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.

7. Venue is proper in the Eastern District of Pennsylvania, as the facts and transactions involved in the discrimination complained of herein occurred in large part in this judicial district at Lancaster County, Pennsylvania.

## **STATEMENT OF FACTS**

8. The above paragraphs are incorporated herein by reference.

9. The LPD, in a number of unlawful and discriminatory acts used excessive force by using a taser gun on Plaintiff without any justification.

10. On June 28, 2018, Plaintiff was outside a friend’s house around the 1<sup>st</sup> block of South Prince Street when the LPD arrived.

11. Upon information at some time police appeared on the scene.

12. Upon information and belief, the LPD officers on the scene were white.

13. The officers asked Plaintiff who is black to take a seat on the curb. Plaintiff was confused and surprised by this as he had not done anything wrong.

14. Not wanting to cause any trouble, Plaintiff complied without resistance. He sat on the curb with his back to the officers.

15. Officer Philip Bernot (“Bernot”) who was holding a taser gun stated to Plaintiff “legs straight out or you’re getting tased.”

16. Plaintiff complied. Plaintiff was then asked to cross his legs which he did.

17. Even though Plaintiff cooperated, Bernot fired his taser into Plaintiff’s back and Plaintiff fell backwards, writhing in pain. A video of this incident has been widely distributed throughout the public. This video is available at <http://mildenberglaw.com/lancasterpolicediscrimination>.

18. There was absolutely no reason for the use of the taser gun on Plaintiff.

19. Still in intense pain, Plaintiff was then handcuffed by officers while face down on his stomach.

20. Plaintiff was taken into police custody where he was held for several hours. Plaintiff was in extreme pain and was not offered any medical attention by the LPD or even a drink of water.

21. The treatment of Plaintiff by the LPD was shocking.

22. Plaintiff has suffered and continues to suffer severe head, neck, shoulder and head pain due to the actions of Bernot.

23. Plaintiff has also experienced crippling anxiety since he was tasered.

24. The actions of Officer Bernot and the Lancaster Police were shockingly violent and the use of excessive force was done without any justification.

25. Upon information and belief, Plaintiff was racially profiled based upon his African American race.

26. Upon information and belief from publicly available sources, there is a clear racial disparity in Lancaster and the LPD has a history and pattern of intentionally discriminating against African Americans and other minorities. For example, in Lancaster County:

- a. Lancaster County is approximately 16 percent African American.
- b. African Americans are arrested over four times the rate of white youth.
- c. Latino youth are arrested at twice the rate of white youth.

27. Upon information and belief from publicly available sources, Bernot and the Lancaster Police Department are under investigation due to the incident involving Plaintiff.

28. The actions of Defendants have caused Plaintiff to suffer substantial shame, embarrassment, mental and physical suffering.

29. The foregoing actions of defendants were negligent and/or reckless and/or intentional.

**COUNT I.**  
**EXCESSIVE FORCE/ASSAULT AND BATTERY**

30. The above paragraphs are incorporated herein by reference.

31. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

32. At the time of Defendants' conduct, Plaintiff had not committed any infraction otherwise to legally justify the force used by Defendants.

33. Defendants' actions stated above, inter alia, were committed under color of state law and were violations of Plaintiff's clearly established and well settled Constitutional and other legal rights.

34. Defendants placed Plaintiff in fear of physical harm and contact and then physically harmed and contacted Plaintiff without justification. Plaintiff suffered excessive force by their

wrongful conduct all in violation of the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq., and at Common Law.

**COUNT II.**  
**EIGHTH AMENDMENT VIOLATION-FAILURE TO PROVIDE MEDICAL CARE**  
**AND TREATMENT**

35. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

36. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

37. Defendants showed deliberate indifference to Plaintiff's serious medical needs and wanton infliction of pain.

38. Defendants' actions stated above, inter alia, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

39. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

**COUNT III.**  
**42U.S.C. Sec. 1983**  
**DISCRIMINATION BASED UPON RACE**

40. The above paragraphs are incorporated herein by reference.

41. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated Plaintiff's clearly established and well settled Constitutional and other legal rights.

42. Said violations were done with malice and/or reckless indifference, and warrant the imposition of punitive damages.

43. The aforesaid conduct of Defendants' was intentional and undertaken in reckless disregard for the federally protected civil rights of Plaintiff.

44. As a result of the said violation of 42 U.S.C. § 1983, Plaintiff has suffered discrimination, humiliation, embarrassment, and other harms, and is entitled to entry of judgment in his favor, and against Defendants, together with an award of declaratory and injunctive relief, damages, and ancillary relief as provided by 42 U.S.C. § 1988.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant individually, jointly and/or severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable injunctive relief.

Respectfully Submitted,

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DATED: July 2, 2018

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