

# STATE COURT OF CHATHAM COUNTY

133 MONTGOMERY STREET, SUITE 308, SAVANNAH, GEORGIA 31401  
TELEPHONE: (912) 652-7224 • FACSIMILE: (912) 652-7229

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STATE COURT OF  
CHATHAM COUNTY  
2010 JUN -8 PM 12:07

CLIFFORD GREVEMBERG and )  
NANCY GREVEMBERG, as best of )  
friend, )  
Plaintiff, )  
vs. )  
CITY OF TYBEE ISLAND, )  
Defendant. )

CIVIL ACTION NO: ~~STCV1002043~~ STCV1002043

## SUMMONS

TO THE ABOVE NAMED DEFENDANT: City of Tybee Island  
c/o Mayor of Tybee Island  
Jason Buelterman  
403 Butler Avenue  
Tybee Island, Georgia, 31328

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Robert Bartley Turner, Esq.  
Savage, Turner, Kraeuter, Pinckney, Britt & Madison  
304 East Bay Street  
Savannah, Georgia 31401

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

This, the 8 day of Jun, 2010.

Brian Hart, Clerk of Court  
State Court of Chatham County, Georgia

By: [Signature]

Deputy Clerk, State Court of Chatham County Georgia *Revised 7/98*

\* also serving with Complaint:  
Plaintiff's First Interrogatories to Defendant

Plaintiff's First Request for Production of Documents to Defendant  
Subpoena Duces Tecum  
Notice to Take Deposition of Officer Timothy Sullivan  
Notice to Take Deposition of Corporal Javier Valdes  
Notice to Take Deposition of Officer Travis Daniel

IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

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STATE COURT OF CHATHAM COUNTY, GA.

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*Rebecca M. [unclear]*

CLIFFORD GREVEMBERG and )  
NANCY GREVEMBERG, as best of )  
friend, )

Plaintiff, )

vs. )

CIVIL ACTION NO: STCV10002043

CITY OF TYBEE ISLAND, )

Defendant. )

COMPLAINT

COME NOW CLIFFORD GREVEMBERG and NANCY GREVEMBERG, as natural guardian and best of friend of CLIFFORD GREVEMBERG and file this, their Complaint against the City of Tybee Island alleging as follows:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Clifford Grevemberg is an eighteen year old who has autism and suffers from a heart condition. Plaintiff Clifford Grevemberg is a citizen and resident of Chatham County, Georgia.

2. Plaintiff Nancy Grevemberg is the natural mother and natural guardian of Clifford Grevemberg and is a citizen and resident of Chatham County, Georgia.

3. The City of Tybee Island, Georgia is a body corporate, capable of suing or being sued. Pursuant to O.C.G.A. § 9-11-4(e)(5), City of Tybee Island, Georgia may be

served with process upon the Mayor of Tybee Island, Jason Buelterman, located at 403 Butler Avenue,

Tybee Island, Georgia 31328.

4. With respect to Defendant City of Tybee Island, Georgia, Plaintiffs have satisfied the requirements of O.C.G.A § 36-11-1 by providing the municipality with an *ante litem* notice within six months of the accrual of the cause of action.

5. Jurisdiction and venue are proper in this Honorable Court.

## II. FACTUAL ALLEGATIONS

6. On May 21, 2010, Clifford Grevemberg was lawfully sitting on the northeast corner of Tybrisa Street and Butler Avenue at approximately 10:30 a.m.

7. At that time, employees of the Tybee Island Police Department acting under color of law and within the scope of the employment, approached Clifford Grevemberg with malice and intent to cause harm to him, forcefully grabbed him and caused him to fall on the concrete sidewalk resulting in great injury to him.

8. As Clifford Grevemberg was being assaulted in the manner described above, another officer with the Tybee Island Police Department utilized a tazer gun on Plaintiff Clifford Grevemberg without probable or reasonable cause or excuse.

9. At no time did Clifford Grevemberg act inappropriately, behave aggressively towards the officers, or otherwise present a danger to himself or anyone around him. (See Affidavit of Matthew Tyson attached hereto as Exhibit A).

10. Clifford Grevemberg did flinch when he was grabbed by the officers and asked "What did I do wrong?" (M. Tyson Aff., Exhibit A).

11. At no point did Clifford Grevemberg resist the officers or fail to cooperate with them. (M. Tyson Aff., Exhibit A).

12. Defendant City of Tybee Island, through its employees, violated the rights, liberties, freedoms and privileges of Clifford Grevemberg granted to him by the common and statutory laws of the United States and the State of Georgia

13. The above-described acts of Defendant City of Tybee Island deprived Mr. Grevemberg of his right to be free from arrest without probable cause and to be free from cruel and unusual punishment secured to him by the Fourth and Eighth Amendments of the Constitution of the United States.

### III. CAUSES OF ACTION

#### *Count I - Assault and Battery*

14. The City of Tybee owes a duty to Clifford Grevemberg and those similarly situated to not to intentionally and maliciously inflict physical injury without any reasons for doing so.

15. The conduct of the City of Tybee Island employees toward Clifford Grevenberg on the night of May 21, 2010 amounted to assault and battery.

16. The Defendant breached the duty to Clifford Grevenberg by failing to properly train, supervise, or hire individuals qualified to provide law enforcement services, thereby allowing the officers in question to inflict physical injuries to law-abiding citizens. As a result, Defendant is liable to Clifford Grevenberg for his injuries.

***Count II - Infliction of Emotional Distress***

17. The conduct of the officers with the City of Tybee Island Police Department who assaulted and tazed Clifford Grevenberg was extreme and outrageous. \*

18. As a proximate result of such conduct, Plaintiff Clifford Grevenberg has \*suffered emotional distress for which he is entitled to relief.

***Count III - Negligence***

19. Defendant owed Plaintiff Clifford Grevenberg a duty not to unreasonably detain, physically attack, and taze him.

20. Defendant breached this duty when one or more of its police officers, acting within the scope of their employment and in the course of their duties on the night of May 21, 2010, unreasonably and without justification attacked and tazed Plaintiff Clifford Grevenberg.

21. As a proximate result of this breach, Plaintiff Cliffor Grevemberg suffered harm.

***Count IV - False Arrest, Malicious Prosecution***

22. Defendant, through one or more officers of the Tybee Island Police Department, arrested Plaintiff Clifford Grevemberg without probable cause.

23. Defendant subsequently charged Plaintiff Clifford Grevemberg with disorderly conduct, a crime of which he was completely innocent and for which there existed no evidence.

24. The conduct of Defendant constitutes false arrest and/or malicious prosecution, as a result of which Plaintiff Clifford Grevemberg has suffered harm.

***Count V - Violation of 42 U.S.C. § 1983***

25. Defendant City of Tybee Island, Georgia is responsible for providing law enforcement services within its confines.

26. Defendant, while acting under color of law, employed customs, policies, and/or procedures which resulted in the wrongful arrest of Plaintiff.

27. The failure of Defendant to properly screen, train and supervisor its police officers and its subsequent decision to seek the arrest of Plaintiff Clifford Grevemberg for a crime he did not commit deprived Plaintiff of his rights secured under the Fourth

Amendment of the United States Constitution. These violations include, but are not limited to:

- a. Failing to properly investigate police officers before hiring them;
- b. Failing to train its police officers in the use of force in general and the use of tazers in particular;
- c. Failing to supervise its police officers to determine if one or more have a history of assaulting and battering citizens;
- d. Failing to investigate the events that occurred on the night of May 21, 2010, which would have revealed that no crime occurred and that an unlawful and excessive use of force had occurred on behalf of Defendants' police officers; and
- e. Proceeding with charging Plaintiff Clifford Grevemberg with the crime of disorderly conduct, despite the complete absence of any credible proof that such a crime had occurred.

28. It would have been clear to a reasonable officer confronted with a situation similar to that which confronted the officers who detained, assaulted and/or tazed Plaintiff Clifford Grevemberg that it was unlawful and improper to seek the arrest of Plaintiff.

29. It was, or should have been, patently obvious to said officers that Plaintiff Clifford Grevemberg was mentally impaired and that he had not committed any wrongdoing justifying the attack upon him and arrest.

30. As a result of Defendant's actions, Plaintiff Clifford Grevemberg endured harm giving rise to a claim under 42 U.S.C. § 1983.

***Count VI - Attorneys' Fees Pursuant to 42 U.S.C. § 1988***

31. Defendant was acting under color of state law at the time it caused injury and harm to Plaintiff.

32. Plaintiffs are therefore entitled to a reasonable allowance for attorneys fees as part of their costs.

***Count VII - Attorneys Fees Pursuant to O.C.G.A. § 13-6-11***

33. Defendant has acted in bad faith, has been stubbornly litigious, and/or has caused the Plaintiffs unnecessary trouble and expense.


34. The Plaintiffs are entitled to an award of attorneys fees pursuant to O.C.G.A. § 13-6-11.

**WHEREFORE**, the Plaintiffs pray:

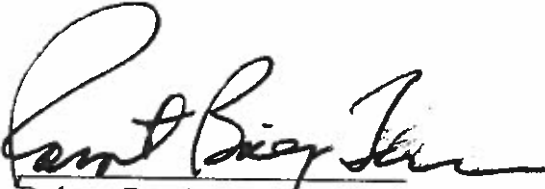
- A) That summons and process issue and be served upon Defendant;
- B) For a trial by jury comprised of twelve persons;

- C) That Plaintiffs be awarded a sum as compensation for Clifford Grevemberg's injuries and damages;
- D) That Plaintiffs recover attorney's fees from the Defendant under applicable federal and state law; and
- E) Such other and further relief as the Court deems just and proper.

This 8<sup>th</sup> day of June, 2010.

  
Christopher Daly  
Georgia Bar No. 203711 *ly RST*  
Frank G. Cardillo  
Georgia Bar No. 109125

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