

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**EMAD ALABASI
1512 Jaeger Drive
Lyndhurst, Ohio 44124**

and

**YANA ALABASI
1512 Jaeger Drive
Lyndhurst, Ohio 44124**

**Plaintiffs,
vs.**

JUDGE

**CITY OF LYNDHURST
5301 Mayfield Road
Lyndhurst, Ohio 44124**

**COMPLAINT
JURY DEMAND**

and

**CITY OF LYNDHURST
POLICE DEPARTMENT
5301 Mayfield Road
Lyndhurst, Ohio 44124**

and

**CITY OF LYNDHURST
FIRE DEPARTMENT
5301 Mayfield Road
Lyndhurst, Ohio 44124**

and

JOHN DOE

Defendants.

Now come the Plaintiffs, by and through undersigned counsel, Eric D. Hall, and for their
Complaint state as follows:

1. Defendant City of Lyndhurst, (Hereinafter referred as Defendants) is a city located in Cuyahoga County, State of Ohio.
2. Defendant City of Lyndhurst Police Department and Defendant City of Lyndhurst Fire Department are departments of the Defendant City of Lyndhurst.
3. Plaintiffs Emad Alabasi and Yana Alabasi, (Hereinafter referred as “Plaintiffs”) are residents of the City of Lyndhurst, State of Ohio. Plaintiff Emad Alabasi is an Iraqi immigrant and United States citizen. Plaintiff Yana Alabasi is a Russian immigrant and United States citizen.
4. That on or about January 4, 2018, Plaintiffs and their family were cooking on an outdoor grill at their home in the City of Lyndhurst.
5. That while Plaintiff’s were cooking outside a police officer of the Defendant City of Lyndhurst Police Department arrived at Plaintiff’s home regarding a neighbor’s complaint about Plaintiff’s outdoor cooking. Plaintiff’s did not call the police.
6. The officer observed Plaintiff’s outdoor cooking, made a brief inquiry with Plaintiffs, then left Plaintiff’s residence.
7. That shortly thereafter, numerous officers of the Defendant City of Lyndhurst Police Department arrived at Plaintiff’s residence along with the Defendant City of Lyndhurst Fire Department. A police officer at the scene told Plaintiffs that their food looked to be finished cooking. The Defendant Lyndhurst Fire Department then extinguished Plaintiffs’ outdoor grill. Plaintiffs recorded the audio and video of the incident.
8. That Plaintiff’s were threatened by the Defendants that if they cooked outdoors again they would be charged with a violation of City of Lyndhurst Municipal Code Section 642.12 Criminal Trespass.

9. That Defendants acting under the color of state law deprived Plaintiffs of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
10. Plaintiffs suffered damage, injury and loss as a result of Defendants' actions. Defendants' conduct was extreme and outrageous and intended to cause Plaintiff serious emotional distress.

COUNT I

(Intentional Infliction of Emotional Distress)

11. The allegations of Paragraphs 1 to 10 are herein incorporated by reference.
12. Defendants' actions against Plaintiffs resulted in the intentional infliction of emotional distress on Plaintiffs.
13. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered injury, damage, and loss.

COUNT II

(Violation of 42 U.S.C. Section 1983)

14. As a further and separate cause of action Plaintiffs state as follows:
15. The allegations of Paragraphs 1 through 14 are herein incorporated by reference.
16. Defendants acting under the color of state law deprived Plaintiffs of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
17. As a direct and proximate result of Defendant's actions, Plaintiffs suffered injury, including emotional distress and other damage.

COUNT III

(National Origin Discrimination)

18. As a further and separate cause of action Plaintiffs state as follows:

19. The allegations of Paragraphs 1 through 18 are herein incorporated by reference.

20. Defendants discriminated against Plaintiff's because of their national origin.

21. As a direct and proximate result of Defendants' actions, Plaintiffs suffered injury, including emotional distress and other damage.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally for compensatory damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.000) for liquidated/punitive damages as determined at trial, together with reasonable attorney fees, interest according to law and the costs of this action.

Respectfully Submitted,

/s/ Eric D. Hall

Eric D. Hall, #0067566

Attorney for Plaintiffs

P.O. Box 232

Medina, Ohio 44258

(330) 245-7504

attorneyhall@yahoo.com

JURY DEMAND

A TRIAL BY JURY IS HEREBY ON ALL ISSUES SO TRIABLE.

/s/ Eric D. Hall

Eric D. Hall, #0067566

Attorney for Plaintiffs

CIVIL COVER SHEET

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

Emad and Yana Alabasi

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

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

Eric D. Hall, P.O. Box 232
Medina Ohio 44258 330-245-7504

DEFENDANTS

City of Lyndhurst, et al.

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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

Click here for: Nature of Suit Code Descriptions.

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	<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"/> 835 Patent - Abbreviated New Drug Application <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"/> 376 Qui Tam (31 USC 3729(a)) <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"/> 485 Telephone Consumer Protection Act <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 checked="" 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 - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

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

42 U.S.C. Section 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ 75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED OR REFILED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

10/15/19

SIGNATURE OF ATTORNEY OF RECORD

E. D. Hall

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. General Civil
 2. Administrative Review/Social Security
 3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: is RELATED to another PENDING civil case is a REFILED case was PREVIOUSLY REMANDED

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY: Cuyahoga

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

CLEVELAND

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

YOUNGSTOWN

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Emad Alabasi and Yana Alabasi

Plaintiff(s)

v.

City of Lyndhurst, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Lyndhurst Fire Department
5301 Mayfield Road
Lyndhurst, Ohio 44124

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:

Eric D. Hall
P.O. Box 232
Medina, Ohio 44258

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.

SANDY OPACICH, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Emad Alabasi and Yana Alabasi

Plaintiff(s)

v.

City of Lyndhurst, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Lyndhurst Police Department
5301 Mayfield Road
Lyndhurst, Ohio 44124

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:

Eric D. Hall
P.O. Box 232
Medina, Ohio 44258

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Signature of Clerk or Deputy Clerk

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for the
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SANDY OPACICH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk