

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL PERACH,
Plaintiff,

-v-

CRAIG LEE,
Defendant.

_____/

BEN M. GONEK (P43716)
Attorney for Plaintiff
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_____ /

COMPLAINT

NOW COMES the Plaintiff and for his complaint states as follows:

1. This action arises under 42 USC 1983. Jurisdiction is conferred upon this Court by 28 USC 1331 et seq.
2. Plaintiff DANIEL PERACH (hereinafter "Plaintiff") is a resident of the State of Nevada.
3. Upon information and belief, Defendant CRAIG LEE (hereinafter "Defendant") is a resident of the County of Washtenaw and State of Michigan. At all times relevant to this Complaint, Defendant was employed as a police officer by the City of Ann Arbor.
4. When the events in this complaint occurred, the Defendant was not acting in the furtherance of any legitimate governmental function and as such is not entitled to the defense of governmental immunity.

5. At all times relevant to the events stated in this complaint, the Defendant was acting under color of law.
6. At all times relevant to the events stated in this complaint, the Defendant's actions were objectively unreasonable and as such Defendant is not entitled to the defense of qualified immunity.
7. The Defendant is being sued in his individual capacity.
8. This Court has proper jurisdiction over all parties and the amount in controversy exceeds \$75,000.00.
9. On or about September 1, 2005, Plaintiff was acting in a law abiding manner and for no legal or legitimate reason whatsoever Defendant deployed his taser on two occasions striking Plaintiff about his body.
10. The actions of Defendant in deploying his taser and intentionally striking Plaintiff caused Plaintiff great pain and injuries about his body.
11. By using unnecessary and brutal force to restrain Plaintiff where there was no legal basis to do such, the Defendant's actions were objectively unreasonable and violated Plaintiff's Fourth and Fourteenth Amendment rights to the United States Constitution.
12. The Defendant does not have qualified immunity for his illegal actions as any reasonable person or police officer should have known that such actions were objectively unreasonable.
13. As a direct and proximate result of the Defendant violating Plaintiff's Fourth Amendment Rights, Plaintiff suffered injury and damages including, but not limited to, the following:

- a. Physical injuries;
- b. Pain, suffering, and emotional distress;
- c. Humiliation, mortification, and embarrassment; and
- d. Other injuries, damages and/or consequences that are found to be related to the incident that develop or manifest themselves during the course of discovery and trial.

Wherefore, Plaintiff respectfully requests that this Honorable Court grant the following relief against the Defendant:

- a. Compensatory damages in an amount which is fair, just and reasonable;
- b. Punitive damages in an amount which is fair, just and reasonable; and
- c. Such other and further relief as this Court may deem appropriate, including costs, interest, and reasonable attorneys fees pursuant to 42 USC 1983.

Respectfully submitted,

_____/s/_____
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