

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**V.R. ENTERTAINMENT,
VICKASH MANGRAY,
JEFF MANGRAY,
MOONIE MANGRAY,
PLAINTIFFS,**

**CIVIL RIGHTS COMPLAINT
(42 U.S.C §1983, §1985)**

vs.

CASE No.

HON.

**CITY OF ANN ARBOR, CITY OF ANN ARBOR
POLICE DEPARTMENT, CITY OF ANN ARBOR
CHIEF OF POLICE BARNETT JONES, ANN ARBOR
CITY ADMINISTRATOR, STEVE POWERS, ROGER
FRASER PREVIOUS CITY ADMINISTRATOR
JOINTLY AND SEVERALLY AND IN THEIR
INDIVIDUAL CAPACITY,
DEFENDANTS.**

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COMPLAINT AND JURY DEMAND

NOW COMES , PLAINTIFFS, by and through their attorney, Roger Farinha, and state for their Complaint the following:

I JURISDICTION AND VENUE

- 1 This District Court has jurisdiction over this civil case being brought under 42 USC §1983 and 42 USC §1985 pursuant to 28 USCS §1343.
- 2 Plaintiffs reside in Ypsilanti, Michigan.
- 3 Plaintiffs own a business in Ann Arbor, Michigan.
- 4 Defendants were acting under the authority of color of state law at the time these claims occurred.
- 5 Venue is proper in the United States District Court for the Eastern District of Michigan.

II STATEMENT OF CLAIM

- 6 Plaintiff incorporates by reference paragraphs 1 through 5 set forth above.
- 7 Plaintiffs are of Indian decent, born in Trinidad.
- 8 Plaintiff's patrons are racially diverse and of various national origins; specifically Afro-American, Asian and Latino.
- 9 Defendants administer and enforce the state and local laws in the City of Ann Arbor, Michigan.

- 10 On or about May 29, 2011, the City of Ann Arbor brought a nuisance action against the Plaintiffs for an alleged altercation and shooting that occurred in the vicinity of the Plaintiffs night club.
- 11 The fight and shooting in fact occurred on federal government property after the club was closed specifically the United States Postal Service Parking Lot, a property that does not belong to the club and is overseen by federal authorities.
- 12 The Defendants unjustly sought and obtained without a full hearing and without consideration to the facts a Temporary Restraining Order shutting the Plaintiffs club for several weeks; thereafter, a 'security receiver' was appointed to oversee the security at the club.
- 13 The report that was submitted by the 'security receiver' Mr. John Phillips indicated that the problems in the area came allegedly from the parking garage immediately next to the club, not from the club itself, albeit without evidence.
- 14 Throughout the State Court case, Case No. GCW-11-597-CH and up to the filing of this action, the Defendant Police Department has focused extraordinary police attention on the club without justification, routinely targeting surveillance on the club as evidenced by parked Police vehicles directly in front of the Plaintiffs club.
- 15 On or about September 2011, the Defendants then maliciously brought an action against the Plaintiffs with the Michigan Liquor Control Commission for allegedly failing to stop a fight that resulted in gun fire with full knowledge that the incident occurred on federal property after the club had been closed; however, this fight occurred without knowledge of the club owners and in a United States Postal Service parking lot adjacent to the club that was and is directly overseen by the United States Postal Authorities.
- 16 As a direct result of the continued profiling and Harassment by the Defendants based on race and national origin, the Plaintiffs have suffered irreparable harm including lost patrons to their business, lost revenue as a result of the shutting

down and appointment of receivers, false publicity, continued physical ailments due to stress, and malignment of patrons by Ann Arbor representatives verbally analogizing them to prostitutes and pimps because of their choice of attire;

17 As a direct and proximate result the actions of the Defendants the Plaintiffs have lost hundreds of thousands of dollars in revenue from their club.

18 As a further proximate result, Plaintiffs suffered extreme humiliation, embarrassment, and mental and emotional distress.

19 As a further proximate result, Plaintiffs have lost the trust, value and benefit of the defendants' public service to the community.

COUNT I: VIOLATION OF 42 USC §1983

20 Plaintiff incorporates by reference paragraphs 1 through 18 set forth above.

21 The Defendants owed plaintiff a duty under 42 USC §1983.

22 Those duties include; not discriminating against the Plaintiff on the basis of sex, race, religion, ethnicity and national origin.

23 The Defendants violated the duties owed to the Plaintiff.

24 The Defendants violation of 42 USC §1983 directly and proximately caused the plaintiff's damages.

COUNT II: VIOLATION OF 42 USC §1985

25 Plaintiff incorporates by reference paragraphs 1 through 23 set forth above.

- 26 Plaintiffs are of Indian decent and their clientele is Asian, Latino and African American.
- 27 Defendant Police and City officials have egregiously traumatized the Plaintiffs by utilizing their police force to harass and intimidate plaintiffs' reminiscent of the 1960's civil rights clashes, while failing to prosecute other similarly situated businesses within the city that have actually had repeated fights and injuries to patrons.
- 28 The actions and antics of the Defendants clearly demonstrate that their motives are racially and ethnically motivated against the Plaintiff so as to inflict extreme humiliation, embarrassment and terror so that they are forced to close their business and prevent the diversity in race and national origin that is a hallmark of Ann Arbor, Michigan.

COUNT III: FOURTH AND FOURTEENTH AMENDMENT
VIOLATIONS

- 29 Plaintiffs incorporate by reference paragraphs 1 through 27 set forth above.
- 30 Plaintiff's constitutionally protected rights were violated by the Defendants which include the following:
- a. Their right to liberty protected in the substantive component of the Due Process Clause of the Fourteenth Amendment, which includes personal safety, freedom from captivity, and right to privacy.
 - b. Their right to fair and equal treatment guaranteed and protected by the Equal Protection Clause of the Fourteenth Amendment.

- 31 Defendants acting under color of state law have not accorded the Plaintiffs equal protection or due process in their quest to close their establishment and prevent persons of diverse origins of race and national origin from either owning night clubs in Ann Arbor or having them frequented by persons of similar ethnic diversity.
- 32 Defendants, acting under color of state law and in concert with one another, by their conduct, showed intentional, outrageous, and reckless disregard for Plaintiffs constitutional rights.
- 33 As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered physical and emotional injury including reckless disregard of their constitutionally protected rights described above.
- 34 Defendants acting under the color of state law, authorized, tolerated, ratified, permitted, or acquiesced in the creation of policies, practices, and customs, establishing a de facto policy of deliberate indifference to individuals diverse in race and national origin such as the Plaintiffs.
- 35 As a direct and proximate result of these policies, practices, and customs, Plaintiffs were deprived of their constitutionally protected rights described above.

COUNT IV: EIGHTH AMENDMENT VIOLATIONS

- 36 Plaintiffs incorporate by reference paragraphs 1 through 34.
- 37 The Eighth Amendment of the U.S. Constitution provides, in pertinent part, that excessive bail shall not be required nor excessive fines be imposed nor cruel and unusual punishments be inflicted.
- 38 Defendants' decisions to (1) target the Plaintiff's club with false allegations of nuisance actions and criminal activity, (2) continue ongoing surveillance without

cause by parking marked police vehicles in front of the club intimidating patrons from entering, (3) to falsely bring charges that do not apply to the club, and (4) to target the only minority establishment in the downtown area for heightened scrutiny, is a violation of the Plaintiff's Eighth Amendment Rights.

39 As a direct and proximate result of Defendants actions, the Plaintiffs suffered physical and emotional injury, loss of freedom, and other constitutionally protected rights described above.

COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

40 Plaintiffs incorporate by reference paragraphs 1 through 38 set forth above;

41 The Defendants knew or should have known that the Plaintiffs were ethnically diverse and their club catered to racially and ethnically diverse individuals when they 'targeted' the Plaintiffs for closure based on false and malicious unfounded allegations and unproven charges;

42 The Defendants' behavior was purposeful, deliberate and considered actions targeted to deny the Plaintiffs their fundamental rights, to inflict both embarrassment and emotional trauma, constituting an abuse of their power and discretion;

43 The Defendants behavior in this case was so extreme and outrageous that it was calculated to intentionally induce severe emotional, mental and physical trauma in the Plaintiffs;

44 The Defendants' actions have caused severe emotional, mental and physical injury to the Plaintiffs;

COUNT VI. CONSPIRACY

- 45 Plaintiffs incorporate by reference paragraphs 1 through 44 set forth above;
- 46 Upon information and belief Defendants' have solicited former employees of the Plaintiff's business to act as confidential informants on behalf of the Defendants.
- 47 Upon information and belief the former employees have been asked to wear wires and tape recording devices, gain entry into the club and look for signs of drug deals and prostitution.
- 48 Upon information and belief the Defendants want their confidential informants to create situations and an atmosphere to warrant police intervention;
- 49 The former employees are not police officer nor do they represent any other government agency.
- 50 Plaintiffs assert there are no pending charges or investigations against them for Drug dealing or Prostitution.
- 51 Plaintiffs further assert this is a feeble attempt by the Defendants, acting in concert, to go on a 'fishing expedition', in order to try and bolster their case for nuisance allegations against the Plaintiffs.
- 52 The Defendants conspired and worked in conjunction to permanently close the Plaintiffs business establishment by soliciting former employee to act as the Defendant's confidential informant by threats and promises .

WHEREFORE, Plaintiffs request judgment in their favor against the Defendants for all compensatory damages, punitive damages, and equitable and injunctive relief to which the Court finds them entitled, together with costs, interest, and attorney's fees in the amount of three million dollars (\$3,000,000.00) and any and all further punitive damages and equitable relief that this Honorable Court deems fair and just as a discouragement to future discriminatory practices by this and other municipal agencies.

JURY TRIAL REQUESTED.

Dated: January 12, 2012

Respectfully Submitted:

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