

3.

All acts, omissions and events giving rise to Plaintiff's respective causes of action occurred in Fulton County, Georgia.

4.

Defendants are subject to personal jurisdiction in this Court and venue is proper in this Court.

5.

On March 3, 2014, Plaintiff properly submitted a notice of claims upon the City of Alpharetta by perfecting service upon Mayor David Belle Isle, City Administrator Bob Regus, and City Attorney Sam Thomas. (**EXHIBIT A**, *Notice and Service*).

6.

Plaintiff has fully complied in all material respects with the notice provisions of O.C.G.A. § 36-33-5.

PARTIES

7.

Plaintiff Amy C. Bramuchi is a resident of Fulton County, Georgia.

8.

Defendant City of Alpharetta is a political subdivision of the State of Georgia and is subject to the jurisdiction of this Court. The City of Alpharetta may be served with a copy of this Complaint and process by serving David Belle Isle, City of Alpharetta Mayor, 2 S. Main Street, Alpharetta, Georgia 30009. When served with process, Defendant City of Alpharetta will be subject to the jurisdiction and venue of this Court.

9.

At all relevant times, Defendant Glass was employed as an Officer with the City of Alpharetta Police Department and is sued in his individual and official capacity.

10.

At all relevant times, Defendant Glass was an employee and/or agent of the City of Alpharetta Police Department.

11.

Defendant Glass may be personally served with a copy of this Complaint and process at the City of Alpharetta Police Department, 2565 Old Milton Parkway, Alpharetta, Georgia 30009. When served with process, Defendant Glass will be subject to the jurisdiction and venue of this Court.

12.

At all relevant times, Defendant Stone was employed as an Officer with the City of Alpharetta Police Department and is sued in his individual and official capacity.

13.

At all relevant times, Defendant Stone was an employee and/or agent of the City of Alpharetta Police Department.

14.

Defendant Stone may be personally served with a copy of this Complaint and process at the City of Alpharetta Police Department, 2565 Old Milton Parkway, Alpharetta, Georgia 30009. When served with process, Defendant Stone will be subject to the jurisdiction and venue of this Court.

15.

At all relevant times, Defendant Lindgren was employed as an Officer with the City of Alpharetta Police Department and is sued in his individual and official capacity.

16.

At all relevant times, Defendant Lindgren was an employee and/or agent of the City of Alpharetta Police Department.

17.

Defendant Lindgren may be personally served with a copy of this Complaint and process at the City of Alpharetta Police Department, 2565 Old Milton Parkway, Alpharetta, Georgia 30009. When served with process, Defendant Lindgren will be subject to the jurisdiction and venue of this Court.

18.

At all relevant times, Defendant Wessel was employed as an Officer with the City of Alpharetta Police Department and is sued in his individual and official capacity.

19.

At all relevant times, Defendant Wessel was an employee and/or agent of the City of Alpharetta Police Department.

20.

Defendant Wessel may be personally served with a copy of this Complaint and process at the City of Alpharetta Police Department, 2565 Old Milton Parkway, Alpharetta, Georgia 30009. When served with process, Defendant Wessel will be subject to the jurisdiction and venue of this Court.

FACTS

21.

On or about 6:00 p.m. on September 25, 2013, the City of Alpharetta Police Department received a call on their regular line from Mr. Kevin Bassler of Kennesaw, Georgia.

22.

Mr. Bassler, explaining that he didn't "know whether this qualifies as an emergency or not because it's from five hours ago," stated that he had received a text message from Plaintiff that she was going to commit suicide at 12:53 p.m. that afternoon.

23.

Mr. Bassler also explained that he had been exchanging vile text messages the past two days with Plaintiff, who he described as his "ex-best friend."

24.

Mr. Bassler informed dispatcher that Plaintiff, who has a valid conceal carry permit, owned a firearm.

25.

Mr. Bassler, giving Plaintiff's home address and phone number, stated that he was calling "just in case she actually carried through with it."

26.

The Alpharetta Police Department attempted to contact Plaintiff by phone but Plaintiff did not answer.

27.

Accordingly, a total of fourteen police officers, three fire fighters and two medics were sent to Plaintiff's townhome.

28.

All responding Alpharetta Police officers were equipped with standard issue Tasers.

29.

All responding Alpharetta Police officers wore standard issue body microphones.

30.

Defendant Lindgren ordered all officers at the scene to turn on their body microphones in order to preserve evidence of their activities.

31.

The officers knocked on the door of Plaintiff's townhome and announced themselves but received no answer.

32.

Plaintiff, who was not feeling well, was in her bedroom asleep.

33.

Defendant Lindgren, with the approval of Defendant Wessel, broke into Plaintiff's townhome with a group of Alpharetta police officers.

34.

The officers did not obtain any type of warrant prior to making the forced entry into Plaintiff's home.

35.

The officers first cleared the lower level of Plaintiff's town home, with Defendant Lindgren proceeding to the upstairs level with Defendants Glass and Stone.

36.

Plaintiff, who was awoken by the commotion, opened her bedroom door only to be confronted by Defendant Glass pointing his gun directly at her.

37.

Defendant Lindgren advised Officer Sarrantonio and other officers both inside and outside Plaintiff's townhome that they had made contact with Plaintiff and that she was okay.

38.

Defendant Glass commanded Plaintiff to come out of her bedroom and show her hands, and Plaintiff complied.

39.

Defendant Glass then performed a pat-down search of Plaintiff against her will, prompting Plaintiff to ask what she had done wrong.

40.

Receiving no answer, Plaintiff asked what was going on, again receiving no reply.

41.

Defendant Glass then commanded Plaintiff to come to the first floor of her townhome, and Plaintiff again complied.

42.

Seeing that her front door had been damaged when Defendant Lindgren broke-in, Plaintiff instructed the officers to get out of her home.

43.

The Defendants not responding to Plaintiff's instruction, Plaintiff directly asked one or more Defendants if they had a warrant that authorized their presence in her home.

44.

One or more Defendants responded that they did not have a warrant.

45.

Plaintiff again, unequivocally, shouted "everyone out!" and demanded that everyone vacate her premises.

46.

The Defendants did not comply with Plaintiff's request, remaining in her home.

47.

After no Alpharetta Police officer would explain why they had broken down her door or why they were there, Plaintiff called 911.

48.

Plaintiff explained to the 911 dispatcher that she had a large group of officers who had broken down her door, entered her home, and damaged the inside of her house.

49.

Plaintiff ordered all officers out of her house ten times during the 911 call.

50.

Plaintiff told the 911 dispatcher that she wanted to know why the officers were there.

51.

The 911 dispatcher gave Plaintiff no information and told her to talk with the officer in charge at the scene, who was Defendant Lindgren.

52.

Plaintiff agreed during the 911 call to talk with Defendant Lindgren alone about why they had broken in to her home.

53.

Plaintiff went outside briefly to talk with Defendant Lindgren and, again, demanded that he and the officers get out of her house.

54.

Plaintiff asked one or more officers three times, "Do you have a warrant?"

55.

After not answering Plaintiff's question the first two times, one or more officers responded the third time that they did not need a warrant.

56.

Defendants asked Plaintiff if she would let them talk to her.

57.

Plaintiff replied, that she would not.

58.

Plaintiff again instructed officers to leave, and one or more defendants twice replied, "No."

59.

Plaintiff then informed Defendants that she had a Fourth Amendment right not to be taken out of her home, to which they falsely responded that they were not trying to do that.

60.

Plaintiff reiterated that she had nothing to say to the officers.

61.

As Plaintiff continued to become more upset due to the officers' presence in her home, a Defendant believed to be Stone told Plaintiff that police dispatch had gotten a call referencing one of her text messages.

62.

Plaintiff asked if the officers had seen the text message, and received the reply: "No".

63.

Medic Kevin Seiler then entered the residence and told Plaintiff, "I can either talk to you or I can call a hospital and have a doctor force you to go to the hospital."

64.

Plaintiff refused and told medic Seiler that she was not suicidal.

65.

Around this time, Defendant Captain Robert Wessel arrived on the scene.

66.

Defendant Lindgren and Defendant Wessel left the Plaintiff in the Custody of Defendants Glass and Stone.

67.

Plaintiff again stated, "Am I being understood? I have a Fourth Amendment right."

68.

Plaintiff received a false reply of "Okay, we will be out of here in a minute" from the officers.

69.

The officers, now having been present in the home for far more than the time necessary to check on Plaintiff's welfare, still refused to leave.

70.

Plaintiff then retreated back to her upstairs bedroom with a reasonable expectation of privacy and slammed the door to try to get away from the officers.

71.

Defendants Glass and Stone followed her back upstairs and entered Plaintiff's bedroom against her will.

72.

Plaintiff picked up her unloaded handgun and was shot three times by Defendants Glass and Stone, inflicting permanent debilitating injuries.

73.

Plaintiff suffered a collapsed lung, a shattered sternum, and fractured ribs as a result of the shooting by Defendants.

74.

Plaintiff underwent approximately thirteen hours of surgery, having a lung lobe removed and losing twelve inches of intestines as a result of the shooting by Defendants.

75.

In addition to the extreme physical and emotional suffering, Plaintiff has been forced to give up her yoga, fitness, and massage practices due to her injuries caused in the shooting of the Plaintiff multiple times by Defendants.

76.

Finally, Plaintiff has been indicted for an alleged aggravated assault committed against Defendants Glass and Stone and faces a possible twenty-year prison sentence, if convicted.

COUNT I

Against All Defendants

(42 U.S.C. § 1983)

77.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

78.

The actions of Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel were taken under color of state law.

79.

While the Fourth Amendment to the United States Constitution allows officers to perform warrantless, wellness checks in the homes of reportedly suicidal individuals, it has been clearly established that officers only have constitutional authority to observe a wellness check recipient for only the time necessary to ensure that she had not attempted, nor was about to attempt, suicide. *See Roberts v. Spielman*, 643 F.3d 899, 904 (11th Cir. 2011) (finding a five-minute encounter constitutionally permissible).

80.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel clearly exceeded this constitutional authority by remaining in Plaintiff's home well past the point when the Defendants determined that the

Plaintiff was not suicidal until the time that the Defendants actions resulted in the shooting of the Plaintiff three times.

81.

Immediately upon confirming the well-being of Plaintiff, Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel had no probable cause that any crime would be committed and were, thus, unjustified to remain in the Plaintiff's home.

82.

Immediately upon confirming the well-being of Plaintiff, any exigent circumstances that may have existed had terminated and Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel were, thus, unjustified to remain in the Plaintiff's home.

83.

Had Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel, departed upon the expiration of their constitutional authority, Defendant would not have been shot and gravely injured.

84.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel's unauthorized, inciting presence and the gross civil rights violations directly and proximately resulted in the grave injuries suffered by Plaintiff.

85.

The actions of Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel violated Plaintiff's right to be free from

unreasonable searches and seizures under the Fourth Amendment to the United States constitution and the analogous Georgia constitutional provision.

COUNT II

Against All Defendants

(Negligence)

86.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

87.

At all relevant times, Plaintiff exercised ordinary care for her own safety.

88.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel had a duty to exercise ordinary care in keeping Plaintiff safe while making a warrantless entry and maintaining a warrantless presence in Plaintiff's home during a wellness check.

89.

If law enforcement is authorized to make and maintain such a warrantless entry and presence during a wellness check, it is axiomatic that officers have a duty to maintain Plaintiff's wellness—not act in a manner deleterious to Plaintiff's wellness, as they did here.

90.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel were responsible to keep the Plaintiff safe, from both herself and from them, and they breached written policies and procedures for the ordinary standard of care of the Plaintiff and were negligent actually and proximately causing her injury,

91.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel used excessive and deadly force instead of proper restraints and techniques to keep control of Plaintiff with non-lethal force.

92.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel were authorized to make entry and take presence in Plaintiff's home *only* due to a potential suicide threat by a Plaintiff who owned a firearm.

93.

Defendants were aware that Plaintiff owned a firearm.

94.

Yet, Defendants did nothing at any time during their warrantless presence to obtain Plaintiff's firearm or prevent Plaintiff from obtaining her firearm, instead using their warrantless presence only to incite and anger Plaintiff.

95.

Accordingly, by these actions and inactions, Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel breached this duty of ordinary care owed to a wellness check recipient.

96.

The conduct of Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel violate, and constitute reckless disregard, of proper police procedure.

97.

Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel are liable to Plaintiff for her injuries, including pain and suffering, which were proximately caused by the Defendants' failure to keep Plaintiff safe during the wellness check.

98.

Any and all injuries, including pain and suffering, were proximately caused by the negligence of Defendants City of Alpharetta Police Department, Officer Glass, Officer Stone, Lieutenant Lindgren, and Captain Wessel.

99.

As a direct and proximate cause of this negligence, Plaintiff has suffered extreme fright.

100.

As a direct and proximate cause of this negligence, Plaintiff has been irreversibly injured and damaged.

101.

As a direct and proximate cause of this negligence, Plaintiff's ability to earn has been damaged.

102.

As a direct and proximate cause of this negligence, Plaintiff will incur future medical expenses and costs.

103.

Defendants are liable for these damages caused by their negligence.

COUNT III

Against All Defendants Named

(Medical Expenses)

104.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

105.

Plaintiff has incurred medical, care, and related expenses as a direct and proximate cause of this negligence by Defendants and the resulting injuries to Plaintiff.

106.

Defendants are liable to Plaintiff for such medical, care, and related expenses.

COUNT IV

Relative to Defendants Glass, Stone, Lindgren, and Wessel

(Derivative Liability)

107.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

108.

At all times relevant to this matter, Defendants Glass, Stone, Lindgren, and Wessel were working for Defendant City of Alpharetta Police Department.

109.

During all of the aforementioned events at Plaintiff's home on the evening of September 25, 2015, Defendants Glass, Stone, Lindgren, and Wessel were on the job and in the scope of their employment with Defendant City of Alpharetta Police Department.

110.

Defendant City of Alpharetta Police Department is liable for Defendants Glass, Stone, Lindgren, and Wessel negligence pursuant to the doctrine of *respondeat superior*.

COUNT V

(Punitive Damages)

111.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

112.

Defendant City of Alpharetta Police Department's failures alleged in the Counts above are beyond and above negligence, and its actions and failures to simply ensure basic training of its officers showed willful misconduct, fraud, wantonness, or that entire want of care, which would raise the presumption of conscious indifference to consequences.

113.

Pursuant to O.C.G.A. § 51-12-5.1, punitive damages against Defendant City of Alpharetta Police Department are authorized and should be awarded in an amount to be determined by the enlightened conscious of a jury.

COUNT VI

(Attorney's Fees)

114.

Plaintiff hereby realleges and incorporates herein the above and below Paragraphs.

115.

Plaintiff requests reasonable attorney fees as may be authorized by state and federal law.

WHEREFORE, Plaintiff, Amy C. Bramuchi, prays that the following relief be granted:

- 1) Judgment in favor of Plaintiff against Defendants for violations of her civil rights under 42 U.S.C. § 1983;
- 2) Judgment in favor of Plaintiff and against Defendants for the injury, fright, and pain and suffering of body and mind experienced by Plaintiff for having been gravely injured and unable to perform her professional and daily functions caused directly and proximately by the Defendants' negligence, in an amount to be determined by the enlightened conscience of a jury;
- 3) Judgment in favor of Plaintiff and against Defendant City of Alpharetta Police Department for punitive damages, in an amount to be determined by the enlightened conscience of a jury;
- 4) Trial by Jury;
- 5) Reasonable attorney fees as permitted by 42 U.S.C. § 1988;
- 6) Recovery of all costs of this action; and
- 7) All such other and further relief that Plaintiff is entitled to at law and/or equity.

This 23rd day of September, 2015.

The Law Office of Stephen M. Reba, LLC:



STEPHEN M. REBA
Georgia Bar No. 532158
Counsel for Plaintiff

Post Office Box 1046
Decatur, Georgia 30031
(404) 850-7949 phone
(404) 935-5305 fax
smr@rebalaw.com

EXHIBIT A

O.C.G.A. § 36-33-5 Notice and Service

3/3/2014

David Belle Isle, Mayor
Bob Regus, City Administrator
Sam Thomas, City Attorney
City of Alpharetta, Georgia – 30009
2 S Main St.
Alpharetta, GA 30009

ANTI LITEM NOTICE

Dear Sirs:

Please be advised that I been retained to represent Amy Christine Bramuchi in regards to any personal injury and civil rights claims against the City of Alpharetta and others arising out of the police shooting that occurred at her home, 204 Woodhaven Way, Alpharetta, GA 30009, on September 25, 2013. Officer Lindgren along with officers Allen, Bradley, Carter, Davis, Farmer, Fisher, Garren, Glass, Gordon, Jones, and Noble responded to a third party tip of a potential suicide. Ms. Bramuchi was shot six times by Alpharetta police officers and sustained life-threatening injuries that have left her permanently disabled and unable to continue her career or life as she once knew it. We contend the officers were negligently trained and managed and the officers themselves acted negligently as well as violated Ms. Bramuchi's constitutional rights. The purpose of this letter is to comply with any ante litem notice requirements.

Pursuant to O.C.G.A. § 36-33-5, as counsel for Ms. Bramuchi, I am presenting her claims for general and special damages, both past and future, including, but not limited to medical expenses, permanent disability, diminished earning capacity, lost wages, pain and suffering and any other damages allowed under Georgia Law within the six month period required by statute. While our investigation is still ongoing, we believe that the value of this claim may exceed five million dollars (\$5,000,000). If you contend this letter does not provide you with sufficient notice pursuant to O.C.G.A. § 36-35-5, or comply with said statute, please advise me immediately in writing, and I will correct any deficiencies.

Sincerely,

William T. "Billy" Joyner
Law Office of Billy Joyner
2897 North Druid Hills Rd
Suite 187
Atlanta, GA 30329

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 Street, Apt. No., or PO Box No.: _____
 City, State, ZIP+4: 30009

PS Form 3800, August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Bob Regos
City Administrator
City of Alpharetta
2 S Main St
Alpharetta, GA 30009

COMPLETE THIS SECTION ON DELIVERY

A. Signature: [Signature] Agent Addressee

B. Received by (Printed Name): _____ C. Date of Delivery: 3/5/14

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 (Transfer from service label)

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Restricted Delivery Fee (Endorsement Required)	\$0.00	MAR -3 2014
Total Postage & Fees	\$ 6.49	03/03/2014

Sent To: Sam Thomas
 Street, Apt. No., or PO Box No.: _____
 City, State, ZIP+4: 30009

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Sam Thomas
City Attorney
City of Alpharetta
2 South Main St
Alpharetta GA 30009

COMPLETE THIS SECTION ON DELIVERY

A. Signature: [Signature] Agent Addressee

B. Received by (Printed Name): _____ C. Date of Delivery: 3/5/14

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. 7010 2780 0002 6179 4655

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