



ting and for failure to have his registration in possession. At that point Mr. Polk and Mr. Cook were permitted to leave.

7. During the course of time that Plaintiffs were held, a thorough search was conducted of Plaintiff Polk's car and no illegal contents were found.

8. There was no probable cause for the search of Plaintiff Polk's vehicle.

9. On information and belief, Defendant Holmes targets African-American males for vehicle stops and intrusive searches.

10. Defendant's conduct, as described herein, was willful, deliberate, malicious and with reckless disregard for the Plaintiffs' constitutional rights.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION**

(Civil Rights Violation for Unlawful Seizure - 42 U.S.C. § 1983)

11. Defendant's conduct, as described above, violated Plaintiffs' right to be free from unlawful seizure protected by the Fourth and Fourteenth Amendments to the United States Constitution.

12. As a direct and proximate result of the actions of Defendant, Plaintiffs suffered damages, including emotional harm.

#### **SECOND CAUSE OF ACTION**

(Civil Rights Violation for Unlawful Search - 42 U.S.C. § 1983)

13. The conduct of Defendant, searching Mr. Polk's car without probable cause, violated his right to be free from unreasonable searches protected by the Fourth and Fourteenth Amendments to the United State Constitution.

14. As a direct and proximate result of the actions of Defendant, Plaintiff Polk suffered damages, including emotional harm.

**THIRD CAUSE OF ACTION**  
(Denial of Equal Protection - 42 U.S.C. § 1983)

15. The conduct of Defendant, as described herein, violated Plaintiffs' right to equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution.

16. As a direct and proximate result of the actions of Defendant, Plaintiffs Polk and Cook suffered damages, including emotional harm.

**WHEREFORE**, Plaintiffs seek judgment against Defendant for compensatory damages in an amount to be determined by a jury or the Court and punitive damages in an amount to be determined by a jury or the Court and such other and further relief as the Court may deem appropriate. Plaintiffs also seek reasonable attorneys fees and costs against Defendant pursuant to 42 U.S.C. § 1988.

Respectfully submitted,  
Leon Polk and Malcolm Cook

By Counsel

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Jeffrey E. Fogel, VSB #76345  
Attorney at Law  
913 E. Jefferson Street  
Charlottesville, VA 22902  
434-984-0300 (Tel)  
434-220-4852 (Fax)  
E-mail: jeff.fogel@gmail.com

Steven D. Rosenfield, VSB #16539  
Attorney at Law  
913 E. Jefferson Street  
Charlottesville, VA 22902  
434-984-0300 (Tel)  
434-220-4852 (Fax)  
Email: attyrosen@aol.com  
Counsel for Plaintiffs, Leon Polk and  
Malcolm Cook