



removed her from the car and placed her in the seat of another patrol car.

8. Defendant Holmes, with the assistance of several other officers, conducted a thorough search of Plaintiffs' vehicle.

9. Nothing illegal was found by Defendant Holmes or any of the other officers but Plaintiff Hubbard was giving a summons for driving while his privilege to do so was suspended by the Commonwealth of Virginia.

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

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

**CAUSES OF ACTION**  
**FIRST CAUSE OF ACTION**

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

12. By his conduct as described above, Defendant Holmes violated Plaintiffs' rights protected by the Fourth and Fourteenth Amendments to the United States Constitution to be free from unreasonable seizures.

13. As a direct and proximate cause of that conduct, Plaintiffs suffered damages, including emotional harm.

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

**SECOND CAUSE OF ACTION**

(Civil Rights Violation for Excessive Force - 42 U.S.C. § 1983)

15. By his conduct, as described above, Defendant Holmes violated Plaintiff Rodney Hubbard's right to be free from the use of excessive force in violation of the Fourth and

Fourteenth Amendments to the United States Constitution.

16. As a direct and proximate result of that conduct, Plaintiff Rodney Hubbard suffered damages, including emotional harm.

**THIRD CAUSE OF ACTION**

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

17. By his conduct, as described above, Defendant Holmes violated Plaintiffs' right to be free from unreasonable searches in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

18. As a direct and proximate result of that conduct, Plaintiffs suffered damages, including emotional harm.

**FOURTH CAUSE OF ACTION**

(Denial of Equal Protection - 42 U.S.C. § 1983)

19. 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.

20. 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,

RODNEY HUBBARD and  
SAVANNAH HUBBARD  
By Counsel

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