

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

SHINIKKI WHITING,

Plaintiff,

v.

Case No.: 8:23-cv-02260

THE CITY OF NEW PORT RICHEY,  
and JOSEPH VALENTE, an  
individual,

Defendant.

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**COMPLAINT**

SHINIKKI WHITING, by and through the undersigned counsel, sues the CITY OF NEW PORT RICHEY and JOSEPH VALENTE stating as follows:

**JURISDICTION AND VENUE**

1. Venue is proper in the United States District Court for the Middle District Court of Florida (Tampa Division) because the acts and omissions giving rise to the claims asserted in this lawsuit occurred in Pasco County, Florida.
2. The causes of action alleged herein are for damages in excess of \$75,000.00, exclusive of interest, attorneys' fees, and costs, etc.
3. This Court has original jurisdiction of the matters alleged in this lawsuit pursuant to 28 U.S.C. § 1331 as several of the claims asserted in this lawsuit arise under the laws of the United States of America, including 28 U.S.C. § 1983.

4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of law, of rights, privileges, or immunities secured by the Constitution of the United States and 28 U.S.C. § 1367 which provides supplemental jurisdiction over state laws.
5. This Court has supplemental jurisdiction over the state law claims under 18 U.S.C. § 1367, as the state law claims share all common operative facts with the federal law claims, and the parties are identical. Resolving all state and federal claims in a single action serves the interests of judicial, efficiency, economy, and fairness.
6. All conditions precedent to the filing of this action, including those set forth in Fla. Stat. § 768.28(6)(a) (2022), have occurred, accrued, or have been waived as a matter of law.

#### **THE DEFENDANTS**

7. At all times material hereto, the City of New Port Richey (“City”) is a Florida Municipal Corporation organized and existing under the laws of the State of Florida, with the capacity to sue and be sued.
8. At all times material hereto, the City of New Port Richey Police Department is a law enforcement agency, and is a political subdivision of the City of New Port Richey (hereinafter the City of New Port Richey and the City of New Port Richey Police Department will be referred to collectively as “NPR”)

9. At all times material hereto, Joseph Valente was employed by the City. At all times material hereto, Joseph Valente was a field training police officer for the City of New Port Richey.
10. At all times material hereto, the actions and/or inactions of the City were undertaken, and/or not undertaken, by individuals who were the employees or agents of the City, each of whom acted within the course and scope of their employment.
11. As a result, the City is liable or vicariously liable for said actions and/or inactions.

**PLAINTIFF IS WRONGFULLY AND AGGRESSIVELY ARRESTED  
WITHOUT CAUSE**

12. On March 30, 2020, PLAINTIFF, Shinikki Whiting, was exiting her residence to check her mail when she noticed an Emergency Medical Technician (EMT) and a Police Officer in the backyard of her apartment complex.
13. Plaintiff asked her neighbor what was happening, and he advised that his girlfriend had a medical emergency.
14. Wanting to comfort her neighbor and friend, Plaintiff asked an EMT if she could give her neighbor's girlfriend a hug. The EMT replied "yes."
15. As Plaintiff hugged and comforted the neighbor's girlfriend, NPR Police Officer Joseph Valente (Officer Valente) inexplicably yanked her arm off and pushed Plaintiff on her chest, causing Plaintiff to almost fall into a nearby wall.

16. Shocked and perplexed by what had just occurred, Plaintiff took out her cell phone and attempted to record what was happening.
17. As she attempted to record, Plaintiff asked Officer Valente why he pushed her. Officer Valente simply ignored her.
18. Plaintiff realized that in all the commotion, she had never actually started recording. She then began recording with her cell phone.
19. As she recorded, Plaintiff asked Officer Valente for his name badge number. Officer Valente failed to provide either one.
20. Notably, Plaintiff was approximately fifteen (15) to twenty (20) feet away from Officer Valente as she asked for his badge number.
21. Rather than answering her question, as he is obligated to under law, Officer Valente walked over to Plaintiff and told her that she was now under arrest.
22. Plaintiff asked why she was arrested. In response, Officer Valente slammed her to the ground, yanked the phone from her hand, and proceeded to throw her phone.
23. Officer Valente then wrongfully and aggressively arrested Plaintiff, causing cuts, bruises, and injury.

**PLAINTIFF REMAINED HANDCUFFED AND DEFACATED FOR  
HOURS WITHOUT SUPERVISION**

24. Plaintiff was then placed in a holding cell, still handcuffed behind her back.

25. Notably, no officer took the handcuffs off Plaintiff at any time. In the holding cell, Plaintiff was handcuffed behind her back for approximately two and a half hours.
26. In pain from her injuries, Plaintiff desperately attempted to signal to the holding cell cameras that she was in pain and in need of medical help. She was completely ignored.
27. In fact, the cameras in that holding cell were not working. Upon information and belief, the officers and other personnel involved were aware of this fact before placing and leaving Plaintiff in that cell handcuffed and completely unattended.
28. Officer Valente and the other officers present also failed to conduct the required cell checks every ten minutes, as required by law, while Plaintiff was in the cell.
29. Had Officer Valente conducted the required cell checks, he would have been aware that Plaintiff was still handcuffed behind her back.
30. Due to the handcuffs behind her back, Plaintiff was unable to remove her pants and undergarments to properly use the bathroom.
31. As a result, Plaintiff was forced to urinate and defecate on herself in the holding cell.
32. Plaintiff was subsequently forced to wait in the holding cell, dirty, handcuffed, and in pain, for approximately two (2) and a half hours; the depravity of this

barbaric treatment caused Plaintiff to feel humiliated and less than human, causing her severe emotional distress.

33. Once Officer Valente and another officer finally take her out of the holding cell (still handcuffed), Plaintiff pleaded for medical assistance.
34. Officer Valente responded by saying that there was nothing wrong with her and that she did not need to go to the hospital.
35. After Plaintiff continued pleading and reminding the officers that they could not deny her medical treatment, she was eventually taken to the hospital.
36. Once at the hospital, Officer Valente continued diminishing Plaintiff's suffering and falsely tells the nurse that "nothing is wrong" with Plaintiff.
37. Officer Valente continues humiliating Plaintiff in the hospital lobby, forcing Plaintiff to request that she be taken to jail instead so that the jail triage nurse can document her injuries instead.
38. In the patrol car, on the way to the jail, Officer Valente taunted Plaintiff by stating that he would be seizing the phone, placing it in "evidence", and that she would be unable to retrieve her phone even with the help of an attorney.
39. It would later be revealed that Officer Valente never attempted to obtain a search warrant for Plaintiff's cell phone.
40. Once at the jail, the triage nurse documented that Plaintiff was indeed injured and had bruises and abrasions on her arms. Plaintiff also had sore ribs and suffered injury to her face.

**PLAINTIFF IS INEXPLICABLY CHARGED WITH A FELONY**

41. Plaintiff did not learn what she was supposedly arrested for until she was at the jail.
42. Inexplicably, Plaintiff had been charged with a *felony* and two (2) misdemeanors<sup>1</sup>—Battery on a Law Enforcement Officer, Resisting Officer with Violence, and Resisting Officer Without Violence.
43. After this wrongful and traumatic arrest, Plaintiff reported Officer Valente and filed a Citizens Complaint with the NPR Police Department.
44. Plaintiff then met with Police Chief, Kim Bogart, to discuss the events detailed above. During this meeting, Police Chief Bogart took Plaintiff's phone from "evidence" and asked to see the video of this wrongful arrest that Plaintiff had taken.
45. After seeing this exculpatory evidence and hearing Plaintiff's story, all charges against Plaintiff were dropped.
46. However, Plaintiff was still required to present herself at Court twice, due to the prosecution that had begun against her.
47. Plaintiff was left with severe anxiety, post-traumatic stress disorder, insomnia, and mental anguish.

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<sup>1</sup> Interestingly and in similar fashion, Marlowe Jones, another New Port Richey citizen whom the undersigned represents, was also charged with "Battery on a Law Enforcement Officer" after his unlawful arrest, despite there being no evidence of the same.

48. Upon information and belief, Officer Valente had various complaints and allegations made against him and NPR was aware of the same.

**NPR POLICE DEPARTMENT'S ADMINISTRATIVE REVIEW OF  
PLAINTIFF'S WRONGFUL ARREST CONCLUDED THAT OFFICER  
VALENTE VIOLATED MULTIPLE CITY RULES AND REGULATIONS**

49. In response to Plaintiff's Citizen Complaint against Officer Valente for her wrongful arrest, NPR conducted an Administrative Review and reviewed the following City Rules and Regulations to determine if Officer Valente violated the same:

- a. Fighting, threatening physical violence against an employee, supervisor, or a member of the public while on duty or on City premises, intimidating, coercing or otherwise interfering with the rights of other people or other conduct detrimental to morale and discipline in the workplace. **This charge was sustained against Officer Valente.**
- b. Immoral or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community or raises obvious question as to the employee's ability to maintain public trust. **This charge was sustained against Officer Valente.**
- c. All members of the Department shall: Conduct themselves in a proper manner and with appropriate demeanor; they shall not engage in any



conduct unbecoming a public employee and member of the Department.

**This charge was sustained against Officer Valente.**

- d. All members of the Department shall: Furnish name, rank and I.D. number to any person upon request. **This charge was sustained against Officer Valente.**
- e. All members of the Department shall: Be held strictly responsible for the proper performance of their duties. **This charge was sustained against Officer Valente.**
- f. No member of the Department shall: Engage in any conduct on or off duty which adversely affects the morale and efficiency of the Department or which has a tendency to destroy public respect or confidence in the Department or himself. **This charge was sustained against Officer Valente.**
- g. A law enforcement officer may arrest a person without a warrant when: the person has committed a felony, misdemeanor, or violated a county or municipal ordinance in the presence of the officer. (An arrest for commission of a misdemeanor, or violation of a county or municipal ordinance, must be made immediately or in fresh pursuit). **This charge was sustained against Officer Valente.**

- h. Follow-up Investigations shall consist of: Planning, organizing and conducting searches. **This charge was sustained against Officer Valente.**
  - i. Officers shall make a visual check of each prisoner in the booking area at least every ten (10) minutes. **This charge was sustained against Officer Valente.**
50. Plaintiff later learned from credible sources within the NPR police department, that Officer Valente was also being investigated for other arrests he had previously made where there seemed to be use of force or abuse against NPR citizens.
51. Accordingly, Plaintiff sues the City of New Port Richey alleging as follows:
- COUNT I: 42 U.S.C. § 1983 – UNLAWFUL SEARCH AND SEIZURE IN VIOLATION OF THE FOURTH AMENDMENT AGAINST NPR**
52. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
53. This cause of action is brought by Plaintiff against the City of New Port Richey for the unlawful search and seizure of Plaintiff, in violation of the Fourth Amendment of the United States Constitution, by and through 42 U.S.C. § 1983.
54. At all times material hereto, Officer Valente and all police officers/EMTs involved were employees and/or agents of the City, and were acting within the course and scope of their employment with same, and acting under color of law,

to wit, under color of the statutes, ordinances, regulations, policies, customs, and usages of the City.

55. On March 30, 2020, the City, via its employees and/or agents, while acting under authority of the State of Florida and under color of law, deprived Plaintiff of her rights and privileges secured to her by the Constitution of the United States, in violation of the Fourth Amendment of the United States Constitution.
56. At all times hereto Police Officer Joseph Valente acted with the authority possessed by them by virtue of their employment with the City.
57. As a result of Officer Valente's actions and/or inactions, Plaintiff was detained and arrested without probable cause and without an arrest warrant on March 30, 2020.
58. Officer Valente then proceeded to take Plaintiff's phone for "evidence", depriving Plaintiff of her phone itself and the exculpatory video contained therein, where she had recorded her wrongful arrest.
59. Officer Valente never requested a search warrant for the same.
60. Officer Valente, along with other NPR police officers who were at the scene, acting in the course and scope of their duties as officers and/or city officials, took the actions complained of above with knowledge that the actions were in direct violation of the Constitution of the United States and the rights of Plaintiff.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT II: 42 U.S.C. § 1983 – FAILURE TO TRAIN IN VIOLATION OF THE FOURTEENTH AMENDMENT AGAINST NPR**

61. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
62. This cause of action is brought by Plaintiff against the City of New Port Richey for failure to train its officers on when arrests are appropriate when there is no arrest warrant.
63. The City has waived sovereign immunity for situations where its state actors cause damages to persons pursuant to Fla. Stat. § 786.28(18) and applicable Federal law.
64. At the time of the wrongful arrest, the City had a custom, policy, practice and/or procedure in place that allowed its police officers, acting under color of law and in scope of their employment, to violate the civil liberties of any person that the police officers wished to exert their power over, for no apparent reason.
65. The City violated clearly established laws by violating Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and the Civil Rights Act when Plaintiff was deprived of her right to liberty, without due process of law.

66. The City deprived Plaintiff of her right to liberty because there exists a failure to train in the following regard (non-exclusive list):
  - a. Failure to train police officers on how to arrest an individual when there is no arrest warrant.
  - b. Failure to train police officers on the proper use of force when dealing with a female that is nonviolent and poses no threat.
  - c. Failure to train police officers on how to deescalate nonviolent situations.
67. As to subsections a-c above, there is a failure to train on procedures which amount to deliberate indifference to the rights of individuals, like Plaintiff.
68. NPR's failure to train its police department and/or police officers led to the wrongful arrest, mistreatment, and deprivation of Plaintiff's liberty.
69. Due to the plethora of complaints, reports, and misconduct surrounding the City's police department, the City knew of the need to train and/or supervise its police department, and made a deliberate choice to not do so.
70. NPR had notice and knowledge of the wrongful arrests and the issues described above occurring at the hands of its police officers like Officer Valente. Despite this knowledge, the City failed to implement any policies or programs to train said officers and otherwise intentionally failed to protect the public and citizens from danger.
71. The City's failure to adequately train its personnel on how to properly identify someone committing an alleged felony or misdemeanor, how to conduct proper

arrests, and how to deescalate situations has resulted in the wrongful arrest and violation of Plaintiff's Constitutional rights.

72. The City's failure to train has caused the violation and deprivation of Plaintiff's right to liberty pursuant to the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, as described above.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT III: 42 U.S.C. § 1983 – NEGLIGENT SUPERVISION IN VIOLATION OF THE FOURTEENTH AMENDMENT AGAINST NPR**

73. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
74. This cause of action is brought by Plaintiff against the City of New Port Richey.
75. NPR had a duty to Plaintiff, to exercise reasonable care in the supervision of NPR employees, including police officers.
76. Upon information and belief, at all times hereto, NPR failed to properly supervise Officer Valente.
77. Indeed, before Plaintiff's wrongful March 30, 2020 arrest, NPR was aware of multiple complaints and accusations against Officer Valente that demonstrated his unfitness and harmful propensity as an NPR police officer.
78. NPR had actual and/or constructive notice of Officer Valente's unfitness and harmful propensity.

79. Even at the March 30, 2020 arrest, Officer Valente's supervisors and coworkers watched the wrongful arrest unfold and did nothing to stop or correct his unfit behavior.
80. Despite the multiple complaints against Officer Valente for inappropriate behavior, NPR failed to timely take further action to investigate, discharge, or discipline, as appropriate.
81. As a result of NPR's failure to properly supervise and properly investigate, discharge, or discipline Officer Valente, he remained on the force, subsequently falsely arresting Plaintiff and causing her injury.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT IV: 42 U.S.C. § 1983 – NEGLIGENT RETENTION IN VIOLATION OF THE FOURTH AMENDMENT AGAINST NPR**

82. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
83. This cause of action is brought by Plaintiff against the City of New Port Richey.
84. NPR had a duty to Plaintiff, to exercise reasonable care in the retention of NPR employees, including police officers,
85. Upon information and belief, NPR had actual and/or constructive notice of Officer Valente's unfitness and harmful propensity.

86. Despite multiple complaint against Officer Valente for his inappropriate and unfit behavior, NPR failed to appropriately investigate and take action to prevent further harm by Officer Valente.
87. Had NPR timely and appropriately taken action towards the other complaints and accusations against Officer Valente, the appropriate investigation would have revealed the clear unsuitability of Officer Valente for his particular duty.
88. Indeed, it was unreasonable that NPR willfully chose to retain Officer Valente as an employee and as a police officer in the force despite the serious complaints and accusations against him and the harm he had caused other NPR citizens.
89. As a results of NPR's negligent retention of Officer Valente, he remained in the force, subsequently falsely arresting Plaintiff and causing her injury.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT V: 42 U.S.C. § 1983 – FALSE ARREST / FALSE  
IMPRISONMENT IN VIOLATION OF THE FOURTH AMENDMENT  
AGAINST NPR**

90. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
91. This is a cause of action brought by Plaintiff against the City of New Port Richey for the false arrest / false imprisonment of Plaintiff, in violation of the Fourth



Amendment of the United States Constitution, by and through 42 U.S.C. § 1983.

92. This false arrest / false imprisonment deprived Plaintiff of her liberty on March 30, 2020.
93. Officer Valente, while acting under color of law as an employee and agent of The City, caused the unlawful detention and deprivation of Plaintiff's liberty as he wrongfully and aggressively arrested Plaintiff despite there being no probable cause or reason to do the same.
94. Officer Valente's detention and arrest of Plaintiff was unreasonable and not warranted by the circumstances, especially because Plaintiff was not interfering with the EMT investigation for her neighbor, was not violent, and did not commit any felony, or violate any misdemeanor or county/municipal ordinance.
95. Officer Valente's detention and arrest of Plaintiff was an intentional detention intended to deprive Plaintiff of her liberty.
96. Officer Valente willfully detained and contained Plaintiff, leaving her handcuffed for hours and forcing her to defecate on herself as a result.
97. The false arrest / false imprisonment of Plaintiff was a due process violation under the Fourth Amendment of the Constitution of the United States.
98. As a direct and proximate result of this wrongful false arrest and false imprisonment of Plaintiff, she has suffered grievously, has endured mental

anguish, physical injury, humiliation, and loss of her freedom and Constitutional rights.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT VI: 42 U.S.C. § 1983 – MALICIOUS PROSECUTION IN VIOLATION OF THE FOURTH AMENDMENT AGAINST NPR**

99. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
100. This cause of action is brought by Plaintiff against the City of New Port Richey, for the prosecution and criminal judicial proceeding instituted against Plaintiff at the hand of the City's employees and/or agents.
101. After Plaintiff's March 30, 2020 wrongful arrest, Officer Valente with malicious purpose, caused a prosecution and criminal judicial proceeding instituted against Plaintiff.
102. Inexplicably, Plaintiff was charged with a felony and two (2) misdemeanors— Battery on a Law Enforcement Officer, Resisting with Violence, and Resisting Officer Without Violence.
103. Officer Valente and other NPR police officers were the joint legal cause of the proceeding against Plaintiff.

104. There was a bona fide termination of the original proceeding in favor of Plaintiff as the charges were dropped when Police Chief Bogart viewed Plaintiff's exculpatory video of the wrongful arrest.
105. There was a clear absence of probable cause for prosecution of such proceedings. Notably, there was also no arrest warrant for Plaintiff's arrest and at all times material hereto, Plaintiff never committed a felony, misdemeanor, or violated a county or municipal ordinance in the presence of Officer Valente.
106. NPR's own Administrative Review of Plaintiff's wrongful arrest admit that Plaintiff was not violent at any time.
107. The only "evidence" of the purported battery against Officer Valente and purported arrest resistance was Officer Valente's self-sided account of the facts.
108. Indeed, Officer Valente acted with malice when he wrongfully arrested and charged Plaintiff with a felony and two (2) misdemeanors.
109. As a direct result of Officer Valente's actions and inactions, Plaintiff has suffered damages, which include physical discomfort and pain, loss of time, loss of property, loss of income, mental suffering, embarrassment, humiliation, disgrace and injury to her feelings and reputation, which are continuing to this day and are likely to continue in the future. Plaintiff also suffered damages as the result of being forced to hire counsel and incur attorneys' fees and costs to defend the wrongful and malicious prosecution.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT VII: 42 U.S.C. § 1983 – ABUSE OF PROCESS IN VIOLATION OF THE FOURTH AMENDMENT AGAINST NPR**

110. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
111. This cause of action is brought by Plaintiff against the City for the illegal, improper, and perverted use of process in the hands of Officer Valente and other NPR police officers, when acting under color of law, violated Plaintiff's rights and then falsely arrested her on March 30, 2020 without probable cause or a warrant.
112. Officer Valente made an illegal, improper, and perverted use of process when he wrongfully arrested Plaintiff on March 30, 2020 and subsequently charged her with Battery on a Law Enforcement Officer—a felony.
113. This was only done to harass and intimidate Plaintiff, as there was no basis for arresting her and charging her with a felony.
114. Officer Valente had ulterior motives and/or purposes in exercising this illegal, improper, and perverted use of process.
115. Officer Valente and the other NPR police officers present knew or should have known that there was no arrest warrant or probable cause to arrest or charge Plaintiff, but chose to do it anyways to intimidate, humiliate, and harm Plaintiff.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT VIII: BATTERY AGAINST JOSEPH VALENTE**

116. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
117. This cause of action is brought by Plaintiff against Officer Valente for the battery on Plaintiff when he falsely arrested Plaintiff on March 30, 2020.
118. Without justification and in violation of Plaintiff's Constitutional rights, Officer Valente intentionally made physical contact with Plaintiff in a matter that inflicted bodily harm and pain.
119. As a direct and proximate result of Officer Valente's actions, Plaintiff has suffered damages, which include physical inconvenience, physical discomfort and pain, loss of time, and humiliation, which continue to this day and are likely to continue in the future.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**COUNT IX: INTENTIONAL INFLICTION OF EMOTIONAL  
DISTRESS AGAINST JOSEPH VALENTE**

120. Plaintiff reasserts and realleges each and every allegation in Paragraphs 1 through 51 of this Complaint, as if fully set forth herein.
121. This cause of action is brought by Plaintiff against Officer Valente.
122. Officer Valente, as an employee and/or agent of Defendant, The City of New Port Richey, deliberately and/or recklessly inflicted emotional distress on Plaintiff during the course and scope of his employment through his outrageous conduct at the time of Plaintiff's wrongful arrest and the succeeding events after.
123. Such outrageous conduct includes but is not limited to:
  - a. Aggressively and wrongfully arresting Plaintiff, in front of her neighbors and community after she was trying to commit a good deed towards her neighbor.
  - b. Throwing Plaintiff's phone, which included potentially exculpatory evidence, and falsely claiming a search warrant would be requested for it. Then, threatening Plaintiff by stating that even an attorney would not be able to help retrieve her phone.
  - c. Never removing the handcuffs from Plaintiff, causing her to sit in a cell handcuffed, defecated, and pleading for medical assistance for over two (2) hours.
  - d. Failing to do the required ten (10) minute cell checks and forcing Plaintiff to defecate on herself and sit in it for over two (2) hours as she waited for someone to check on her.

124. Officer Valente deliberately and recklessly committed these outrageous acts and they were intended to deliberately and purposefully create more stress, anxiety, emotional distress, depression, and pain and suffering.

125. Officer Valente's deliberate and/or reckless actions or inactions inflicted Plaintiff and caused her to suffer severe emotional distress included increased anxiety, depression, loss of sleep, nightmares, insecurity, and post-traumatic stress syndrome.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter judgment against the City of New Port Richey for damages, interest, attorneys' fees, costs, and such further relief this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

PLAINTIFF respectfully requests a jury trial on all issues above.

*[INTENTIONALLY LEFT BLANK]*

**RESERVATION OF RIGHT TO AMEND COMPLAINT**

PLAINTIFF reserves the right to file amendments to this Complaint as may be appropriate.

Respectfully submitted this 5th day of October 2023:

**éclat Law, P.A.**

/s/ Kevin K. Ross

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court this 5th day of October 2023 by using the Federal Case Management/Electronic Case Files System (CM/ECF System). Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the CM/ECF Electronic Service List, via transmission of Notices of Electronic Filing generated by the CM/ECF System.

/s/ Kevin K. Ross

Kevin K. Ross, Esq.