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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**SUZANNE C. DOLLER,**  
**Plaintiff**

**v.**

**TAMMY ADAMS; and**  
**CITY OF HARRISBURG, PA.,**  
**Defendants**

**: NO.:**

**:**

**: JUDGE:**

**:**

**: CIVIL ACTION - LAW**

**: JURY TRIAL DEMANDED**

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**: (Electronically Filed)**

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**COMPLAINT**

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**AND NOW** comes Plaintiff, Suzanne C. Doller, by and through her undersigned counsel, and avers as follows:

**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343 (1), (3), and (4).
3. Venue is proper in this Court, as all parties are located within the Middle District of Pennsylvania and the cause of action arose in the Middle District of Pennsylvania.

**PARTIES**

4. Plaintiff, Suzanne C. Doller, is an adult individual. Ms. Doller resides in Harrisburg, Pennsylvania, 17015.

5. Defendant, Tammy Adams, is an adult individual, who, during all relevant times, was employed as a police officer by the Harrisburg Bureau of Police. Officer Adams' actions or inactions were taken under the color of state law. She is sued in her individual capacity.

6. The City of Harrisburg, Pennsylvania, incorporated as a borough in 1791 and as a city in 1860, owns and operates the Harrisburg Bureau of Police, an agency of the city. The City of Harrisburg has a business address of 10 N. Second Street, Suite 202; Harrisburg, PA 17101-1678. The Harrisburg Bureau of Police has a business address of 123 Walnut Street #217, Harrisburg, PA 17101-1693.

**FACTUAL BACKGROUND**

7. Hillcrest Women's Medical Center (Hillcrest) is located at 2709 North Front Street, Harrisburg, PA 17110.

8. Hillcrest is a medical clinic where abortions are performed.

9. At various times, individuals have gathered on public property in front of Hillcrest to protest the abortions that occur.

10. Ms. Doller is a religiously motivated Catholic activist who believes that life begins at conception.

11. Ms. Doller's religious belief is that abortion is a murderous act.

12. As a result of her closely-held religious beliefs, Ms. Doller frequently goes to the public sidewalks outside of Hillcrest to hold signs, talk, and pray, in an attempt to persuade people not to have abortions and to dissuade people from performing abortions.

13. On July 22, 2011, Ms. Doller was exercising her right to freedom of speech guaranteed by the First Amendment to the Constitution by protesting the practices occurring at Hillcrest.

14. On this date, Ms. Doller was located on a public sidewalk while she was protesting.

15. Ms. Doller was holding a sign in protest of Hillcrest's practice of abortion.

16. Harrisburg police officers, including Officer Adams, approached Ms. Doller.

17. Officer Adams assaulted Ms. Doller by knocking her camera from her hand to the ground.

18. Officer Adams then stepped on the camera in an attempt to prevent Ms. Doller from retrieving the camera and using it.

19. Officer Adams then confiscated her sign.

20. The speech on the sign was constitutionally protected.

21. The speech on the sign was not obscene
22. The speech on the sign did not threaten anyone.
23. The speech on the sign was not defamatory.
24. The sign did not threaten physical contact of any sort.
25. Pursuant to the Pennsylvania Crimes Code (Title 18), neither the Plaintiff's conduct nor the speech stated on the sign was criminal.
26. At least one other police officer was present but failed to intervene to protect Ms. Doller's constitutional rights.

### **COUNT I**

**Plaintiff v. Individual Defendants  
First Amendment - Violation of Right to Free Speech  
Pursuant to 42 U.S.C. § 1983**

27. Paragraphs 1-26 are stated herein by reference.
28. Plaintiff was engaged in expressive speech in the quintessential public forum—a sidewalk to a public street.
29. Defendants' actions chilled, deterred, punished, and restricted Plaintiff from engaging in expressive speech in this public forum.
30. Plaintiff's right to protest was chilled, deterred, and restricted when Defendants confiscated her signs that she was using to protest.
31. Defendants' actions were motivated by the viewpoint of Ms. Doller's protected speech.

32. Defendants' actions thus constitute a violation of Plaintiff's rights under the Free Speech Clause of the First Amendment of the Constitution.

33. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

34. Furthermore, as a direct and proximate result of Defendants' actions, Plaintiff has incurred attorneys' fees and other costs.

## **COUNT II**

### **Plaintiff v. Individual Defendants Fourth Amendment – Excessive Force Pursuant to 42 U.S.C. § 1983**

35. Paragraphs 1-34 are stated herein by reference.

36. Officer Adams assaulted Ms. Doller by knocking her camera from her hand to the ground.

37. At the time, Officer Adams did not have a privilege to use any force against Ms. Doller.

38. The force used against Ms. Doller was not for the purpose of affecting an arrest.

39. Moreover, the force used was not to protect Officer Adams or any other person from harm.

40. When Officer Adams used the force against Ms. Doller, Ms. Doller did not present as a threat to anyone.

41. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

42. Furthermore, as a direct and proximate result of Defendants' actions, Plaintiff has incurred attorneys' fees and other costs.

### **COUNT III**

#### **Plaintiff v. Individual Defendants Fourth Amendment – Search and Seizure Pursuant to 42 U.S.C. § 1983**

43. Paragraphs 1-42 are stated herein by reference.

44. Defendant Adams seized Plaintiff's property without a warrant and without the requisite probable cause to do so.

45. At the time of the seizure, probable cause did not exist to arrest the Plaintiff for any crime.

46. The sign was not seized incident to any arrest, let alone a lawful arrest.

47. The sign was not seized as evidence of a crime.

48. At the time of the seizure, no exigent circumstance existed that required or justified the seizure of the sign without a warrant.

49. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

50. Furthermore, as a direct and proximate result of Defendants' actions, Plaintiff has incurred attorneys' fees and other costs.

#### **COUNT IV**

**Plaintiff v. Defendant City of Harrisburg  
First, Fourth & Fourteenth Amendment—Municipal Liability  
Pursuant to 42 U.S.C. § 1983**

51. Paragraphs 1-50 are stated herein by reference.

52. The City of Harrisburg, Pennsylvania ("City") owns and operates the Harrisburg Bureau of Police, an agency of the City.

53. The City maintained policies, practices, and customs, which were the moving force that resulted in the Plaintiff's constitutional rights being violated.

54. Moreover, the City was on notice of a need for further training related to the issues discussed herein but failed to provide the training, which resulted in the Plaintiff's constitutional rights being violated.

55. It is believed that the City failed to implement a policy, enforce a

policy, or train officers on when citizens are exercising constitutionally protected rights.

56. Have such training been conducted, the violation of Ms. Doller's rights would have been avoided.

57. It is believed that the City failed to implement a policy of proper safeguards to ensure that innocent people are not threatened with arrest and chilled in their speech in such circumstances.

58. It is believed that the City failed to implement an effective process to ensure that policies of the City and training are followed by police officers.

59. When it has been determined that officers have violated the First Amendment, or unlawfully seized property, or when police officers have been named in repeated citizen complaints, or when the City has settled civil suits related to the seizure of property or violations of the First Amendment, it is believed that the City has not required police officers to receive corrective or additional training.

60. Plaintiff expects that discovery will reveal that the City did not follow its internal affairs policy and investigate, discipline, or retrain the Defendants for the conduct discussed in this Complaint.

61. If it is ultimately determined that an internal affairs investigation occurred, it is believed that discovery will reveal that the investigation was

triggered as a result of the instant litigation (so as to be a defense to the litigation), as opposed to when the City first learned of the incident discussed herein.

62. As a direct and proximate result of the City's policies and practices that caused the Plaintiff's free speech rights to be violated, Plaintiff has suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

63. Furthermore, as a direct and proximate result of the City's policies and practices that caused the Plaintiff's free speech rights to be violated, Plaintiff has incurred attorneys' fees and other costs.

**WHEREFORE**, Plaintiff, Suzanne C. Doller, respectfully requests the following relief:

- A. That the Court provide the Plaintiff with a jury trial;
- B. That judgment be entered in favor of the Plaintiff and against the Defendants;
- C. That the Court declare that the Defendants' actions violated the Plaintiff's constitutional rights;
- D. That the Court enjoin the Defendants from taking any of Plaintiff's constitutionally protected signs;
- E. That the Court award the Plaintiff compensatory damages;

F. That the Court award the Plaintiff punitive damages (except against the City Defendant);

G. That the Court award the Plaintiff reasonable attorney's fees and costs and interest; and

H. That the Court award such other financial or equitable relief as is reasonable and just.

**RESPECTFULLY SUBMITTED,**

**Dated: July 25, 2012**

*s/Devon M. Jacob*

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