

RETURN DATE: AUGUST 18, 2009 : SUPERIOR COURT  
LEVERN T. GREEN AND MEGHAN GREEN : J.D. OF NEW LONDON  
VS. : AT NEW LONDON  
TOWN OF GROTON, CHIEF OF POLICE :  
KELLY FOGG, OFFICER NICHOLAS PARHAM : JULY 14, 2009

**FIRST COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 7)**

1. The Plaintiffs, Levern T. Green & Meghan Green, are citizens of the State of Connecticut, and reside at 40 Indian Field Rd., in the Town of Groton, CT.
2. The Defendant Town of Groton is a municipality in the State of Connecticut.
3. Prior to December 2008, the Plaintiff Levern T. Green applied to the Town of Groton Police Department for a temporary pistol permit.
4. On December 8, 2008, the Groton Police Department denied the Plaintiff's application for a temporary pistol permit on the grounds that he was a convicted felon.
5. Thereafter, on the morning of December 26, 2008, Officer Nicholas Parham and other members of the Town of Groton Police Department arrived at the Plaintiffs' home in order to search for and confiscate certain weapons that they claimed were on the premises.
6. These police officers did not have a warrant to search the premises or seize property.
7. On December 26, 2008, Officer Nicholas Parham and another officer demanded entry into the Plaintiff's home and were refused entry, whereupon the officers called for a more senior officer to assist on the scene.

8. A supervisor or officer of higher rank then arrived on the scene, and ordered the officers to restrain Mr. Green while he entered the Plaintiff's home, over the Plaintiff's objection, to interrogate Mrs. Green, who was pregnant at the time, concerning the alleged weapons allegedly on the premises.

9. Said police officers then detained the Plaintiff Lavern Green without cause or justification.

10. Despite the Plaintiffs' objections, members of the Town of Groton Police Department entered their residence without their consent, without a warrant and without probable cause that a crime had been or was about to be committed, and proceeded to interrogate the Plaintiffs and search the residence for weapons.

11. Once inside, members of the Town of Groton Police Department expressly and impliedly threatened the Plaintiff Lavern Green with arrest and intimidated the Plaintiffs.

12. Once inside, Officer Nicholas Parham and/or other members of the Town of Groton Police Department coerced Mr. Green into opening a locked safe in which an unloaded .40 Glock handgun was stored.

13. Officer Nicholas Parham and/or other members of the Town of Groton Police Department then seized and confiscated the unloaded handgun along with ammunition clips, a holster, and ammunition.

14. Thereafter, the police officers placed Mr. Green in a police vehicle and drove him outside of the jurisdiction to his mother's residence at 25 Moore Avenue in New London, CT where they gained access to the home and seized and confiscated a shotgun.

15. The officers failed or refused to provide the Plaintiff a receipt for the shotgun.

16. Since then, the Plaintiff has not been arrested or charged with a crime but, upon information and belief, a case remains “open” and “under investigation.”

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff’s constitutional rights under Art. I, § 7 of the Connecticut constitution by subjecting him to an unlawful search of his home and seizure of property.

18. As a further result of the Defendants’ violation of his State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff’s intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**SECOND COUNT: (by M. Green for Violation of Conn. Constitution Art. I § 7)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Second Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff’s constitutional rights under Art. I, § 7 of

the Connecticut constitution by subjecting her to an unlawful search of her home and seizure of property.

18. As a further result of the Defendants' violation of her State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**THIRD COUNT: (by L. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Third Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by subjecting him to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**FOURTH COUNT: (by M. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983)**

1-16. Paragraphs 1-16 of the Second Count are hereby incorporated and made Paragraphs 1-16 of this Fourth Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by subjecting her to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of her federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**FIFTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 8)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Fifth Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 8 of the Connecticut constitution, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**SIXTH COUNT: (by L. Green for Violation of the 5<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Sixth Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**SEVENTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 15)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Seventh Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 15 of the Connecticut constitution, by depriving him of the right to bear arms in defense of himself and the State.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**EIGHTH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 27-2)**

1-16. Paragraphs 1-16 of the Seventh Count are hereby incorporated and made Paragraphs 1-16 of this Eighth Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 27-2, by depriving him of his right to bear arms as a member of the unorganized militia of the State of Connecticut.



18. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**NINTH COUNT: (by L. Green for Violation of 10 U.S.C. § 311)**

1-16. Paragraphs 1-16 of the Eighth Count are hereby incorporated and made Paragraphs 1-16 of this Ninth Count as if more fully set forth herein.

17. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's statutory rights under 10 U.S.C. § 311, by depriving him of his right to bear arms as a member of the unorganized militia of the United States.

18. As a further result of the Defendants' violation of his federal constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TENTH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 29-38c)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Tenth Count as if more fully set forth herein.

17. The Town of Groton, its agents, servants and/or employees, failed to determine that the Plaintiff posed an imminent threat of personal injury to himself or others.

18. The Town of Groton, its agents, servants and/or employees, failed or refused to provide the Plaintiff a hearing before or after the seizure of said firearms.

19. These actions by the Town of Groton, its agents, servants and/or employees, were without cause or justification, violated his fundamental rights to keep and bear arms and to procedural due process, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 29-38c.

20. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

21. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

22. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

23. Notice of the Plaintiff's intent to commence this action against the Defendant municipality was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**ELEVENTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 7 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Eleventh Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 7 of the Connecticut constitution by subjecting him to an unlawful search of his home and seizure of property.

18. As a further result of the Defendants' violation of his State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWELFTH COUNT: (by M. Green for Violation of Conn. Constitution Art. I § 7 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Twelfth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 7 of the Connecticut constitution by subjecting her to an unlawful search of her home and seizure of property.

18. As a further result of the Defendants' violation of her State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**THIRTEENTH COUNT: (by L. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Thirteenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by subjecting him to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**FOURTEENTH COUNT: (by M. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Twelfth Count are hereby incorporated and made Paragraphs 1-16 of this Fourteenthh Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by subjecting her to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of her federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**FIFTEENTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 8 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Fifteenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and

violated the Plaintiff's constitutional rights under Art. I, § 8 of the Connecticut constitution, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**SIXTEENTH COUNT: (by L. Green for Violation of the 5<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Sixteenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**SEVENTEENTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 15 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Seventeenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 15 of the Connecticut constitution, by depriving him of the right to bear arms in defense of himself and the State.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.



20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**EIGHTEENTH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 27-2 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Seventeenth Count are hereby incorporated and made Paragraphs 1-16 of this Eighteenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 27-2, by depriving him of his right to bear arms as a member of the unorganized militia of the State of Connecticut.

18. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**NINETEENTH COUNT: (by L. Green for Violation of 10 U.S.C. § 311 as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eighteenth Count are hereby incorporated and made Paragraphs 1-16 of this Nineteenth Count as if more fully set forth herein.

17. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, and violated the Plaintiff's statutory rights under 10 U.S.C. § 311, by depriving him of his right to bear arms as a member of the unorganized militia of the United States.

18. As a further result of the Defendants' violation of his federal constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTIETH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 29-38c as to Chief Fogg)**

1-16. Paragraphs 1-16 of the Eleventh Count are hereby incorporated and made Paragraphs 1-16 of this Twentieth Count as if more fully set forth herein.

17. Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, failed to determine that the Plaintiff posed an imminent threat of personal injury to himself or others.

18. Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, failed or refused to provide the Plaintiff a hearing before or after the seizure of said firearms.

19. These actions by Chief Kelly Fogg, Chief of Police of the Town of Groton Police Department, and her agents, servants and/or employees, were without cause or justification, violated his fundamental rights to keep and bear arms and to procedural due process, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 29-38c.

20. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

21. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

22. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

23. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-FIRST COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 7 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-First Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 7 of the Connecticut constitution by subjecting him to an unlawful search of his home and seizure of property.

18. As a further result of the Defendants' violation of his State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-SECOND COUNT: (by M. Green for Violation of Conn. Constitution Art. I § 7 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Second Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 7 of the Connecticut constitution by subjecting her to an unlawful search of her home and seizure of property.

18. As a further result of the Defendants' violation of her State constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**TWENTY-THIRD COUNT: (by L. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Third Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United

States Constitution and 42 U.S.C. § 1983, by subjecting him to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-FOURTH COUNT: (by M. Green for Violation of the 4<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Fourth Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by subjecting her to an unlawful search and seizure of property.

18. As a further result of the Defendants' violation of her federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, she has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated June 10, 2009 (Exh. B).

**TWENTY-FIFTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 8 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Fifth Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 8 of the Connecticut constitution, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-SIXTH COUNT: (by L. Green for Violation of the 5<sup>th</sup> & 14<sup>th</sup> Amendments and 42 U.S.C. § 1983 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Sixth Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional and statutory rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and 42 U.S.C. § 1983, by compelling him to give evidence against himself and depriving him of liberty and property.

18. As a further result of the Defendants' violation of his federal constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.



21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-SEVENTH COUNT: (by L. Green for Violation of Conn. Constitution Art. I § 15 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Seventh Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's constitutional rights under Art. I, § 15 of the Connecticut constitution, by depriving him of the right to bear arms in defense of himself and the State.

18. As a further result of the Defendants' violation of his state constitutional rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-EIGHTH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 27-2 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-Seventh Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Eighth Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 27-2, by depriving him of his right to bear arms as a member of the unorganized militia of the State of Connecticut.

18. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**TWENTY-NINTH COUNT: (by L. Green for Violation of 10 U.S.C. § 311 as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-Eighth Count are hereby incorporated and made Paragraphs 1-16 of this Twenty-Ninth Count as if more fully set forth herein.

17. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, and violated the Plaintiff's statutory rights under 10 U.S.C. § 311, by depriving him of his right to bear arms as a member of the unorganized militia of the United States.

18. As a further result of the Defendants' violation of his federal constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

19. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

20. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

21. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

**THIRTIETH COUNT: (by L. Green for Violation of Conn. Gen. Stat. § 29-38c as to Officer Nicholas Parham)**

1-16. Paragraphs 1-16 of the Twenty-First Count are hereby incorporated and made Paragraphs 1-16 of this Thirtieth Count as if more fully set forth herein.

17. Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, failed to determine that the Plaintiff posed an imminent threat of personal injury to himself or others.

18. Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, failed or refused to provide the Plaintiff a hearing before or after the seizure of said firearms.

19. These actions by Officer Nicholas Parham of the Town of Groton Police Department, and/or other unidentified officers, were without cause or justification, violated his fundamental rights to keep and bear arms and to procedural due process, and violated the Plaintiff's statutory rights under Conn. Gen. Stat. § 29-38c.

20. As a further result of the Defendants' violation of his state constitutional and statutory rights, the Plaintiff has suffered a loss of valuable personal property.

21. As a further result, he has suffered frustration, embarrassment, humiliation, and emotional distress.

22. Some or all of these damages are or may be permanent or will persist for an indefinite period of time in to the future.

23. Notice of the Plaintiff's intent to commence this action against the Defendants was duly provided by Notice of Claim dated April 29, 2009 (Exh. A).

WHEREFORE, the Plaintiffs pray for relief as follows:

1. Fair, just and reasonable money damages.

THE PLAINTIFFS,

By \_\_\_\_\_  
Scott D. Camassar  
The Law Firm of Stephen M. Reck, LLC  
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Juris No. 411900  
Their Attorneys

RETURN DATE: AUGUST 18, 2009 : SUPERIOR COURT  
LEVERN T. GREEN AND MEGHAN GREEN : J.D. OF NEW LONDON  
VS. : AT NEW LONDON  
TOWN OF GROTON, CHIEF OF POLICE :  
KELLY FOGG, OFFICER NICHOLAS PARHAM : JULY 14, 2009

**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is greater than Fifteen Thousand and No/100 (\$15,000.00) Dollars, exclusive of interest and costs, pursuant to Section 52-91 of the Connecticut General Statutes.

THE PLAINTIFFS,

By \_\_\_\_\_  
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