

# United States District Court

FOR THE EASTERN

DISTRICT OF

VIRGINIA

Richmond Division

MARK DEANE

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 3:96CV693

GARY DEAN LIGHT AND JOHN DOE

TO: (Name and address of defendant)

Gary D. Light  
13906 Saratoga Avenue  
Laurel, Maryland 20707  
(Prince George's County)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Roger L. Gregory (VSB #20230)  
WILDER & GREGORY  
Eighth and Main Building  
707 East Main Street  
Suite 1000, P.O. Box 518  
Richmond, Virginia 23219

Ronald L. Garnett, Esquire  
(R.G. 4008)  
One Battery Park Plaza  
New York, New York 10004

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Norman H. Meyer, Jr.  
CLERK

August 21, 1996  
DATE

Alecia F. Dohnal  
(BY) DEPUTY CLERK

Alecia F. Dohnal

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

DEANE, MARK

## DEFENDANTS

LIGHT, GARY DEAN and DOE, JOHN  
agents and employees of the  
Food and Drug Administration

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Henrico  
(EXCEPT IN U.S. PLAINTIFF CASES) (VA)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Prince George's  
(IN U.S. PLAINTIFF CASES ONLY) (MD)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SEE ATTACHMENT

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DONOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY:

(1) Action against federal agents for violation of constitutional rights pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971) and (2) pendent state claims

## V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

## VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment  
☐ 7

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$  
\$6 million

Check YES only if demanded in complaint:  
JURY DEMAND: ☒ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE August 21, 1996

SIGNATURE OF ATTORNEY OF RECORD

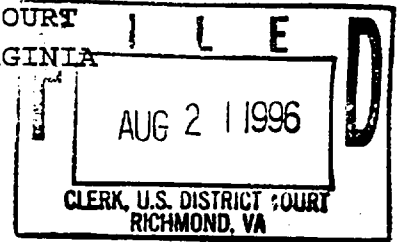
*Walter J. Grogan*

ATTACHMENT

I.(c) Roger L. Gregory  
**WILDER & GREGORY**  
707 East Main Street, Suite 1000  
Post Office Box 518  
Richmond, Virginia 23218-0518  
(804) 643-8401

Ronald L. Garnett  
One Battery Park Plaza  
New York, New York 10004  
(212) 837-6966

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



MARK DEANE,

Plaintiff,

v.

GARY DEAN LIGHT and JOHN DOE,  
jointly and individually,  
agents and employees of the  
Food and Drug Administration,  
a division of the United States  
Department of Health & Human  
Services, an agency of the  
United States of America,

Defendants.

Serve:

Gary D. Light  
13906 Saratoga Avenue  
Laurel, Maryland 20707  
(Prince George's County)

John Doe  
c/o Food and Drug Administration  
5600 Fishers Lane, Room 12A16  
Rockville, Maryland 20857  
(Montgomery County)

United States Attorney for  
the Eastern District of VA  
Main Street Center  
18th Floor  
Richmond, Virginia 23219

Attorney General of the  
United States  
Department of Justice  
Main Justice Building  
10th and Constitution Ave. NW  
Washington, D.C. 20530

COMPLAINT

Plaintiff, Mark Deane, by counsel, moves this Court for judgment and damages resulting from violations of his constitutional and civil rights, and respectfully states the following:

## PARTIES

1. At all times relevant herein, plaintiff Mark Deane ("Deane") was and is a citizen of the United States of America, the Commonwealth of Virginia, and a resident of the County of Henrico.

2. At all times relevant herein, defendant Gary Dean Light ("defendant Light"), was and is resident of the State of Maryland, and is and was an agent and employee of the Food and Drug Administration ("FDA"), a division of the United States Department of Health & Human Services, an agency of the United States of America.

3. At all times relevant herein, and on information and belief, defendant John Doe ("defendant Doe") whose true name is unknown at this time, but on information and belief he was and is an agent and employee of the FDA, a division of the United States Department of Health & Human Services, an agency of the United States of America.

4. Defendants are sued jointly and individually, with relief being sought against each defendant, jointly and severally, as acting in concert or in cooperation with each other.

5. Each and all the acts of defendants Light and Doe, set forth herein, were done by them under the color and pretense of the Constitution, statutes, and regulations of the United States and the Executive Branch of the United States Government. Defendants' acts were committed by virtue of and under the authority of the defendants, as agents of the FDA, a division of the Department of Health and Human Services of the United States.

JURISDICTION and VENUE

6. This action arises under the Constitution of the United States, particularly under the provisions of the Fourth and Fifth Amendments thereto. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a).

7. This Court also has pendent jurisdiction over the State claims set forth herein. Since the State claims of assault, false arrest, false imprisonment, and intentional infliction of emotional distress, arise from the same transactions and occurrences as the federal constitutional and civil rights claims, judicial economy demands that these pendent claims be tried together and at the same time with the federal causes of action set forth herein.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(2) and (3).

### FACTS

9. On or about April 11, 1996, Deane, an employee of Philip Morris Incorporated, doing business as Philip Morris U.S.A. ("Philip Morris"), received a telephone call at his home in Henrico County, Virginia, from a male identifying himself as an agent of the "FBI" (Federal Bureau of Investigation).

10. The agent told Deane that Deane's name had been provided to the agent by a former Philip Morris employee who had told the agent that Deane was one who would "tell the truth," that he, the agent, wished to interview Deane about his employment at Philip Morris, and that he wanted to conduct the interview at Deane's home the next day, April 12, 1996, at 5:30 p.m. Because the person had identified himself as an FBI agent, Deane agreed and consented to the meeting.

11. On April 12, 1996, during his normal work shift at Philip Morris, Deane informed his supervisor of the telephone call he had received from the FBI agent.

12. Shortly thereafter, Deane met with an attorney for Philip Morris who advised Deane of his right to have counsel present during any such interview with the agent, should he wish to have counsel present.

13. Deane informed the attorney that he did not wish to meet with the FBI agent without counsel present. On that basis, the attorney agreed to meet Deane at his home in Henrico County, at 5:30 p.m., the time of the scheduled interview by the FBI agent.

14. At approximately 5:15 p.m. the attorney arrived at Deane's home to await the arrival of the FBI agent.

15. At approximately 6:20 p.m., believing that the FBI agent would not appear as scheduled, the attorney decided to leave Deane's home.

16. After departing the Deane residence, and traveling from the immediate neighborhood for some distance, the attorney returned to the vicinity of Deane's home to determine whether the FBI agent in fact had arrived subsequent to the attorney's departure. Observing no indication that anyone had arrived at Deane's home, the attorney again departed.

**A. The First Encounter**

17. Shortly thereafter, Deane left his home to run an errand, got in his automobile, and drove on a public street in his neighborhood.

18. As Deane was approaching the intersection of Peabody and Reynolds Avenues, an open and public thoroughfare in

the County of Henrico, Commonwealth of Virginia, defendants Light and Doe, who were seated in and operating a white Chevrolet automobile, rapidly drove to within two or three inches of and stopped perpendicularly to Deane's vehicle, forcing him to slam suddenly on his brakes to avoid a collision, blocking Deane's path, and preventing his vehicle from proceeding forward.

19. Defendants Light and Doe jumped out of their vehicle and approached Deane's vehicle, with defendant Light on the driver's side of Deane's vehicle at the window where Deane was sitting, and defendant Doe on the passenger's side of Deane's vehicle, physically blocking Deane from exiting his vehicle or driving away.

20. The sudden, startling and violent behavior and movements of defendants Light and Doe and their vehicle caused Deane fear, anxiety, mental anguish, embarrassment, emotional pain, and suffering.

21. Defendant Light forcibly shoved into Deane's face what appeared to be an official blue and white identification and badge, and said that he and Doe were "Special Agents of the Justice Department" working under the "special jurisdiction of the Grand Jury."

22. Defendant Light made these statements with the specific intent to mislead, harass, and intimidate Deane and to deprive Deane of his liberty, privacy and dignity.

23. Defendants Light and Doe knew at the time that they had no probable cause to stop and detain Deane, and they knew at that time that they were violating Deane's clearly established rights to liberty and freedom from unreasonable seizure, as guaranteed under the Fourth Amendment to the Constitution of the United States.

24. Deane, believed that the agents were armed with weapons because of the manner in which they positioned their hands near their hips, and the visible bulges in their waist bands, and was intimidated and frightened by defendant Light's encroaching proximity and harsh tone of voice.

25. When Deane asked defendant Light what he wanted, defendant Light asked Deane who the man was who had just left his house, implying that defendants Light and Doe, through their surveillance of Deane and his home, had observed the attorney enter and leave Deane's house.

26. Deane responded that the man was a lawyer, to which defendant Light responded "That's what we figured," laughingly remarking that the attorney was very clever by driving

back to Deane's house after having left when the agents had failed to show up for the interview at the appointed time.

27. Deane then asked why defendants Light and Doe did not come to Deane's house for the interview if they knew the man was a lawyer, to which defendant Light responded, in words or substance, "Because we don't want to talk to a lawyer; we want to talk to you."

28. Deane then stated that he did not wish to talk to the agents without a lawyer, handed defendant Light the business card of the attorney, and requested that they call him before conducting an interview of Deane.

29. Defendant Light responded to Deane in a sarcastic manner stating, in words or substance, "We'll call him (the attorney), but we'll be talking to you, too," threatening they would continue their efforts to talk to Deane, whether he wanted to be interviewed or not.

30. Deane, under stress, again asked defendant Light what he wanted with Deane, stating that he was a simple, hard-working man, and did not know any information which he thought would be of interest to the defendants.

31. Defendant Light then responded by asking Deane why he would need a lawyer if he did not have any information that would be of interest to them.

32. Defendant Light then asked Deane how he had gotten the attorney to come to his home, to which Deane responded that he had informed his management of the agent's telephone call the day before.

33. Defendant Light thereupon threateningly stated "We'll be seeing you," as defendants Light and Doe returned to their vehicle and drove from the area.

34. Deane observed two neighbors standing in their yards near the intersection of Peabody and Reynolds Avenues at the time that he was forcibly stopped and detained by defendants Light and Doe.

35. Deane was shaken by this encounter and, having been made to feel worthless by the defendants, was overwhelmed by fear and anxiety.

36. Deane was so stunned and mentally crushed by this encounter that it took him several minutes to regain enough composure to drive his car.

37. Deane thereafter learned from his son that a child who resides in the neighborhood had come to Deane's home and

informed Deane's son that the "police had your daddy out in the street."

**B. The Second Encounter**

38. On or about April 17, 1996, Deane was operating his vehicle on an open and public thoroughfare, in the vicinity of Maplewood Avenue and South Meadow Street, within the limits of the City of Richmond, Commonwealth of Virginia, when --- completely unexpectedly --- defendants Light and Doe, who were seated in and operating a burgundy Buick automobile, rapidly drove past and again cut in front of Deane's vehicle, blocking the path of Deane and his vehicle, thus preventing Deane from proceeding forward.

39. Defendants Light and Doe again, as they had done on or about April 12, 1996, jumped out of their vehicle and approached Deane's vehicle, with defendant Light on the driver's side of Deane's vehicle at the window where Deane was sitting, and defendant Doe on the passenger's side of the Deane vehicle.

40. When Deane opened the driver's side door to exit his vehicle, defendant Light forcibly pushed the driver's side door with his knee, causing it to slam shut against Deane's body.

41. Deane was so intimidated by defendant Light's violent behavior that he was afraid to attempt to exit his vehicle again.

42. Defendants Light and Doe knew at the time that they had no probable cause to stop and detain Deane, and they knew at that time that they were again violating Deane's clearly established rights to liberty and freedom from unreasonable seizure, as guaranteed under the Fourth Amendment to the Constitution of the United States.

43. The sudden, startling and violent behavior and movements of defendants Light and Doe and their vehicle again caused Deane fear, anxiety, mental anguish, embarrassment, emotional pain, and suffering.

44. Defendant Light, threatening and intimidating Deane, told Deane, in words or in substance, that the "multi-district grand jury would hold you in contempt" and that the grand jury could "send you to jail for contempt and conspiracy," if Deane refused to talk to the agents.

45. Defendant Light further told Deane that he and defendant Doe could "lock him up for 72 hours without anyone knowing anything about it," and that Deane could be imprisoned

for so long that Deane's "grandchildren's children won't know you."

46. Defendants Light and Doe knew that these statements were false at the time they were made and were knowingly made with the specific intent to intimidate Deane, and to deprive him of his liberty and privacy, to violate his rights under the Constitution and laws of the United States.

47. Defendant Light further told Deane that he was "expendable," and threateningly told Deane, in words or substance, that Deane should be mindful of the fact that the "lowest man on the totem pole in Watergate went to jail for eight years."

48. Defendant Light again told Deane that Deane was "expendable" because the agents represented some "big boys on the Hill," alluding to high Government officials.

49. Deane, again believing that the agents were armed with weapons because of the manner in which they positioned their hands near their hips, and the visible bulges in their waist bands, and feeling intimidated and frightened by the harsh tone of voice of defendant Light, thereupon told defendant Light he did not want to talk to the defendants, that he wanted an

attorney present, and asked the agents why they had not called the attorney directly.

50. Defendant Light thereupon stated that he knew the attorney very well, calling the attorney by his first given name, and stated, in words or substance, that "Jack and I go way back," "We'll catch up to Jack," and "By the time Jack . . . catches up to you, you'll be applying for Social Security."

51. Deane again stated that he wanted an attorney to be present, to which defendant Light responded, in a threatening and intimidating manner, "We'll be talking to you." Defendants Light and Doe then left.

C. The Third Encounter

52. On or about April 25, 1996, Deane's spouse received a telephone call at Deane's residence from, upon information and belief, a man believed to be defendant Light, who threateningly commented on the residence of Deane and his family, and threatened that Deane and his family could lose their home if Deane did not cooperate.

53. On or about April 12 and April 17, 1996, defendants Light and Doe stopped and detained Deane, made knowingly false, threatening and intimidating statements to Deane, and on or about April 25, 1996, made a threatening and

intimidating telephone call to Deane's home, with the specific intent and knowledge that such behavior was in violation of Deane's clearly established rights of liberty and freedom from unreasonable seizure, as guaranteed under the Fourth Amendment to the Constitution of the United States.

54. On or about April 12 and April 17, 1996, defendants Light and Doe had no articulable suspicion to believe that Deane had been, was presently or was about to be involved in any criminal activity on either occasion when they stopped and detained Deane against his will.

55. On or about April 12 and April 17, 1996, Defendants Light and Doe knew of no exigent circumstances relating to any ongoing investigation, and had no suspicion of criminal activity that would have or could have justified the stop, detention and harassment of Deane; and they knew or should have known that their actions were unlawful and deprived Deane of his constitutional rights.

56. On or about April 12 and April 17, 1996, defendants Light and Doe violated the oath they took as FDA agents, and knew no competent law enforcement officers, acting in good faith, could reasonably have believed that such actions were lawful.

57. On or about April 12 and April 17, 1996, defendants Light and Doe took all of these actions, as set forth above, with the specific intent to deprive Deane of his rights, and thereby deprived him of his rights under the Fourth and Fifth Amendments to the Constitution of the United States.

58. As a direct result of being deprived of his constitutional rights, Deane does not feel safe traveling on public streets, and is afraid that he and his family can be accosted in their home or automobile at any time by defendants Light and Doe, or any other agents of the "Government."

59. As a direct result of being deprived of his constitutional rights, Deane is afraid when he drives his vehicle alone.

60. As a direct result of being deprived of his constitutional rights, Deane feels degraded and humiliated, and now feels that he is less of a citizen of these United States, and he has a lowered sense of being a human being.

61. As a direct result of being deprived of his constitutional rights, Deane has fear, anxiety and mental anguish, and he has a loss of the enjoyment of his home, life and liberty.

62. As a direct result of defendant Light's and defendant Doe's deliberate and knowing deprivation of Deane's constitutional rights, Deane has a constant feeling of personal violation, as if he has been emotionally "stripped" and "raped."

COUNT I  
CONSTITUTION of the UNITED STATES  
(BIVENS CLAIM)

63. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 62 of this Complaint, with the same force and effect as though fully set forth at length herein.

64. On or about April 12, 1996, defendants Light and Doe, acting under the color of federal law, deprived Deane of his rights, privileges, and immunities secured by the Fourth and Fifth Amendments to the Constitution and the laws of the United States.

65. On or about April 12, 1996, each defendant, while acting under claim of federal authority, unlawfully and without Deane's agreement and consent, willfully, wantonly and intentionally threatened Deane, deprived him of his liberty, privacy, and dignity, and put him in reasonable fear of injury.

66. Defendants' willful and malicious actions toward Deane were committed outside the scope of their employment, and without regard to Deane's well-being or constitutional rights.

67. As a direct and proximate result of each of the defendants' malicious, intentional and wanton acts, as set forth above, Deane has been injured and damaged.

68. Defendants' willful and malicious actions toward Deane were not a good faith exercise of their federal authority, and defendants knew or should have known that their actions violated clearly established rights of Deane under the Fourth and Fifth Amendments to the Constitution of the United States.

69. No other means exist, save this Court, to safeguard and enforce the protection of Deane's clearly established constitutional rights.

70. The assessment of money damages against defendants Light and Doe is appropriate because it deters the future deprivation of clearly established rights by federal agents such as these defendants.

71. As a direct and proximate result of each of the defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

72. As a direct and proximate result of defendants' malicious, intentional and wanton actions, as set forth herein, Deane has suffered emotional pain, suffering, inconvenience, humiliation, indignity and injury to his feelings, and loss of enjoyment of life, warranting the imposition of exemplary and punitive damages.

COUNT II  
CONSTITUTION of the UNITED STATES  
(BIVENS CLAIM)

73. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 72 of this Complaint, with the same force and effect as though fully set forth at length herein.

74. On or about April 17, 1996, defendants Light and Doe, acting under the color of federal law, deprived Deane of his rights, privileges, and immunities secured by the Fourth and Fifth Amendments to the Constitution and by the laws of the United States.

75. On or about April 17, 1996, each defendant, while acting under claim of federal authority, unlawfully and without Deane's agreement and consent, willfully, wantonly and intentionally threatened Deane, and put him in reasonable fear of injury.

76. Defendants' willful and malicious actions towards Deane were committed outside the scope of their employment, and without regard to Deane's well-being or constitutional rights.

77. As a direct and proximate result of each of the defendants' malicious, intentional and wanton acts, as set forth herein, Deane has been injured and damaged.

78. Defendants' willful and malicious actions toward Deane were not a good faith exercise of their federal authority, and defendants knew or should have known that their actions violated clearly established rights afforded to Deane under the Fourth and Fifth Amendments to the Constitution of the United States.

79. No other means exist, save this Court, to safeguard and enforce the protection of Deane's clearly established constitutional rights.

80. The assessment of money damages against defendants Light and Doe is appropriate because it deters the future deprivation of clearly established rights by federal agents such as these defendants.

81. As a direct and proximate result of each of the defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

82. As a direct and proximate result of defendants' malicious and wanton actions, as set forth above, Deane has suffered emotional pain, suffering, inconvenience, humiliation, indignity and injury to his feelings, and loss of enjoyment of life, warranting the imposition of exemplary and punitive damages.

COUNT III  
VIOLATION OF  
ARTICLE I, § 1 of the CONSTITUTION of VIRGINIA

83. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 82 of this Complaint, with the same force and effect as though fully set forth at length herein.

84. On or about April 12, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane, depriving Deane of his physical liberty, falsely imprisoning Deane, and inflicting emotional distress upon Deane, violated Deane's right to pursue and obtain happiness and safety as guaranteed Article I, § 1 of the Constitution of the Commonwealth of Virginia.

85. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

86. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT IV  
VIOLATION OF  
ARTICLE I, § 11 of the CONSTITUTION of VIRGINIA

87. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 86 of this Complaint, with the same force and effect as though fully set forth at length herein.

88. On or about April 12, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane, depriving Deane of his physical liberty, and falsely imprisoning Deane, without due process of law, violated Deane's rights guaranteed by Article I, § 11 of the Constitution of the Commonwealth of Virginia.

89. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

90. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has

suffered humiliation, indignity and injury to his feelings warranting the imposition of exemplary and punitive damages.

COUNT V - ASSAULT

91. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 90 of this Complaint, with the same force and effect as though fully set forth at length herein.

92. On or about April 12, 1996, defendants Light and Doe, while acting under claim of federal authority, unlawfully and without Deane's agreement and consent, willfully, wantonly and intentionally threatened Deane, and put him in fear of injury.

93. Defendants' negligent, willful and malicious actions toward Deane were committed outside the scope of their employment, and without regard to Deane's well-being or legal rights.

94. As a direct and proximate result of each of the defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

95. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has

suffered humiliation, indignity and injury to his feelings warranting the imposition of exemplary and punitive damages.

COUNT VI - FALSE IMPRISONMENT

96. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 95 of this Complaint, with the same force and effect as though fully set forth at length herein.

97. On or about April 12, 1996, each defendant, while acting under claim of federal authority, unlawfully and without Deane's consent or agreement, willfully, wantonly and intentionally restricted Deane's freedom of movement, without any legal right to do so.

98. Defendants' intentional, negligent, willful and malicious actions toward Deane were committed outside the scope of their employment, and without regard to Deane's well-being or legal rights.

99. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

100. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has

suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT VII  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

101. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 100 of this Complaint, with the same force and effect as though fully set forth at length herein.

102. On or about April 12, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane, while acting under claim of federal authority, unlawfully and without Deane's consent or agreement, deprived Deane of his physical liberty and falsely imprisoned Deane, and said actions were intentional and reckless.

103. Defendants' actions of intentionally, willfully and wantonly assaulting Deane, deprived Deane of his physical liberty and falsely imprisoned Deane, and said actions were outrageous and intolerable.

104. Defendants' actions of intentionally, willfully and wantonly assaulting Deane, deprived him of his physical liberty and falsely imprisoned him, and were committed outside the scope of their employment.

105. As a direct and proximate result of each defendant's malicious, intentional and wanton actions, as set forth herein, Deane has been severely and emotionally traumatized and distressed.

106. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

107. The injuries suffered by Deane are causally connected to each act of each defendant intentionally, willfully and wantonly assaulting Deane, depriving Deane of his physical liberty and falsely imprisoning Deane.

108. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered severe emotional humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT VIII  
VIOLATION OF  
ARTICLE I, § 1 of the CONSTITUTION of VIRGINIA

109. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 108 of this Complaint, with the same force and effect as though fully set forth at length herein.

110. On or about April 17, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane, depriving Deane of his physical liberty, falsely imprisoning Deane, and inflicting emotional distress upon Deane, violated Deane's right to pursue and obtain happiness and safety guaranteed by Article I, § 1 of the Constitution of the Commonwealth of Virginia.

111. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

112. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT IX  
VIOLATION OF  
ARTICLE I, § 11 of the VIRGINIA CONSTITUTION

113. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 112 of this Complaint, with the same force and effect as though fully set forth at length herein.

114. On or about April 17, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane,

depriving Deane of his physical liberty, and falsely imprisoning Deane, without due process of law, violated Deane's rights guaranteed by Article I, § 11 of the Constitution of the Commonwealth of Virginia.

115. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

116. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT X - ASSAULT

117. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 116 of this Complaint, with the same force and effect as though fully set forth at length herein.

118. On or about April 17, 1996, defendants Light and Doe, while acting under claim of federal authority, unlawfully and without Deane's agreement and consent, willfully, wantonly and intentionally threatened Deane, and put him in fear of injury.

119. Defendants' negligent, willful and malicious actions toward Deane were committed outside the scope of their employment, and without regard to Deane's well-being or legal rights.

120. As a direct and proximate result of each of the defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

121. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT XI - FALSE IMPRISONMENT

122. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 121 of this Complaint, with the same force and effect as though fully set forth at length herein.

123. On or about April 17, 1996, defendants Light and Doe willfully, wantonly and intentionally restricted Deane's freedom of movement, without any legal right to do so.

124. Defendants' intentional negligent, willful and malicious treatment of Deane was committed outside the scope of their employment and while acting under claim of federal

authority, and without regard to Deane's well-being or legal rights.

125. As a direct and proximate result of each defendants' malicious, intentional and wanton acts, as set forth herein, Deane has been injured and damaged.

126. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings, warranting the imposition of exemplary and punitive damages.

COUNT XII  
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

127. Deane repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 126 of this Complaint, with the same force and effect as though fully set forth at length herein.

128. On or about April 17, 1996, defendants' actions of intentionally, willfully and wantonly assaulting Deane, while acting under claim of federal authority, unlawfully and without Deane's consent or agreement, deprived Deane of his physical liberty and falsely imprisoned Deane, and said actions were intentional and reckless.

129. Defendants' actions of intentionally, willfully and wantonly assaulting Deane, deprived Deane of his physical liberty and falsely imprisoned Deane, and said actions were outrageous and intolerable.

130. Defendants' actions of intentionally, willfully and wantonly assaulting Deane, deprived him of his physical liberty and falsely imprisoned him, and were committed outside the scope of their employment.

131. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been severely traumatized and distressed.

132. As a direct and proximate result of each defendants' malicious, intentional and wanton actions, as set forth herein, Deane has been injured and damaged.

133. The injuries suffered by Deane are causally connected to each act of each defendant intentionally, willfully and wantonly assaulting Deane, depriving Deane of his physical liberty and falsely imprisoning Deane.

134. As a direct and proximate result of defendants' malicious and wanton actions, as set forth herein, Deane has suffered humiliation, indignity and injury to his feelings warranting the imposition of exemplary and punitive damages.

WHEREFORE, plaintiff Mark Deane prays that this Court enter judgment against defendants Gary Dean Light and John Doe, jointly and individually, for the following relief:

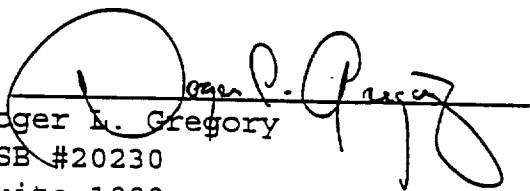
- A. compensatory damages against each of the defendants, jointly and severally, in the amount of \$2,000,000;
- B. punitive damages against each of them, jointly and severally, in the amount of \$4,000,000;
- C. reasonable attorneys' fees and costs; and
- D. such other and further relief as the Court may deem just and proper.

TRIAL BY JURY IS DEMANDED

Respectfully submitted,

WILDER & GREGORY

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