

AUG 27 2010

**IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF MISSISSIPPI
Eastern Division**

DAVID CREWS, CLERK
By Stewart
Deputy

**FUHGETABOUTIT, LLC, a Mississippi
Limited Liability Company,
GOLDEN HORN, INC., a Mississippi Corporation, and
FREDERIC FIELDS, individually and as member of
Fuhgetaboutit, LLC and as stockholder
in Golden Horn, Inc.** **PLAINTIFF**

VERSUS

CAUSE NO.: 1:10 CV 207-A-D

**COLUMBUS POLICE DEPARTMENT,
LOWNDES COUNTY SHERIFFS DEPARTMENT,
COLUMBUS-LOWNDES METRO NARCOTICS UNIT,
DAVID CRIDDLE, individually, and in his official capacity
as a narcotics officer;
John Duke, individually, and in his official capacity
as a narcotic officer; and,
JOHN DOE DEFENDANTS 1-12**

DEFENDANT

COMPLAINT

COMES NOW the Plaintiffs, by and through their attorney, and file their Complaint against the above named Defendants, do state as follows:

JURISDICTION AND VENUE

1. That the court has jurisdiction over the parties and the subject matter of this action.
2. That venue is proper in this forum.
3. That all claims for relief set forth in this complaint arise from a common nucleus of operative facts.
4. That this entire action constitutes a single case which should be heard in a single judicial

proceeding.

PARTIES

5. The Plaintiff, Fuhgetaboutit, LLC is a Mississippi Limited Liability Company registered with the Mississippi Secretary of State;
6. The Plaintiff, Golden Horn, Inc. is a Mississippi Corporation registered with the Mississippi Secretary of State;
7. That the Plaintiff, Frederic Fields, is an adult resident citizen of Lowndes County, Mississippi and is a member of Fuhgetaboutit, LLC;
8. That the Defendant, the Columbus Police Department is a department of the City of Columbus, Mississippi, which is an incorporated city of the State of Mississippi and may be served with process by serving the Mayor or Municipal Clerk of the City of Columbus;
9. That the Defendant, Lowndes County Sheriffs Department is a department of Lowndes County, Mississippi and may be served with process by serving the president or clerk of the Board of Supervisors;
10. That the Defendant, Columbus-Lowndes Metro Narcotics Unit is a drug enforcement unit comprised of officers of both the Columbus Police Department and the Lowndes County Sheriffs Department, and may be served with process by serving the Mayor or Municipal Clerk of the City of Columbus and by serving the president or clerk of the Board of Supervisors;
11. That David Criddle is a law enforcement officer and is assigned to the Columbus-Lowndes Metro Narcotics Unit. Further, upon information and belief, Defendant Criddle is also an adult resident citizen of Lowndes County, Mississippi;

12. That John Duke is a law enforcement officer and is assigned to the Columbus-Lowndes Metro Narcotics Unit. Further, upon information and belief, Defendant Duke is also an adult resident citizen of Lowndes County, Mississippi;

13. John Doe Defendants 1-12 who are at this time unknown to the Plaintiff;

FACTS

14. That Frederic Fields purchased the building located at 115 5TH Street North, Columbus, Lowndes County, Mississippi in December of 2008 and did extensive renovations of same and subsequently formed Fuhgetaboutit, LLC for the purpose of operating a bar and grill by the same name (hereinafter referred to as "Fuhgetaboutit");

15. Since opening, the Columbus Police Department has made frequent visits to Fuhgetaboutit. In April of 2010 an individual was ejected from Fuhgetaboutit for causing problems. After he was ejected, he broke a window in the building a few doors down the street. Approximately one week later, Dustin Nichols was arrested for simple assault which allegedly arose out of the situation in April. An employee of Fuhgetaboutit also received a ticket for sale of beer to a minor to the individual that had broken the window, even though Mr. Fields had a surveillance video showing an ID. It was later determined that the ID shown to the employee at Fuhgetaboutit was not his ID. The individual who broke the window was not charged with anything to our knowledge, yet he was the person allowed to file charges against Dustin Nichols.

16. Mr. Fields was subsequently visited on May 6, 2010 by twelve officers dressed in riot gear. These officers claimed that Mr. Fields had an illegal bar upstairs. Mr. Fields then stated that there were two apartments upstairs and that was all there had ever been upstairs. At their insistence, Mr. Fields allowed the officers to search upstairs where they

saw that there was no bar. Mr. Fields told the officers that he did not understand why they knew that there was an illegal bar two doors down that had been operating for a year.

This is unfair treatment due to the fact that numerous witnesses have stated that a neighboring building has an underground bar being used illegally, yet nothing has been done as far as Plaintiff Fields knows. If charges can be filed upon Mr. Fields' employees based solely upon witness statements, surely the same treatment would be in effect for all.

17. Plaintiff Fields has had Officers of the Columbus Police Department attempt to arrest patrons and himself claiming alcohol was being served after hours when it was clearly not after hours. Further, employees and patrons of Fuhgetaboutit have been pulled over by officers of the Columbus Police Department after they leave and are going to home. When these persons are stopped, they are then interrogated in an attempt to find out "where does Freddie get his drugs". This conduct is unconstitutional and has violated the rights of everyone involved;

18. Plaintiff Fields has been having numerous persons reporting to him since May of 2010 that David Criddle and John Duke, who are both agents with the Columbus-Lowndes Metro Narcotics Unit, have been making defamatory statements about him. Persons have reported that Criddle has stated it as a fact that Fields "has ruined many a young girls' life" and that Fields is involved in drugs and prostitution. Defendant Duke has attempted to have persons work undercover in an attempt to buy drugs from Mr. Fields. Mr. Fields vehemently denies these allegations;

19. As recently as August 18, 2010, Fields has received calls from his friends and family

stating that they heard that he had been arrested for prostitution. This false information has been stated and published to third parties by Criddle and other members of Columbus Police Department, and Columbus-Lowndes Metro Narcotics Unit. That as a result of the false and wrongful arrest of Dustin Nichols, malicious prosecution, equal protection violation, defamation and the other willful and wanton acts referenced above, the Plaintiffs do file the following causes of action;

FIRST CLAIM FOR RELIEF

(CIVIL RIGHTS VIOLATION UNDER 42 USC, SECTION 1983)

20. That the Plaintiff hereby incorporates by reference paragraphs 1 through 19 above as though fully set forth herein.
21. That the Plaintiff Fields states that the police action stated above is for the purpose of harassment and is in violation of his civil rights under the United States Constitution and the Mississippi Constitution.
22. The defendants had actual or constructive notice of the pervasive constitutional violations perpetrated by the defendants upon the Plaintiff as Fields has had numerous conversations with the Chief of Police for the City of Columbus regarding same. Further, a letter was forwarded by Fields' counsel to the City of Columbus' City Attorney complaining of same.
23. That the defendants' actions constitute a willful and knowing violation and deprivation of rights secured by the Constitution of the United States in violation of 42 USC, Section 1983, including, but not limited to, the right to be free from excessive and unreasonable police action; the right to be secure against unreasonable searches and seizures; the right

to pursue a lawful business and the right to equal protection of law.

24. That the defendant, Columbus Police Department, Lowndes County Sheriffs Department and Columbus-Lowndes Metro Narcotics Unit are required to supervise the actions of their officers.
25. That the defendant, Columbus Police Department and Lowndes County Sheriffs Department are required to adequately train their officers.
26. That the defendants, created an unreasonable risk of harm to the Plaintiffs for failing to adequately train and supervise their employees.
27. Acting under color of law and pursuant to official policy or custom, Lowndes County Sheriffs Department, and the City of Columbus, Mississippi Police Department knowingly, recklessly, or with gross negligence failed to instruct, supervise, control, and discipline on a continuing basis Defendant police officers in their duties to refrain from:
 - (a) unlawfully and maliciously harassing a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities,
 - (b) unlawfully and maliciously arresting, imprisoning and prosecuting a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities,
 - (c) conspiring to violate the rights, privileges, and immunities guaranteed to Plaintiff by the Constitution and laws of the United States and the laws Mississippi; and
 - (d) otherwise depriving Plaintiff of his constitutional and statutory rights, privileges, and immunities.
28. That the acts of all defendants in violation of the United States Constitutional rights of the Plaintiff justify an award of reasonable fees under 42 USC, Section 1983 and 1988; and, the Plaintiff is entitled to recover against all defendants for injuries, damages and losses proximately caused by their conduct as set forth in this complaint. Further, that the

Plaintiffs are entitled to statutory attorneys fees pursuant to 42 USC, Section 1983 and 1988.

SECOND CLAIM FOR RELIEF

(DEFAMATION)

29. That the Plaintiff hereby incorporates by reference paragraphs 1 through 28 above as though fully set forth herein.
30. That the Defendants Criddle and Duke are agents of Columbus-Lowndes Metro Narcotics Unit and are police officers with the City of Columbus Police Department. That while working as narcotics agents, Criddle told persons that Fields had “ruined many a young girls life” and that Fields was involved in drugs and prostitution. Criddle went so far as to tell these persons that he knew it for a fact. Duke has asked persons to work undercover to attempt to buy drugs from Mr. Fields.
31. That the statements made by the Defendants are untrue and that these statements have damaged the reputation of Fields. He has received numerous visits and telephone calls from friends and family regarding this information that has been intentionally spread by Criddle, Duke and other law enforcement officers. Further, it has damaged the reputation of Fuhgetaboutit and the Golden Horn, Inc. and has caused a decrease in revenue and as a result, caused reduced profits.
32. That the defendants have caused damages to the Plaintiffs by these false statements, and Plaintiffs are entitled to recover against the defendants Criddle and Duke, for injuries, damages and losses proximately caused by their false statements as set forth in this Complaint. Further, that these statements were made with malice as they were made with knowledge of their falsity, or with reckless disregard for the truth, and the Court should

make a determination that Fields is entitled to punitive damages from Criddle and Duke.

THIRD CLAIM FOR RELIEF

(ATTORNEYS FEES AND PUNITIVE DAMAGES)

33. That the Plaintiff hereby incorporates by reference paragraphs 1 through 32 above as though fully set forth herein.

34. That the Plaintiffs are entitled to statutory attorneys fees pursuant to 42 USC, Sections 1983 and 1988.

35. Further, that the aforementioned statements of the Defendant Criddle and Duke were made with knowledge of their falsity, or with reckless disregard for the truth and as a result of this, the Plaintiff Fields is entitled to be awarded Punitive Damages from Defendants Criddle and Duke.

WHEREFORE, the Plaintiff respectfully requests a trial by jury to determine the amount of actual, compensatory and punitive damages due to the Plaintiff from the Defendants and for statutory attorneys fees pursuant to 42 USC, Sections 1983 and 1988 and such other and further relief as this Court may deem just and proper.

THE PLAINTIFFS REQUEST A TRIAL BY JURY

**FUGHETABOUTIT, LLC, GOLDEN
HORN, INC. AND FREDERIC FIELDS**

BY: 

MARK A. CLIETT, MBN 9950

THEIR ATTORNEY

POST OFFICE BOX 1463

WEST POINT, MS 39773

662-494-4999

STATE OF MISSISSIPPI

COUNTY OF Lauderdale

Personally appeared before me, the undersigned authority of law in and for the County and State aforesaid, **Frederic Fields, Member, Fuhgetaboutit, LLC, a Mississippi Limited Liability Company**, who being by me first duly sworn, on his oath states that this Complaint is is true and correct as therein stated and that all of the other allegations stated therein are true and correct as therein stated.

Frederic Fields
Frederic Fields, Member
Fuhgetaboutit, LLC

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day
of August,
2010.

W. H. Alcott
Notary Public

(SEAL)

My commission expires:

A circular notary seal for the State of Mississippi, containing the text "NOTARY PUBLIC STATE OF MISSISSIPPI" around the perimeter and "W. H. ALCOTT" in the center.

STATE OF MISSISSIPPI

COUNTY OF Lowndes

Personally appeared before me, the undersigned authority of law in and for the County and State aforesaid, **Frederic Fields, Stockholder, Golden Horn, Inc., a Mississippi Corporation**, who being by me first duly sworn, on his oath states that this Complaint is true and correct as therein stated and that all of the other allegations stated therein are true and correct as therein stated.

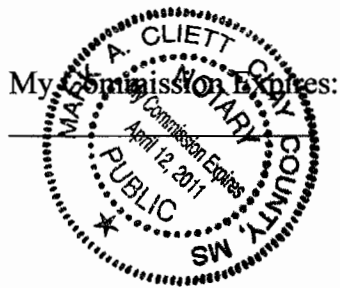
Frederic Fields
Frederic Fields, Stockholder
Golden Horn, Inc.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day
of August, 2010.

(S E A L)

Mark A. Cliett
Notary Public

My Commission Expires:



STATE OF MISSISSIPPI

COUNTY OF Lowndes

Personally appeared before me, the undersigned authority of law in and for the County and State aforesaid, **Frederic Fields**, who being by me first duly sworn, on his oath states that this Complaint is true and correct as therein stated and that all of the other allegations stated therein are true and correct as therein stated.

Frederic Fields
Frederic Fields,

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day
of August, 2010.

(SEAL)

Mark A. Clieff
Notary Public

My Commission Expires:
April 12, 2011

