

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

9/18/23

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST. DIV. CINCINNATI

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO,  
WESTERN DIVISION**

**FRANCIS R. MURPHY,**

**Plaintiff,**

**vs.**

**Case No.:** 1:23-cv-588

**EVAN MCKNIGHT  
(individually & in his professional capacity  
as an Ironton (OH) Police Officer)**

Judge Douglas R. Cole

**and**

**CHANCE BLANKENSHIP  
(individually & in his professional capacity  
as an Ironton (OH) Police Officer)**

**JURY TRIAL DEMANDED**

**and**

**BRANDON BLANKENSHIP  
(individually & in his professional capacity  
as an Ironton (OH) Police Officer)**

**and**

**COREY ALLISON  
(individually & in his professional capacity  
as an Ironton (OH) Police Officer)**

**and**

**PAM WAGNER  
(individually & in her professional capacity  
as an Ironton (OH) Police Officer)**

**and**

**THE CITY OF IRONTON, OHIO  
(a political subdivision of the State of Ohio)**

**Defendants.**

## COMPLAINT

COMES NOW the Plaintiff Francis R. Murphy, by and through the undersigned counsel, and alleges the following against the Defendants:

### **PRELIMINARY STATEMENT**

1. This is a civil rights action for money damages for injuries sustained by Plaintiff Francis R. Murphy (hereinafter “Mr. Murphy”) as a result of the violation of Mr. Murphy’s constitutional and common law rights by Defendants on or about September 18, 2022.

2. During the evening of September 18, 2022, Mr. Murphy was attacked and arrested by Defendants McKnight, Chance Blankenship, Brandon Blankenship, and Corey Allision for expressing, *inter alia*, that he intended to exercise his First Amendment right to film police.

3. Mr. Murphy brings this action under 42 U.S.C. §§ 1983 (“section 1983”) and 1988 to redress the deprivation under color of state law his rights secured by the United States Constitution. More specifically, this Complaint seeks to redress violations of his right to free speech under the protection of the First Amendment to the United States Constitution as applied to states via the Fourteenth Amendment, and his right to be free from unreasonable searches and seizures and from the use of excessive force under the protection of the Fourth Amendment to the United States Constitution as applied to states via the Fourteenth Amendment. Mr. Murphy also asserts Section 1983 Claims against Defendant Wagner in her capacity as the then-Chief of Police for the Ironton, Ohio Police Department and the City of Ironton, Ohio for failure to properly hire, train, and supervise law enforcement and for promulgating customs, policies, and practices, which proximately caused the violation of Mr. Murphy’s constitutional rights, all under the authority of *Monell v. New York City Dept. of Social Serv.*, 436 U.S. 658 (1978). Mr. Murphy also asserts pendant state law claims as set forth below.

### **JURISDICTION AND VENUE**

4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, as certain claims asserted herein arise under the Constitution and law of the United States, to wit, the First, Fourth, and/or Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

6. This Court also has supplemental jurisdiction over state law claims asserted herein pursuant to 28 U.S.C. § 1367.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because substantially all of the events that give rise to the claims in this action occurred in Lawrence County, Ohio and said county is situated within the bounds of this Court's geographic area of responsibility.

### **THE PARTIES**

8. Plaintiff Francis R. Murphy is a citizen and resident of the State of Ohio. At all relevant times herein, Mr. Murphy was a resident of Ironton, Ohio.

9. Defendant Evan McKnight is, and was at all times relevant herein, a law enforcement officer employed by the City of Ironton, Ohio with the Ironton (OH) Police Department, who was acting under color of law within the course and scope and in furtherance of his employment. Defendant McKnight is a "person" under 42 U.S.C. § 1983. Defendant McKnight is sued herein in his individual and official capacities.

10. Defendant Chance Blankenship was, at all times relevant herein, a law enforcement officer employed by the City of Ironton, Ohio with the Ironton (OH) Police Department, who was acting under color of law within the course and scope and in furtherance of his employment.

Defendant C. Blankenship is a “person” under 42 U.S.C. § 1983. Defendant C. Blankenship is sued herein in his individual and official capacities.

11. Defendant Brandon Blankenship is, and was at all times relevant herein, a law enforcement officer employed by the City of Ironton, Ohio with the Ironton (OH) Police Department, who was acting under color of law within the course and scope and in furtherance of his employment. Defendant B. Blankenship is a “person” under 42 U.S.C. § 1983. Defendant B. Blankenship is sued herein in his individual and official capacities.

12. Defendant Pam Wagner was, at all relevant times herein, the Chief of Police for the City of Ironton, Ohio. As the Chief of Police, Wagner was acting under color of law and within the course and scope and in furtherance of her employment. Defendant Wagner is a “person” under 42 U.S.C. § 1983. Defendant Wagner is sued herein in her individual and official capacities.

13. The City of Ironton, Ohio, is a political subdivision as defined under Ohio law. The City of Ironton is a “person” under 42 U.S.C. § 1983. The City of Ironton is sued under *Monell* and its progeny for promulgating and permitting customs, policies, and procedures within the Ironton (OH) Police Department that violated the rights of citizens attempting to exercise their constitutional rights.

#### **FACTUAL ALLEGATIONS**

14. On September 18, 2022, Mr. Murphy became aware that the Defendant officers, acting under color of law as employees of the City of Ironton, were conducting a roadside search of his vehicle within the jurisdictional limits of the City of Ironton, Ohio.

15. Immediately preceding Mr. Murphy’s arrival on scene, the Defendant officers pulled over and detained Mr. Murphy’s wife and her friend, who were in Mr. Murphy’s vehicle.

16. When Mr. Murphy arrived, the Defendant officers, specifically Defendant McKnight, were searching his vehicle without a search warrant.

17. Mr. Murphy approached Defendant McKnight to speak about the search of his vehicle.

18. Defendant McKnight advised Mr. Murphy that he was the supervisor on-scene.

19. Approximately thirty seconds after Mr. Murphy began conversing with Defendant McKnight, Defendant McKnight stated to Mr. Murphy “Right now you’re gonna stop, because you’re already obstructing us, you’re delaying us in the performance of our duties.”

20. Mr. Murphy expressed that he had a number of tools in his truck worth several hundred thousand dollars and he wanted them all accounted for, to which Defendant McKnight stated that they would all be accounted.

21. Mr. Murphy complied with Defendant McKnight’s request that Mr. Murphy step away from Mr. Murphy’s vehicle.

22. Mr. Murphy expressed concern that he did not want Defendant McKnight, or the other defendants, to “plant” something in his truck.

23. Mr. Murphy stepped further away from his vehicle and told Defendant McKnight that he was “watching you guys [the defendants]” and that he was going to record Defendant McKnight search his vehicle.

24. Mr. Murphy stepped further away from his vehicle to a distance of approximately fifteen (15) feet.

25. Defendant McKnight then approached Mr. Murphy and told Mr. Murphy to put his hands behind his back.

26. Mr. Murphy stated that he had not done anything to be arrested.

27. Defendant McKnight continued to tell Mr. Murphy to place his hands behind his back.

28. Defendants C. Blankenship and Allison joined Defendant McKnight in placing Mr. Murphy in handcuffs.

29. As Mr. Murphy began to exclaim that he “want[ed] this recorded,” Defendant McKnight replied, “Oh this is being recorded” and continued to place Mr. Murphy in handcuffs with the assistance of Defendants C. Blankenship and Allison.

30. Defendant McKnight then made a radio call that he had “one resisting” and Mr. Murphy replied, “I’m not resisting.”

31. Mr. Murphy, being physically manhandled by Defendants McKnight, C. Blankenship, and Allison, proclaimed, “Why are you guys doing this? What have I done wrong?”

32. As Mr. Murphy kept exclaiming that he was not resisting, Defendants McKnight, C. Blankenship, and Allison took Mr. Murphy to the ground.

33. Once on the ground, the officers struck Mr. Murphy several times.

34. More disturbingly, while Mr. Murphy’s hands were behind his back and he appeared to be in handcuffs, Defendant McKnight deployed his Taser into Mr. Murphy several times.

35. While Defendant McKnight deployed his Taser into Mr. Murphy, Mr. Murphy was being held down by Defendants C. Blankenship and Allison.

36. Mr. Murphy, because of the unlawful beating he took from Defendant McKnight, Defendant C. Blankenship, and Defendant Allison, suffered a fractured nose, injury to his left eye, and cuts, knots, and abrasions on his head.

37. Defendant McKnight filed criminal complaints with the Ironton (OH) Municipal Court against Mr. Murphy on September 19, 2022.

38. The criminal complaints were for Obstructing Official Business, a felony of the fifth degree, in violation of Ohio Rev. Code § 2921.31 and Resisting Arrest, a second-degree misdemeanor, in violation of Ohio Rev. Code § 2921.33.

39. The criminal charges were resolved three days later, on September 22, 2022, when the Lawrence County Prosecuting Attorney's office entered a *nolle prosequi*.

**Count I**  
**(42 U.S.C. § 1983 Against Defendants for Restraint on Plaintiff's Freedom of Speech and Retaliation in Violation of the First and/or Fourteenth Amendments)**

40. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

41. As described more fully above, all Defendants, while acting individually, jointly, and under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to free speech.

42. Under the First and Fourteenth Amendments of the United States Constitution, States "shall make no law . . . abridging the freedom of speech." U.S. Const. amend. I.

43. The First Amendment protects the public's right to film police and other government agents subject to reasonable restrictions. *See Freeman v. Spoljaric*, No. 1:22-cv-203, 2023 U.S. Dist. LEXIS 57859, at \*42 (S.D. Ohio Mar. 31, 2023).

44. Mr. Murphy's attempts to film Defendant McKnight, C. Blankenship, B. Blankenship, and Allison did not interfere with their efforts to carry out their duties.

45. Therefore, Mr. Murphy, on September 18, 2022, had a right to film Defendant McKnight and other officers in the performance of their duties.

46. Defendants deprived Plaintiff of his freedom of speech, as secured by the First Amendment to the United States Constitution and made applicable to the states by the Fourteenth Amendment, by attacking and arresting Mr. Murphy when he expressed his desire to videorecord their activities from approximately fifteen (15) away.

47. Defendant McKnight, acting under color of state law, attacked, Tased, and arrested Mr. Murphy, in part, because Mr. Murphy was exercising his First Amendment right.

48. Defendant McKnight's actions constitute retaliation against Mr. Murphy for Mr. Murphy's exercise of his First Amendment rights.

49. Defendant C. Blankenship and Defendant Allison attacked and participated in the assault against Mr. Murphy because Mr. Murphy was attempting to exercise his First Amendment rights.

50. Defendant C. Blankenship and Defendant Allison's actions constitute retaliation against Mr. Murphy for Mr. Murphy's exercise of his First Amendment rights.

51. Defendant Wagner, acting under color of state law, ratified the actions of Defendants McKnight, C. Blankenship, and Allison by allowing criminal charges against Mr. Murphy to proceed.

52. As a direct and proximate result of the actions of Defendants in violation of Plaintiff's clearly established First and/or Fourteenth Amendment rights, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.



**Count II**

**(State Law Claim Against Defendants for Restraint on the Freedom of Speech in Violation of the Art. I, § 11 of the Ohio Constitution)**

53. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

54. As described more fully above, Defendants McKnight, C. Blankenship, and Allison, while acting individually, jointly, and under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to free speech.

55. Under the Ohio Constitution, Defendants could not place restraints on Mr. Murphy's speech. Ohio Const. art. I, section 11.

56. Defendants deprived Plaintiff of his freedom of speech, as secured by the Ohio Constitution, by attacking, Tasing, beating, and arresting Mr. Murphy after Mr. Murphy expressed his desire to exercise his right to free speech by videorecording Defendants in the performance of their duties.

57. Defendants deprived Plaintiff of his freedom of speech, as secured by the First Amendment to the United States Constitution and made applicable to the states by the Fourteenth Amendment, by attacking and arresting Mr. Murphy when he expressed his desire to videorecord their activities from approximately fifteen (15) away.

58. Defendant McKnight, acting under color of state law, attacked, Tased, and arrested Mr. Murphy, in part, because Mr. Murphy was exercising his First Amendment right.

59. Defendant McKnight's actions constitute retaliation against Mr. Murphy for Mr. Murphy's exercise of his First Amendment rights.

60. Defendant C. Blankenship and Defendant Allison attacked and participated in the assault against Mr. Murphy because Mr. Murphy was attempting to exercise his First Amendment rights.

61. Defendant C. Blankenship and Defendant Allison's actions constitute retaliation against Mr. Murphy for Mr. Murphy's exercise of his First Amendment rights.

62. Defendant Wagner, acting under color of state law, ratified the actions of Defendants McKnight, C. Blankenship, and Allison by allowing criminal charges against Mr. Murphy to proceed.

63. As a direct and proximate result of the actions of Defendants in violation of Mr. Murphy's clearly established rights under the Ohio Constitution, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Counts III, IV, V, VI**

**(42 U.S.C. § 1983 Against Defendants McKnight, C. Blankenship, and Allison for Excessive Force in Violation of the Fourth and/or Fourteenth Amendments)**

64. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

65. As set forth above, Defendants McKnight, C. Blankenship, and Allison, acting under color of law and within the scope of their employment as law enforcement officers with the Ironton (OH) Police Department used unnecessary, unreasonable, outrageous, and excessive force on Mr. Murphy in violation of his clearly established rights guaranteed by the Fourth and/or Fourteenth Amendments to the United States Constitution.

66. Defendants McKnight, C. Blankenship, and Allison used excessive force in initially restraining and handcuffing Mr. Murphy.

67. Defendants McKnight, C. Blankenship, and Allison used excessive force in taking Mr. Murphy to the ground without reason to do so.

68. Defendants McKnight, C. Blankenship, and Allison used excessive force in striking Mr. Murphy about his head and body while he has handcuffed on the ground.

69. Defendant McKnight used excessive force against Mr. Murphy by deploying his Taser when Mr. Murphy was not resisting arrest, either actively or passively, and while Mr. Murphy was restrained and on the ground.

70. Defendants C. Blankenship and Allison used excessive force in restraining Mr. Murphy and allowing Defendant McKnight to deploy his Taser repeatedly and unnecessarily to Mr. Murphy's person.

71. Defendants' use of unnecessary, unreasonable, outrageous, and excessive force, as described herein, constitutes wanton, willful, reckless, unjustifiable, and malicious conduct warranting the imposition of exemplary punitive damages.

72. Faced with the circumstances present at the aforementioned time and place, reasonably prudent law enforcement officers/personnel would or should have known that the uses of force described herein violated Mr. Murphy's clearly established Fourth Amendment right to be free from unreasonable searches and seizures and/or his clearly established Fourteenth Amendment liberty interest in bodily integrity protected by the substantive component of the due process clause and that the activity engaged in "shocks the conscience."

73. Defendants McKnight, C. Blankenship, and Allison callously and recklessly disregarded Mr. Murphy's constitutionally protected rights.

74. As a direct and proximate result of Defendants' uses of force in violation of Mr. Murphy's clearly established Fourth and/or Fourteenth Amendment rights, Mr. Murphy was forced

to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Count VII**

**(42 U.S.C. § 1983 Against Defendants McKnight, C. Blankenship, B. Blankenship and Allison for Unlawful Arrest and Seizure in Violation of the Fourth and/or Fourteenth Amendments)**

75. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

76. As described more fully above, all of the Defendants, while acting individually, jointly, and under color of law and within the scope of their employment, caused Mr. Murphy to be unlawfully arrested in violation of his constitutional rights.

77. Under the Fourth and Fourteenth Amendments of the United States Constitution, States shall ensure that citizens are free from unreasonable search and seizure. U.S. Const. amend. IV.

78. All Defendants deprived Mr. Murphy of the right to be free from unreasonable search and seizure by arresting him for Obstructing Official Business without probable cause to do so.

79. Defendant McKnight did not have probable cause to arrest Mr. Murphy for Obstructing Official Business under the Ohio Revised Code.

80. Defendants C. Blankenship and Allison participated in the restraint and unlawful seizure of Mr. Murphy when there was no probable cause for his arrest.

81. Defendant B. Blankenship failed to intervene to stop his brother, Defendant C. Blankenship, and Defendant McKnight and Defendant Allison from violating Mr. Murphy's constitutional rights.

82. Defendant Wagner, being advised of the circumstances of the arrest of Mr. Murphy, had a duty to investigate and order Defendant McKnight to cease the criminal charges stemming from the unlawful arrest and seizure of Mr. Murphy. Defendant Wagner thus ratified the actions of her subordinate officers.

83. As a result of the actions described herein, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Count VIII**  
**(42 U.S.C. § 1983 Against Defendants for False Imprisonment in Violation of the Fourth and/or Fourteenth Amendments)**

84. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

85. As described more fully above, all of the Defendants, while acting individually, jointly, and under color of law and within the scope of their employment, caused Mr. Murphy to be falsely imprisoned in violation of his constitutional rights.

86. Under Ohio law, false imprisonment occurs when a person confines another intentionally without lawful privilege and against his consent within a limited area for any appreciable time, however short.

87. All Defendants have deprived Plaintiff of the right to be free from false imprisonment by arresting him for Obstructing Official Business without the proper authority to do so.

88. Deputy McKnight did not have probable cause to arrest Mr. Murphy for obstructing official business under the Ohio Revised Code.

89. Defendant Wagner, being advised of the circumstances of the arrest of Mr. Murphy had a duty to investigate and order Defendant McKnight to cease the criminal charges stemming from the unlawful arrest and seizure of Mr. Murphy. Defendant Wagner thus ratified the actions of her subordinate officers.

90. As a result of this violation, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Count IX**  
**(State Law Claim Against Defendants for False Imprisonment)**

91. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

92. As described more fully above, all of the Defendants, while acting individually, jointly, and under color of law and within the scope of their employment, caused Mr. Murphy to be falsely imprisoned in violation of his constitutional rights.

93. Under Ohio law, false imprisonment occurs when a person confines another intentionally without lawful privilege and against his consent within a limited area for any appreciable time, however short.

94. All Defendants have deprived Plaintiff of the right to be free from false imprisonment by arresting him for Obstructing Official Business without probable cause to do so.

95. Defendant McKnight did not have probable cause to arrest Mr. Murphy for disorderly conduct under the Ohio Revised Code.

96. Defendant Wagner, being advised of the circumstances of the arrest of Mr. Murphy, had a duty to investigate and order Defendant McKnight to cease the criminal charges stemming

from the unlawful arrest and seizure of Mr. Murphy. Defendant Wagner thus ratified the actions of her subordinate officers.

97. As a result of this violation, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Count X**

**(42 U.S.C. § 1983 Against Defendant Wagner and Defendant City of Ironton for Failure to Hire, Train, and Supervise, and for Customs, Policies, and Practices Causing Violations of the Fourth Amendment)**

98. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

99. Defendant Wagner, as the Chief of Police for the City of Ironton (OH), failed to properly screen potential police candidates through a proper background review process.

100. Upon information and belief Defendant Wagner failed to adequately train and/or supervise Defendant McKnight, Defendant C. Blankenship, Defendant B. Blankenship, and Defendant Allision.

101. Defendant Wagner ratified the conduct described herein by allowing criminal charges to proceed against Mr. Murphy when there was no proper basis for those charges.

102. Defendant Wagner thus ratified the actions of her subordinate officers by not stopping the criminal charges against Mr. Murphy from proceeding.

103. Upon information and belief, Defendant Wager, as the Ironton (OH) Chief of Police, implemented customs and policies for training and supervision of her officers on searches and seizures, that, on their face, violate the Fourth Amendment. Alternatively, upon information and belief, Defendant Wagner implemented otherwise facially valid customs and policies in a

manner such that constitutional violations were likely to be and were visited upon those inhabiting, visiting, or otherwise within the jurisdictional limits of the City of Ironton, including Mr. Murphy.

104. As a direct and proximate result of the customs, policies, and practices described herein and permitted by Defendant Wagner, which violate the Fourth Amendment on their face, or otherwise are applied in a manner such that Fourth Amendment violations are likely to occur, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer extreme physical, mental, and emotional pain and suffering and pecuniary loss.

**Count XI**  
**(State Law Claim for Assault and Battery Against Defendant McKnight, Defendant C. Blankenship, and Defendant Allison)**

105. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

106. On September 18, 2022, Defendant McKnight threatened bodily harm against Mr. Murphy by forcefully grabbing Mr. Murphy without authority or reason to do so, which caused Mr. Murphy to be in fear of imminent bodily harm.

107. Likewise, Defendant C. Blankenship and Defendant Allison threatened bodily harm against Mr. Murphy by forcefully grabbing Mr. Murphy without authority or reason to do so, which caused Mr. Murphy to be in fear of imminent bodily harm.

108. On September 18, 2022, Defendant McKnight, Defendant C. Blankenship, and Defendant Allison had apparent authority and ability to carry out bodily harm and, in fact did, intentionally and without permission or warning, touch and injure Mr. Murphy.

109. At all times relevant herein, Defendants McKnight, C. Blankenship, and Allison were acting within the course, scope, and in furtherance of their employment with the Ironton (OH)



Police Department. Their actions were ratified and adopted by Defendant Wagner, rendering Defendant Wagner and Defendant City of Ironton vicariously liable for their conduct.

110. Defendant McKnight, Defendant C. Blankenship, and Defendant Allison battered Mr. Murphy with malicious purpose, in bad faith, and in a reckless or wanton manner.

111. As a direct and proximate result of being battered by Defendants McKnight, C. Blankenship, and Allison, Mr. Murphy was forced to endure and suffer, and continues to endure and suffer, extreme physical, mental, and emotional pain and suffering.

**Count XII**  
**(42 U.S.C. § 1983 Against Defendants McKnight and Wagner for Malicious Prosecution)**

112. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

113. Defendant McKnight initiated a criminal prosecution against Mr. Murphy on September 19, 2022 and Defendant Wagner made, influenced, or participated in the decision to prosecute.

114. There was no probable cause to initiate the criminal prosecution against Mr. Murphy.

115. Mr. Murphy suffered a deprivation of liberty apart from the initial seizure on September 18, 2022.

116. The criminal proceeding was resolved in Mr. Murphy's favor on September 22, 2022, when the Lawrence County Prosecuting Attorney's office entered a *nolle prosequi*.

117. As a direct and proximate result of Defendants' wrongful acts, Mr. Murphy suffered damages, including, but not limited to, severe emotional distress and anguish, as is more fully alleged above.

**Count XIII**  
**(State Law Claim Against Defendants McKnight and Wagner for Malicious Prosecution)**

118. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

119. Defendant McKnight initiated a criminal prosecution against Mr. Murphy on September 19, 2022 and Defendant Wagner made, influenced, or participated in the decision to prosecute.

120. There was no probable cause to initiate the criminal prosecution against Mr. Murphy.

121. Mr. Murphy suffered a deprivation of liberty apart from the initial seizure on September 18, 2022.

122. The criminal proceeding was resolved in Mr. Murphy's favor on on September 22, 2022, when the Lawrence County Prosecuting Attorney's office entered a *nolle prosequi*.

123. As a direct and proximate result of Defendants' wrongful acts, Mr. Murphy suffered damages, including, but not limited to, severe emotional distress and anguish, as is more fully alleged above.

**Count XIV**  
**(State Law Claim Against Defendants for Intentional Infliction of Emotional Distress)**

124. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

125. The acts and conduct of the Defendants, as set forth above, are extreme and outrageous.

126. Defendants intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

127. Said actions and conduct did directly and proximately cause severe emotional distress to Plaintiff, and thereby constituted intentional infliction of emotional distress.

128. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

129. As a direct and proximate result of Defendants' wrongful acts, Mr. Murphy suffered damages, including, but not limited to, severe emotional distress and anguish, as is more fully alleged above.

WHEREFORE, Plaintiff Francis R. Murphy, prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Plaintiff Francis R. Murphy for his injuries, damage, and loss;
- b. Punitive damages against Defendants in an amount that will serve to adequately punish and deter the conduct alleged herein;
- c. Costs of suit and reasonable attorneys' fees; and
- d. All such other relief to which Plaintiff Francis R. Murphy is entitled and/or the Court deems necessary and just.

s/Tyler C. Haslam  
Tyler C. Haslam (Ohio Bar No. 0086861)  
**HASLAM LAW FIRM LLC**  
P.O. Box 585  
Huntington, WV 25710  
T: (304) 948-8529  
F: (304) 948-8282  
tyler@haslamlawfirm.com

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

s/Tyler C. Haslam

Tyler C. Haslam (Ohio Bar No. 0086861)

***HASLAM LAW FIRM LLC***

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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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Francis R. Murphy
2211 S. 6th Street, Ironton, OH 45638

(b) County of Residence of First Listed Plaintiff Lawrence
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Tyler C. Haslam; Haslam Law Firm; PO Box 585,
Huntington, WV 25710; (304) 948-8529

DEFENDANTS

Evan McKnight
2620 S. 5th Street, Ironton, OH 45638

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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 (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, Labor, etc.

V. 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 - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983
Brief description of cause:
Violations of constitutional rights and pendant state law claims

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE: 09/18/2023
SIGNATURE OF ATTORNEY OF RECORD: s/ Tyler C. Haslam (0086861)

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.