

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES ROBERTS)	CASE NO. 1:25-cv-1897
c/o Spangenberg Shibley & Liber LLP)	
1001 Lakeside Ave. East, Suite 1700)	JUDGE
Cleveland, OH 44114)	
)	
Plaintiff,)	
)	
vs.)	
)	
CITY OF MANSFIELD)	<u>COMPLAINT</u>
c/o Roeliff Harper)	
Law Director)	<i>Demand for Jury Trial</i>
30 N. Diamond Street)	
Mansfield, OH 44902)	
)	
and)	
)	
OFFICER MICHAEL NELSON)	
Mansfield Police Department)	
30 N. Diamond Street)	
Mansfield, OH 44902)	
)	
and)	
)	
OFFICER NOAH WATERER)	
Mansfield Police Department)	
30 N. Diamond Street)	
Mansfield, OH 44902)	
)	
Defendants.)	

Plaintiff Charles (“Chip”) Roberts, by and through undersigned counsel, states and avers as follows for his Complaint against the above captioned Defendants.

NATURE OF THE ACTION

1. This civil rights lawsuit stems from incidents that occurred in Mansfield, Ohio on April 22, 2025. On that day, Chip Roberts was assaulted, battered, subjected to excessive force,

falsely arrested subjected to an illegal search, subjected to a malicious prosecution, and subjected to the intentional infliction of emotional distress by Mansfield law enforcement officers. As a direct and proximate result of the actions and inactions of the Defendants, Chip Roberts was deprived of his constitutionally guaranteed rights and did endure physical and emotional pain and physical injuries, past and future medical bills, and other economic and non-economic damages. Plaintiff seeks compensatory and punitive damages, as well as reasonable attorneys' fees and the costs of this litigation.

2. The encounter between Plaintiff and the Defendant Officers was captured on various recording devices. Those videos and the incidents portrayed on them are incorporated into this Complaint. The videos are attached hereto as Exhibit 1 and will be placed on file with the Court.

3. Plaintiff Chip Roberts asserts claims under 42 U.S.C. § 1983 for violations of his right to be free from unreasonable force and right to be free from illegal searches, both of which are protected under the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff also brings a "*Monell*" claim(s) against the City of Mansfield, as the violations against him were the result of an unconstitutional custom(s), policy(ies), or procedure(s). In addition, Plaintiff asserts pendant state law claims for assault and battery, intentional infliction of emotional distress, and malicious prosecution.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as certain claims asserted herein arise under the Constitution and laws of the United States, to wit, the Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

5. Supplemental jurisdiction over the state law claims asserted herein exists pursuant to 28 U.S.C. § 1367.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2).

PARTIES

7. Plaintiff Chip Roberts is a citizen of the United States residing in the State of Ohio in the Northern District entitled to the protections of the Constitution and laws of the United States of America and the State of Ohio.

8. Defendant City of Mansfield is, and was at all times relevant, a municipal corporation chartered under the laws of the State of Ohio, and is recognized as an entity that can be sued for constitutional violations under 42 U.S.C. § 1983.

9. Defendant City of Mansfield is responsible for the administration, operation, training, and supervision of law enforcement officers and for the promulgation, enforcement and review of rules, regulations, policies, customs, and practices relevant thereto.

10. Defendant Officer Michael Nelson is, and was at all times relevant, a law enforcement officer employed by the City of Mansfield, Ohio who was acting under color of law within the course and scope and in furtherance of his employment with the City of Mansfield. Defendant Nelson is a “person” under 42 U.S.C. § 1983. Defendant Nelson is sued in his individual capacity.

11. Defendant Officer Noah Waterer is, and was at all times relevant, a law enforcement officer employed by the City of Mansfield, Ohio who was acting under color of law within the course and scope and in furtherance of his employment with the City of Mansfield. Defendant Waterer is a “person” under 42 U.S.C. § 1983. Defendant Waterer is sued in his individual capacity.

12. Upon information and belief, Defendants Nelson and Waterer reside in the State of Ohio in the Northern District of Ohio.

STATEMENT OF FACTS

13. Shortly after midnight on April 22, 2025, Chip Roberts, a 67-year-old man, went from his home on Bowman Street down the block to the New Millinium (sic) Car Wash to buy a soda from one of the vending machines outside the car wash.

14. Chip's house was on the other side of Bowman Street, so he had to cross the street to get to the vending machines.

15. Shortly after Chip crossed the street, Defendant Officer Michael Nelson turned on the lights for his cruiser and approached Chip.

16. Defendant Nelson is a 27-year-old man who, in addition to being a police officer, competes as a professional boxer. Defendant Nelson has competed in professional boxing matches inside and outside the United States. He represented the United States in the 2013 AIBA Junior World Championships in Kiev, Ukraine. In addition, Defendant Nelson is a former UBO World Super Featherweight Champion. In addition to traditional boxing, Defendant Nelson has also competed in bare knuckle boxing.

17. At the time Defendant Nelson got out of his cruiser, Chip was standing at the vending machines. Upon being stopped, Chip stood with his hands at his side as Defendant Nelson approached him.

18. Without basis, Defendant Nelson ordered Chip to turn around and put his hands against the vending machine. Chip questioned why Defendant Nelson was stopping him.

19. Defendant Nelson had no basis to frisk Chip. Chip was suspected of jaywalking, a minor misdemeanor for which arrest is only permitted in limited circumstances, none of which

were present. And there was no information to suggest or objectively reasonable suspicion that Chip was armed or otherwise dangerous.

20. During this conversation, Defendant Noah Waterer arrived on the scene.

21. Shortly after initiating contact with Plaintiff, Defendant Nelson grabbed Chip, spun him around and put him against a vending machine.

22. Rather than stopping Defendant Nelson to protect Chip, Defendant Waterer also put his hands on Chip while Chip was pressed up against the machine.

23. Within seconds of putting Chip against the machine, Defendant Nelson then turned Chip and slammed him to the ground as Defendant Waterer watched.

24. Chip immediately yelled out in pain.

25. Ignoring Chip's pain, Defendants Nelson and Waterer proceeded to handcuff Chip and search in his pockets, littering the ground with the coins that Chip brought with him to buy a soda.

26. As Defendants Nelson and Waterer were handcuffing Chip, who was crying out in pain and asking the officers to stop, Sergeant Telquist arrived on the scene and told Chip that he was jaywalking.

27. After Chip was handcuffed, officers sat Chip up on his buttocks with his hands cuffed behind his back. Chip continued to state that he was in pain.

28. More police officers arrived. The officers began to accost Chip. Officer Grimshaw questioned what Chip did that supposedly forced the officers to put him on the ground like they did.

29. At one point, at least six officers were standing in front of Chip in semi-circle. Chip questioned why what seemed like the entire Mansfield police department was circling him like

this for the suspected crime of jaywalking. The officers then moved in unison, giggling as they did so.

30. The officers on the scene continued to mistreat Chip, infantilizing and scolding him.

31. Defendant Waterer scolded Chip like a child. He stated that Chip was always nice to the police, but he didn't understand why Chip acted like he did.

32. The officers continued to question Chip. Defendant Nelson informed Chip that he tensed up after he asked to see his hands. Defendant Nelson told Chip "that wasn't very smart."

33. One of the officers asked Chip why he was sweating, to which Charles responded that he was slammed to the ground and that he thought he had a broken rib.

34. Chip lamented that "all of this" occurred because he crossed the street, to which Defendant Waterer said "oh no, you wouldn't listen either when we were talking to you."

35. At one point, two of the responding officers, Sergeant Telquist and Officer Grimshaw, had a side conversation. Sergeant Telquist stated that he was not involved in the use of force. Officer Grimshaw stated that Sergeant Telquist would have been involved if he would have "called dibs."

36. Shortly after this conversation, Officer Grimshaw left with Officer Cikity. As they were approaching their cruiser they were laughing about the incident.

37. After Officers Grimshaw and Cikity left, Sergeant Telquist scolded Chip. He asked Chip whether the officers told him to do anything while they were at the vending machine. He asked what Chip said to them, and Chip told Sergeant Telquist that he asked the officers why they were stopping him. Sergeant Telquist then reproached Chip, asking him whether that was "the best thing to do in that situation."

38. Eventually, Chip was taken to the hospital, where it was found that he had suffered fractures to multiple ribs. Some of his fractures were so severe that medical care providers considered plating the ribs. Chip remained in the hospital until May 3, 2025

39. While Chip was hospitalized, Defendant Nelson came to the hospital to serve a summons on Chip. Defendant Nelson charged Chip with obstruction of official business, resisting arrest, and jaywalking. He told Chip “next time, just try to listen, OK.”

40. At the time Defendant Nelson charged Chip with obstruction and resisting arrest, he had no probable cause to charge Chip for these offenses.

41. The charges against Chip remained outstanding for over three months.

42. Finally, on the day the trial was set to go forward, the obstruction and resisting arrest charges were dismissed.

43. Following the unreasonable use of force against Charles, the City of Mansfield investigated the incident. The City, through Police Chief Jason Bammann, ratified the actions of Defendants Nelson and Waterer by concluding that the use of force was within the policies and procedures at the Mansfield Police Department.

FIRST CLAIM FOR RELIEF

(42 U.S.C. § 1983 Against Defendants Nelson and Waterer for Excessive Force and Failure to Intervene in Violation of the Fourth and Fourteenth Amendments)

44. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

45. At the aforementioned time and place, Defendants Nelson and Waterer, acting under color of law, used unnecessary, unreasonable, outrageous, and excessive force on Plaintiff, and stood by and watched with the ability to intervene as other officers used unnecessary, unreasonable, outrageous, and excessive force on Plaintiff, in violation of Plaintiff’s clearly

established rights guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

46. Defendants Nelson and Waterer's uses of unnecessary, unreasonable, outrageous, and excessive force at the aforementioned time and place constitute wanton, willful, reckless, unjustifiable, and malicious conduct warranting the imposition of exemplary punitive damages.

47. Faced with the circumstances present at the aforementioned time and place, reasonable law enforcement officers would have known that the uses of force at issue violated Plaintiff's clearly established Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures and unreasonable uses of force.

48. Defendants Nelson and Waterer callously and recklessly disregarded Plaintiff's clearly established Fourth and Fourteenth Amendment rights.

49. As a direct and proximate result of the excessive and outrageous force in violation of Plaintiff's clearly established Fourth and Fourteenth Amendment rights, Plaintiff endured and suffered and continues to suffer extreme conscious physical, mental and emotional pain and suffering, pecuniary loss, and medical bills, including future medical bills.

50. At all times relevant, Defendants Nelson and Waterer were acting under color of law and within the scope of their employment and official duties as law enforcement officers employed by the City of Mansfield. Accordingly, pursuant to Ohio Revised Code § 2744.07, Defendant City of Mansfield must indemnify Defendants Nelson and Waterer for their conduct alleged herein in this Claim for Relief.

WHEREFORE, Plaintiff prays for judgment against Defendants Nelson and Waterer for:

- a. Compensatory damages, including medical bills, in an amount that will fully and fairly compensate Plaintiff for his injuries, damages and losses suffered;

- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendants Nelson and Waterer alleged herein;
- c. Costs of suit and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which Plaintiff is entitled and/or this Court deems equitable.

SECOND CLAIM FOR RELIEF

(42 U.S.C. § 1983 Against Defendants Nelson and Waterer for False Arrest in Violation of the Fourth and Fourteenth Amendments)

51. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

52. At the aforementioned time and place, Defendants Nelson and Waterer detained, searched, seized, and arrested Plaintiff without his consent and without any justification, reasonable cause or suspicion that he had committed an arrestable offense in violation of Plaintiff's clearly established rights guaranteed by the Fourth Amendment.

53. Defendants Nelson and Waterer's unlawful and unreasonable detention, search, seizure, and arrest constitutes wanton, willful, reckless, unjustifiable, and malicious conduct warranting the imposition of exemplary punitive damages.

54. Faced with the circumstances present at the aforementioned time and place, reasonably prudent law enforcement officers/personnel would or should have known that the detention, search, seizure, and arrest of Plaintiff described herein violated his clearly established Fourth Amendment rights to be free from unreasonable and unlawful searches and seizures.

55. Both Defendants Nelson and Waterer knew that they lacked probable cause to arrest Plaintiff for obstruction of official business, resisting arrest, or any other arrestable offense. Despite this, however, they still arrested Plaintiff.

56. As a direct and proximate result of these false charges, Plaintiff was forced to endure and suffer humiliation, a deprivation of freedom, physical, mental and emotional pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendants Nelson and Waterer for:

- a. Compensatory damages, including medical bills, in an amount that will fully and fairly compensate Plaintiff for his injuries, damages and losses suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendants Nelson and Waterer alleged herein;
- c. Costs of suit and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which Plaintiff is entitled and/or this Court deems equitable.

THIRD CLAIM FOR RELIEF

(42 U.S.C. § 1983 Against Defendants Nelson and Waterer for Unlawful/Unreasonable Search in Violation of the Fourth and Fourteenth Amendments)

57. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

58. On April 22, 2025, Defendants Nelson and Waterer searched Plaintiff without permission or consent and without probable cause or reasonable suspicion that he had possessed a weapon or committed an offense for which arrest was permissible, in violation of Plaintiff's clearly established rights under the Fourth and Fourteenth Amendments.

59. Defendants Nelson and Waterer's unlawful and unreasonable search constitute wanton, willful, reckless, unjustifiable, and malicious conduct warranting the imposition of exemplary punitive damages.

60. Reasonably prudent law enforcement officers would have known that the search described herein violated Plaintiff's clearly established constitutional right to be free from unreasonable and unlawful searches and seizures.

61. As a direct and proximate result of the Defendants Nelson and Waterer's search and seizure in violation of Plaintiff's constitutional rights, Plaintiff was forced to endure and suffer extreme physical, mental, and emotional pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendants Nelson and Waterer for:

- a. Compensatory damages, including legal fees and costs, in an amount that will fully and fairly compensate Plaintiff for the violation of his rights under the Fourth and Fourteenth Amendments;
- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendants Nelson and Waterer alleged herein;
- c. Costs of suit and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which the Plaintiff is entitled and/or the Court deems equitable.

FOURTH CLAIM FOR RELIEF

(42 U.S.C. §1983 Against Defendant City of Mansfield for Failure to Train and Supervise and for Unconstitutional Customs, Policies, and Practices Causing Constitutional Violations)

62. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

63. Mansfield police officers have a known and documented history of violating citizens' constitutional rights, including by using unreasonable and excessive force, about which the City of Mansfield was aware, to which, however, it was and is deliberately indifferent.

64. Defendant City of Mansfield was aware but deliberately indifferent to the fact that, prior to the subject incident, Mansfield police officers had used gratuitous and punitive force against civilians in obvious violation of the U.S. Constitution.

65. Defendant City of Mansfield has a pattern and practice of failing to adequately and properly train, supervise, investigate, and punish/reprimand its police officers on the usually and known recurring circumstances likely to be faced by the officers, including, but not limited to, uses of force.

66. Defendant City of Mansfield promulgated and implemented and/or otherwise condoned and tolerated customs and policies, written and unwritten, for hiring, training, retention, and supervision and investigation of Mansfield police officers on uses of force that, on their face, violate the Fourth and Fourteenth Amendments.

67. Defendant City of Mansfield ratified the unconstitutional force used by Defendants against Plaintiff, as is its policy, practice, and/or custom, which thus signals to its police officers that they can engage in unconstitutional excessive force with impunity.

68. As a direct and proximate result of the customs and policies described herein, which violate the Fourth and Fourteenth Amendments and are otherwise implemented in a manner such that constitutional violations are substantially certain and likely to occur, Plaintiff's Fourth and Fourteenth Amendment rights were violated and he was forced to suffer and endure extreme physical, mental and emotional pain and suffering, pecuniary loss, medical bills, and legal fees and costs.

WHEREFORE, Plaintiff prays for judgment against Defendant City of Mansfield for:

- a. Compensatory damages, including medical bills and legal fees and costs, in an amount that will fully and fairly compensate Plaintiff for the injuries, damages and losses he suffered;

- b. Costs of suit and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and interest, both pre-judgment and post-judgment; and
- c. All such other relief to which Plaintiff is entitled and/or this Court deems equitable.

FIFTH CLAIM FOR RELIEF

(Assault and Battery Against Defendants Nelson and Waterer)

69. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

70. On January 24, 2020, Defendants Nelson and Waterer threatened Plaintiff with bodily harm, which caused Plaintiff to be in fear of imminent peril.

71. Defendants Nelson and Waterer had the apparent ability to carry out the threats of bodily harm and, in fact did, intentionally and without permission or privilege, physically injure Plaintiff.

72. Defendants Nelson and Waterer assaulted and battered Plaintiff with malicious purpose and/or in a willful, reckless or wanton manner and therefore are not entitled to state-law immunity.

73. As a direct and proximate result of being assaulted and battered by Defendants Nelson and Waterer Plaintiff endured and suffered extreme physical, mental and emotional pain and suffering.

74. At all times relevant, Defendants Nelson and Waterer were acting within the scope of their employment and official duties as law enforcement officers employed by the City of Mansfield. Accordingly, pursuant to Ohio Revised Code § 2744.07, Defendant City of Mansfield must indemnify Defendants Nelson and Waterer for their conduct alleged herein in this Claim for Relief.

WHEREFORE, Plaintiff prays for judgment against Nelson and Waterer for:

- a. Compensatory damages, including medical bills, in an amount that will fully and fairly compensate Plaintiff for the injuries, damages and losses he suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendants Nelson and Waterer alleged herein;
- c. Costs of suit and reasonable attorneys' fees and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which the Plaintiff is entitled and/or this Court deems equitable.

SIXTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress Against Defendants Nelson and Waterer)

75. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

76. At the aforementioned time and place, Defendants Nelson and Waterer either intended to cause emotional distress or knew or should have known that their actions would result in severe emotional distress to Plaintiff.

77. Defendants Nelson and Waterer conduct was so extreme and outrageous as to go beyond all possible bounds of decency and be utterly intolerable in a civilized society.

78. As a direct and proximate result of the extreme and outrageous conduct as alleged herein, Plaintiff endured and suffered psychic injury; and the mental anguish suffered by Plaintiff was serious and of a nature that no reasonable person could be expected to endure.

79. At all times relevant, Defendants Nelson and Waterer were acting under color of law and within the scope of their employment and their official duties as law enforcement officers employed by the City of Mansfield. Accordingly, pursuant to Ohio Revised Code § 2744.07, Defendant City of Mansfield must indemnify Defendants Nelson and Waterer for their conduct alleged herein in this Claim for Relief.

WHEREFORE, Plaintiff prays for judgment against Defendants Nelson and Waterer for:

- a. Compensatory damages, including medical bills, in an amount that will fully and fairly compensate Plaintiff for the injuries, damages and losses Plaintiff suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendants Nelson and Waterer alleged herein;
- c. Costs of suit and reasonable attorneys' fees and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which Plaintiff is entitled and/or this Court deems equitable.

SEVENTH CLAIM FOR RELIEF

(Malicious Prosecution Against Defendant Nelson under Ohio Law)

80. Plaintiff repeats and realleges each and every allegation set forth in each and every preceding paragraph as if fully rewritten herein.

81. Defendant Nelson made, influenced, and/or participated in the decision to prosecute Plaintiff without probable cause by, among other things, issuing a summons to Plaintiff for charges of obstruction of official business and resisting arrest.

82. Defendant Nelson's involvement in making, influencing, and participating in the criminal case against Plaintiff without probable cause caused Plaintiff to have to defend himself against serious criminal charges.

83. The initiation and perpetuation of criminal charges against Plaintiff were unlawful and without justification.

WHEREFORE, Plaintiff prays for judgment against Defendants Nelson for:

- a. Compensatory damages, including legal fees and costs, in an amount that will fully and fairly compensate Plaintiff for the harms and losses he suffered, including emotional injuries and defamation to his reputation;
- b. Punitive damages in an amount that will serve to adequately punish and deter the acts and omissions of Defendant Nelson alleged herein;

- c. Costs of suit and reasonable attorneys' fees and interest, both pre-judgment and post-judgment; and
- d. All such other relief to which the Plaintiff is entitled and/or the Court deems equitable.

TRIAL BY JURY ON ALL CLAIMS FOR RELIEF HEREBY DEMANDED.

DATED this 10th day of September 2025.

/s/ Kevin C. Hulick

NICHOLAS A. DICELLO (0075745)

KEVIN C. HULICK (0093921)

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Counsel for Plaintiff

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 CHARLES ROBERTS (b) County of Residence of First Listed Plaintiff Richland (c) Attorneys Nicholas A. DiCello & Kevin C. Hulick (216-696-3232) Spangenberg Shibley & Liber LLP 1001 Lakeside Ave. East, Suite 1700, Cleveland, OH 44114

DEFENDANTS CITY OF MANSFIELD, et al. 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) PTF DEF Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 4 Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5 Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes categories like Personal Injury, Labor, Intellectual Property Rights, 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 U.S.C. § 1983 Brief description of cause: Civil Rights Violations

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 75,000 CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

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

DATE 9/10/2025 SIGNATURE OF ATTORNEY OF RECORD /s/ Kevin C. Hulick

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

- 1. General Civil
- 2. Administrative Review/Social Security
- 3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: is **RELATED** to another **PENDING** civil case is a **REFILED** case was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county
COUNTY: Richland
Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
- CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
- YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

- TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

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.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

CHARLES ROBERTS

Plaintiff(s)

v.

CITY OF MANSFIELD, et al.

Defendant(s)

Civil Action No. 1:25-cv-1897

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF MANSFIELD
c/o Roeliff Harper
Law Director
30 N. Diamond Street
Mansfield, OH 44902

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas A. DiCello
Kevin C. Hulick
Spangenberg Shibley & Liber LLP
1001 Lakeside Ave. East, Suite 1700
Cleveland, OH 44114

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-1897

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

CHARLES ROBERTS

Plaintiff(s)

v.

CITY OF MANSFIELD, et al.

Defendant(s)

Civil Action No. 1:25-cv-1897

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) OFFICER MICHAEL NELSON
Mansfield Police Department
30 N. Diamond Street
Mansfield, OH 44902

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas A. DiCello
Kevin C. Hulick
Spangenberg Shibley & Liber LLP
1001 Lakeside Ave. East, Suite 1700
Cleveland, OH 44114

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-1897

PROOF OF SERVICE

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was received by me on *(date)* _____ .

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_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

CHARLES ROBERTS

Plaintiff(s)

v.

CITY OF MANSFIELD, et al.

Defendant(s)

Civil Action No. 1:25-cv-1897

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) OFFICER NOAH WATERER
Mansfield Police Department
30 N. Diamond Street
Mansfield, OH 44902

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas A. DiCello
Kevin C. Hulick
Spangenberg Shibley & Liber LLP
1001 Lakeside Ave. East, Suite 1700
Cleveland, OH 44114

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-1897

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: