

Case 2:19-cv-02035-CDJ Document 1 Filed 05/10/19 Page 1 of 20

CDJ CIVIL COVER SHEET 19-cv-2035

Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law.

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**

## Diamond Wilson

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

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

Gregg L. Zeff, 100 Century Parkway, Suite 305, Mount Laurel, NJ 08054

## DEFENDANTS

School District of Philadelphia, City of Philadelphia, Mary Hall, and  
Officer John Friend

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

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

Attorneys (If Known)

Sharon E. Ulak, Esquire, 440 N. Broad Street, Philadelphia, PA 19130

## II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

**U.S. Government  
Plaintiff**

☒ 3 Federal Question  
(U.S. Government Not a Party)

72 U S Government  
Defendant

**4 Diversity**

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff  
(For Diversity Cases Only) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place	<input type="checkbox"/> 4	<input type="checkbox"/> 4

of Business in This State

Citizen of Another State ☐ 2 ☐ 2 Incorporated *and* Principal Place of Business In Another State ☐ 5 ☐ 5

Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
---	----------------------------	----------------------------	----------------	----------------------------	----------------------------

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

[Click here for: Nature of Suit Code Descriptions.](#)

* CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
		<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**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, Due Process, State-Created Danger

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint

**JURY DEMAND:** / ☒ Yes ☐ No

**VIII. RELATED CASE(S)  
IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

MAY 10 2019

DATE  
05/10/2019

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

## APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

2035

CDJ

## DESIGNATION FORM

(to be filled out by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: c/o Gregg Zeff, Esquire 100 Century Pkwy, Suite 160 Mt. Laurel, NJ 08054

Address of Defendant: c/o Sharon Ulak, Esquire, 440 N. Broad Street, Suite 313, Philadelphia, PA 19130

Place of Accident, Incident or Transaction: Philadelphia, PA

## RELATED CASE, IF ANY:

Case Number \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions

- |   |   |                              |                             |
|---|---|------------------------------|-----------------------------|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE 5/10/2019 \_\_\_\_\_ x Sharon Ulak \_\_\_\_\_ 316198 \_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff Attorney ID # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | 1  | Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/>            | 2  | FELA   |
| <input type="checkbox"/>            | 3  | Jones Act-Personal Injury                                    |
| <input type="checkbox"/>            | 4  | Antitrust  |
| <input type="checkbox"/>            | 5  | Patent   |
| <input type="checkbox"/>            | 6  | Labor-Management Relations                                   |
| <input checked="" type="checkbox"/> | 7  | Civil Rights   |
| <input type="checkbox"/>            | 8  | Habeas Corpus  |
| <input type="checkbox"/>            | 9  | Securities Act(s) Cases                                      |
| <input type="checkbox"/>            | 10 | Social Security Review Cases                                 |
| <input type="checkbox"/>            | 11 | All other Federal Question Cases                             |

(Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- |                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> | 1 | Insurance Contract and Other Contracts       |
| <input type="checkbox"/> | 2 | Airplane Personal Injury                     |
| <input type="checkbox"/> | 3 | Assault, Defamation                          |
| <input type="checkbox"/> | 4 | Marine Personal Injury                       |
| <input type="checkbox"/> | 5 | Motor Vehicle Personal Injury                |
| <input type="checkbox"/> | 6 | Other Personal Injury (Please specify) _____ |
| <input type="checkbox"/> | 7 | Products Liability                           |
| <input type="checkbox"/> | 8 | Products Liability - Asbestos                |
| <input type="checkbox"/> | 9 | All other Diversity Cases                    |

(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Sharon E. Ulak, counsel of record or pro se plaintiff, do hereby certify

Arbitration Exempt

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs☐ Relief other than monetary damages is soughtDATE 5/10/2019 \_\_\_\_\_ x Sharon Ulak \_\_\_\_\_ 316198 \_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff Attorney ID # (if applicable)

MAY 10 2019

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

**CDJ** IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
**CASE MANAGEMENT TRACK DESIGNATION FORM**

v.

CIVIL ACTION

**19 2035**

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( )

5/10/2019

Date

Sharon E. Ulak

Attorney-at-law

The School District of Philadelphia

Attorney for

215-400-5234

Telephone

215-400-4121

FAX Number

sulak@ph.lascl.org

E-Mail Address

MAY 10 2019

1740

CDJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIAMOND WILSON  
5507 Wheeler Street  
Philadelphia, PA 19143  
Plaintiff

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
COMMONWEALTH OF ENNSYLVANIA

VS.

DECEMBER TERM, 2018  
NO. 2891

SCHOOL DISTRICT OF PHILADELPHIA :  
440 N. Broad Street :  
Philadelphia, PA 19130 :

19 2035

AND :

Formerly,  
Court of Common Pleas  
Philadelphia County

CITY OF PHILADELPHIA :  
One Parkway bldg., 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

AND :

MARY HALL :  
c/o SCHOOL DISTRICT OF :  
PHILADELPHIA :  
440 N. Broad Street :  
Philadelphia, PA 19130 :

AND :

OFFICER JOHN FRIEND :  
C/O CITY OF PHILADELPHIA, :  
One Parkway bldg., 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :  
Defendants :

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.



Pursuant to 28 U.S.C. § 1441, defendants, the School District of Philadelphia, (hereinafter “petitioner”) through its counsel, Sharon E. Ulak, Assistant General Counsel, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. On April 3, 2019, Plaintiff filed a Civil Action Complaint. ( Exhibit A: Complaint.)
2. On April 12, 2019, Plaintiff served the School District of Philadelphia with a copy of the Civil Action Complaint ( Exhibit B: Certificate of Service).
3. In Plaintiff’s Complaint, she presents a claim pursuant to 42 U.S.C. § 1983 for a violation of her civil rights. (*See* Ex. A at Counts I and II.)
4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 as Plaintiff’s Complaint contains allegations of violations of the plaintiff’s Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (*Id.*)
5. All served Defendants consent to this removal.

**Wherefore**, petitioner, the School District of Philadelphia, respectfully requests that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,



**Sharon E. Ulak**  
**Assistant General Counsel**  
Attorney I.D. No. 316198  
The School District of Philadelphia  
Office of General Counsel  
440 N. Broad St., Suite 313  
Philadelphia, PA 19102  
215-400-5234

**Date: May 10, 2019**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

DIAMOND WILSON	:	COURT OF COMMON PLEAS
5507 Wheeler Street	:	PHILADELPHIA COUNTY
Philadelphia, PA 19143	:	COMMONWEALTH OF ENNSYLVANIA
Plaintiff	:	
	:	
VS.	:	DECEMBER TERM, 2018
	:	NO. 2891
SCHOOL DISTRICT OF PHILADELPHIA	:	
440 N. Broad Street	:	
Philadelphia, PA 19130	:	
	:	
AND	:	Formerly,
	:	Court of Common Pleas
CITY OF PHILADELPHIA	:	Philadelphia County
One Parkway bldg., 14 <sup>th</sup> Floor	:	
Philadelphia, PA 19102	:	
	:	
AND	:	
	:	
MARY HALL	:	
c/o SCHOOL DISTRICT OF	:	
PHILADELPHIA	:	
440 N. Broad Street	:	
Philadelphia, PA 19130	:	
	:	
AND	:	
	:	
OFFICER JOHN FRIEND	:	
C/O CITY OF PHILADELPHIA,	:	
One Parkway bldg., 14 <sup>th</sup> Floor	:	
Philadelphia, PA 19102	:	
Defendants	:	

---

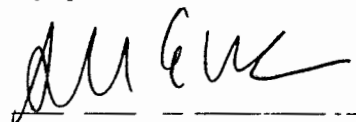
**NOTICE OF FILING OF REMOVAL**

TO:

Glenn A. Ellis, Esq.  
Friewald Law, P.C.  
1500 Walnut St. 18<sup>th</sup> Floor  
Philadelphia, PA 19102  
*Attorney for Plaintiff*

PLEASE TAKE NOTICE THAT on May 10, 2019, Defendant, the School District of Philadelphia filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

A handwritten signature in black ink, appearing to read 'Sharon E. Ulak', is written over a horizontal line.

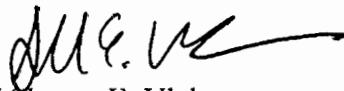
**Sharon E. Ulak, Esq.**  
Assistant General Counsel  
The School District of Philadelphia





Gregg L. Zeff, Esquire  
100 Century Parkway  
Suite 305  
Mt. Laurel, NJ 08028  
*Attorney for Plaintiff*

Date: May 10, 2019

  
/s/ Sharon E. Ulak  
**Sharon E. Ulak**  
**Assistant General Counsel**  
Attorney I.D. No. 316198  
The School District of Philadelphia  
Office of General Counsel  
440 N. Broad St., Suite 313  
Philadelphia, PA 19130

## **EXHIBIT A**

accepted by telephone 4/8/19 @ 3:40pm

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)									
PLAINTIFF'S NAME <b>DIAMOND WILSON</b>	DEFENDANT'S NAME <b>SCHOOL DISTRICT OF PHILADELPHIA</b>								
PLAINTIFF'S ADDRESS <b>5507 Wheeler Street Philadelphia, PA 19143</b>	DEFENDANT'S ADDRESS <b>440 N. Broad Street Philadelphia, PA 19130</b>								
PLAINTIFF'S NAME	DEFENDANT'S NAME <b>CITY OF PHILADELPHIA</b>								
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS <b>1515 Arch Street Philadelphia, PA 19102</b>								
PLAINTIFF'S NAME	DEFENDANT'S NAME <b>MARY HALL</b>								
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS <b>440 N. Broad Street Philadelphia, PA 19130</b>								
TOTAL NUMBER OF PLAINTIFFS <b>1</b>	TOTAL NO. OF DEFENDANTS <b>4</b>								
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions									
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Other								
CASE TYPE AND CODE (SEE INSTRUCTIONS) <b>20 Other Personal Injury</b>									
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)									
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	IS CASE SUBJECT TO COORDINATION ORDER? <table border="1"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								
<b>TO THE PROTHONOTARY:</b> Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.									
NAME OF PLAINTIFFS/PETITIONERS/APPELLANT'S ATTORNEY <b>Gregg L. Zeff</b>	ADDRESS (SEE INSTRUCTIONS) <b>100 Century Parkway, Suite 305 Mt. Laurel, NJ 08028</b>								
PHONE NUMBER <b>(856) 778-9700</b>	FAX NUMBER <b>(856) 702-6640</b>								
SUPREME COURT IDENTIFICATION NO. <b>52648</b>	E-MAIL ADDRESS <b>gzeff@glzefflaw.com</b>								
SIGNATURE <b>Gregg L. Zeff</b>	DATE <b>Thursday April 4, 2019</b>								

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA and Attested by the  
COURT OF COMMON PLEAS OF PHILADELPHIA**



Diamond Wilson

v.

School District of Philadelphia;  
AND  
City of Philadelphia;  
AND  
Mary Hall,  
AND  
Officer Friend

**NOTICE TO DEFEND**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados  
De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

ZEFF LAW FIRM LLC  
Gregg L. Zeff, Esquire, #042531988  
Eva C. Zelson, Esquire, #153832015  
100 Century Parkway, Suite 305  
Mount Laurel, New Jersey 08054  
(856) 778-9700 (t)  
(856) 702-6640 (f)

*Attorneys for Plaintiffs*

**PHILADELPHIA COURT OF COMMON PLEAS**

DIAMOND WILSON  
5507 Wheeler Street  
Philadelphia, PA 19143

Plaintiff

:

CIVIL ACTION

:

v.

:

:

SCHOOL DISTRICT OF  
PHILADELPHIA  
440 N. Broad Street  
Philadelphia, PA 19130

:

No. 2891

DECEMBER TERM 2018

AND

CITY OF PHILADELPHIA  
One Parkway bldg., 14th Floor  
1515 Arch Street  
Philadelphia, PA 19102

AND

MARY HALL  
C/O SCHOOL DISTRICT OF  
PHILADELPHIA  
440 N. Broad Street  
Philadelphia, PA 19130

AND

OFFICER JOHN FRIEND  
C/O CITY OF PHILADELPHIA  
One Parkway Bldg., 14th Floor  
1515 Arch Street  
Philadelphia, PA 19102

Defendants

:



**CIVIL COMPLAINT**

1. Plaintiff Diamond Wilson, by and through her attorneys Zeff Law Firm, LLC, hereby brings this Complaint against the above-captioned parties.

**PARTIES**

2. Plaintiff Diamond Wilson ("Plaintiff") is an adult individual residing at the above address. At all times relevant Plaintiff was a minor.

**JURISDICTION AND VENUE**

3. This action is brought pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1343(3) and the aforementioned statutory and constitution provision.
4. Jurisdiction lies over state and law claims based on the principals of supplemental jurisdiction, as codified at 28 U.S.C. § 1367.
5. The amount of controversy exclusive of interest and costs exceeds the sum of One Hundred Thousand Dollars (\$100,000.00).
6. All the claims herein arose within the jurisdiction of the United States District Court of the Eastern District of Pennsylvania and involve Defendants who reside within the jurisdictional limits. Venue is accordingly invoked pursuant to the dictates of 28 U.S.C. § 1391(b) and (c).

**STATEMENT OF FACTS**

7. Plaintiff was in fourth grade (age 10) at Barry Elementary school when the incident occurred.
8. Plaintiff was involved in an altercation with twin girls at the beginning of the 2010 school year.
9. Security guard Friend broke up the altercation and took the plaintiff to Principle Hall's office where the decision to keep her detained was made.
10. Defendants then escorted the plaintiff to a small conference room where she was then handcuffed from noon to 5:30/6:00 P.M.
11. The conference room was 90 degrees at the time with no air ventilation.
12. When Plaintiff's legal guardian arrived, she had passed out from an asthma attack and was taken straight to Children's Hospital of Philadelphia (CHOP).
13. Plaintiff was hospitalized for three days and diagnosed with Post Traumatic Stress Disorder (PTSD) from the incident.
14. Plaintiff was then placed on a medication called Trazadone.

15. Plaintiff began attending counseling at Shalom, Inc in October 26, 2010 due to difficulty sleeping and feelings of intense anxiety.

**COUNT I**

**Plaintiff v. All Defendants  
Violation of 42 U.S.C. § 1983 (Monell)  
Procedural Due Process Claim**

16. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein. Each of the foregoing paragraphs is incorporated, as if fully set forth herein.
17. The foregoing actions and inactions of Defendants resulted in Plaintiff being deprived of constitutionally protected interests without due process of law, which was a substantial factor leading to, and proximate cause of, the physical, emotional, developmental, financial, psychological, and/or psychiatric harm Plaintiff has suffered.
18. Plaintiff was vested with certain interests protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, including the right to be free from physical, legal or psychological abuse.

WHEREFORE, Plaintiffs demand judgment against Defendants as aforesaid, jointly and severally, in their personal and/or official capacity, plus interest, costs, attorney's fees and punitive damages.

**COUNT II**

**Plaintiff v. All Defendants  
Violation of 42 U.S.C. § 1983  
State Created Danger**

19. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.
20. Defendant Officer acted under the color of law to create a danger that would not have been present absent such conduct.
21. The U.S. Constitution guarantees Plaintiff the substantive due process right to be free from state-created dangers.
22. Defendants violated this right by taking affirmative steps which placed Plaintiff at imminent and foreseeable risk of legal danger and harm.

23. The physical, emotional, developmental, financial, psychological, and/or psychiatric harm that Plaintiff suffered after being so placed was foreseeable, and directly, and proximately caused by Defendants' unconstitutional acts and omissions.
24. Defendants arbitrarily and capriciously deprived Plaintiff of her due process rights in the absence of any countervailing state interest.
25. Plaintiff's substantive due process rights to be free of state-created dangers were clearly established constitutional rights at the time of Defendants' acts and omissions, and a reasonable individual would have known that their acts and omissions would violate these clearly established constitutional rights.

WHEREFORE, Plaintiffs demand judgment against Defendants as aforesaid, jointly and severally, in their personal and/or official capacity, plus interest, costs, attorney's fees and punitive damages.

**COUNT III**  
**Plaintiff v. Defendant City**  
**Violation of 42 U.S.C. § 1983 (City of Canton)**  
**Failure to Train**

26. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.
27. Defendant City failed to properly train and supervise Defendant Officer herein.
28. As such, Defendant City was deliberately indifferent, grossly negligent, wanton and reckless with respect to the potential violations of the constitutional rights.

WHEREFORE, Plaintiffs demand judgment against Defendant as aforesaid, jointly and severally, in their personal and/or official capacity, plus interest, costs, attorney's fees and punitive damages.

**COUNT IV**  
**Plaintiff v. Defendant City**  
**Violation of 42 U.S.C. § 1983 (Monell)**  
**Unconstitutional Policy, Practice or Custom**

29. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

30. As a result of Defendant City's Constitutionally infirm policies, customs and practices described above, Plaintiff has been deprived of her pursuit of Life, Liberty and Happiness, Due Process and other Constitutional Rights in violation of the Fourth and Fourteenth Amendments.

WHEREFORE, Plaintiff demands judgment against Defendant Officers in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees.

**COUNT IV**  
**Plaintiff v. Defendant Officer**  
**False Imprisonment**

31. Plaintiff incorporates the preceding paragraphs of this Complaint as if the same were set forth herein at length

32. Plaintiff was falsely imprisoned as a result of the intentional acts of the Defendant Officer.

33. As a result, Plaintiff has suffered the aforesaid injuries.

WHEREFORE, Plaintiff demands judgment against Defendant Officers in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees and punitive damages.

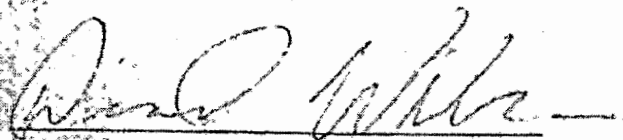
Dated: April 3, 2019

/s/ Gregg L. Zeff, Esq.  
Gregg L. Zeff, Esquire  
Attorney for Plaintiff



VERIFICATON

I, Diamond Wilson, verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

  
Diamond Wilson

Dated:

04/09/19



## **EXHIBIT B**



235 SOUTH 13TH STREET  
PHILADELPHIA, PA 19107  
PHONE. (215) 546-7400  
FAX. (215) 985-0169

Diamond Wilson

-VS-

School District of Philadelphia, et al

COURT Court of Common Pleas of Pennsylvania  
Philadelphia County Civil  
Office of Judicial Records  
17 APR 2019 01:53 pm  
CASE NUMBER 1812-2891 G. IMPERATO

## AFFIDAVIT

State of Pennsylvania  
County of Philadelphia

B&R Control # CS161339.01  
Reference Number

James Davis, being duly sworn according to law, deposes and says that he/she is the process server/sheriff herein named, and that the facts set forth below are true and correct to the best of their knowledge, information and belief.

On 4/10/2019 we received the **Civil Action Complaint** and that service was effected upon **School District of Philadelphia at 440 N. Broad Street, Philadelphia, PA 19130** on **4/12/2019 at 3:19 PM**, in the manner described below.

**By service upon:** Tracey Dopson, Paralegal as an agent or person authorized to accept service at usual place of business

### Description:

Gender: **Female**  
Yes Other

Race/Skin. **Brown**

Age.

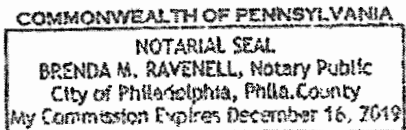
Weight

Height. **5ft0in - 5ft3in**

Hair. **Black**

Glasses:

Service Notes



Sworn to and subscribed before me this

16th day of April, 2019

Process Server/Sheriff

Notary Public

ATTEMPTS

Client Phone (856) 778-9700

Filed Date: 04/03/2019 BR Serve By: 04/30/2019

LaTisha Douglas  
Zeff Law Firm, LLC  
100 Century Parkway #305  
Mount Laurel, NJ 08054



ORIGINAL

Case ID: 18120289