



Belohoubek located at 3411 Silverside Road, Tatnall Building, Suite 201, Wilmington, DE 19810.

3. Defendant, Harry Jones, (hereinafter “HJ”) was an agent of Defendant Dover Downs as a member of its security division at 1131 N. DuPont Highway, Dover, Delaware 19901 at all times relevant to this Amended Complaint.

4. Defendant, Marie Jerdan, (hereinafter “Defendant Jerdan”) was an agent of Defendant Dover Downs as director of security at 1131 N. DuPont Highway, Dover, Delaware 19901 at all times relevant to this Amended Complaint.

5. Defendant, Trooper Jeremy Jones, (“Defendant Trooper Jones”) at all times relevant hereto, was both an officer of the State of Delaware, and employee and agent of Defendants Department of Safety and Homeland Security and The Division of the State Police. As such, Defendant Jones was a state actor acting under the color of law for and within the scope of his agency relationship with Defendants State of Delaware, Department of Safety and Homeland Security, and The Division of the Delaware State police at all times relevant to this Amended Complaint. Defendant Trooper Jones can be served by serving the Attorney General for the State of Delaware at Carvel State Office Building, 820 North French Street, Wilmington, Delaware 19801 and State Police Headquarters, 1141 North DuPont Highway, Dover, Delaware 19901.

6. Defendant, The Division of the Delaware State Police, (“the Division”) is a governmental division of the Department of Safety and Homeland Security, with offices for purposes of service of process at Delaware State Police Headquarters, 1141 North DuPont Highway, Dover, Delaware 19901, and at the Attorney General for the State of Delaware at Carvel State Office Building, 820 North French Street, Wilmington, Delaware 19801.

7. Defendant, The Department of Safety and Homeland Security, (hereinafter “Homeland”) is an agency of Defendant State, which can be served process by serving its Secretary, David B. Mitchell, 655 S. Bay Road, Suite 5N, Dover, Delaware 19901 and the Attorney General for the State of Delaware at Carvel State Office Building, 820 North French Street, Wilmington, Delaware 19801

8. Defendant, The State of Delaware, (hereinafter “State”) is an entity with offices for purpose of service of process at the Attorney General for the State of Delaware at Carvel State Office Building, 820 North French Street, Wilmington, Delaware 19801 and by serving Governor John Carney at 150 Martin Luther King Jr. Blvd., Dover, Delaware 19901.

9. In July 2018, Mr. Golding was employed with Capital School District as a school bus driver. He had maintained this position for four years.

10. Prior to July 2018, Mr. Golding had no criminal convictions or criminal arrests.

11. Prior to July 2018, Mr. Golding was a frequent patron of Defendant Dover Downs. He participated in games of chance including slot machines, table games including roulette and dice, and competitive poker card games.

12. On July 6, 2018, Mr. Golding placed a sports bet on six Major League Baseball games, the wager was \$20.00. This was the first bet Mr. Golding ever placed on any MLB baseball games. To place the bet, Mr. Golding had his friend, Louis Dosal, actually make the bet with Mr. Golding's money and picks.

13. On July 7, learning he had a winning ticket, Mr. Golding went to Defendant Dover Downs at approximately 11:00 a.m. to claim his winnings. Mr. Golding waited in line behind other customers to present his winning ticket. When it was his turn, Mr. Golding presented his ticket and the cashier scanned his ticket into the electronic machine and handed Mr. Golding \$2,164.65.

14. Thereafter, Mr. Golding left the casino and deposited approximately \$1,600.00 of his winnings in the ATM at TD Bank. Mr. Golding then went to Philadelphia, Pennsylvania to work a catered event.

15. At approximately 8:30 p.m., Mr. Golding received a call on his cell phone from Defendant Trooper Jones. Trooper Jones stated he was a State Trooper assigned to the Gaming Division of the Delaware State Police and that he

was calling on behalf of Dover Downs. The call came from a Dover Downs phone number. Trooper Jones informed Mr. Golding that Defendant Dover Downs contacted him to assist Defendant Dover Downs in identifying Mr. Golding.

16. Trooper Jones informed Mr. Golding he was overpaid by a cashier at Dover Downs who had only worked there for one week. Trooper Jones told Mr. Golding he tracked his movements through the casino, and ultimately identified him by his license plate on his vehicle by viewing Defendant Dover Downs' surveillance recordings. Trooper Jones stated he usually does not get involved in these types of matters. Typically, Dover Downs' security personnel handles them, but he was just helping Dover Downs.

17. Trooper Jones stated Mr. Golding needed to return the money he was overpaid, and if he did not, he would be charged with theft. Trooper Jones asserted Mr. Golding should have known he was overpaid. However, Mr. Golding explained that this was his first time placing a baseball bet. Mr. Golding told Trooper Jones that he would return to the casino that Friday. Trooper Jones instructed Mr. Golding to go to the security desk, ask for the head of security, and tell them why he was there when he arrived on Friday.

18. On July 8, 2018, at approximately 12:00-1:00 p.m., Mr. Golding called the Delaware State Police Troop 3 telephone number and asked for the gaming division to speak to Trooper Jones. The desk sergeant, a woman who

identified herself as an officer of the Delaware State Police, stated, "There is no gaming division and I've never heard of a Trooper Jones."

19. Mr. Golding was attempting to contact Trooper Jones to inform him that Golding could not travel to Dover Downs on Friday, as he originally had planned. After speaking with the State Police, Troop 3, female desk sergeant, Mr. Golding believed he was being deceived by Defendant Dover Downs into returning his winnings. Because the Trooper at Troop 3 stated, "she had never heard of Trooper Jones, and we do not have a gaming division," Mr. Golding believed the first contact from 'Trooper Jones' was really security at Dover Downs impersonating a police officer in order to get Mr. Golding to give up his winnings.

20. On July 17, 2018, Defendant Trooper Jones called Mr. Golding and left a voicemail noting that Golding did not go to Defendant Dover Downs, and threatening to issue a warrant for Golding's arrest. Mr. Golding called the cell phone number that Trooper Jones used. (See Ex. A, Plaintiff's Cell Phone Log). Trooper Jones did not answer the call and Mr. Golding left a voicemail for Trooper Jones. Trooper Jones did not return Mr. Golding's call. Instead, Trooper Jones, without legal basis, authority, or probable cause, issued a warrant for Plaintiff's arrest for felony theft.

21. On July 19, Mr. Golding asked a friend, Daniel Powell, to meet him at Dover Downs. Mr. Golding wanted to have a witness present while talking to

Dover Downs' security about his winnings payment and to discuss what was being asked of Mr. Golding. While waiting on Mr. Powell to arrive, Mr. Golding briefly sat down and played a slot machine near the front entrance of the casino. Suddenly, Mr. Golding was approached by a Dover Downs' security guard and a man dressed in all black clothing. Mr. Golding was told to stand up and follow the two men. Mr. Golding was advised a warrant was issued for his arrest for felony theft. This was the first notice Mr. Golding had that a warrant was out for his arrest.

22. Mr. Powell arrived while Mr. Golding was being detained. Mr. Golding was forced by the two men to go to a back room of Dover Downs' Casino. Mr. Powell was told he could not accompany Mr. Golding, so he followed the three men from behind.

23. While in the back room, Mr. Golding was told to put down his bag and motorcycle helmet. He was then searched by the man in black clothing. The search did not yield any items which would warrant seizure by the officer. Defendant HJ, a Dover Downs managerial security officer told Mr. Golding that he had 30 days to pay the money back. Defendant HJ also informed Mr. Golding he could not enter Dover Downs' premises until the money was repaid. Mr. Golding asked if he would be allowed to return to Dover Downs as a customer if and after the money was paid back. At that point, Defendant HJ called his boss, Defendant

Jerdan, director of security at Dover Downs. After a brief telephone conversation, Defendant HJ hung up and told Mr. Golding if he paid the money back, there would be no repercussions and he, as a customer, would be permitted to enter to Dover Downs' premises.

24. At that point, the man in black clothing placed Mr. Golding under arrest for felony theft. Mr. Golding was removed from Dover Downs by a side door bus entrance. Mr. Golding was placed in handcuffs and then placed in a law enforcement vehicle. After his arrival at Delaware State Police Troop 3, Mr. Golding was placed in a holding cell and was handcuffed to a metal pipe on the wall of the holding cell. Mr. Golding was fingerprinted and photographed, a new unpleasant and humiliating experience for him.

25. Mr. Golding sought an explanation from the arresting officer about why there was a warrant for his arrest. The officer responded, "he was just doing his job, and that was between Mr. Golding and Trooper Jones."

26. Thereafter, Mr. Golding was brought before a Magistrate with the Justice of the Peace Court who again advised Mr. Golding that he was charged with felony theft, and he was not allowed in any casino in Delaware until the case was resolved.



27. On August 16, 2018, Mr. Golding returned to Dover Downs, contacted security officer Defendant HJ, and paid Defendant HJ \$1,831. (See Ex. B, Receipt for payment).

28. On the same day, Defendant Jerdan informed Mr. Golding that Defendant Trooper Jones told her he had numerous conversations with Mr. Golding, and Mr. Golding gave him the run around, and as a result he was banned from Dover Downs' establishment for life.

29. Mr. Golding's pending criminal case brought by the Defendants was dismissed during the initial preliminary hearing stage. (See Ex. C).

30. As a direct and proximate result of Defendants having false criminal charges placed against Mr. Golding, and having him falsely arrested upon the same, Mr. Golding was fired from his employment as a school bus driver with the Capital School District.

31. At all times pertinent to this matter, Defendant Jones and Defendant Jerdan were acting as agents of Defendants State, Department, Division, and Defendant Dover Downs. Furthermore, Defendants Jones' and Jerdan's wrongful actions were committed within the course and scope of their agency relationship with said Defendants and under the color of state law.

32. At all times pertinent to this matter, the actions of Defendant Trooper Jones and Defendant Dover Downs, Defendant HJ, and Defendant Jerdan, as

described herein were committed intentionally, in bad faith, and based upon falsehoods.

33. At all times pertinent to this matter, the actions of Defendant Trooper Jones and Defendant Dover Downs, Defendant HJ, and Defendant Jerdan, as described herein were willful, wanton, and/or grossly negligent.

34. Mr. Golding was initially informed he was welcome to return to Dover Downs after he repaid the money the Defendants requested. However, this proved to be untrue. Mr. Golding is African American. Defendant Jerdan is Caucasian, and Defendant Trooper Jones is Caucasian. Numerous incidences have occurred at Defendant Dover Downs' business premises wherein the business invitee was not banned for life. On more than one occasion, Defendant Dover Downs' slot machines have been struck and damaged by Caucasian patrons. The only limitation placed upon the Caucasian customers continuing their business relationships with Defendant Dover Downs was the requirement to pay for the damage they caused. These Caucasians were not banned for life from their business relationship with this Defendant. Furthermore, there have been numerous outbursts at the table games involving unruly patrons cursing at and being disorderly to other patrons, dealers, and security guards with no punishment other than a warning or being asked to leave for that particular day. Mr. Golding was

banned for life from continuing a business relationship because he is African American.

35. As a direct result of the actions of Defendants as described herein, Plaintiff has sustained damages, including, but not limited to, physical pain and suffering, severe emotional distress, mental anguish, embarrassment, humiliation, and loss of the right to enter into contractual business relationships with Defendant Dover Downs.

36. At all times pertinent to this matter, Defendants State, Department, and Division, through their authorized agents, acquiesced and ratified the unlawful behavior of Defendant Trooper Jones and their other agents in violating Mr. Golding's civil rights and common law rights.

37. At all times pertinent to this matter, Defendants HJ and Jerdan were acting in the course and scope of their employment with Defendant Dover Downs. At all times pertinent to this matter, Defendant Dover Downs and its agents acted in concert with and as an agent of the State actors and other Defendants in violating Mr. Golding's civil rights and common law rights.

38. As a further direct and proximate result of the wrongful actions of Defendants as described herein, Plaintiff Davell A. Golding was terminated from his position as a bus driver, resulting in significant loss of income of approximately \$800.00 every bi-weekly pay period.

**COUNT I - 42 U.S.C. §1983**

39. Plaintiff restates and hereby incorporates by reference paragraphs 1 through 39 of this Amended Complaint.

40. In committing the acts alleged hereinabove, Defendant Dover Downs, Defendant HJ, and Defendant Jerdan, acting in concert with Defendant Trooper Jones, acted under color of State law in violation of 42 U.S.C. §1983 to deprive Plaintiff Davell A. Golding of rights, privileges, and immunity secured by the Constitution and laws of the United States, including but not limited to, the following:

(a) The right of Plaintiff Davell A. Golding not to be deprived of his liberty without due process of law, as secured by the Fifth and Fourteenth Amendments to the Constitution of the United States;

(b) The right of Plaintiff Davell A. Golding to be free of government-occasioned violence and injury to his bodily integrity, as provided by the substantive “liberty” guarantees of due process as secured by the Fifth and Fourteenth Amendments to the Constitution of the United States;

(c) The right of Plaintiff Davell A. Golding to be free from unreasonable search and seizure, as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States.

41. Defendant Dover Downs, by and through its Defendant agents and other agents, together with Defendant Trooper Jones, violated Plaintiff Davell A. Golding's constitutional and statutory rights, as set forth hereinabove, by acting to wrongfully detain Plaintiff Davell A. Golding against his will; falsely seize and/or arrest Plaintiff Davell A. Golding without probable cause and without lawful warrant; falsely charged Plaintiff Golding with felony theft without probable cause and create a false criminal background record without any basis in fact, intentionally make harmful and offensive contact with Plaintiff Davell A. Golding; and intentionally cause Plaintiff Davell A. Golding to suffer severe emotional distress and injury and harm to his good name and reputation. The above described wrongful actions of Defendant Trooper Jones, Defendant HJ, Defendant Jerdan, and other agents of the Defendant Entities were ratified and acquiesced to by the supervisory and policy-making bodies of the Defendant Entities.

42. As a direct and proximate result of said actions of Defendant Trooper Jones, Defendant Dover Downs, Defendant HJ and Defendant Jerdan, Plaintiff Davell A. Golding has suffered damages, including but not limited to, severe emotional distress, physical and mental pain and suffering, mental anguish, embarrassment, humiliation, loss of the right to enter into contractual business relationships with Defendant Dover Downs, injury and harm to his good name and reputation, and loss of income.

WHEREFORE, Plaintiff demands judgment against each named Defendant for:

- (a) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, good name and reputation, and all other non-pecuniary losses;
- (b) Loss of income;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Expungement of Plaintiff's criminal background record;
- (f) Attorney's fees; and
- (g) Any other relief that this Court deems just.

**COUNT II -- 42 U.S.C. §1981**

43. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 43 hereinabove.

44. By permanently prohibiting Plaintiff from engaging in contractual business relationships that are open to the public, and discriminating against Plaintiff on the basis of his race, Defendant Dover Downs has violated Plaintiff's civil rights protected by 42 U.S.C. §1981.

WHEREFORE, Plaintiff demands judgment against Defendant Dover Downs for:

- (a) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, good name and reputation, and all other non-pecuniary damages;
- (b) Punitive damages;
- (c) Pre-judgment and post-judgment interest;
- (d) Attorney's fees;
- (e) Expungement of Plaintiff's criminal background record;
- (f) Removal of unlawfully imposed lifetime ban on conducting contractual business relationships with Defendant Dover Downs; and
- (g) Any other relief that this Court deems just.

### **COUNT III - FALSE ARREST**

45. Plaintiff restates and hereby incorporates by reference paragraphs 1 through 45 of this Amended Complaint.

46. Defendant State, Defendant Department, Defendant Division, and Defendant Dover Downs, acting by and through their agents, including Defendant Trooper Jones, Defendant HJ and Defendant Jerdan, subjected Plaintiff Davell A. Golding to false arrest in that said Defendants arrested Plaintiff Davell A. Golding without any legal justification for doing so.

47. As a direct and proximate result of the aforementioned wrongful and intentional actions of Defendants, Plaintiff has suffered damages, including but not limited to, severe emotional distress, physical pain and suffering, mental anguish, humiliation, embarrassment, loss of good name and reputation, and loss of income.

WHEREFORE, Plaintiff demands judgment against Defendants State, Department, Division, Jones, Dover Downs, HJ, and Jerdan, jointly and severally, for:

- (a) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, good name and reputation, and all other non-pecuniary losses;
- (b) Loss of income;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Expungement of Plaintiff's criminal background record; and
- (f) Any other relief that this Court deems just.

#### **COUNT IV - FALSE IMPRISONMENT**

48. Plaintiff restates and hereby incorporates by reference paragraphs 1 through 48 of this Amended Complaint.



49. Defendants, acting by and through their agents, including Defendant Trooper Jones and Defendant HJ, falsely imprisoned Plaintiff Davell A. Golding in that said Defendants wrongfully seized and detained Plaintiff Davell A. Golding against his will without a lawful basis and justification.

50. As a direct result of the aforementioned actions of Defendants, Plaintiff has suffered damages, including but not limited to, severe emotional distress, physical and mental pain and suffering, mental anguish, humiliation, embarrassment, loss of good name, reputation and enjoyment of life, and loss of income.

WHEREFORE, Plaintiff demands judgment against Defendant Jones, Defendant State, Department, Division, Jones, Defendant Dover Downs and Defendant HJ, jointly and severally, for:

- (a) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, good name and reputation, and all other non-pecuniary losses;
- (b) Loss of income;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Expungement of Plaintiff's criminal background record; and
- (f) Any other relief that this Court deems just.

**COUNT V - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

51. Plaintiff restates and hereby incorporates by reference paragraphs 1 through 51 of this Amended Complaint.

52. Defendants, acting by and through their agents, including Defendant Trooper Jones, Defendant HJ, and Defendant Jerdan, intentionally caused severe emotional distress to Plaintiff Davell A. Golding by their intentional and/or reckless extreme discriminatory and outrageous conduct toward Plaintiff Davell A. Golding as set forth in this Amended Complaint.

53. As a direct and proximate result of the aforementioned actions of Defendants, Plaintiff Davell A. Golding has suffered damages, including but not limited to, severe emotional distress, physical pain and suffering, mental anguish, humiliation, and embarrassment.

WHEREFORE, Plaintiff demands judgment against Defendants, State, Department, Division, Troop Jones, Dover Downs, HJ, and Jerdan, jointly and severally, for:

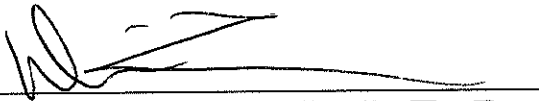
(a) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, good name and reputation, and all other non-pecuniary losses;

(b) Loss of income;

- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Expungement of Plaintiff's criminal background record; and
- (f) Any other relief that this Court deems just.

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