

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KIM MERRELL

PLAINTIFF

VS.

NO:

**OFFICERS B. MCRAE and
JONATHAN OVERLY and
CITY OF MEMPHIS AND WILLIE HERENTON MAYOR**

DEFENDANTS'

COMPLAINT FOR DAMAGES

Comes now your Plaintiff and would show she is a resident of Memphis, Tennessee that Officers B. McRae and Jonathan Overly are residents of Memphis, Tennessee and employees/agents of the City of Memphis, that the City of Memphis is a municipal corporation and that Willie Herenton is the duly elected mayor.

FACTS

On December 19th, 2005 your Plaintiff was called by her mother Myrtle Lloyd and was told that Officers B. McRae and Jonathan Overly were arresting her brother Kirby Lloyd, on her mother's property. After arriving the Officers objected to where she had parked her vehicle and Plaintiff moved her vehicle at the Officers request. Afterwards, Officer's stated an unjustified verbal assault upon her and arrested her for no reason. The Officer's also placed handcuffs on her wrist while her arms were behind her back causing injuries herein below alleged.

Plaintiff would show that the Defendant Officer B. McRae and Jonathan Overly unlawfully arrested her and charged her on fictitious offenses which they knew or should

have known were false. Plaintiff would show that her rights under 11 U.S.C. 1983 were violated along with her constitutional rights by the Defendants'. The officer's used excessive force and fictitious charges.

Plaintiff alleges that while these officers were acting in their scope of employment and as agents of the City of Memphis they committed the above alleged acts and that the City of Memphis knew or should have known that these officers had the ability to use excessive force in performance of their duties as Memphis Police Officers.

Plaintiff alleges that because of the concurrent acts of the Defendant's she sustained abrasions and contusions on her body including her back, neck, arms and legs, that she was unlawfully detained in the Shelby County Jail that she has suffered mental pain and anguish, incurred medical expenses and lost earnings from her employment.

Wherefore, Plaintiff sues the Defendants for \$300,000.00 and demands a jury to try the cause.

/s/Edwin C. Lenow
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