



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: February 5, 2007
SUBJECT: Molnar v. Janice Pokley, City of Troy, et al.

Enclosed please find a copy of a complaint that was recently filed by Gerald Molnar against Troy Police Detective Janice Pokley, the City of Troy, Renee Molnar, Care House, and Amy Allen. Portions of the complaint have been redacted to protect the privacy of those persons. In this lawsuit, filed under 42 U.S.C. Section 1983, Plaintiff alleges that the Defendants conspired to violate his constitutionally protected parenting rights, right against unlawful seizure, due process rights, and right to equal protection under the law. Plaintiff has also alleged the state law claim of intentional infliction of emotional distress.

According to the allegations in the complaint, in October 2003, Plaintiff's ex- wife Renee Molnar came to the Troy Police Department and claimed that Plaintiff was sexually abusing one of the minor children at his home in the City of Troy. Detective Pokley investigated Ms. Molnar's complaint, and presented the results of her investigation to the Oakland County Prosecutor's office for review. The Oakland County Prosecutor's Office believed that the requisite probable cause was established, and issued a warrant, alleging that the Plaintiff committed criminal sexual conduct ("CSC"). The Oakland County Prosecutor then presented the case to District Court Judge Dennis Drury, who found that there was probable cause to believe that the Plaintiff committed the crime. The case was then submitted to an Oakland County Circuit Court jury, who acquitted the Plaintiff after trial, (ie. the prosecution did not meet the beyond a reasonable doubt standard required in criminal prosecution). This acquittal occurred in October 2005.

Plaintiff now alleges that Detective Pokley lacked probable cause to seek a warrant for Plaintiff's arrest on the charge of CSC. Plaintiff also alleges that Detective Pokley, Renee Molnar, Care House, (which conducts interviews in connection with CSC investigations), and Care House employee Amy Allen also conspired to violate Plaintiff's constitutional rights. Finally, Plaintiff alleges that the City of Troy is liable because it failed to properly train its officers in investigating claims of child sexual abuse.

Absent objections, the City Attorney's Office will assume representation of the City in this case. If you have any questions concerning the above, please let us know.

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

GERALD MOLNAR,

Plaintiff,

v.

CASE NO: 06-15202

HON: JUDGE GERALD E. ROSEN
HON: MAG. JUDGE R.S. WHALEN

CARE HOUSE (Child Abuse and Neglect Council of Oakland County), a private non-profit
entity;

AMY ALLEN, in her individual capacity;

JANICE POKELY, in her individual capacity;

CITY OF TROY, OAKLAND COUNTY a municipal entity;

RENEE MOLNAR, in her individual capacity;
jointly and severally,

Defendants.

DEMAND FOR JURY TRIAL

LORANDOS & ASSOCIATES
Demosthenes Lorandos (P 45005)
Ashish S. Joshi (P 66222)
Attorneys for Plaintiff
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734-327-5030

AMENDED COMPLAINT

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Sections 1983, 1988, the Fourth Amendment and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is based on 28 USC §§ 1331 and 1343(1), (3), (4) and the aforementioned statutory and constitutional provisions.

2. Suit is also brought against some of the Defendants pursuant to 28 USC Section 1367 *et seq.* as supplemental claims are part of the same case and controversy.

PARTIES

3. Plaintiff Gerald Molnar is a resident of Oakland County, Michigan.
4. Defendant Child Abuse and Neglect Council of Oakland County [Care House] is a non profit organization, has a business address with/and does business in the Oakland County. Plaintiff asserts that for its actions in this case, Defendant Care House acted under the color of state law and Care House is being sued as a state actor. In the alternative, Care House is being sued as a private actor in conspiracy with state actors.
5. Defendant Amy Allen has a business address with/and is employed by Care House. She is being sued in her individual capacity.
6. Defendant Janice Pokely has a business address with / and is employed by Troy Police Department, City of Troy. She is being sued in her individual capacity.
7. Defendant City of Troy is a municipal entity of the State of Michigan, organized under the laws of the state of Michigan. It is being sued in its official capacity.
8. Defendant Renee Molnar is an individual, is a resident of Oakland County. She is being sued in her individual capacity.

VENUE

9. Pursuant to 28 USC § 1391 *et. seq.* venue is proper in the Eastern District of Michigan as all of the Defendants reside herein and the transactions and occurrences complained of herein occurred in the Eastern District of Michigan.

GENERAL ALLEGATIONS

BACKGROUND: A DOCUMENTED HISTORY OF FALSE ALLEGATIONS OF ABUSE

10. Plaintiff Gerald Molnar and Renee Molnar were married.
11. In January, 1991 Plaintiff Gerald Molnar left his position of ten years as a stock broker, to take up duties at home as a "Mr. Mom" stay-at-home parent.
12. Plaintiff Gerald Molnar and Renee Molnar had two additional children during Plaintiff's work as a stay-at-home parent.
13. Four children were born to the Molnar marriage: [REDACTED]; [REDACTED]; [REDACTED] and [REDACTED].
14. On or around February 18th, 1998, Plaintiff Gerald Molnar filed for divorce.
15. Immediately after Plaintiff Gerald Molnar filed for divorce, Defendant Renee Molnar began a tirade of unfounded and ridiculous allegations: Plaintiff Gerald Molnar was abusing (sometimes physically, sometimes sexually) his children. Interestingly, *no* allegation of any kind of abuse was *ever* made by Defendant Renee Molnar during the marriage.
16. Immediately after Plaintiff Gerald Molnar filed for divorce, Defendant Renee Molnar began indoctrinating and alienating the children, especially the minor children [REDACTED] and [REDACTED], against Plaintiff.
17. Defendant Renee Molnar, while slandering the Plaintiff to whosoever cared to listen to her ridiculous stories, made sure that she made her false allegations in front of either a mandated reporter or a case worker of the Michigan Department of Human Services or Family Independence Agency.

18. Every time one of the Molnar children went for counseling or a therapeutic session, Defendant Renee Molnar made sure that she not only accompanied the child into the session but made false allegations against the Plaintiff to the therapist or the counselor – who, Defendant Renee Molnar *knew* was mandated by law to report any allegation of child sexual abuse.

And thus began Defendant Renee Molnar's litany of false accusations:

19. On or around February 9th, 1998, Defendant Renee Molnar took Elizabeth to see Wayne Miller, M.D. In front of Dr. Miller, whom Defendant Renee Molnar knew to be a mandated reporter, she accused her [REDACTED] then aged 15 years, of sexually abusing [REDACTED]. Dr. Miller performed a vaginal examination of [REDACTED] to investigate this allegation of sexual abuse but made a finding of "normal pelvic exam." However, a referral was made to the Family Independence Agency – FIA referral [REDACTED]. Contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the first report of a false allegation of child abuse made by Defendant Renee Molnar.
20. A day later, on February 10th, 1998, Defendant Renee Molnar made another false report of child abuse (again, that her [REDACTED] or was sexually abusing [REDACTED]) to David Wartel, Ph.D. – a psychologist and a state mandated reporter. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. Contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the second report of a false allegation of child abuse made by Defendant Renee Molnar.

21. On March 18th, 1998, Defendant Renee Molnar made another false allegation to David Wartel, Ph.D. This time, she accused Plaintiff Gerald Molnar of physically abusing [REDACTED] and [REDACTED]. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. Again, contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the third report of a false allegation of child abuse made by Defendant Renee Molnar.
22. On April 11th, 1998, Defendant Renee Molnar made another false report of child abuse to Richard Atkins, M.D. - a psychiatrist and a state mandated reporter. Again, she accused Plaintiff Gerald Molnar of physically abusing [REDACTED] Molnar. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. Once again, contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the fourth report of a false allegation of child abuse made by Defendant Renee Molnar.
23. On May 5th, 1998, Defendant Renee Molnar made another false report of child abuse to Richard Atkins, M.D. This time, she accused Plaintiff Gerald Molnar of physically and verbally abusing [REDACTED] and [REDACTED]. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. *This time*, the assigned case worker James O'Brien talked to Plaintiff Gerald Molnar. The allegation after being investigated was closed as unsubstantiated. This was the fifth report of a false allegation of child abuse made by Defendant Renee Molnar.
24. In or around August 1998, during their divorce action, Plaintiff Gerald Molnar complained about Defendant Renee Molnar's "pedophile brother" (Brian Koch –

accused and convicted of Criminal Sexual Conduct) being around his children. Defendant Renee Molnar, enraged and embarrassed by Plaintiff's complaint threatened Plaintiff in no uncertain terms: "You better watch out or you just might find yourself in the same boat one day." Plaintiff's then divorce attorney, Diane Fifer, witnessed Defendant Renee Molnar making this threat and advised Plaintiff to move in with another adult. Ms. Fifer feared that Defendant Renee Molnar may falsely accuse Plaintiff of sexual abuse and accordingly advised the Plaintiff not to see his children except in the company of another adult.

25. The *Molnar v. Molnar* consent judgment of divorce was entered in the Circuit Court of Oakland County Michigan August 21st, 1998. : [REDACTED]
26. On or around August 22nd, 1998, Elizabeth told Plaintiff that her maternal grandmother, [REDACTED] was trying to manipulate and coerce [REDACTED] to claim that Plaintiff had engaged in sexually inappropriate behavior with [REDACTED]. Plaintiff immediately consulted attorney Fifer who sent Plaintiff, [REDACTED] and [REDACTED] to a neuro-psychologist, Barbara Fisher, Ph.D.
27. After evaluating Plaintiff and the children, Dr. Fisher forwarded a report to attorney Fifer. On September 2nd, 1998, Attorney Fifer filed a post-judgment motion in the divorce action, seeking to limit the access of Defendant Renee Molnar's brother (for the reason that he is a convicted pedophile) and maternal grandmother (for the reason that she was trying to coerce [REDACTED] to falsely claim that Plaintiff had been sexually inappropriate with her) to the Molnar children. A copy of Dr. Fisher's report was attached to this motion. Fearing that the Court would acquiesce to Plaintiff's well founded request, Defendant Renee Molnar's attorney offered to "admonish" the

grandmother.

28. On or around October 15th, 1998, Plaintiff noticed a bruise on his daughter [REDACTED] thigh. Upon inquiry, [REDACTED] told her father that Defendant Renee Molnar had hit her with a board. Plaintiff took a photograph of the bruise and complained about this incident to the Family Independence Agency – FIA referral [REDACTED]. The assigned case worker, James O'Brien investigated this incident and despite a photograph of a bruise on [REDACTED] thigh, closed this investigation citing "insufficient evidence."
29. On February 20th, 1999, Defendant Renee Molnar complained to the Family Independence Agency that the maternal grandmother [REDACTED] had told her that Plaintiff had been sexually inappropriate with [REDACTED] and [REDACTED] Molnar. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. Once again, contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the sixth report of a false allegation of child abuse made by Defendant Renee Molnar.
30. On February 23rd, 1999, Defendant Renee Molnar complained to Rick Fisher of HAVEN - a state mandated reporter - that Plaintiff "put his hands in his pants and played with himself in front of the children." A referral was made to the Family Independence Agency – FIA referral [REDACTED]. The FIA referral stated that Plaintiff's son [REDACTED] made this allegation. However, [REDACTED] was never interviewed and later testified that he never made those statements. On March 16th, 1999 [REDACTED] and [REDACTED] were interviewed at Care House by Defendant Amy Allen with respect to this allegation. Again, contrary to rule and protocol, no one contacted or talked to Plaintiff Gerald Molnar about this

allegation. The allegation was investigated and closed as unsubstantiated. This was the seventh report of a false allegation made by the Defendant Renee Molnar.

31. In or around March 1999, Plaintiff Gerald Molnar, upon the advice of his divorce attorney Diane Fifer, moved in with his long-time friend Mary Ellen Urban in Troy, Michigan. Ever since that date, Plaintiff has seen his children in the company of Ms. Urban.
32. On March 17th, 1999, a post-judgment Order was entered in the Molnar divorce matter which restricted the access of Defendant Renee Molnar's convicted pedophile brother, Brian Koch, to the Molnar children.
33. On or around March 18th, 1999, Defendant Renee Molnar falsely alleged to Susan Voytal of Child Protective Services - a social worker and a state mandated reporter - that Plaintiff had spoken to the children regarding the previous referrals to the FIA, causing the children to act out and not get along with others. A referral was made to the Family Independence Agency: FIA referral [REDACTED]. Once again, contrary to rule and protocol, no one contacted or spoke with Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the eighth report of a false allegation made by the Defendant Renee Molnar.
34. On or around April 16th, 1999, Defendant Renee Molnar made false allegations to Annette Richards of Oakland County Community Mental Health Services - a social worker and a state mandated reporter - about her being a victim of "domestic violence" and that Plaintiff was an "alcoholic", a "drug abuser", and was "masturbating" in front of his children.

35. On or around May 13th, 1999, Defendant Renee Molnar (with the children present) again made false allegations to Ms. Cheryl Clossen of Oakland County Community Mental Health Services – a social worker and a state mandated reporter - alleging that she was a victim of “domestic violence” and that Plaintiff was an “alcoholic”, a “drug abuser” and was “masturbating” in front of his children.
36. On or around May 24th, 1999, Defendant Renee Molnar made another false allegation to Annette Richards of Oakland County Community Mental Health: accusing Plaintiff of being an “alcoholic” and stated that she (Renee) shouldn’t “leave a drunk to take care of two infants.”
37. On or around May 26th, 1999, Defendant Renee Molnar complained to Annette Richards that Plaintiff had been sexually inappropriate with [REDACTED]. A referral was made to the Family Independence Agency – FIA referral [REDACTED]. The referral falsely alleged that after a week long visit with Plaintiff Gerald Molnar, [REDACTED] was making numerous references to Plaintiff’s penis. Defendant Amy Allen of Care House was contacted and suggested that [REDACTED] be interviewed again. Once again, contrary to rule and protocol, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the ninth report of a false allegation of child abuse made by Defendant Renee Molnar.
38. On or around November 27th, 1999, Plaintiff Gerald Molnar contacted the Child Protective Services and complained to the CPS worker on call that the maternal grandmother, Marie Koch, was physically abusing [REDACTED] and [REDACTED]. Further, Plaintiff also complained to the CPS worker that Renee and her mother, Marie Koch, were indoctrinating [REDACTED] into making false sex abuse claims against Plaintiff. The

Child Protective Services assigned this complaint to Susan Voytal. Ms. Voytal wrote in her report: "There have been ten prior complaints...These complaints have been unsubstantiated." Plaintiff's complaint was investigated and then closed for "lack of evidence".

39. On or around December 7th, 2000, Defendant Renee Molnar complained to FIA worker, Jim O'Brien, that her older son ██████████ choked her younger son Andrew. A referral was made to the Family Independence Agency – FIA referral ██████████. Once again, no one contacted or informed Plaintiff Gerald Molnar about this allegation. The allegation was investigated and closed as unsubstantiated. This was the tenth report of a false allegation of child abuse made by Defendant Renee Molnar.

EVENTS LEADING TO THE FILING OF A FEDERAL LAWSUIT IN THE YEAR 2000

40. Sometime in January, 1999, Defendant Renee Molnar enrolled the oldest child ██████████ into a course of treatment with Jessie Lopez at Oakland County Community Mental Health Services.
41. In direct contravention of the lawful requirements of the *Molnar vs Molnar* consent judgment of divorce [entered in the Circuit Court of Oakland County Michigan August 21st, 1998], Defendant Renee Molnar concealed the course of treatment from Gerald Molnar.
42. In direct contravention to the laws of the State of Michigan, including but not limited to MCLA 722.30 § 10 *et. seq.* and MCLA 330.1749 *et. seq.*; Defendant Renee Molnar concealed from Plaintiff the occurrence and particulars of the treatment relationship between Lopez and Oakland County Community Mental Health Services and Plaintiff's children.

43. In direct contravention to the laws of the State of Michigan, including but not limited to MCLA 722.627 *et. seq.*, Susan Voytal and Oakland County Family Independence Agency disclosed information contained in the State agency's files to numerous individuals including Jessie Lopez, Mike Nair (private party & mentor to Plaintiff's son [REDACTED]), and Marsha Colman of the Oakland County Friend of the Court.
44. Defendant Renee Molnar conspired with the state actors to engage in a course of conduct the object of which was the destruction of Plaintiff's relationship with his children. The callous indifferent, reckless and grossly negligent conduct of those state actors, in conspiracy with Defendant Renee Molnar, was illustrated by, but not limited to:
- (a) Development of fabricated claims of sexual abuse;
 - (b) Refusal to subject the false claims of sexual abuse to alternative hypotheses for investigation;
 - (c) Statements, both oral and written of a defamatory nature describing the Plaintiff as a sexual pervert and/or a sexual abuse perpetrator;
 - (d) Development of a program of indoctrination of Plaintiff's children into the role of sex abuse victims despite significant evidence that sex abuse never happened.
45. After discovering these egregious violations of his Constitutional rights, in or around November 2000, Plaintiff Gerald Molnar, pursuant to 42 U.S.C. §1983, filed a federal lawsuit against Defendant Renee Molnar and others, claiming damages arising from false claims of sexual abuse: *Molnar v. Lopez* / Case No. 00-75050 in the U.S. District Court – Eastern District of Michigan.
46. In or around March 4th, 2002, Hon. Victoria Roberts of U. S. District Court – E. D. of Michigan, upon recommendation of Magistrate Judge Steven Pape dismissed the lawsuit because the Court believed that Plaintiff did not suffer damage to his statutory or constitutional rights: his parental rights were not terminated; he was not deprived of custody of his children; no one had filed false charges et cetera. The U.S. Court of

Appeals for the Sixth Circuit affirmed the district court's order and judgment on or around December 5th, 2002.

47. Interestingly, during the 3-year pendency of the federal lawsuit, no complaint or referral or allegation was made to the FIA or the CPS or to any of the mandated reporters about any claim of abuse, physical or sexual, by Defendant Renee Molnar.
48. However, as soon as the federal complaint was dismissed, Defendant Renee Molnar renewed her campaign of false allegations of abuse against Plaintiff.

ELEVENTH FALSE ALLEGATION OF SEXUAL ABUSE LEADING TO THE PRESENT LAWSUIT

49. On or around September 5th, 2003, Plaintiff Gerald Molnar once again objected to Defendant Renee Molnar's convicted pedophile brother, Brian Koch, having access to the Molnar children.
50. On or around October 4th, 2003, [REDACTED] is alleged to have told Defendant Renee Molnar that her father, Plaintiff Gerald Molnar, "touched her vulva."
51. On September 28th, 2003, Plaintiff Gerald Molnar had his last contact with his children [REDACTED] and [REDACTED].

THE POLICE "INVESTIGATION"

52. On or around October 8th, 2003, Defendant Renee Molnar bypassed Waterford Police Department (which had the proper jurisdiction over a new allegation), and instead went to the Troy Police Department.

53. Defendant Renee Molnar met with Defendant Detective Janice Pokely. Defendant Renee Molnar told Defendant Pokely that [REDACTED] had told Renee that Plaintiff had "put his hand down her pants and touched her vulva."
54. Defendant Renee Molnar further informed Defendant Pokely that the incident allegedly occurred when [REDACTED] was visiting Plaintiff; however Elizabeth had not given Defendant Renee Molnar an exact date.
55. Defendant Pokely informed Defendant Renee Molnar that according to the custom and protocol followed by Troy Police Department in investigating claims of child sexual abuse, Defendant Pokely in would not interview [REDACTED] but that [REDACTED] would have to be interviewed at the Defendant Care House.
56. Defendant Renee Molnar replied that she was "aware of Care House" and that "the children were interviewed at Care House" sometime in 1999. Defendant Renee Molnar also volunteered that "CPS has been involved with the family several times since 1998." This was the first time that Defendant Pokely was made aware that the Molnar family had a history of past accusations of abuse and that there was a record of these accusations with state agencies.
57. Defendant Pokely thereafter called Defendant Care House to schedule an interview. Defendant Pokely spoke with a Care House employee, Jennifer Hay. Ms. Hay's search of Care House's computerized records - maintained illegally and in violation of the child protection law - revealed that the Molnar children were interviewed at Care House in March 1999 for an allegation of indecent exposure and that after investigation, the case was closed as the allegations were unsubstantiated. Ms. Hay illegally and in violation of the child protection law disseminated this information to Defendant Pokely. This was the

second time that Defendant Pokely was made aware of the history of past accusations; however, this time Defendant Pokely was *also* informed that the allegations were investigated and were found to be unsubstantiated.

58. Defendant Pokely scheduled a Care House interview for October 16th, 2003 at 9:00 a.m.
59. On or around October 9th, 2003, Defendant Detective Pokely completed the DSS 3200 form and called the 24-hour CPS Intake phone number to make a referral concerning the allegation of child sexual abuse. This was the eleventh report of a false allegation of child abuse made by Defendant Renee Molnar.
60. At the time of the referral, the CPS call taker, Kim Hatch searched for any previous contacts that the Molnar family might have had with CPS. Ms. Hatch found "approximately nine other contacts" and informed Defendant Pokely about her findings. This was the third time that Defendant Pokely was made aware of the history of past accusations that were investigated and found to be unsubstantiated.
61. On October 16th, 2003, Defendant Pokely arrived at Defendant Care House. Prior to the interview, Defendant Pokely met with Care House manager, Defendant Amy Allen. Thereafter, Defendant Pokely watched Defendant Amy Allen interview ~~Defendant~~ Molnar through a two-way mirror and took notes of the interview. After the interview, Defendant Pokely again met with Defendant Amy Allen.
62. On the same day, October 16th, 2003, *after* the Care House interview, Defendant Pokely along with one Detective Morse, went to Plaintiff Gerald Molnar's residence to interview him.
63. Plaintiff's friend (now fiancée) Mary Ellen Urban was also present during this meeting.

64. Plaintiff Gerald Molnar clearly explained the acrimonious history of his divorce litigation to Defendant Pokely.
65. Plaintiff Gerald Molnar also informed Defendant Pokely that Defendant Renee Molnar was on a crusade to portray Plaintiff as a sex abuser and in the past six years, had made numerous false allegations accusing him of abusing his children – sometimes physically, sometimes sexually.
66. Plaintiff also told Defendant Pokely that each and every accusation made by Defendant Renee Molnar had been investigated by the Family Independence Agency or the Child Protective Services and was found to be unsubstantiated.
67. Plaintiff Gerald Molnar also informed Defendant Pokely that in the year 2000, he had filed a federal lawsuit against Defendant Renee Molnar and other state actors who had falsely accused him of abusing his children and who had conspired to violate Plaintiff's statutory and Constitutional rights.
68. Plaintiff Gerald Molnar gave important and pertinent information to Defendant Pokely that documented Defendant Renee Molnar's numerous false accusations against Plaintiff.
69. Plaintiff Gerald Molnar also informed Defendant Pokely that Defendant Renee Molnar's brother, Brian Koch, was a convicted pedophile and that Plaintiff had several times objected to Brian Koch having access to his children.
70. Plaintiff Gerald Molnar also gave the sex offender internet registration information concerning Brian Koch to Defendant Pokely.
71. Plaintiff Gerald Molnar also informed Defendant Pokely that his objections to Brian Koch having access to his children had embarrassed and enraged Defendant Renee Molnar and that Defendant Renee Molnar had threatened the Plaintiff, in front of several

witnesses in no uncertain terms: "*You better watch out or you just might find yourself in the same boat one day.*"

72. Plaintiff Gerald Molnar also informed Defendant Pokely that soon after Defendant Renee Molnar's threat, Plaintiff's divorce attorney had advised Plaintiff to move in with another adult and not to see his children except in the presence of another adult.
73. Plaintiff Gerald Molnar also informed Defendant Pokely that Plaintiff had followed his attorney's advice and had moved in with his friend, Mary Ellyn Urban and that Ms. Urban was always present during the time that Plaintiff spent with his children.
74. Mary Ellyn Urban confirmed this statement to Defendant Pokely.
75. This was the fourth time that Defendant Pokely was made aware that the Molnar case had a long history of false accusations and that Defendant Renee Molnar had a penchant for making false accusations against Plaintiff: accusations that were investigated and found unsubstantiated.
76. Further, Defendant Pokely was not only informed about the potentially exculpatory information but the documents that demonstrated severe bias on the part of Defendant Renee Molnar and/or an alternative hypothesis about possible abuse (if any had actually occurred), were actually offered to Defendant Pokely.
77. Defendant Pokely refused to accept this exculpatory evidence and refused to even look at this evidence.
78. Defendant Pokely refused and/or failed to follow-up on the information that was given to her not once, not twice but *four times* by different individuals.
79. Defendant Pokely did not consider any alternative hypothesis but zeroed her investigation on Plaintiff Gerald Molnar.

80. Defendant Pokely did not inquire or investigate whether there had been any previous complaints about Plaintiff touching his daughter in an inappropriate manner.
81. Defendant Pokely did not inquire or investigate whether there had been complaints about any one else touching [REDACTED] in an inappropriate manner.
82. Defendant Pokely did not investigate or inquire about the numerous false accusations made by Defendant Renee Molnar against the Plaintiff.
83. Defendant Pokely did not talk to the investigators from the FIA or CPS who had investigated the previous false allegations made by Defendant Renee Molnar against the Plaintiff and found the allegations to be unsubstantiated.
84. Defendant Pokely was not trained in investigating allegations of child sexual abuse.
85. On or around November 24th, 2003, Defendant Pokely completed the prosecutor's report and requested a warrant against the Plaintiff for the offense of Criminal Sexual Conduct in the second degree.
86. On or around December 5th, 2003, Plaintiff submitted to an arrest, was finger-printed and booked at Troy police station.
87. An examination of all facts and circumstances within Defendant Pokely's knowledge clearly shows that she did not have probable cause or reasonable belief to request a warrant for Plaintiff's arrest.
88. In fact, Defendant Pokely, in the process of determining whether probable cause existed had knowledge of some evidence which was exculpatory, yet without conducting further investigation, simply concluded probable cause did exist.
89. Defendant Pokely simply turned a blind eye toward potentially exculpatory evidence known to her in an effort to pin a crime on the Plaintiff.

90. During the criminal trial, Defendant Pokely accurately summarized her investigation: “I did not do anything.”

91. Plaintiff Gerald Molnar’s submission to arrest unquestionably constituted a seizure for purposes of the Fourth Amendment.

THE CARE HOUSE “INTERVIEW”

FACTS SHOWING CARE HOUSE TO BE A STATE ACTOR

92. Defendant Child Abuse and Neglect Council of Oakland County [Care House] is a non profit organization.

93. Defendant Care House however exercises powers that are traditionally exclusively reserved to the State.

94. The Oakland County Protocol, which is followed by approximately 46 police jurisdictions and the Department of Human Services in Oakland County, states that children of an age 13 and under should be interviewed at Care House.

95. However, as a matter of common practice, law enforcement agencies in Oakland County, including but not limited to the Troy Police Department, use Care House to also conduct “forensic” interviews of children, aged between 13 and 18, alleging sexual abuse.

96. In fact, many police departments refer juvenile witnesses between ages 13 and 18 alleging sexual abuse, to Care House for “interviews.”

97. Defendant Care House in their written literature explains that it offers the following services to the Michigan law enforcement agencies: “Crisis counseling, Forensic interviewing using a multidisciplinary team approach, individual and group therapy and Court advocacy and orientation.”

98. The law enforcement agencies and Child Protective Services of Oakland County outsource interviews of the children complaining of sexual abuse, to Defendant Care House so that the witness interviews are allegedly conducted according to the established protocol and in a "forensic setting."
99. Defendant Care House's stated goal is to obtain in a "developmentally sensitive way an opportunity for a child to make statements", if any, to Care House personnel so that Child Protective Services and/or the police can investigate the possibility that the child has been abused.
100. Care House interviews take place in two ways: one, through a referral made by state law enforcement officials – such as Defendant Pokely of the Troy Police Department or two, through a referral made by Child Protective Services workers.
101. Upon information and belief, Care House is not free to select or reject witnesses referred for an interview by either the law enforcement or the Child Protective Services.
102. Scheduling a "forensic" interview at Care House is a part of the "protocol" followed by the Troy Police Department and various other agencies in Oakland County.
103. An interview of the complaining witness is an integral part of the police investigation.
104. Police investigation of an alleged crime is traditionally a part of an integral governmental function.
105. In this case, no police officer and/or detective from the Troy Police Department interviewed the complaining witness Elizabeth Molnar as they believed that this would violate their "protocol."
106. Accordingly, the protocol and/or custom of the Troy Police Department mandates that in cases involving allegations of child sexual abuse, the complaining minor witness shall

always be interviewed by Care House personnel.

107. The State of Michigan, including but not limited to the Troy Police Department, provides significant encouragement, both overt and covert, to Care House such that the decisions or choices of Care House are deemed to be that of the State.
108. On October 16th, 2003, Defendant Pokely was present at Care House to observe the interview of [REDACTED] Molnar.
109. On October 16th, 2003, assistant prosecutor for the Oakland County, Matthew Roth, was also present at Care House to observe the interview of [REDACTED] Molnar.
110. On October 16th, 2003, a case worker from the Family Independence Agency, Jim O'Brien, was also present at Care House to observe the interview of Elizabeth Molnar.
111. Defendant Pokely, Mr. Roth, Mr. O'Brien met with Care House manager Amy Allen prior to the interview of [REDACTED] Molnar.
112. These state employees – a police officer, an assistant prosecutor and a case worker from the FIA – watched the interview from a room behind a two-way mirror.
113. Defendant Pokely took notes of the interview.
114. These state employees again met with Care House manager, Amy Allen after the interview of [REDACTED] Molnar and “decided the next steps that would be followed.”
115. There is a sufficiently close nexus between the State and Care House so that the action of the latter may be fairly treated as that of the State itself.
116. Oakland County, Michigan is one of the primary sources of Defendant Care House's funds.
117. Various state agencies, including Oakland County Police and Oakland County Prosecutors are listed as “community partners” of Defendant Care House.

118. Several state employees, including State court judges, people from the Family Independence Agency, Friend of the Court personnel, Prosecutors and Police serve as Defendant Care House "members" and/or "officers."
119. Defendant Care House's activities are funded and supported by the State of Michigan's Crime Victims Service Commission and Department of Community Health.
120. Defendant Care House's child-centered program provides volunteers appointed by the state circuit courts to advocate for children who are wards of the Court because of alleged neglect and abuse.
121. A sampling of the membership of Defendant Care House's various committees includes: the Director of the Oakland County Family Independence Agency, State court judges, attorneys from the Oakland County Prosecutor's Office, police officers from the Troy Police Department / Novi Police Department / Auburn Hills Police Department / Hazel Park Police Department / the Oakland County Sheriff's Department, Friend of the Court personnel and the Court Administrator for Oakland County Circuit Court.
122. Defendant City of Troy and/or Oakland County has contracted with Care House to provide investigatory services in fulfillment of the State's legal obligation – Police Investigation:
123. Defendant Care House's ostensibly *independent* interviews do not set it in conflict with State authorities – especially when its manager, Amy Allen, participates in training seminars on topics such as how *not* to help the defense (*See* paragraph 143).
124. Defendant Care House is a willful participant in joint activity with the State or its agents.

DEFENDANT AMY ALLEN'S "FORENSIC" INTERVIEW

125. Defendant Amy Allen is employed by Defendant Care House and is the "Care House Manager."
126. Defendant Allen is also the "primary forensic interviewer" at Defendant Care House.
127. Defendant Allen was aware of the history of false allegations in the Molnar case.
128. In fact, in March 1999, Defendant Allen interviewed [REDACTED] and [REDACTED] Molnar concerning Defendant Renee Molnar's accusations that Plaintiff was masturbating in front of his children. The allegation was investigated and later closed as unsubstantiated by the Family Independence Agency.
129. Also, in May 1999, Defendant Allen was contacted in connection with another accusation made by Defendant Renee Molnar: again, that Plaintiff had had inappropriate sexual contact with [REDACTED]. Once again, the allegation was investigated and closed as unsubstantiated by the Family Independence Agency.
130. Also, before the interview on October 16th, 2003, James O'Brien of the FIA reminded Defendant Allen of the previous history of the Molnar family.
131. Defendant Allen was also made aware of the 2003 allegation originating with Defendant Renee Molnar accusing Plaintiff, yet again, of inappropriate sexual contact with his daughter, [REDACTED] Molnar.
132. Defendant Allen was aware of her *heightened* responsibility: that the "forensic" interview she was about to do was "in the course of [the] investigation" that the Troy Police Department was undertaking and that based upon her interview, there existed a possibility for "moving the case forward for criminal prosecution."
133. Defendant Allen while conducting the interview did not make notes.

134. Defendant Allen did not video-tape or audio-tape the interview.
135. Defendant Allen began the interview with a strong confirmatory bias: her goal was to confirm the accusations that originated with Defendant Renee Molnar and pin a crime of criminal sexual conduct on Plaintiff Gerald Molnar.
136. Defendant Pokely's notes demonstrate that Defendant Allen asked repeated questions on the same subject matter – until she elicited the “right” answer from a [REDACTED] [REDACTED]
137. Defendant Allen also asked suggestive questions that were designed to elicit the “right” answer from [REDACTED]
138. Defendant Allen is not aware of the basic research in the area of interviewing children who have complained of sexual abuse.
139. Defendant Allen is not aware of the basic research pertaining to the techniques of a forensic interview.
140. Defendant Allen disregarded the State of Michigan's protocol which informs that it is important to test alternative hypotheses.
141. At one point in the interview [REDACTED] Molnar categorically informed Defendant Allen that the alleged improper touching was a “mistake.” At another point, that it happened “not on purpose.” Yet another time, that it was an “accident.”
142. Nonetheless, Defendant Allen zeroed on [REDACTED] comment about hand in pants against Plaintiff Gerald Molnar – no other alternative hypothesis was tested.
143. This however should not be surprising for a forensic interviewer who attended a training seminar on how “not to help the defense.”

144. Further, Defendant Allen did not consider the previous history of false allegations of abuse made against Plaintiff Gerald Molnar.
145. Defendant Allen was not aware of the vaginal examination that [REDACTED] had undergone nor did Defendant Allen make any attempts to speak with the physician who had done the exam either prior or after the interview.
146. Defendant Allen's "forensic interview" of [REDACTED] lasted only for about half an hour.
147. At the end of the "forensic interview," Defendant Allen congratulated [REDACTED] on doing a "good job." Apparently, [REDACTED] gave the "right" answer.
148. Upon information and belief, Defendant Amy Allen recently received an award from the Farmington Hills Police Department for her "great assistance in conducting forensic interviews of children." Apparently, Defendant Allen is rewarded by the law enforcement agencies for assisting in the integral governmental function of police investigation and giving the law enforcement agencies *exactly* what they want.
149. The State of Michigan brought criminal charges against Plaintiff Gerald Molnar based upon Defendant Pokely's "investigation" and Defendant Allen's "forensic interview."
150. Based upon the police "investigation" and the Care House interview, Plaintiff's parenting time / visitation was suspended by the Oakland County Circuit Court - Juvenile Division on or around October 17th, 2003. Plaintiff has not seen his son [REDACTED] and his daughter [REDACTED] since this date -- at the time of filing this Complaint for three long years.
151. On or around December 23rd, 2003, a ridiculous & judicially incompetent preliminary examination was held at the Troy district court and the case was bound over to the circuit court for a trial.

152. In October 2005, after a four day jury trial, the jury unanimously found Plaintiff Gerald Molnar "Not Guilty" of the charged offense of criminal sexual conduct in the second degree.

153. Defendants' actions have violated Plaintiff's clearly established Constitutional rights:

A. Plaintiff's Constitutional Parenting Rights:

Plaintiff's relationship with his children is clearly protected by the due process clauses of the United States and Michigan Constitutions, US Const, Am XIV, § 1; Const 1963, art 1, §

17:

In addition to the specific freedoms protected by the Bill of Rights, the liberty specially protected by the Due Process Clause includes the right to direct the education and upbringing of one's children.

Meyer v Nebraska, 262 US 390, 43 S Ct 625, 67 L Ed 1042 (1923)

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

Wisconsin v Yoder, 406 US 205, 232; 92 S Ct 1526; 32 L Ed2d 15 (1972)

We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.

Quilloin v Walcott, 434 US 246, 255; 98 S Ct 549; 54 L Ed2d 511 (1978)

The freedom of parents in the care, custody, and management of their children is a fundamental liberty interest protected by the Fourteenth Amendment of the United States Constitution.

Santosky v Kramer, 455 US 745, 753; 102 S Ct 1388; 71 L Ed2d 599 (1982)

In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

Troxel v Granville, 530 US 57, 66; 120 S Ct 2054, 2060; 147 L Ed2d 49 (2000)

B. Plaintiff's Rights under the Fourth Amendment to the U. S. Constitution:

The Fourth Amendment provides:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause..."

"The constitutional guarantee of procedural due process requires that the government provide 'due process' before making a decision to 'infringe upon a person's life, liberty, or property interest.' *Howard v. Grinage*, 82 F.3d 1343, 1349 (6th Cir.1996)."

O'Donnell v. Brown, 335 F.Supp.2d 787, 809 (E.D Mich., 2004).

"... Fourth Amendment governed both the manner of, and the cause for, arresting [a person accused of committing a crime]..."

Albright v. Oliver, 510 U.S. 266, 279, 114 S.Ct. 807 (1994)

"...state actors who pursue malicious prosecutions against others may be held to have violated the Fourth Amendment, thereby risking the imposition of liability under 42 U.S.C. § 1983..."

Britton v. Maloney, 196 F.3d 24, 28 (1st Cir., 1999) citing *Spurlock v. Satterfield*, 167 F.3d 995, 1005-06 (6th Cir.1999); *Evans v. Ball*, 168 F.3d 856, 860-61 (5th Cir.1999); *Gallo v. City of Philadelphia*, 161 F.3d 217, 221-22 (3d Cir.1998); *Uboh v. Reno*, 141 F.3d 1000, 1003 (11th Cir.1998); *Brooks v. City of Winston-Salem*, 85 F.3d 178, 183-84 (4th Cir.1996); *Taylor v. Meacham*, 82 F.3d 1556, 1561 (10th Cir.1996); *Singer v. Fulton County Sheriff*, 63 F.3d 110, 114-16 (2d Cir.1995); *Smart v. Board of Trustees of the Univ. of Illinois*, 34 F.3d 432, 434 (7th Cir.1994).

The Fourth Amendment's relevance to the deprivations of liberty that go hand in hand with criminal prosecutions. See *Gerstein v. Pugh*, 420 U.S. 103, 114, 95 S.Ct. 854, 862, 43 L.Ed.2d 54 (1975).

"...procedural due process principles protect persons from deficient procedures that lead to the deprivation of cognizable liberty interests, see *Mathews v. Eldridge*, 424 U.S. 319, 333-34, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)"

Bartell v. Lohiser, 215 F.3d 550, 557 (6th Cir., 2000)

ACTIONS UNDER COLOR OF STATE LAW

154. Plaintiff repeats the allegations number 1 through 153 as if fully set forth herein.

155. Defendants Janice Pokely, City of Troy, Amy Allen and Care House are municipal entities and/or employees or supervisees of said municipal entities and/or state actors.
156. The acts complained of herein were committed by these Defendants together, in concert, in conspiracy with the private actor Defendant Renee Molnar or done individually within the scope of their authority under color of state law.
157. Among other wrongs described herein, these Defendant employees and/or municipal entities violated the statutory and constitutional rights of the Plaintiff and clearly established law.
158. Plaintiff repeats that acts and omissions of the Defendants were violative of his clearly established constitutional rights which are protected by the Due Process clauses of the United States and Michigan Constitutions, US Const, Am XIV, §1; Const 1963, art 1, §17.
159. As a proximate result of the acts and omissions described herein by these state actors, the Plaintiff was damaged.
160. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

QUALIFIED IMMUNITY

161. Plaintiff repeats the allegations number 1 through 160 as if fully set forth herein.
162. Defendants knew or should have known that their actions as described herein violated Plaintiff's statutory and constitutional rights and were contrary to clearly established law.

163. Defendants knew or should have known that they lacked probable cause to request a warrant for the arrest of Plaintiff, as in the process of determining whether probable cause existed; they turned a blind eye toward exculpatory evidence known to them.
164. Defendants knew or should have known that fabricating probable cause, thereby effectuating a seizure, would violate Plaintiff's clearly established Fourth Amendment right to be free from unreasonable seizures.
165. The acts of the Defendants were not objectively reasonable with respect to the Plaintiff's statutory and constitutional rights and were contrary to clearly established law.
166. The acts of the Defendants complained of herein, were conducted in bad faith.
167. The acts of the Defendants complained of herein, were conducted with deliberate indifference to their outcome in the lives of the Plaintiff and his children.
168. The acts of the Defendants complained of herein, were conducted with reckless disregard for their consequences in the lives of the Plaintiff and his children.
169. The acts of the Defendants complained of herein, were unilateral attempts to influence the family relationships enjoyed by the Plaintiff.
170. The acts of the Defendants were acts in gross disregard for clearly established constitutional rights of the Plaintiff and his children.

COUNT ONE – STATE ACTORS

VIOLATION OF CIVIL RIGHTS 42 U.S.C. '1983 et seq.

171. Plaintiff Gerald Molnar repeats the allegations number 1 through 170 as if fully set forth herein.

172. Defendants Janice Pokely, City of Troy, Amy Allen and Care House were state actors within the meaning of 42 U.S.C. § 1983 et seq.

173. Defendants Janice Pokely, City of Troy, Amy Allen and Care House as state actors, engaged in a course of conduct which violated Plaintiff's statutory and constitutional rights, contrary to clearly established law, to wit:

UNLAWFUL SEIZURE

Fourth Amendment Violations:

174. Plaintiff Gerald Molnar is a citizen of the United States.

175. Plaintiff Gerald Molnar possesses privacy rights to be free from un-wanted governmental intrusion into his life, property and liberty interests.

176. Plaintiff Gerald Molnar possesses liberty rights to be free from seizure without probable cause or exigent circumstances.

177. Plaintiff Gerald Molnar was forced to submit to an arrest / seizure by the acts and omissions of these Defendants.

178. The seizure of Plaintiff Gerald Molnar was not based upon probable cause.

179. The seizure of Plaintiff Gerald Molnar was not based upon exigent circumstances.

180. The seizure of Plaintiff Gerald Molnar was not objectively reasonable.

181. The seizure of Plaintiff Gerald Molnar was conducted with reckless disregard for its consequences in the life of the Plaintiff.

182. The seizure of Plaintiff Gerald Molnar was a unilateral attempt to influence the parental relationship enjoyed by the plaintiff.

183. The seizure of Plaintiff Gerald Molnar was undertaken with gross disregard for clearly established constitutional rights of the plaintiff.

184. As a proximate result of the seizure of Plaintiff Gerald Molnar, the Plaintiff was damaged.

185. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

PROCEDURAL DUE PROCESS VIOLATIONS

Fourth & Fourteenth Amendment Violations:

186. Plaintiff possesses Due Process rights guaranteed by the Fourth and Fourteenth Amendment to the Constitution of the United States of America.

187. Plaintiff possesses liberty rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States of America to be free from unwanted governmental intrusion into protected relationships without probable cause or exigent circumstances.

188. Plaintiffs' procedural due process rights were violated by the Defendants without probable cause or exigent circumstances.

189. The violations of the Plaintiff's rights to due process of law were not based upon exigent circumstances of imminent danger.

190. The violations of the Plaintiff's rights to due process of law were not objectively reasonable.

191. The violations of the Plaintiff's rights to due process of law were conducted with reckless disregard for the consequences in the lives of the plaintiffs.

192. The violations of the Plaintiff's rights to due process of law were motivated by unilateral attempts to influence the parental relationships enjoyed by the plaintiff.
193. The violations of the Plaintiff's rights to due process of law were undertaken with gross disregard for clearly established constitutional rights of the plaintiff.
194. As a proximate result of the violations of the Plaintiff's rights to due process of law the Plaintiff was damaged.
195. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

EQUAL PROTECTION OF LAW VIOLATIONS

Fourteenth Amendment Violations:

196. Plaintiff possesses a right to equal protection of the law guaranteed by the Fourteenth Amendment to the Constitution of the United States of America.
197. Plaintiff possesses liberty rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States of America to be free from malicious, false and fraudulent prosecutions in a criminal court.
198. Plaintiff was subjected to malicious, false and fraudulent prosecution in a Criminal Court for the County of Oakland over a palpably false charge of Criminal Sexual Conduct.
199. The collaboration and conspiracy of Defendants in the Criminal court included, but was not limited to:
- (a) the development of a fabricated claim of child sexual abuse;
 - (b) turning a blind eye toward exculpatory evidence known to the state actors in an effort to pin a crime on Plaintiff;

- (c) the manipulation of the minor witness [REDACTED] into making a false accusation which the conspirators and state actors could characterize as sexual abuse;
- (d) the coercion of the minor witness to "remember" and then to "rehearse" the Defendants' version of her statements in the interview;

200. These acts by the Defendants were intended to support a malicious prosecution in the Criminal court.

201. These acts by the Defendants were intended to deny and deprive the Plaintiff of the equal protection of law.

202. These acts by the Defendants were intended to subject the Plaintiff to a denial of his Constitutional rights.

203. The acts and omissions of the Defendants were not objectively reasonable.

204. The acts and omissions of the Defendants were conducted with reckless disregard for their consequences in the life of the Plaintiff.

205. The acts and omissions of the Defendants were a unilateral attempt to influence the parental relationship enjoyed by the Plaintiff.

206. The acts and omissions of the Defendants were undertaken with gross disregard for clearly established constitutional rights of the Plaintiff.

207. As a proximate result of the acts and omissions of the state actors and state agencies the Plaintiff was damaged.

208. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

209. As a proximate result of these violations of Plaintiff's Constitutional rights as enumerated above, the Plaintiff was damaged.

210. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

In the event that Defendants Amy Allen and Care House are *not* considered as state actors; in the alternative:

COUNT ONE – STATE ACTORS, AMY ALLEN & CARE HOUSE

VIOLATION OF CIVIL RIGHTS 42 U.S.C. '1983 et seq.

CONSPIRACY UNDER 42 U.S.C. '1983

STATE ACTORS WITH PRIVATE INDIVIDUALS

211. Plaintiff repeats the allegations number 1 through 210 as if fully set forth herein.

212. Defendants Janice Pokely and City of Troy are state actors.

213. Defendants Amy Allen and Care House are private individuals.

214. Defendants Pokely and City of Troy conspired with Defendants Allen and Care House to cause a violation of Plaintiff's constitutional rights and clearly established law.

215. Defendants Pokely and City of Troy conspired with Defendants Allen and Care House to accomplish the unlawful purpose of violating Plaintiff's constitutional rights and clearly established law.

216. Defendants Pokely and City of Troy conspired with Defendants Allen and Care House and committed overt acts in furtherance of this conspiracy.

217. Defendants Pokely and Allen met before Defendant Allen's interview with 
Molnar.

218. Defendant Pokely and Allen conspired to ignore the exculpatory evidence that was given to Defendant Pokely by the Plaintiff and that Defendant Allen was aware in order to pin a crime on Plaintiff.

219. Defendant Pokely and Allen met after the interview of ██████████ Molnar and agreed on their future course of conduct.

220. As a proximate result of Defendants' conspiracy and overt acts, Plaintiff was damaged.

221. The damages to the Plaintiff including compensatory, exemplary, and punitive damages are set forth below.

COUNT TWO – STATE ACTORS & RENEE MOLNAR

VIOLATION OF CIVIL RIGHTS 42 U.S.C. '1983 et seq.

CONSPIRACY UNDER 42 U.S.C. '1983

STATE ACTORS WITH PRIVATE INDIVIDUALS

222. Plaintiff repeats the allegations number 1 through 221 as if fully set forth herein.

223. Defendants Pokely, City of Troy, Amy Allen and Care House are state actors.

224. Defendant Renee Molnar is a private individual.

225. Defendants Pokely, City of Troy, Amy Allen and Care House conspired with Defendant Renee Molnar to cause a violation of Plaintiff's Constitutional rights and clearly established law.

226. Defendants Pokely, City of Troy, Amy Allen and Care House conspired with Defendant Renee Molnar to ignore exculpatory evidence known to them in order to pin a crime on the Plaintiff.

227. Defendants Pokely, City of Troy, Amy Allen and Care House conspired with Defendant Renee Molnar and committed overt acts in furtherance of this conspiracy.

228. As a proximate result of Defendants' conspiracy and overt acts, Plaintiff was damaged.

229. The damages to the Plaintiff including compensatory, exemplary, and punitive damages are set forth below.

COUNT THREE – CITY OF TROY

42 U.S.C. '1983 et seq.

MONELL LIABILITY AGAINST DEFENDANT-CITY OF TROY

230. Plaintiff repeats the allegations number 1 through 229 as if fully set forth herein.

231. Defendant Pokely's actions were pursuant to the customs and/or policies of the municipal entity – City of Troy.

232. Defendant City of Troy failed to train its police officers in investigating claims of child sexual abuse.

233. Defendant City of Troy's failure to train its police officers was a deliberate indifference to the rights of persons who have been falsely accused of sexually abusing children.

234. Defendant City of Troy's failure to train its police officers demonstrates deliberate indifference to the rights of person with whom the municipal employees come into contact.

235. Defendant City of Troy knew or should have known that its failure to train its police officers in investigating claims of child sexual abuse creates a substantial risk of harm to the rights of persons who have been falsely accused of sexually abusing children.

236. Defendant City of Troy failed to act, and disregarded that risk.

237. Further, prior to the incidents described above, Defendant City of Troy had learned of previous incidents involving this Defendant and / or its other employees, in which this Defendant and / or other employees allegedly violated the statutory and constitutional

rights of other citizens. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

238. Prior to the incidents described above, Defendant City of Troy had learned of previous incidents involving the Defendant and / or other employees of the City, in which the Defendant had acted maliciously and with willful disregard of the rights of other citizens.

The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

239. Defendant City of Troy took no action to discipline the Defendant and / or other employees for past unlawful behavior, nor did they take any action against or even adequately investigate the incidents described in this lawsuit. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

240. Defendant City of Troy tacitly authorized Defendant's previous conduct, without which the Defendant's conduct as described in this complaint would not have occurred.

241. Defendant City of Troy is vested by law with the authority to make policy for Troy Police Department concerning the procedures of and for, investigation of allegations of sexual abuse. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

242. Defendant City of Troy was aware of a pattern of statutory and constitutional violations of citizens' rights and was aware of the inadequate training and supervision of its police officers. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

243. It was obvious that failing to correct these patterns of statutory and constitutional rights violations as well as violations of clearly established law together with the inadequate training and supervision of employees, would lead to further violations of citizens' constitutional rights. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

244. The failure of the Defendant City of Troy to take remedial action resulted in the denial of the Plaintiff's Constitutional rights. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

245. Through the actions and inactions of Defendant City of Troy, as well as the actions and inactions of the City's officials, Defendant City adopted a policy, practice, or custom of permitting and tolerating constitutional violations by employees in the Troy Police Department. The allegations of this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

246. As a proximate result of the unconstitutional policies, practices, or customs of Defendant City of Troy, the Plaintiff suffered violations of his rights under the laws of the State of Michigan and the Fourth Amendment and the Fourteenth Amendment of the Constitution of the United States of America.

247. As a proximate result of the unconstitutional policies, practices, or customs of Defendant City of Troy, the Plaintiff was damaged.

248. The damages to the Plaintiff including compensatory, exemplary, and punitive damages are set forth below.

SUPPLEMENTAL STATE LAW CLAIMS

COUNT FOUR

DEFAMATION PER SE – RENEE MOLNAR

249. Plaintiff repeats the allegations number 1 through 248 as if fully set forth herein.

250. On or about October 9th, 2003 Defendant Renee Molnar met with Defendant Janice Pokely during which Defendant Renee Molnar published by speech, false and defamatory statements of and concerning Plaintiff.

251. The false and defamatory statements published by speech, by Defendant Renee Molnar included but were not limited to statements and innuendo that Plaintiff had sexually abused his ~~husband~~ ~~husband~~ Molnar.

252. During 2003 and 2004, Defendant Renee Molnar published by speech, false and defamatory statements of and concerning the Plaintiff to numerous individuals including Defendants Pokely and Allen.

253. The false and defamatory statements published by speech, by Defendant Renee Molnar included but were not limited to statements and innuendo that Plaintiff was a sexual pervert.

254. At the time Defendant Renee Molnar published by speech, the false and defamatory statements of and concerning Plaintiff, some of which are described above, Defendant Renee Molnar knew or should have known they were false.

255. The false and defamatory statements which Defendant Renee Molnar published by speech attributed sexual perversion to the Plaintiff.

256. The false and defamatory statements which Defendant Renee Molnar published by speech described the Plaintiff as a criminal.

257. These statements were lacking a reasonable basis in fact and were false.

258. As a proximate result of Defendant Renee Molnar's publication by speech of these false and defamatory remarks, the Plaintiff was damaged.

259. The damages to the Plaintiff including compensatory, exemplary and punitive damages are set forth below.

COUNT FIVE – INDIVIDUAL DEFENDANTS & CARE HOUSE

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

260. Plaintiff repeats the allegations number 1 through 259 as if fully set forth herein.

261. Defendants acted as to the Plaintiff, with conduct a reasonable person would describe as extreme and outrageous.

262. The extreme and outrageous conduct of the Defendants was engaged in with callous indifference and/or recklessly and/or without regard to whether it might cause injury to the Plaintiff and/or his relationship with his children.

263. The extreme and outrageous conduct of the Defendants was engaged in to subvert the law and to pin a heinous crime on the Plaintiff.

264. The extreme and outrageous conduct of the Defendants was engaged in to turn a blind eye to all the exculpatory evidence known to them in order to prosecute the Plaintiff for a heinous crime.

265. The extreme and outrageous conduct of the Defendants was engaged in to subvert the parent/child relationship between Plaintiff and his minor children.

266. The extreme and outrageous conduct of the Defendants, is illustrated by, but not limited to the examples set forth throughout this pleading.

267. As a proximate result of the Defendants' extreme and outrageous conduct, the Plaintiff was damaged.

268. The damages to the Plaintiff including compensatory, exemplary, and punitive damages are set forth below.

COUNT SIX – RENEE MOLNAR

FALSE LIGHT

269. Plaintiff repeats the allegations number 1 through 268 as if fully set forth herein.

270. Defendant Renee Molnar published to a broad array of people false accusations against the Plaintiff.

271. Defendant Renee Molnar attributed to the Plaintiff characteristics and conduct that were false and which placed the Plaintiff in a false position.

272. Defendant Renee Molnar's promulgation of false accusations against the Plaintiff placed the Plaintiff in a false light in the public eye.

273. As a proximate result of the Defendant Renee Molnar's conduct, the Plaintiff was damaged.

274. The damages to the Plaintiff including compensatory, exemplary, and punitive damages are set forth below.

DAMAGES

275. Plaintiff repeats the allegations number 1 through 274 as if fully set forth herein.

276. The damages to the Plaintiff proximately caused by the conduct of the Defendants, each of them, include but are not limited to:

- (a) loss of his Constitutional parenting rights;
- (b) humiliation;
- (c) outrage;
- (d) indignity;
- (e) conscious pain and suffering;
- (f) loss of society and companionship;
- (g) mental suffering and sorrow;
- (h) headaches and the physical sequella of emotional stress;
- (i) grief, anger, horror, fright;
- (j) loss of parental training and guidance;
- (k) the stress and costs of legal fees and numerous court appearances;
- (l) and all damages fair and equitable under the circumstances.

277. Plaintiff claims that the acts of these Defendants and the damages to Plaintiff proximately flowing from those acts entitle him to *Exemplary damages*, because the acts of the Defendants:

- (a) Caused Plaintiff injury to feelings not capable of precise computation;
- (b) Caused Plaintiff intensified injury due to the Defendants' acts of bad faith or ill will;
- (c) Caused Plaintiff intensified injury due to the willful and wanton nature of the Defendants' acts;
- (d) Caused Plaintiff intensified injury due to the sheer reprehensibility of the Defendants' conduct;
- (e) Caused Plaintiff intensified injury attributable to Plaintiff's indignation and outrage.

278. Plaintiff claims that the acts of the Defendants and the damages to Plaintiff proximately flowing from those acts entitle him to *Punitive damages* pursuant to 42 USC §1983.

DEMAND FOR TRIAL BY JURY

The Plaintiff demands that his case be tried before a jury.

RELIEF REQUESTED

WHEREFORE, the Plaintiff requests that the trier of fact award him:

- 1) Compensatory, economic damages;
- 2) Damages for emotional distress;
- 3) Exemplary damages;
- 4) Punitive damages;
- 5) Attorneys fees and costs under 42 U.S.C. § 1988; and
- 6) Such other relief as is just and equitable under the circumstances.

Respectfully Submitted,
LORANDOS & ASSOCIATES

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