

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

DEBBIE BUCKNER, and, MIKE SULLIVAN  
Plaintiffs,

CIVIL CASE NO: 3:16-CV-190

v.

**JURY TRIAL DEMANDED**

KNOX COUNTY,  
JEANETTE HARRIS in her individual  
capacity and in her official capacity as an  
Officer for the Knox County Sheriff,  
FRANKIE BYRNE in her individual capacity  
and in her official capacity as Animal Control  
Officer for the Knox County Sheriff,  
CANDICE MICHELLE CIANFLONE in her  
individual capacity and in her official capacity  
as Animal Control Officer for the Knox County Sheriff,  
OFFICER FRYE in her individual capacity  
and in her official capacity as an Officer for the  
Knox County Sheriff, and  
UNIDENTIFIED OFFICERS in their individual  
capacity and in their official capacity as  
Officers for the Knox County Sheriff,  
Defendants.

**COMPLAINT**

COMES NOW the Plaintiffs Debbie Buckner and Mike Sullivan, by and through undersigned counsel, and bring this Complaint against Defendants Knox County, Jeanette Harris, Frankie Byrne, Candice Michelle Cianflone, Officer Frye, and Unidentified Officers for deprivation of liberty and property without due process, false arrest, trespass, abuse of process, assault, and violations of other State and Federal law.

In support of this Complaint the Plaintiffs allege as follows:

### **Jurisdiction and Venue**

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331. Remedies are provided by 42 U.S.C. § 1983.
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because the events that form the basis for this Complaint primarily occurred in this district.

### **Parties**

3. Plaintiff Debbie Buckner is a 54 year old female citizen and resident of the state of Tennessee. She has been married to Plaintiff Mike Sullivan for approximately thirteen years.
4. Plaintiff Mike Sullivan is a citizen and resident of the state of Tennessee.
5. Defendant Knox County is a political subdivision of the State of Tennessee, as established and governed by Tennessee State law.
6. Defendant Jeanette Harris is an Officer for the Knox County Sheriff's Department. Defendant Harris is sued both in her individual capacity and her official capacity as an Officer for the Knox County Sheriff's Department.
7. Defendant Frankie Byrne is an Animal Control Officer for the Knox County Sheriff's Department. Defendant Byrne is a former member of the Board of Directors for Horse Haven of Tennessee. Defendant Byrne is currently on the advisory board for Horse Haven of Tennessee. Defendant Byrne is sued both in her individual capacity and her official capacity as an Officer for the Knox County Sheriff's Department.
8. Defendant Candice Michelle Cianflone is an Animal Control Officer for the Knox County Sheriff's Department. Defendant Cianflone is sued both in her individual

- capacity and her official capacity as an Officer for the Knox County Sheriff's Department.
9. Defendant Frye (first name unknown at time of filing) is an Officer for the Knox County Sheriff's Department. Defendant Frye is described as a petite female with dark hair. Defendant Frye is sued both in her individual capacity and her official capacity as an Officer for the Knox County Sheriff's Department.
  10. Defendant Unidentified Officer number 1 is an Officer for the Knox County Sheriff's Department. Upon information and belief Defendant Unidentified Officer number 1 is a female officer who accompanied Defendants Harris and Byrne to the Plaintiffs' residence on May 14, 2015, and is also the officer that arrested Plaintiff Buckner on May 14. Defendant Unidentified Officer number 1 is sued both in her individual capacity and her official capacity as an Officer for the Knox County Sheriff's Department.
  11. Defendant Unidentified Officer number 2 is an Officer for the Knox County Sheriff's Department. Upon information and belief Defendant Unidentified Officer number 2 is a male officer who accompanied Defendants Harris and Byrne to the Plaintiffs' residence on May 14, 2015. Defendant Unidentified Officer number 2 is sued both in his individual capacity and his official capacity as an Officer for the Knox County Sheriff's Department.
  12. Defendant Unidentified Officer number 3 is an Officer for the Knox County Sheriff's Department. Upon information and belief Defendant Unidentified Officer number 3 is a heavysset male officer who accompanied Defendants Harris and Byrne to the Plaintiffs' residence on May 14, 2015. Defendant Unidentified Officer number 3 is

sued both in his individual capacity and his official capacity as an Officer for the Knox County Sheriff's Department.

13. Defendant Unidentified Officer number 4 is an Officer for the Knox County Sheriff's Department. Upon information and belief Defendant Unidentified Officer number 4 is a female officer who detained Plaintiff Buckner in a stationary, unairconditioned Sheriff's Department prisoner-transport vehicle on May 14, 2015. Defendant Unidentified Officer number 4 is sued both in her individual capacity and her official capacity as an Officer for the Knox County Sheriff's Department.

14. Defendant Unidentified Officer number 5 is an Officer for the Knox County Sheriff's Department. Defendant Unidentified Officer number 5 is a male officer who told Mr. Sullivan that "a warrant trumps state law" on September 17, 2015. Defendant Unidentified Officer number 5 is sued both in his individual capacity and his official capacity as an Officer for the Knox County Sheriff's Department.

### **Facts**

#### **Events of May 15, 2015**

15. On May 15, 2015 Defendants Harris, Byrne, Cianflone, and Unidentified Officers numbers 1, 2, and 3 entered the property of the Plaintiffs, opening a closed gate and passing through the gate, and arrested Plaintiff Buckner. Upon information and belief, at the time of said entry and arrest said Defendants did not have a search warrant, an arrest warrant, or probable cause to enter the Plaintiffs' property or to arrest Plaintiff Buckner. Upon seeing said defendants entering her property Plaintiff Buckner met Officer Harris and Unidentified Officers numbers 1 and 2 between Buckner's gate and barn. Defendant Harris ordered Buckner to move her vehicle which was

preventing the Plaintiffs' gate from being fully opened. Mrs. Buckner said "you can't come on the property unless you have a warrant." Rather than confirm or deny whether she had a warrant, Defendant Harris instead told Buckner that if she didn't move the vehicle it would be towed. Plaintiff Buckner again asked to see a search warrant. At this point Defendant Harris still had made no indication that she or any other officer had a search warrant. Plaintiff Buckner asked, "Why can't you just show me a warrant?" Harris refused. Unidentified Officer number 1 grabbed Mrs. Buckner, pushed her onto the trunk of a patrol car, searched her, handcuffed her, and placed her into the back seat of said patrol car. When Mrs. Buckner again asked to see a search warrant Defendant Officer Byrne said, "I will in a minute."

16. Two civilian witnesses, Donna Kay Hilton and Donna Luckadoo, witnessed the facts asserted in the preceding paragraph, 15. One witness overheard Officer Byrne say to Officer Harris, "we need to get our paperwork."
17. Upon information and belief all six officers were wearing operational body cameras at all times described in paragraph 15.
18. Upon information and belief, the events described in paragraph 15 occurred prior to the search warrant issued on May 15 by Magistrate Sharon Frankenburg (Attached as Ex.1) having been issued. Specifically, said search warrant was signed and issued by Magistrate Frankenburg at 12:35 PM on May 15, 2015 (*see Id.*); whereas the incidents described in paragraph 15 occurred before 12:35 PM on May 15, 2015. Officer Byrne filed a return of the search warrant with the Court Clerk on May 15, 2015 at 13:52 hours. (*see Id.*) Driving time for a round trip between the Knoxville Courthouse and the Plaintiffs' residence is at least 50 minutes, not counting walking

time into and out of the Courthouse. Officer Byrne was at the Plaintiffs' property for at least two hours.

19. After Plaintiff Buckner was arrested several additional Unidentified Officers, as well as Knox County Codes Enforcement Officers, arrived at the Plaintiffs' residence. Upon information and belief, one of these Unidentified Officers who arrived after Mrs. Buckner was arrested delivered the search warrant issued on May 15 by Magistrate Sharon Frankenburg (Attached as Ex.1) to Officers Byrne and Harris.
20. Upon information and belief, Defendant Officer Byrne did not appear personally before Magistrate Frankenburg to give the testimony, as asserted in the affidavit in support of said warrant, prior to Magistrate Frankenburg issuing the May 15 search warrant (Ex.1).
21. Upon information and belief, Defendants Harris, Byrne, Cianflone, and Unidentified Officers numbers 1, 2, and 3 refused to show Plaintiff Buckner a search warrant upon her demand because they did not have an issued search warrant at the time they entered Plaintiffs' property, and therefore they could not show Mrs. Buckner a search warrant prior to invading her property and residence.
22. Upon information and belief, Defendants Harris, Byrne, Cianflone, and Unidentified Officers numbers 1, 2, and 3 arrested Plaintiff Buckner rather than admit that they had not yet obtained the search warrant prior to entering Plaintiffs' property. Said Defendants had no probable cause to arrest Plaintiff Buckner.
23. Upon information and belief, Officer Byrne's affidavit submitted in support of the May 15 search warrant included statements that Officer Byrne knew to be untrue.

24. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant regarding the opinion of Tennessee Department of Agriculture Administrator K. David Wadell as to Officer Ciaflone's qualifications was not true.
25. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant that Officer Cianflone is qualified to examine livestock pursuant to T.C.A. 39-14-211 was not true.
26. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant that prior encounters with the Plaintiffs had resulted in "court orders" requiring the Plaintiffs to follow specific instructions regarding animal care, was not true.
27. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant regarding the weight gains of the Plaintiffs' animals since being in the care of Horse Haven, were not true. Said assertions disagree grossly with records maintained by the Defendants.
28. Upon information and belief, Officer Byrne's affidavit submitted in support of the May 15 search warrant included evidence that Officer Byrne knew had been illegally obtained on May 13. (Discussed further below).
29. The individual Defendants were motivated by personal malice against the Plaintiffs because the Plaintiffs had filed written complaints against the individual Defendants with the Knox County Sheriff and the Knox County Sheriff's Internal Affairs Department prior to May 15, 2015.

30. After arresting Mrs. Buckner Defendants Harris, Byrne, Cianflone, and Unidentified Officers numbers 1, 2, and 3 proceeded to search the Plaintiffs' barn and other portions of the Plaintiffs' property.
31. Mrs. Buckner was transported in the back of a patrol car to a parking lot, where she and one officer waited for a prisoner transport van. During the trip from the Buckners' property to the parking lot, Mrs. Buckner was not seat belted.
32. Mrs. Buckner was transferred to an individual compartment within the prisoner transport van. Said compartment did not allow Mrs. Buckner to see outside the vehicle. Upon arriving at what Mrs. Buckner later learned was a processing and detention center, Mrs. Buckner was left inside the individual compartment while the transport van was turned off. Mrs. Buckner was left in the unairconditioned van for at least 30 minutes, and possibly for over 2 hours. During that time the heat inside the compartment rose dramatically. The heat caused Mrs. Buckner to sweat sufficient to soak her clothes. Mrs. Buckner yelled for relief and fresh air, but was either not heard or was ignored. Mrs. Buckner began to believe that she had been left there and was going to die of heat stroke. A video camera was in the compartment with Mrs. Buckner. When she was finally removed from the compartment Mrs. Buckner fell out of the van from weakness. Later, as part of in-processing, Defendant Officer Frye asked Mrs. Buckner if she had ever lost consciousness. Mrs. Buckner replied that she might have when she was taken out of the van compartment. Officer Frye responded in a dismissive and angry tone, "That's just heat exhaustion."
33. Immediately after her arrest on her farm Plaintiff Buckner, a 54 year old woman, informed the arresting officer that she needed to use the restroom. The Officer refused

to allow her to use the restroom. During transfer to the transport van she again informed the officers that she needed to use the restroom. The Officer refused to allow her to use the restroom. After being left in the van compartment she again informed Officer Frye that she needed to use the restroom. Officer Frye refused to allow her to use the restroom. Several hours after her arrest, while locked up at the detention center, Mrs. Buckner lost control of her bladder and soiled her clothes. Officer Frye then yelled “The bitch just pissed on the floor!” This statement was witnessed by another prisoner named Tiffany Gamble. Later Defendant Unidentified Officer number 4 asked Mrs. Buckner if she was “the bitch that pissed herself.”

34. Mrs. Buckner was insulted, threatened, and exposed to extreme vulgarity from Officer Frye and Unidentified Officer number 4. On several occasions Officer Frye and Unidentified Officer number 4 told Mrs. Buckner to “Shut the fuck up!”

35. After his wife had been arrested Plaintiff Mike Sullivan (Mrs. Buckner’s husband) was informed by Officer Byrne that two of his feral barn cats did not have rabies vaccinations, and that they would be seized for this reason. Mr. Sullivan informed Officer Byrne that one of the cats either had a litter of kittens or was about to have a litter of kittens. When the cats were taken Mr. Sullivan assumed that Officer Byrne had confirmed that the pregnant cat had not yet delivered. However, two days later the Plaintiffs heard kittens crying in their barn and discovered the litter of kittens starving without their mother. The kittens at that time were so young that they had not yet opened their eyes. The Plaintiffs immediately called Animal Control and had an officer come pick up the kittens that day.

36. Upon information and belief, the actions taken by Defendants Harris, Byrne, Cianflone, Frye, and Unidentified Officers were performed in their capacity as employees of Knox County, and while acting under color of law.

#### **Events of May 13, 2015**

37. On May 13, 2015 Officers Cianflone, Byrne, and Harris entered the property of the Plaintiffs, opening a closed gate and passing through the gate, without a warrant, invitation, exigent circumstances, or probable cause. No warrant has ever been issued for May 13, 2015 regarding the Sullivans or the property located at 5506 East Raccoon Valley Road, Knoxville, TN. After illegally entering the Plaintiffs' property, Officers Cianflone, Byrne, and Harris proceeded to observe, discuss, note, record, and photograph animals, feeders, and fields. Plaintiffs have an audio recording of the Officer's May 13 discussions about evidence obtained that day. These illegally obtained observations notes, and photographs were used as a basis for the search warrant issued on May 15. (*See* Ex.1, at Affid. of Byrne in support of search warrant).

38. Upon leaving the Plaintiffs' property Officer Harris ran over a chicken belonging to the Plaintiffs, injuring said chicken. The chicken was more than livestock, but was instead considered a pet by the Plaintiffs as it was a particularly friendly and docile chicken. A video of Officer Harris running over said chicken was taken by the Plaintiffs. Two days later on May 15 Officer Cianflone seized said chicken as evidence of the Plaintiffs' alleged cruelty to animals. Officer Harris was aware of the seizure of the chicken on May 15.

39. Upon information and belief, the actions taken by Defendants Harris, Byrne, and Cianflone were performed in their capacity as employees of Knox County, and while acting under color of law.

#### **Events of May 7, 2015**

40. On May 7, 2015 Knox County Animal Control Officer Frankie Byrne and other Knox County Officers (Unidentified Officers) served a search warrant upon the residence of plaintiffs Mike Sullivan and Debbie Buckner, located at 5506 East Raccoon Valley Road, Knoxville, TN.

41. Upon information and belief, Officer Byrne's affidavit submitted in support of the May 15 search warrant included statements that Officer Byrne knew to be untrue. For example, but not limited to: Officer Byrne knew that her assertion regarding the opinion of Tennessee Department of Agriculture Administrator K. David Wadell as to Officer Ciaflone's qualifications was not true; Officer Byrne also knew that her assertion that Officer Cianflone is qualified to examine livestock pursuant to T.C.A. 39-14-211 was not true.

42. Upon information and belief, the execution of the May 7, 2015 search warrant occurred prior to the search warrant issued on May 7. Specifically, said search warrant was signed and issued at 12:12 PM on May 7, 2015; whereas the warrant was "executed" before 12:12 PM on May 7, 2015. Officer Byrne left a signed receipt for seized items at the Plaintiffs' property indicating that the execution of the warrant, examination of six horses and one dog, search of the property, loading and removal of six horses and one dog, was all completed by 12:55 PM on May 7, 2015. Mr. Sullivan arrived at his property not long after 12:55 PM on May 7, and all Knox County agents

were already gone. Driving time between the Knoxville Courthouse and the Plaintiffs' residence is at least 25 minutes, not counting walking time out of the Courthouse, assuming no traffic slowdowns. Since the warrant was issued at 12:12 PM and the search was completed at 12:55 PM and travel time is approximately a minimum of 30 minutes, either the Defendants executed the warrant prior to the warrant being signed and issued, or the Defendants examined the six horses and one dog, searched the property, loaded the six horses and one dog, and removed the animals, in less than 14 minutes.

43. Upon information and belief, Defendant Officer Byrne did not appear personally before the Magistrate to give the testimony, as asserted in the affidavit in support of said warrant, prior to the Magistrate issuing the May 7 search warrant.
44. During execution of the May 7 search warrant Defendants invited and allowed agents of Horse Haven to enter the property of the Plaintiffs.
45. When the Defendants left the Plaintiffs' property on May 7 the Defendants left several gates open, including the main gate to the Plaintiffs' property. This allowed horses to gain access to paved public roads, forcing the Plaintiffs to round up their animals. This also allowed one horse to enter a pasture with another horse that had been hostile to the other horse in the past. One of the horses was seriously injured in the ensuing fight between the horses, before the Plaintiffs could break them up and return the first horse to a separate pasture.
46. The Equine Body Condition Scoring System (hereinafter referred to as the "System") used by the Defendants as a basis for their search warrants is subjective, arbitrary, and vague. The inventor of the System, Dr. Don Henneke PhD., stated that the System

“was not designed to reflect the health or well being of the horse.” He also states that the System cannot establish the overall health of a horse, and most importantly, that the System should not be used as a basis for seizing horses and that he finds it “disturbing” that local authorities have used it for such purposes.

47. Dr. Henneke also stated that if seizure of any animal is possible, the System should only be performed by “a qualified, uninvolved third party.” This assertion is supported by Federal precedent: “The Constitution requires that the state provide fair procedures *and an impartial decisionmaker* before infringing on a person’s interest in life, liberty or property.” (*McKinney v. Pate*, 20 F.3d 1550, 1561(11<sup>th</sup> Cir. 1994)(emphasis added)).

48. In the past the Defendants had utilize an uninvolved third party to make evaluations using the System. Specifically, the Defendants used to get the professional opinion of a veterinarian from the UT Ag Extension. However, the Defendants now utilize only the opinion of Defendant Officer Cianflone to “determine” System scores. Officer Cianflone is not a veterinarian and is not qualified under TCA §39-13-211 to perform the evaluations she performed in support of the search warrants and seizures at issue in the instant lawsuit. Even if Defendant Cianflone was professionally qualified, she has conflicts of interest including her personal and professional connections with Horse Haven. Additionally, Officer Cianflone has personal animosity toward the Plaintiffs due to the Plaintiffs’ complaints against Cianflone filed with Cianflone’s employer, the Sheriff’s Department. Further, as discussed in more detail below, Officer Cianflone has personal animosity toward the Plaintiffs due to legitimate

complaints made against Cianflone and due to the Plaintiffs' connection to a business that Cianflone personally sued.

49. The subjective and arbitrary nature of Officer Cianflone's System "scores" is evidenced by Defendant Cianflone's scoring. Specifically, Officer Cianflone originally scored a horse as 2.5, and 6 weeks later scored the same horse as a 4.5, but the horse had gained only 29 pounds in the interim. However, the System requires a 100 to 160 pound increase per point in System score. Upon information and belief Officer Cianflone's System "scores" are intentionally low to justify seizure, and are then inflated to show post-seizure "progress." The post-seizure increases in weight asserted, recorded, and reported by Cianflone are considered unhealthy weight increases under standards of the System.

50. Since the Defendants stopped utilizing a qualified, uninvolved third party to evaluate horses prior to seizure, numerous other Knox county citizens have had their horses wrongfully seized by the Defendants.

51. On May 7 the Defendants issued a citation against the Plaintiffs for improper manner of keeping. This citation was based upon the Plaintiffs' use of two spring-fed ponds and a natural creek for watering their animals. The citation stated that the water sources were not safe to drink. Yet an independent evaluation performed by Tennessee Tech University upon water taken from the same water sources reflects that the water is perfectly safe as a drinking source.

52. Also on May 7, 2015 the Defendants seized the Plaintiffs' pet great Pyrenees dog, alleging improper care. Said seizure was based upon the fact that the dog had a broken leg which had not yet been treated. However, the broken leg had been caused

by an accident in which the dog had also suffered a collapsed lung. The day of the accident the Plaintiffs' veterinarian informed the Plaintiffs that the leg required surgery, but the dog would likely not survive surgery until the collapsed lung had healed. Upon their veterinarian's recommendation the Plaintiffs treated the dog's collapsed lung as per the veterinarian's instructions and planned the surgery for a future date. During the almost one year since seizing the dog the Defendants have not treated dog's broken leg. The Plaintiffs' veterinarian advises that it is likely too late to treat the broken leg.

53. Upon information and belief, the actions taken by Defendants Officer Frankie Byrne and other Knox County Officers (Unidentified Officers) were performed in their capacity as employees of Knox County, and while acting under color of law.

#### **Events of September 17, 2015**

54. On September 17, 2015 Knox County Animal Control Officer Frankie Byrne and other Knox County Officers (Unidentified Officers) served another search warrant upon the residence of plaintiffs Mike Sullivan and Debbie Buckner, located at 5506 East Raccoon Valley Road, Knoxville, TN.
55. The September 17 warrant grounded upon assertions that Knox County Animal Control Officers had not received documents indicating proper care of the Plaintiffs animals. Specifically, Officer Byrne states in her affidavit in support of the warrant, that said documentation "has been repeatedly requested from the attorney defending the Sullivans' criminal prosecution." Upon information and belief, this statement is not true. The Sullivans' attorney referred to had received no requests for said

documentation. Upon information and belief, Officer Byrne knew that her statement was not true.

56. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant regarding the opinion of Tennessee Department of Agriculture Administrator K. David Wadell as to Officer Ciaflone's qualifications was not true.

57. Upon information and belief, Officer Byrne knew that her assertion in the affidavit submitted in support of the May 15 search warrant that Officer Cianflone is qualified to examine livestock pursuant to T.C.A. 39-14-211 was not true.

58. After the Plaintiffs were informed by officers that the search warrant included possible seizure of horses Mr. Sullivan asked the officers who was acting as the individual qualified under TCA §39-14-211 to examine the animals. Rather than answer the question Unidentified Officer number 5 informed Mr. Sullivan that "a warrant trumps state law." He then threatened to kick in the Plaintiffs' residence front door. Nine officers spent approximately three hours in the Plaintiffs' residence searching for paperwork, including searching through Plaintiffs' mail that had been delivered earlier that day.

59. Prior to September 2015 Defendant Cianflone had sued a horse arena business, Sport Horse Arena, located in Clinton, Tennessee, which is in Anderson County, outside the jurisdiction of Knox County Animal Control. Upon information and belief, the outcome of said lawsuit did not favor Cianflone.

60. During the September 17, 2015 search warrant execution Officer Cianflone was informed by the Plaintiffs that one of the horses at issue had been sold to Sport Horse Arena.

61. On September 18, 2015 two unidentified individuals arrived at Sport Horse Arena asking for riding lessons. Upon information and belief, these two unidentified individuals are associated with Horse Haven. The operator of Sport Horse Arena, identified as Barb Mack, became suspicious when the unidentified individuals asked to ride the horse that the Plaintiffs had sold to Sport Horse Arena, which was the subject of the September 17 search warrant executed against the Plaintiffs. The unidentified individual asked by the horse by name, "Glow." Yet the individual had not seen the horse and had never visited Sport Horse Arena before that day. Upon information and belief, Defendant Cianflone, or one of the other Defendants, communicated with one or more agents of Horse Haven and arranged to have Horse Haven agents visit Sport Horse Arena for the purpose of seeing Glow in order to accuse Sport Horse Arena of animal abuse.

62. Upon information and belief, the actions taken by all Defendants were performed in their capacity as employees of Knox County, and while acting under color of law.

**FIRST CAUSE OF ACTION**  
**(Deprivation of Liberty and Property without Due Process)**

63. The actions of the Defendants, as set forth in the paragraphs above, which are fully incorporated herein, entitle the Plaintiffs to a remedy under 42 U.S.C. § 1983 because the Defendants have, under color of state law, violated Plaintiffs clearly established rights to due process guaranteed under the Fourteenth Amendment to the United States Constitution as applied to the states and their political subdivisions.

64. Defendants' policies and ordinances are vague, overbroad, and lack sufficient standards and safeguards to curtail the discretion of law enforcement officers, thereby allowing said officers' unbridled discretion to enforce said policies in an ad hoc and discriminatory manner.
65. The Defendants failed to provide an impartial decision maker regarding factual determinations relevant to search and seizure.
66. The Defendants, under color of law, intentionally falsified factual allegations in order to obtain search warrants.
67. The individual defendants acted pursuant to the policies and/or customs of Defendant Knox County. Alternatively, the individual defendants acted pursuant to customs and practices so wide spread as to have the force of official policy or law of Defendant Knox County. Alternatively, Defendant Knox County's inadequate supervision and training of the individual defendants reflects deliberate indifference to the rights of those affected by the acts of the individual defendants.
68. Defendants' act of arresting Plaintiff Buckner without a warrant and without probable cause is a taking of liberty without due process.
69. Defendants' act of seizing Plaintiffs' horses, pets, documents, and other property without a warrant is a taking of property without due process.
70. As a direct result of Defendants' actions, Plaintiffs have suffered direct and immediate violations of their constitutional rights and are therefore entitled to injunctive and declaratory relief, damages, including punitive damages, and reasonable attorneys' fees, pursuant to Federal Rules of Civil Procedure 57 and 65

and 28 U.S.C. § 2201; to redress and remedy the violations, and to prevent irreparable harm and future violations of her rights and the rights of others.

**SECOND CAUSE OF ACTION**  
**(4<sup>th</sup> Amendment Violations)**

71. The actions of the Defendants, as set forth in the paragraphs above, which are fully incorporated herein, entitle the Plaintiffs to a remedy under 42 U.S.C. § 1983 because the Defendants have, under color of state law, violated Plaintiffs clearly established rights to be secure in their property, documents, and residence guaranteed under the Fourth Amendment to the United States Constitution as applied to the states and their political subdivisions.
72. The Defendants entered upon Plaintiffs' property, entered the Plaintiffs' residence, and searched Plaintiffs' documents in knowing and intentional violation of the Plaintiffs' Constitutional rights.
73. Defendants invited and allowed individuals who were not employees or agents of the Defendants and were not assisting the Defendants to enter the property of the Plaintiffs during execution of the search warrants.
74. The individual Defendants acted pursuant to the policies and/or customs of Defendant Knox County. Alternatively, the individual defendants acted pursuant to customs and practices so wide spread as to have the force of official policy or law of Defendant Knox County. Alternatively, Defendant Knox County's inadequate supervision and training of the individual defendants reflects deliberate indifference to the rights of those affected by the acts of the individual defendants.

75. As a direct result of Defendants' actions, Plaintiffs have suffered direct and immediate violations of their constitutional rights and are therefore entitled to injunctive and declaratory relief, damages, including punitive damages, and reasonable attorneys' fees, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; to redress and remedy the violations, and to prevent irreparable harm and future violations of her rights and the rights of others.

**THIRD CAUSE OF ACTION**  
**(Abuse of Process)**

76. The actions of the Defendants as set forth in the paragraphs above, which are fully incorporated herein, entitle the Plaintiff to relief because said actions constitute an abuse of process.

77. Upon information and belief, Defendant Byrne knew at the time she applied for the May 7, May 15, and September 17 search warrants that factual assertions within said applications were false.

78. Upon information and belief, Defendant Byrne knew at the time she applied for the May 7, May 15, and September 17 search warrants that the true facts were insufficient to provide probable cause in support of the search warrants.

79. The Defendants, under color of law, intentionally falsified factual allegations in order to obtain search warrants.

80. Upon information and belief, Defendant Byrne took the actions described herein for the purpose of obtaining search warrants from the court for an improper purpose. Specifically, Defendant Byrne took the actions described herein for the improper purpose of seizing horses from the Plaintiffs to Horse Haven of Tennessee, so that Horse Haven could obtain additional funds through sale and care of said horses.

81. The actions of Defendant Byrne damaged the Plaintiffs in that it caused the Plaintiffs to be arrested without warrant or probable cause, to lose personal property seized by the State and transferred to Horse Haven, and destroyed the Plaintiffs' reputation.

### **Prayer and Relief**

WHEREFORE, Plaintiff respectfully demands a jury trial, for judgment in their favor and against the Defendants, damages, including actual damages, punitive damages, and/or nominal damages; temporary and permanent injunctive relief; a declaration that the actions of Defendants, as described herein, were and are unconstitutional, illegal, and void, and that the same were in contravention of Plaintiffs' constitutional rights; and expungement or sealing of any references in the public records relating to the allegations against the Plaintiff. Due to the intentional and outrageous acts performed by the Defendants sued in their individual capacity, said acts in direct violation of the Plaintiffs' well-established constitutional rights, the Plaintiffs request punitive damages in an amount sufficient to punish said intentional acts and deter such conduct in the future. Plaintiffs further ask for judgment that Defendants reimburse Plaintiffs for their reasonable attorney's fees, expenses, and costs associated with the maintenance of this action, pursuant to 42 U.S.C. § 1988, and all such further relief as the Court may deem just and proper.

Submitted this 21<sup>st</sup> Day of April, 2016.



s/Van R. Irion

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