

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGIACARRY.ORG, INC.,)

And)

CHRISTOPHER RAISSI,)

Plaintiffs)

CIVIL ACTION FILE NO.

v.)

METROPOLITAN ATLANTA)

RAPID TRANSIT AUTHORITY,)

WANDA DUNHAM, IN HER)

OFFICIAL CAPACITY AS CHIEF)

OF THE MARTA POLICE,)

JOSEPH DORSEY, IN HIS)

OFFICIAL CAPACITY AS)

ASSISTANT CHIEF OF THE)

MARTA POLICE,)

OFFICER DOE 1,)

OFFICER DOE 2,)

OFFICER DOE 3,)

OFFICER DOE 4,)

and)

OFFICER DOE 5,)

Defendants)

COMPLAINT

I. INTRODUCTION

- 1 . This action, under 42 U.S.C. § 1983, seeks damages for the illegal search and detention of Plaintiff Raissi and the illegal seizure of his person and property in violation of his rights under the Fourth and Fourteenth Amendments. Plaintiff Raissi also seeks a declaration that his aforementioned constitutional rights were violated, plus a declaration that Defendants violated the Privacy Act by demanding Plaintiff Raissi's social security number. Both Plaintiffs seek a declaration and appropriate injunction for Defendants' violation of Georgia's Open Records Act. Finally, both Plaintiffs seek an injunction against future violations.

II. JURISDICTION & VENUE

- 2 . This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. 1343 for the federal claims. This Court has jurisdiction over the related state law claims under 28 U.S.C. § 1367, as they form part of the same case or controversy as the federal claims.

3 . Venue is proper because Defendants all are located in this District and in this Division, the events giving rise to this complaint occurred in this District and in this Division, and Plaintiffs reside in this District.

III. PARTIES

4 . Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit corporation organized under the laws of the State of Georgia.

5 . Plaintiff Christopher Raissi (“Raissi”) is a resident of the State of Georgia and a citizen of the United States, and a member of GCO.

6 . For all times relevant to this Complaint, Raissi possessed a valid Georgia firearms license (“GFL”) issued pursuant to O.C.G.A. § 16-11-129.

7 . Defendant Metropolitan Atlanta Rapid Transit Authority (“MARTA”) is a consortium of city and county governmental entities created by special act of the Georgia General Assembly.

8 . Defendant Wanda Dunham is the chief of the MARTA Police Department as is sued in her official capacity.

9 . Defendant Joseph Dorsey is the assistant chief of the MARTA Police Department and is sued in his official capacity.

10. Defendants Officers Doe 1, Doe 2, Doe 3, Doe 4 and Doe 5 are officers of the MARTA Police Department.

IV. FACTUAL BACKGROUND

11. On June 20, 2008, Plaintiffs' counsel met with Defendant Dorsey, at Defendant Dorsey's request, regarding MARTA's plans to address 2008 House Bill 89 ("HB 89"), a bill passed in 2008 by the General Assembly in Georgia that decriminalized the carrying of firearms in, among other places, the MARTA transit system by people with GFLs. Defendant Dorsey stated that he wanted to develop a policy that Plaintiffs would deem legally acceptable.

12. At the meeting, Plaintiffs' counsel made an oral request pursuant to the Georgia Open Records Act, that Defendant Dorsey provide him with a copy of MARTA's policy on HB 89 once it was developed.

13. On the same day, Plaintiffs' counsel reiterated the request, in writing, for a copy of MARTA's policy on HB 89. A copy of the written request is attached as **Exhibit A**.

14. On June 27, 2008, Plaintiffs' counsel once again requested in writing the policy from Defendant Dorsey. A copy of the second written request is attached as **Exhibit B**.

- 15 . On July 8, 2008, Plaintiffs' counsel once again requested in writing the policy from Defendant Dorsey. A copy of the third written request is attached as **Exhibit C**.
- 16 . Neither Defendant Dorsey nor any other representative of MARTA have responded to any of Plaintiffs' counsel's four requests for the policy.
- 17 . On October 14, 2008, Raissi was using the MARTA transit system and was wearing a firearm in a holster on his belt. As he entered the Avondale train station, he was ordered to stop and was surrounded by Defendants Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the "Officers"). The officers had no probable cause or reasonable suspicion that Raissi was committing, or about to commit, a crime.
- 18 . One of the Officers forcibly and without warning seized Raissi's firearm from its holster. The Officers demanded to know why Raissi was carrying a firearm, and Raissi provided the Officers with his valid driver's license and GFL.
- 19 . While he was surrounded by the Officers and while the Officers had possession of Raissi's firearm, driver's license, and GFL, the Officers demanded that Raissi disclose to them his social security account number ("SSN"), which he did.

20. When making their demand, the Officers did not advise Raissi whether disclosure of his SSN was mandatory or optional, what uses would be made of his SSN, and by what statutory or other authority they requested it.
21. During his detention, the Officers moved Raissi from the public area in which he had been stopped to a private MARTA building and detained him inside.
22. Raissi was not released with his property until after approximately 30 minutes.
23. On October 16, 2008, Raissi sent an Open Records Act request via certified mail, return receipt requested, to Defendant Dunham, requesting records pertaining to his detention and MARTA's policy for detaining people with firearms. A true and correct copy of this request is attached as **Exhibit D**.
24. Neither Defendant Dunham, nor any other MARTA representative, has responded to Raissi's request.
25. Upon information and belief, MARTA has a policy, developed in part by Defendants Dunham and Dorsey, of detaining anyone in the MARTA system seen carrying a firearm, regardless of the lack of probable cause or reasonable, articulable suspicion that a crime has been or is about to be committed.
26. GeorgiaCarry.Org, Inc. has many members with GFLs that want to use the MARTA system while lawfully carrying their firearms, free from unlawful

search and seizure for doing so. GeorgiaCarry.Org has many members who lawfully carry their firearms on MARTA systems and in MARTA terminals and parking lots.

Count 1 – Illegal Search and Seizure

27. By detaining and searching Raissi, and by seizing his firearm, absent any probable cause or reasonable suspicion that Raissi was committing, or about to commit, a crime, the Officers violated Raissi's right to be free from unreasonable searches and seizures under the Fourth and 14th Amendments.
28. By establishing a policy of detaining anyone seen carrying a firearm, even without probable cause or reasonable, articulable suspicion that a crime has occurred or is about to occur, MARTA, Dunham, and Dorsey have established a policy of violating the 4th and 14th Amendment rights of those detained.

Count 2 – Privacy Act Violations

29. By demanding Raissi's SSN before they would permit him to go about his business, the Officers violated Section 7(a) of the Privacy Act, 5 U.S.C. § 552a(note).
30. By failing to advise Raissi whether disclosure of his SSN was mandatory or optional, what uses would be made of his SSN, and by what statutory or other

authority his SSN was requested, the Officer's violated Section 7(b) of the Privacy Act.

Count 3 – Open Records Act Violations

31. By failing to respond to four separate requests for a copy of its policy, Defendant Dorsey has violated the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et. seq.*
32. By failing to respond to Raissi's request for records, Defendant Dunham has violated the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et. seq.*

Prayer for Relief

Plaintiffs demand the following relief

33. A jury to try this case.
34. A declaration that the Officers violated Raissi's rights to be free from unreasonable searches and seizures, and damages to compensate him for such violation.
35. A declaration that MARTA's policy of detaining anyone seen carrying a firearm, even without probable cause or reasonable articulable suspicion that a crime has been, or is about to be, committed, is unconstitutional, together with an injunction prohibiting enforcement of such policy.

