

IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT IN  
AND FOR BROWARD COUNTY  
FLORIDA

JADA SERVANCE,

CASE NO.:

Plaintiff,

vs.

CITY OF FORT LAUDERDALE,  
FLORIDA, a Municipal Government, and  
STEVEN POHORENCE, individually.

Defendants.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff, JADA SERVANCE, by and through undersigned counsel, and hereby sues Defendants, CITY OF FORT LAUDERDALE FLORIDA, a Municipal Government, and STEVEN POHORENCE, individually, and states unto the Court as follows:

1. This is an action for damages that exceeds Fifty Thousand Dollars (\$50,000.00) and is otherwise within the jurisdiction of this Court.

2. At all times material hereto, Plaintiff, JADA SERVANCE (“Plaintiff”), was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*.

3. At all material times, Defendant City of Fort Lauderdale (“City”) is and was a duly organized municipal government and public entity existing under the laws of the State of Florida and subject to the jurisdiction of this Court pursuant to § 768.28. At all relevant times, City was the employer of Defendant Police Officer Steven Pohorence. The Fort Lauderdale Police Department (“FLPD”) is a Department within the City.

4. At all relevant times, Defendant Steven Pohorence (“Pohorence” or “Officer Pohorence”) was a duly authorized employee of the City of Fort Lauderdale and the Fort

Lauderdale Police Department. At the times relevant to the conduct described in this complaint, Pohorence was a licensed police officer within the State of Florida and was working within the scope of his employment. Upon information and believe, Pohorence is a citizen of the State of Florida residing in Broward County and is over the age of 18.

5. Plaintiff has fulfilled all conditions precedent to the bringing of this action, in that in accordance with § 768.28, Florida Statutes. All conditions precedent have otherwise occurred, been performed, been met, been waived, would be futile, or are otherwise inapplicable.

6. All events giving rise to this cause of action occurred in Broward County, Florida, making venue proper in Broward County, Florida.

7. This below causes of action are the remaining state law counts following a dismissal without prejudice of the initial federal causes of action filed in the Southern District of Florida. *See* attached Order Dismissing Case and Permitting Re-Filing in State Court signed August 27, 2024, by District Court Judge Jacqueline Becerra.

8. On or about May 31, 2020, Plaintiff was attending the George Floyd demonstration in Fort Lauderdale, Florida.

9. Also present at the demonstration was police officer and Defendant Steven Pohorence who was at the time employed by the City of Fort Lauderdale and the Fort Lauderdale Police Department, and at all times relevant was working within the scope of his employment.

10. At all times material hereto, Plaintiff was exercising her rights to peacefully protest and was in the process of peacefully assembling by kneeling down to exercise her rights in the presence of the Fort Lauderdale uniformed officers situated near a parking garage and cross walk.

11. At that time, Defendant Pohorence, who was neither defending life nor property, nor in reasonable fear of imminent bodily harm to himself or others, took it upon himself to

unprovokedly shove and push Ms. Servance to the ground who was kneeling peacefully nearby.

**COUNT I – BATTERY against Defendant Pohorence**

Plaintiff realleges paragraphs 1 through 11 as if fully set forth herein.

12. While peacefully protesting on May 31, 2020, Ms. Servance was kneeling down with her hands raised when Defendant Pohorence intentionally and deliberately shoved her to the ground.

13. Officer Pohorence's forceful contact committed upon Ms. Servance resulted in her being slammed into the street and landing on her shoulder and further injuring her lower back, causing her immediate pain and severe injuries.

14. Officer Pohorence used physical force in a manner that created a substantial risk of causing death or serious bodily harm to Plaintiff as she was peacefully kneeling down with her hands raised into the air, leaving her at her most prone and unguarded position.

15. Defendant Pohorence did not violently push a kneeling Plaintiff into the ground to protect himself or other from death or bodily harm, much less to prevent *imminent* death or serious bodily harm. He did not push a kneeling Plaintiff into the ground to protect property or life. Nor did Pohorence push a kneeling Plaintiff into the ground for any lawful purpose.

16. Plaintiff suffered a harmful and offensive contact when she was pushed down by Pohorence as she was peacefully practicing her First Amendment rights at the demonstration.

17. Pohorence was acting in the scope of this employment as he was performing crowd control at the demonstration and with the discretion of the City.

18. Pohorence acted intentionally, in bad faith, or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and thus, pursuant to §768.28(9), Fla. Stat., both Defendant Pohorence and the City are liable.

19. As a direct and proximate result of Pohorence's conduct, Plaintiff suffered damages, including mental anguish, bodily injury, pain and suffering, disability, discomfort, disfigurement, emotional distress, humiliation, embarrassment, loss of capacity of the enjoyment of life, aggravation of pre-existing conditions, expense of hospitalization, and medical treatment. The losses are permanent and/or continuing and Plaintiff will continue to suffer losses in the future. Furthermore, Plaintiff was forced to incur hospital, medical, surgical and/or nursing expenses in the past and will be required to incur such costs in the future for the care and treatment of the injuries received in this incident.

WHEREFORE, Plaintiff demands judgment against Pohorence for damages, costs, and trial by jury for all issues so triable, and any further relief as the Court deems just and proper.

**COUNT II- BATTERY against Defendant City of Fort Lauderdale**

Plaintiff realleges paragraphs 1 through 11 as if fully set forth herein.

20. While peacefully protesting on May 31, 2020, Ms. Servance was kneeling down with her hands raised when Defendant Pohorence intentionally and deliberately shoved her to the ground.

21. Officer Pohorence's forceful contact committed upon Ms. Servance resulted in her being slammed into the street and landing on her shoulder and further injuring her lower back, causing her immediate pain and severe injuries.

22. Officer Pohorence used physical force in a manner that created a substantial risk of causing death or serious bodily harm to Plaintiff as she was peacefully kneeling down with her hands raised into the air, leaving her at her most prone and unguarded position.

23. Defendant Pohorence did not violently push a kneeling Plaintiff into the ground to protect himself or other from death or bodily harm, much less to prevent *imminent* death or serious

bodily harm. He did not push a kneeling Plaintiff into the ground to protect property or life. Nor did Pohorence push a kneeling Plaintiff into the ground for any lawful purpose.

24. Plaintiff suffered a harmful and offensive contact when she was pushed down by Pohorence as she was peacefully practicing her First Amendment rights at the demonstration.

25. Pohorence was acting in the scope of this employment as he was performing crowd control at the demonstration and with the discretion of the City.

26. Pohorence acted intentionally, in bad faith, or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and thus, pursuant to §768.28(9), Fla. Stat., both Defendant Pohorence and the City are liable.

27. As a direct and proximate result of Pohorence's conduct, Plaintiff suffered damages, including mental anguish, bodily injury, pain and suffering, disability, discomfort, disfigurement, emotional distress, humiliation, embarrassment, loss of capacity of the enjoyment of life, aggravation of pre-existing conditions, expense of hospitalization, and medical treatment. The losses are permanent and/or continuing and Plaintiff will continue to suffer losses in the future. Furthermore, Plaintiff was forced to incur hospital, medical, surgical and/or nursing expenses in the past and will be required to incur such costs in the future for the care and treatment of the injuries received in this incident.

WHEREFORE, Plaintiff demands judgment against the City for damages, costs, and trial by jury for all issues so triable, and any further relief as the Court deems just and proper.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of September, 2024, I filed the foregoing document with the Clerk of the Court via electronic filing. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via E-Mail or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Filing.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-cv-60555-JB

JADA SERVANCE,

Plaintiff,

v.

CITY OF FORT LAUDERDALE,  
FLORIDA and STEVEN  
POHORENCE,

Defendants.

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**ORDER DISMISSING CASE AND  
PERMITTING RE-FILING IN STATE COURT**

**THIS CAUSE** came before the Court on Defendant City of Fort Lauderdale's Motion to Dismiss Amended Complaint, ECF No. [27], and Defendant Steven Pohorence's Motion to Dismiss Plaintiff's First Amended Complaint, ECF No. [28] (collectively, the "Motions"). The Court set the Motion for oral argument on August 22, 2024. ECF Nos. [49] and [50].

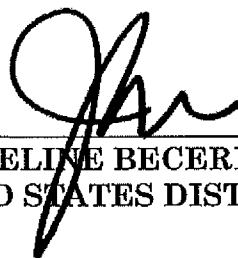
At the commencement of the oral argument, counsel for Plaintiff announced that Plaintiff was moving *ore tenus* to dismiss all federal causes of action pled in the Amended Complaint and wished to proceed on the common law causes of action only. It is **ORDERED AND ADJUDGED** that the *ore tenus* motion to dismiss is **GRANTED**, and all federal causes of action pled in the Amended Complaint, including: (1) Count I against Steven Pohorence for Federal Civil Rights Violations – Unlawful First Amendment Restriction on Speech and Unlawful First Amendment

Retaliation; (2) Count III against the City of Fort Lauderdale for Federal Civil Rights Violations – Unlawful First Amendment Retaliation; and (3) Count IV against Steven Pohorence and the City of Fort Lauderdale for Federal Civil Rights Violations – Fourteenth Amendment, are hereby **DISMISSED**. See ECF No. [26].

With no federal claims pending, the Court declines to exercise supplemental jurisdiction over the remaining common law claims in the Amended Complaint, which are the battery claims in Count II and Count V<sup>1</sup> against Defendants City of Fort Lauderdale and Steven Pohorence.

Accordingly, it is **ORDERED AND ADJUDGED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's re-filing, by no later than **thirty days** after the date of this Order, of its common law battery claims in Counts II and V against Defendants City of Fort Lauderdale and Steven Pohorence pursuant to 28 U.S.C. §1367(d), which tolled the statute of limitations during the pendency of the instant action and shall continue for a period of **thirty days** after the date of this Order. The Clerk is directed to **CLOSE** this case, and all pending motions are **DENIED** as moot.

**DONE AND ORDERED** in Miami, Florida this 27th day of August, 2024.



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**JACQUELINE BECERRA**  
**UNITED STATES DISTRICT JUDGE**

<sup>1</sup> Count V was mislabeled as "Count II." ECF No. [26] at 18–20.