

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY HAYTON,

Plaintiff,

DECLARATION OF SERVICE  
08 CV 5582 (LAK)(AJP)

- against -

THE CITY OF NEW YORK, DARRYL  
SMALLWOOD and "JOHN DOE" 1-5, the  
names being fictitious and presently  
unknown, employees of the New York City  
Police Department,

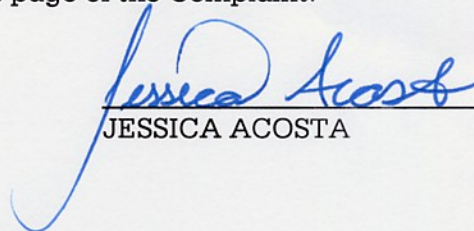
Defendants.

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STATE OF NEW YORK        )  
                                  : SS. :  
COUNTY OF KINGS        )

JESSICA ACOSTA, declares the following under penalty of perjury pursuant  
to 28 U.S.C. §1746:

That on June 24, 2008, I served the COMPLAINT upon defendant City of  
New York at the New York City Law Department, 100 Church Street, New York,  
New York, that being an address within the State theretofore designated for that  
purpose, by personally delivering a copy thereto as evidenced by the date/time  
stamp appearing on the first page of the Complaint.

  
\_\_\_\_\_  
JESSICA ACOSTA

JUDGE KAPLAN

08 CV 5582

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Defendants.



**Jury Trial Demanded**

2008 JUN 24 PM 4 11  
CITY OF N.Y. LAW DEPART.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

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Anthony Hayton, by his attorney, Matthew Flamm, alleges the following  
upon information and belief as his Complaint:

Nature of the Action

1. This civil rights action arises from the February 19, 2008 unlawful assault on and arrest of Anthony Hayton. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §2201 as well as compensatory and punitive damages for violation of his civil rights under 42 U.S.C. §1983.

Jurisdiction and Venue

2. This action arises under the United States Constitution and 42 U.S.C. §1983. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and §1343(3). Plaintiff asserts jurisdiction over the City of New York under 28 U.S.C. §1367. Plaintiff requests that this Court exercise pendent jurisdiction over those state law claims arising out of the same common nucleus of operative facts as do plaintiff's federal claims.

3. Under 28 U.S.C. §1391(b) and (c), venue is proper in the Southern District of New York because defendant City of New York resides in that judicial District.