

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CORRINE A. LYNN,	:	CASE No. 4:19-cv-1735
INDIVIDUALLY AND AS EXECUTRIX	:	
OF THE ESTATE OF LORAIN S. LYNN,	:	DISTRICT JUDGE
	:	
AND	:	MAGISTRATE JUDGE
	:	
SAMANTHA R. LYNN, INDIVIDUALLY,	:	
BOTH C/O ERIC HOLLOWAY LAW GROUP, LLC	:	
5650 BLAZER PARKWAY, SUITE 100	:	
DUBLIN, OHIO 43017,	:	
	:	
PLAINTIFFS,	:	
	:	
V.	:	
	:	
LIBERTY TOWNSHIP, OHIO	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505,	:	
	:	
POLICE CHIEF TOBY MELORO	:	
LIBERTY TOWNSHIP, OH, POLICE DEPARTMENT	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505,	:	
	:	
POLICE CAPTAIN STEVE SHIMKO	:	
LIBERTY TOWNSHIP, OH, POLICE DEPARTMENT	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505,	:	
	:	
FORMER POLICE CHIEF RICHARD TISONE	:	
LIBERTY TOWNSHIP, OH, POLICE DEPARTMENT	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505,	:	
	:	
ARNIE CLEBONE, LIBERTY TOWNSHIP TRUSTEE,	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505, AND	:	
	:	
GREG CIZMAR, LIBERTY TOWNSHIP TRUSTEE,	:	
1315 CHURCHILL-HUBBARD ROAD	:	
YOUNGSTOWN, OHIO 44505,	:	
	:	
DEFENDANTS.	:	

---

**COMPLAINT FOR MONEY DAMAGES, DECLARATORY RELIEF AND  
INJUNCTIVE RELIEF WITH JURY DEMAND**

---

Plaintiffs Corrine Lynn and Samantha Lynn, presenting this Complaint for Money Damages, Declaratory Judgment, and Injunctive Relief, state as follows:

**I. Introduction and Preliminary Statement**

1. On August 2, 2017, two men found Loraine S. Lynn's lifeless body on a small tractor, partially submerged in a pond on Ms. Lynn's mother's small farm. At least one witness recalled seeing her face and shoulders in the water. Her head and neck were partially submerged in the water.
2. Later, Plaintiffs Corrine Lynn and Samantha Lynn would discuss their mother's death with the Trumbull County, Ohio County Coroner. They learned that their mother Ms. Lynn had no water in her lungs. Apparently, their mother died prior to entering the water.
3. The Plaintiffs also learned that any visible external injuries had been insufficient to have caused Ms. Lynn to die.
4. Police officials arrived on scene by 7:33 a.m. on August 2, 2017.
5. Nonetheless, Defendants closed the case by 12:12 p.m. on August 2, 2017, concluding a farming accident had occurred.
6. On August 2, 2017, Defendants did not call the County Coroner to the scene. They did not call the Trumbull County Sheriff's Office for investigative assistance. They did not contact the Bureau of Criminal Investigation in the Ohio Attorney General's Office to assist with

processing the crime scene, let alone provide any investigative assistance. Instead, Defendants allowed valuable evidence to slip through their fingers.

7. Subsequently, then-Chief Richard J. Tisone oversaw an internal affairs investigation into how then-Captain Toby Meloro investigated this criminal homicide. Upon information and belief, the Township first requested the County Sheriff's Office to conduct the internal investigation, only later to take it back from the County Sheriff's Office.
8. In a report dated August 13, 2018, Chief Tisone concluded then-Captain Meloro did not properly investigate Ms. Lynn's death. (Ex. 1, Liberty Township Police Dept. Internal Affairs Report, attached.) He recommended to the Liberty Township, Ohio Board of Trustees that Capt. Meloro receive discipline. Upon information and belief, none was given. After Chief Tisone retired, the Liberty Township, Ohio Board of Trustees promoted then-Capt. Meloro to Police Chief.

## **II. Jurisdiction and Parties**

9. Plaintiffs reincorporate by reference as if fully rewritten all previous paragraphs of this Complaint.
10. Pursuant to 28 U.S.C. §§ 1331 and 1343(3) and (4), this Court has jurisdiction over the federal claims asserted in this Complaint. Pursuant to 28 U.S.C. § 1367(a), this Court would have jurisdiction over any state law claims asserted in this Complaint.
11. All operative facts giving rise to this Complaint occurred within Trumbull County, Ohio. Venue is proper in this Division.

12. Plaintiff Corrine Lynn is a surviving daughter of Loraine S. Lynn. She and Samantha Lynn are sisters. She has her own children, works with her sister, and is a loving Aunt to her sister's children. Like her sister, she misses her mother every day.
13. On September 8, 2017, the Portage County Probate Court issued an Entry appointing Plaintiff Corrine A. Lynn as the fiduciary of her Mother's estate. It also issued letters of authority. See Portage County, Ohio Probate Court Case No. 2017 ES 00417.
14. Plaintiff Samantha Lynn is a surviving daughter of Loraine S. Lynn. She and Corrine Lynn are sisters. She has her own children, works with her sister, and is a loving Aunt to her sister's children. Like her sister, she misses her mother every day.
15. Defendant Liberty Township, Ohio provides law enforcement services through its Police Department. Defendant Liberty Township is a political subdivision organized under the laws of the State of Ohio.
16. Defendant Arnie Clebone was a Trustee of Liberty Township, Ohio at all times relevant to this action. Plaintiffs sue this Defendant in his individual and official capacities.
17. Defendant Greg Cizmar was a Trustee of Liberty Township, Ohio at all times relevant to this action. Plaintiffs sue this Defendant in his individual and official capacities.
18. Defendant Toby Meloro supervised and directed the initial investigation into the criminal death of Loraine S. Lynn arrest of Plaintiffs. Plaintiffs sue him in both his individual and official capacities. Plaintiffs sue this Defendant in his individual and official capacities.

19. Defendant Steve Shimko supervised and directed the initial investigation into the criminal death of Loraine S. Lynn arrest of Plaintiffs. Plaintiffs sue him in both his individual and official capacities. Plaintiffs sue this Defendant in his individual and official capacities.
20. Defendant Richard Tisone supervised and directed the initial investigation into the criminal death of Loraine S. Lynn arrest of Plaintiffs. Plaintiffs sue him in both his individual and official capacities. Plaintiffs sue this Defendant in his individual and official capacities.
21. At all times relevant, Plaintiffs Corrine and Samantha Lynn each have resided in Alleghany County, Pennsylvania.
22. At all times relevant, Defendant Liberty Township, Ohio has been located within Trumbull County, Ohio, and Defendants Meloro, Shimko and Tisone have worked for the Liberty Township, Ohio Police Department as sworn law enforcement officers. Defendant Tisone retired as Police Chief in August 2018.
23. At all times relevant, each Defendant acted under the color of state law.

### **III. Facts Supporting Claims for Relief**

#### **A. Defendants Inadequately Investigated Loraine S. Lynn's Criminal Homicide.**

24. Plaintiffs incorporate by reference as if fully rewritten all previous paragraphs of this Complaint.
25. The Fourteenth Amendment to the United States Constitution states, in part, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the

laws.” It requires political subdivisions, law enforcement agencies, and law enforcement officers to conduct constitutionally sound criminal investigations per applicable case law. *See DeShaney v. Winnebago County of Dep't of Soc. Servs.*, 489 U.S. 189, 197, 200 (1989); *also Foy v. City of Berea*, 58 F.3d 227, 231 (6th Cir. 1995) (government has affirmative duty to protect when government’s actions limits a person’s ability to act on his or her own behalf); *Smith v. City of Elyria*, 857 F. Supp. 1203, 1210 (N.D. Ohio 1994) (“the State must take some action which places the victim in a dangerous position, or increases the potential danger, or deprives the victim of his or her ability to use self-help.”); *Culberson v. Doan*, 125 F.Supp. 2d 252, 268 (S.D. Ohio 2001), citing *DeShaney*, *Smith*, *supra*.

**1. A Horrible Discovery Initiates a Constitutionally Unacceptable Criminal Investigation.**

26. On August 2, 2017, two men found Loraine S. Lynn’s lifeless body. Ms. Lynn had been missing since August 1, 2017. She was 60 years old.
27. The two men were Howard J. “Chip” Pullin III (Chip Pullin), decedent’s brother, and Timothy Lynn, decedent’s ex-husband, who is the father of both Plaintiffs.
28. On August 1, 2017, Mr. Lynn had been in Pittsburgh, PA visiting with both Plaintiffs the entire day.
29. Mr. Lynn recalls that Chip Pullin had noticed that a tractor was not in its usual place and that a mowed trail of grass existed. That path took the two men towards the pond.

30. When he arrived at the pond, Mr. Lynn saw Ms. Lynn's right leg positioned behind her. Her upper torso was draped forward onto the steering wheel and partially, but not fully, submerged in the water.
31. All her adult life, Ms. Lynn had operated heavy machinery. It's how she made her living, earning \$40 per hour, with time and a half for overtime. She had training that included having her commercial driver's license. She could operate pavers, backhoes, excavators, and more. She was a member of Operating Engineers, Local 66. She once worked on a demolition crew.
32. Diane C. Pullin is Ms. Lynn's surviving sister. She hired a consultant in August 2017 to examine the tractor on which Ms. Lynn's body was found.
33. The forensic examination showed that the small tractor is a 1978 Ford 2000 tractor, manufactured in 1978 with a 6-speed transmission and a 950-rpm power take off (PTO).
34. The tractor and PTO had a Woods Equipment rotary cutter attached to it, Dixie model MD160 with dual blades, with the ability to cut a five-foot wide path. (Ex. 2, photo of tractor and brush hog, attached.)
35. In sum, the accident reconstructionist found nothing of significance to indicate that the 1978 Ford Tractor malfunctioned on August 1, 2017.
36. Back on August 2, 2017, as he continued to view the lifeless body, Mr. Lynn saw that Ms. Lynn's lower portion of her body was seated in the tractor's seat but was partially out of the water. However, her head, neck and shoulders were partially in the water.
37. Mr. Lynn called 911, and Chip Pullin went up the driveway to direct first responders.

38. Police officers reported to dispatch a body in the water at approximately 7:29 a.m. on August 2, 2017.
39. Plaintiff Samantha Lynn called local police that morning on August 2, 2017. She reported her concerns about a suspect who may have caused her mother's death.
40. Plaintiff Corrine Lynn also contacted the police. Dispatch told both Plaintiffs Samantha Lynn and Corrine Lynn that someone would interview that day. No one interviewed them that day. At most, when Defendant Meloro picked up Ms. Lynn's car, he saw both Plaintiff Corrine Lynn and Samantha Lynn. He did not interview either one.
41. 911 Dispatch and police officers acknowledge that the call on the dead body was at least "suspicious" per communications in the morning on August 2, 2017. 911 Dispatch also had the Liberty Township Police Department return a call to Plaintiff Samantha Lynn.
42. In the morning on August 2, 2017, Dispatch contacted Defendant Captain Shimko to review the then-known timeline of events.
43. Upon information and belief, Defendants had concluded within an hour or so that no homicide had occurred.
44. At 12:12 p.m. on August 2, 2017, Liberty Township Police Department reported this death investigation as closed.
45. Under Ohio law, the County Coroner investigates all unexplained deaths. Ohio Rev. Code § 313.11. The County Coroner has control over the area connected with the discovery of a dead body when the death is unexplained. Ohio Atty Gen. Opinion 88-035. The County Coroner or designee alone has exclusive authority to issue orders to remove a body, clothing



or possessions. Ohio Rev. Code § 313.11; Ohio Atty Gen. Opinion 88-035. No one may disturb a scene involving an unexplained death without an express order from the County Coroner. *Id.*

46. No Defendant called the County Coroner to the scene to investigate this matter as a suspicious death.

**2. Lynn Family Reports Murder Motives to Liberty Township Police; Defendants took no action.**

47. On August 2, 2017, at approximately 6:32 a.m., Plaintiff Samantha Lynn contacted 911 from her residence. She reported her mother as missing. She reported prior family history within the family that involved her missing mother, Ms. Lynn, and another relative.
48. On August 2, 2017, in the morning, Plaintiff Corrine Lynn called police to ask them to go to 1375 Shannon Road. She had learned that her father (and decedent's ex-husband), Timothy Lynn, had found Ms. Lynn's car parked in an unusual place on Wanda Pullin's property (Wanda Pullin being Ms. Lynn's mother, who was approximately 89 years old at the time, and still living as of this filing.)
49. In that call on August 2, 2017, to Dispatch, Plaintiff Corrine Lynn reported facts related to a family dispute that involved her mother (decedent Ms. Loraine Lynn) and another relative whom she named.
50. Also, in the morning on August 2, 2017, Mr. Lynn and Chip Pullin found Ms. Lynn's deceased body. Mr. Lynn informed his daughter, Samantha Lynn that their mother was gone. Samantha Lynn then told her sister Corrine Lynn.

51. Again, in the morning on August 2, 2017, Plaintiff Samantha Lynn called 911 and was transferred to the Liberty Police Department. She reported her concerns that a family feud led to her mother's death. She named the relative she thought was responsible.

**3. Investigation Failures Marred Any Hope of a Quick Arrest and Justice.  
Defendants ignored evidence of possible criminal activity.**

52. Upon information and belief, none of the Defendants contacted the Trumbull County Coroner's Office to investigate this clearly unusual death.
53. Upon information and belief, none of the Defendants contacted the Trumbull County Sheriff's Office to assist in investigating this clearly unusual death.
54. Upon information and belief, none of the Defendants contacted the Bureau of Criminal Investigation and Identification in the Office of the Ohio Attorney General to assist in investigating this clearly unusual death.
55. Defendants ignored critical information. For years, Ms. Lynn had disputes with one her relatives. One dispute arose over how a relative had treated Plaintiff Samantha Lynn. Another dealt with taking care of Ms. Lynn's small farm after her father's death in 2016. Ms. Lynn took on duties of managing their mother's small farm and dozens of other properties. Eventually, Ms. Lynn reported to her ex-husband that she was done disputing with a relative about their mother's properties and planned to stop managing her mother's small farm.
56. Defendants eventually secured Ms. Lynn's vehicle which had been parked on her mother's property prior to her body being found.

57. On August 2, 2017, Defendant Captain Meloro took Ms. Lynn's car to garage 6 at the Liberty Police Department. Upon information and belief, then-Captain Meloro did not process the car for any evidence, including for DNA or fingerprints.
58. However, Defendant Meloro did remember to tell the Plaintiffs the Township would have to start charging for impounding their mother's vehicle.
59. At approximately 9:30 a.m. on August 2, 2017, Plaintiff Samantha Lynn arrived on scene. She noted that the Liberty Township Police Department had departed the scene already.
60. Ms. Lynn's neck had a black and blue mark on it. Her neck was swollen. Yet, Defendants deliberately chose to conclude such information formed proof of only an accident and not possibly as proof of criminal activity.
61. At 12:12 p.m. on August 2, 2017, Defendants deliberately chose to close the investigation. They ruled the cause of death as the result of a tragic accident.
62. Plaintiffs learned that their mother's deceased body had little to any external injuries to explain her death. They also learned that their mother's dead body had no water in the lungs – suggesting their mother had died prior to entering the pond on the small Ford tractor.
63. Ms. Lynn's parked car was found in an area on her mother's small farm where anyone familiar with it would not go. It was behind a barn that had broken glass, metal, and other rubbish. This location also would conceal her car from anyone quickly looking at her mother's small farm to find her.
64. Ms. Lynn habitually parked her car on her mother's property so that her mother could see the parked car. That would let her mother know that Ms. Lynn was there.

65. Ms. Lynn habitually parked in the shade of the trees around her mother's house. The barn where the parked car was found provided little to no shade for the car.
66. Ms. Lynn was known not to work outside without sunglasses. Yet, her sunglasses were found inside her parked car. She had no other sunglasses on her body when it was discovered. No one located sunglasses in the area where the small tractor had impacted the pond on Ms. Lynn's mother's small farm.
67. Ms. Lynn's mother's property had at least one security camera that showed the exterior of her mother's residence. Camera footage from that camera showed Ms. Lynn's car arriving twice on August 1, 2107. In the first instance, Ms. Lynn entered and left the property in her usual way. In that usual way, her car was recorded on camera. In the second instance, Ms. Lynn's car traversed her mother's property, minimizing exposure to any cameras on the property.
68. On or about August 10, 2017, the decedent's surviving sister, Diane Pullin, called Defendant then-Captain Meloro. (Diane Pullin had been in Florida when she learned of the death of her sister.) She reported to Capt. Meloro that he needed to review video footage from property where the decedent had died. Plaintiffs understand Capt. Meloro reviewed such footage for only a half an hour and did ever complete such a review. He reviewed such footage at Plaintiffs' grandmother's house. He saw the footage that showed the decedent leaving earlier in the day. When a storm knocked out power that day when he was reviewing the footage, Defendant Meloro left, asking only for a copy of the video. Upon information and belief, no Defendant has ever seen the full video footage.

69. On September 3, 2017, Plaintiff Samantha Lynn learned that the small tractor that her mother's body had been on the day she was found dead was sold for scrap for \$500.
70. On or about September 26, 2017, Plaintiffs Corrine Lynn and Samantha Lynn learned about the results in the toxicology report for their dead mother. The report revealed no substances were in their mother's body except for her prescribed anti-depressants.

**B. Policies, Practices, and Abuse of Police Power**

71. Defendants unreasonably investigated the death of Ms. Lynn. The constitutionally inadequate investigation was part of a pattern and practice by Defendants of violating Fourteenth Amendment rights when conducting criminal investigations.
72. Defendants acted upon a practice and pattern of not obtaining training and education for its law enforcement personnel to conduct homicide investigations properly.
73. Defendants acted upon a practice and pattern of not using outside law enforcement services to conduct homicide investigations properly. For example, and without limitation, Defendants did not contact the Trumbull County Sheriff's Office, the Bureau of Criminal Investigation in the Ohio Attorney General's Office, or any other law enforcement agency to obtain any crime scene assistance or investigation assistance.
74. Defendants Liberty Township, Ohio, Defendant Clebone and Defendant Cizmar and/or others unknown ratified other Defendants' actions and inactions on scene. They did so by failing to discipline, demote or terminate those who failed to conduct a constitutionally sound investigation into Ms. Lynn's death. In fact, then-Chief Tisone recommended that then-Captain Meloro receive discipline over this investigation. Instead, the Liberty

Township, Ohio Board of Trustees promoted then-Capt. Meloro to Police Chief after Chief Tisone retired.

75. Defendants Liberty Township, Ohio, Defendant Clebone and Defendant Cizmar and/or others unknown ratified other Defendants' actions and inactions on scene. They did so by promoting then-Captain Meloro to Chief of Police, despite knowing at least then-Captain Meloro had failed to investigate the instant death properly. They had such knowledge at least because an internal investigation had concluded as much. Thus, they knew that the investigating law enforcement personnel had failed to conduct a constitutionally sound investigation into Ms. Lynn's death.
76. Defendant Liberty Township, Ohio and/or others unknown issued final decisions to subordinate law enforcement personnel regarding training, education and efforts to obtain law enforcement services from outside agencies such that those decisions were not subject to review. In particular, and without limitation, Defendants failed to contact other law enforcement agencies to obtain assistance needed to process the instant crime scene.
77. Defendant Liberty Township, Ohio and/or others unknown gave affirmative approval of the decision to close the instant investigation within one business day of the discovery of Ms. Lynn's dead body. It did so by promoting the person responsible for closing this investigation within hours of opening it.
78. Defendants acted negligently, intentionally, recklessly, wantonly, and with deliberate indifference to the federally protected rights of Loraine S. Lynn, Corrine Lynn and Samantha Lynn.

79. Defendants, through their customs, policies, patterns, and practices have each acted negligently, intentionally, recklessly, wantonly, and with deliberate indifference to the federally protected rights of each Plaintiff in this Complaint.
80. Defendants' actions and inactions reflect an arbitrary abuse of government power. Their actions and inactions shock the conscience.
81. Defendants' customs, policies, patterns, and practices were the moving force behind the violation of Plaintiffs' federally protected rights.
82. Policy knew or others made them aware of the need to train and supervise police officers in these areas involving the investigation of criminal homicide cases without violating such person's federally protected rights.
83. Likewise, Defendants failed to properly discipline police officers who failed to properly investigate criminal homicides.
84. Defendants failed to train and supervise the individual police officers conducting and supervising the criminal investigation into the death of Lorraine S. Lynn. Thus, Defendants were deliberately indifferent to the rights of citizens to have criminal investigations conducted in a manner that fulfilled constitutional obligations which the government and its agents must fulfill.

**C. Injuries and Damages**

85. Defendants' individual and/or joint wrongful acts or omissions have proximately caused each Plaintiff to endure many forms of damages. Each Plaintiff also has suffered economic damages.

86. Plaintiffs Corrine and Samantha Lynn understand that at least thousands of dollars have been paid to fund private investigation efforts into the death of their mother.
87. Plaintiffs also understand at least \$3,000 was paid to investigate the small tractor upon which their Mother's body had been found.
88. Plaintiffs incurred other financial losses due to the death of their mother and/or related to investigating her death. Such costs include and are not limited to the following: (i) loss of employment of a \$30/hour job; (ii) over \$1,200 for a memorial service; (iii) \$3,000 for signs and billboards posting requests for information about their Mother's death; (iv) \$2,000 in childcare expenses; (v) \$1,000 for a wake; and (vi) \$1,000+ for travel expenses.
89. Plaintiffs assert further damages in the form of what they and their Mother's decedent's estate should have been able to pursue against those responsible for their Mother's death via a state claim for wrongful death and any other applicable tortious injury claim. Specifically, and without limitation, due to these Defendants' culpable misconduct, misfeasance, and/or malfeasance, Plaintiffs are unable to identify those responsible for their Mother's death. As such, they are unable to pursue lawful civil claims of any kind against such unknown persons. Thus, as an additional form of damages, Defendants owe Plaintiffs for all damages that each Plaintiff could have pursued in state court against those who caused her pain, suffering, and death.
90. Upon information and belief, Plaintiffs understand Loraine Lynn had the capacity to earn over \$80,000 per year. While currently not employed at the time of her death, Ms. Lynn had resolved to return to employment. Plaintiffs understand their Mother would have worked at



least another five years, and probably more, noting that their maternal grandfather kept active until the day he died, dying at the approximate age of 86. They also note that their maternal grandmother still is alive at the approximate age of 89.

91. Each Plaintiff also has suffered mental injuries. Each has suffered humiliation, embarrassment, some loss of sleep and damage to her reputation. Each has experienced and/or continues to experience anxiety and anguish. Each also has suffered at least temporary if not permanent psychic injury, severe emotional distress, mental distress, and other physical, emotional and psychological injuries. Such injuries continue to this day.
92. Also due to Defendant's individual and/or joint wrongful acts or omissions, each Plaintiff has experienced and/or continues to experience aggravation of the suffering that each had been experiencing regarding anxiety that pre-existed the Defendants' unlawful conduct. As part of the reaction to Defendants' illegal conduct, Plaintiff Samantha Lynn has increased the dosage of prescription medication she takes to control her anxiety. She added new medications, too, to alleviate her symptoms from her emotional and psychological injuries.
93. As Defendants proximately caused each Plaintiff to endure such damages, each Plaintiff has required or continues to require medical care, suffered at least temporary if not permanent physical or psychic injury, pain and anguish, severe emotional distress, mental distress, and other physical, emotional and psychological injuries.

**D. Qualified Immunity does not apply.**

94. Each individual Defendant acted, knowing each violated the Fourteenth Amendments by investigating the instant criminal homicide in violation of Plaintiffs' and Ms. Lynn's protected rights. *DeShaney*; *Foy*; *Smith*; and *Culberson*, *supra*.
95. Each individual Defendant knew clearly established statutory or constitutional standards existed, on or before August 2, 2017, that law enforcement officers would violate protected rights if they failed to investigate properly a criminal homicide.
96. A reasonable person would have known that each individual Defendant's actions violated Plaintiffs' protected rights.
97. Each Defendant failed to act competently when investigating and overseeing the instant criminal homicide.
98. Each individual Defendant acted with malicious purpose by failing to act competently when investigating and overseeing the instant criminal homicide.
99. Each individual Defendant alternatively acted in bad faith, wantonly or recklessly by failing to act competently when investigating and overseeing the instant criminal homicide.
100. On June 28, 2019, Plaintiffs Corrine and Samantha Lynn caused a public records request, per Ohio law, to be delivered to Defendant Liberty Township, Ohio. As of this filing, the Township has not provided any responses to that request.

**IV. Federal Claims for Relief – 42 U.S.C. § 1983**

**A. Violations of Federally Protected Rights against all Defendants – Fourteenth Amendment Violations: Substantive Due Process Claim.**

101. Each Plaintiff incorporates by reference all previous paragraphs of the Complaint as if fully rewritten.
102. Defendants, under color of state law, violated Plaintiffs' federally protected rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution.
103. Defendants created a special relationship between them and Plaintiffs. It agreed to provide investigative law enforcement services in response to the death of their mother.
104. Defendants acted to deprive Plaintiffs of having the ability to use self-help.
105. Defendants deliberately chose not to secure the instant crime scene to conduct a thorough criminal investigation.
106. Defendants deliberately chose to prevent the County Coroner from having access to the decedent's body at the crime scene.
107. Defendants deliberately chose to prevent the County Coroner from examining the decedent's body at the crime scene.
108. Defendants deliberately chose not to secure the decedent's vehicle to preserve or locate any available evidence of criminal activity located within the vehicle.
109. Defendants deliberately chose not to secure the decedent's clothing to preserve or locate any available evidence of criminal activity located upon such clothing.
110. Defendants exercised complete control of the crime scene.

111. Defendants deliberately permitted possible suspects in the death of Ms. Lynn to regain complete control of the real property where Ms. Lynn died. This gave such suspects access to any evidence of any criminal activity that Defendants did not inadvertently collect.
112. Defendants knew that Ms. Lynn's body was found in a body of water. They knew or should have known that the presence of water in Ms. Lynn's lungs could indicate whether she died before or after entering the pond water.
113. Defendants knew or should have known that Ms. Lynn's body did not possess any obvious signs of blunt force trauma that could have caused her death.
114. Defendants knew or should have known that a forensic examination of Ms. Lynn's body could have revealed signs of a struggle that occurred just prior to her death.
115. Defendants acted to make it more difficult to solve the cause of Ms. Lynn's death, which the Trumbull County Coroner's Office now lists as a homicide.
116. Defendants abandoned their respective duties as sworn law enforcement personnel.
117. Plaintiffs Corrine Lynn and Samantha Lynn learned from the County Prosecutor's Office that it needs more evidence to prosecute any suspect involved in their mother's death.
118. A reasonable person would have known that the actions or culpable failures to act by Defendants violated Plaintiffs' federally protected rights.
119. Defendants acted with deliberate indifference regarding the death of Ms. Lynn and the need to investigate it as a homicide.

120. Defendants violated Plaintiffs' rights by failing to preserve readily available evidence; by failing to obtain outside law enforcement agency assistance to investigate this death; and by failing to investigate this criminal homicide in a manner which the Constitution requires.
121. Defendant Liberty Township, Ohio violated Plaintiffs' rights by permitting a policy, custom, or practice of not properly hiring, training and/or supervising police officers in how to effect constitutionally sound arrests of persons.
122. Each Defendant failed to prevent all other Defendants from violating Plaintiffs' federally protected rights under the Fourteenth Amendment.
123. Each Defendant individually, jointly, and together proximately caused constitutionally deficient conduct. Each Defendant individually and together violated Plaintiffs' federally protected rights, causing each of them damages, to include but not limited to the deprivation of Plaintiffs' federally protected rights, physical injury and mental anguish, in an amount to be proven at trial.
124. Each Defendant individually jointly and together proximately caused constitutionally deficient conduct, each Defendant individually and together violated Plaintiffs' federally protected rights, causing each of them damages, to include but not limited to the deprivation of their federally protected rights, physical injury and mental anguish, in an amount Plaintiffs will prove at trial.

**B. Violation of Federally Protected Rights against Liberty Township, Ohio – Failure to Supervise and Failure to Train – *Monell* Theory of Liability.**

125. Each Plaintiff incorporates by reference all previous paragraphs of the Complaint as if fully rewritten.
126. Defendants face liability under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).
127. Defendants violated Plaintiffs' rights under the Fourteenth Amendment to the United States Constitution.
128. Supervisory and/or management officials encouraged or approved the acts and omissions that violated Plaintiffs' federally protected rights. Such officials did so by permitting or encouraging an inadequate investigation into Ms. Lynn's death. They did so by failing to correct any Defendant's behavior, actions or omissions that violated Plaintiffs' federally protected rights. They did so also by failing to discipline any Defendant's behavior, actions or omissions that violated Plaintiffs' federally protected rights.
129. Defendants failed to train and supervise police officers in properly investigating criminal homicides or possibly criminal homicides.
130. Defendants failed to train and supervise police officers in properly investigating criminal homicides or possibly criminal homicides.
131. Defendants failed to train and supervise police officers to impose proper discipline when a police officer fails to investigate a homicide properly.

132. Defendants' failure to provide adequate training, supervision or discipline as alleged arose from ordinance, regulation, choice of an authorized policymaking official, custom, or any combination of the foregoing.

133. Defendants' actions and lack of action when needed proximately caused Plaintiffs to suffer damages. Such damage includes but is not limited to emotional distress, psychological damage, and impairment of her reputation in the community.

**C. Violations of Federally Protected Rights against all Defendants – Fourteenth Amendment Violations: 42 U.S.C. § 1983 Conspiracy Claim.**

134. Each Plaintiff incorporates by reference all previous paragraphs of the Complaint as if fully rewritten.

135. Defendants acted under color of state law at all times relevant to this Complaint.

136. Defendants violated Plaintiffs' rights under the Fourteenth Amendment.

137. Defendants entered into a single plan, with or without expressly so agreeing. They entered that plan to injure Plaintiffs by refusing to investigate this death properly.

138. Each Defendant shared in the general conspiratorial effort; to wit, to impair Plaintiffs' federally protected rights.

139. Each Defendant shared in the general conspiratorial effort; to wit, to conceal their erroneous decision to terminate the investigation into the death of Ms. Lynn.

**VI. Jury Demand**

140. Plaintiffs requests a jury trial as to all claims triable to a jury.

## VII. Prayer for Relief

WHEREFORE, Plaintiffs demands judgment as follows:

- A. Award Plaintiffs compensatory damages against Defendants in an amount to be established at trial;
- B. Award Plaintiffs punitive damages against Defendants as appropriate, but not against any units of government, in an amount to be established at trial;
- C. Award Plaintiffs reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable law;
- D. Award Plaintiffs prejudgment interest and post-judgment interest.
- E. Grant injunctive relief to cure all constitutional deprivations caused by Defendants and to require Defendant cease such constitutional deprivations in the future.
- F. Award Plaintiffs any other and additional relief to which Plaintiffs are entitled by law or equity and to which Court deems proper.

Respectfully submitted,

**Eric Holloway Law Group, LLC**



s/J. Eric Holloway

---

J. Eric Holloway (0063857)  
5650 Blazer Parkway, Suite 100  
Dublin, OH 43017  
614-526-8552 (D); 614-522-6789 (Fax)  
[Eric@EricHollowayLaw.com](mailto:Eric@EricHollowayLaw.com); [www.EricHollowayLaw.com](http://www.EricHollowayLaw.com)  
Trial Counsel for Plaintiffs





# Liberty Township Police Department

Liberty Governmental Center • 1315 Churchill-Hubbard Road • Youngstown, Ohio 44505  
Phone: 330-759-1315 • Fax: 330-759-8477 • Emergency 911

Email: rtisone@libertytwp.com

**Richard J. Tisone, Chief of Police**

*"Individual Commitment  
to Group Effort"*

August 13<sup>th</sup>, 2018

Mr. Ungaro, Board of Trustees;

Ref: Internal Affairs / Captain Toby Meloro

## CHIEFS SUMMARY:

Attached is the internal affairs board findings regarding death investigation #17-06489 and the investigation of **Captain Toby Meloro**. Although the report lacks specifics and details, due to the pending homicide investigation, the board determined that **Captain Meloro** did not perform his investigation into the death of **Lorraine Lynn** to the standards and past practices of this agency and for a 25 year veteran and captain of detectives.

On August 2nd, 2017 the body of **Lorraine Lynn** was found in a pond located on the property of her mother, **Wanda Pullin**, 1365 Shannon Rd. An initial investigation appeared that Lorraine Lynn became involved in a tractor accident and was found deceased by family members. From the onset family members had voiced their concerns to **Captain Meloro** that foul play was involved. On August 10<sup>th</sup>, 2017 a phone call was made to the police department by **Diane Pullin**, sister of the deceased, indicating that she had observed suspicious activity on the video recordings of the property and needed the detective to review the video. This information was passed onto **Captain Meloro** by e-mail on the morning of August 10<sup>th</sup>, 2017. **Captain Meloro** did not follow up by reviewing the video footage and the DVR was subsequently sent to a private investigator for examination.

On the day of the incident, August 2nd, 2017, **Lorraine Lynn's** vehicle was towed by **Captain Meloro** to garage 6 of the Liberty Police Department for evidence processing. On Friday, August 4<sup>th</sup>, 2017 video footage from garage 6 shows **Captain Meloro** backing the vehicle out of garage 6 into the parking lot and having it released back to the family of **Lorraine Lynn**. There was no processing of the vehicle, no evidence collection nor photographs taken which is standard practice for this agency. The family advised that **Captain Meloro** informed them that he had in fact processed the vehicle for DNA.

During the course of this investigation, **Captain Meloro** indicated in his case log that several persons were interviewed. The IA board determined that no audio or video records of any interviews were completed and that no actual written statements were obtain by **Captain Meloro**.

In February of 2018 **Dr. Humphrey Germinick** contacted this agency advising that he was in fact ruling the death of Lorraine Lynn a homicide. After learning this information, the case was re-assigned to **Detective Sergeant Ray Buhala**. This agency also contacted the supervising agent of the Bureau of Criminal Investigation for the State of Ohio and requested an investigator to assist in this investigation. An investigator was assigned and **Detective Sergeant Ray Buhala** and a BCI agent have been diligently working the homicide case. I expect charges to be filed in this case upon completion of their work.

Due to my pending retirement in four days, and the fact that I will not be supervising anyone at this agency, I am leaving any discipline regarding **Captain Toby Meloro** to the discretion of the board of Trustees and its legal counsel. **Captain Meloro** has been a faithful servant to this agency and I have personally enjoyed working with him throughout his career. However, it does not negate the fact that had **Captain Meloro** followed the video evidence to its logical conclusion we would have learned 8 days after the incident that this was not an accident and that the evidence would have taken this investigation into another direction.

If you have any questions or concerns, feel free to contact this office directly.

Respectfully Submitted,

A handwritten signature in black ink, reading "Richard J. Tisone". The signature is written in a cursive, flowing style.

Richard J Tisone  
Chief of Police





*Figure 3: Partially submerged tractor*



**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Corrine A. Lynn and Samantha A. Lynn

(b) County of Residence of First Listed Plaintiff Alleghany County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Eric Holloway Law Group, LLC; J. Eric Holloway, 5650 Blazer Parkway,  
Ste 100, Dublin, OH 43017 614-526-8552

**DEFENDANTS**

Liberty Township, OH; Toby Meloro; Steve Shimko; Richard Tisone;  
Arnie Clebone; Greg Cizmar

County of Residence of First Listed Defendant Trumbull County, OH  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. sec. 1983

Brief description of cause:

Defendants failed to investigate death of Plaintiff's deceased mother, violating the Fourteenth Amendment.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

To be determined at trial.

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED OR REFILED**

**CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/31/2019

SIGNATURE OF ATTORNEY OF RECORD

*J. Eric Holloway*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☒ General Civil  
 2. ☐ Administrative Review/Social Security  
 3. ☐ Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: ☐ is **RELATED** to another **PENDING** civil case ☐ is a **REFILED** case ☐ was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

**COUNTY:** Trumbull County, OH

**Corporation** For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

**COUNTY:**

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

**COUNTY:**

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

**EASTERN DIVISION**

☐

AKRON

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

☐

CLEVELAND

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

☒

YOUNGSTOWN

(Counties: Columbiana, Mahoning and Trumbull)

**WESTERN DIVISION**

☐

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)