

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2025-CA-000992XXXAMB AG

DAMIEN FERRAIOLO

Plaintiff,

vs.

CITY OF DELRAY BEACH,
TERRANCE R. MOORE, LYNN D. GELIN,
and DUANE D'ANDREA

Defendant.

_____ /

AMENDED COMPLAINT

COMES NOW, the Plaintiff, DAMIEN FERRAIOLO, by and through the undersigned attorneys, and hereby sue the Defendants, CITY OF DELRAY BEACH, TERRANCE R. MOORE, LYNN D. GELIN, and DUANE D'ANDREA, and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.
2. At all times material hereto, the Plaintiff, DAMIEN FERRAIOLO (hereinafter "Mr. Ferraiolo"), was and is a resident of the State of Florida, County of Palm Beach.
3. Defendant, CITY OF DELRAY BEACH (hereinafter "The City"), was and is a governmental entity in the State of Florida.

4. At all times material hereto, the Defendant, TERRANCE R. MOORE (hereinafter “Mr. Moore”), was and is a resident of the State of Florida, County of Palm Beach.
5. At all times material hereto, the Defendant, LYNN D. GELIN (hereinafter “Attorney Gelin”), was and is a resident of the State of Florida, County of Palm Beach.
6. At all times material hereto, the Defendant, DUANE D’ANDREA (hereinafter “Mr. D’Andrea”), was and is a resident of the State of Florida, County of Palm Beach.
7. The incident that is the subject matter of this Complaint occurred in the City of Delray Beach, Florida, and therefore venue is proper in this Court.
8. The Plaintiff was employed by the Delray Beach Police Department on or about November 18, 2022.
9. On or about November 18, 2022, the Plaintiff was contacted by a fellow Lieutenant and asked to assist an Officer in serving a Marchman Act Order on Michael Polis. Mr. Ferraiolo made a good faith effort to serve Michael Polis and take him into custody but was unable to do so. Mr. Ferraiolo left his business card with his work phone number at the residence of Michael Polis and subsequently received a phone call from Mr. Polis. However, Michael Polis was unwilling to provide his whereabouts to Mr. Ferraiolo or turn himself in at that time.
10. On or about November 19, 2022, Michael Polis committed suicide.

11. Following the suicide, Officer Ferraiolo's actions were investigated by the Delray Beach police department and internal affairs got involved with the case. There was no fault found in Officer Ferraiolo's actions.
12. In February of 2023, the City was put on notice by an attorney representing the family of Michael Polis that the City was going to be sued for his death. On February 8, 2023, Mr. Moore, Attorney Gelin, and Mr. D'Andrea ordered Police Chief Mager to put Mr. Ferraiolo on administrative leave for the death of Michael Polis.
13. Shortly after the death of Michael Polis, the City of Delray Beach, Mr. Moore, Attorney Gelin, and Mr. D'Andrea used Mr. Ferraiolo as a scapegoat for the death of Mr. Polis and directly and/or indirectly affected Mr. Ferraiolo's mental and financial stability.
14. The Plaintiff has complied with all required conditions precedent, including the pre-suit notice requirements pursuant to Florida Statute 768.28(6)(a). Attached to this Complaint are copies of the required Notices via Certified Mail.

COUNT I: NEGLIGENCE AGAINST CITY OF DELRAY BEACH

15. The Plaintiff hereby adopts paragraphs one (1) through fourteen (14) above by reference as though fully set forth herein.
16. On or about November 18, 2022, The City owed the Plaintiff a duty to refrain from blaming Michael Polis' suicide on him and/or interfering with his employment in any way.

17. The City breached the duties owed to the Plaintiff by negligently blaming Mr. Ferraiolo for the suicide of Mr. Polis and directly or indirectly causing Mr. Ferraiolo to be placed on administrative leave.
18. As a result of the City of Delray Beach's negligence, Mr. Ferraiolo suffered loss of income and loss of employment benefits. The Plaintiff is not seeking non-economic damages in this Count.

WHEREFORE, Plaintiff, DAMIEN FERRAIOLO, demands judgment for damages plus costs against the Defendant, CITY OF DELRAY BEACH, and any other relief this court deems fit and proper.

**COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST
TERRANCE R. MOORE**

19. The Plaintiff pleads this Count in the alternative to Count I, and hereby adopts paragraphs one (1) through fourteen (14) above by reference as though fully set forth herein.
20. Based on the allegations being made against this Defendant, this individual does not enjoy the protection of Florida Statutes 768.28(6).
21. The Plaintiff alleges that Mr. Moore ordered the police chief to put him on administrative leave after Mr. Moore was informed that the City was being sued by Michael Polis's family in February of 2023. Mr. Ferraiolo was investigated and no wrongdoing surrounding the suicide of Michael Polis was found, yet Mr. Moore insisted on blaming a young man's suicide on the Plaintiff once he needed a scapegoat for the impending lawsuit by the Polis family.

22. The Plaintiff also alleges that Mr. Moore had direct involvement in switching his administrative leave to without pay in September of 2023.
23. The Plaintiff alleges that the conduct of Mr. Moore was intentional and/or reckless and Mr. Moore knew, or should have known, that emotional distress or other damages would likely result from his actions. Mr. Moore's conduct and intentions were outrageous, beyond all bounds of decency, odious, and utterly intolerable in a civilized community.
24. The Plaintiff further alleges that Mr. Moore's actions were done in bad faith, with malicious purpose, and/or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
25. As a result of the Defendant's intentional and malicious conduct, the Plaintiff suffered severe emotional distress, psychological trauma, anxiety, mental anguish, pain and suffering, medical expenses, loss of wages, and loss of employment benefits.

WHEREFORE, Plaintiff, DAMIEN FERRAILOLO, demands judgment for damages plus costs against the Defendant, TERRANCE R. MOORE, and any other relief this court deems fit and proper.

**COUNT III: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS AGAINST
LYNN R. GELIN**

26. The Plaintiff pleads this Count in the alternative to Count I, and hereby adopts paragraphs one (1) through fourteen (14) above by reference as though fully set forth herein.

27. Based on the allegations being made against this Defendant, this individual does not enjoy the protection of Florida Statutes 768.28(6).
28. The Plaintiff alleges that Attorney Gelin had direct involvement in ordering the police chief to put him on administrative leave after the City was informed that they were being sued by Michael Polis's family in February of 2023. Mr. Ferraiolo was investigated and no wrongdoing surrounding the suicide of Michael Polis was found, yet Attorney Gelin insisted on blaming a young man's suicide on the Plaintiff once the City needed a scapegoat for the impending lawsuit by the Polis family.
29. The Plaintiff also alleges that Attorney Gelin had direct involvement in switching his administrative leave to without pay in September of 2023.
30. The Plaintiff alleges that the conduct of Attorney Gelin was intentional and/or reckless and she knew, or should have known, that emotional distress or other damages would likely result from her actions. Attorney Gelin's conduct and intentions were outrageous, beyond all bounds of decency, odious, and utterly intolerable in a civilized community.
31. The Plaintiff further alleges that Attorney Gelin's actions were done in bad faith, with malicious purpose, and/or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
32. As a result of the Defendant's intentional and malicious conduct, the Plaintiff suffered severe emotional distress, psychological trauma, anxiety, mental anguish,

pain and suffering, medical expenses, loss of wages, and loss of employment benefits.

WHEREFORE, Plaintiff, DAMIEN FERRAILOLO, demands judgment for damages plus costs against the Defendant, LYNN R. GELIN, and any other relief this court deems fit and proper.

**COUNT IV: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS AGAINST
DUANE D'ANDREA**

33. The Plaintiff pleads this Count in the alternative to Count I, and hereby adopts paragraphs one (1) through fourteen (14) above by reference as though fully set forth herein.
34. Based on the allegations being made against this Defendant, this individual does not enjoy the protection of Florida Statutes 768.28(6).
35. The Plaintiff alleges that Mr. D'Andrea had direct involvement in ordering the police chief to put him on administrative leave after the City was informed that they were being sued by Michael Polis's family in February of 2023. Mr. Ferraiolo was investigated and no wrongdoing surrounding the suicide of Michael Polis was found, yet Mr. D'Andrea insisted on blaming a young man's suicide on the Plaintiff once the City needed a scapegoat for the impending lawsuit by the Polis family.
36. The Plaintiff also alleges that Mr. D'Andrea had direct involvement in switching his administrative leave to without pay in September of 2023.

37. The Plaintiff alleges that the conduct of Mr. D'Andrea was intentional and/or reckless and Mr. D'Andrea knew, or should have known, that emotional distress or other damages would likely result from his actions. Mr. D'Andrea's conduct and intentions were outrageous, beyond all bounds of decency, odious, and utterly intolerable in a civilized community.
38. The Plaintiff further alleges that Mr. D'Andrea's actions were done in bad faith, with malicious purpose, and/or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
39. As a result of the Defendant's intentional and malicious conduct, the Plaintiff suffered severe emotional distress, psychological trauma, anxiety, mental anguish, pain and suffering, medical expenses, loss of wages, and loss of employment benefits.

WHEREFORE, Plaintiff, DAMIEN FERRAILOLO, demands judgment for damages plus costs against the Defendant, DUANE D'ANDREA, and any other relief this court deems fit and proper.

DEMAND FOR TRIAL BY JURY

The Plaintiff, DAMIEN FERRAILOLO, hereby demands a trial by jury of all issues so triable.

I HEREBY CERTIFY that a copy of the foregoing has been served and filed through the Florida Court E-Filing Portal on July 28, 2025, to Christopher J. Stearns, Esq./ Jonathan H. Railey, Esq. (*Attorneys for Defendant, City of Delray Beach*), JOHNSON, ANSELMO, MURDOCH, BURKE, PIPER & HOCHMAN, P.A., 2455 E. Sunrise Blvd., Suite 1000 Fort

Lauderdale, FL 33304, Tel: 954-463-0100, stearns@jambg.com; railey@jambg.com;
young@jambg.com; cisaac@jambg.com; nunez@jambg.com.

Respectfully Submitted,

BY: /s/ Jeff D. Vastola

Jeff D. Vastola, Esq.

Florida Bar Number 0090255

Mackenzie C. Scott, Esq.

Florida Bar Number 1039535

THE LAW OFFICES OF VASTOLA LEGAL

Attorneys for Plaintiff

7000 S.E. Federal Highway, Suite 310

Stuart, FL 34997

Telephone: (772) 419-0999

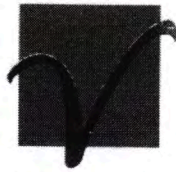
Facsimile: (772) 419-0998

EMAIL DESIGNATION

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jvastola@vastolalegal.com

mscott@vastolalegal.com



THE LAW OFFICES OF
VASTOLA LEGAL

www.VastolaLegal.com

PLEASE REPLY TO STUART OFFICE

March 21, 2024

VIA CERTIFIED MAIL: 7022 3330 0001 2809 8002
RETURN RECEIPT REQUESTED

City of Delray Beach
Attn: Legal Department
100 NW First Avenue
Delray Beach, FL 33444

To Whom It May Concern,

The undersigned represents Damien Ferraiolo relative to the negligent and/or intentional acts of the City of Delray Beach and the Delray Beach Police Department that occurred on or about August 28, 2023, in Palm Beach County, Florida. The events giving rise to this incident stem from the Delray Beach Police Department's actions following the death by suicide of Michael Polis. The Delray Beach Police Department has used Mr. Ferraiolo as an unfounded scapegoat after an investigation of the suicide, forced his administrative leave for months without pay, and has interfered with his fitness for duty evaluations.

Pursuant to Florida Statute 768.28(6)(a), we are hereby notifying you of our client's claim against the City of Delray Beach. With reference to subsection (6)(c) of the same statute, claimant asserts that there exists no prior adjudicated unpaid claims owed to the State or any of its agencies in excess of \$200.00. Please see additional pertinent information below:

Claimant Name	:	Damien Ferraiolo
Claimant DOB	:	[REDACTED]
Claimant Birthplace	:	Brooklyn, NY
Claimant's SS#	:	[REDACTED]

Please note that liability on the part of the City of Delray Beach arises out of the Delray Beach Police Department's internal investigation conducted in bad faith with malicious purpose, and the unpaid

PALM BEACH GARDENS:
2401 PGA Boulevard, Suite 280-A
Palm Beach Gardens, Florida 33410
561.721.2500
561.721.2501 Facsimile

STUART:
7000 SE Federal Hwy., Suite 310
Stuart, Florida 34997
772.419.0999
772.419.0998 Facsimile

THE FLORIDA KEYS:
9141 Overseas Hwy., Suite 3
Marathon, Florida 33050
305.705.6788
561.721.2501 Facsimile

administrative leave Damien Ferraiolo has been forcedly put on with the Delray Beach Police Department.

We request that we be notified of the personnel assigned to this matter as soon as possible so that we may follow up on the status of your progress. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Vastola".

Jeff D. Vastola, Esq.

Mackenzie C. Scott, Esq.

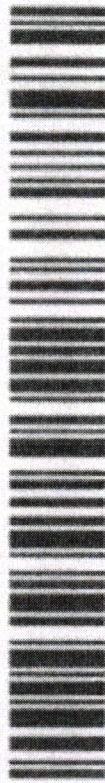
MCS/tss
City of Delray Beach.1.

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1. Article Addressed to:

City of Delray Beach
Attn: Legal Department
100 NW First Avenue
Delray Beach, FL 33444



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2. 7022 3330 0001 2809 8002

Insured Mail Restricted Delivery
(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature

X

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

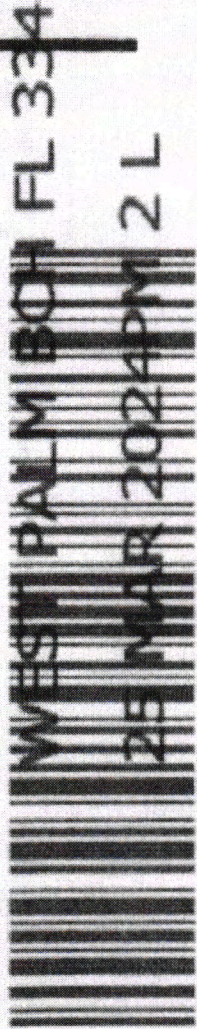
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING #



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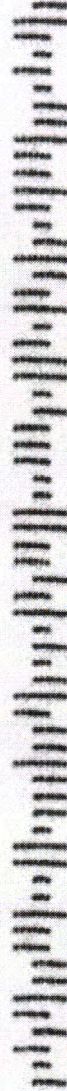
United States
Postal Service

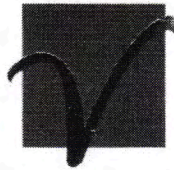
• Sender: Please print your name, address, and ZIP+4® in this box•

Vastola Legal
7000 SE Federal Hwy. Suite 310
Stuart, FL 34997

Ferraiolo

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www.VastolaLegal.com

PLEASE REPLY TO STUART OFFICE

March 21, 2024

VIA CERTIFIED MAIL: 7022 3330 0001 2809 8019
RETURN RECEIPT REQUESTED

Florida Department of Financial Services
Attn: Administration Department
200 East Gaines Street
Tallahassee, FL 32399

To Whom It May Concern,

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Claimant Birthplace : Brooklyn, NY
Claimant's SS# : [REDACTED]

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561.721.2501 Facsimile

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772.419.0998 Facsimile

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Marathon, Florida 33050
305.705.6788
561.721.2501 Facsimile

Please note that liability on the part of the City of Delray Beach arises out of the Delray Beach Police Department's internal investigation conducted in bad faith with malicious purpose, and the unpaid administrative leave Damien Ferraiolo has been forcedly put on with the Delray Beach Police Department.

We request that we be notified of the personnel assigned to this matter as soon as possible so that we may follow up on the status of your progress. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Vastola" with a stylized flourish at the end.

Jeff D. Vastola, Esq.

Mackenzie C. Scott, Esq.

MCS/tss
DFS.I.

cc: City of Delray Beach

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1. Article Addressed to:

Florida Department of Financial Services
Attn: Administration Department
 200 East Gaines Street



9590 9402 7950 2305 6473 27

7022 3330 0001 2809 8019

(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

K. Mathew

☐ Agent

☐ Addressee

☐ Date of Delivery

Received by *Printed Name*
DEPT OF FINANCIAL SERVICES
7/23/20

B. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

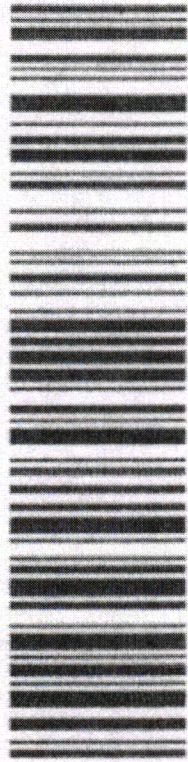
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☐ Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

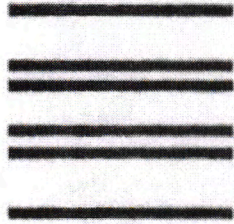
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Ferrario

