

Fired Lauderhill cops must pay \$6.2 million to victims of on-duty rape, judge rules

Franklin Hartley (left) and Thomas Merenda lost their jobs as Lauderhill police officers, are facing criminal charges and now must pay \$6.2 million to two women who have accused them of on-duty rape, court documents show.

(Broward Sheriff's Office/courtesy)

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Judge: 2 ex-Lauderhill cops "acted in concert to abduct and batter" 2 women & must pay \$6.2 million in damages

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The morning in question has already cost two Lauderhill police officers their jobs. Now the 90 minutes allegedly spent behind a closed tire shop while on duty and coercing two women into performing sex acts will cost the two fired cops \$6.2 million, a federal judge has ruled.

A federal judge in Miami based her verdict on testimony given by the women in February about the night they were pulled over by Officer Franklin Hartley after leaving a strip club, led to a dark, isolated location behind a Tamarac strip mall where they were joined by Officer Thomas Merenda and sexually battered. The women were 29 and 31 at the time of the alleged assaults.

"It felt good to be able to tell these women that the judge believed them and agreed that what happened to them was horrible," said Greg Lauer, lawyer for Jane Doe 1. "She recognized the damage that this had caused in their lives."

Jane Doe 1, who claimed she was raped by Hartley on the hood of his patrol car, was awarded \$4.5 million in damages. Jane Doe 2, who said Merenda coerced her into indulging his predilection for sexual pain by punching him in the testicles, was awarded \$1.7 million in damages, court documents show.

"Franklin Hartley and Thomas Merenda committed wrongful and intentional acts on May 24, 2012 when they acted in concert to abduct and batter Plaintiff Jane

Doe 1 [and Jane Doe 2], U.S. District Judge Kathleen Williams wrote in two final default judgment verdicts issued Thursday.

“I wanted to make sure that for the rest of their lives these debts would follow them and they would never be able to get away from it.”— *Greg Lauer, lawyer representing Jane Doe 1 and Jane Doe 2*

While the federal verdict is the latest consequence to befall the ex-cops, it may amount to nothing more than a symbolic victory if the women are unable to collect from Hartley and Merenda. The pair continue to fight criminal charges resulting from the same incident in Broward Circuit Court. Hartley and Merenda have pleaded not guilty to pending felony and misdemeanor charges.

The federal judge had previously ruled that because neither Hartley, 36, nor Merenda, 38, retained lawyers or responded in any way to the claims in the civil suit, the allegations were taken as truth.

And now, because the judge found the former officers' actions were "intentional," Hartley and Merenda will be unable to escape paying up, Lauer said.



"They're not going to be able to discharge this verdict in bankruptcy," Lauer said. "I wanted to make sure that for the rest of their lives these debts would follow them and they would never be able to get away from it, and the only way to get away from it would be to pay it."

Next step, Jane Doe 2's lawyer Bradford Cohen said, would be to figure out where Hartley, of Coral Springs, and Merenda, of Sunrise, now work and garnish their wages and seize their property and other assets.

Merenda's lawyer in the criminal case, Eric Schwartzreich, said his client did not hire an attorney to represent him in federal court because he could not afford it.

"Getting water from a rock is going to be difficult in the collection process," Schwartzreich said. "You can get a judgment but you gotta be able to collect. He doesn't have anywhere near that type of money."

Before the alleged rape, Hartley had served five years as a cop and Merenda had served 11.

Investigators later found Jane Doe 1's underwear at the scene and GPS data supported the women's claims that the encounter took place behind a closed tire shop on Commercial Boulevard and lasted more than 90 minutes, according to the lawsuit.

Included in Jane Doe 1's award was \$75,000 in compensatory damages against Hartley "for his attempts to intimidate her after her sexual battery," court documents show.

The judge in Hartley's criminal case rebuked Hartley for the same thing last October. He found Hartley had violated the terms of his release on bond by calling Jane Doe 1 at the restaurant where she worked.

As a result, Hartley was placed on house arrest and ordered to wear a GPS monitor to track his whereabouts. He is allowed to leave home for work and certain errands and activities.

Collecting any money from Hartley may be difficult. According to documents filed in his criminal case, Hartley is homeless and juggles two full-time jobs at a barber

shop in Coral Springs and as a concierge at a Lauderdale-by-the-Sea condominium association.

"He is virtually homeless and lives where he can at the time," Hartley's criminal defense lawyer, Michael Gottlieb, wrote in a recent defense motion.

It's no surprise, Gottlieb said, that the federal judge issued a verdict in the victims' favors after neither Hartley nor Merenda refuted or answered to the lawsuit.

"There was only one side of the story. There was nobody there discrediting them," Gottlieb said. "There's always another side to the story."

The federal judge may have heard only the women's side of the story, but it's a side that has remained constant, Cohen said.

"I have absolutely no doubt that it happened exactly how they said," Cohen said. "Their stories never wavered, never vacillated, never changed. It's like when something traumatic happens to someone and they remember every little detail. That's how they testified."

In Lauer's opinion, the outcome of the criminal case will likely echo the verdicts in the federal lawsuit.

"There's a mountain of irrefutable evidence that indicates that defendants Hartley and Merenda did exactly what they're accused of," he said. "This was essentially a dry run with a fact finder who listened to the victims, found them credible and found that these two defendants had committed two very serious crimes together.

"And that's what I expect a [Broward County](#) jury to do," Lauer said. "I expect these guys to go to Florida state prison, because that's where they belong."

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