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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

KEVIN VODAK, et al, individually  
and on behalf of others similarly situated,

Plaintiffs,

v.

CITY OF CHICAGO, SUPERINTENDENT  
TERRY G. HILLARD, COMMANDER  
JOHN R. RISLEY, DEFENDANTS DOE 1-50,  
DEFENDANTS DOE 51-100, and  
DEFENDANTS ROE 1-50,

Defendants.

No.

03C 2463

Judge:

Magistrate:

JUDGE COAR

JURY DEMANDER  
~~MAGISTRATE~~ JUDGE NOLAN

CIVIL RIGHTS CLASS ACTION  
SEEKING DAMAGES AND  
INJUNCTIVE RELIEF

COMPLAINT

This is a civil rights class action for money damages and injunctive relief, arising under 42 U.S.C. § 1983, the United States Constitution and the Constitution and laws of the State of Illinois, against the City of Chicago (hereinafter, "the City"), Superintendent Hillard, Commander Risley and other policymakers, and supervisory personnel and officers of the Chicago Police Department (hereinafter "CPD") for false detentions, arrests, imprisonments and injuries sustained by approximately 800 class members on March 20, 2003, in Chicago, Illinois.

On March 20, 2003, Defendants, acting under the color of law, unlawfully detained and imprisoned the class by "herding," "sweeping" and then "pinning" demonstrators and bystanders on the corner of Chicago and Michigan Avenues for hours and forcefully prevented the class from peaceably assembling and speaking freely or leaving the area of a peace rally and march. Members of the class were also subjected to excessive and unnecessary force that caused injuries. Further, many in the class were then arrested and imprisoned in police vehicles and subsequently

in jail cells from between four (4) and thirty-six (36) hours. While imprisoned, Plaintiffs were and subjected to arbitrary, unreasonable and unduly punitive confinement conditions.

Plaintiffs seek an injunction requiring the Defendants to seal, return and/or destroy any records of plaintiffs' arrests and unlawful restraint of class members, and to restrain the CPD from misusing plastic and metal handcuffs. Plaintiffs also seek money damages for the injuries suffered by false detentions, arrests, imprisonments, the misuse of the handcuffs, and other excessive force and unlawful restraint.

## **JURISDICTION AND VENUE**

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983 *et seq.*; the judicial code, 28 U.S.C. §§ 1331 and 1343(a); and the Constitution of the United States. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367. Venue is proper in the Northern District of Illinois as the events complained of occurred in this district.

## **PARTIES**

### **A. The Plaintiffs.**

2. Plaintiffs at all times relevant were and are adult residents of these United States who were in Chicago, Illinois, on March 20, 2003.

### **B. The Defendants.**

3. Defendant Terry G. Hillard is, and at all times relevant herein was, the Chief of Police of the City of Chicago, with responsibility for supervising, training, assigning, administering and controlling all officers and employees of the Chicago Police Department. He is sued individually and in his official capacity.

4. Defendant Risley and Defendants Doe 1 through 50, at all times relevant herein, were employees of the CPD who held supervisory, command and/or policy-making positions, and who participated in the authorization, planning, supervision, and the execution of the police conduct complained of herein. Additionally, upon information and belief, one or more of these Defendants failed, with deliberate indifference to Plaintiffs' rights, to adequately train and supervise CPD officers who were involved in violating the rights of the Plaintiff class members. The true names and identities of Defendants designated as Doe 1 through 50, inclusive, are unknown to Plaintiffs at the present time, who therefore sue these Defendants by such fictitious names. Plaintiffs will seek leave to amend their complaint to show the true names and identities of these Defendants when they have been ascertained. These Defendants are sued individually and in their official capacities.

5. Does 51 through 100, at all times relevant herein, were employees of the CPD who participated in the execution of the police actions complained herein. Additionally, upon information and belief, one or more of these Defendants used excessive force on one or more of the Plaintiffs. The true names and identities of Defendants designated as Does 51 through 100, inclusive, are unknown to Plaintiffs, who therefore sue these Defendants by such fictitious names. Plaintiffs will seek leave to amend their complaint to show the true names and identities of these Defendants when they have been ascertained. These Defendants are sued individually and in their official capacities.

6. Roes 1 through 50, at all times relevant herein, were employees of the CPD who participated in the execution of the police actions complained of in the lock up areas at the police stations. The true names and identities of Defendants designated as Roe 1 through 50, inclusive,

are unknown to Plaintiffs, who therefore sue these Defendants by such fictitious names.

Plaintiffs will seek leave to amend their complaint to show the true names and identities of these Defendants when they have been ascertained. These Defendants are sued individually and in their official capacities.

7. At all times relevant herein, Defendants Hillard, Risley, Doe and Roe were acting under the color of law, under color of authority and in the scope of their employment as Chicago Police Officers.

8. Each of the Defendants caused, and is responsible for the below - described unlawful conduct and resulting injuries by, among other things, personally participating in the unlawful conduct or acting jointly or conspiring with others who did so; by authorizing, acquiescing in or setting into motion, policies, practices, plans or actions that led to the unlawful conduct: by failing and refusing with deliberate indifference to Plaintiffs' rights to initiate and maintain adequate training and supervision; and by ratifying the unlawful conduct that occurred by agents and officers under their direction and control, including failing to take remedial or disciplinary action.

9. Defendant City of Chicago is a municipal corporation, duly incorporated under the laws of the State of Illinois, is the employer and principal of the Defendant police officers, and is responsible for the policies, practices and customs of its Police Department and Police Board.

#### **CLASS ALLEGATIONS**

10. Plaintiffs bring this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs seek to certify a Class and four subclasses.

11. The Class (Class A) consists of all persons who were detained, but never charged

with a crime, by the CPD in the above-described herd-sweep-pin blockade on March 20, 2003, on either Oak Street or Chicago Avenue, just east of Michigan Avenue, between approximately 7:00 p.m. and 11:30 p.m., when each class member was detained and their freedom to leave infringed. The Class is divided into four subclasses, consisting of various groups of class members who were arrested, but never charged with a crime by the CPD. The subclasses are defined as follows:

12. Subclass A-1 is defined as all class members who were taken into custody, but were released without being charged with any crime.

13. Subclass A-2 consists of all class members who were subjected to unnecessary and/or excessive force by Defendants in the course of the aforementioned mass arrests and who suffered additional specific physical pain and injury beyond the constitutional and other deprivations common to all members of the class.

14. Subclass A-3 consists of class members persons who, during the course of the above-mentioned mass arrests, were deprived of personal property without due process of law.

15. Subclass A-4 consists of all class members who were taken into custody based on associational or expressive principles – i.e., because they were carrying or holding signs or banners and/or were identified by the CPD as “leaders” or “organizers” of the protest rally.

16. The class and each subclass meets the requirements of FRCP 23(a), as follows:

- a) The requirements of Rule 23(a)(1) are satisfied because the class, and each of the subclasses, are sufficiently numerous that joinder is impractical. There are between 500 and 1000 class members. Moreover, a significant number of class members were from other cities and states, and so the class is geographically

disbursed.

- b) The requirements of Rule 23(a)(2) are satisfied because there are questions of law or fact common to the class and each of the subclasses. The common questions of law include, but are not limited to:

- whether the detainment of individuals blockaded by the CPD for hours on Chicago and Oak street deprived Plaintiffs and the class members of constitutional rights;
- whether the detainment of individuals blockaded by the CPD for hours on Chicago and Oak constituted a false imprisonment;
- whether the mass arrests were made without probable cause;
- whether the Plaintiffs and the class members were engaged in lawful First Amendment activity on the public streets and sidewalks were acting reasonably within time, place and manner restrictions and were not provided any alternative channels for their expression;
- whether certain Plaintiffs and subclass members were singled out for arrest based on the fact they were expressing themselves by carrying signs and banners and/or were perceived as “organizers” of the protest;
- whether the actions of Defendants, in falsely detaining, arresting and imprisoning Plaintiffs who were exercising their constitutional rights to free expression further violated the rights of the class (and/or subclass members) of their right to free speech and peaceable assembly, as guaranteed by the federal and state constitution;
- whether the conditions under which Plaintiffs and the class members were confined were unduly punitive and a violation of the Fourteenth Amendment and other Constitutional rights; and
- whether the decision to make the mass arrests and the orders concerning the manner in which Plaintiffs and the class members were to be encircled, trapped and detained – and, as it relates to the subclasses, taken into custody – were made by officers of sufficient rank, authority, influence, and discretion that they can be deemed policymakers under *Monell* and its progeny;

- whether the manner in which Defendants seized certain Plaintiffs' property or forced certain Plaintiffs and sub-class members to abandon property, which was not subsequently secured by the CPD, resulting in its loss, was an unreasonable and unlawful taking or deprivation of property in violation of federal and state constitutional and common law, and whether post-deprivation remedies were and are inadequate;
- whether an injunction should be granted in favor of Plaintiffs and the Class members and against the CPD as alleged herein;
- whether Defendants, including high ranking officials of the CPD conspired and agreed and/or otherwise acted jointly among and between themselves to herd, surround and unlawfully detain Plaintiffs and the Class;

The common questions of fact, include but are not limited to:

- whether the Defendants encircled, pinned and detained the Plaintiffs and class members;
- whether the Defendants use of force under the circumstances was excessive;
- the nature and extent of the confinement conditions, including the degree to which Plaintiffs and the class members were denied food, denied medical care, denied phone calls, denied necessary toiletries and feminine hygiene products, placed in over-crowded cells and subjected to verbal abuse, threats and neglect;
- the nature, extent and adequacy of training of police officers to make mass arrests without depriving citizens of constitutionally-guaranteed and protected rights;
- the existence, nature and extent of the "police code of silence," as alleged herein;
- the existence, nature and extent of the tacit and de facto policy of the CPD to intimidate, abuse and harass demonstrators at rallies and protests over the course of several years in the City of Chicago; and
- the degree to which the complained of policies are encouraged, promoted and effectuated, as alleged in more detail in paragraph 122.

- c) The requirements of Rule 23(a)(3) are satisfied because named Plaintiffs' claims are typical of the claims of the class and each subclass they seek to represent.
- d) The requirements of Rule 23(a)(4) are satisfied because the representative parties will fairly and adequately protect the interest of the class and each subclass they seek to represent. The named Plaintiffs have no interests antagonistic to other members of the class or subclass they seek to represent. Moreover, Plaintiffs have retained counsel experienced in bringing class actions and civil rights claims.

17. The class and each of the subclasses meet the requirements of Rule 23(b)(1) because prosecution of separate actions by individual members of the class would create a risk of inconsistent or incompatible standards of conduct for the Defendants;

18. With respect to the claims for injunctive relief, the requirements of Rule 23(b)(2) are satisfied because Defendants have acted on grounds generally applicable to the class, and injunctive relief for the class as a whole is appropriate.

19. Additionally, the class and each of the subclasses meet the requirements of Rule 23(b)(3) because the common questions predominate over individual questions and prosecution of this action as a class action is the superior method of adjudication. Factors that militate in favor of certification under Rule 23(b)(3) include:

- Several hundred class members have already requested that a class action be brought and asked undersigned counsel, all affiliated with the Chicago Chapter of the National Lawyer's Guild, to bring a class action regarding the March 20<sup>th</sup> protests; thus, the interest of members in individually controlling the prosecution of separate actions is minimal and would be burdensome in view of the evidence required and costs of proving the claims alleged herein;
- on information and belief, there is no litigation concerning this controversy that has been commenced by or against the class members;



- it is desirable to concentrate the litigation in the United States District Court for the Northern District of Illinois because the events occurred in this district and involve federally-protected rights;
- certification of the class and subclasses will achieve great economies of time, effort and expense and promote uniformity of decision of the members of the class, again thereby making a class action the superior method of adjudicating the controversy.

20. Plaintiffs will move for class certification as soon as is practicable in accordance with Rule 23(c).

## **FACTUAL ALLEGATIONS**

### **A. The Emergency Demonstration**

21. On March 20, 2003, thousands of people congregated at the Federal Plaza located at Jackson Avenue and Dearborn Street in Chicago's downtown area to express concern and protest the commencement of bombing and the inception of the 2003 United States war on Iraq.

22. A rally organized by several anti-war, anti-violence and other peace groups was held at the Federal Plaza beginning at approximately 5:00 p.m. The rally commenced with a series of speakers expressing themselves over a sound system to the gathering crowd.

23. After the rally, the crowd having continued to increase, between five and fifteen thousand demonstrators began to march through the streets of downtown Chicago, chanting and carrying signs, accompanied and escorted by Chicago Police Officers.

24. When the demonstration march reached Michigan Avenue and East Lake Shore Drive (the inner drive) at approximately 7:30 p.m., Chicago Police Officers lined themselves up across Michigan Avenue and refused to allow the demonstration to proceed.

25. The demonstration march was stalled for a period of time in excess of thirty (30)

minutes at this location, during which time a number of demonstrators left the march and others arrived to join the demonstration.

26. The demonstrators were not engaged in any unlawful activity and continued to chant and express their opposition to the Iraq War.

27. The demonstration was directed away from Michigan Avenue and demonstrators proceeded eastward and then in a southern direction toward Chicago Avenue.

#### **B. The Unlawful Detention**

28. Defendants Doe began to herd and push the demonstrators onto Chicago Avenue, without warning or order to disperse; they encircled the demonstrators with numerous police officers, trapped and pinned them in the street and prohibited many from leaving the area.

29. After two to three hours, certain class members were selectively and without regard to any lawful or unlawful activity, eventually allowed to leave the demonstration and the area.

30. Other class members were then taken into police custody, handcuffed, further detained, escorted to police vehicles and transported to police stations.

31. At no time did any police personnel give any order to disperse, make any warning of impending arrests or advise persons that their conduct was unlawful or reckless, through any loud speaker or voice magnification system or any other reasonable means.

#### **C. The Manner of the Arrests**

32. Certain Defendants Doe in the course of the detention and mass arrest of class members engaged in excessive and unnecessary physical force, subjecting some class members to being struck with batons, being slammed to the ground, pulling their hair and dragging them away.

33. Certain Defendants Doe identified individuals they perceived to be leaders of the demonstration or particularly vocal activists, who were then singled out and immediately taken into custody.

34. Some class members did not intend to be part of the demonstration, did not march through the streets and were arrested attempting to return to hotels, coming out of restaurants, getting off of buses or simply observing the demonstrators and police officers.

35. In the course of detaining and arresting the Plaintiffs, Defendants placed handcuffs on many Plaintiffs in an improper, unreasonable and unsafe manner which caused many of the Plaintiffs moderate to severe pain and some, lasting injury including lacerations and nerve damage.

36. In the course of unlawfully detaining and arresting several of the Plaintiffs, Defendants took possession and/or refused to allow said Plaintiffs to remain in possession of bicycles, sound amplification devices, radios and other property causing the permanent deprivation of property belonging to Plaintiffs.

#### **D. The Manner of Confinement**

37. Class members who were taken to police stations were segregated by gender, handcuffed and searched; most of the males were taken to the police station located at 727 East 111<sup>th</sup> Street and the majority of females were taken to the police station at 5555 West Grand Avenue.

38. Plaintiffs were required to provide information to Defendants concerning their identities, employment and other matters which were recorded on official police reports and upon information and belief continue to be maintained at the police stations.

39. Class members were subjected to verbal abuse, neglect and unreasonable conditions of confinement at the police stations, including but not limited to, being deprived of food, water, telephone communication, necessary toiletries and feminine hygiene products.

40. Class members were confined in overcrowded and overheated cells for extended and unreasonable periods of time.

41. Certain class members were deprived of needed medical treatment and necessary medication.

#### **E. The Conspiracy Among Defendants**

42. Defendants Doe, including high ranking officials of the CPD, conspired and agreed together and otherwise jointly acted and/or conspired among and between themselves, to herd, surround, trap, and unlawfully detain class members on the street, many of whom were subsequently further unlawfully detained on the scene, in police vehicles and at police stations.

#### **F. The Named Plaintiffs**

#### **Prudence Browne, Angela Garcia, Elizabeth Johnson and Sophia Sieczkowski On Behalf of Themselves and the Class**

43. Prudence Browne is employed at a nonprofit organization focusing on video and media production in Chicago.

44. Ms. Browne joined the demonstration after it reached Michigan Avenue and East Lake Shore Drive on March 20, 2003, and was encircled, pinned and trapped with other demonstrators by Defendants Doe on Chicago Avenue just east of Michigan Avenue.

45. Ms. Browne inquired of police personnel whether she could leave the demonstration, and was simply told she would have to wait.

46. Ms. Browne witnessed several other demonstrators identified and singled out of the crowd by Defendants Doe, and observed Defendants Doe handcuff these demonstrators and take them away without any provocation.

47. Ms. Browne did not commit a crime, was never ordered to disperse, did not witness or hear any police warnings, and was never informed she had to leave the demonstration or the area prior to being encircled, trapped and pinned in by Defendants Doe.

48. Ms. Browne was unlawfully detained and prevented from leaving the area by Defendants Doe for several hours before she was eventually allowed to leave the area.

49. Angela Garcia currently lives in Chicago, and will attend school here in the fall.

50. Ms. Garcia was among the demonstrators who were encircled and pinned by Defendants Doe on Chicago Avenue just east of Michigan Avenue on March 20, 2003.

51. Ms. Garcia inquired of police personnel whether she could leave the demonstration and was told to wait and was further prevented from leaving the area.

52. Ms. Garcia observed and was informed by others that leaders were being identified by Defendants Doe, singled out, removed from the demonstration, handcuffed and taken away from the area, without any provocation.

53. Ms. Garcia did not commit a crime, was never ordered to disperse, did not witness or hear any police warnings, and was never informed prior to being encircled, trapped and pinned in by Defendants Doe that she had to leave the demonstration or the area .

54. Ms. Garcia was unlawfully detained and prevented from leaving the area by Defendants Doe for hours before she was eventually allowed to leave the area.

55. Elizabeth Johnson traveled downtown with her husband and a young woman they

met on the train on the way to the demonstration.

56. When the demonstration reached the area of Michigan and Chicago Avenues, Ms. Johnson and her husband were told they could leave the area.

57. Ms. Johnson and her husband went to locate the young woman they accompanied to the demonstration and after finding her, they attempted to leave the demonstration together.

58. At that point the Defendants Doe prevented the three from leaving the area and were detained for hours in the street with hundreds of other class members.

59. Ms. Johnson and her companions did not commit a crime, were never ordered to disperse, did not witness or hear any police warnings, and were never informed prior to being encircled, trapped and pinned in by Defendants Doe that they had to leave the demonstration or the area .

60. Sophia Sieczkowski attended the demonstration and observed demonstrators being taken into custody at approximately 8:30 p.m. near the intersection of Chicago and Michigan Avenues.

61. Ms. Sieczkowski attempted to catch a bus to travel home and was prevented from leaving the area by Defendants Doe, she then walked to the other side of the demonstration in an attempt to leave but was again told by Defendants Doe she could not leave the area.

62. Ms. Sieczkowski then dialed 911 from her cellular telephone and told the 911 dispatcher she was being held against her will and requested the dispatcher speak with Defendant Doe.

63. Defendant Doe took the telephone from Ms. Sieczkowski and told the dispatcher that Ms. Sieczkowski could not leave the area.

64. Ms. Sieczkowski was detained for approximately two hours in the street with hundreds of other class members.

65. Ms. Sieczkowski did not commit a crime, was never ordered to disperse, did not witness or hear any police warnings, and was never informed prior to being encircled, trapped and pinned in by Defendants Doe that she had to leave the demonstration or the area .

**Kevin Vodak, Patrick Donnell, Robert Castillo, John Pennycuff  
On behalf of themselves, the Class, and Subclass A-1**

66. Kevin Vodak is an attorney licensed to practice law in the State of Illinois. Mr. Vodak attended the demonstration as a legal observer whose role was to facilitate any necessary negotiations with the demonstrators and police personnel.

67. At approximately 7:30 p.m. Mr. Vodak was surrounded by Defendants Doe at Michigan and Chicago Avenues while standing on the sidewalk and was prohibited from leaving the area.

68. Defendants Doe refused Mr. Vodak's requests to speak with a commanding officer after he clearly identified himself as a legal observer and was handcuffed with plastic cuffs after being pointed out for arrest by an unknown supervisory police officer.

69. Another supervisory officer, with the last name of Doherty, authorized and ratified Mr. Vodak's arrest despite the lack of probable cause that he had committed any crime, the fact that he did not commit any crime, did not resist arrest and prior to his arrest he had never been informed or warned that he must leave the area.

70. Mr. Vodak was placed in a police vehicle, transported to the police station at 727 E. 111<sup>th</sup> Street, placed in jail cell, and unlawfully detained for approximately 11 hours before he was

released on March 21, 2003.

71. Patrick Donnell is an attorney licensed to practice law in the State of Illinois.

72. On March 20, 2003, at approximately 8:00 p.m., Mr. Donnell was traveling home on a Chicago Transit Authority bus headed north on Michigan Avenue.

73. The bus was stopped by a uniformed Chicago police officer at the intersection of Michigan and Chicago Avenues, and the bus driver was informed that the bus was going to be rerouted.

74. Mr. Donnell exited the bus and proceeded across Michigan Avenue to the northeast corner of Michigan and Chicago Avenues.

75. Mr. Donnell witnessed Defendants Doe encircle, pin and trap the class members on Chicago Avenue near Michigan Avenue, and also observed Defendants Doe dragging people and striking people with night sticks.

76. Mr. Donnell also witnessed a woman in the crowd with a megaphone announce "Officer Friendly we did not come here to knock heads with you," and minutes later he saw a small group of Defendants Doe charge into the crowd and apparently arrest her.

77. Mr. Donnell at no time heard any police personnel issue any general order to the crowd that people had to leave or disperse.

78. Mr. Donnell and others standing with him were then informed by police personnel that if they wished to leave the area, they were to head towards Michigan Avenue, and as they complied and began walking, they were stopped by Defendants Doe.

79. Mr. Donnell, as well as others in the crowd, informed Defendants Doe they had been instructed by police to leave in this direction, but received no response and were prohibited from



walking further, and were a short time later arrested by Defendants Doe.

80. Mr. Donnell was handcuffed with plastic handcuffs, taken to a police vehicle and transported to the 111<sup>th</sup> Street police station.

81. Mr. Donnell did not commit a crime, did not resist his arrest, and was prevented from leaving the area prior to his arrest.

82. Mr. Donnell was placed in a cell with 15 others that was approximately 10 feet wide and 12 feet in length, and unlawfully detained for approximately 14 hours until he was released on March 21, 2003.

83. Robert Castillo and John Pennycuff are community activists who had just attended a function with Mayor Richard Daley when they came upon the scene near Michigan and Chicago Avenues on March 20, 2003.

84. They observed and witnessed police misconduct, and then were prevented from leaving the area and arrested by Defendants Doe.

85. Mr. Castillo and Mr. Pennycuff were handcuffed, taken to police vehicles, transported to the 111<sup>th</sup> Street station, where they were unlawfully detained in a cell for many hours prior to their release on March 21, 2003.

86. Mr. Castillo and Mr. Pennycuff did not commit a crime, did not resist arrest, and prior to their arrest they were prevented from leaving the area.

**Sharon Ambielli, David Pinedee, Aaron Robin**  
**On behalf of themselves, the Class, and Subclasses A-1 and A-2.**

87. Sharon Ambielli attended the demonstration on March 20, 2003, and was taken into custody with other class members at approximately 9:15 p.m. near the intersection of Michigan

and Chicago Avenues.

88. Ms. Ambielli was handcuffed so tightly by Defendant Doe in such an unreasonable and excessive manner that the plastic restraints were cutting into her wrists, causing swelling and pain.

89. Ms. Ambielli's repeated requests that the handcuffs be loosened were denied until approximately 11:45 p.m. when the restraints were cut off and soon thereafter she was taken to Resurrection Hospital where she was diagnosed with compressed nerve damage in her right wrist.

90. Ms. Ambielli was returned to the police station where she was processed, including taking her photographs and fingerprints, and eventually released at 5:45 a.m. on March 21, 2003, with any charges.

91. Ms. Ambielli did not commit a crime, did not resist arrest, and was never informed by the police prior to her arrest that she must leave the demonstration.

92. David Pinedee is a student at the Art Institute of Chicago.

93. Mr. Pinedee was approached by a Defendant Doe on Chicago Avenue near Michigan Avenue, and struck in the chest with a night stick by a Defendant Doe.

94. A Defendant Doe intentionally handcuffed Mr Pinedee in an unreasonable manner in that the handcuffs were so tightly fastened around his wrists that he was caused unnecessary pain and injury.

95. Defendants Doe dragged Mr. Pinedee to an awaiting police vehicle and transported him to the 111<sup>th</sup> Street police station, where he was unlawfully detained for hours and released on March 21, 2003.

96. Mr. Pinedee did not commit a crime, did not resist arrest, and prior to his arrest was never informed by the police that he must leave the area.

97. Aaron Robin is a student at Columbia College in Chicago, Illinois.

98. Mr. Robin was trapped by Defendants Doe near Michigan and Chicago Avenues, at approximately 7:30 p.m. and prohibited from leaving the area of the demonstration.

99. Mr. Robin observed Defendants Doe swinging their batons at demonstrators and pulling a female demonstrator's hair, and a Defendant Doe then grabbed him by the back of the neck, he was struck in the wrist area, and he felt a cracking in the back of his wrist.

100. Mr. Robin was then handcuffed with plastic cuffs behind his back by a Defendant Doe who intentionally, unreasonably, and repeatedly twisted his wrists back and forth, causing him great pain and injury. His complaints of pain and requests for medical attention were met with threats directed at him by a Defendant Doe.

101. Mr. Robin was taken to a police vehicle and transported to the 111<sup>th</sup> Street police station, where his continuing complaints of pain were ignored by Defendants Doe and Roe.

101. Mr. Robin did not commit a crime, did not resist arrest, and he was never informed by the police prior to his arrest that he must leave the area.

102. Mr. Robin was unlawfully detained for approximately 23 hours and released on March 21, 2003, at which time, he sought medical attention and was treated for a fractured wrist.

**Matt Gaines, Sarah Bergstrand**  
**On behalf of themselves, the Class, and Subclasses A-1 and A-3.**

103. Matt Gaines was among the demonstrators unlawfully detained on March 20, 2003.

104. Mr. Gaines had in his possession sound amplification equipment for use at the

demonstration as well as a pair of two way radios for communication by leadership within the demonstration.

105. Mr. Gaines was unlawfully taken into custody and his above described property was taken by a Defendant Doe who failed to inventory the property or return it.

106. Sarah Bergstrand and her husband rode their bicycles down to the demonstration on March 20, 2003.

107. Ms. Bergstrand was also unlawfully detained and she was taken into custody by Defendant Doe, who failed to inventory her property and ignored and refused her entreaty to be allowed to secure and lock the two bicycles at the scene.

108. Ms. Bergstrand returned to the scene upon her release from custody only to find the bicycles were gone. When she checked with the Chicago Police Department, she was told her bicycles could not be located or returned without a property inventory slip.

**Eric Peters**  
**On behalf of himself, the Class, and Subclasses A-1 and A-4**

109. Eric Peters is a student at the University of Illinois at Chicago.

110. Mr. Peters was grabbed at approximately 7:30 p.m. near Michigan Avenue and East Lake Shore Drive, by a Defendant Doe who approached him in the crowd after a supervisory police officers yelled out “this is one of the organizers.”

111. A Defendant Doe pulled Mr. Peters to the side and slammed him into the hood of a police vehicle, another supervisory police officer then jumped onto the hood of the police vehicle and yelled to the police officers about Mr. Peters, who then threw him to the ground and stepped on his neck.

112. Mr. Peters was then dragged along the ground to another police vehicle and he was cuffed, transported to a police vehicle and taken to the police station at 727 East 111<sup>th</sup> Street.

113. Mr. Peters did not commit a crime, did not resist his arrest, and was never informed by the police that he must leave the demonstration prior to his arrest.

114. Mr. Peters was unlawfully detained for approximately 28 hours, within which entire time he was not allowed to make a telephone call, and released on March 21, 2003.

115. As a direct and proximate result of these Defendants' actions, as detailed above, Plaintiffs have suffered and continue to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and legal expenses.

## COUNT I

### **[42 U.S.C. § 1983 Claim for False Detention, Arrest and Imprisonment] (Brought by all Plaintiffs, on Behalf of the Class and Subclass A-1)**

116. Plaintiffs reallege paragraphs 1 through 115.

117. The actions of the Defendants Hillard, Risley and Doe in falsely detaining, arresting and imprisoning Plaintiffs without reasonable suspicion or probable cause violated their Fourth Amendment rights to be free from unreasonable search and seizure, and thus violated 42 U.S.C. § 1983.

118. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiffs' Fourth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, loss of income, and legal expenses, as set forth more fully above.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand a preliminary and permanent injunction ordering Defendants to return and destroy all documents and records

relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants; and because these Defendants acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable.

## **COUNT II**

### **[42 U.S.C. § 1983 Claim for Violation of First Amendment Rights] ( Brought by all Plaintiffs, on Behalf of the Class and Subclass A-1, and Brought By Eric Peters, Individually and on Behalf of Subclass A-4)**

119. Plaintiffs reallege paragraphs 1 through 115.

120. Plaintiffs, who were engaged in lawful First Amendment activity on the public streets and sidewalks of the City of Chicago, were acting reasonably within time, manner and place restrictions and were not provided any alternative channels for their expression.

121. The actions of Defendants Hillard, Risley and Doe in falsely detaining, arresting and imprisoning Plaintiffs who were exercising their Constitutional right to freedom of association further violated their First Amendment rights to be free from the infringement of their right to peaceably assemble, and thus violated 42 U.S.C. § 1983.

122. In addition, the actions of Defendants Hillard, Risley and Doe in targeting individuals who appeared to be or were perceived to be leaders, including those carrying signs or sound amplification devices, further violated the rights of Plaintiffs who were exercising their Constitutional right to freedom of expression in violation of their First Amendment right to be free from the infringement of their freedom of speech, and thus violated 42 U.S.C. § 1983.

123. The actions of the Defendants were the direct and proximate cause of the violations

of Plaintiffs' First Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of speech and expression, loss of income, and legal expenses, as set forth more fully above.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants; and because these Defendants acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable.

### **COUNT III**

#### **[42 U.S.C. § 1983 Claim for Excessive Force Claim] (Brought by Robin and Pinedee, Individually and on Behalf of Subclass A-2)**

124. Plaintiffs reallege paragraphs 1 through 115.

125. The acts of Defendants Doe in striking Plaintiffs with batons, pulling Plaintiffs' hair, intentionally handcuffing Plaintiffs wrists too tightly, and otherwise using excessive and unjustifiable force against Plaintiffs, as well as failing to intervene to prevent said abuse despite having the opportunity and duty to do so, violated Plaintiffs' rights under the Fourth Amendment to the United States Constitution to be secure in their persons, papers and effects against unreasonable searches and seizures, and thus violated 42 U.S.C. § 1983.

126. The actions of Defendants were the direct and proximate cause of the violations of

Plaintiffs' Fourth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, loss of income, and legal expenses, as set forth more fully above.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants; and because they acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable and just.

**COUNT IV**  
**[42 U.S.C. §1983 Claim for Unreasonable**  
**and Punitive Conditions of Confinement]**  
**(Brought by all Plaintiffs, on Behalf of the Class and Subclasses A-1 and A-2)**

127. Plaintiffs reallege paragraphs 1 through 115.

128. The acts of Defendants Doe and Roe in detaining Plaintiffs in overcrowded and over heated police vehicles and jail cells for unnecessarily long periods of time; in failing to provide Plaintiffs with the use of a telephone; in depriving Plaintiffs of necessary toiletries and sanitary napkins; in depriving Plaintiffs food and water for excessive periods of time; in deliberately ignoring Plaintiffs' serious medical needs by refusing to take Plaintiffs to a hospital, clinic or doctor, knowing they had not received any medical care since they were injured, and in exacerbating the pain and injury by detaining them in cramped and painful conditions, and further imposing other arbitrary, unreasonable and punitive conditions, violated Plaintiffs' rights



under the Fourth and Fourteenth Amendments to the United States Constitution to be secure in their person, papers and effects against unreasonable seizures and their rights to due process of law and thus violated 42 U.S.C. § 1983.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants; and because these Defendants acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable.

**COUNT V**  
**[42 U.S.C. §1983 Claim for Deprivation of Property]**  
**(Brought by Gaines and Bergstrand, Individually, and on behalf of Subclass A-3)**

129. Plaintiffs reallege paragraphs 1 through 115.

130. The Defendants' unreasonable actions in not allowing Plaintiffs to maintain custody of their property and/or unreasonably forcing Plaintiffs to abandon said property unsecured in a public place and their subsequent inability, failure and refusal to return said personal property, constituted an unlawful taking of Plaintiffs' property and an unreasonable and unconstitutional seizure in violation of the Fourth Amendment to the United States Constitution, and was a direct and proximate cause of Plaintiffs' loss, further suffering and other injuries set forth above.

WHEREFORE, Plaintiffs demand actual and compensatory damages against Defendants

and because they acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable and just.

## **COUNT VI**

### **[42 U.S.C. §1983 *Monell* Policy, Practice and Custom Claim] (Brought by all Plaintiffs, on Behalf of the Class and Subclass A-1)**

131. Plaintiffs reallege paragraphs 1 through 115.

132. The actions of Defendants Doe and Roe were done pursuant to one or more interrelated *de facto* as well as explicit policies, practices and/or customs of the City of Chicago, its police department, its Police Board, its Office of Professional Standards (O.P.S.) and Internal Affairs Division ( I.A.D), its Personnel Division, and/or its Superintendents.

133. Upon information and belief, high ranking police officials, including Superintendent Hillard and Commander Risley, planned, authorized, directed, ratified and/or acquiesced in the unconstitutional and unlawful police actions complained of herein.

134. At all times material to this complaint the Defendant City and its police department, Superintendents, O.P.S., I.A.D., Personnel Division and/or Police Board had interrelated *de facto* policies, practices, and customs which included, *inter alia*, a) the failure to properly train, supervise, discipline, transfer, monitor, counsel and otherwise control police officers engaged in committing violations of police department rules and regulations, including the excessive use of force, false detentions, false arrests, false imprisonments, the harassment of civilians exercising their First Amendment Rights in street demonstrations, and the manufacturing of false reports and statements as well as the physical and verbal abuse of civilians, and other police abuse,

particularly in cases where the officers have repeatedly been accused of said acts; b) the police code of silence, particularly in cases where officers engaged in the above articulated violations; and c) encouragement of false detentions, false arrests, false imprisonments, and the attendant use of excessive force.

135. Further, the constitutional violations and damages to Plaintiffs that occurred as described herein were directly and proximately caused by the unofficial, unconstitutional, tacit policy of authorized policy makers of the City, who have, for years, deliberately ignored and indulged in violence and intimidation against demonstrators by officers assigned to “monitor” political protest demonstrations, deliberately failed to supervise and control such officers so as to prevent violations of demonstrator’s rights, and deliberately undermined, negated and stifled the citizens’ complaint process. Thus, rank and file officers understand there is little or no risk involved in brutal attacks on or illegal mass arrests of persons exercising Free Speech rights.

136. In addition, the City, the department and the command-level Defendants are well aware, and have been told and notified many times, that such illegal arrests and such brutal attacks occur, and happen again and again, to the point where a pattern and practice of brutality and harassment of demonstrators is readily evident, going back for many years.

137. These policies are evidenced, *inter alia*, by the following: a) the systemic encouragement, from the Superintendent on down, of false detentions, false arrests, false imprisonments, by promoting officers who make large numbers of arrests, giving them high performance ratings, based in large part on the number of arrests which they make, and ignoring the large number of citizen complaints made against many of these officers when making these promotions, assignments, and ratings; b) the failure to properly discipline, monitor, assign,

counsel, transfer, supervise and otherwise control officers, including the Defendants, particularly after department records and studies, statistical data, and computer programs have, or should have, identified these officers including Defendants as “repeaters” with multiple complaints of brutality and other abuse or otherwise as actual or potential problem officers; c) the Department’s failure to implement an adequate behavioral monitoring and control system or to properly implement or utilize its “repeater” lists, excessive force study, and “Brainmaker” computer software program in order to identify, monitor, supervise, discipline, assign and otherwise control such problem officers.

138. The policy, practice, and custom of a police code of silence results in police officers refusing to report instances of police misconduct, including excessive force, false detentions, false arrests and false imprisonments and other abuse of citizens of which they are aware, despite their obligation under police regulations to do so, and also includes police officers either remaining silent or giving false and misleading information during official investigations in order to protect themselves or fellow officers from internal discipline, civil liability, or criminal charges, and to perjure themselves in criminal cases where they and their fellow officers have falsely arrested, imprisoned and prosecuted the criminal Defendant.

139. The fact that the aforementioned code of silence exists, and that its adverse impact is allowed to occur through the actions and inactions of high ranking police officials including police Superintendents and former and current O.P.S. Directors, is also evidenced by the fact that while former Superintendent Martin, former O.P.S. Director Fogel and former O.P.S. Director Shines have all acknowledged publicly that they are aware of the existence of the custom and practice of a police code of silence, they as well as current OPS Director Baird have not acted to

eliminate the code or to counteract its impact on police discipline, the use of excessive force, police torture, fabrication of evidence and false arrests and prosecutions. In particular, they do not attempt to charge or discipline police officers who make false reports and statements or remain silent to hide their fellow officers wrongdoing although the O.P.S. is empowered and given the responsibility to do so.

140. The *de facto* policies, practices and customs of failing to train, supervise, monitor, discipline, counsel and control, the code of silence, and the encouragement of false arrests and prosecutions are interrelated and exacerbate the effects of each other, to, in the words of former O.P.S. Director Fogel, "institutionalize police lying" and "immunize police officers from discipline."

141. The aforementioned policies, practices and/or customs of failing to supervise, discipline, monitor, control, etc., the police code of silence, and the encouragement of false arrests, imprisonments, prosecutions, and convictions, separately and together, proximately caused injury to the Plaintiffs in this case, *inter alia*, because Defendants had good reason to believe that their misconduct would not be revealed or reported by fellow officers or their supervisors, that their denials would go unchallenged by these supervisors and fellow officers, from the police Superintendents, Police Board, and Directors of the O.P.S. on down, and that they were effectively immune from disciplinary action, thereby protecting them from the consequences of their unconstitutional conduct.

142. But for the belief that they would be protected, both by fellow officers and by the department, from serious career consequences, Defendants would not have engaged in the conduct that resulted in the injuries to the Plaintiffs.

143. Said interrelated policies, practices and customs, as set forth above, both individually and together, were maintained and implemented with deliberate indifference, and encouraged the Defendants to commit the aforesaid acts against the Plaintiff and therefore acted as direct and proximate causes of said constitutional violations, and injuries to the Plaintiffs.

144. Additionally, said failure to properly train, discipline, monitor, control, assign, transfer, supervise, and counsel Defendants, was also done with deliberate indifference and likewise acted as a direct and proximate cause of the injuries to Plaintiffs.

145. These policies, practices and customs encouraged, *inter alia*, excessive use of force, the making of false statements and reports, and physical and verbal abuse of civilians, and were separately and together, a direct and proximate cause of the unconstitutional acts committed by Defendants in this case and the injuries sustained by the Plaintiffs.

146. As a direct and proximate result of the conduct and unspoken policy of Defendants described herein, their failure to take reasonable steps to remedy the pattern and practice of police brutality, and their deliberate indifference to the serious threat to the rights of protesters, Plaintiffs were each denied her or his constitutional, statutory, and common law rights as stated below, and have suffered, and continue to suffer, mental and emotional distress, humiliation, embarrassment, discomfort, fear, shock, anxiety, pain and harm.

147. Defendants' policies, practices, conduct, acts and omissions alleged herein have no plain, adequate and speedy remedy at law to redress the wrongs described herein. Plaintiffs fear they will again be subjected to the misuse of plastic and metal handcuffs, beaten or harassed. Plaintiffs continue to suffer harm as a result of the continuing existence of the police records of their arrests herein. Plaintiffs, therefore, seek injunctive relief restraining Defendants from

misusing handcuffs, herding protesters and then not allowing them freedom to leave the area and requiring them to seal and destroy the records of Plaintiffs' arrests.

WHEREFORE, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; judgment against Defendant City of Chicago for compensatory damages, plus costs and attorneys' fees and whatever additional relief this court finds equitable and just.

## **COUNT VII**

### **[Supplemental State Law Claims for Violations of the Illinois Constitution] (Brought by all Plaintiffs, on Behalf of the Class and Subclass A-1)**

148. Plaintiffs reallege paragraphs 1 through 115.

149. The actions taken by Defendants denied Plaintiffs their state constitutional rights to be secure in their persons; to be free from unreasonable searches and seizures; to speak, write and publish freely; to assemble in a peaceable manner; to due process of law and equal protection of the laws, as provided by the Illinois Constitution, Article I, sections 1, 2, 4, 5, and 6, and were a direct and proximate cause of Plaintiffs' injuries as set forth above.

WHEREFORE, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants; and because they acted maliciously,

wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees and such other and additional relief as this court deems equitable and just.

**COUNT VIII**  
**[Supplemental State Law Claims for False Detention, Arrest and**  
**Imprisonment]**  
**(Brought by all Plaintiffs, on Behalf of the Class and Subclass A-1)**

150. Plaintiffs reallege paragraphs 1 through 115.

151. The false detention, arrest and imprisonment of Plaintiffs on March 20<sup>th</sup> through March 21, 2003, were done wilfully and wantonly by Defendants Hillard, Risley, Doe and Roe.

152. The actions of Defendant Hillard, Risley, Doe and Roe directly and proximately caused Plaintiffs' injuries, emotional distress, pain and suffering as claimed above and constitute the tort of false arrest and imprisonment under Illinois law.

WHEREFORE, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages, and because Defendants acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action and such other and additional relief as this court deems equitable and just.



**COUNT IX**  
**[Supplemental State Law Claims for Assault and Battery]**  
**(Brought by Robin and Pinedee, Individually and on Behalf of Subclass A-2)**

153. Plaintiffs reallege paragraphs 1 through 115.

154. The acts of Defendants Doe in striking Plaintiffs, pulling Plaintiffs' hair, and intentionally handcuffing Plaintiffs' wrists too tightly causing bodily harm, were performed in a wilful and wanton manner.

155. These actions of Defendants Doe were affirmative acts and threatened to cause or did cause an unpermitted contact of a harmful and/or offensive nature, to which Plaintiffs did not consent, and thus constitute assault and battery under laws of the State of Illinois.

156. The actions of Defendants Doe directly and proximately caused Plaintiffs' injuries, emotional distress, pain and suffering.

WHEREFORE, Plaintiffs demand actual and compensatory damages against Defendants Doe and because they acted wilfully and wantonly, punitive damages plus the costs of this action.

**COUNT X**  
**[Supplemental State Law Claim for Conversion]**  
**(Brought by all Gaines and Bergstrand, Individually, and on behalf of Subclass A-3)**

157. Plaintiffs reallege paragraphs 1 through 115.

158. The acts of Defendants Doe in not allowing Plaintiffs to maintain custody of their property and/or unreasonably forcing Plaintiffs to abandon said property unsecured in a public place and their subsequent inability, failure and refusal to return said personal property, constituted an unlawful taking of Plaintiffs' property and the tort of conversion under Illinois

law, were performed in a wilful and wanton manner, and were a direct and proximate cause of Plaintiffs' loss, further suffering and other injuries as set forth above.

WHEREFORE, Plaintiffs demand actual and compensatory damages against Defendants Doe and, because they acted wilfully and wantonly, punitive damages plus the costs of this action.

**COUNT XI**  
**[Supplemental State Law Claim for Conspiracy]**  
**(Brought by all Plaintiffs, Individually and on Behalf of the Class and Each Subclass)**

159. Plaintiffs reallege paragraphs 1 through 115.

160. Defendants Hillard, Risley, Doe and Roe agreed and together reached an understanding or agreement to engage in a course of conduct, and otherwise jointly acted and/or conspired among and between themselves, to falsely arrest, imprison, detain, assault, batter, and inflict emotional distress on Plaintiffs.

161. Defendants conspired and arrived at an understanding and meeting of the minds that the police would harass, intimidate, punish and retaliate against the participants in the March 20, 2003 protest because of their political beliefs, and in doing so deployed a large and intimidating force of police.

162. The objectives of this conspiracy, among others, were to prevent the expression and communication of, and otherwise interfere with, the message of the constitutionally protected activities and protest of the Plaintiff class, to summarily punish the participants, to chill and deter other protest marches and rallies.

163. The decision and related activities involved in the mass arrests of the members of the

Plaintiff class without probable cause and the maltreatment of Plaintiff class members on the street and in the jails, were part of, and were overt acts taken in furtherance of, the conspiracy.

164. In furtherance of this conspiracy or conspiracies, the Defendants named above, together with their unsued co-conspirators, committed the overt acts set forth above, including, but not limited to, the wrongful and false detentions, arrests, imprisonments, beatings of Plaintiffs, the manufacture and construction of knowingly false inculpatory evidence against Plaintiffs, the making of knowing misstatements and the filing of false and incomplete statements and reports.

165. Said conspiracy or conspiracies and overt acts were and are continuing in nature.

166. Defendant Hillard's, Risley's, Doe's and Roe's and their co-conspirators' overt acts as set forth above, which were committed jointly and/or while conspiring together to falsely detain, arrest, falsely imprison, commit assault and battery on the Plaintiffs, constitute the tort of conspiracy.

167. This conspiracy proximately caused the injuries to the Plaintiff set forth above.

WHEREFORE, Plaintiffs demand a preliminary and permanent injunction (a) prohibiting Defendants from using plastic handcuffs in an improper or unsafe manner; and (b) ordering Defendants to return and destroy all documents and records relating or referring to Plaintiffs' arrests and any other reference to Plaintiffs in police files based on their arrests on March 20, 2003; actual and compensatory damages against Defendants, and, because these Defendants acted maliciously, willfully, wantonly and/or with reckless disregard for Plaintiffs' rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this court deems equitable and just.

**COUNT XII**  
**[Supplemental State Law Claim for *Respondeat Superior*]**  
**(Brought by all Plaintiffs, Individually, and on Behalf of the Class and Each Subclass)**

168. Plaintiffs reallege paragraphs 1 through 115.

169. Defendants Hillard, Risley, Doe and Roe were, at all times relevant to this Count, employees and agents of the Defendant City of Chicago. Each of the above named individual Defendants was acting within the scope of their employment, and their acts and omissions are directly chargeable to their employer the Defendant City of Chicago under state law pursuant to *respondeat superior*.

WHEREFORE, Plaintiffs demand judgment for compensatory damages, jointly and severally from the City of Chicago.

**COUNT XIII**  
**[Supplemental State Law Claim for 745 ILCS § 10/9-102]**  
**(Brought by all Plaintiffs, Individually, and on Behalf of the Class and Each Subclass)**

170. Plaintiffs reallege paragraphs 1 through 115.


171. Defendant City of Chicago was the employer of Defendants Hillard, Risley, Doe and Roe at all times relevant to this complaint.

172. Defendants Hillard, Risley, Doe and Roe committed the acts alleged above in the scope of their employment as employees of Defendant City of Chicago.

WHEREFORE, Plaintiffs, pursuant to 745 ILCS § 10/9-102, demand judgment against the Defendant City of Chicago in the amount awarded to Plaintiffs against the individual Defendants as damages, attorneys' fees, costs and interest, and/or for any settlement entered into between the Plaintiff and Defendants, and for whatever additional relief this court deems equitable and just.

Respectfully Submitted by,

Dated: April 10, 2003



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**PLAINTIFFS DEMAND A JURY TRIAL**