

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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

Plaintiffs,

v.

CITY OF CHICAGO, et. al.,

Defendants.

) No. 03 C 2463
) 03 C 2463
) Judge Coar
)
) Magistrate Nolan
)
) CIVIL RIGHTS CLASS ACTION
)

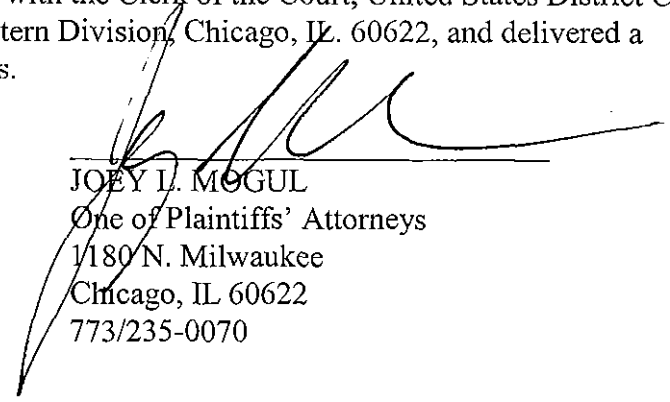
FILED
DEC 30 2004
MICHAEL W. DOBBS
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING

To: Richard T. Sikes, Jr.
Freeborn and Peters
311 South Wacker Drive
Chicago, Illinois 60606

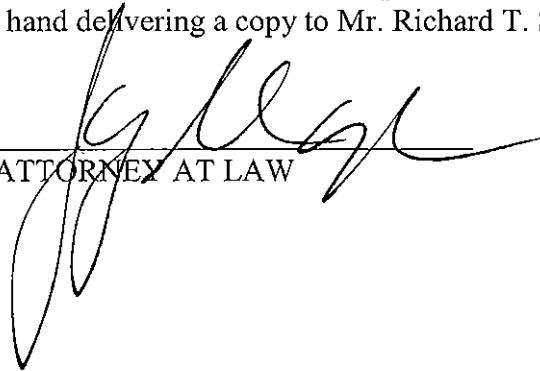
RECEIVED
JAN 10 2005

YOU ARE HEREBY NOTIFIED that on December 30, 2004, I filed **Plaintiffs' Third Amended Complaint**, attached hereto, with the Clerk of the Court, United States District Court for the Northern District of Illinois, Eastern Division, Chicago, IL. 60622, and delivered a courtesy copy to Judge Coar's chambers.


JOEY L. MOGUL
One of Plaintiffs' Attorneys
1180 N. Milwaukee
Chicago, IL 60622
773/235-0070

CERTIFICATE OF SERVICE

JOEY L. MOGUL, an attorney, hereby certifies that she caused a copy of the foregoing notice and attached document to be served by hand delivering a copy to Mr. Richard T. Sikes, Jr. on December 30, 2004 before 5:00 p.m.



ATTORNEY AT LAW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KEVIN VODAK, et. al., individually and on behalf of)
others similarly situated, and SHARON AMBIELLI,)
JOHN PENNYCUFF, ERIC PETERS, DANIEL)
PINEDA, AARON ROBIN, DANIEL ROMERO,)
BRAD THOMSON,)

Plaintiffs,

v.)

CITY OF CHICAGO; FORMER SUPERINTENDENT)
TERRY G. HILLARD; SUPERINTENDENT PHILIP)
CLINE; CHIEF JAMES MAURER; CHIEF JERRY)
ROBINSON; DEPUTY CHIEF TOM BYRNE;)
DEPUTY CHIEF FRANK RADKE; DEPUTY CHIEF)
RALPH CHICZEWSKI; COMMANDER JOHN)
KILLACKY; COMMANDER SAM CHRISTIAN;)
COMMANDER DAVID DOUGHERTY;)
COMMANDER MARIENNE PERRY;)
COMMANDER JOHN R. RISLEY; COMMANDER)
JOSEPH GRIFFIN; COMMANDER DANIEL)
DUGAN; COMMANDER CHARLES WILLIAMS;)
LIEUTENANT KEVIN RYAN; LIEUTENANT NEIL)
SULLIVAN; LIEUTENANT DAVE SOBSCYZK;)
ASSISTANT DEPUTY FRANK LIMON; FORMER)
ASSISTANT DEPUTY SUPERINTENDENT RON)
HUBERMAN; KAREN ROWAN; THOMAS EPACH,)
JR.; CPO BARKER # 14246; CPO BILYJ #3243;)
CPO M. BLACK #8943; LIEUTENANT CARSON)
EARNEST; CPO L. COLEMAN #3377; CPO E.)
CORTEZ # 7584; CPO W. CLUCAS #19890; CPO)
A. DAKURAS #6643; CPO C. DECICCO #6215; CPO)
G. GAMBOA #12610; CPO E. GEDREKIS #11054;)
CPO R. HAGEN #14488; CPO L. HEISE #17026; CPO)
D. HERRERA #18611; CPO R. HUGHES #4293; CPO)
HUNT #3535; CPO K. JAROS #9295; CPO JOHNSON)
#11292; CPO A. KIZZIAH #7304; CPO D. KOONIG)
#9072, CPO. T. LIEBER #6956; CPO T. LOCONTE)
#11623; CPO K. MC CLEARN #8877; SGT.)

No. 03 C 2463

Judge David Coar

Magistrate Nan Nolan

CIVIL RIGHTS
CLASS ACTION
SEEKING DAMAGES
AND INJUNCTIVE
RELIEF

JURY DEMANDED

FILED

DEC 30 2004

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

RECEIVED
JAN 10 2005

METHIPARA #18220; CPO J. MENDOZA #19326;)
CPO PASQUA #5781; CPO D. RODRIGUEZ #13585;)
CPO R. RODRIGUEZ #15347; CPO J. RYAN #18591;)
CPO M. SANTOS #12347; CPO J. TAITT #11644;)
CPO J. TAMEZ #8760; CPO J. TUMAN #3074; CPO)
M. WEBER #16785; CPO M. WILLIAMS #14447;)
DEFENDANTS DOE 1-50, and DEFENDANTS ROE)
1-5,)
)
)
Defendants.)

THIRD AMENDED 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. This action is brought against the City of Chicago (hereinafter “the City”), Chicago Police Department (hereinafter “CPD”) Command Personnel and policymakers, including former Superintendent Terry Hillard, Superintendent Phil Cline and Chief of Patrol James Maurer, and individual Defendant Officers, who knowingly, intentionally and vindictively trampled on the civil rights of approximately 800 peaceful protestors, bystanders and passers by at an anti-war demonstration on March 20, 2003.

Defendants, acting under the color of law, unlawfully detained and imprisoned the class when they herded, corralled and then trapped the class on Chicago Avenue in between Michigan Avenue and Mies Van Der Rohe Way for hours, and forcefully prevented them from leaving this area. Defendants then falsely arrested more than five hundred individuals and held them in overcrowded jail cells for extensive periods of time. Over two hundred individuals were arrested, taken into custody and released without being charged or cited with a crime or violation. Over 300 individuals were arrested, taken into custody, and falsely charged with baseless boilerplate allegations of Reckless Conduct, resulting in the further curtailment of their liberty when forced to appear in court, many on numerous occasions, to defend themselves. The remaining 200 to 250 members of the class not taken into custody, were allowed to leave the area of Chicago and Michigan Avenues only after they were detained for several hours and forced to abandon their signs, posters and/or banners.

Eleven named Class Plaintiffs, on behalf of themselves and the class, seek an injunction

requiring the Defendants to seal, return and/or destroy any records of Plaintiffs' and class members' arrests. Class Plaintiffs, on their own behalf and the behalf of the class, also seek monetary damages for the injuries they suffered when they were falsely detained, arrested and imprisoned. Further, an additional seven individually named Plaintiffs, identified herein, seek monetary damages suffered as a result of Defendants subjecting them to excessive force and depriving them of substantial property.

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 residents of the United States who were in Chicago, Illinois on March 20, 2003.
3. Plaintiffs Sarah Bergstrand, Prudence Browne, Robert Castillo, Patrick Donnell, Matthew Gaines, Angela Garcia, Kathleen Gruber, Steven Hudosh, Elizabeth Johnson, Sophia Sieczkowski, and Kevin Vodak sue on behalf of themselves and members of the class. Hereinafter they will be referred to as "Class Plaintiffs."
4. Plaintiffs Sharon Ambielli, John Pennycuff, Eric Peters, Daniel Pineda, Aaron Robin, Daniel Romero, and Brad Thomson sue on their own behalf. Hereinafter they will be referred to as Individual Plaintiffs.

B. The Defendants.

5. 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 individual Defendants and is responsible for the policies, practices and customs of the CPD, its Office of Professional Standards, its Personnel Division, its Patrol Division and its Superintendent of Police.
6. Defendant Terry G. Hillard is, and at all times relevant herein was, the Superintendent

and Chief of Police of the City of Chicago, with responsibility for supervising, training, assigning, administrating and controlling all officers and employees of the CPD. Former Superintendent Hillard held a command and/or policymaking position and he along with other Command members identified below, participated in the planning, supervision, and the execution of the police conduct complained of herein. He is sued in his individual capacity.

7. Defendant Philip Cline is currently the Superintendent and Chief of Police of the City of Chicago, and at all times relevant herein was, the acting Deputy Superintendent of the Chicago Police Department, Chief of the Detectives Division, and the First in Command under then Superintendent Hillard, with responsibility for supervising training, assigning, administering and controlling all officers and employees of the CPD. Superintendent Cline held a command and policymaking position, and he along with Defendant Hillard and other Command members identified below, participated in the planning, supervision, and the execution of the police conduct complained of herein. He is sued in his individual capacity.
8. Defendants Thomas Byrne, Ralph Chiczewski, Sam Christian, David Dougherty, Daniel Dugan, Thomas Epach, Jr., Joseph Griffin, Ron Huberman, John Killacky, Frank Limon, James Maurer, Marienne Perry Frank Radke, John Risley, Jerry Robinson, Karen Rowan, Kevin Ryan, Neil Sullivan, David Sobczyk, and Charles Williams, 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' and class members' rights, to adequately train and supervise CPD officers who were involved in violating the rights of the Plaintiffs and class members.
9. Defendants Barker, Bilyj, M. Black, E. Carson, L. Coleman, W. Clucas, E. Cortez, A. Dakuras, C. DeCicco, G. Gamboa, E. Gedrekis, R. Hagen, L. Heise, D. Herrera, R. Hughes, T. Hunt, K. Jaros, Johnson, A. Kizziah, D. Koonig, T. Lieber, T. Loconte, K. McClearn, Methipara, J. Mendoza, Pasqua, D. Rodriguez, R. Rodriguez, J. Ryan, M.

Santos, J. Taitt, J. Tamez, J. Tuman, M. Weber, and M. Williams were employees of the CPD who participated in the execution of the police actions complained herein.

Additionally, each of these Defendants signed, authorized their name to be signed, or had their names appear on a false criminal complaint or arrest report against one or more of the Plaintiffs or class members. These Defendants are sued in their individual capacities.

10. Does 1 through 50, 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 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 in their individual capacities.
11. Roes 1 through 5, 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 5, 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 in their individual capacities.
12. At all times relevant herein, all of the individual Defendant officers and employees were acting under the color of law, under color of authority and in the scope of their employment as Chicago Police Officers, Command and Supervisory Personnel.
13. Each of the Defendants caused, and is responsible, for the unlawful conduct described herein, 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 to initiate and maintain adequate training and supervision with deliberate indifference to Plaintiffs' and class members' rights; 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.

CLASS ALLEGATIONS

14. Class Plaintiffs Sarah Bergstrand, Prudence Browne, Robert Castillo, Patrick Donnell, Matthew Gaines, Angela Garcia, Kathleen Gruber, Steven Hudosh, Elizabeth Johnson, Sophia Sieczkowski, and Kevin Vodak bring this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs herein seek to certify a class and three subclasses stemming from the class.
15. The class (class A) consists of all persons who were herded, corralled, trapped and detained by the Defendants on March 20, 2003 on Chicago Avenue, just east of Michigan Avenue and west of Mies Van Der Rohe Way (hereinafter the "detainment area"), between approximately 8:30 p.m. and 11:30 p.m. Each single class member was detained and was not free to leave this area.
16. Subclass A-1 is defined as all class members who were seized and detained by the Defendants in the detainment area for one and a half to three hours before they were allowed to leave the area. This subclass consists of approximately 200 to 250 people.
17. Subclass A-2 is defined as all class members who were seized, detained, arrested and taken into police custody by the Defendants in the detainment area and further detained at a police station. These individuals were released without being charged with any crime or ordinance violation. This subclass consists of approximately 210-225 people.
18. Subclass A-3 consists of all class members who were seized, detained, arrested and taken into custody by the Defendants in the detainment area and further detained at a police station. These individuals were subsequently charged with criminal offenses, released only upon conditions of bond and required to appear in court on criminal charges brought by Defendants. This subclass consists of approximately 300 to 325 people.
19. 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 approximately 800 class members.

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 Plaintiffs and class members were seized when the Defendants herded, corralled and trapped them in the detainment area, detained them for hours, deprived them the freedom to leave in violation of their Fourth Amendment rights to be free from unreasonable search and seizure, and other constitutional and common law rights;
- whether the Defendants lacked the requisite probable cause to seize Plaintiffs and class members on Chicago Avenue thereby violating their Fourth Amendment rights to be free from unreasonable search and seizure, and other constitutional and common law rights;
- whether the Defendants lacked the requisite probable cause to arrest and take Plaintiffs and class members into custody and detain them at police stations thereby violating their Fourth Amendment rights to be free from unreasonable search and seizure, other constitutional and common law rights;
- whether the Plaintiffs and class members were lawfully exercising their rights to freedom of speech, association and assembly when marching and standing on the streets and sidewalks as guaranteed by the United States and Illinois constitutions;
- whether the Plaintiffs and the class members who 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 Defendants violated Plaintiffs' and class members' rights to freedom of expression, association, and assembly were violated when Defendants falsely detained, arrested and imprisoned Plaintiffs and class members on Chicago Avenue;
- whether the decision to initiate or conduct the mass arrests and the orders concerning the manner in which Plaintiffs and the class members were to be herded, corralled and trapped were made by officers of sufficient rank, authority, influence, and discretion that they can be deemed policymakers under *Monell* and its progeny;
- whether an injunction should be granted in favor of Plaintiffs and the class

members directing the Defendants to seal, return and/or destroy all records of Plaintiffs and class members arrests and detentions 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, corral, trap and unlawfully detain, arrest and imprison Plaintiffs and the class; and
- whether Defendants maliciously prosecuted members of the class by filing false charges of Reckless Conduct, and specifically by falsifying the arrest reports and criminal complaints by signing the names of members of the CPD who did not have personal knowledge of a Plaintiffs' or class members' conduct on March 20, 2003.

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

- whether the Defendants herded, corralled, trapped and detained the Plaintiffs and class members preventing them from leaving the detainment area;
- whether the Defendants gave the Plaintiffs and class members an order to disperse prior to their detention and/or arrest;
- the nature, extent and adequacy of training of police officers to conduct mass arrests without depriving citizens of constitutionally guaranteed rights;
- whether Defendants failed to execute proper arrest documents, including the completion of arrest reports and criminal complaints signed by officers with the requisite personal knowledge of the offense allegedly committed by a class member in violation of the CPD's mass arrest policies;
- the nature and extent of the confinement conditions, including the denial of food, medical care, phone calls, necessary toiletries, feminine hygiene products, and the spatial conditions cells;
- 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, against demonstrators in the City of Chicago by the CPD.
- d) The requirements of Rule 23(a)(3) are satisfied because Class Plaintiffs' claims are typical of the claims of the class and each subclass they seek to represent.
- e) 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 Class Plaintiffs have no interests antagonistic to other members of the class or subclass they seek to represent. Moreover, Class Plaintiffs have retained counsel experienced in bringing class actions and civil rights claims.
20. 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 by the Defendants.
21. 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 subclasses, and injunctive relief for the class as a whole is appropriate.
22. Additionally, the class and each of the subclasses meet the requirements of Rule 23(b)(3) because 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 20th demonstration; 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;
 - 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 decisions for the members of the

class, thereby making a class action the superior method of adjudicating this controversy.

23. Plaintiffs have moved for class certification and seek certification in accordance with the class and subclasses defined in this Third Amended complaint.

FACTUAL ALLEGATIONS

A. The Emergency Demonstration

24. On March 20, 2003, thousands of people congregated at the Federal Plaza located at Dearborn Street between Jackson and Adams Avenues in Chicago's downtown area to protest the commencement of the United States war on Iraq.
25. A rally organized by several peace and anti-war organizations was held at the Federal Plaza at approximately 5:00 p.m.
26. By the end of the rally, the crowd had increased to between five and fifteen thousand people.
27. At the conclusion of the rally, the crowd began to march throughout the streets of downtown Chicago, chanting and carrying signs.
28. The march proceeded east to Lake Shore Drive accompanied and escorted by uniformed members of the CPD.
29. The march proceeded north on outer Lake Shore Drive accompanied and escorted by uniformed members of the CPD.
30. At Oak Street, the march exited outer Lake Shore Drive and headed west down Oak Street.
31. When the march reached Michigan Avenue on Oak Street, members of the CPD lined up across Michigan Avenue and refused to allow the demonstration to proceed.
32. The march was stalled for a period of time at this location, during which time a number of demonstrators left the march and others arrived to join the demonstration.
33. The marchers were not engaged in any unlawful activity and continued to chant and express their opposition to the Iraq War.
34. The march was directed east from Michigan Avenue and the marchers proceeded east down Oak Street and then south down inner Lake Shore Drive toward Chicago Avenue.

- 35. Uniformed members of the CPD continued to escort and accompany the marchers.
- 36. At Chicago Avenue, marchers were directed, escorted or proceeded west on Chicago Avenue.
- 37. No Defendant or member of the CPD advised or warned marchers at any time during or after the march that it was illegal or unlawful for the march to proceed in the streets or on the sidewalks in downtown Chicago.

B. The Unlawful Detention and Arrests

- 38. On Chicago Avenue, pursuant to orders issued by the Defendant Command Personnel, individual Defendants and Defendant Does herded and corralled marchers and others in the crowd, i.e. the class, on Chicago Avenue, trapping them in between Michigan Avenue and Mies Van Der Rohe Way (hereinafter the "detainment area").
- 39. Defendants forcefully detained the class and prevented them from leaving the detainment area.
- 40. The class were forced to stand in the crowd, smashed and cramped up against each other, for hours, while surrounded by Defendants, many clad in riot gear armed with batons.
- 41. While forcefully detained, Defendants refused to provide any information or direction to the class.
- 42. While forcefully detained, Plaintiffs and members of the class repeatedly asked Defendant Does for permission to leave the detainment area.
- 43. These requests were repeatedly refused or ignored by Defendant Does.
- 44. Some Plaintiffs and members of the class requested permission to leave the detainment area from Defendant Does on the east or west end of the detainment area. Defendant Does directed these class members to exit from the opposite end of the detainment area. When the class member reached the other side of the detainment area, the class member was ignored or redirected back to the same side where he or she came from in the detainment area.
- 45. After the Defendants blockaded the detainment area, an order was issued by Defendant Command Personnel, to arrest members of the class.
- 46. The orders issued by the Defendant Command Personnel did not specify who to

specifically arrest in the crowd, nor did they grant individual Defendants or Defendant Does discretion to chose not to arrest individuals in the crowd.

47. Individual Defendants and Defendant Does, pursuant to Command Personnel orders, entered the crowd and arrested over 500 individuals, comprising subclasses A-2 and A-3.
48. In some cases, Defendant Does forcefully entered the crowd, swinging their batons at members of the class, and forcefully dragging people out of the detainment area to police vehicles.
49. Individuals in subclasses A-2 and A-3 were never given a warning of their arrest, an order to disperse or an opportunity to leave the area prior to their arrest.
50. Individuals in subclasses A-2 and A-3 were taken into police custody, handcuffed, taken to police vehicles and transported to police stations.
51. Eventually, after hours of detention, Defendants began to allow members of subclass A-1 to leave the detainment area a few individuals at a time.
52. Defendants forced members of subclass A-1 to pass through a line of riot clad police officers before allowing them to leave the detainment area.
53. Defendants forced many members of subclass A-1 to abandon their signs, posters, banners, flyers and pins before they were allowed to leave the detainment area.
54. At no time did any Defendant or member of the CPD give any order to the class to disperse, make any warning of impending arrests or advise persons that their conduct was unlawful or reckless, through any loud speaker or voice amplification system or through any other reasonable means.
55. Some Plaintiffs and class members did not intend to be part of the demonstration, did not march through the streets or were arrested attempting to return to hotels, coming out of restaurants, getting off buses or simply observing the demonstrators and police officers.

C. The Manner of Confinement

56. Subclass A-2 and A-3 members were handcuffed, searched, segregated by gender, placed in police vehicles and transported to police stations.
57. All of the males in subclasses A-2 and A-3 were taken to the Area 2 police station located at 727 East 111th Street and all of the females in subclasses A-2 and A-3 were taken to the

Area 5 police station at 5555 West Grand Avenue.

58. Subclass A-2 and A-3 members were required to provide information to Defendants concerning their identities, employment and other matters which were recorded on official police reports and continue to be maintained by Defendants.
59. 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, telephone communication, medical treatment, necessary toiletries and feminine hygiene products.
60. Class members were confined in overcrowded and overheated cells for extended and unreasonable periods of time. These detention times range from four (4) to (40) hours.
61. Certain members of subclasses A-2 and A-3 were deprived of needed medical treatment and necessary medication.

D. The Filing of False Reckless Conduct Charges and Malicious Prosecution

62. Members of subclass A-2 were released without charges due to the Defendants' and CPD's admission of their inability to identify the subclass members' arresting officer.
63. Members of subclass A-3 were charged with one misdemeanor count of Reckless Conduct, 720 ILCS § 5/12-5, a Class A Misdemeanor, and further detained until they agreed to conditions of bail.
64. Many of the members of subclass A-3 were forced to post a cash of up to one Hundred Dollars (\$100.00) prior to their release.
65. Members of subclass A-3 were subsequently forced to appear in court and defend against the false charge of Reckless Conduct.
66. All charges against members of subclass A-3 were ultimately dismissed and the cases terminated in subclass A-3's favor.

E. The Conspiracy Among Defendants

67. Defendant Command Personnel including Defendants Hillard, Cline, Maurer, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, and other high ranking officials of the CPD, conspired and agreed together and otherwise

jointly acted and/or conspired among and between themselves, to herd, corral, trap, and unlawfully detain the class on Chicago Avenue; they further conspired and agreed to arrest and further detain members of the class at police stations; and they further conspired and agreed to falsely prosecute class members with false criminal charges.

F. The Class Plaintiffs of the Class and Subclasses

**Prudence Browne, Matthew Gaines, Angela Garcia,
Elizabeth Johnson and Sophia Sieczkowski
On Behalf of Themselves, the Class, and Subclass A-1**

68. **Prudence Browne** is a resident of the City of Chicago.
69. Ms. Browne joined the demonstration after it reached Michigan Avenue at Oak Street.
70. Ms. Browne, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
71. Ms. Browne witnessed several other members of the class arrested, handcuffed and removed from the detainment area by Defendants without any provocation.
72. Ms. Browne did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled and trapped by Defendants in the detainment area.
73. Ms. Browne was unlawfully detained and prevented from leaving the detainment area by Defendants for approximately two to three hours before she was eventually allowed to leave.
74. **Matt Gaines** is a resident of the City of Chicago.
75. Mr. Gaines attended the demonstration at the Federal Plaza.
76. Mr. Gaines, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
77. Mr. Gaines did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled and trapped by Defendants in the detainment area.
78. Mr. Gaines was unlawfully detained and prevented from leaving the detainment area by Defendants for approximately two to three hours before he was allowed to leave.

79. **Angela Garcia** is a resident of the City of Chicago.
80. Ms. Garcia joined the demonstration at the Federal Plaza.
81. Ms. Garcia, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
82. Ms. Garcia witnessed several other members of the class arrested, handcuffed and removed from the detainment area by Defendants without any provocation.
83. Ms. Garcia did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled and trapped by Defendants in the detainment area.
84. Ms. Garcia was unlawfully detained and prevented from leaving the detainment area by Defendants for two to three hours before she was eventually allowed to leave.
85. **Elizabeth Johnson** is a resident of Oak Park, Illinois.
86. Ms. Johnson traveled to the Federal Plaza with her husband.
87. Ms. Johnson and her husband joined the demonstration at Federal Plaza.
88. Ms. Johnson, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
89. Ms. Johnson witnessed several other members of the class arrested, handcuffed and removed from the detainment area by Defendants without any provocation.
90. Ms. Johnson and her husband did not commit a crime, were never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled and trapped by Defendants in the detainment area.
91. Ms. Johnson and her husband were unlawfully detained and prevented from leaving the detainment area by Defendants for two to three hours before they were eventually allowed to leave.
92. **Sophia Sieczkowski** is a resident of the City of Chicago.
93. Ms. Sieczkowski joined the demonstration at the Federal Plaza.
94. Ms. Sieczkowski, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
95. Ms. Sieczkowski witnessed several other members of the class arrested, handcuffed and

removed from the area by Defendants without any provocation.

96. Ms. Sieczkowski attempted to leave by approaching officers to the east and to the west of the detainment area but she was prevented from leaving the detainment area by Defendants on both sides.
97. Ms. Sieczkowski attempted to explain to Defendants Doe that Defendants Doe had directed her to this end if she wished to leave. At both sides, she was informed by Defendants Doe that she could not leave the detainment area.
98. 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.
99. Defendant Doe took the telephone from Ms. Sieczkowski and told the dispatcher that Ms. Sieczkowski could not leave the detainment area.
100. Ms. Sieczkowski did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled and trapped by Defendants in the detainment area.
101. Ms. Sieczkowski was unlawfully detained and prevented from leaving the detainment area by Defendants for two to three hours before she was eventually allowed to leave.

**Sarah Bergstrand, Robert Castillo, Patrick Donnell, Kevin Vodak
On behalf of themselves, the Class, and Subclass A-2**

102. **Sarah Bergstrand** is a resident of the City of Chicago.
103. Ms. Bergstrand and her husband rode their bicycles down to the demonstration at the Federal Plaza on March 20, 2003.
104. Ms. Bergstrand and her husband, along with other class members, were herded, corralled and trapped by Defendants in the detainment area.
105. Ms. Bergstrand was standing on the sidewalk holding onto her bicycle when, upon information and belief, a Defendant supervisor approached her and a crowd of others and ordered Defendant Does to arrest them all.
106. Defendant Doe then grabbed her and passed her to another Defendant Doe who cuffed her hands with plastic handcuffs behind her back and took her to a police vehicle.

107. When Ms. Bergstrand was unlawfully taken into custody by Defendants, Defendant Doe failed to inventory her property and ignored and refused her entreaty to be allowed to secure and lock her or her husband's bicycles at the scene.
108. Ms. Bergstrand did not resist his arrest.
109. Ms Bergstrand and her husband did not commit a crime, were never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled trapped, arrested and taken into custody by the Defendants in the detainment area.
110. Ms. Bergstrand was placed in a police vehicle, transported to the Area 5 police station, placed in a jail cell, and unlawfully detained for approximately 12 hours before she was released on March 21, 2003 without any charge.
111. Upon Ms. Bergstrand release, she returned to the scene to find the bicycles were gone.
112. When she checked with the CPD, she was told her bicycles could not be located or returned without a property inventory slip.
113. **Robert Castillo** is a resident of Chicago.
114. In the early evening on March 20, 2003, Mr. Castillo, along with John Pennycuff, attended a function at the Chicago Cultural Center, which was also attended by Mayor Richard M. Daley.
115. After the event at the Cultural Center, Mr. Castillo traveled to observe the demonstration.
116. Mr. Castillo first observed the demonstration at Oak and Michigan Avenues and subsequently at Chicago and Michigan Avenues.
117. At Chicago and Michigan Avenues, Mr. Castillo stood with Mr. Pennycuff near the building on the north east corner of Chicago and Michigan Avenues.
118. Mr. Castillo and Mr. Pennycuff were approached by police personnel who directed them to leave the area.
119. As Mr. Castillo and Mr. Pennycuff moved in the direction they were ordered to leave in, they were grabbed by a second group of Defendants Doe.
120. Mr. Castillo was approached by this second group of Defendants Doe and ordered to get up against the wall and put his hands behind his back.
121. Mr. Castillo complied with the orders and put his hands behind his back.

122. Officer Jaros cuffed his hands with plastic handcuffs behind his back.
123. Mr. Castillo did not resist his arrest.
124. Mr. Castillo did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
125. Mr. Castillo was placed in a police vehicle, transported to the Area 2 police station, placed in a jail cell, and unlawfully detained for approximately 10 hours before he was released on March 21, 2003 without any charge.
126. **Patrick Donnell** is an attorney licensed to practice law in the State of Illinois.
127. 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.
128. 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.
129. Mr. Donnell exited the bus and proceeded across Michigan Avenue to the northeast corner of Michigan and Chicago Avenues.
130. Mr. Donnell did not hear any police personnel issue any general order to the crowd that people had to leave or disperse.
131. 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.
132. As Mr. Donnell and others complied with these orders and began walking, they were stopped by Defendants Doe.
133. 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.
134. A short time later, Mr. Donnell and others in the crowd were arrested by Defendants Doe.
135. Mr. Donnell did not resist his arrest.
136. Mr. Donnell did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested

- and taken into custody by the Defendants in the detainment area.
137. Mr. Donnell was handcuffed behind his back with plastic handcuffs, taken to a police vehicle and transported to the Area 2 police station, where he was unlawfully detained for approximately 14 hours before being released on March 21, 2003 without any charge.
138. **Kevin Vodak** is an attorney licensed to practice law in the State of Illinois.
139. Mr. Vodak attended the demonstration as a legal observer at the Federal Plaza.
140. Ms. Vodak, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
141. Defendants Doe refused Mr. Vodak's requests to speak with a commanding officer in the detainment area after he clearly identified himself as a legal observer.
142. Mr. Vodak was subsequently arrested and handcuffed with plastic cuffs behind his back.
143. Mr. Vodak did not resist his arrest.
144. Mr. Vodak did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
145. Mr. Vodak was placed in a police vehicle, transported to the Area 2 police station, placed in a jail cell, where he was unlawfully detained for approximately 11 hours before he was released on March 21, 2003 without any charge.

**Kathleen Gruber and Steven Hudosh
On Behalf of Themselves, the Class and Subclass A-3**

146. **Kathleen Gruber** is currently employed as a school counselor.
147. On March 20, 2003, at approximately 7:30 p.m. Ms. Gruber was returning from work traveling on a Chicago Transit Authority bus.
148. Ms. Gruber exited the bus and walked north on Michigan Avenue and then traveled east and joined the demonstration at inner Lake Shore Drive north of Chicago Avenue.
149. Ms. Gruber, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
150. Ms. Gruber repeatedly requested to leave the demonstration and each of these requests

were repeatedly denied by Defendants.

151. While Ms. Gruber was standing on the sidewalk on Chicago Avenue, she was arrested, taken into police custody and handcuffed with plastic cuffs behind her back.
152. Ms. Gruber did not resist her arrest.
153. Ms. Gruber did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
154. Ms. Gruber was placed in a police vehicle, transported to the Area 5 police station, where she was unlawfully detained for approximately 17 hours before she was released on March 21, 2003.
155. Prior to her release, Ms. Gruber had to post a \$100.00 bond on a charge of Reckless Conduct.
156. Defendants made out false and incomplete official reports and gave a false and incomplete version of the events to falsely charge Ms. Gruber. This false documentation included falsely signing Defendant Bilyj's name and star number (Star No. 3243) on Ms. Gruber criminal complaint for Reckless Conduct, falsely alleging a violation of 720 ILCS § 5/12-5(a).
157. Defendants also improperly asserted in Ms. Gruber's arrest report that she was arrested by Officer Bilyj.
158. According to Officer Bilyj, he did not sign or authorize his name to be signed onto Ms. Gruber's arrest report or criminal complaint and he has no personal knowledge of any of Ms. Gruber's conduct on March 20, 2003.
159. As a result of the false charges filed by the Defendants, Ms Gruber appeared in court on three separate court dates with an attorney.
160. The charge against her was dismissed on June 19, 2003, and the case was terminated in her favor consistent with her innocence.
161. **Steven Hudosh** is employed at a nonprofit organization.
162. Mr. Hudosh joined the demonstration at the Federal Plaza.
163. Mr. Hudosh, along with other class members, was herded, corralled and trapped by

Defendants in the detainment area.

164. Mr. Hudosh was on the sidewalk of Chicago Avenue sometime after 10:00 p.m. when a Chicago police officer pointed to him and said "come here."
165. Mr. Hudosh was subsequently arrested, taken into custody and handcuffed with plastic handcuffs behind his back.
166. Mr. Hudosh did not resist his arrest.
167. Mr. Hudosh did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
168. Mr. Hudosh was placed in a police vehicle, transported to the Area 2 police station at 111th Street, placed in a jail cell, where he was unlawfully detained for approximately 30 hours before he was released on March 22, 2003.
169. Prior to his release, Mr. Hudosh had to post a \$100.00 bond on a charge of Reckless conduct.
170. Defendants made out false and incomplete official reports and gave a false and incomplete version of the events to falsely charge Mr. Hudosh. This false documentation included Defendants or other members of the CPD signing Defendant K. Judeh's name and badge number (Star No. 8825) to a false and invalid criminal complaint against Mr. Hudosh for Reckless Conduct, falsely alleging a violation of 720 ILCS § 5/12-5(a).
171. Defendants also incorrectly asserted in Mr. Hudosh's arrest report that Mr. Hudosh was arrested by Officer Judeh.
172. According to Officer Judeh, he was not at the demonstration, he was not on duty working for the CPD on March 20, 2003, and he has no personal knowledge of Mr. Hudosh or the circumstances of his arrest on March 20, 2003.
173. As a result of the false charges filed by the Defendants, Mr. Hudosh was forced to appear in court on April 1, 2003 with an attorney.
174. The charge against him was dismissed and the case was terminated in his favor consistent with his innocence.
175. As a direct and proximate result of these Defendants' actions, as detailed above, the Class

Plaintiffs have suffered and continue to suffer, *inter alia*, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and legal expenses.

G. Individual Plaintiffs on Behalf of Themselves

176. **Sharon Ambielli** joined the demonstration in downtown Chicago.
177. Ms. Ambielli, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
178. At approximately 9:15 p.m., Defendant Doe arrested Ms. Ambielli.
179. When Ms. Ambielli was taken into custody and cuffed, she 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.
180. Ms. Ambielli did not resist her arrest.
181. Ms. Ambielli did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
182. Ms. Ambielli was placed in a police vehicle, transported to the Area 5 police station and placed in a jail cell.
183. 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 for emergency treatment.
184. Ms. Ambielli was returned to the Area 5 police station and unlawfully detained for a total of eight hours before she was released on March 21, 2003, without any charge.
185. Since Ms. Ambielli's arrest and improper cuffing, Ms. Ambielli has received consistent and extensive medical treatment including surgery for the compressed nerve damage she suffered from the handcuffs on March 20, 2003.
186. As a direct and proximate result of Defendants' actions, as detailed above, Plaintiff Ambielli has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and legal expenses.
187. **John Pennycuff** is a resident of Chicago.

188. In the early evening on March 20, 2003, Mr. Pennycuff, along with Robert Castillo, attended a function at the Chicago Cultural Center, which was also attended by Mayor Richard M. Daley.
189. After the event at the Cultural Center, Mr. Pennycuff traveled to observe the demonstration.
190. Mr. Pennycuff first observed the protest at Oak and Michigan Avenues and subsequently at Chicago and Michigan Avenues.
191. At Chicago and Michigan Avenues, Mr. Pennycuff stood with Mr. Castillo near the building on the north east corner of Chicago and Michigan Avenues.
192. Mr. Pennycuff and Mr. Castillo were approached by police personnel who directed them to leave the area.
193. As Mr. Pennycuff and Mr. Castillo moved in the direction they were ordered to leave in, they were grabbed by a second group of Defendants Doe.
194. Mr. Pennycuff was grabbed by Defendant Doe, who grabbed his hands and cuffed his hand behind his back with plastic cuffs.
195. Mr. Pennycuff was handcuffed so tightly by Defendant Doe and in such an unreasonable and excessive manner that the plastic restraints caused him swelling and pain.
196. Mr. Pennycuff did not resist his arrest.
197. Mr. Pennycuff did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
198. Mr. Pennycuff was placed in a police vehicle, transported to the Area 2 police station at 727 E. 111th Street, placed in a jail cell, and unlawfully detained for approximately 13 hours before he was released on March 21, 2003 without any charge.
199. **Eric Peters** was a student at the University of Illinois at Chicago at the time of this incident.
200. Mr. Peters joined the demonstration at the Federal Plaza.
201. Mr. Peters was one of the organizers of the demonstration.
202. Mr. Peters was grabbed at approximately 7:30 p.m. near Michigan Avenue and Oak

- Street, by Defendant Doe who approached him in the crowd after a supervisory police officers yelled out "this is one of the organizers."
203. Defendant Doe pulled Mr. Peters to the side of the street and slammed him into the hood of a police vehicle.
204. 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.
205. Mr. Peters was then dragged along the ground to another police vehicle.
206. Mr. Peters was subsequently cuffed with plastic cuffs, placed in a police vehicle in which he was held for several hours.
207. Mr. Peters was eventually taken to the Area 2 police station.
208. 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.
209. Mr. Peters was unlawfully detained for approximately 28 hours and released on March 21, 2003 without any charge.
210. As a direct and proximate result of Defendants' actions, as detailed above, Plaintiff Peters has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and legal expenses.
211. **Daniel Pineda** was a student at the Art Institute of Chicago at the time of this incident.
212. Daniel Pineda attended the demonstration at the Federal Plaza.
213. Mr. Pineda, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
214. Mr. Pineda was approached by Defendant Doe in the detainment area, and struck in the chest with a night stick by Defendant Doe.
215. Defendant Doe then intentionally handcuffed Mr Pineda in an unreasonable manner in that the handcuffs were so tightly fastened around his wrists that it caused him unnecessary pain and injury.
216. Defendants Doe dragged Mr. Pineda to an awaiting police vehicle.

- 217. Mr. Pineda did not resist arrest.
- 218. Mr. Pineda did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
- 219. Mr. Pineda was transported to the Area 2 police station, where he was unlawfully detained for 14 hours and released on March 21, 2003 without any charge.
- 220. As a direct and proximate result of Defendants' actions, as detailed above, Plaintiff Pineda has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and legal expenses.
- 221. **Aaron Robin** was a student at Columbia College in Chicago, Illinois at the time of this incident.
- 222. Mr. Robin attended the demonstration at the Federal Plaza.
- 223. Mr. Robin, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
- 224. Prior to his arrest, Mr. Robin observed Defendants Doe swinging their batons at demonstrators and pulling a female demonstrator's hair in the detainment area.
- 225. Defendant Doe then grabbed him by the back of the neck.
- 226. Mr. Robin was then struck in the wrist area by a Defendant Doe and he felt a cracking in the back of his wrist.
- 227. Mr. Robin was then arrested and handcuffed with plastic cuffs behind his back by Defendant Doe who intentionally, unreasonably, and repeatedly twisted his wrists back and forth, causing him great pain and injury.
- 228. Mr. Robin's complaints of pain and requests for medical attention were met with threats directed at him by a Defendant Doe.
- 229. Mr. Robin did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants in the detainment area.
- 230. Mr. Robin was taken to a police vehicle and transported to the Area 2 Police Station,

- where his continuing complaints of pain were ignored by Defendants Doe and Roe.
231. Mr. Robin was unlawfully detained for approximately 23 hours before he was released on March 21, 2003 without any charge.
232. Upon Mr. Robin's release, he sought medical attention and was treated for a fractured wrist.
233. As a direct and proximate result of Defendants' actions, as detailed above, Plaintiff Robin has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and legal expenses.
234. **Daniel Romero** was an organizer for the Chicago Coalition for the Homeless.
235. Mr. Romero joined the demonstration at the Federal Plaza.
236. Mr. Romero was one of the organizers of the demonstration.
237. Near the intersection of Oak and Michigan Avenues, Mr. Romero was attempting to speak to Commander Byrne.
238. Commander Byrne ordered Defendant Does to arrest Mr. Romero.
239. Defendant Does then grabbed Mr. Romero by both of his arms, his waist and his hair.
240. Defendant Does dragged Mr. Romero to an awaiting police vehicle, cuffed Mr. Romero behind his back while he still had his back pack on and shoved him in the vehicle.
241. Mr. Romero was forced to remain in the police vehicle, cuffed behind his back while wearing his back pack for several hours.
242. Mr. Romero 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.
243. Mr. Romero was unlawfully detained for approximately 14 hours before he was released on March 21, 2003 without any charge.
244. Subsequent to his release, Mr. Romero sought medical treatment for the injury to his shoulder caused by the unreasonable manner in which he was cuffed.
245. As a direct and proximate result of these Defendants' actions, as detailed above, Plaintiff Romero has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income, and medical and

legal expenses.

246. **Brad Thomson** was a student at Manchester College in North Manchester, Indiana on the date of this incident.
247. Mr. Thomson attended the demonstration at Federal Plaza.
248. Mr. Thomson, along with other class members, was herded, corralled and trapped by Defendants in the detainment area.
249. While Mr. Thomson was standing on Chicago Avenue and chanting in the detainment area numerous Defendants Doe in riot gear charged at him.
250. Defendant Does had physical contact with Mr. Thomson causing him to fall to the ground, and two Defendants Doe fell on top of him.
251. Defendant Does then pulled Mr. Thomson to his feet.
252. While Defendants Doe were holding Mr. Thomson, Defendant Doe deliberately struck Mr. Thomson in the face causing his nose to bleed.
253. Mr. Thomson was cuffed and transported to an awaiting police vehicle.
254. Mr. Thomson did not resist arrest.
255. Mr. Thomson did not commit a crime, was never ordered or allowed to disperse and did not witness or hear any police warnings prior to being herded, corralled, trapped arrested and taken into custody by the Defendants.
256. He was transported to the Area 2 police station, where he was unlawfully detained for 13 hours and released on March 21, 2003 without any charges.
257. At the Area 2 police station, Mr. Thomson made numerous requests for medical attention, all of which were denied by several Defendants Roe.
258. At the Area 2 police station, other class members made numerous requests that Mr. Thomson receive medical attention, all of which were denied by several Defendants Roe.
259. After Mr. Thomson's release, he went to Rush Presbyterian Hospital to receive treatment, which included receiving five stitches to his nose.
260. As a direct and proximate result of these Defendants' actions, as detailed above, Plaintiff Thomson has suffered and continues to suffer, *inter alia*, bodily injury, pain, suffering, mental distress and anguish, humiliation, loss of liberty, loss of income and medical

expenses.

COUNT I

**[42 U.S.C. § 1983 Claim for False Detentions, Arrests and Imprisonments]
(Brought by all Class Plaintiffs, Individually and on Behalf of the Class and all Subclasses,
and all of the Individually Named Plaintiffs)**

261. Plaintiffs reallege paragraphs 1 through 260.
262. The actions of the Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, other individual Defendants identified herein and Does 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 under the United States Constitution, and thus violated 42 U.S.C. § 1983.
263. 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 the 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 Violations of the First Amendment Right]
(Brought by all Class Plaintiffs, Individually and on Behalf of the Class and all Subclasses,
and all of the Individually Named Plaintiffs)**

264. Plaintiffs reallege paragraphs 1 through 260.
265. 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.

266. The actions of the Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, other individual Defendants identified herein and Does 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 under the United States Constitution, and thus violated 42 U.S.C. § 1983.
267. 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 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 the 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 Individually Named Plaintiffs Ambielli, Pennycuff Peters, Pineda, Robin, Romero, Thomson)

268. Plaintiffs Ambielli, Pennycuff, Peters, Pineda, Romero and Thomson reallege paragraphs 1 through 260.
269. The acts of Defendants Doe in striking Plaintiff Pineda with a baton; deliberately striking Plaintiff Thomson in the face; striking Plaintiff Robin on the wrist; intentionally handcuffing Plaintiffs Ambielli's, Pennycuff's and Romero's wrists too tightly or unreasonably; slamming Plaintiff Peters to the ground; and otherwise using excessive,

unnecessary 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 these 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.

270. The actions of Defendants were the direct and proximate cause of the violations of these 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 Ambielli, Pennycuff, Peters, Pineda, Romero and Thomson demand actual and compensatory damages against Defendants; and because 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 and just.

COUNT IV

[42 U.S.C. §1983 Claim for Defendants Deliberate Indifference to Plaintiffs Ambielli's and Thomson's Medical Needs)

271. Plaintiffs Ambielli and Thomson reallege paragraphs 1 through 260.
272. The actions of the Defendants Doe and Roe in deliberately ignoring Plaintiffs Ambielli's and Thomson's serious medical needs by refusing to take Plaintiff Ambielli or Thomson to a hospital, clinic or doctor in a timely manner, 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 these Plaintiffs' rights under the Fourth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs Ambielli and Thomson demand 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 and just.

COUNT V
[42 U.S.C. §1983 Claim for Deprivation of Property]
(Brought by Plaintiff Romero)

273. Plaintiff Romero realleges paragraphs 1 through 260.
274. The Defendants' unreasonable actions in not allowing Plaintiff Romero to maintain custody of Plaintiff Romero's property and/or unreasonably forcing Plaintiff to abandon said property, and failure and refusal to return said personal property, without due process of law constituted an unlawful taking of Plaintiff's property and an unreasonable and unconstitutional seizure in violation of the Fourth and Fifth Amendments to the United States Constitution, and was a direct and proximate cause of Plaintiffs' loss, further suffering and other injuries set forth above.

WHEREFORE, Plaintiff Romero demands 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 Class Plaintiffs, Individually and on Behalf of the Class and all Subclasses, and the Individually Named Plaintiffs)

275. Plaintiffs reallege paragraphs 1 through 260.
276. The actions of the individual Defendants 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 O.P.S. and Internal Affairs Division (hereinafter I.A.D), its Personnel Division, and/or its Superintendents.
277. Upon information and belief, high ranking police officials, including Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, and Williams planned, authorized, directed, ratified and/or acquiesced in the unconstitutional and unlawful police actions complained of herein.
278. 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, complete disregard and wilful violation of CPD's mass arrest policies, 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.

279. 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; and who deliberately failed to supervise and control such officers so as to prevent violations of demonstrators' 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.
280. In addition, the City, the police 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.
281. 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.

282. 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.
283. 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 no other OPS Director have acted to eliminate the code or to counteract its impact on

- police discipline, the use of excessive force, 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.
284. 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."
285. 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.
286. 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.
287. 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 Plaintiffs and therefore acted as direct and proximate causes of said constitutional violations, and injuries to the Plaintiffs.
288. 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.
289. 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.

290. 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 misconduct, and their deliberate indifference to the serious threat to the rights of demonstrators, 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.
291. 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 false mass arrests at demonstrations without any warning, the misuse of plastic and metal handcuffs, beatings or harassment. 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 ordering Defendants to seal and destroy the records of Plaintiffs' arrests.

WHEREFORE, 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; judgment against Defendant City 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 Class Plaintiffs, Individually and on Behalf of the Class and All Subclasses,
and the Individually Named Plaintiffs)**

292. Plaintiffs reallege paragraphs 1 through 260.
293. 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 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 Class Plaintiffs, Individually and on Behalf of the Class and All Subclasses,
and all of the Individually Named Plaintiffs)

294. Plaintiffs reallege paragraphs 1 through 260.
295. The false detention, arrest and imprisonment of Plaintiffs on March 20th through March 21, 2003, were done wilfully and wantonly by Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, other individual Defendants identified herein, Does and Roes.
296. The actions of the Defendants 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 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 Individually Named Plaintiffs Ambielli, Pennycuff, Peters,
Pineda, Robin, Romero and Thomson)**

297. Plaintiffs Ambielli, Pennycuff, Peters, Pineda, Robin, Romero and Thomson reallege paragraphs 1 through 260.
298. The acts of Defendants Doe in striking Plaintiffs, physically abusing Plaintiffs, and intentionally handcuffing Plaintiffs' wrists too tightly or unreasonably causing bodily harm, were performed in a wilful and wanton manner.
299. 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.
301. The actions of Defendants Doe directly and proximately caused Plaintiffs' injuries, emotional distress, pain and suffering.

WHEREFORE, Plaintiffs Ambielli, Pennycuff, Peters, Pineda, Robin, Romero and Thomson demand actual and compensatory damages against Defendants Doe and because they acted wilfully and wantonly, punitive damages plus the costs of this action and such other and additional relief as this court deems equitable and just..

COUNT X

**[Pendent State Law Claims For Malicious Prosecution]
(Brought by Class Plaintiffs Gruber and Hudosh, Individually
and on Behalf of Subclass A-3)**

302. Plaintiffs reallege paragraphs 1 through 260.
303. The acts of Defendants in creating a false story, falsely charging Plaintiffs with one count of Reckless Conduct and, thereby causing them to lose their liberty for hours and be criminally prosecuted and incur legal expenses, out of pocket losses and emotional distress constituted the tort of malicious prosecution under the laws of the State of Illinois.

WHEREFORE, Plaintiffs demand actual or compensatory damages, and because Defendants acted willfully and wantonly, punitive damages, plus the costs of this action and such

other and additional relief as this court deems equitable and just.

COUNT XI

[Supplemental State Law Claim for Conspiracy]

(Brought by all Class Plaintiffs, Individually and on Behalf of the Class and All Subclasses and all of the Individually Named Plaintiffs)

304. Plaintiffs reallege paragraphs 1 through 301.
305. Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, other individual Defendants identified herein and Does 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 and batter Plaintiffs.
306. 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 demonstration because of their political beliefs, and in doing so deployed a large and intimidating force of police.
307. 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 demonstrations.
308. 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.
309. 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.

310. Said conspiracy or conspiracies and overt acts were and are continuing in nature.
311. Defendant Hillard's, Cline's, Byrne's, Chiczewski's, Christian's, Dougherty's, Dugan's, Epach, Jr.'s, Griffin's, Huberman's, Killacky's, Limon's, Maurer's, Perry's, Radke's, Risley's, Robinson's, Rowan's, Ryan's, Sullivan's, Sobczyk's, Williams's, other individual Defendants', Doe's and Roes'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, and commit assault and battery on the Plaintiffs, constitute the tort of conspiracy.
312. This conspiracy proximately caused the injuries to the Plaintiffs set forth above.

WHEREFORE, 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, wilfully, 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 Class Plaintiffs, Individually and on Behalf of the Class and All Subclasses,
and the Individually Named Plaintiffs)**

313. Plaintiffs reallege paragraphs 1 through 260, 292 through 312.
314. Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobczyk, Williams, other individual Defendants identified herein, Does and Roes and the individual Defendant police officers were, at all times relevant to this Count, employees and agents of the Defendant City. 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 under state law pursuant to *respondeat superior*.

WHEREFORE, Plaintiffs demand judgment for compensatory damages, jointly and

severally from the City.

COUNT XIII

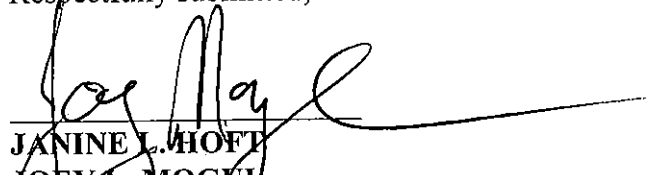
[Supplemental State Law Claim for 745 ILCS § 10/9-102]

(Brought by all Class Plaintiffs, Individually and on Behalf of the Class All Subclasses and the Individually Named Plaintiffs)

315. Plaintiffs reallege paragraphs 1 through 314.
316. Defendant City of Chicago was the employer of Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobscyk, Williams, the Defendant individual police officers identified herein, Does and Roes at all times relevant to this complaint.
317. Defendants Hillard, Cline, Byrne, Chiczewski, Christian, Dougherty, Dugan, Epach, Jr., Griffin, Huberman, Killacky, Limon, Maurer, Perry, Radke, Risley, Robinson, Rowan, Ryan, Sullivan, Sobscyk, Williams, the Defendant individual police officers identified herein, Does and Roes 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 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 Plaintiffs and Defendants, and for whatever additional relief this court deems equitable and just.

Respectfully submitted,


JANINE L. HOFF
JOEY L. MOGUL
PEOPLE'S LAW OFFICE
1180 N. Milwaukee Avenue
Chicago, Illinois 60622
773/235-0070

JAMES FENNERTY
36 S. Wabash Avenue, Suite 1310
Chicago, Illinois 60603

312/422-0708

MELINDA POWER
West Town Community Law Office
2502 W. Division Street
Chicago, Illinois 60622
773/278-6706

December 30, 2004

PLAINTIFFS DEMAND A JURY TRIAL ON ALL COUNTS OF THIS COMPLAINT