

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

JOSE L. MURANO,)	
)	
Plaintiff,)	No. 19-CV-2075
)	
vs.)	Judge
)	Magistrate Judge
CITY OF KANKAKEE,)	
KANKAKEE Police Officers)	
LOGAN ANDERSEN and)	Jury Demand
JOE ENGLISH,)	
)	
Defendants.)	

COMPLAINT

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983, and the common law and statutes of the State of Illinois.

2. Jurisdiction for Plaintiff’s federal claims is based on 28 U.S.C. §§ 1331 and 1343(a).

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district as alleged below.

Parties

4. Plaintiff is a resident of Kankakee, Illinois.

5. Defendant-Officers LOGAN ANDERSEN (“Defendant ANDERSEN”) and JOE ENGLISH (“Defendant ENGLISH”) are duly appointed and sworn Kankakee police officers. At all times relevant to this Complaint, the Defendant-Officers were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.

6. The Defendant-Officers are sued in their individual capacities.

7. Defendant CITY OF KANKAKEE is a municipal corporation, duly incorporated under the laws of the State of Illinois, and is the employer and principal of the Defendant-Officers.

Facts

8. On August 18, 2017, after finishing work and waiting to meet a friend, Plaintiff was approached by Defendant ANDERSEN.

9. Plaintiff is Hispanic.

10. Upon information and belief, Defendant ANDERSEN was investigating an alleged armed robbery. The suspect of the armed robbery was white and wearing different-colored clothing than Plaintiff.

11. Plaintiff was not involved in the alleged armed robbery.

12. Defendant ANDERSEN ordered Plaintiff to come speak with him.

13. Plaintiff was frightened by Defendant ANDERSEN's demeanor and attempted to ride away on his bike.

14. Defendant ANDERSEN violently grabbed Plaintiff off the bike.

15. Plaintiff was seized and not free to leave when Defendant ANDERSEN grabbed him.

16. Plaintiff had not violated any city, state or federal law. Defendant ANDERSEN did not have any reason to believe that Plaintiff had violated, or was about to violate, any city, state or federal law. Defendant ANDERSEN did not have an arrest warrant, probable cause, reasonable suspicion, consent, or any other lawful basis to stop, detain, or search Plaintiff.

17. Once on the ground, Defendant ANDERSEN began to strike Plaintiff, including hitting Plaintiff in the head with his firearm.

18. Plaintiff was able to get free from Defendant ANDERSEN's grasp and run away.

19. Defendant ANDERSEN got on the radio and falsely claimed that Plaintiff had attacked him.

20. A short time later, Defendant ANDERSEN saw Plaintiff running.

21. Defendant ANDERSEN hit Plaintiff with his vehicle.

22. Defendant ANDERSEN got out of the vehicle and tackled Plaintiff.

23. At this time, Defendant ENGLISH arrived on the scene and violently kicked Plaintiff in the face as he lay on the ground.

24. Plaintiff was taken into custody.

25. Plaintiff was searched. No contraband or evidence of criminal activity was found.

26. As a result of an investigation into the use of force by Defendant ANDERSEN on Plaintiff, he was suspended 10 days,

27. Each individual Defendant-Officer acted willfully and wantonly, maliciously, and with a conscious disregard and deliberate indifference to Plaintiff's rights.

28. As a direct and proximate result of the acts of the Defendants described above, Plaintiff suffered damages including loss of physical liberty, physical pain and suffering, emotional distress and pecuniary damages including medical expenses.

COUNT I
(42 U.S.C. § 1983 – Unreasonable Seizure)

29. Plaintiff realleges paragraphs 1 through 28 as if fully set forth herein.

30. After Defendant ANDERSEN pulled Plaintiff off his bike, Plaintiff was not free to leave.

31. Defendant ANDERSEN seized Plaintiff.

32. Defendant ANDERSEN did not have a reasonable suspicion, based on specific and articulable facts, that Plaintiff was involved in criminal activity at the time.

33. Defendant ANDERSEN did not have any other legal justification to seize Plaintiff.

34. The seizure of Plaintiff without reasonable suspicion or any other legal justification violated his Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from unreasonable seizures.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant ANDERSEN,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT II
(42 U.S.C. § 1983 – Excessive Force)

35. Plaintiff realleges paragraphs 1 through 28 as if fully set forth herein.

36. Defendant ANDERSEN violated Plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant ANDERSEN,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT III
(42 U.S.C. § 1983 – Excessive Force)

37. Plaintiff realleges paragraphs 1 through 28 as if fully set forth herein.

38. Defendant ENGLISH violated Plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant ENGLISH,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT IV
(Indemnification Claim pursuant to 745 ILCS 10/9-102)

39. The acts of the Defendant-Officers described in the above claims were willful and wanton, and committed in the scope of employment.

40. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant CITY

OF KANKAKEE is liable for any judgments for compensatory damages in this case arising from the Defendant-Officers' actions.

WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF KANKAKEE to indemnify the Defendant-Officers for any judgment for compensatory damages in this case arising from their actions.

Jury Trial Demanded

Respectfully submitted,

/s/ Louis J. Meyer
Counsel for the Plaintiff

Louis J. Meyer
Daniel P. Kiss
MEYER & KISS, LLC
311 W. Stratford Drive
Peoria, IL 61614
t. 309.713.3751
f. 312.585.7803
e. louismeyer@meyerkiss.com