

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

LENNETH SUGGS, SHERWIN OTT,  
MICHAEL LEE, CHRISTOPHER COBBS,  
MARVIN WIDEMAN, FRANK JAMES,  
LATINA WILLIAMS, DARRYLMY  
GARNER, KENIFIA MCNEASE, RUTHIE  
ROGERS as guardian of LARRENZO  
FULTON, YOLANDA FULTON, TIFFANY  
THOMAS, KEITH WATTS, ROSALIND  
BALL, JEREMY SPENCER, JOVONNA  
LIBERTY, LAQUITA BRYANT, MELINDA  
ROBINSON, JOSE MCKNIGHT, MOSHAY  
BARNES, SHAKEETA CASTLEBERRY,  
MARY ANN ROGERS, and CLIFFORD  
ARMSTRONG,

Plaintiffs,

OFFICER ZINCHUCK Star No. 3893,  
OFFICER DUGGAN, Star No. 4607  
OFFICER L. WATKINS, Star No. 17724,  
OFFICER WAZNY, Star No. 11019,  
OFFICER KROLL, Star No. 14373, OFFICER  
LACZ, Star NO. 15609, OFFICER WYROBA,  
Star No. 3152, OFFICER FRIGO, Star No.  
8585, OFFICER LITTLE, Star No. 885,  
UNKNOWN OFFICERS, and the CITY OF  
CHICAGO.

Defendants.

FILED STAMP: NOVEMBER 21, 2008  
08CV6688  
JUDGE SHADUR  
MAG. JUDGE KEYS  
J. N.

No.

**COMPLAINT AT LAW**

NOW COME the PLAINTIFFS, LENNETH SUGGS, SHERWIN OTT, MICHAEL LEE, CHRISTOPHER COBBS, MARVIN WIDEMAN, LATINA WILLIAMS, DARRYLMY GARNER, RUTHIE ROGERS as guardian of LARRENZO FULTON, TIFFANY THOMAS, KEITH WATTS, ROSALIND BALL, JEREMY SPENCER, JOVONNA LIBERTY, LAQUITA

BRYANT, MELINDA ROBINSON, KENIFIA MCNEASE, FRANK JAMES, YOLANDA FULTON, JOSE MCKNIGHT, MOSHAY BARNES, SHAKEETA CASTLEBERRY, MARY ANN ROGERS, and CLIFFORD ARMSTRONG, by and through their attorney, HORWITZ, RICHARDSON, & BAKER, LLC., and pursuant to this Complaint at Law, state the following against the above named Defendants, OFFICER ZINCHUCK, OFFICER DIGGAN, OFFICER L. WATKINS, Star No. 17724, OFFICER WAZNY, Star No. 11019, OFFICER KROLL, Star No. 14373, OFFICER LACZ, Star NO. 15609, OFFICER WYROBA, Star No. 3152, OFFICER FRIGO, Star No. 8585, OFFICER LITTLE, Star No. 885 and other UNKNOWN CHICAGO OFFICERS (hereinafter “DEFENDANT OFFICERS”) and the CITY OF CHICAGO.

**JURISDICTION**

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983; the Judicial Code, 28 U.S.C. §1331 and § 1343(a); the Constitution of the United States; and this Court’s supplementary jurisdiction powers.

**PARTIES**

2. LENNETH SUGGS is a resident of the State of Illinois and of the United States.
3. SHERWIN OTT is a resident of the State of Illinois and of the United States.
4. MICHAEL LEE is a resident of the State of Illinois and of the United States.
5. CHRISTOPHER COBBS is a resident of the State of Illinois and of the United States.
6. MARVIN WIDEMAN is a resident of the State of Illinois and of the United States.
7. LATINA WILLIAMS is a resident of the State of Illinois and of the United States.
8. DARRYLMY GARNER is a resident of the State of Illinois and of the United States.
9. LARRENZO FULTON is a resident of the State of Illinois and of the United States.
10. TIFFANY THOMAS is a resident of the State of Illinois and of the United States.

11. KEITH WATTS is a resident of the State of Illinois and of the United States.
12. ROSALIND BALL is a resident of the State of Illinois and of the United States.
13. JEREMY SPENCER is a resident of the State of Illinois and of the United States.
14. JOVONNA LIBERTY is a resident of the State of Illinois and of the United States.
15. LAQUITA BRYANT is a resident of the State of Illinois and of the United States.
16. MELINDA ROBINSON is a resident of the State of Illinois and of the United States.
17. KENIFIA MCNEASE is a resident of the State of Illinois and of the United States.
18. FRANK JAMES is a resident of the State of Illinois and of the United States.
19. YOLANDA FULTON is a resident of the State of Illinois and of the United States.
20. JOSE MCKNIGHT is a resident of the State of Illinois and of the United States.
21. MOSHAY BARNES is a resident of the State of Illinois and of the United States.
22. SHAKEETA CASTLEBERRY is a resident of the State of Illinois and of the United States.
23. MARY ANN ROGERS is a resident of the State of Illinois and of the United States.
24. CLIFFORD ARMSTRONG is a resident of the State of Illinois and of the United States.
25. The DEFENDANT OFFICERS were at all times relevant hereto employed by and acting on behalf of the CITY OF CHICAGO.
26. The CITY OF CHICAGO is a duly incorporated municipal corporation and is the employer and principal of DEFENDANT OFFICERS and/or employees referred to in this Complaint (as indicated in the *Monell* claim alleged herein). At all times material to this Complaint, DEFENDANT OFFICERS were acting under color of state law, ordinance and/or regulation, statutes, custom and usages of the CITY OF CHICAGO.

27. On or about November 4, 2008, the DEFENDANT OFFICERS were on duty at all times relevant to this Complaint and were duly appointed police officers for the CITY OF CHICAGO. The DEFENDANT OFFICERS engaged in the conduct complained of, on said date, in the course and scope of employment and while on duty. This action is being brought with regard to the individual capacity of the DEFENDANT OFFICERS.

**FACTUAL PREDICATE REGARDING ALL PLAINTIFFS**

28. PLAINTIFFS, on November 4, 2008, were all engaged in a peaceful recognition and celebration of the new President-Elect, Barack Obama.

29. This celebration occurred outside, on the sidewalk and/or in backyards, as far north as North Laramie Avenue, as far south as North Latrobe Avenue, as far west as West Lake Street, as far east as West Washington Street.

30. CITY OF CHICAGO police officers, seeing these activities, rode their vehicles back and forth, adjacent to the sidewalks where many of the PLAINTIFFS were walking.

31. The DEFENDANT OFFICERS approached some of the PLAINTIFFS and used unreasonable force by, *inter alia*, pepper-spraying PLAINTIFFS on or about the face and/or body.

32. Some of these DEFENDANT OFFICERS occupied unmarked police vehicles with the license plate number M166466. One of the CITY OF CHICAGO police vehicles was numbered 7052.

33. Thereafter, DEFENDANT OFFICERS approached, by foot, some of the PLAINTIFFS and used unreasonable force by, *inter alia*, pepper-spraying PLAINTIFFS on or about the face and/or body.

34. The DEFENDANT OFFICERS also battered some of the PLAINTIFFS on or about the face and/or body, including PLAINTIFF JOSE MCKNIGHT, who was tased without a legal basis.
35. Certain PLAINTIFFS secured a police baton used to batter some of the PLAINTIFFS, as well as a can of pepper-spray.
36. The police baton was tendered to an individual working for the CITY OF CHICAGO INDEPENDENT POLICE REVIEW AUTHORITY.
37. The can of pepper-spray was tendered to an individual working for the CITY OF CHICAGO INDEPENDENT POLICE REVIEW AUTHORITY.
38. DEFENDANTS are in possession of video recordings of the incident as alleged in this Complaint. The recordings are video surveillance from the CITY OF CHICAGO Police Observation Devices (PODs).
39. On November 4, 2008, the PLAINTIFFS were not engaged in illegal activity.
40. On November 4, 2008, there was no probable cause to arrest any of the PLAINTIFFS, as they were engaging in peaceful activities.
41. On November 4, 2008, there was no probable cause to seize any of the PLAINTIFFS.
42. On November 4, 2008, there was no probable cause to use pepper-spray on any of the PLAINTIFFS.
43. On November 4, 2008, there was no probable cause to batter any of the PLAINTIFFS.

#### **FIRST AMENDMENT RETALIATION**

44. PLAINTIFFS were peacefully celebrating Barack Obama's success as President- Elect on November 4, 2008. PLAINTIFFS did not cause a disturbance. PLAINTIFFS did not violate the law through their peaceful celebrations.

45. PLAINTIFFS exercised their First Amendment Right to Free Speech by celebrating the win of President-Elect Barack Obama. Many of the PLAINTIFFS were walking and talking outside, expressing their happiness of having President-Elect Barack Obama win the nomination.
46. The DEFENDANT OFFICERS overtly displayed their displeasure for Barack Obama's success through retaliating against the PLAINTIFFS.
47. These DEFENDANT OFFICERS heard the happiness expressed by PLAINTIFFS and took action to suppress it by, *inter alia*, battering, seizing, injuring (including the use of a taser), and using pepper-spray on the PLAINTIFFS. This act proximately caused the PLAINTIFFS speech to be quelled.

**42 U.S.C. § 1983 CONSPIRACY**

48. Some or all of the DEFENDANT OFFICERS conspired to cause damage to all of the PLAINTIFFS in the following manner, *inter alia*, battering, seizing, injuring, and using pepper-spray on the PLAINTIFFS.
49. In connection with the above conspiracy, the DEFENDANT OFFICERS specifically engaged in communication on or about November 4, 2008, whereby the DEFENDANT OFFICERS agreed to facilitate, engage in and support the activity which deprived PLAINTIFFS of their constitutional rights as alleged in the paragraphs immediately above.
50. The DEFENDANT OFFICERS, by and through their conduct, sought to injure PLAINTIFFS because they are African-American and because they supported President-Elect Barack Obama.

**FACTUAL PREDICATE REGARDING PLAINTIFF LENNETH SUGGS**

51. On or about November 4, 2008, LENNETH SUGGS was walking at or near the intersection of Laramie Avenue and Fulton Street, Chicago, Illinois.
52. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face. LENNETH SUGGS was also battered on or about his body.
53. On November 4, 2008, LENNETH SUGGS did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
54. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of LENNETH SUGGS. This conduct violated the Fourth Amendment to the United States Constitution.
55. On November 4, 2008, LENNETH SUGGS had not committed an act contrary to the laws of the State of Illinois.
56. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, LENNETH SUGGS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF SHERWIN OTT**

57. On or about November 4, 2008, SHERWIN OTT was standing at or near the intersection of Maypole Avenue and Laramie Avenue, Chicago, Illinois.
58. Some of the DEFENDANT OFFICERS approached him and used unreasonable force, *inter alia*, pepper-sprayed on or about his eyes and face.
59. SHERWIN OTT then moved towards his home located at or near 161 North Laramie Avenue, Chicago, Illinois. There, some of the DEFENDANT OFFICERS approached

him again and used unreasonable force by, *inter alia*, pepper-spraying him on or about his face and eyes.

60. On November 4, 2008, SHERWIN OTT did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
61. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of SHERMAN OTT. This conduct violated the Fourth Amendment to the United States Constitution.
62. On November 4, 2008, SHERWIN OTT had not committed an act contrary to the laws of the State of Illinois.
63. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, SHERWIN OTT was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF MICHAEL LEE**

64. On or about November 4, 2008, MICHAEL LEE was standing at or near the intersection of Lake Street and Laramie Avenue, Chicago, Illinois.
65. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.
66. On November 4, 2008, MICHAEL LEE did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
67. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of MICHAEL LEE. This conduct violated the Fourth Amendment to the United States Constitution.
68. On November 4, 2008, MICHAEL LEE had not committed an act contrary to the laws of the State of Illinois.

69. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, MICHAEL LEE was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF LAQUITA BRYANT**

70. On or about November 4, 2008, LAQUITA BRYANT was standing at or near the intersection of Lake Street and Laramie Avenue, Chicago, Illinois.

71. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face.

72. On November 4, 2008, LAQUITA BRYANT did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.

73. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of LAQUITA BRYANT. This conduct violated the Fourth Amendment to the United States Constitution.

74. On November 4, 2008, LAQUITA BRYANT had not committed an act contrary to the laws of the State of Illinois.

75. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, LAQUITA BRYANT was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF JOVANNA LIBERTY**

76. On or about November 4, 2008, JOVANNA LIBERTY was standing at or near the intersection of Lake Street and Laramie Avenue, Chicago, Illinois.

77. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face.

78. On November 4, 2008, JOVANNA LIBERTY did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
79. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of JOVANNA LIBERTY. This conduct violated the Fourth Amendment to the United States Constitution.
80. On November 4, 2008, JOVANNA LIBERTY had not committed an act contrary to the laws of the State of Illinois.
81. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, JOVANNA LIBERTY was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF KENIFIA MCNEASE**

82. On or about November 4, 2008, KENIFIA MCNEASE was standing at or near the intersection of Lake Street and Laramie Avenue, Chicago, Illinois.
83. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face.
84. On November 4, 2008 KENIFIA MCNEASE did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
85. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of KENIFIA MCNEASE. This conduct violated the Fourth Amendment to the United States Constitution.

86. On November 4, 2008, KENIFIA MCNEASE had not committed an act contrary to the laws of the State of Illinois.
87. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, KENIFIA MCNEASE was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF CHRISTOPHER COBBS**

88. On or about November 4, 2008, CHRISTOPHER COBBS was walking at or near the intersection of Latrobe Avenue and Fulton Street, Chicago, Illinois.
89. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face. CHRISTOPHER COBBS was also battered on or about his body.
90. On November 4, 2008, CHRISTOPHER COBBS did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
91. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of CHRISTOPHER COBBS. This conduct violated the Fourth Amendment to the United States Constitution.
92. On November 4, 2008, CHRISTOPHER COBBS had not committed an act contrary to the laws of the State of Illinois.
93. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, CHRISTOPHER COBBS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF MARVIN WIDEMAN**

94. On or about November 4, 2008, MARVIN WIDEMAN was standing at or near 157 North Latrobe Avenue, Chicago, Illinois.
95. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face. MARVIN WIDEMAN was also battered on or about his body.
96. On November 4, 2008, MARVIN WIDEMAN did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
97. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of MARVIN WIDEMAN.
98. Some of the DEFENDANT OFFICERS arrested and charged MARVIN WIDEMAN with unlawful destruction of property, notwithstanding the fact that on November 4, 2008, MARVIN WIDEMAN had not committed any criminal act. This conduct violated the Fourth Amendment to the United States Constitution.
99. Some of the DEFENDANT OFFICERS charged and/or participated in the charging of MARVIN WIDEMAN with criminal activity, and arrested, participated in the arrest, and/or failed to prevent the arrest of MARVIN WIDEMAN, notwithstanding the fact that the DEFENDANT OFFICERS failed to observe and/or learn that MARVIN WIDEMAN had committed criminal activity of any sort. The DEFENDANT OFFICERS did not have probable cause to believe that criminal activity took place relative to MARVIN WIDEMAN.

100. The charge against MARVIN WIDEMAN was dismissed in a manner consistent with his innocence.
101. On November 4, 2008, MARVIN WIDEMAN had not committed an act contrary to the laws of the State of Illinois.
102. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, MARVIN WIDEMAN was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF LATINA WILLIAMS**

103. On or about November 4, 2008, LATINA WILLIAMS was standing at or near 167 North Latrobe Avenue, Chicago, Illinois.
104. Some of the DEFENDANT OFFICERS approached her and battered her on or about her body, causing injury.
105. On November 4, 2008, LATINA WILLIAMS did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
106. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of LATINA WILLIAMS.
107. Some of the DEFENDANT OFFICERS arrested and held LATINA WILLIAMS, notwithstanding the fact that on November 4, 2008, LATINA WILLIAMS had not committed any criminal act. The DEFENDANT OFFICERS did not have probable cause to believe that criminal activity took place relative to LATINA WILLIAMS. This conduct violated the Fourth Amendment to the United States Constitution.

108. On November 4, 2008, LATINA WILLIAMS had not committed an act contrary to the laws of the State of Illinois.
109. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, LATINA WILLIAMS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF DARRYLMY GARNER**

110. On or about November 4, 2008, DARRYLMY GARNER was standing at or near Washington Boulevard, Chicago, Illinois.
111. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.
112. On November 4, 2008, DARRYLMY GARNER did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
113. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of DARRYLMY GARNER. This conduct violated the Fourth Amendment to the United States Constitution.
114. On November 4, 2008, DARRYLMY GARNER had not committed an act contrary to the laws of the State of Illinois.
115. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, DARRYLMY GARNER was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF LARRENZO FULTON**

116. On or about November 4, 2008, LARRENZO FULTON was standing at or near 167 North Latrobe Avenue, Chicago, Illinois.
117. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face. LARRENZO FULTON was also battered on or about his body.
118. On November 4, 2008, LARRENZO FULTON did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
119. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of LARRENZO FULTON. This conduct violated the Fourth Amendment to the United States Constitution.
120. On November 4, 2008, LARRENZO FULTON had not committed an act contrary to the laws of the State of Illinois.
121. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, LARRENZO FULTON was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF TIFFANY THOMAS**

122. On or about November 4, 2008, TIFFANY THOMAS was standing at or near the intersection of Laramie Avenue and Maypole Avenue, Chicago, Illinois.
123. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face. TIFFANY THOMAS was also battered on or about her body.

124. On November 4, 2008, TIFFANY THOMAS did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
125. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of TIFFANY THOMAS. This conduct violated the Fourth Amendment to the United States Constitution.
126. On November 4, 2008, TIFFANY THOMAS had not committed an act contrary to the laws of the State of Illinois.
127. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, TIFFANY THOMAS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF ROSALIND BALL**

128. On or about November 4, 2008, ROSALIND BALL was standing at or near 167 North Latrobe Avenue, Chicago, Illinois.
129. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face.
130. On November 4, 2008, ROSALIND BALL did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
131. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of ROSALIND BALL.
132. Some of the DEFENDANT OFFICERS arrested ROSALIND BALL, notwithstanding the fact that on November 4, 2008, ROSALIND BALL had not committed any criminal act.

DEFENDANT OFFICERS did not have probable cause to believe that criminal activity took place relative to ROSALIND BALL. This conduct violated the Fourth Amendment to the United States Constitution.

133. On November 4, 2008, ROSALIND BALL had not committed an act contrary to the laws of the State of Illinois.
134. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, ROSALIND BALL was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF JEREMY SPENCER**

135. On or about November 4, 2008, JEREMY SPENCER was standing at or near Laramie Avenue, Chicago, Illinois.
136. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.
137. JEREMY SPENCER then moved towards the intersection of Laramie Avenue and Fulton Street, Chicago, Illinois. There, some of the DEFENDANT OFFICERS approached him again and used unreasonable force, *inter alia*, pepper-sprayed on or about his face and eyes.
138. On November 4, 2008, JEREMY SPENCER did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
139. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of JEREMY SPENCER. This conduct violated the Fourth Amendment to the United States Constitution.

140. On November 4, 2008, JEREMY SPENCER had not committed an act contrary to the laws of the State of Illinois.

141. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, JEREMY SPENCER was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF MELINDA ROBINSON**

142. On or about November 4, 2008, MELINDA ROBINSON was standing at or near 152 North Latrobe Avenue, Chicago, Illinois.

143. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face. MELINDA ROBINSON was also battered.

144. On November 4, 2008, MELINDA ROBINSON did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.

145. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of MELINDA ROBINSON. This conduct violated the Fourth Amendment to the United States Constitution.

146. On November 4, 2008, MELINDA ROBINSON had not committed an act contrary to the laws of the State of Illinois.

147. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, MELINDA ROBINSON was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF YOLANDA FULTON**

148. On or about November 4, 2008, YOLANDA FULTON was standing at or near 152 North Latrobe Avenue, Chicago, Illinois.
149. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face.
150. On November 4, 2008, YOLANDA FULTON did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
151. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of YOLANDA FULTON. This conduct violated the Fourth Amendment to the United States Constitution.
152. On November 4, 2008, YOLANDA FULTON had not committed an act contrary to the laws of the State of Illinois.
153. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, YOLANDA FULTON was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF FRANK JAMES**

154. On or about November 4, 2008, FRANK JAMES was standing at or near the intersection of Laramie Avenue and Fulton Avenue, Chicago, Illinois.
155. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.

156. FRANK JAMES then moved at or near 167 North Latrobe Avenue, Chicago, Illinois. There, some of the DEFENDANT OFFICERS approached him again and used unreasonable force by, *inter alia*, pepper-spraying him on or about his face and eyes.
157. On November 4, 2008, FRANK JAMES did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
158. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of FRANK JAMES. This conduct violated the Fourth Amendment to the United States Constitution.
159. On November 4, 2008, FRANK JAMES had not committed an act contrary to the laws of the State of Illinois.
160. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, FRANK JAMES was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF KEITH WATTS**

161. On or about November 4, 2008, KEITH WATTS was standing at or near the intersection of Latrobe Avenue and Fulton Avenue, Chicago, Illinois.
162. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.
163. On November 4, 2008, KEITH WATTS did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
164. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of KEITH WATTS. This conduct violated the Fourth Amendment to the United States Constitution.

165. On November 4, 2008, KEITH WATTS had not committed an act contrary to the laws of the State of Illinois.

166. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, KEITH WATTS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF JOSE MCKNIGHT**

167. On or about November 4, 2008, JOSE MCKNIGHT was standing at or near 167 North Latrobe Avenue, Chicago, Illinois.

168. Upon information and belief, OFFICERS ZINCHUCK and OFFICER DUGGAN and other DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying and/or failing to intervene in the pepper-spraying of Plaintiff on or about his eyes and face. Some of the DEFENDANT OFFICERS took the cellular telephone JOSE MCKNIGHT was recording the incident and broke it. Thereafter, certain DEFENDANT OFFICERS threw JOSE MCKNIGHT to the ground and was involved with the tasing of his back. After the DEFENDANT OFFICERS tased JOSE MCKNIGHT, some of the DEFENDANT OFFICERS pepper-sprayed him on or about his eyes and face.

169. On November 4, 2008, JOSE MCKNIGHT did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.

170. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of JOSE MCKNIGHT. This conduct violated the Fourth Amendment to the United States Constitution.

171. On November 4, 2008, JOSE MCKNIGHT had not committed an act contrary to the laws of the State of Illinois.
172. DEFENDANT OFFICER ZINCHUCK arrested and charged JOSE MCKNIGHT with obstruction, notwithstanding the fact that on November 4, 2008, JOSE MCKNIGHT had not committed any criminal act. This conduct violated the Fourth Amendment to the United States Constitution.
173. Some of the DEFENDANT OFFICERS charged and/or participated in the charging of JOSE MCKNIGHT with criminal activity, and arrested, participated in the arrest, and/or failed to prevent the arrest of JOSE MCKNIGHT, notwithstanding the fact that the DEFENDANT OFFICERS failed to observe and/or learn that JOSE MCKNIGHT had committed criminal activity of any sort. The DEFENDANT OFFICERS did not have probable cause to believe that criminal activity took place relative to JOSE MCKNIGHT.
174. The charge against JOSE MCKNIGHT was dismissed in a manner consistent with his innocence.
175. On November 4, 2008, JOSE MCKNIGHT had not committed an act contrary to the laws of the State of Illinois.
176. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, JOSE MCKNIGHT was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF MOSHAY BARNES**

177. On or about November 4, 2008, MOSHAY BARNES was between West Maypole Avenue and West W. End Avenue, on North Laramie Avenue, Chicago, Illinois.

178. Some of the DEFENDANT OFFICERS approached her and used unreasonable force by, *inter alia*, pepper-spraying her on or about her eyes and face. MOSHAY BARNES was also battered on or about her body.
179. On November 4, 2008, MOSHAY BARNES did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
180. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of MOSHAY BARNES. This conduct violated the Fourth Amendment to the United States Constitution.
181. On November 4, 2008, MOSHAY BARNES had not committed an act contrary to the laws of the State of Illinois.
182. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, MOSHAY BARNES was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF SHAKEETA CASTLEBERRY**

183. On or about November 4, 2008, SHAKEETA CASTLEBERRY was at or near the intersection of West Lake Street and North Laramie Avenue, Chicago, Illinois.
184. Some of the DEFENDANT OFFICERS approached her and used unreasonable force, *inter alia*, pepper-sprayed on or about her eyes and face.
185. SHAKEETA CASTLEBERRY then moved towards the intersection of West Maypole Avenue and North Laramie Avenue, Chicago, Illinois. There, some of the DEFENDANT OFFICERS approached her again and used unreasonable force by, *inter alia*, pepper-spraying her on or about her face and eyes.

186. On November 4, 2008, SHAKEETA CASTLEBERRY did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
187. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of SHAKEETA CASTLEBERRY. This conduct violated the Fourth Amendment to the United States Constitution.
188. On November 4, 2008, SHAKEETA CASTLEBERRY had not committed an act contrary to the laws of the State of Illinois.
189. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, SHAKEETA CASTLEBERRY was caused to suffer damages.

**FACTUAL PREDICATE REGARDING PLAINTIFF MARY ANN ROGERS**

190. On or about November 4, 2008, MARY ANN ROGERS was at her home located at 152 North Latrobe Avenue, Chicago, Illinois.
191. Some of the DEFENDANT OFFICERS approached and invaded her home without a search warrant, probable cause, exigent circumstances and/or any lawful basis. Thereafter, some of the DEFENDANT OFFICERS searched MARY ANN ROGERS' residence.
192. On November 4, 2008, MARY ANN ROGERS had not committed an act contrary to the laws of the State of Illinois.
193. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, MARY ANN ROGERS was caused to suffer damages.

**FACTUAL PREDICATE REGARDING CLIFFORD ARMSTRONG**

194. On or about November 4, 2008, CLIFFORD ARMSTRONG was standing at or near 167 North Latrobe Avenue, Chicago, Illinois.
195. Some of the DEFENDANT OFFICERS approached him and used unreasonable force by, *inter alia*, pepper-spraying him on or about his eyes and face.
196. On November 4, 2008, CLIFFORD ARMSTRONG did not obstruct justice, resist arrest, and/or batter and/or assault any of the DEFENDANT OFFICERS.
197. The show of force initiated by and/or the failure to intervene in the use of said force by some of the DEFENDANT OFFICERS caused an unreasonable seizure of CLIFFORD ARMSTRONG.
198. Some of the DEFENDANT OFFICERS arrested CLIFFORD ARMSTRONG, notwithstanding the fact that on November 4, 2008, CLIFFORD ARMSTRONG had not committed any criminal act. This conduct violated the Fourth Amendment to the United States Constitution.
199. On November 4, 2008, CLIFFORD ARMSTRONG had not committed an act contrary to the laws of the State of Illinois.
200. As a direct and proximate result of one or more of the aforesaid acts or omissions of some of the DEFENDANT OFFICERS, CLIFFORD ARMSTRONG was caused to suffer damages.

**COUNT I**  
**§1983 Excessive Force**

201. All of the PLAINTIFFS re-allege paragraphs 1 – 200 as though fully set forth herein.

202. The actions, and/or the failure to intervene in the actions, of the DEFENDANT OFFICERS amounted to an excessive use of force onto all of the PLAINTIFFS. This conduct violates the Fourth Amendment of the United States Constitution.

203. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the constitutional violations set forth above.

WHEREFORE, PLAINTIFFS demand compensatory damages from the DEFENDANT OFFICERS. PLAINTIFFS also demand punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS. PLAINTIFFS also demand whatever additional relief this Court deems equitable and just.

**COUNT II**  
**§1983 False Arrest**

204. PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG re-allege paragraphs 1 – 200 as though fully set forth herein.

205. The actions of the DEFENDANT OFFICERS caused the arrest of PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG without probable cause to believe that PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG committed criminal activity. Therefore, the conduct of the DEFENDANT OFFICERS was in violation of the Fourth Amendment to the United States Constitution.

206. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the Constitutional violations set forth above.

WHEREFORE, PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG demand compensatory damages from the DEFENDANT OFFICERS. PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG also demands punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS. PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG also demand whatever additional relief this Court deems equitable and just.

**COUNT III**  
**False Arrest – State Claim**

207. PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG re-allege paragraphs 1 – 200 as though fully set forth herein.
208. The DEFENDANT OFFICERS arrested PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG without probable cause to believe that PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG committed criminal activity. The conduct of the DEFENDANT OFFICERS was in violation of the Constitution to the State of Illinois as well as Illinois law.
209. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the violations set forth above.

WHEREFORE, PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG demand compensatory

damages and costs from the DEFENDANT OFFICERS. PLAINTIFFS MARVIN WIDEMAN, ROSALIND BALL, LATINA WILLIAMS, JOSE MCKNIGHT, and CLIFFORD ARMSTRONG also demand whatever additional relief this Court deems equitable and just.

**COUNT IV**  
**Battery –State Claim**

210. All of the PLAINTIFFS re-allege paragraphs 1 – 200 as though fully set forth herein.
211. The DEFENDANT OFFICERS battered all of the PLAINTIFFS intentionally, without consent and without justification.
212. The conduct of the DEFENDANT OFFICERS was in violation of Illinois Law.
213. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the violations set forth above.

WHEREFORE, all PLAINTIFFS demand compensatory damages and costs from the DEFENDANT OFFICERS. All PLAINTIFFS also demand whatever additional relief this Court deems equitable and just.

**COUNT V**  
**Malicious Prosecution – State Claim**

214. PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT re-allege paragraphs 1 – 200 as though fully set forth herein.
215. The DEFENDANT OFFICERS alleged that PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT violated the laws of the State of Illinois. These allegations commenced or continued a criminal proceeding against PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT.
216. The DEFENDANT OFFICERS engaged in this effort without probable cause.

217. The underlying criminal charges were ultimately resolved in favor of PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT.

218. The underlying criminal charges were resolved in a manner indicative of innocence.

219. The aforementioned actions were the direct and proximate cause of the violations of Illinois State Law, as set forth above.

WHEREFORE, PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT demand compensatory damages and costs from the DEFENDANT OFFICERS. PLAINTIFFS MARVIN WIDEMAN and JOSE MCKNIGHT also demands whatever additional relief this Court deems equitable and just.

**COUNT VI**  
**§ 1983 Unlawful Search And/Or Entry of Residence**

220. PLAINTIFF MARY ANN ROGERS re-alleges paragraphs 1 – 200 as though fully set forth herein.

221. Some of the DEFENDANT OFFICERS invaded the home owned or occupied by PLAINTIFF MARY ANN ROGERS without a search warrant, probable cause, exigent circumstances and/or any other lawful basis, and therefore violated the Fourth Amendment to the United States Constitution.

222. Some of the DEFENDANT OFFICERS unlawfully conducted a search therein.

223. The aforementioned actions were the direct and proximate cause of the violations as set forth above.

WHEREFORE, PLAINTIFF MARY ANN ROGERS demands compensatory damages from the DEFENDANT OFFICERS. PLAINTIFF MARY ANN ROGERS also demands punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS. PLAINTIFF

MARY ANN ROGERS also demands whatever additional relief this Court deems equitable and just.

**COUNT VII**  
**First Amendment – Retaliation**

224. All of the PLAINTIFFS re-allege paragraphs 1 – 200 as though fully set forth herein.
225. All of the PLAINTIFFS had a First Amendment right to free speech during and at all times relevant to this action.
226. All of the PLAINTIFFS exercised their First Amendment right to free speech in, *inter alia*, the following ways: celebrating the win of President-Elect Barack Obama by walking and talking outside and/or in their backyards, and expressing their happiness of having President-Elect Barack Obama win the nomination.
227. The above-referenced speech addressed matters of public concern.
228. The DEFENDANT OFFICERS retaliated against the PLAINTIFFS for exercising their First Amendment right to free speech and/or because they are African-American.
229. As a direct and proximate result of said retaliation, PLAINTIFFS were caused to suffer injuries.

WHEREFORE, all of the PLAINTIFFS demand compensatory damages from the DEFENDANT OFFICERS. All of the PLAINTIFFS also demand punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS. All of the PLAINTIFFS also demand whatever additional relief this Court deems equitable and just.

**COUNT VIII**  
**42 U.S.C. § 1983 - Conspiracy**

230. All of the PLAINTIFFS re-allege paragraphs 1 – 200 as though fully set forth herein.

231. The DEFENDANT OFFICERS engaged in a conspiracy, whereby the DEFENDANT OFFICERS agreed to facilitate, engage in, and support the activity which occurred in connection with the allegations contained herein.

232. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the violations of the United States Constitution, *inter alia* the Fourth Amendment and the First Amendment.

233. The DEFENDANT OFFICERS proximately caused PLAINTIFFS to suffer injury.

WHEREFORE, all of the PLAINTIFFS demand compensatory damages from the DEFENDANT OFFICERS. All of the PLAINTIFFS also demand punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS. All of the PLAINTIFFS also demand whatever additional relief this Court deems equitable and just.

**COUNT IX**  
**745 ILCS 10/9-102 Claim Against the CITY OF CHICAGO**

234. All of the PLAINTIFFS re-allege paragraphs 1 — 200 as though fully set forth herein.

235. Defendant CITY OF CHICAGO is the employer of the DEFENDANT OFFICERS alleged above.

236. The DEFENDANT OFFICERS, as alleged above, committed the acts under color of law and in the scope of employment of the CITY OF CHICAGO.

WHEREFORE, should the DEFENDANT OFFICERS be found liable for any of the alleged counts in this cause, PLAINTIFFS demand that, pursuant to 745 ILCS 10/9-102, the CITY OF CHICAGO pay PLAINTIFFS any judgment obtained against the DEFENDANT OFFICERS as a result of this Complaint.

**COUNT X**  
**Supplementary Claim for *Respondeat Superior***

237. All of the PLAINTIFFS re-allege paragraphs 1 — 200 as though fully set forth herein.

238. The aforesaid acts of the DEFENDANT OFFICERS were in the scope of employment and therefore the Defendant CITY OF CHICAGO, as principal, is liable for the actions of its agent(s) under the doctrine of *respondeat superior*.

WHEREFORE should the DEFENDANT OFFICERS be found liable for any state claims alleged herein, PLAINTIFFS demand judgment against the CITY OF CHICAGO and such other additional relief, as this Court deems equitable and just.

**JURY DEMAND**

239. Plaintiff demands trial by jury.

Respectfully submitted,

By: s/Blake Horwitz  
One of the attorneys for the Plaintiff  
Blake Horwitz, Esq.

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