

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

KATHLEEN GRIFFIN)	
)	
Plaintiff,)	No.: 17 C 1931
)	
vs.)	Judge:
)	Magistrate Judge:
CITY OF CHICAGO,)	
CHRIS MARZANO (Star 18810),)	
MARIO MENDOZA (Star 13782), AND)	
JOHN DOES CHICAGO POLICE)	
OFFICERS 1-10,)	
)	Jury Demand
Defendants.)	

COMPLAINT

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction for Plaintiff’s federal claims is based on 28 U.S.C. §§ 1331 and 1343(a). Jurisdiction for Plaintiff’s state claims is based on supplemental jurisdiction pursuant to 28 U.S.C. §1367(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 Kathleen Griffin is a resident of Chicago, Illinois.
5. Defendant-Officers Chris Marzano (Star 18810) and Mario Mendoza (Star 13782) are duly appointed and sworn Chicago Police Officers. At all times relevant to this Complaint, Officers Marzano and Mendoza were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.
6. Marzano and Mendoza are sued in their individual capacities.
7. John Does 1-10 are Chicago police officers whose identities are currently unknown, but who at all times relevant to this complaint were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation. Upon learning their

true identities in discovery, Plaintiff will seek leave of court to amend the complaint and add them as defendants.

8. Defendant City of Chicago 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

9. Kathleen (Kate) Griffin is a 45-year-old woman who lives in Chicago with her husband Sean and her teenage daughter Scout.

10. Kate worked for many years as a Certified Nursing Assistant. Kate's husband Sean is an engineer. A few years ago, Kate decided to leave her career in nursing to be a full time stay-at-home mom.

11. In March 2016 Kate was home-schooling Scout who was 13 years old.

12. As part of Scout's home schooling curriculum, Scout was required to complete a civics project which included participating in a civic activity.

13. It so happened that at this time the country was amidst a historic presidential primary election.

14. People from all walks of life started to stand-up, nation-wide, and even world-wide to protest Trump's rhetoric and counter it with messages of unity, peace, and equality.

15. When Donald Trump decided to hold a political rally at the University of Illinois at Chicago (UIC) Campus on March 11, 2016, a number of student-lead groups decided to hold a counter demonstration on the quad.

16. The purpose of the counter demonstration was to stand up for racial and religious equality, immigrant rights, and women's rights.

17. Kate and her daughter were following the primaries on the television. Kate heard about the student-lead demonstration on UIC campus and thought that it would be a good opportunity for her daughter to complete her civics project, visit a college campus, and learn first-hand about participating in our civic democracy.

18. Kate hoped the event would be a lesson for her daughter in the power of the collective human voice. She thought it would empower her daughter to stand up for what she believes in and to play an active role in shaping our country's future.

19. Instead, the day ended up being one of the worst days of Kate and her daughter's life. Within a few hours after arriving at the rally, Kate would end up separated from her daughter and scared and alone in a holding cell, after having been severely beaten by Chicago police officers.

20. Because Kate had never been to a political rally before, she reached out to the rally organizers to make sure the event was appropriate for her daughter. The rally organizers told her that the rally was a family-friendly, peaceful march on UIC campus that was to remain outside of the auditorium.

21. Kate and Scout decided to make signs for the demonstration. They bought large, thick poster-board signs and markers.

22. For her sign, Scout chose the Martin Luther King, Jr. quote that reads: "our lives begin to end the day we become silent about things that matter."

23. Kate put one of her favorite John Lennon quotes from the song Imagine on her sign, which read: "imagine all the people living life in peace."

24. On March 11, 2016, Kate and Scout left their house at around 4:00pm and headed towards the UIC quad.

25. When they got there, they found themselves surrounded by peaceful protestors.

26. At times the crowd chanted in unison, saying things like: "show me what America looks like" ... "this is what America looks like." This chant resonated with Kate because as she looked around she noticed that no one looked like the next person, everyone came from different walks of life -- there were old people and young people, people of all races and ethnicities, there were hippies on bikes and people wearing suits.

27. The Chicago police were supervising the rally and at one point a group of people in the crowd started chanting "fuck the police." Kate told her daughter firmly that they would not chant along. In fact, Kate made a point of thanking one of the officers for his service and for keeping people safe.

28. At some point the police created a blockade at one end of the march far ahead of Kate and her daughter. Because of the police blockade, the march stopped moving for quite some time.

29. The sun began to set and it got dark. The march was still not moving. Kate decided they had had a good time, but it was time to leave the march and get dinner.

30. Leaving the march turned out to be easier said than done. Several streets were blocked off by the police and a lot of people were trying to leave the rally at once.

31. Kate and Scout followed the crowd to Racine, which appeared to be the only way they could go to get to the train.

32. As Kate and Scout walked towards the train, the crowd of people leaving the rally grew larger and tighter. The police presence intensified. Kate and Scout still had their signs.

33. Kate and her daughter just wanted to get out of there and get home.

34. As they were walking, the crowd shifted and Kate and Scout found themselves up front close to a line of police officers. An unknown officer yelled at Kate to get her sign out of his face. Kate responded that she was doing the best she could; the signs were big and they could not be folded; there was simply no place to move their hands or shift positions given the crowd.

35. Officer Marzano, officer Mendoza, and other officers took out their batons and used them to violently shove the crowd back.

36. Because Kate and Scout were now near the front of the crowd, Officer Marzano rammed Scout with his baton. Kate screamed out something to the effect of: “that is my daughter, what are you doing, don’t hit my daughter.”

37. The minute Kate said this, Officer Marzano grabbed Kate by her hair and threw her to the ground.

38. While on the ground, and without legal justification, Officer Marzano and Officer Mendoza kicked Kate on her body and beat her multiple times on her head and body with their police batons.

39. Kate lay on the ground screaming for help while Officer Marzano, Officer Mendoza, and other unknown Chicago police officers continued to kick her and beat her with batons. Additional unknown Chicago police officers failed to intervene to stop the officers’ physical abuse despite having the opportunity to do so.

40. Kate tried to protect herself from the blows by covering her head, but the blows continued.

41. Kate felt a strong blow to her head and blood started dripping down her face. She tried to protect her head with her hands and one of the officers smashed her right hand.

42. Officer Marzano eventually picked Kate up off the ground by her hair and dragged her, scrapping her knees on the concrete.

43. When Kate got on her feet she yelled “help me, help me” to the crowd. Officer Marzano placed Kate in handcuffs and said something to the effect of “that’s what you get you cunt.”

44. Officer Marzano had no legal justification to seize or arrest Kate.

45. Kate screamed out for her daughter. Kate was terrified because she could not see Scout anywhere.

46. As Officer Marzano continued to detain Kate on the street, he taunted her further, by “thanking her” and telling her it felt good to hit her since “he hadn’t gotten to hit anyone in a while.”

47. As a result of the vicious beating by the Defendant-Officers, Kate suffered numerous physical injuries, including multiple deep bruises all over her body, a large contusion to her right hand, and a large laceration to the top of her scalp. Kate was taken by ambulance in police custody to Loretto Hospital where she received multiple staples for her head wound.

48. To attempt to cover up their egregious misconduct, Officers Marzano and Mendoza had Kate held at police lock-up for over 24 hours while they tried to obtain approval to bring felony charges. After the felony review State’s Attorney and Detective reviewed the file, they both declined to authorize felony charges and recommended that Kate be released without charges.

49. Officer Marzano, nevertheless, chose to bring a misdemeanor charge against Kate for battery. There was no probable cause for this charge.

50. The case was docketed in the Cook County Circuit Court as: People v. Kathleen Griffin, 16-18805401.

51. Officer Marzano commenced the malicious prosecution of Kate by falsely claiming in a sworn police report and sworn criminal complaint that Kate punched him with her left fist.

52. Officers Marzano and Mendoza also made false statements in police reports about how Kate received her injuries, claiming that she fell to the ground, causing her own injuries.

53. Officer Marzano and Officer Mendoza continued the false and malicious prosecution of Kate by appearing in Court on her first court date.

54. Kate had to hire a criminal defense attorney and appear in court numerous times to defend herself against these false charges. Each time Kate appeared in court she had to re-live this traumatic event and worry that she would be falsely convicted.

55. On November 7, 2016, the prosecution terminated in Kate's favor when her charges were dismissed on the day of trial.

56. As a direct and proximate result of the acts of the Defendants described above, Kate lives with the devastating memory and lasting physical, mental, and financial effects of this nightmare. Kate suffered damages including but not limited to: loss of physical liberty, loss of time, loss of normal life, physical pain, severe emotional suffering, and pecuniary damages, including medical expenses, attorneys' fees, and costs.

COUNT I

(42 U.S.C. §1983 – False Arrest/Failure to Intervene)

57. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

58. Defendant-Officers arrested Plaintiff and/or failed to intervene to stop the false arrest of Plaintiff despite having the opportunity to do so.

59. Defendant-Officers did not have probable cause or any other legal justification to arrest Plaintiff.

60. The arrest of Plaintiff without probable cause violated her 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-Officers,
- 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/Failure to Intervene)

61. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

62. The acts of Defendant-Officers in throwing Kate to the ground and repeatedly striking and kicking Plaintiff and/or in failing to prevent said abuse violated Plaintiff's rights under the Fourth Amendment, as guaranteed by the Fourteenth Amendment, to be free from excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers,
- 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 Claim for Malicious Prosecution)¹

63. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

64. Defendant-Officers, knowing that probable cause did not exist, and to cover up their own misconduct, acted individually, jointly, and/or in conspiracy, to cause Plaintiff to be arrested, detained and prosecuted for battery to a police officer, thereby violating Plaintiff's right pursuant to the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable searches and seizures.

65. On November 7, 2016, the prosecution terminated in Plaintiff's favor and in a manner indicative of innocence when her charges were dismissed on the day of trial.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers
- 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.

¹ Plaintiff recognizes that the Seventh Circuit Court of Appeals has held that there is no cause of action in Illinois for malicious prosecution under 42 U.S.C. § 1983. However, Plaintiff wishes to preserve this claim pending consideration of this issue by the United States Supreme Court in *Manuel v. City of Joliet*, No. 14-9496.

COUNT IV
(Illinois State Law Claim for Malicious Prosecution)

66. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

67. Defendant-Officers conspired to commence and continue false charges against Plaintiff for battery.

68. There was not probable cause for such charges.

69. The charges were terminated in a manner favorable to Plaintiff and indicative of her innocence.

WHEREFORE, Plaintiff asks that this Honorable Court:

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

COUNT V
(Illinois State Law Claim for Willful and Wanton Supervision)

70. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

71. The City of Chicago had and has a duty under Illinois law to supervise its police officers to ensure that they are not committing constitutional violations during their encounters with citizens or levying false charges against citizens.

72. Defendant City of Chicago was on notice that Officer Marzano and Mendoza were problem officers who needed better training and supervision.

73. These two officers amassed over 30 Complaint Register Files involving allegations of police misconduct including false arrest, excessive force, and verbal abuse.

74. The City was made aware of these complaints as they were recorded with the Internal Affairs Division of the Chicago Police Department and the City of Chicago Independent Police Review Authority.

75. The City willfully and wantonly supervised these officers by failing to respond to or attempt to correct to their pattern of misconduct. The City failed to discipline, train, or even counsel these officers related to these instances of misconduct.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against the City of Chicago,
- b) Award Plaintiff compensatory damages,
- c) Award costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT VI
(Illinois State Law Claim for Battery)

76. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

77. The Defendant-Officers and John Doe Chicago Police Officers intentionally beat, battered, and kicked Plaintiff without justification as described above.

WHEREFORE, Plaintiff asks that this Honorable Court:

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

COUNT VII
(Illinois State Law Claim for Intentional Infliction of Emotional Distress)

78. Plaintiff re-alleges paragraphs 1 through 56 as if fully set forth herein.

79. Defendant Officers acted intentionally or recklessly, individually, jointly, and in conspiracy by physically abusing the Plaintiff and swearing to a false version of events to cover up their conduct and maliciously prosecuting Plaintiff for a crime she did not commit.

80. Defendant Officers' conduct was extreme and outrageous.

81. As a direct and proximate result of Defendant Officers' outrageous conduct, Plaintiff was injured and has experienced, and continues to experience, severe emotional distress, including fear of the police, nightmares, sleep disruption, and anxiety.

WHEREFORE, Plaintiff asks that this Honorable Court:

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

COUNT VIII

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

82. The acts of the Defendant-Officers and John Doe officers described above were willful and wanton, and committed in the scope of employment.

83. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant City of Chicago is liable for any judgments in this case arising from the Defendant-Officers' actions.

WHEREFORE, Plaintiff asks that this Honorable Court order Defendant City of Chicago to indemnify the Defendant-Officers and John Doe officers for any judgment entered in this case arising from their actions.

COUNT IX

(State law claim for *Respondeat Superior*)

84. The acts of the Defendant-officers and John Doe officers as described above, were committed in the scope of employment.

85. As principal and employer, Defendant City of Chicago is liable for its agents' actions under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff asks that this Honorable Court find Defendant City of Chicago liable for the actions of Defendant-Officers and John Doe officers for any judgment entered in this case arising from their actions.

Plaintiff demands a trial by jury on all claims.

Respectfully submitted,

/s/ Sara Garber
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