

12474

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

WILLIE McRAY, )  
)  
Plaintiff, )  
)  
v. )  
)  
THOMAS ROSS, Director of Public Safety )  
for the Village of Bolingbrook, in his )  
individual and official capacities; Deputy )  
Chief KENNETH TEPPEL, in his individual )  
and official capacities; Commander )  
MICHAEL ROMPA, in his individual and )  
official capacities; Lieutenant RICHARD )  
HILLIARD, in his individual and official )  
capacities; Commander DENNIS HESS, in )  
his individual and official capacities; )  
Supervisor LINDA LAKETA, in her )  
individual and official capacities; and the )  
VILLAGE OF BOLINGBROOK, a )  
municipal corporation, )  
)  
Defendants. )

Case No.: 17 CV 1588

Judge:

Magistrate Judge:

JURY TRIAL DEMANDED

**COMPLAINT**

NOW COMES the Plaintiff, WILLIE McRAY, by and through one of his attorneys, Laura L. Scarry of DeANO & SCARRY, LLC., complaining against THOMAS ROSS, Public Safety Director for the Village of Bolingbrook, in his individual and official capacities; Deputy Chief KENNETH TEPPEL, in his individual and official capacities; Commander MICHAEL ROMPA, in his individual and official capacities; Lieutenant RICHARD HILLIARD, in his individual and official capacities; Commander DENNIS HESS, in his individual and official capacities; Supervisor LINDA LAKETA, in her individual and official capacities; and the

VILLAGE OF BOLINGBROOK, a municipal corporation, states the following:

**Nature of the Action**

1. This is an action for monetary damages and declaratory relief for violations of Plaintiff's civil rights via 42 U.S.C. § 1983 under the due process clause and equal protection clause of the Fourteenth Amendment of the United States Constitution.

**Jurisdiction and Venue**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and § 1334.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because the events giving rise to the claims herein occurred, and the Defendants reside, within this district.

**Parties**

4. Plaintiff Willie McRay ("Sgt. McRay" or "Plaintiff") is an African-American male. He was employed by the Village of Bolingbrook Police Department beginning in 2003 until his unlawful termination on February 13, 2017. At the time of his unlawful termination, he was a patrol sergeant.

5. At all relevant times, Sgt. McRay resided in the Village of Bolingbrook, Illinois on 130 Periwinkle Dr.

6. The Village of Bolingbrook ("Village") is a municipality incorporated under the laws of the State of Illinois.

7. At all relevant times, Defendant Thomas Ross ("Director Ross" or "Defendant"), a Caucasian male, acted under color of law as the Public Safety Director for the Village of Bolingbrook. He was appointed Director of Public Safety for the Village of Bolingbrook in 2015. Director Ross is sued in his individual capacity for inflicting upon Plaintiffs the injuries

described throughout the complaint. Defendant Ross is also a final policy maker with respect to various matters at issue in this complaint and, as such, is sued in his official capacity.

7. At all relevant times, Defendant Kenneth Teppel (“D.C. Teppel” or “Defendant”), a Caucasian male, acted under color of law as a Deputy Chief for the Village of Bolingbrook Police Department. D.C. Teppel is sued in his individual and official capacities for inflicting upon Plaintiffs the injuries described throughout the complaint.

8. At all relevant times, Defendant Michael Rompa (“Commander Rompa” or “Defendant”), a Caucasian male, acted under color of law as a Commander for the Village of Bolingbrook Police Department. Commander Rompa is sued in his individual and official capacities for inflicting upon Plaintiffs the injuries described throughout the complaint.

9. At all relevant times, Defendant Richard Hilliard (“Lt. Hilliard” or “Defendant”), a Caucasian male, acted under color of law as a Lieutenant for the Village of Bolingbrook Police Department. Lt. Hilliard is sued in his individual and official capacities for inflicting upon Plaintiffs the injuries described throughout the complaint.

10. At all relevant times, Defendant Dennis Hess (“Commander Hess” or “Defendant”), a Caucasian male, acted under color of law as a Commander for the Village of Bolingbrook Police Department. Commander Hess is sued in his individual and official capacities for inflicting upon Plaintiffs the injuries described throughout the complaint.

11. At all relevant times, Defendant Linda Laketa (“Laketa” or “Defendant”), a Caucasian female, acted under color of law as a Supervisor for the Village of Bolingbrook Police Department. Laketa is sued in her individual and official capacities for inflicting upon Plaintiffs the injuries described throughout the complaint.

### Facts

12. The population of the Village of Bolingbrook is just over 13% African-American.<sup>1</sup> The Village's Police Department employs approximately 113 police officers<sup>2</sup>, 7 of which are African-American.

13. On or about October 3, 2003, the Village hired Sgt. McRay as a patrol officer. While employed with the Village, Sgt. McRay served as a patrol officer, field training officer and sergeant.

14. Sgt. McRay was promoted to patrol sergeant in April 2014. As a patrol sergeant, he was responsible for supervising a shift of patrol officers. Oftentimes, he would act as the Watch Commander who is generally the highest ranking officer on the shift.

15. While employed with the Village's police department, Sgt. McRay also served on the REACT team. As a member of the REACT team, Sgt. McRay was tasked with training for and responding to high risk calls for assistance within the Village of Bolingbrook.

16. Sgt. McRay satisfactorily performed his duties throughout his employment. His performance evaluations over the last ten years reflected that his work was either "excellent" or "outstanding."

17. Sgt. McRay's disciplinary history, as compared to other Village sworn police officers, was impeccable.

### **The Village Maintains an Unlawful Policy of Denying Officers their Right to Maintain Close Familial Associations**

18. The Village of Bolingbrook Police Department maintains general orders which are intended to govern the conduct of sworn officers.

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<sup>1</sup> <http://www.census.gov/quickfacts/table/PST045215/00>, (November 3, 2016).

<sup>2</sup> Village of Bolingbrook Police Department Annual Report, 2013, <http://www.bolingbrook.com/vertical/sites/%7B55EB27CA-CA9F-40A5-A0EF-1E4EEF52F39E%7D/uploads/2013AnnualReport.pdf>

19. Director Ross was responsible for reviewing, drafting, updating and otherwise promulgating the Police Department's general orders.

20. General Order No. 12 defines requirements and restrictions relating to the conduct of Bolingbrook police officers as well as other employees of the Bolingbrook Police Department.

21. Director Ross reviewed and updated General Order No. 12 on or about February 5, 2015.

22. Section VII. 8. of General Order No. 12 prohibits certain associations by Bolingbrook police officers.

23. Specifically, General Order No. 12, Section VII. 8. states in part:

B. Employees shall avoid regular or continuous associations or dealings with persons they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior. Exceptions: when as necessary to the performance of official duties, or where unavoidable because of other family or personal relationships of the employees.

C. If such family or personal relationships exist, then the employee shall make notification to the Chief of Police, via memorandum.

#### **Director Ross Unlawfully Orders Sgt. McRay to Disassociate from his Son**

24. On September 12, 2015, Sgt. McRay's son, Jeremy, was arrested by one or more police officers from the Bolingbrook Police Department for allegedly committing a burglary to motor vehicle. At the time of his arrest, Jeremy was 19 years old and residing with his mother in Plainfield, Illinois.

25. On September 13, 2015, Director Ross became aware that Jeremy had previously been arrested for felony drug possession.

26. Director Ross then met with Sgt. McRay later that month and discussed Jeremy's

arrests. During that meeting, Sgt. McRay informed Director Ross that Jeremy had received T.A.S.C. probation pursuant to 20 ILCS 301/40 as a result of his arrest for drug possession.

27. T.A.S.C. probation is a probation that is offered to an arrestee of certain drug-related crimes to allow the arrestee to focus on rehabilitation for drug addiction. No conviction appears on the arrestee's criminal record while the arrestee is serving T.A.S.C. probation.

28. During the September 2015 meeting, Director Ross asked Sgt. McRay whether Jeremy resided with him. Sgt. McRay responded that Jeremy did not live with him but instead resided with his mother in Plainfield, Illinois. Sgt. McRay also stated that Jeremy would stay at his residence from time to time. Sgt. McRay told Director Ross that Jeremy had been staying with him for approximately three weeks since the end of August 2015.

29. Director Ross told Sgt. McRay that because he believed Jeremy to be a convicted felon, Sgt. McRay was violating General Order No. 12 Section VII. 8. by allowing Jeremy to stay at Sgt. McRay's residence. Sgt. McRay disagreed and stated that he was not in violation of the order because Jeremy is his son.

30. In September 2015, despite his stated belief that Sgt. McRay violated the general order, Director Ross did not discipline Sgt. McRay for allegedly violating General Order No. 12 Section VII. 8.

31. Instead, Director Ross told Sgt. McRay that he was prohibited from allowing his son, Jeremy, to live with him or otherwise associate with him.

**Director Ross and His Command Staff Initiate Internal and Criminal Investigations Against Sgt. McRay in Retaliation for Sgt. McRay's Exercise of his Constitutional Right to Associate with Jeremy**

32. On September 18, 2015, Director Ross ordered Lt. Carter Larry to conduct an internal investigation of Sgt. McRay regarding his relationship with Jeremy and his knowledge of

Jeremy's alleged involvement in committing a burglary to motor vehicle.

33. While the internal investigation was pending, Director Ross placed Sgt. McRay on paid administrative leave. Sgt. McRay was ordered to relinquish his badge, police identification and duty weapon. Sgt. McRay was stripped of all police powers while he remained on paid administrative leave.

34. While Sgt. McRay was on paid administrative leave, he suffered embarrassment, humiliation, fear, and damage to his stellar reputation as a sworn police officer.

35. On September 21, 2015, Lt. Larry interrogated Sgt. McRay.

36. Following Sgt. McRay's interrogation, Lt. Larry concluded Sgt. McRay had no knowledge of Jeremy's alleged burglary to motor vehicle and determined the allegations against Sgt. McRay were "unfounded." Lt. Larry closed the internal investigation.

37. Following the internal investigation, Sgt. McRay continued to speak to Jeremy via telephone while he resided at the Will County Adult Detention Facility.

38. Upon information and belief, on November 19, 2015, Director Ross and various members of his command staff, including but not limited to, D.C. Teppel and Commander Rompa initiated a meeting with members of the Will County State's Attorney's office for the purpose of conducting a criminal investigation of Sgt. McRay. Director Ross' and his command staff's meeting with the Will County State's Attorney's Office was in retaliation against Sgt. McRay for exercising his constitutional right to maintain his relationship with his son, Jeremy.

39. Sgt. McRay was not informed of this criminal investigation and only became aware of it when he was subjected to a search warrant by members of the Illinois State Police while he was on duty at the Bolingbrook Police Department on April 15, 2016.

40. Despite being shocked, surprised and embarrassed that he was the subject of a

criminal investigation, Sgt. McRay fully cooperated with the Illinois State Police officers.

41. On April 15, 2016, Director Ross placed Sgt. McRay on paid administrative leave, stripping him of all police powers and ordering him to relinquish his badge, police identification and duty weapon.

42. Less than one week after searching Sgt. McRay's cell phone pursuant to a search warrant, the Illinois State Police concluded that no criminal charges were warranted against Sgt. McRay and closed its criminal investigation against him.

43. Dissatisfied with the results of the criminal investigation, Director Ross and members of his staff inquired of the Will County State's Attorney's Office whether criminal charges would be filed against Sgt. McRay and were informed that criminal charges would not be brought against Sgt. McRay.

44. After learning no criminal charges would be filed against Sgt. McRay, Director Ross, D.C. Teppel, Commander Rompa, Lt. Hilliard and Commander Hess reviewed the criminal investigation file to determine whether the September 2015 internal investigation against Sgt. McRay should be re-opened.

45. The September 2015 internal investigation against Sgt. McRay was re-opened due to the discovery of "new evidence" during the criminal investigation. However, the criminal investigation did not reveal any "new evidence"; instead, it was used as a pretext for Director Ross, D.C. Teppel, Commander Rompa, Lt. Hillard and Commander Hess to retaliate against Sgt. McRay for his continued exercise of his constitutional right to associate with his son, Jeremy.

46. Director Ross and the other Defendants in the previous paragraph were aware that Sgt. McRay continued to have telephone conversations with Jeremy from September 2015 to

April 2016 while Jeremy resided at the Will County Adult Detention Facility. However, despite knowing of the ongoing verbal communications between Sgt. McRay and Jeremy, Director Ross and these other Defendants did not discipline Sgt. McRay during that 8-month time frame for violating General Order No. 12 Section VII. 8.

47. On April 26, 2016, Director Ross ordered Lt. Carter Larry to re-open the September 2015 internal investigation regarding Sgt. McRay's relationship with Jeremy and his purported knowledge of Jeremy's alleged involvement in a burglary to a motor vehicle. Director Ross, in conspiracy with D.C. Teppel, Commander Rompa, Lt. Hilliard and Commander Hess, re-opened the September 2015 internal affairs investigation in retaliation for Sgt. McRay's continued exercise of his constitutional right to associate with his son, Jeremy.

48. On May 3, 2016, pursuant to the internal investigation Lt. Larry interrogated Sgt. McRay.

49. Following Sgt. McRay's interrogation, Lt. Larry concluded that Sgt. McRay had no knowledge of Jeremy's alleged burglary to motor vehicle and determined Sgt. McRay should be "exonerated." Lt. Larry closed the re-opened internal investigation and on May 4, 2016, Sgt. McRay was returned to full-duty status with full police powers.

50. While Sgt. McRay was on paid administrative leave from April 15 to May 4, 2016, he suffered embarrassment, humiliation, fear, and damage to his stellar reputation as a sworn police officer.

51. While returning home to his Plainfield, Illinois residence from Naperville, Illinois, during the late evening on July 12, 2016, the vehicle in which Jeremy was driving sustained a flat tire. Jeremy drove to Sgt. McRay's Bolingbrook, Illinois residence to repair the tire because it was closer than Plainfield. Sgt. McRay allowed Jeremy to spend the night so he could repair the

tire the following morning.

52. The next day, after being made aware that Jeremy spent the night at Sgt. McRay's home, Director Ross ordered Sgt. McRay to submit a memorandum documenting the circumstances of Sgt. McRay's continued association with Jeremy. Sgt. McRay complied with Director Ross' order and submitted a memorandum documenting the circumstances.

53. On July 13, 2016 Director Ross and Commander Hess met with Sgt. McRay. Director Ross told Sgt. McRay that his continued association with Jeremy violated General Order 12, Section VII. 8. Director Ross ordered that Sgt. McRay was prohibited from having Jeremy stay or reside at his residence. However, despite having knowledge of Sgt. McRay's continued association with Jeremy, Director Ross and Commander Hess did not discipline Sgt. McRay despite their belief that McRay purportedly violated the general order.

54. During the period of time from August 18 to August 28, 2016, Sgt. McRay was on a prescheduled vacation. During the first week of vacation, Sgt. McRay was in Arizona.

55. On August 20, 2016, Sgt. McRay telephoned Jeremy from Arizona and requested that he let Sgt. McRay's dogs out and feed them. Jeremy entered the home as requested by utilizing an access code to Sgt. McRay's home security system.

56. Later that night, Jeremy hosted a party inside Sgt. McRay's Bolingbrook residence without Sgt. McRay's knowledge or approval. During the party, a female in attendance was allegedly sexually assaulted by a male who also attended the party. The same female also alleged she was battered by Jeremy.

57. On or about August 21, 2016, the female reported the alleged sexual assault and battery to members of the Bolingbrook Police Department. Despite having knowledge that one or more crimes may have occurred inside Sgt. McRay's residence, Director Ross, D.C. Teppel,

Commander Rompa, Lt. Hilliard and Commander Hess failed to notify Sgt. McRay of the incident while he was in Arizona on vacation.

58. Sgt. McRay returned home from Arizona on Tuesday, August 23, 2016. Sgt. McRay was not due to return to work until August 29, 2016. During that time frame, Sgt. McRay was unaware that Jeremy hosted a party inside his residence. He was also unaware that an alleged sexual assault and battery occurred inside his home while he was vacationing in Arizona.

59. On August 29, 2016, Sgt. McRay utilized a “sick day” to see his cardiologist. That same day, Commander Hess telephoned Sgt. McRay and advised him that he was the subject of another internal investigation regarding his knowledge of the alleged sexual assault that occurred on or about August 20, 2016 at his residence.

60. Sgt. McRay expressed shock and told Commander Hess that he had no knowledge of the alleged sexual assault or battery. In fact, this was the first time Sgt. McRay had become aware of the alleged incident. Commander Hess ordered Sgt. McRay to report to Lt. Carter Larry on September 2, 2016.

61. After his initial telephone conversation with Commander Hess, Sgt. McRay confronted Jeremy about the incident.

62. On September 2, 2016, Sgt. McRay met with Lt. Carter Larry and was informed that he was again placed on paid administrative leave pending the outcome of the internal investigation.

63. On September 16, 2016, Sgt. McRay was interrogated by an attorney on behalf of Director Ross.

64. At the conclusion of the interrogation, Director Ross advised Sgt. McRay that he was seeking to terminate Sgt. McRay’s employment unless Sgt. McRay resigned. Because Sgt.

McRay believed he had done nothing to warrant his termination, Sgt. McRay refused to resign from his employment.

**The Bolingbrook Police Department Fails to Conduct a Proper Criminal Investigation**

65. From August 21, 2016, the day members of the Bolingbrook Police Department became aware of the August 20, 2016 alleged criminal activity that occurred at Sgt. McRay's residence, until September 16, 2016, when Sgt. McRay was interrogated, no Defendant or member of the Bolingbrook Police Department responsible for investigating the alleged criminal activity sought to speak with Sgt. McRay regarding his knowledge of the events.

66. From August 21 to September 16, 2016, no Defendant or member of the Bolingbrook Police Department responsible for investigating the alleged criminal activity requested Sgt. McRay to allow them access to his residence to view, photograph and otherwise investigate the alleged crime scene.

67. To this date, no Defendant or member of the Bolingbrook Police Department who was responsible for investigating the alleged criminal activity requested that Sgt. McRay allow them access to his residence to view, photograph and otherwise investigate the alleged crime scene despite his willingness to cooperate and provide access to his residence.

**Director Ross Files Charges Seeking Termination of Sgt. McRay's Employment as a Result of Sgt. McRay's Continued Lawful Association with his Son**

68. On October 1, 2016, Director Ross filed charges against Sgt. McRay before the Village of Bolingbrook Board of Fire and Police Commissioners ("the BOFPC") seeking termination of Sgt. McRay's employment with the Village of Bolingbrook.

69. That same day, Director Ross requested that the BOFPC suspend Sgt. McRay without pay. The BOFPC granted Director Ross' request and Sgt. McRay remained suspended without pay from October 1, 2016 until his termination on February 13, 2017.

70. While Sgt. McRay was suspended without pay beginning October 1, 2016, he suffered embarrassment, humiliation, fear, and damage to his stellar reputation as a sworn police officer.

71. On October 24, 2016, Director Ross filed amended charges against Sgt. McRay before the BOFPC seeking termination of Sgt. McRay's employment with the Village of Bolingbrook.

72. The BOFPC conducted hearings relating to the charges brought by Director Ross against Sgt. McRay on October 1, 2016, October 20, 2016, November 2, 2016, November 14, 2016, November 29, 2016, December 13, 2016, December 21, 2016, January 12, 2017, January 18, 2017, January 30, 2017 and February 13, 2017.

73. Sgt. McRay was required to retain a private attorney to defend against the charges throughout the hearing before the BOFPC.

74. The BOFPC terminated Sgt. McRay on February 13, 2017.

75. Following the BOFPC's termination of Sgt. McRay, McRay filed a motion with the BOFPC to rescind its termination of Sgt. McRay. The BOFPC granted Sgt. McRay's motion regarding the "penalty" (termination), and scheduled a hearing for the presentment of evidence regarding the "penalty" Sgt. McRay should face.

76. In October 2016, during the pendency of the BOFPC hearings, one of Sgt. McRay's dogs was provoked by his neighbor's dog causing Sgt. McRay's dog to break through the fence separating his property from that of the neighbor. As a result, the two dogs scuffled.

77. As the neighbor attempted to separate Sgt. McRay's dog from her dog, the neighbor was bitten by her own dog. Sgt. McRay retrieved his dog and brought it back to his property.

78. Following that incident, Supervisor Laketa, who was responsible for enforcing the Village's animal control ordinances, met with Director Ross, D.C. Teppel, Commander Rompa, Lt. Hilliard and Commander Hess. These Defendants met and conspired with one another to retaliate against Sgt. McRay by charging him with one or more violations of the Village's local ordinance relating to owning a vicious dog. However, prior to charging Sgt. McRay with owning a vicious dog, there was no finding by any tribunal that Sgt. McRay owned a vicious dog.

79. The Defendants charged Sgt. McRay with local ordinance violations resulting from the October 2016 incident in retaliation for Sgt. McRay's continued association with his son, Jeremy; because of his race (as more fully described below); and because Sgt. McRay refused to resign quietly.

80. The Defendants' actions taken against Sgt. McRay from September 2015 until Sgt. McRay's termination were also due to his race, African-American.

81. Upon information and belief, the Village has a history and custom and practice of disciplining African-American employees of the police department more harshly than non-African-American employees who were similarly-situated.

82. Upon information and belief, the Village has a history and custom and practice of disciplining African-American employees of the police department when non-African-American employees who committed similar misconduct or engaged in more egregious misconduct were not disciplined or disciplined as harshly.

83. Upon information and belief, the Village has a history and custom and practice of forcing African-American employees of the police department to choose between resigning or facing discipline up to and including termination for alleged violations of department policy at a greater percentage than non-African-American employees who committed similar or more

egregious violations of department policy.

**Count I**

***Monell Claim under 42 U.S.C. § 1983***  
**Violation of Fourteenth Amendment Right to Familial Association**  
**Sgt. McRay v. Village of Bolingbrook**

84. Director Ross, as an individual with final policymaking authority, promulgated General Order 12, Section VII. 8.

85. General Order 12, Section VII. 8 is unconstitutional on its face as it is an intrusive regulation of the family thereby depriving the subject of the general order of his/her liberty interest to engage in familial associations protected under the due process clause of the Fourteenth Amendment.

86. General Order 12, Section VII. 8 is unconstitutional as applied to Sgt. McRay as it is an intrusive regulation of his family in that it deprived and continues to deprive him of his liberty interest to associate as a father to his son as protected under the due process clause of the Fourteenth Amendment.

87. The actions of the Village and Director Ross, as an individual with final policy making authority, in promulgating and applying the unconstitutional policy, had a chilling effect on Sgt. McRay's liberty interest to associate and reside with his son as a family under the Fourteenth Amendment.

88. As a direct and proximate result of the Village's unconstitutional policy as promulgated by Director Ross as an individual with final policymaking authority, Sgt. McRay suffered a deprivation of his liberty interest to associate and live with his son as a family, a substantive due process right under the Fourteenth Amendment.

89. The actions of Defendants in infringing upon and denying Sgt. McRay his right to

familial association caused him to suffer damages including the loss of reputation, pain and suffering, mental anguish, inconvenience, lost wages and benefits, future pecuniary losses and other consequential damages.

WHEREFORE, Plaintiff Sgt. McRay requests that judgment be entered in his favor, compensatory damages be awarded in an amount to be determined by a jury, Defendants be ordered to pay the reasonable costs and attorneys' fees incurred in bringing this action and the Court order any other relief deemed just.

## **Count II**

### **Retaliation for Engaging in Constitutionally Protected Activity under 42 U.S.C. § 1983 Sgt. McRay v. All Individual Defendants**

90. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

91. Sgt. McRay engaged in protected activity when he continued to associate with Jeremy despite Director Ross' unlawful order to cease his association with Jeremy.

92. Sgt. McRay was subject to no less than three interrogations, stripped of all police powers when he was placed on paid administrative leave pending three internal and criminal investigations in less than 12 months, brought up on charges seeking his termination before the Village of Bolingbrook Board of Fire and Police Commission, suspended without pay pending the outcome of the hearing before the Village of Bolingbrook Board of Fire and Police Commission and ultimately terminated in retaliation for his continued association with Jeremy.

93. As a direct and proximate result of Defendants' retaliatory actions, Sgt. McRay sustained damages.

94. All of the Defendants acted intentionally and maliciously under color of law to deprive Sgt. McRay of his rights.

95. Defendants' conduct was intentional, retaliatory, and malicious, accompanied by ill will and done for the purpose of injuring Sgt. McRay, thereby subjecting them to liability for punitive damages.

96. The actions of Defendants in retaliating against Sgt. McRay for his continued association with Jeremy caused him to suffer severe damages including the loss of reputation, pain and suffering, mental anguish, inconvenience, lost wages and benefits, future pecuniary losses and other consequential damages.

WHEREFORE, Plaintiff Sgt. McRay requests that judgment be entered in his favor, compensatory damages and punitive damages be awarded in an amount to be determined by a jury, Defendants be ordered to pay the reasonable costs and attorneys' fees incurred in bringing this action and the Court order any other relief deemed just.

### **COUNT III**

#### **Conspiracy to Retaliate under 42 U.S.C. § 1983 Sgt. McRay v. All Individual Defendants**

97. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

98. In an effort to deprive Sgt. McRay of his constitutional rights as described in the previous paragraphs of this Complaint, the Defendants reached an agreement amongst themselves to retaliate against Sgt. McRay.

99. In this manner, the Defendants, acting in concert with other unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

100. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.

101. As a direct and proximate result of the illicit prior agreement referenced above, Sgt. McRay's rights were violated.

102. All of the Defendants acted intentionally and maliciously under color of law to deprive Sgt. McRay of his rights.

103. Defendants' conduct was intentional, retaliatory, and malicious, accompanied by ill will and done for the purpose of injuring Sgt. McRay, thereby subjecting them to liability for punitive damages.

104. The actions of Defendants in conspiring with one another to retaliate against Sgt. McRay for his continued association with Jeremy caused him to suffer severe damages including the loss of reputation, pain and suffering, mental anguish, inconvenience, lost wages and benefits, future pecuniary losses and other consequential damages.

WHEREFORE, Plaintiff Sgt. McRay requests that judgment be entered in his favor, compensatory damages and punitive damages be awarded in an amount to be determined by a jury, Defendants be ordered to pay the reasonable costs and attorneys' fees incurred in bringing this action and the Court order any other relief deemed just.

#### **COUNT IV**

#### **42 U.S.C. § 1983 Violation of Equal Protection Sgt. McRay v. All Defendants**

105. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

106. Defendants intentionally subjected Sgt. McRay to unequal and discriminatory treatment based on his race that altered the conditions of his employment.

107. Defendants treated Sgt. McRay differently from similarly-situated non-African-American police officers employed by the Village of Bolingbrook.

108. The actions of Defendants against Sgt. McRay violated his equal protection right to be free from discrimination under the Fourteenth Amendment to the United States Constitution through 42 U.S.C. § 1983.

109. As a direct and proximate result of the Defendants' unequal and discriminatory treatment based on his race, Sgt. McRay's rights were violated.

110. All of the individual Defendants acted intentionally and maliciously under color of law to deprive Sgt. McRay of his rights.

111. The individual Defendants' conduct was intentional, retaliatory, and malicious, accompanied by ill will and done for the purpose of injuring Sgt. McRay, thereby subjecting him to liability for punitive damages.

112. The actions of Defendants in discriminating against Sgt. McRay based on his race caused him to suffer severe damages including the loss of reputation, pain and suffering, mental anguish, inconvenience, lost wages and benefits, future pecuniary losses and other consequential damages.

WHEREFORE, Plaintiff Sgt. McRay requests that judgment be entered in his favor, compensatory damages and punitive damages be awarded in an amount to be determined by a jury, Defendants be ordered to pay the reasonable costs and attorneys' fees incurred in bringing this action and the Court order any other relief deemed just.

#### **COUNT VI**

#### **Conspiracy to Deprive Equal Protection under 42 U.S.C. § 1983 Sgt. McRay v. All Individual Defendants**

113. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

114. In an effort to deprive Sgt. McRay of his constitutional rights under the Fourteenth Amendment as described in the previous paragraphs of this Complaint, the Defendants reached an agreement amongst themselves to retaliate against Sgt. McRay.

115. In this manner, the Defendants, acting in concert with other unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

116. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.

117. As a direct and proximate result of the illicit prior agreement referenced above, Sgt. McRay's rights were violated.

118. All of the Defendants acted intentionally and maliciously under color of law to deprive Sgt. McRay of his rights.

119. Defendants' conduct was intentional, retaliatory, and malicious, accompanied by ill will and done for the purpose of injuring Sgt. McRay, thereby subjecting them to liability for punitive damages.

120. The actions of Defendants in conspiring with one another to violate Sgt. McRay's constitutional rights under the Fourteenth Amendment caused him to suffer severe damages including the loss of reputation, pain and suffering, mental anguish, inconvenience, lost wages and benefits, future pecuniary losses and other consequential damages.

WHEREFORE, Plaintiff Sgt. McRay requests that judgment be entered in his favor, compensatory damages and punitive damages be awarded in an amount to be determined by a jury, Defendants be ordered to pay the reasonable costs and attorneys' fees incurred in bringing this action and the Court order any other relief deemed just.

**JURY DEMAND**

Plaintiff, WILLIE McRAY, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

DeANO AND SCARRY, LLC.

s/Laura L. Scarry  
One of Plaintiff's Attorneys

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