

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

STEVEN KAILIN and KIM KAILIN)	
on their own behalf and on behalf of)	
their daughter, TAYLOR KAILIN a)	
minor,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BRANDON GULLIFOR, UNIDENTIFIED)	
OFFICERS and VILLAGE OF GURNEE,)	
)	JURY DEMAND
)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiffs, STEVEN KAILIN, and KIM KAILIN,
on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN, by and
through their attorney, GIGI GILBERT, and complaining of Defendants, BRANDON
GULLIFOR, VILLAGE OF GURNEE and UNIDENTIFIED OFFICERS, alleges as
follows:

NATURE OF THE CASE

1. This suit arises from the violation of civil rights of Plaintiffs, STEVEN
KAILIN, KIM KAILIN and TAYLOR KAILIN, for illegal seizure and excessive force in
violation of Title 42 U.S.C. § 1983.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 Jurisdiction is based
upon 28 U.S.C. §§ 1331, 1332 and 1367. This court has pendent jurisdiction over the

state law claims. Plaintiff demands trial by jury.

VENUE

3. The violation of civil rights alleged herein was committed within the Northern District of Illinois to wit: the City of GURNEE, County of Lake, State of Illinois. This action properly lies in the United States District Court, Northern District of Illinois, Eastern Division.

PARTIES

4. Plaintiff, TAYLOR KAILIN (“TAYLOR”) a minor, resides in the Northern District of Illinois.

5. Her father, STEVEN KAILIN (“STEVEN”), resides in the Northern District of Illinois.

6. Her mother, KIM KAILIN (“KIM”), resides in the Northern District of Illinois.

7. Defendant, BRANDON GULLIFOR (“GULLIFOR”) and UNIDENTIFIED OFFICERS, were at all times relevant hereto, employed as police officers by the GURNEE Police Department and acting under color of state law. VILLAGE OF GURNEE is a municipal corporation.

BACKGROUND

8. TAYLOR is a 17 year old girl who suffers from ADHD, anxiety, depression and diabetes.

9. TAYLOR has an emotional support service dog named TIMBER who is also the family pet.

10. On July 26, 2019 STEVEN called the Gurnee police non-emergency

phone number in order to ask for assistance regarding an incident involving TAYLOR and another teenaged boy.

11. Defendant, GULLIFOR, responded to the Kailins' home dressed in a S.W.A.T. type black police uniform with black leather gloves, wearing a bullet proof vest, armed with a firearm and other weapons.

12. Upon seeing Defendant GULLIFOR approach the front door KIM opened the door and TIMBER went to KIM's side by the door.

13. Defendant, GULLIFOR, prior to reaching the front door turned and ran through the bushes and towards an adjacent neighbor's yard.

14. TIMBER went outside and KIM followed after the dog. At no time did TIMBER make physical contact with GULLIFOR.

15. STEVEN and TAYLOR also went outside after TIMBER.

16. GULLIFOR stopped suddenly, turned, pulled out his firearm, and without warning fired two shots in the direction of KIM and TIMBER shooting and killing the dog for no reason.

17. TIMBER was a certified emotional support dog and had no history of aggression, attacks or bites.

18. Defendant GULLIFOR did not have legal justification for shooting TIMBER.

19. Defendant GULLIFOR's use of deadly fire was unreasonable.

20. TIMBER was executed, suffered and died in front of KIM, TAYLOR and STEVEN in the family's front yard.

COUNT I - 42 U.S.C. § 1983 - EXCESSIVE FORCE

21. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

22. Under the totality of circumstances Defendant GULLIFOR used greater force than was reasonably necessary in violation of Fourth and Fourteenth Amendment Rights of the United States Constitution and was in violation of said rights protected by 42 U.S.C. §1983.

23. Defendant, GULLIFOR, and UNIDENTIED OFFICERS' excessive force was done with malice and/or reckless indifference to their federally protected rights.

24. As a direct and proximate result of Defendant, GULLIFOR and UNIDENTIED OFFICERS' actions, Plaintiffs STEVEN, KIM and TAYLOR, suffered and continues to suffer mental anguish, psychological and emotional distress, pain and suffering, economic losses, and the loss of their beloved dog, some or all of which may be permanent.

WHEREFORE, Plaintiffs, STEVEN KAILIN and KIM KAILIN on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN, pray that this Honorable Court enter a judgment in their favor and against Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Reasonable attorneys fees and costs; and
- (d) Such other and further relief as this court deems reasonable.

COUNT II - 42 U.S.C. § 1983 – ILLEGAL SEIZURE

25. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

26. The seizure of Plaintiffs' dog, TIMBER, as detailed above, violated Plaintiffs' Fourth Amendment right to be free from unreasonable seizures under 42 U.S.C. § 1983.

27. Defendant, GULLIFOR, and UNIDENTIED OFFICERS' excessive force

was done with malice and/or reckless indifference to their federally protected rights.

28. As a direct and proximate result of Defendant, GULLIFOR and UNIDENTIED OFFICERS' actions, Plaintiffs STEVEN, KIM and TAYLOR, suffered and continue to suffer mental anguish, psychological and emotional distress, pain and suffering, economic losses, and the loss of their beloved dog, some or all of which may be permanent.

WHEREFORE, Plaintiffs, STEVEN KAILIN and KIM KAILIN on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN, pray that this Honorable Court enter a judgment in their favor and against Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Reasonable attorneys fees and costs; and
- (d) Such other and further relief as this court deems reasonable.

**COUNT III – STATE LAW INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS**

29. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

30. As described in the preceding paragraphs, the misconduct of the Defendant Officers toward Plaintiffs KIM, TAYLOR and STEVEN was extreme and outrageous.

31. Given the nature of the misconduct, the Defendant GULLIFOR committed the misconduct with knowledge that his actions were likely to cause severe emotional distress to Plaintiffs KIM, TAYLOR and STEVEN.

32. As a direct and proximate result of Defendant, GULLIFOR and UNIDENTIED OFFICERS' actions, Plaintiffs STEVEN, KIM and TAYLOR, suffered

and continue to suffer mental anguish, psychological and emotional distress, pain and suffering, economic losses, and the loss of their beloved dog, some or all of which may be permanent.

WHEREFORE, Plaintiffs, STEVEN KAILIN and KIM KAILIN on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN, pray that this Honorable Court enter a judgment in their favor and against Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Such other and further relief as this court deems reasonable.

COUNT IV – STATE LAW ASSAULT

33. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

34. The above-detailed conduct by GULLIFOR, including firing his weapon in the direction of Plaintiff KIM, was done with the intent to cause KIM apprehension of imminent bodily harm.

35. The above-detailed conduct by GULLIFOR did cause KIM reasonable apprehension of bodily harm.

36. As a direct and proximate result of Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS' actions, Plaintiff KIM suffered and continues to suffer mental anguish, psychological and emotional distress, pain and suffering, economic losses, some or all of which may be permanent.

WHEREFORE, Plaintiffs, KIM KAILIN prays that this Honorable Court enter a judgment in their favor and against Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Such other and further relief as this court deems reasonable.

COUNT IV - STATE LAW RESPONDEAT SUPERIOR

37. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

38. In committing the acts alleged in the preceding paragraphs, the Defendant, BRANDON GULLIFOR and UNIDENTIFIED OFFICERS were members and agents of the GURNEE Police Department an agent of the VILLAGE OF GURNEE and acting at all relevant times within the scope of their employment.

39. Defendant, VILLAGE OF GURNEE, is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiffs, STEVEN KAILIN and KIM KAILIN on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN pray that this Honorable Court enter a judgment in his favor and against Defendant, VILLAGE OF GURNEE, for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Reasonable attorneys fees and costs; and
- (c) Such other and further relief as this court deems reasonable.

COUNT V- STATE LAW INDEMNIFICATION

40. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

41. Illinois law provides that public entities are directed to pay any tort

judgment for compensatory damages for which employees are liable within the scope of their employment activities.

42. Defendant, GULLIFOR and UNIDENTIFIED OFFICERS were employees of the GURNEE Police Department an agent of the GURNEE, acting within the scope of their employment in committing the misconduct described herein.

WHEREFORE, STEVEN KAILIN and KIM KAILIN on their own behalf and on behalf of their minor daughter, TAYLOR KAILIN pray that this Honorable Court enter a judgment in their favor and against Defendant, VILLAGE OF GURNEE for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Reasonable attorneys fees and costs; and
- (c) Such other and further relief as this court deems reasonable.

Respectively Submitted,

By: //s// Gigi Gilbert_____

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