

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

WILLIAM BROWN,)	
)	
Plaintiff,)	Case No.: 14-cv-2324
)	
)	Judge
vs.)	Magistrate Judge
)	
CITY OF CHAMPAIGN,)	
Champaign Police Officers)	
MATT RUSH, Star 7114, and)	Jury Demand
MONTRELL COLEMAN, Star 7116,)	
)	
Defendants.)	
)	

COMPLAINT

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983, and the common law and statutes of the State of Illinois.
2. Jurisdiction for Plaintiff’s federal claims is based on 28 U.S.C. §§ 1331 and 1343(a).
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district as alleged below.

Parties

4. Plaintiff is a resident of Champaign, Illinois.
5. Defendant-Officers RUSH and COLEMAN are duly appointed and sworn Champaign police officers. At all times relevant to this Complaint, the Defendant-Officers were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.
6. The Defendant-Officers are sued in their individual capacities.

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

Facts

8. On June 2, 2013, Plaintiff was involved in a car accident in Champaign.
9. Defendant-Officers COLEMAN and RUSH responded to the call of the accident.
10. Plaintiff and his wife exited their vehicle after the accident.
11. When Defendant-Officers COLEMAN and RUSH arrived on the scene, Plaintiff began to walk away.
12. Defendant-Officers COLEMAN and RUSH began to chase Plaintiff and yelled at him to stop.
13. Plaintiff gave himself up to Defendant-Officers COLEMAN and RUSH and laid down in a yard at 14 Sherwood Court.
14. Although Plaintiff was compliant and had voluntarily laid on the ground, Defendant-Officer COLEMAN jumped on top of Plaintiff and smashed Plaintiff's face with a "cross-face maneuver."
15. Defendant-Officer RUSH then handcuffed Plaintiff.
16. Defendant-Officer RUSH punched Plaintiff in the face multiple times.
17. Plaintiff was not resisting the Defendant-Officers when he was punched in the face.
18. Plaintiff was not a threat to the Defendant-Officers when he was punched in the face.
19. As a result of the punches, Plaintiff sustained injuries and suffered pain.
20. Plaintiff was transported to Carle Hospital to receive treatment for his injuries.
21. In an attempt to justify the punches and injuries they inflicted on Plaintiff, the Defendant-Officers charged Plaintiff with resisting arrest.
22. On October 8, 2013, the charge for resisting arrest was dismissed.
23. Each individual Defendant-Officer acted willfully and wantonly, maliciously, and with a conscious disregard and deliberate indifference to Plaintiff's rights.

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

COUNT I

(42 U.S.C. § 1983 – Excessive Force)

25. Plaintiff re-alleges paragraphs 1 through 24 as if fully set forth herein.
26. Defendant-Officers RUSH and COLEMAN violated Plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.
- a. WHEREFORE, Plaintiff asks that this Honorable Court:
- a) Enter judgment against Defendant-Officers RUSH and COLEMAN,
 - 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 – Failure to Intervene)

27. Plaintiff re-alleges paragraphs 1 through 25 as if fully set forth herein.
28. While Plaintiff was subjected to excessive force as described above, Defendant-Officer COLEMAN had an opportunity to intervene, but chose not to intervene.
29. Defendant-Officer COLEMAN was deliberately indifferent to Plaintiff's right to be free from excessive and unreasonable force.
- a. WHEREFORE, Plaintiff asks that this Honorable Court:
- a) Enter judgment against Defendant-Officer COLEMAN,
 - 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

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

30. The acts of the Defendant-Officers described in the above claims were willful and wanton, and committed in the scope of employment.
31. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant CITY OF CHAMPAIGN is liable for any judgments for compensatory damages in this case arising from the Defendant-Officers' actions.
32. WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF CHAMPAIGN to indemnify the Defendant-Officers for any judgment for compensatory damages in this case arising from their actions.

Jury Trial Demanded

Respectfully submitted,

/s/ Louis J. Meyer

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