

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

Alton Corey	)	
	)	
Plaintiff,	)	
	)	Case No. 18-cv-2140
v.	)	
	)	JURY TRIAL DEMANDED
City of Champaign, Illinois,	)	
a municipal corporation, and City of Champaign	)	
Police Officers William G. Killin (Star 740), and	)	
Dillon L. Holloway (Star 759),	)	
Defendants.	)	

**COMPLAINT AT LAW**

NOW COMES, Corey Alton (“Plaintiff”), by and through his attorneys, Nathan & Kamionski LLP, and states and alleges as follows:

**INTRODUCTION**

1. This is an action for civil damages brought pursuant to 42 U.S.C. §1983 for the deprivation of Plaintiff’s constitutional rights. This Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343.

2. Venue in this district is proper pursuant to 28 U.S.C. § 1391 (b), because the facts which give rise to the claims asserted herein occurred in the Central District of Illinois.

3. Alton Corey is 62-year-old an African-American man without any criminal history who, at all times relevant hereto, was present in, and a resident of, the Central District of Illinois.

4. Defendants, Champaign Police Officers William G. Killin and Dillon L. Holloway (“Defendant Officers”) were at all times material hereto, duly appointed Champaign Police Officers employed by the City of Champaign, Illinois, acting in the capacity of sworn

law enforcement officials and therefore acting under color of law.

5. The Defendant, City of Champaign, Illinois (hereinafter “City”), at all relevant times, was an Illinois Municipal Corporation, duly chartered and organized under the Laws of the State of Illinois, located entirely within this judicial district.

### **FACTUAL BACKGROUND**

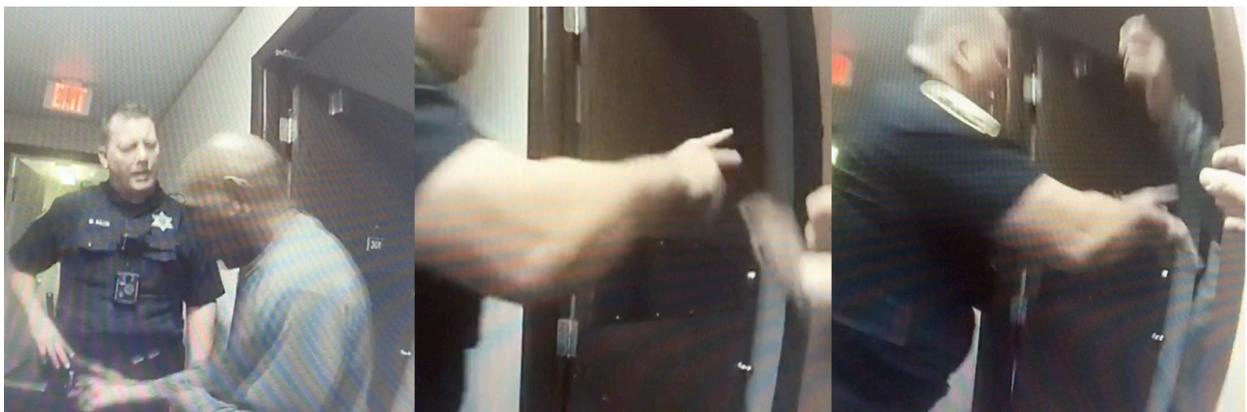
6. Plaintiff took off from work for the day on October 17, 2017, because he needed a procedure done on his heart.

7. After completing the medical procedure, Plaintiff returned to his home in Champaign, Illinois, in order to rest and recuperate.

8. At approximately 10:45 p.m., Defendant Officers knocked on the door to Plaintiff’s home.

9. Plaintiff opened his door and had Defendant Holloway immediately escalated the encounter by pushing Plaintiff. During a brief verbal encounter with Defendant Officers that followed, Plaintiff made it clear that he did not consent to anyone entering his home.

10. Defendant Killin, standing at the threshold to the entrance of Plaintiff’s home, then forcefully pushed Plaintiff into his home, sending Plaintiff back several feet, as depicted in the below screenshots, taken from Defendant Holloway’s body worn camera:



11. Defendant Officers the both grabbed Plaintiff and slammed Plaintiff face-first into the opposing wall/door and floor with an incredible amount of force. This too was captured on body worn cameras of the Champaign Police Department as depicted below.



12. Defendant Officers' use of force against Plaintiff caused him to blackout and resulted in facial and shoulder injuries to Plaintiff. In sum, the use of force was unreasonable under the circumstances.

13. Below is a photo of Plaintiff's face taken by law enforcement within 24-hours of the use of force:



14. In order to cover up their unlawful use of force, Defendant Officers caused Plaintiff to be charged in the Champaign County Circuit Court with battery to a police officer.

15. These false and baseless charges were without probable cause and were dismissed on January 8, 2018, in a manner indicative of innocence, when the prosecutor viewed the video and voluntarily dismissed the criminal charges.

**COUNT I**  
**(Section 1983: 4<sup>th</sup> Amendment Excessive Force)**  
**(Against Defendant Officers)**

16. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully restated and re-alleged herein.

17. The acts of Defendant Officers were an unreasonable, deliberate and malicious deprivation of the Plaintiff's constitutional rights against excessive force as guaranteed to the Plaintiff by the Fourth Amendment of the Constitution and made applicable to the states by the Fourteenth Amendment.

18. As a result of the unreasonable and unjustifiable excessive force used by Defendant Officers, the Plaintiff suffered physical and emotional injuries, and other damages in violation of 42 U.S.C. §1983.

**COUNT II**  
**42 U.S.C. § 1983: False Arrest**  
**(Against Defendant Officers)**

19. Plaintiffs re-alleges and incorporate all preceding paragraphs as fully stated herein.

20. Defendant Officers arrested Plaintiffs on or about October 17, 2017.

21. At the time of the arrest, there was no probable cause to believe that Plaintiffs had committed any crime or violation of any law.

22. The acts of the Defendant Officers were an unreasonable, deliberate and

malicious deprivation of the Plaintiffs' constitutional guarantee to the Plaintiffs by the Fourth Amendment of the Constitution and made applicable to the states by the Fourteenth Amendment.

23. As a result of the actions of Defendant Officers described more fully above, the Plaintiff suffered physical and emotional injuries, and other damages in violation of 42 U.S.C. §1983.

24. The aforementioned actions of the Defendant Officers were the direct and proximate cause of the violations the Fourth Amendment of the Constitution.

**COUNT III**  
**Conspiracy Under Federal and State Law**  
**(Against Defendant Officers)**

25. Plaintiff re-allege and incorporates all preceding paragraphs as if fully restated herein.

26. While Defendant Officers were still at the scene of Plaintiff's arrest and after they went back to their police station, Defendant Officers had an in-person meeting where they agreed to falsely arrest Plaintiff despite the absence of probable cause.

27. At the police station, upon information and belief, Defendant Officers agreed that they would make a false reports against Plaintiff in order to justify their use of force.

28. In this manner, Defendant Officers conspired by concerted and overt action to accomplish an unlawful purpose.

29. In furtherance of this conspiracy Defendant Officers committed overt acts and otherwise demonstrated willful participation in a joint, unlawful activity.

30. As a direct and proximate result of the illicit prior agreement referenced above, Plaintiffs' rights were violated, and they suffered financial damages, as well as severe emotional

distress and anguish, as is more fully alleged above.

31. The misconduct described above was taken with malice, willfulness and/or the reckless disregard for the rights of Plaintiff.

**COUNT IV**

**Malicious Prosecution & Unlawful Detention Under *Manuel v. City of Joliet*  
(Against Defendant Officers)**

32. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully re-stated herein.

33. Defendant Officers accused Plaintiff of engaging in the criminal acts described herein knowing that those accusations were false and without genuine probable cause.

34. Defendant Officers accused Plaintiff of engaging in the criminal acts described herein knowing that those accusations were false and without genuine probable cause.

35. Defendant Officers prepared reports and made statements to trial prosecutors with the intent and effect of exerting influence on the decision to prosecute and causing the commencement and continuation of criminal proceedings against Plaintiffs in relation to their arrest from October 17, 2017.

36. For example, Defendant Killin falsely stated in his official police report that his use of force was “effective in stopping [Plaintiff’s] attack.” In fact, the body worn camera from the incident shows that Plaintiff never attacked anyone and that Plaintiff’s arms were up when Defendant Officers slammed Plaintiff to the ground.

37. In another example, Defendant Killin falsely stated in his official police report that Plaintiff “battered a police officer and resisted arrest.” This too is flatly contradicted by the video of the incident.

38. The actions of Defendant Officers caused Plaintiff to be detained in jail against

his will for approximately two (2) days before he was able to bond out.

39. Defendant Officers' actions were done intentionally, with malice, willfulness, and recklessness disregard to the rights of Plaintiff.

40. The criminal proceedings described above were terminated in Plaintiff's favor and in a manner indicative of this innocence after the prosecutors reviewed Defendant Officers' body worn camera video of the incident described herein and opted to dismiss all criminal charges.

41. As a direct and proximate result of this misconduct, Plaintiff sustained, and continue to sustain, injuries as set forth above, including loss of liberty, financial damages, and emotional pain and suffering.

**COUNT V**  
**Intentional Infliction of Emotional Distress**  
**(Against Defendant Officers)**

42. Plaintiff re-alleges and incorporate all preceding paragraphs as if fully restated herein.

43. The acts and conduct of Defendant Officers toward Plaintiff described herein were extreme and outrageous. Defendant Officers' conduct was rooted in an abuse of power or authority, and they were undertaken with maliciousness and intent to cause, or were recklessly indifferent to the great probability that their conduct would cause severe emotional distress to Plaintiff.

44. As a direct and proximate result of the conduct of Defendant Officers, Plaintiff suffered and continue to suffer severe emotional distress.

**COUNT VI**  
**Municipal Policy Claim**  
**(Against Defendant City of Champaign)**

45. Plaintiff restates and re-alleges all preceding paragraphs as though fully restated herein.

46. Defendant City of Champaign (“City”) is responsible for the creation and adoption of rules and regulations for the governance of the City of Champaign and for the Champaign Police Department.

47. Defendant City retains policy makers that train and supervise its police officers about proper arrests, proper investigations and interactions with the public.

48. The unconstitutional actions of Defendant Officers that were taken against Plaintiff, as alleged above, were done pursuant to the policy and practice of the City of failing to adequately and meaningfully train, supervise, or discipline its police officers.

49. Furthermore, these unlawful actions against Plaintiffs were taken pursuant to a pattern and practice by the City and its police officers to charge members of the public with false resisting/obstructing charges in order to cover up their misconduct in arresting people without probable cause.

50. It is commonplace within the City for its police officers to arrest members of the public without probable cause and then to falsely charge those individuals with no other crime besides a trumped up charge of obstruction/resisting.

51. Ready examples of this illegal pattern and practice can be observed from the facts determined in the lawsuits styled *Benjamin Mann v. City of Champaign*, 14 C 2200; *Kisica Seets v. Officer Matt Rush*, 15 C 2154; and *Precious Jackson v. City of Champaign*, 16 C 2046.

52. In each of these cases, the plaintiffs were charged with bogus resisting, obstructing, or battery charges for the purpose of covering up excessive force perpetrated by

Champaign police officers against the plaintiff victims.

53. The illegal pattern and practice described above, particularly because it continues even though Defendant City was notified of the unconstitutional practice when it settled the above specified lawsuits, amounts to deliberate indifference on the part of the City and on the part of its leading officials and policymakers.

54. At all times relevant to this complaint, Defendant City was acting under color of law and pursuant to the unconstitutional policies set forth by the City.

**COUNT VII**  
**Respondeat Superior**  
**(Against Defendant City of Champaign)**

55. Plaintiff re-alleges and incorporate all preceding paragraphs above as if fully restated herein.

56. Defendant Officers, were, at all times relevant to this complaint, employees of Defendant City.

57. Defendant Officers were acting within the scope of their employment and their actions are imputed to the Defendant City under state law pursuant to *respondeat superior*.

**COUNT VIII**  
**Statutory Indemnification**  
**(Against Defendant City of Champaign)**

58. Plaintiff realleges and incorporates all preceding paragraphs above as if fully restated herein.

59. Plaintiff seeks statutory indemnification under Illinois law against the City of Champaign because the Defendant Officers were engaged in the performance of their duties on behalf of the City and its police department when Plaintiff was injured.

60. Illinois law provides that public entities are directed to pay any tort judgment for

which their employees are liable within the scope of their employment activities.

61. The Defendant Officers are or were employees of the City of Champaign Police Department who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in his favor and against Defendant Officers, the City of Champaign, and that he be granted compensatory damages, and where applicable, punitive damages, as well as an award of costs and attorneys' fees, and such other relief this court deems equitable and just.

#### **JURY DEMAND**

Plaintiff hereby requests a trial by a jury pursuant to Fed. R. Civ. P. 38(b) for all issues so triable.

Dated: May 22, 2018

Respectfully submitted,

/s/ Shneur Z. Nathan, Att. No. 6294495

Shneur Z. Nathan

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