

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

JUSTIN HASKETT,	)
	)
	)
	)
Plaintiff,	)
	)
vs.	)
	)
VILLAGE OF FRANKFURT, a municipal	)
corporation,	)
OFFICER JAY SANDERS, Star # 312	)
	)
	)
Defendants.	)

COMPLAINT

**Jurisdiction/Venue**

1. This incident giving rise to the instant Complaint occurred on or about June 19, 2011, in the early morning hours, at or about 220 Elm, in Frankfort, Will County, Illinois.

2. The jurisdiction of this Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983, the judicial code 28 U.S.C. § 1331 and § 1343(a); the Constitution of the United States, and pendent jurisdiction, as provided under U.S.C. § 1367(a).

3. Venue is proper pursuant to 28 U.S.C. § 1391(b) as, upon information and belief, all parties reside in the judicial district, and the events giving rise to the claims asserted occurred in this district.

**Parties**

4. At all relevant times pertaining to this occurrence, the Plaintiff, Justin Haskett, was a resident of Blue Island, Cook County, Illinois.

5. At the time of this incident, the Plaintiff was a full-time firefighter/paramedic, but he lost his job as the proximate result of the false arrest and malicious prosecution in this case.

6. At the time of this occurrence, the Village of Frankfurt was an Illinois municipal corporation, located in Will County, Illinois, and the principal employer of Defendant Jay Sanders, Star Number 312, a Frankfurt Police Officer.

7. Alternatively and/or in addition to Defendant Sanders being the proximate cause of the false arrest and malicious prosecution of the Plaintiff, Defendant Village of Frankfurt proximately caused the false arrest and malicious prosecution of the Plaintiff by enacting a patently and clearly unconstitutional ordinance, *i.e.*, the Village Ordinance Defendant Sanders purported to arrest and prosecute the Plaintiff under (Public Intoxication, Section 132.08 of the Frakfort Code of Ordinances) (also referred to as Ordinance 2694, hereinafter “the ordinance” or “the public intoxication ordinance”).

8. Defendant Sanders, at the time of this occurrence, was a Village of Frankfurt Police Officer, and the actions described in this complaint were taken under color of law, and within the course and scope of his employment as a Village of Frankfurt Police Officer.

9. Sanders’ actions make him liable individually, but his actions were additionally and/or alternatively the result of the policies and practices of Defendant Village of Frankfurt, *i.e.*, the enacting of the public intoxication ordinance.

### **Facts**

10. On the night of June 18, 2011, the Plaintiff planned to surprise his then-girlfriend with a proposal of marriage at a get-together at her house, at 220 Elm Street, which was her home.

11. The Plaintiff proposed, with friends and family in attendance, she said “yes,” and the celebration thereafter was peaceful and law-abiding. The couple are engaged, but they have had to postpone their marriage plans until 2013, due to financial concerns, which was the proximate result of the Plaintiff losing his job as a result of this incident.

12. At some point that evening (now past midnight, going into June 19, 2011), the Plaintiff’s sister, due to her car being struck while being parked, called the police, and the police showed up at the get-together.

13. Sanders showed up at the Plaintiff’s fiancé’s residence, as a result of the Plaintiff’s sister calling the police regarding her car being hit.

14. However, when Sanders showed up, due to non-disorderly, non-physical words being exchanged between the Plaintiff and Sanders, after the get together had wound down and the remaining people were cleaning up, Sanders decided to arrest the Plaintiff for allegedly violating Section 132.08 of the Village of Frankfort Code of Ordinances. The Plaintiff denies he was ever in violation of this ordinance.

15. There was no probable cause or any other legal justification for arresting the Plaintiff, pursuant to the public intoxication ordinance, or any other local, state, or federal statute or ordinance.

16. Section 132.08 of the Frankfort Code of Ordinances defines an “intoxicated person” or a “person who is intoxicated” as “any person who appears mentally, physically or emotionally impaired due to alcohol, drugs or controlled substances or a combination of them.”

17. Section 132.08 also creates a “rebuttable presumption a person is intoxicated if a person exhibits at least two of the following characteristics or conduct:

(a) Odor of intoxicating liquor on the breath;

- (b) Blood shot eyes;
- (c) Dilated pupils;
- (d) Stumbling or staggering walk;
- (e) Slurred speech;
- (f) Unable to stand or walk unaided when not due to any non-alcohol related condition or disability;
- (g) Inability to adequately perform the field sobriety tests utilized in determining if a person is under the influence while operating a motor vehicle;
- (h) Public urination;
- (i) Public vomiting;
- (j) Public nudity or indecency;
- (k) Conduct which would be considered belligerent, argumentative, threatening, intimidating or offensive.

18. The ordinance imposes a fine of \$250 to \$500 for violating the ordinance.

19. Upon information and belief, the ordinance in question was passed by the Village of Frankfort on February 22, 2011.

20. There was no probable cause to arrest the Plaintiff, pursuant to the above ordinance.

21. Alternatively, if this Court were to find there was probable cause to arrest the Plaintiff pursuant to this Ordinance, then the Village is liable on a *Monell* theory of liability because the above-quoted ordinance is unconstitutional, in violation of the equal protection and due process clauses of both the Illinois and United States Constitutions, the First Amendment to the United States Constitution, the Fourth Amendment to the United States Constitution and the

search and seizure clause of the Illinois Constitution, as well as the Twenty First Amendment to the United States Constitution.

22. The Plaintiff was arrested by Sanders, and charged with violating the ordinance in question, Sanders thereafter, without probable cause, and with malicious intent, signed a complaint against the Plaintiff, knowing this would cause the Plaintiff's name to appear in the local newspaper, knowing this would cause him damage as a result. In fact, after the Plaintiff's arrest, his name did appear in the local paper as being arrested for public intoxication, and, as a result of the arrest, the Plaintiff lost his job as a Mokena firefighter/paramedic.

23. The Plaintiff was forced to hire an attorney to defend himself against the false charges placed against him by Defendant Sanders.

24. On November 16, 2011, a judge with the Twelfth Judicial Circuit, Will County, dismissed the case against the Plaintiff, in a manner consistent with the innocence of the Plaintiff.

**COUNT I 42 U.S.C. § 1983 Monell Claim**  
(Plaintiff against Defendant Village of Frankfurt)

25. Plaintiff re-alleges what has previously been alleged in the Complaint.

26. The Village of Frankfurt had an ordinance, described above, in place at the time of the incident that, in an alternative and or additional theory to the Plaintiff's false arrest claim against Defendant Sanders, violated the Plaintiff's constitutional rights under the Illinois and United States Constitutions, the provisions being described earlier above.

27. Alternative to (or in addition to) the Plaintiff's false arrest claim against Defendant Sanders, as a result of the actions of the Village of Frankfurt, the Plaintiff suffered incarceration, a loss of liberty, severe emotional distress, as well as pecuniary

damages, including but not limited to attorney's fees and the loss of employment, and future employment, including benefits.

WHEREFORE, Plaintiff Justin Haskett, demands substantial compensatory damages against Defendant Village of Frankfurt, plus attorneys' fees and costs, and any such other and additional relief as this Court deems equitable and just.

**COUNT II 42 U.S.C. § 1983 False Arrest**

(Plaintiff against Defendant Sanders)

28. Plaintiff re-alleges what has previously been alleged in the Complaint.

29. Defendant Sanders had no probable cause or any other legal justification to arrest the Plaintiff, and in doing so, he violated the Plaintiff's rights under the Fourth Amendment to the United States Constitution.

30. As a result of the actions of Defendant Sanders, the Plaintiff suffered incarceration, a loss of liberty, severe emotional distress, as well as pecuniary damages, including but not limited to attorney's fees and the loss of employment, and future employment, including benefits.

WHEREFORE, Plaintiff Justin Haskett, demands substantial compensatory damages against Defendant Sanders, plus attorneys' fees and costs, plus, because Sanders acted with maliciously and/or oppressively, substantial punitive damages, and any such other and additional relief as this Court deems equitable and just.

**COUNT III Indemnification**

(Plaintiff against Defendant Village of Frankfurt)

31. Plaintiff re-alleges what has previously been alleged in the Complaint.

32. All of the actions taken by the Defendant Sanders was done within the course and scope of his employment with the Village of Frankfurt.

33. The Village of Frankfurt is the indemnifying agent for the actions of the Defendant Officers.

WHEREFORE, Plaintiff Justin Haskett, demands that, if any non-punitive damages, fees or costs are awarded against the Defendant Officers, then the Village of Frankfurt should be liable to pay the award.

**COUNT IV Malicious Prosecution**  
(Plaintiff against Defendant Village of Frankfurt)

34. Plaintiff re-alleges what has previously been alleged in the Complaint.

35. All of the actions taken by the Defendant Sanders were done within the course and scope of his employment with the Village of Frankfurt.

36. The Village of Frankfurt is liable for Sanders' actions on this state law claim based on respondeat superior.

37. Sanders did not have probable cause to arrest the Plaintiff.

38. Sanders acted with malice in prosecuting the Plaintiff.

39. The proceedings against the Plaintiff were terminated against him in a manner consistent with the innocence of the Plaintiff.

WHEREFORE, Plaintiff Justin Haskett, demands substantial compensatory damages against Defendant Village of Frankfurt, plus attorn costs, and any such other and additional relief as this Court deems equitable and just.

**PLAINTIFF DEMANDS TRIAL BY JURY.**

Respectfully submitted,

s/ Richard Dvorak

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Richard Dvorak,  
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