

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

NICOLE LURRY, as Special Administrator)	Case No: 20 CV 4545
of the Estate of Eric Lurry, Jr., deceased,)	
)	
Plaintiff,)	
)	
v.)	
City of Joliet and Joliet Police Officers May (Star)	
#056), McCue (Star #118), Tellez (Star #311),and)	
Lt. Harrison (Star #039),)	
)	
Defendants.)	

CIVIL COMPLAINT

NOW COMES Plaintiff, NICOLE LURRY, by and through her attorneys, Erickson & Oppenheimer, complaining of Defendants City of Joliet, and Joliet Police Officers May, McCue, Tellez, and Harrison as follows:

INTRODUCTION

1. This action, arising out of the death of Plaintiff’s husband, Eric Lurry, is brought pursuant to 42 U.S.C. § 1983 to address deprivations of Decedent’s rights under the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367, and venue is proper under 28 U.S.C. § 1391(b). On information and belief, all parties reside in this judicial district, and the events giving rise to the claims asserted herein occurred within the district.

THE PARTIES

3. The Plaintiff, Nicole Lurry, is the wife of the deceased, Eric Lurry. Nicole Lurry resides in the Northern District of Illinois and has been appointed Special Administrator of Eric Lurry's estate.
4. Decedent Eric Lurry was 37 years old at the time of his death on January 29, 2020.
5. Defendant City of Joliet is a municipal corporation duly incorporated under the laws of the State of Illinois and is the employer and principal of Defendant Officers.
6. Defendant Joliet Police Officers May, McCue, Tellez, and Harrison were at all relevant times duly appointed police officers of the City of Joliet acting within the scope of their employment and under color of law. They are being sued in their individual capacities.

FACTS

7. On or about January 28, 2020, at approximately 3:12 p.m., Eric Lurry and Kenan Kinney were pulled over by Joliet Police Officer Wietting near the intersection of S. Briggs Street and E. Washington Street in Joliet, Illinois.
8. Defendants McCue and Tellez arrived on-scene shortly thereafter.
9. Defendant McCue performed a pat-down search of Mr. Lurry and found \$1,380.00 in the front pockets of Mr. Lurry's pants.
10. During that search, Defendant McCue recovered no contraband or weapons of any kind on Eric Lurry's person or within Eric Lurry's immediate vicinity.
11. Defendant McCue's search of Mr. Lurry's person did not produce any evidence that Mr. Lurry had committed or was in the process of committing a crime.
12. After confirming Mr. Lurry's identity, one of the Defendants retrieved an iphone from Kinney's vehicle, gave it to Mr. Lurry, returned the money to Mr. Lurry and then allowed Mr. Lurry to leave the scene.

13. While Mr. Lurry was walking away from the scene, Defendant Tellez re-initiated contact with Mr. Lurry and asked Mr. Lurry to return the iphone.
14. After Mr. Lurry returned the phone, Defendant Tellez retrieved and seized the currency from Lurry's front pant pockets and then proceeded to perform another pat-down search of Mr. Lurry's body.
15. Defendant Tellez did not have probable cause to believe that Mr. Lurry committed any crimes either immediately prior to or during the second pat-down search.
16. Defendant Tellez did not have probable cause to believe that Mr. Lurry committed any crimes at any time on the day of the incident prior to the second pat-down search.
17. Defendant Tellez did not have reasonable suspicion to believe that Mr. Lurry had committed any crimes either immediately prior to or during the second pat-down search.
18. Defendant Tellez did not have reasonable suspicion to believe that Mr. Lurry had committed any crimes at any time on the day of the incident prior to the second pat-down search.
19. Defendant Tellez did not have any legal justification for performing the second pat-down search of Mr. Lurry.
20. Defendant Tellez did not have any legal justification for seizing Mr. Lurry's money.
21. Following the pat-down search, Mr. Lurry was taken into custody by Defendants, handcuffed behind his back, placed in the back of Defendant McCue's squad car and transported to the Joliet Police Station.
22. When they arrived at the station, Lieutenant Harrison approached McCue's squad car to assess and monitor the situation.
23. On that date, Lieutenant Harrison was Defendant May, McCue and Tellez's supervisor.

24. At the direction of Defendant Harrison, Defendant May entered the rear of McCue's squad car where Mr. Lurry was seated and still handcuffed.
25. At that time, Defendants McCue, Tellez, May and Harrison immediately recognized that Mr. Lurry was in medical distress and not fully conscious.
26. Despite Mr. Lurry's obvious serious medical needs, no Defendant summoned medical attention for Mr. Lurry at that time.
27. Instead, Defendants May and McCue attempted to retrieve bags containing narcotics from Mr. Lurry's mouth.
28. In doing so, Defendant May pinched Mr. Lurry's nose for approximately close to two minutes, restricting him from taking in oxygen.
29. Defendant May also slapped Mr. Lurry in the face while saying, "Wake up, bitch!"
30. At the same time, at the direction of Defendant Harrison, Defendant McCue inserted a baton in Mr. Lurry's mouth, obstructing his airway.
31. Defendant McCue then reached in Mr. Lurry's mouth to retrieve the narcotics and removed part of a plastic bag.
32. Defendant McCue and May's conduct caused Mr. Lurry to ingest narcotics and suffocate.
33. Mr. Lurry was pronounced dead in the early morning hours of January 29, 2020.
34. The same day, Joliet Police Department Lieutenant Chris Botzum, issued a statement to the media indicating only that Eric Lurry swallowed a bag of cocaine while in custody and that Mr. Lurry later died at AMITA Health St. Joseph Medical Center.
35. Defendant McCue's squad car was equipped with an operable video camera on January 28, 2020.

36. Defendant McCue's squad car was equipped with an operable audio system on January 28, 2020.
37. Defendants' interactions with Mr. Lurry in the back of Defendant McCue's Squad car, as set forth herein, were captured and recorded by the squad car video camera and audio system.
38. One or more Defendants edited, tampered with and/or destroyed the audio and/or video footage from the squad car video related to Mr. Lurry's arrest and detention in an attempt to destroy and conceal evidence of wrongdoing.
39. Additional cameras in and around the perimeter of the Joliet Police Station parking lot recorded portions of the incident set forth herein.
40. These recordings captured relevant material evidence related to the death of Mr. Lurry and were not preserved by anyone at the Joliet Police Department.
41. Sgt. Esqueda, a 27-year veteran of the Joliet Police Department, viewed and then obtained a copy of the squad car video and shared it with various news outlets because he was disturbed by Defendant May and McCue's conduct .
42. Sgt. Esqueda also obtained and shared the video with various news outlets because he believed that the City of Joliet and/or employees of the Joliet Police Department, including Defendants, attempted to and/or had in fact, destroyed incriminating material evidence related to the death of Eric Lurry.
43. In describing what he observed on the squad car video, Sgt. Esqueda said, "It was almost like the supervisor looks off and says something to somebody, and then you hear the sound cut out. That's what alerted me that possibly [the Joliet Police Department] were trying to get rid of evidence."

44. When asked if he believed that there was a deliberate, initial act to turn off the audio or get rid of the audio, Sgt. Esqueda said, "There had to be. There's no way that can happen."
45. Less than three weeks after Sgt. Esqueda's brave reporting of his fellow officers' misconduct, on July 6, 2020, Joliet Police Chief Al Roechner stripped Sgt. Esqueda of his police powers and placed him on administrative desk duty and initiated a criminal and internal investigation into his actions.
46. Defendant May, who pinched Mr. Lurry's nose shut for almost two minutes and slapped and cursed at him as he was losing consciousness, was not put on desk duty until five months after the incident, and only after the video was leaked to the public.
47. As of the time of this filing, Defendant McCue, who inserted his baton into Mr. Lurry's mouth as his nose was being held shut, has not been disciplined and is on active duty.

COUNT I: WILLFUL AND WANTON CONDUCT
(Against all Individual Defendant Officers)

48. Plaintiff incorporates all previous paragraphs as though fully set forth herein.
49. At all times relevant herein, Defendant Officers engaged in a course of action which showed an actual or deliberate intention to cause harm or which, if not intentional, showed utter indifference to or conscious disregard for the safety of others.
50. The acts of Defendant Officers were willful, wanton, and executed with a conscious disregard for the safety of others.
51. In violation of their duty, Defendant Officers recklessly committed without limitation the following willful and wanton acts or omissions when they knew or should have reasonably known that Lurry's life was in danger:

- a. Failing to transport Mr. Lurry to a medical facility so medical personnel could safely remove the toxic items from Lurry's mouth;
 - b. Failing to immediately summon medical attention for Mr. Lurry after observing Mr. Lurry in significant distress and going in and out of consciousness;
 - c. Performing an unreasonable search by attempting to remove toxic items from Lurry's mouth thereby causing Mr. Lurry to ingest the toxic substance;
 - d. Slapping Mr. Lurry in the face while observing Lurry in significant distress and going in and out of consciousness;
 - e. Holding Mr. Lurry's nose closed to restrict his breathing;
 - f. Prying Mr. Lurry's mouth open with a baton and inserting said baton in his mouth.
52. As a direct and proximate result of the aforementioned willful and wanton acts and reckless conduct of Defendant Officers, Eric Lurry died.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officers for an award of reasonable compensatory and punitive damages, plus costs.

COUNT II: WRONGFUL DEATH (State-law claim)
(Against All Individual Defendant Officers)

53. Plaintiff incorporates all previous paragraphs as though fully set forth herein.
54. As set forth above, Defendant Officers caused the wrongful death of Eric Lurry, in violation of ILCS 740 180/1 et seq.
55. Defendant Officers actions proximately caused Mr. Lurry to suffer injuries, including without limitation great bodily harm and death as well as pain and suffering.
56. Under state law, this claim is considered to be an independent action by the administrator of Eric Lurry's estate, Nicole Lurry, to compensate Ms. Lurry for loss of society (including loss of companionship and loss of affection, love and support), burial and

funeral expenses, Ms. Lurry's grief, sorrow and mental suffering and all direct economic losses stemming from Mr. Lurry's wrongful death.

57. As a result of Defendant Officers' conduct, the Estate has suffered injury, including without limitation medical and/or funeral expenses, loss of society, grief, sorrow, mental suffering and other economic losses.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officers for an award of reasonable compensatory and punitive damages, plus costs.

COUNT III SURVIVAL ACTION (state law claim)
(Against All Individual Defendant Officers)

58. Plaintiff hereby incorporates all previous paragraphs as though fully set forth herein.

59. After the decedent ingested the narcotics, he survived for a period of time during which he experienced conscious pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendant Officers for an award of reasonable compensatory and punitive damages, plus costs.

COUNT IV: BATTERY (state law claim)
(Against Defendants McCue and May)

60. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

61. As set forth above, Defendant Officers McCue and May intentionally made physical contact with Mr. Lurry without just cause. The physical contact was offensive and harmful.

62. The actions of the Defendant Officers were intentional, willful and wanton.

63. The misconduct set forth herein, was undertaken with intentional disregard for Mr. Lurry's rights.

64. As a direct and proximate result of Defendant McCue and May's misconduct, Mr. Lurry sustained damages including pain and suffering before his death.

WHEREFORE, the Plaintiff prays for judgment against Defendants McCue and May for an award of reasonable compensatory and punitive damages, plus costs.

COUNT V: Replevin (state law claim)
(Against Defendant Tellez)

65. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

66. Defendant Tellez unlawfully seized Mr. Lurry's money in the amount of \$1,380.00.

67. Eric Lurry's wife, Nicole Lurry, as administrator of Eric Lurry's estate, is the owner of such property and lawfully entitled to the immediate possession thereof.

68. Defendant Tellez has not returned Mr. Lurry's money to Nicole Lurry and as such, Defendant Tellez has intentionally, wrongfully detained it.

69. The money at issue has not been taken for any tax, assessment, or fine levied by virtue of any law of this state, against the property of plaintiff, or against the plaintiff individually, nor seized under any lawful process against the goods and chattels of plaintiff subject to any lawful process. The money is not held by virtue of any order for replevin against plaintiff.

70. As a result of Defendant Tellez's conduct, Plaintiff Nicole Lurry has been injured and deprived of her use and enjoyment of the money.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officer Tellez for an award of reasonable compensatory and punitive damages, plus costs.

COUNT VI: SPOLIATION (state law claim)
(Against All Defendants)

71. Plaintiff hereby incorporates all previous paragraphs as though fully set forth herein.

72. At the time of the Individual Defendants' encounter with Eric Lurry, the audio and video of Defendant McCue's squad car camera were operable and recording.
73. The video and audio of Defendant McCue's squad car camera captured the Individual Defendants' interaction with Mr. Lurry while Mr. Lurry was in the rear of that squad car.
74. Portions of the audio recording from the squad car video were edited, tampered with and/or deleted by an employee or employees of the Joliet Police Department
75. Portions of the audio recording from the squad car video were edited, tampered with and/or deleted by one or more Individual Defendants.
76. Portions of the video recording from the squad car video were edited, tampered with and/or deleted by an employee or employees of the Joliet Police Department.
77. Portions of the video recording from the squad car video were edited, tampered with and/or deleted by one or more Individual Defendants.
78. All Individual Defendants, all employees of the Joliet Police Department and the City of Joliet have an obligation to preserve and maintain the integrity of all evidence that may be reasonably related to any ongoing or potential legal action.
79. The video evidence at issue from Defendant McCue's squad car video constitutes material evidence supporting Plaintiff's underlying claims in this action.
80. In the event that the finder of fact in this case is unable to determine whether or not Defendants acted lawfully during their interactions with Eric Lurry or finds against Plaintiff on Plaintiff's underlying claims, Plaintiff pleads in the alternative to the prior underlying counts that such loss of evidence proximately caused her inability to prove her underlying claims.

WHEREFORE, the Plaintiff prays for judgment against all Defendants, jointly and severally, for an award of compensatory and punitive damages (punitive damages against the Individual Defendants only), plus attorney's fees and costs.

COUNT VII: 1983 FOURTH AMENDMENT - UNREASONABLE SEARCH AND SEIZURE FOR DEFENDANT TELLEZ'S ON-SCENE SEARCH AND SEIZURE OF LURRY'S PERSON AND SEIZURE OF CURRENCY
(Against Defendant Tellez)

81. Plaintiff incorporates all previous paragraphs as though fully set forth herein.
82. At all times relevant herein, the Decedent, Eric Lurry, was vested with, possessed and was guaranteed by the Fourth Amendment of the United States Constitution the right to be free from an unlawful search and seizure.
83. Defendant Officer Tellez, acting under the color of law, caused Mr. Lurry to be seized when he stopped Mr. Lurry from walking away from the scene.
84. Defendant Tellez invaded Mr. Lurry's privacy by searching his person via a "pat-down" search.
85. Defendant Tellez did not have probable cause to believe that Mr. Lurry had committed a crime when Tellez searched and seized Mr. Lurry.
86. Defendant Tellez did not have reasonable suspicion to believe that Mr. Lurry had or was about to commit a crime when he searched and seized Mr. Lurry.
87. Defendant Tellez had no lawful justification for seizing or searching Mr. Lurry's person.
88. Such actions constitute deliberate indifference to Mr. Lurry's rights under the United States Constitution in violation of the Fourth and Fourteenth Amendments.
89. Defendant Tellez's conduct in unlawfully seizing and searching Mr. Lurry was undertaken with malice, willfulness and reckless indifference to Mr. Lurry's rights.

90. Acting under the color of law, Defendant Tellez also seized Mr. Lurry's money without probable cause or any other legal justification.

91. Defendant Tellez's conduct constituted an illegal seizure of property in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

92. Defendant Tellez's conduct was objectively unreasonable and undertaken intentionally with willful and wanton indifference to Mr. Lurry's constitutional rights.

93. As a direct and proximate result of the wrongful actions of Defendant Tellez, Mr. Lurry suffered loss of liberty, emotional distress, and loss of the use and enjoyment of his property.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officer Tellez, for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT VIII: 1983 FOURTH AMENDMENT - UNREASONABLE SEARCH OF
LURRY'S PERSON
(Against Defendants McCue and May)

94. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

95. At all times relevant herein the Decedent, Eric Lurry, was vested with, possessed and was guaranteed by the Fourth Amendment to the United States Constitution the right to be free from an unreasonable search.

96. Defendants McCue and May deprived Mr. Lurry of this Fourth Amendment right by using unreasonable methods to retrieve narcotics from Mr. Lurry's mouth.

97. Defendant McCue deprived Mr. Lurry of this Fourth Amendment Right by forcing a baton into Mr. Lurry's mouth to retrieve narcotics without medical assistance and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

98. Defendant Officer May deprived Mr. Lurry of this Fourth Amendment Right by pinching Mr. Lurry's nose closed thereby restricting his ability to take in oxygen for almost two minutes to retrieve narcotics, without medical assistance and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

99. Defendant Officer May deprived Mr. Lurry of this Fourth Amendment Right by slapping Mr. Lurry in his face and saying "Wake up, bitch" in an effort to retrieve narcotics from Mr. Lurry's mouth without medical assistance and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

100. Defendants' conduct was objectively unreasonable and undertaken intentionally with willful and wanton indifference to Mr. Lurry's constitutional rights.

101. As a result of Defendants' conduct, Eric Lurry died.

WHEREFORE, the Plaintiff prays for judgment against Defendants McCue and May, jointly and severally, for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT IX: 1983 FOURTH AMENDMENT - EXCESSIVE FORCE
(Against Defendants McCue and May)

102. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

103. At all times relevant herein the Decedent, Eric Lurry, was vested with, possessed and was guaranteed by the Fourth Amendment to the United States Constitution the right to be free from unreasonable, unjustifiable and excessive force.

104. Defendant Officer McCue deprived Mr. Lurry of this Fourth Amendment Right by forcing a baton into Mr. Lurry's mouth to retrieve narcotics without medical assistance

and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

105. Defendant Officer May deprived Mr. Lurry of this Fourth Amendment Right by pinching Mr. Lurry's nose closed thereby restricting his ability to take in oxygen for almost two minutes to retrieve narcotics, without medical assistance and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

106. Defendant Officer May deprived Mr. Lurry of this Fourth Amendment Right by slapping Mr. Lurry in his face and saying "Wake up, bitch" in an effort to retrieve narcotics from Mr. Lurry's mouth without medical assistance and while Mr. Lurry was handcuffed behind his back in obvious distress and in need of immediate medical attention.

107. The actions of Defendant Officers were willful, intentional and malicious and/or done with reckless indifference to and callous disregard for Plaintiffs' rights.

108. As a result of Defendant Officers' conduct, Eric Lurry died.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officers McCue and May, jointly and severally, for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT X: 1983 SUBSTANTIVE DUE PROCESS - FAILURE TO PROVIDE MEDICAL ATTENTION
(Against All Individual Defendants)

109. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

110. At all times relevant herein the Decedent, Eric Lurry, was vested with, possessed and was guaranteed by the Fourteenth Amendment to the United States Constitution the substantive due process right to life, liberty and personal security.
111. Eric Lurry was in Defendants' custody at the time of the subject incident.
112. As such Defendants had a duty to provide medical services to Mr. Lurry who was in obvious need of such services.
113. Eric Lurry had a serious medical need at the time of the incident evinced by his inability to understand and comprehend the Defendants' directives, his eyes rolling back into his head, his inability to stay alert and his inability to speak.
114. Defendants knew that Eric Lurry had a serious medical need because they observed the behavior set forth in Paragraph 110 and were deliberately indifferent to that need.
115. Despite this knowledge, Defendants failed to summon immediate medical attention for Mr. Lurry.
116. Defendants' failure to provide Mr. Lurry with immediate medical care under these circumstances, constitutes deliberate indifference.
117. As a direct result of such conduct, Eric Lurry died.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officers, jointly and severally, for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT XI: 1983- FAILURE TO INTERVENE
(Against All Individual Defendants)

118. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

119. Defendants Tellez and Harrison had a reasonable opportunity to prevent Defendant McCue and May's (1) unreasonable search of Lurry's person and (2) excessive force against Mr. Lurry, but failed to do so.
120. Defendants McCue and May had a reasonable opportunity to prevent each other's unreasonable search of Lurry's person and excessive force against Mr. Lurry, but failed to do so.
121. Defendant McCue had a reasonable opportunity to prevent Defendant Tellez's unlawful seizure and unlawful pat-down search of Mr. Lurry's person as well as Defendant Tellez's unlawful seizure of Mr. Lurry's money, but failed to do so.
122. All Defendants had a reasonable opportunity to prevent one another from violating Mr. Lurry's substantive due process right receive immediate medical attention, but failed to do so.
123. As a result of the Defendant Officers' failure to intervene, Mr. Lurry suffered physical and emotional injuries as well as loss of liberty, loss of the use and enjoyment of his property and death.
124. Defendant Officers' misconduct was objectively unreasonable and was undertaken intentionally with malice, willfulness and reckless indifference to Plaintiff's rights.

WHEREFORE, the Plaintiff prays for judgment against Defendant Officers, jointly and severally, for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT XII: 1983- SUPERVISORY LIABILITY
(Against Defendant Harrison)

125. Plaintiff incorporates all previous paragraphs as though fully set forth herein.

126. At all relevant times, Defendant Harrison was the supervisor of Defendants May, McCue and Tellez.
127. Defendant Harrison was personally involved in depriving Mr. Lurry of his constitutional rights in that he facilitated, approved of and condoned the unreasonable force used against Mr. Lurry by Defendants May and McCue as set forth in Count IX of this Complaint.
128. Defendant Harrison was personally involved in depriving Mr. Lurry of his constitutional rights in that facilitated, approved of and condoned the conduct of Defendants May, McCue and Tellez in their failure to provide immediate medical attention to Mr. Lurry despite the obvious need.
129. Defendant Harrison's conduct was undertaken intentionally with malice, willfulness and reckless indifference to Mr. Lurry's rights.

WHEREFORE, the Plaintiff prays for judgment against Defendant Harrison for an award of reasonable compensatory and punitive damages, plus attorneys' fees and costs.

COUNT XIII—INDEMNIFICATION

130. Plaintiff hereby incorporates all previous paragraphs as though fully set forth herein.
131. At all relevant times, Defendant City of Joliet was the employer of the individual Defendants.
132. The individual Defendants committed the acts alleged above under the color of law and in the scope of their employment as employees of the City of Joliet.
133. In Illinois, public entities are directed to pay for any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

134. As a proximate cause of the unlawful acts of the individual Defendants, which occurred within the scope of their employment, Plaintiff was injured.

WHEREFORE, should any of the individual Defendants be found liable on one or more of the federal claims set forth above, Plaintiff demands, pursuant to 745 ILCS 10/9-102, that Defendant City of Joliet be found liable for any compensatory judgment Plaintiff obtains against said individual Defendant(s), plus attorneys' fees and costs awarded and such other and additional relief that this Court deems equitable and just.

COUNT XIV—RESPONDEAT SUPERIOR

135. Plaintiff hereby incorporates all previous paragraphs as though fully set forth herein.

136. In committing the acts alleged in the preceding paragraphs, the individual Defendants were agents of the City of Joliet and were acting at all relevant times within the scope of their employment and under color of law.

137. Defendant City of Joliet is liable as principal for all torts committed by its agents.

WHEREFORE, should any of the individual Defendants be found liable on one or more of the state claims set forth above, Plaintiff demands that, pursuant to *respondeat superior*, Defendant City of Joliet be found liable for any compensatory judgment Plaintiff obtains against said Defendant(s), as well as costs awarded.

JURY DEMAND

Plaintiff requests trial by jury.

NOTICE OF ASSIGNMENT

Please be advised the all rights relating to attorneys' fees have been assigned to counsel.

Respectfully submitted,

/s/ Abby D. Bakos

Abby D. Bakos

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