

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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|-----------------------------------|---|-----------------------------|
| WENDY PYLE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:16-cv-748 |
| |) | |
| INDIANA STATE POLICE TROOPER |) | |
| BRIAN HAMILTON, in his individual |) | |
| capacity, |) | <u>JURY TRIAL REQUESTED</u> |
| |) | |
| Defendant. |) | |

Complaint for Damages

Introduction

1. After conducting a traffic stop at which Indiana State Police Trooper Brian Hamilton presented Wendy Pyle with a warning ticket, Trooper Hamilton proceeded to prolong the stop by asking Ms. Pyle what church she attended and whether she had been saved. He then told her about his church and gave Ms. Pyle directions to it. Trooper Hamilton has previously been sued for similar proselytizing behavior that prolonged a traffic stop and, on information and belief, has been counseled not to engage in such behavior. Ms. Pyle was extremely uncomfortable about this interaction. The actions of defendant Trooper Hamilton violated Ms. Pyle’s rights under both the First and Fourth Amendments to the United States Constitution. Ms. Pyle is entitled to both compensatory and punitive damages.

Jurisdiction, venue, and cause of action

- 2. This Court has jurisdiction of this case pursuant to 28 U.S.C. §§ 1331 and 1343.
- 3. Venue is proper in this district pursuant to 28 U.S.C. § 1391 inasmuch as the events giving rise to the claim took place in Fayette County, Indiana.

4. This case is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

5. Wendy Pyle is an adult resident of Fayette County, Indiana.

6. Trooper Brian Hamilton is an adult employed by the Indiana State Police.

Facts

7. In January of 2016 Ms. Pyle was stopped by Trooper Brian Hamilton, who was on duty, as she pulled into the driveway to her home.

8. Trooper Hamilton was driving a marked Indiana State Police car.

9. Trooper Hamilton informed her that she had been speeding and that he would give her a warning ticket.

10. Trooper Hamilton returned to his patrol car and then came back to Ms. Pyle, who remained in her car in her driveway, with a warning ticket.

11. Trooper Hamilton parked his car in such a way that Ms. Pyle could not have backed her car out if she had wanted to leave.

12. Trooper Hamilton handed Ms. Pyle her warning ticket.

13. Trooper Hamilton did not, after delivering the ticket, end the traffic stop.

14. Instead, Trooper Hamilton asked Ms. Pyle what church she attended and whether he was saved.

15. Ms. Pyle was extremely uncomfortable with these questions. In order to hopefully end these inquiries Ms. Pyle indicated That she did attend a church and that she was saved.

16. However, Trooper Hamilton did not end the stop, but instead invited Ms. Pyle to his church and gave her directions to it.

17. Only then did Trooper Hamilton return to his car and end the traffic stop.
18. Prior to this time Ms. Pyle did not feel free to leave and a reasonable person would not have felt that she was free to leave.
19. Ms. Pyle filed a formal complaint about Trooper Hamilton's behavior and was told that the matter would be taken care of and that she would suffer no backlash.
20. Nevertheless, shortly thereafter Ms. Pyle was approached by someone who attended church with Trooper Hamilton who informed her that Trooper Hamilton had placed her on a prayer list.
21. Ms. Pyle believes that everyone has a First Amendment right to believe and worship as they wish. However, she found it very intimidating to be blocked in by Trooper Hamilton while he asked her extremely personal and inappropriate questions.
22. Given all the circumstances, the proselytizing by Trooper Hamilton of Ms. Pyle was coercive. It was unwanted.
23. It was also extremely upsetting.
24. The proselytizing and coercive questions about religion and religious beliefs unreasonably prolonged the traffic stop.
25. Trooper Hamilton was alleged to have engaged in similar behavior in litigation entitled *Bogan v. Hamilton*, No. 1:14-cv-1545- RLY-DML (S.D. Ind.).
26. That litigation was settled. The settlement involved, among other things, Trooper Hamilton receiving an Employee Counseling Behavior that, on information and belief, concerned not engaging in such proselytizing behavior during traffic stops.
27. At all times defendant acted under color of state law.

28. Trooper Hamilton acted with the intention of violating Ms. Pyle's rights or with reckless or callous indifference regarding those rights and is therefore liable for punitive damages.

Jury trial demand

29. Plaintiff requests a trial by jury of all claims so triable.

Legal claims

30. To the extent that Trooper Hamilton unreasonably extended the length of the traffic stop beyond the time necessary to present Ms. Pyle with a warning ticket Trooper Hamilton violated the Fourth Amendment to the United States Constitution.

31. Trooper Hamilton's proselytizing and coercive questions concerning Ms. Pyle's religious beliefs violated the First Amendment to the United States Constitution.

Request for relief

WHEREFORE, Wendy Pyle requests that this Court:

- a. Accept jurisdiction of this case and set it for hearing at the earliest opportunity.
- b. Award her damages and punitive damages after a trial by jury.
- c. Award her costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
- d. Enter all other necessary and proper relief.

s/ Kenneth J. Falk

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s/ Jan P. Mensz

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