

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

Jeana K. Reinbold, solely as Chapter 7)
Trustee of the Bankruptcy Estate of)
Chauncey Ramon Carnes,)
)
)
Plaintiff,) No. 20-cv-____
)
-vs-)
)
) (*jury demand*)
City of Chicago and Chicago Police)
Officers Delgado #4780 and Swank,)
#11337,)
Defendants.)

COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is conferred by 28 U.S.C. § 1343 and 28 U.S.C. § 1367.
2. Plaintiff Jeana K. Reinbold brings this action solely in her capacity as Chapter 7 Trustee of the Bankruptcy Estate of Chauncey Ramon Carnes.
3. Carnes filed a chapter 7 bankruptcy case in the United States Bankruptcy Court for the Central District of Illinois on April 29, 2020 which was assigned case number 20-80509. Plaintiff was appointed as chapter 7 trustee of Carnes's bankruptcy case on that date and continues to serve as trustee of the case.

4. Pursuant such appointment, Plaintiff is charged with the duties of collecting and reducing to money the property of the bankruptcy estate for which the trustee serves for the benefit of the bankruptcy estate.

5. Upon the filing of the bankruptcy case, Plaintiff became the owner and real party in interest with respect to the claims set forth in this complaint.

6. On August 5, 2020, Plaintiff's application to hire undersigned counsel to assist the Plaintiff in pursuing and prosecuting the claims set forth in this complaint was allowed by the Bankruptcy Court.

7. Chauncey Carnes is an African-American male.

8. Defendant City of Chicago is a municipal corporation organized and existing under the laws of the State of Illinois.

9. Defendant Chicago Police Officer Delgado, #4780 and Chicago Police Officer Swank, #11337 were at all times relevant acting under color of their office as police officers of defendant City of Chicago. Plaintiff sues defendants Delgado and Swank in their individual capacities.

10. On February 2, 2020 at about 10:00 p.m., Carnes was lawfully operating his motor vehicle in the City of Chicago, traveling westbound on 57th Street in the vicinity of South Stewart Avenue.

11. At the above-referred date, time, and place, defendants Delgado and Swank stopped Carnes's vehicle and ordered Carnes to produce documents showing that he was lawfully operating the vehicle.

12. Neither defendant Delgado nor defendant Swank had a lawful basis to conduct the traffic stop and appear to have been motivated by their perceptions of Carnes's race.

13. Carnes complied with the officers' order and produced the requested documents, which showed that Carnes was lawfully operating the vehicle.

14. Defendants Delgado and Swank instructed Carnes to remain in his car and either Delgado or Swank walked to the officers' vehicle.

15. Shortly thereafter Delgado and Swank returned to Carnes, ordered him to step out of the car and handcuffed him.

16. Neither defendant Delgado nor defendant Swank had a lawful basis to perform the above-described acts; these officers thereby subjected Carnes to an unreasonable seizure in violation of the Fourth Amendment.

17. Defendants Delgado and Swank continued to detain Carnes while they searched his vehicle.

18. The search did not turn up any contraband or any evidence of a crime.

19. Neither defendant Delgado nor defendant Swank had a lawful basis to continue to detain Carnes or to search his vehicle; these officers thereby subjected Carnes to an unreasonable search and seizure in violation of the Fourth Amendment.

20. Carnes remained at the scene with defendants Delgado and Swank until two additional officers arrived. At the direction of defendants Delgado and Swank, these officers searched Carnes and transported him to the Seventh District police station.

21. Neither defendant Delgado nor defendant Swank had a lawful basis to order the continued detention of Carnes or to order the search of his person; these officers thereby subjected Carnes to an unreasonable search and seizure in violation of the Fourth Amendment.

22. As a direct and proximate result of the above described acts, Carnes was searched and detained in a cell at the Seventh District police for several hours until defendant Delgado or defendant Swank informed Carnes that there was no basis for his detention.

23. Carnes was released shortly thereafter without any charges after Delgado or Swank had admitted that there was no basis for his detention.

24. Carnes made a prompt complaint about the police misconduct to Chicago's Civilian Office of Police Accountability, which logged his complaint as number 0000571.

25. As a result of the foregoing, Carnes was deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States, incurred physical harm, was deprived of his liberty, and suffered other damages.

26. Plaintiff hereby demands trial by jury.

WHEREFORE Plaintiff requests that judgment be entered in favor of Jeana K. Reinbold, solely as Chapter 7 Trustee of the Bankruptcy Estate of Chauncey Ramon Carnes and against Defendants Delgado and Swank for appropriate compensatory and punitive damages, and that the Court enter a declaratory judgment that defendant City of Chicago is liable as the indemnitor of defendants Delgado and Swank for any award of compensatory damages. Plaintiff also requests that the Court award fees and costs against Defendants.

/s/ Kenneth N. Flaxman
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