

Exhibit 1

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

LUIS ROLDAN,)
Plaintiff,)
v.) No. 17-cv-3707
TOWN OF CICERO, DETECTIVE JASON) JURY DEMAND
STROUD, DETECTIVE JOHN SAVAGE,)
DETECTIVE EDUARDO ZAMORA,)
DETECTIVE ALFRED AURIEMMA,)
DETECTIVE ATTILIO FIORDIROSA, AND)
UNKNOWN CICERO POLICE OFFICERS,)
Defendants.)

AMENDED COMPLAINT

NOW COMES the Plaintiff, LUIS ROLDAN, by and through his attorney, LAW OFFICE OF SAMUEL SHIM, for his complaint against the TOWN OF CICERO, DETECTIVE JASON STROUD, DETECTIVE JOHN SAVAGE, DETECTIVE EDUARDO ZAMORA, DETECTIVE AL AURIEMMA, DETECTIVE ATTILIO FIORDIROSA, and UNKNOWN CICERO POLICE OFFICERS (collectively “Defendants”), states as follows:

Introduction

1. This action is brought pursuant to 42 U.S.C. Section 1983 to redress the deprivation under color of law of plaintiffs rights as secured by the United States Constitution.
2. As a result of the defendants' malfeasance, including but not limited to, failure to disclose relevant *Brady/Giglio* material regarding the alleged victim, Plaintiff ROLDAN and ABRAHAM RAMOS were wrongfully convicted of a criminal sexual assault that they did not commit. ROLDAN was sentenced to 8 years' imprisonment and RAMOS was sentenced to 12 years' imprisonment.

3. In all, plaintiff ROLDAN spent over three years in the custody in the Illinois Department of Corrections

4. After asserting their innocence for many years without success, the Illinois appellate court reversed plaintiff ROLDAN and RAMOS' convictions outright. The appellate court issued the mandate on ROLDAN's appeal on November 13, 2015. The mandate on RAMOS's appeal was issued on April 29, 2016.

5. As a direct and proximate result of the acts of the defendants described herein, plaintiff has suffered and continues to suffer damages including loss of his physical liberty, emotional distress, and other nonpecuniary losses.

6. Plaintiff brings this action seeking compensatory damages to remedy his injuries as well as punitive damages against each defendants.

Jurisdiction and Venue

7. This action is brought pursuant to 42 U.S.C. § 1983 and Illinois law to redress the Defendants' tortious conduct and their deprivation of Plaintiff's rights secured by the United States Constitution.

8. This Court has jurisdiction of Plaintiff's federal claims pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction of his state-law claims pursuant to 28 U.S.C. § 1337.

9. Venue is proper under 28 U.S.C. § 1331(b). Plaintiff resides in this judicial district. In addition, Plaintiff's criminal case was investigated, tried, and appealed in this judicial district, such that a substantial part of the events and omissions giving rise to Plaintiff's claims occurred within this judicial district.

The Parties

10. At the time when the events giving rise to this case occurred, plaintiff ROLDAN was a

21-year-old working as a delivery truck driver. RAMOS was an 18-year-old student at Morton High school. Plaintiff had never been arrested nor had any trouble with the law, and, to this date, plaintiff has never been arrested, nor had any trouble with the law other than the unlawful arrest and imprisonment complained of herein.

11. Presently, plaintiff ROLDAN is 27-years-old and is employed at The Boulevard in the housekeeping department.

12. The individual defendants are duly appointed and sworn Town of Cicero police detectives and employees of the Cicero Police Department or were employees at the time of the events described in this case.

13. At all relevant time period, all individual defendants were acting in the course and scope of their employment and under color of state law, ordinance and/or regulation.

14. All individual defendants are sued in their individual capacities.

15. Defendant Town of Cicero, is an Illinois Municipal Corporation, and was and is the employer of Defendant detectives and unknown Cicero police officers. The Town of Cicero is responsible for the acts of defendant detectives and officers while employed by the Town of Cicero and while acting within the scope of their employment.

Factual Allegations

Cicero Fire Department Contact with J.T.

16. The members of the Cicero Fire Department arrived at the house at approximately 11:24 P.M. on March 6, 2011 in response to a call of an intoxicated female.

17. The Cicero paramedics found J.T. lying in bed, and was told by J.T.'s family members that she had been drinking alcohol earlier that day with friends.

18. No allegations of any sexual assault were made to the Cicero Fire Department personnel.

19. J.T. told the paramedics that she “drank Vodka.”

20. The paramedics noted the absence of any signs of trauma, breathing difficulty nor vomiting.

21. J.T. also denied using any drugs.

22. J.T. was belligerent and swearing at her parents as she was eventually taken away by the paramedics.

23. Upon arriving at MacNeal Hospital, J.T. told the hospital personnel that she could not recall what happened.

24. Specifically, J.T. could not recall if she had had sexual intercourse. J.T. denied ever being sexually active.

25. J.T., however, remembered that she had been with friends and had been drinking.

26. J.T. told the hospital personnel, while crying, that she was scared to go home and stated, “My mom’s going to yell at me.”

27. J.T.’s mother requested sexual assault kit be performed on J.T.

28. No defense wounds were noted on J.T. during exam. J.T. was given medications to treat vomiting only until the next morning.

Police Investigation and Arrest of ROLDAN

29. On March 6, 2011, at approximately 10:59 P.M., Officers Savaglio and Ellison of the Cicero Police Department were dispatched to 1833 S. 59th Street, in Cicero, Illinois to respond to a call of a juvenile female under the influence of alcohol.

30. Officer Savaglio spoke to Isamar Baez who lives at 1833 S. 59th Street that a person named “Luis” was involved in an incident who lived down the block who drive a gray Nissan.

31. Officer Savaglio canvassed the area and located a gray Nissan Altima that was registered to Luis Roldan of 1819 S. 59th Street.

32. Officer Savaglio relocated to 1819 S. 59th Street and spoke with Luis Roldan.

33. When Savaglio asked ROLDAN if he knew what happened at this friend's house down the block, ROLDAN allegedly said, "yeah, those girls who got drunk?"

34. When Savaglio asked if he was present at the "original location," ROLDAN allegedly said, "yeah[,] I was there too but I didn't buy the alcohol."

35. At that point, on March 6, 2011, ROLDAN was arrested and transported to the Cicero Police Department by Officer Savaglio.

36. On March 7, 2011, at 1:30 A.M., Defendants ZAMORA and AURIEMMA spoke to J.T. who told them that she could not remember anything after she left the movies with her friends.

Trial Evidence

37. On January 4, 2013, a joint bench trial commenced before the Honorable Noreen V. Love, in the Circuit Court of Cook County, Criminal Division.

38. The evidence adduced by the prosecution, specifically Assistant State's Attorney Paul Joyce in the Cook County State's Attorney's Office, established that on March 6, 2011, J.T., Yesenia Guerrero and Esperanza Castellanos had planned to go to a movie theater in Cicero, Illinois to celebrate Yesenia's seventeenth birthday.

39. When the trio could not decide which movie to see, they called RAMOS and he arrived at the theater with his female cousin, Isamar Baez. The entire group then drove to RAMOS' aunt's house in Cicero, Illinois, where RAMOS was living at the time.

40. Upon arriving at RAMOS' aunt's home, RAMOS gave Yesenia a one-liter bottle of

vodka that was one-third to one-half full and told her it was her birthday gift.

41. J.T. took a drink from the bottle after Yesenia began drinking straight from the bottle.

When Yesenia finished the bottle of vodka, RAMOS produced another bottle of vodka for them to drink.

42. At that time, plaintiff ROLDAN arrived at the home with some orange juice which was used to make mixed drinks. Everyone then began playing drinking games.

43. Later, they decided to buy the orange juice from Walgreen's. Esperanza, RAMOS, J.T. and ROLDAN walked to Walgreen's. Yesenia stayed and slept at the home of RAMOS' aunt because she was too drunk to walk.

44. J.T. and ROLDAN kissed in Walgreen's.

45. Later, J.T. had an argument with RAMOS outside the store.

46. J.T. asked ROLDAN to have sex. They had sex in ROLDAN's car after they came out from Walgreen's.

47. When J.T. returned from Walgreen's to the home of RAMOS' aunt, based on the testimonies of Yesenia, Esperanza, Isamar and RAMOS, she seemed fine and did not look like she was drunk.

48. After J.T. returned home of RAMOS' aunt, she and Esperanza made a "silly" video in the bathroom together to post on Facebook, during which J.T. had no trouble responding to Esperanza's questions and did not need assistance getting off the toilet or walking out of the bathroom.

49. A few minutes later J.T. had sex with RAMOS in the bedroom. RAMOS testified that J.T. asked him to have sex and kissed him. RAMOS testified that during the sex J.T. was behaving normally. RAMOS testified that Esperanza was knocking the door so that they

finished the sex. RAMOS testified that he gave J.T. a blue pants and J.T. put them on.

RAMOS testified that J.T. then went back the bed and he stepped out the room.

50. J.T.'s parents arrived at the house a few minutes later and discovered J.T. lying on the bed in a boy's pants. J.T. appeared to be unconscious.

51. Based on J.T. testimony, she remembered almost everything until the argument with RAMOS outside the store, and her next recollection was hearing "a lot of loud noise" and sitting in a chair in the hospital the following morning.

52. On January 7, 2013, after a bench trial before the Honorable Judge Noreen Love, ROLDAN and RAMOS were found guilty of Criminal Sexual Assault. Subsequently, RAMOS was sentenced to 12 years' imprisonment while ROLDAN was sentenced to 8 years' imprisonment.

Illinois Appellate Court's Outright Reversals of Roldan and Ramos' Convictions

53. On September 14, 2015, Illinois Appellate Court reversed outright plaintiff ROLDAN's conviction for criminal sexual assault and issued the mandate on November 13, 2015.

54. On February 16, 2016, the Appellate Court reversed outright plaintiff RAMOS' conviction and issued the mandate on April 29, 2016.

55. In both cases, the appellate court found that the evidence was insufficient to prove the defendant's guilt beyond a reasonable doubt.

U Visas for J.T. and Her Family

56. The Department of Homeland Security, through U.S. Citizenship and Immigration Services (USCIS), provides immigration benefits to people who are entitled to stay in the United States on a temporary or permanent basis.

57. A citizen of a foreign country who seeks to enter the United States ***must first*** obtain a

United States visa, unless specifically waived.

58. Adjustment of status to that of a lawful permanent resident is available to any otherwise eligible foreign national who has been "inspected and admitted or paroled" into the United States. If an applicant has not been inspected and admitted or inspected and paroled before filing an adjustment application, the officer **must** deny the adjustment application.

59. The Victims of Trafficking and Violence Protection Act was enacted to strengthen the ability of law enforcement agencies to investigate and prosecute serious crimes and trafficking in persons, while offering protections to victims of such crimes without the immediate risk of being removed from this country. The qualifying criminal activities are: rape; sexual assault; abusive sexual contact; stalking; sexual exploitation; domestic violence; felonious assault; prostitution; murder; manslaughter; incest; female genital mutilation; slave trade; abduction; blackmail; extortion; false imprisonment; fraud in foreign labor contracting; hostage; involuntary servitude; kidnapping; obstruction of justice; peonage; perjury; torture; trafficking; witness tampering; unlawful criminal restraint; any similar activity where the elements of the crime are substantially similar; or the attempt, conspiracy, or solicitation to commit any of the above and other related crimes.

60. A U-visa is a temporary visa issued by the USCIS providing temporary legal status and eligibility to work in the United States for up to 4 years.

61. However, U nonimmigrants may apply for adjustment of status to that of a lawful permanent resident during the pendency of the 4-year period if they have been physically present in the United States for a continuous period of at least three years since being admitted as a U nonimmigrant.

62. In addition, if the victim of the above-listed crimes is under 21 years of age, the victim

may petition for her parents and unmarried siblings under age of 18 for their independent U visas, as the victim's qualifying family members.

63. J.T. and her family would end their life as undocumented illegal aliens and start their new life as lawful permanent residents if, but only if J.T. is certified by Defendants as a victim of the above-listed crimes and only the above-listed crimes and nothing else.

Count I - 42 U.S.C. § 1983

Fourth Amendment-Arrest and Detention without Probable Cause

64. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully restated herein.

65. On March 6, 2011, plaintiff was arrested by members of the Cicero Police Department in his home at 1819 S. 59th Street, Cicero, Illinois.

66. At the time of plaintiff's arrest, none of the arresting officers had a warrant authorizing the arrest of the plaintiff.

67. At the time of the arrest, none of the arresting officers believed that a warrant had been issued authorizing the arrest of the plaintiff.

68. At the time of the arrest, none of the arresting officers had observed plaintiff commit any criminal offense.

69. At the time of the arrest, none of the arresting officers had received any information from any source that plaintiff had committed any criminal offense as it relates to J.T.

70. Upon information and belief, after arresting the plaintiff, the arresting officers and other members of the Cicero Police Department, including the named detective defendants, conspired and agreed to fabricate a story in an attempt to justify the unlawful arrest, and to cause the plaintiff to be wrongfully detained and prosecuted.

71. The acts of the arresting officers and detectives in furtherance of their scheme to justify their false arrest and wrongful detention and prosecution included the following:

- i. One or more of the arresting officers and detectives prepared police reports containing false account of how and where plaintiff was placed under arrest;
- ii. One or more of the arresting officers and detectives attested through the official police reports regarding the false account of the circumstances of plaintiff's arrest;
- iii. One or more of the arresting officers and detectives communicated the false narrative to the prosecutors which resulted in plaintiff's wrongful detention and prosecution for the crime he did not commit.

72. Each of the wrongful acts of the arresting officers and detectives was performed with the knowledge that the acts would cause plaintiff to be wrongfully held and falsely prosecuted for an offense that he did not commit.

73. The actions of the defendants in falsely arresting and detaining plaintiff resulted in plaintiff being wrongfully prosecuted and convicted.

74. The plaintiff's Fourth Amendment claim is not subject to the two-year statute of limitation and should not be dismissed where his claim is more akin to a claim for malicious prosecution, which accrues only when the proceedings are terminated in plaintiff's favor. *See Carter v. City of Chicago*, 2018 WL 1726421, 17 cv 7241, Gettleman, J. (N.D. Ill., April 10, 2018), citing *Hurlbert v. Chares*, 238 Ill.2d 248 (2010)). *See also Bolden v. City of Chicago*, 2017 WL 8186995 (N.D. Ill. December 12, 2017); *Powell v. City of Chicago*, 2018 WL 1211576 (N.D. Ill. March 8, 2018)

WHEREFORE, plaintiff demands judgment against these defendants for compensatory damages, and, because these defendants acted maliciously, willfully, wantonly, and/or with

reckless disregard for plaintiff's constitutional rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this Court deems equitable and just.

Count II - 42 U.S.C. § 1983

Violation of Due Process under the Fourteenth Amendment

75. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully restated herein.

76. Defendants, despite knowing that probable cause did not exist to arrest and prosecute plaintiff for the alleged assault on J.T., acted individually and in concert to cause plaintiff and RAMOS to be arrested and prosecuted for that crime, thereby violating plaintiff's right pursuant to the Fourth and Fourteenth Amendments of the United States Constitution to be free of unreasonable searches and seizures and to due process.

77. Specifically, despite the fact that the defendants were aware of information that probable cause did not exist to arrest plaintiff and RAMOS, the defendants intentionally caused plaintiff and RAMOS to be arrested and prosecuted for the alleged assault on J.T.

78. Furthermore, the defendants intentionally withheld from and misrepresented to defense counsels and the judge relevant exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83, 87 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972).

79. To apply for a U visa, the form I-918, Supplement B, U Nonimmigrant Status Certification, **must** be signed by and authorized official of the certifying law enforcement agency and the official **must** confirm that the applicant was helpful, and is currently being helpful, or will likely be helpful in the investigation or prosecution of the case.

80. Upon information and belief, J.T. and her family applied for and were subsequently granted their U visas and currently, they are lawful permanent residents of the United States

because of their false accusations against the plaintiff and RAMOS.

81. But for the defendants' certification of criminal activity and J.T.'s status as a victim of the enlisted crimes, J.T. and her family would not have been able to apply for a U visa.

82. But for the defendants' certification, J.T. and her family would not have been able to submit their I-192, Application for Advance Permission to Enter as a Nonimmigrant with USCIS, which in effect, forgives their illegal border crossing and ultimately leads them to permanent residency and U.S. citizenship.

83. Upon information and belief, there was an agreement or an understanding between the defendants and J.T. and her family whereby the defendants agreed to certify to the USCIS J.T.'s status as a victim of one or more of the listed statutorily qualifying crimes, justifying J.T.'s and her family's legal stay in the U.S. and in exchange, J.T. would provide all necessary evidence, truthful and/or false, to qualify her as a victim of one of the enlisted crimes.

84. Upon information and belief, defendants conspired and agreed among themselves and with J.T. to assist J.T. in obtaining a U-Visa in return for her false testimony at plaintiff and RAMOS' trial.

85. Upon information and belief, defendants conspired and agreed among themselves and with J.T. that in exchange for her false testimony against plaintiff and RAMOS, defendants would sign or cause to be signed the U-Visa certification.

86. The existence of such an agreement between the police and J.T. is corroborated by J.T. telling one of her friends that her parents' attorney had advised her parents that they can become United States citizens through the criminal prosecution of plaintiff and RAMOS.

87. Defendants knew or should have known prior to arresting plaintiff that J.T. had not alleged any criminal conduct, let alone any improper conduct on part of plaintiff or RAMOS.

88. Defendants knew or should have known that J.T. had in fact told the police after RAMOS was arrested: "Leave him alone, he didn't do anything."

89. Defendants knew or should have known that Cicero Fire Department simply received a call for an intoxicated female and no one reported any crime initially.

90. Defendants knew or should have known that the medical personnel could not find any defensive wounds on J.T. during their examination of J.T. and that J.T. was given medications to treat vomiting only.

91. Defendants knew or should have known that it was J.T.'s mother, not J.T., who requested sexual assault kit be performed on J.T.

92. Defendants knew or should have known that J.T. had, in fact, denied ever being sexually active to the hospital personnel and told them that she could not recall if she had had sexual intercourse.

93. Defendants knew or should have known that J.T. was in fact, making a video to post on Facebook, telling RAMOS to tell her parents that the movie had not started when J.T.'s parents were calling, and all of the evidence contradicted J.T.'s false accusation that the plaintiff and RAMOS had sexually assaulted her while she was unconscious.

94. Defendants along with the prosecutors in the underlying criminal prosecution knew or should have known that the promised U-Visa assistance on the part of the police and the prosecutors were favorable to the defense under *Brady* and *Giglio*. See *United States v. Blanco*, 392 F.3d 382 (9th Cir. 2004).

95. Notwithstanding knowing about their obligations under *Brady* and *Giglio* to disclose such favorable evidence to the defense, the defendants in concert with the prosecution, intentionally failed to disclose such material information to the defense.

96. The defendants performed the above-described acts deliberately, with reckless disregard for the truth, and with malice.

97. As a direct and proximate result of the defendants' actions plaintiff was wrongly convicted and imprisoned and was deprived of his freedom for more than three years, and suffered the other grievous and continuing injuries and damages as set forth above.

WHEREFORE, plaintiff demands judgment against these defendants for compensatory damages, and, because these defendants acted maliciously, willfully, wantonly, and/or with reckless disregard for plaintiff's constitutional rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this Court deems equitable and just.

Count III - 42 U.S.C. § 1983

Monell Claim against Town of Cicero

98. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully restated herein.

99. Upon information and belief, the actions of defendant detectives, as alleged above, were done pursuant to one or more interrelated *de facto* policies, practices and/or customs of the Defendant Town of Cicero, its Police Department, Police Board, and/or City Council.

100. Upon information and belief, at all times material to this complaint, defendant Town of Cicero and its Police Department had interrelated *de facto* policies, practices, and customs which included, *inter alia*:

- i. filing false reports and giving false statements and pursuing and obtaining wrongful prosecutions and false imprisonments on the basis of such reports and statements;
- ii. the failure to properly train, supervise, discipline, transfer, monitor, counsel and/or otherwise control police officers, particularly those who were repeatedly accused of

wrongful imprisonments, malicious prosecutions and wrongful convictions and of making false reports and statements;

- iii. the police code of silence, specifically in cases where police officers refused to report or otherwise covered up instances of police misconduct, and/or the fabrication, suppression and destruction of evidence of which they were aware, despite their obligation under the law and police regulations to do so;
- iv. covering up, suppressing and withholding exonerating, exculpatory, and/or other evidence favorable to criminal defendants.

101. Said interrelated policies, practices and customs, as set forth above, both individually and together, were maintained and implemented with deliberate indifference, encouraged, *inter alia*, the fabrication, manipulation, and alteration of evidence, the making of false statements and reports, the giving of false testimony, and the pursuit and continuation of wrongful convictions and false arrests and imprisonments, and were, separately and together, a direct and proximate cause of the unconstitutional acts committed by the named defendants and their co-conspirators, and the injuries suffered by the plaintiff.

102. Additionally, said failure to properly train, discipline, monitor, control, assign, transfer, supervise, and counsel the police defendants was done with deliberate indifference and likewise acted as a direct and proximate cause of the injuries to plaintiff.

103. On the basis of the foregoing, Town of Cicero is liable to plaintiff for his injuries.

104. Plaintiff's injuries were also caused by the policies and practices on the part of the Town of Cicero of failing to disclose *Brady/Giglio* evidence and other exculpatory evidence where it is designed to encourage prosecutions and secure convictions regardless of actual guilt or innocence.

105. Upon information and belief, Municipal policy makers and department supervisors were aware of, and condone and facilitate by their inaction, a code of silence in the Cicero Police Department and the Town of Cicero, by which officers fail to report and otherwise lie about misconduct committed by other officers, such as the misconduct at issue in this case.

106. Upon information and belief, the Town of Cicero failed to timely act to remedy the patterns of abuse described in the preceding sub-paragraphs, despite the actual knowledge of the same, thereby ratifying the unlawful practices and causing the types of injuries described herein.

107. Upon information and belief, the policies and practices described in the foregoing paragraphs were consciously approved at the highest policy making level for decisions involving the Town of Cicero, and were a proximate cause of the injuries suffered here by the plaintiff.

108. On the basis of the foregoing, the Town of Cicero is liable to plaintiff for his injuries.

WHEREFORE, plaintiff demands judgment against these defendants for compensatory damages, and, because these defendants acted maliciously, willfully, wantonly, and/or with reckless disregard for plaintiff's constitutional rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this Court deems equitable and just.

Count IV - State Law Claim

Malicious Prosecution

109. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully set forth herein.

110. The Defendant Officers accused Plaintiff of criminal activity knowing those accusations to be without genuine probable cause, and they made statements to prosecutors with the intent of exerting influence and to institute and continue the judicial proceedings.

111. The Defendant Officers and caused Plaintiff to be improperly subjected to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

112. Statements of the Defendant Officers regarding Plaintiff's alleged culpability were made with knowledge that those statements were false and perjured.

113. The Defendant Officers were aware that, as described more fully above, no true or reliable evidence implicated Plaintiff in the alleged sexual assault of J.T. and all inculpatory evidence was coerced or fabricated.

114. The Defendant Officers withheld the facts of their manipulation and the resulting fabrications from Plaintiff.

115. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and reckless indifference to the rights of others.

116. The charges that were not supported by probable cause were instituted against Plaintiff were ultimately terminated in Plaintiff's favor.

117. As a direct and proximate cause of the aforesaid misconduct, plaintiff sustained and continues to sustain injuries, including pain and suffering.

WHEREFORE, plaintiff demands judgment against these defendants for compensatory damages, and, because these defendants acted maliciously, willfully, wantonly, and/or with reckless disregard for plaintiff's constitutional rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this Court deems equitable and just.

Count V - State Law Claim

Intentional Infliction of Emotional Distress

118. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully set forth herein.

119. The acts and conduct of the Defendant Officers as set forth above were extreme and outrageous. The Defendants' actions were rooted in an abuse of power or authority, and they were undertaken with an intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as alleged more fully above.

120. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer severe emotional distress.

WHEREFORE, plaintiff demands judgment against these defendants for compensatory damages, and, because these defendants acted maliciously, willfully, wantonly, and/or with reckless disregard for plaintiff's constitutional rights, for punitive damages, plus the costs of this action, attorneys' fees and such other relief as this Court deems equitable and just.

Count VI - State Law Claim

Respondeat Superior

121. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully set forth herein.

122. The acts of the defendant detectives described in the claims specified above, were willful and wanton, and committed in the scope of their employment. Therefore, as the principal, the Defendant TOWN OF CICERO is liable for its agents' actions under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff demands judgments against the CITY OF CIERO and such other and additional relief that this Honorable Court deems just and equitable.

Count VII - State Law Claim

Indemnification

123. Plaintiff re-alleges and incorporates each paragraph of this amended complaint as if fully set forth herein.

124. At all relevant time period, defendant detectives and officers were employees of Defendant TOWN OF CICERO.

125. The above-described acts of defendants were willful and wanton.

126. The above-described acts of Defendants were committed in the scope of their respective employment.

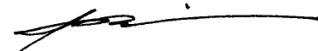
127. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant TOWN OF CICERO is liable for any judgments in this case arising from the actions of defendant detectives.

WHEREFORE, Plaintiffs ask that this Honorable Court order Defendant TOWN OF CICERO to indemnify defendant detectives for any judgment entered in this case arising from the actions of defendant detectives.

Jury Demand

128. Plaintiffs, Luis Roldan and Abraham Ramos demand a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable

Respectfully submitted,



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