

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

Benjamin K. Herrington,	)	
	)	
<i>Plaintiff,</i>	)	
	)	No. _____
-vs-	)	
	)	<i>(jury demand)</i>
Grundy County Sheriff's Deputy	)	
Aaron Cory, and Grundy County,	)	
Illinois,	)	
	)	
<i>Defendants.</i>	)	

**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 Benjamin K. Herrington is a resident of the Northern District of Illinois.
3. Defendant Aaron Cory was at all times relevant acting under color of his authority as a law enforcement officer employed by the Sheriff of Grundy County, Illinois.
4. Defendant Grundy County is joined in this action as the potential indemnitor of defendant Cory. Plaintiff does not assert any federal claim against defendant Grundy County.

5. On April 25, 2022, law enforcement officers employed by the Illinois State Police and the Sheriff of Grundy County arrested plaintiff in Grundy County, Illinois.

6. Plaintiff does not challenge the existence of probable cause to arrest.

7. Three law enforcement officers, including defendant Cory, placed plaintiff under arrest, as depicted in the following image of plaintiff's arrest on April 25, 2022:



8. The canine officer in the above image is defendant Cory.

9. After the officers depicted above had subdued plaintiff and at a time when plaintiff did not present an imminent threat of harm, defendant Cory released his dog, instructed the animal to bite plaintiff, and stood by while the dog bit plaintiff on his right leg, specifically on his right pretibial

and lateral mid-calf, causing plaintiff to receive bite wounds and incur serious personal injuries.

10. The scene at about the time defendant Cory's dog inflicted bite wounds on plaintiff's right leg is depicted below:



11. The bite wounds caused plaintiff to experience severe pain and suffering requiring medical treatment and physical therapy and caused plaintiff to be permanently disfigured.

12. Defendant Cory did not have a reasonable basis to instruct his dog to bite plaintiff or to stand by while his dog bit plaintiff, and he thereby caused plaintiff to be deprived of rights secured by the Fourth Amendment to the Constitution of the United States.

13. Plaintiff hereby demands trial by jury.

WHEREFORE plaintiff requests:

1. Appropriate compensatory and punitive damages against the Defendant Cory,
2. A declaratory judgment that defendant Grundy County is liable for any judgment for compensatory damages against defendant Cory, and
3. That the costs of this action, including attorneys' fees, be taxed against defendants.

/s/ Kenneth N. Flaxman  
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