

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

Nickolas Howell,)
)
 Plaintiff,) No. 25-cv-_____
)
 -vs-) (jury demand)
)
 City of Chicago and Chicago Police)
 Officers Nicu Tohatan and)
 Brandon Renault, deceased,)
)
 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. § 1333 and 28 U.S.C. § 1337.

2. Nickolas Howell is an African American resident of the Northern District of Illinois.

3. Defendants Nicu Tohatan and Brandon Renault were at all times relevant acting under color of their authority as police officers employed by defendant City of Chicago.

4. Defendant Renault is deceased. Plaintiff will move for appointment of a Special Representative to defend this action for Renault.

5. Defendant City of Chicago is joined in this action solely as the potential indemnitor of defendants Tohatan and Renault.

6. On February 19, 2024, defendants Tohatan and Renault conducted a full custodial arrest of plaintiff for a variety of non-violent motor vehicle infractions.

7. In the course of making the custodial arrest, one or more of defendants Tohatan and Renault ordered plaintiff to step out of his vehicle, handcuffed him, and removed him from the vicinity of the vehicle.

8. Plaintiff does not challenge the legality of the above described arrest.

9. At the time they arrested plaintiff for the motor vehicle infractions, neither defendant Tohatan nor defendant Renault could have reasonably believed that they would find evidence of those infractions in the car.

10. There was no possibility that plaintiff could gain access to the vehicle when the officers search his car: Plaintiff was handcuffed and had been moved from the vicinity of the vehicle.

11. Neither defendant Tohatan nor Renault could have reasonably believed that a search of the vehicle, after the officers had handcuffed plaintiff and removed him from the vicinity of the vehicle, was necessary for officer safety.

12. After defendants Tohatan and Renault handcuffed plaintiff and removed him from the vicinity of the vehicle, one or more of defendants Tohatan and Renault searched plaintiff's vehicle.

13. In the alternative, one or more of defendants Tohatan and Renault directed another police officer to search plaintiff's vehicle.

14. Plaintiff observed officers search the vehicle and became upset, humiliated, and distressed as he saw the officers conduct a search that he knew was unlawful; plaintiff was especially distressed because he believed that the search was motivated by racial animus towards him.

15. As a result of the foregoing, plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States and suffered compensable injuries.

16. Plaintiff demands trial by jury.

WHEREFORE plaintiff requests judgment in his favor for an appropriate amount of compensatory damages against the officer defendants, for an award of appropriate punitive damages against defendant Tohatan only, and that the Court declare that defendant City of Chicago is obligated to indemnify the officer defendants for any award of compensatory damages, and order that the costs of this action, including fees and costs, be taxed against all defendants.

/s/ Kenneth N. Flaxman
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