

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

MARTESA LEE,

Plaintiff,

v.

CITY OF CHICAGO, a municipal
corporation, Chicago Police Officer
RAYMOND J. HARAN, and Chicago Police
Sergeant WILLIAM J. SPYKER,

Defendants.

No. 20-CV-1508

Jury Trial Demanded.

COMPLAINT AT LAW

NOW COMES Plaintiff MARTESA LEE, complaining of the Defendants, CITY OF CHICAGO, a municipal corporation; Chicago Police Officer RAYMOND J. HARAN, and Chicago Police Sergeant WILLIAM J. SPYKER, and states the following:

JURSDICTION AND VENUE

1. This action arises under the Constitution of the United States, particularly the Fourth and Fourteenth Amendments to the Constitution of the United States, under the laws of the United States, particularly the Civil Rights Act, Title 42 of the United States Code, Sections 1983 and 1988, and under the laws of the State of Illinois.

2. The jurisdiction of this Court is invoked under the provisions of Title 28 of the United States Code, Sections 1331 and 1343. Plaintiff also invokes the supplemental jurisdiction of this Court pursuant to Title 28 of the United States Code, Section 1367.

3. Venue is proper in the United States District Court for the Northern District of Illinois under Title 28 of the United States Code, Section 1391(b)(2), as the events complained of occurred within this district.

PARTIES

4. At all times relevant herein, Plaintiff MARTESA LEE (hereinafter “Martesa”) was a resident of the CITY OF CHICAGO, County of Cook, State of Illinois, and a citizen of the State of Illinois.

5. At all times relevant herein, Defendant RAYMOND J. HARAN (hereinafter “Defendant Haran”) was a sworn police officer employed by Defendant CITY OF CHICAGO, and was acting within the scope of his agency, service and/or employment with the CITY OF CHICAGO, and was acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois.

6. At all times relevant herein, Defendant WILLIAM J. SPYKER (hereinafter “Defendant Spyker”) was a sworn police officer/sergeant employed by Defendant CITY OF CHICAGO, and was acting within the scope of his agency, service and/or employment with the CITY OF CHICAGO, and was acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois.

7. Defendant CITY OF CHICAGO is a municipal corporation organized, existing and doing business under the laws of the State of Illinois, and at all times relevant provided police services in the CITY OF CHICAGO through the Chicago Police Department.

8. At all times relevant herein, the Defendant, CITY OF CHICAGO, employed a force of police officers who served through the Chicago Police Department and who

were assigned to work within various geographical areas within the CITY OF CHICAGO.

FACTS

9. On or about February 4, 2020, at or around 2:00 p.m., Martesa was employed and working on duty as a supervisor for the Chicago Transit Authority (“CTA”). She was wearing a blue CTA coat with the CTA logo displayed prominently, and a hat with a metal badge on the front displaying the words “Supervisor Chicago Transit Authority”.

10. On or about February 4, 2020, at or around 2:00 p.m., Martesa was the assigned Person In Charge (“PIC”) on the scene of a stabbing that had taken place at the Jackson station of the CTA’s Red Line. One of her responsibilities as the PIC was to determine whether trains should stop at the station as usual, or bypass the station in the aftermath of the stabbing.

11. As she walked on the station platform, Martesa observed police officers standing around, including Defendant Haran. As Martesa was walking on the platform, communicating on her radio, Defendant Haran approached her from behind, and without saying a word, grabbed her and pushed her forward toward the blue edge of the platform.

12. Martesa turned around and advised Defendant Haran not to put his hands on her. Defendant Haran stated something to the effect that he was the police, and could do as he pleased.

13. Martesa then approached Defendant Spyker, and advised him that she wished to file a complaint against Defendant Haran.

14. Defendant Spyker advised Martesa that if she pursued her complaint, she could be arrested.

15. Feeling intimidated and threatened, Martesa informed Defendant Spyker that she would contact someone else.

16. At this point, Defendant Haran approached, and spoke with Defendant Spyker outside of Martesa's hearing. Then, Defendant Spyker asked Defendant Haran if Martesa had obstructed the crime scene. Initially, Haran did not respond, but eventually, he said, "Yes." Defendant Spyker then directed Defendant Haran to arrest Martesa. Immediately thereafter, Defendant Haran pulled Martesa's hands behind her back and placed her in handcuffs.

17. Neither defendant read Martesa her rights or informed her why she was being placed in custody.

18. Martesa was forced to stand on the train platform in handcuffs for approximately 15 minutes, in front of passengers, her colleagues, and television cameras.

19. Eventually, Martesa was released. She was never charged with a crime.

20. That evening, Martesa saw herself on television, handcuffed at her place of business like a criminal.

COUNT I – FEDERAL CLAIM
EXCESSIVE FORCE
DEFENDANT HARAN

21. Each paragraph of this Complaint is incorporated as if restated fully herein.

22. The force used against Martesa by Defendant Haran was unnecessary and objectively unreasonable under the circumstances.

23. The actions of Defendant Haran constituted unreasonable, unjustifiable, and excessive force against Martesa, violating her rights under the Fourth Amendment to the United States Constitution, through 42 U.S.C., § 1983.

24. As a direct and proximate cause of the above-detailed actions of Defendant Haran, Martesa has suffered severe pecuniary damages, including physical and emotional pain and suffering.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendants Haran and Spyker in a fair and reasonable amount, including compensatory and punitive damages, reasonable attorneys' fees, and for any additional relief this Court deems just and proper.

COUNT II – FEDERAL CLAIM
VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS
DEFENDANTS HARAN AND SPYKER

25. Each paragraph of this Complaint is incorporated as if restated fully herein.

26. Defendant Spyker violated Martesa's First Amendment Rights by threatening her with the possibility of arrest if she persisted in lodging a complaint about the misconduct of Defendant Haran.

27. Defendants Haran and Spyker further violated Martesa's First Amendment rights by handcuffing and detaining her in retaliation for her statement that she wanted to file a complaint about the misconduct of Defendant Haran.

28. As a proximate result of Defendants Haran and Spyker's misconduct, Martesa suffered loss of liberty, physical and mental anguish, and emotional pain and suffering.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendants Haran and Spyker in a fair and reasonable amount, including compensatory and punitive damages, reasonable attorneys' fees, and for any additional relief this Court deems just and proper.

COUNT III – FEDERAL CLAIM
UNLAWFUL DETENTION
DEFENDANTS HARAN AND SPYKER

29. Each paragraph of this Complaint is incorporated as if restated fully herein.

30. Defendants Haran and Spyker caused Martesa to be detained unreasonably and without probable cause, and without reasonable suspicion, resulting in her unlawful detention, in violation of the Fourth Amendment to the U.S. Constitution

31. As a proximate cause of Defendants Haran and Spyker's misconduct, Martesa suffered loss of liberty, physical and mental anguish, and emotional pain and suffering.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendants Haran and Spyker in a fair and reasonable amount, including compensatory and punitive damages, reasonable attorney's fees, and for any additional relief this Court deems just and proper.

COUNT IV – FEDERAL CLAIM
FALSE ARREST/ILLEGAL SEIZURE
DEFENDANTS HARAN AND SPYKER

32. Each paragraph of this Complaint is incorporated as if restated fully herein.

33. Defendants Haran and Spyker arrested and/or seized Martesa without probable cause to believe she had committed a crime, in violation of the Fourth Amendment to the U.S. Constitution.

34. At all times relevant, Defendants Haran and Spyker were acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois, and within the scope of their employment as Chicago police officers.

35. As a proximate cause of Defendants Haran and Spyker's misconduct, Martesa suffered loss of liberty, physical and mental anguish, and emotional pain and suffering.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendants Haran and Spyker in a fair and reasonable amount, including compensatory and punitive damages, reasonable attorney's fees, and for any additional relief this Court deems just and proper.

COUNT V— STATE CLAIM
BATTERY
CITY OF CHICAGO

36. Each paragraph of this Complaint is incorporated as if restated fully herein.

37. In the manner described more fully above, Defendant City of Chicago, by its agent, Defendant Haran, knowingly and without legal justification or permission, committed an offensive and harmful touching of Martesa, thereby constituting battery under Illinois law.

38. As a direct and proximate result of the Defendant's acts, Martesa experienced severe pecuniary damages, including physical and emotional pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendant City of Chicago in a fair and reasonable amount, and for any additional relief this Court deems just and proper.

COUNT VI — STATE CLAIM
FALSE IMPRISONMENT
CITY OF CHICAGO

39. Each paragraph of this Complaint is incorporated as if restated fully herein.

40. In the manner described more fully above, Defendant City of Chicago, by its agents, Defendants Haran and Spyker, restrained Martesa without having reasonable grounds to believe that she committed an offense.

41. The actions of Defendant City of Chicago, by and through its agents, were done willfully and wantonly so as to constitute the tort of false imprisonment under the laws and Constitution of the State of Illinois.

42. The actions of Defendant City of Chicago, by and through its agents, were done intentionally, or with such reckless disregard for their natural consequences as to constitute the tort of false imprisonment under the laws and Constitution of the State of Illinois.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendant City of Chicago in a fair and reasonable amount, and for any additional relief this Court deems just and proper.

COUNT VII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
CITY OF CHICAGO

43. Each paragraph of this Complaint is incorporated as if restated fully herein.

44. Defendant CITY OF CHICAGO, by and through its agents, Defendants Haran and Spyker, engaged in extreme and outrageous conduct against Martesa as set forth herein.

45. By subjecting Martesa to such conduct, Defendant CITY OF CHICAGO, by and through its agents, intended to inflict severe emotional distress upon her and knew that its conduct would cause her severe emotional distress.

46. As a direct and proximate result of Defendant's outrageous conduct, Martesa was injured, and suffered severe emotional distress.

WHEREFORE, the Plaintiff, MARTESA LEE, prays for judgment against Defendant City of Chicago in a fair and reasonable amount, and for any additional relief this Court deems just and proper.

COUNT VIII -- INDEMNIFICATION CLAIM
CITY OF CHICAGO

43. Each paragraph of this Complaint is incorporated as if restated fully herein.

44. At all relevant times, CITY OF CHICAGO was the employer of Defendants Haran and Spyker.

45. Defendants Haran and Spyker committed the acts alleged above under color of law and in the scope of their employment as employees of the CITY OF CHICAGO.

46. Illinois law provides that governmental entities are directed to pay any tort judgment for any damages for which employees are liable within the scope of their employment activities.

WHEREFORE, should either or both Defendants HARAN and SPYKER be found liable on one or more of the claims set forth above, the Plaintiff, MARTESA LEE, demands that, pursuant to Illinois law, Defendant CITY OF CHICAGO be found liable for any judgment plaintiff obtains against Defendants HARAN and/or SPYKER, as well as attorney's fees and costs awarded, and for any additional relief this Court deems just and proper.

DATED: March 2, 2020

Respectfully submitted,

By: /s/ Jordan Marsh
Attorney for Plaintiff

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