

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

BRIAN DORIAN,)	
)	Case No.
Plaintiff,)	
)	Judge
v.)	
)	Magistrate Judge
PAUL KAUPAS, SHERIFF OF WILL)	
COUNTY; JAMES GLASGOW, WILL)	Jury Demand
WILL COUNTY STATE’S ATTORNEY;)	
WILL COUNTY DETECTIVE MORELLI;)	
Individually and Officially, and,)	
WILL COUNTY,)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiff, BRIAN DORIAN, by and through his attorneys, Gregory E. Kulis & Associates, Ltd., and complaining against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY; JAMES GLASGOW, WILL COUNTY STATE’S ATTORNEY; WILL COUNTY DETECTIVE MORELLI, individually and officially, and WILL COUNTY, as follows:

INTRODUCTION

On October 7, 2010, a SWAT team unit for the Will County Sheriff’s Department armed with automatic weapons descended upon the home of Lynwood Police Officer Brian Dorian and took him into custody, arresting him as the “Honey Bee Killer,” a gunman who went on a shooting/killing spree for several days. Despite little or no evidence that Officer Dorian was that Brian Dorian was the “Honey Bee Killer,” the Sheriff of Will County along with the States Attorney within hours charged Brian Dorian with murder. The following day October 8, 2010, the Sheriff of Will County, Paul

Kaupas and Will County States Attorney, James W. Glasgow held a sensationalized press conference announcing to the world that they had the “Honey Bee Killer.” Brian Dorian was held in a cell at the Will County Detention Center. Over the next several days the Defendant officials put forth a false picture of Brian Dorian as a cop and a killer.

On October 13, 2010 all charges against Brian Dorian were dropped and Brian Dorian was released from the Will County Detention Center.

COUNT I — 42 U.S.C. §1983 DUE PROCESS VIOLATIONS

1. This action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983, and the laws of the State of Illinois, to redress deprivations of the civil rights of the Plaintiff, BRIAN DORIAN, accomplished by acts and/or omissions of the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY; JAMES GLASGOW, WILL COUNTY STATE’S ATTORNEY; and DETECTIVE MORELLI, individually and officially, committed under color of law.

2. Specifically, as a result of the egregious misconduct by the Defendants, the Plaintiff, BRIAN DORIAN, was wrongfully arrested and charged for crimes he did not commit.

3. The Plaintiff, BRIAN DORIAN, at all times was a sworn police officer for the Village of Lynwood, Illinois.

4. The Defendant, PAUL KAUPAS, SHERIFF OF WILL COUNTY at all relevant times was the Sheriff of Will County acting within his scope of employment and under the color of law.

5. The Defendant, DETECTIVE MORELLI, at all relevant a time was a Detective with the Will County Sheriff's Department acting within his scope of employment and under color of law.

6. The Defendant, JAMES GLASGOW, at all relevant a time was the Will County State's Attorney, acting within his scope of employment and under color of law.

7. The Defendant, WILL COUNTY, is directed by statute to pay any judgment for compensatory damages (and associated attorneys' fees and costs) for which any WILL COUNTY employee acting within the scope of his/her employment is found liable. Accordingly, WILL COUNTY is an indemnification party.

8. On Thursday, October 7, 2010 the Plaintiff, BRIAN DORIAN was at his home when Defendant, DETECTIVE MORELLI and other officers of the Will County Sheriff's Department descended on his home and had him arrested at gun point.

9. The arrest was based on alleged coerced and influenced information of one of the victims that was running from the "Honey Bee Killer."

10. This arrest and charges were placed against the Plaintiff, BRIAN DORIAN, despite the fact that there was an alleged joint task force between the Sheriff of Will County and Indiana Police which showed that Plaintiff BRIAN DORIAN could not be the "Honey Bee Killer."

11. An Indiana victim of the "Honey Bee Killer," Keith Dahl, described the truck used in the shootings in detail, which did not match Plaintiff, BRIAN DORIAN'S truck.

12. The physical descriptions of the “Honey Bee Killer” and the Plaintiff were different. The “Honey Bee Killer” was described as having no facial hair; the Plaintiff, BRIAN DORIAN, had facial hair.

13. The Defendants, by and through their agents, knowingly presented the witness, Keith Dahl, with an improper identification procedure. The Defendants, by and through their agents, unduly influenced the witness, Keith Dahl, to lead him to speculate that the Plaintiff might be the “Honey Bee Killer.”

14. The victim Kevin Dahl’s information was predisposed to say that Plaintiff, BRIAN DORIAN might be the “Honey Bee Killer”.

15. Even with the predisposition predicted, the Defendants listed the information given by the victim Kevin Dahl as maybe 90% accurate.

16. Immediately upon his arrest, the Plaintiff, BRIAN DORIAN, cooperated fully with all questions.

17. He informed investigators of his whereabouts during the time of the shootings which could be verified by videos along routes and streets he was traveling.

18. In addition, Plaintiff BRIAN DORIAN, when questioned informed the Defendants he could not have done these things because he was on his computer at the time of the “Honey Bee Killer” crimes.

19. There was no probable cause to arrest Plaintiff, BRIAN DORIAN.

20. The Defendants searched Plaintiff, BRIAN DORIAN’S home and found no evidence implicating him in the “Honey Bee” shootings.

21. Despite the same, the next day a press conference was held announcing that Police Officer BRIAN DORIAN was arrested and charged with the “Honey Bee Shootings.”

22. The Defendants fabricated evidence and supplied slanderous and defamatory information to the press in order to justify their actions.

23. Plaintiff, BRIAN DORIAN, at all times was innocent of any such crimes pertaining to the “Honey Bee Shootings.”

24. Absent the misconduct of the Defendants, the arrest and charges against the Plaintiff, BRIAN DORIAN, should not have been pursued.

25. As a direct and proximate consequence of said conduct of the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY; JAMES GLASGOW, WILL COUNTY STATE’S ATTORNEY; and DETECTIVE MORELLI, the Plaintiff, BRIAN DORIAN, suffered violations of his constitutional rights, emotional anxiety, fear, monetary loss, and pain and suffering.

26. The actions of the Defendants were unreasonable and done in a willful and wanton fashion.

WHEREFORE, the Plaintiff, BRIAN DORIAN, prays for judgment in his favor and against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY; JAMES GLASGOW, WILL COUNTY STATE’S ATTORNEY; and DETECTIVE MORELLI, jointly and severally, in an amount in excess of One Million Dollars and 00/100 (\$1,000,000.00) in compensatory damages and One Million Dollars and 00/100 (\$1,000,000.00) in punitive damages, plus attorneys’ fees and costs.

COUNT II — 42 U.S.C. §1983 FALSE ARREST

1-26. The Plaintiff, BILL DORIAN, hereby re-alleges and incorporates his allegations of paragraphs 1-26 of Count I as his respective allegations of paragraph 1-26 of Count II as though fully set forth herein.

27. There was no probable cause to arrest the Plaintiff, BRIAN DORIAN.

28. The allegations against the Plaintiff, BRIAN DORIAN were false.

29. Plaintiff, BRIAN DORIAN was at all times innocent of said charges.

WHEREFORE, the Plaintiff, BRIAN DORIAN, prays for judgment in his favor and against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY; JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY; and DETECTIVE MORELLI, jointly and severally, in an amount in excess of One Million Dollars and 00/100 (\$1,000,000.00) in compensatory damages and One Million Dollars and 00/100 (\$1,000,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT III — 42 U.S.C. §1983 FALSE IMPRISONMENT

1-26. The Plaintiff, BRIAN DORIAN, hereby re-alleges and incorporates his allegations of paragraphs 1-26 of Count I as his respective allegations of paragraphs 1-26 of Count III as though fully set forth herein.

27. After the Plaintiff, BRIAN DORIAN, was arrested, he was held in jail knowing the charges were false.

28. The Plaintiff, BRIAN DORIAN was falsely imprisoned from the date of his arrest, October 7, 2010, through the date of his release, October 13, 2010.

29. As a direct and proximate consequence of said conduct of the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, the Plaintiff, BRIAN DORIAN, suffered violations of his constitutional rights, emotional anxiety, fear, monetary loss, and pain and suffering.

WHEREFORE, the Plaintiff, BRIAN DORIAN, prays for judgment in his favor and against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, jointly and severally, in an amount in excess of One Million Dollars and 00/100 (\$1,000,000.00) in compensatory damages and One Million Dollars and 00/100 (\$1,000,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT IV – 42 U.S.C. §1983 CONSPIRACY

1-26. The Plaintiff, BRIAN DORIAN, hereby re-alleges and incorporates his allegations of paragraphs 1-26 of Count I as his respective allegations of paragraphs 1-26 of Count IV as though fully set forth herein.

27. The Defendants reached an understanding to push the false arrest of Plaintiff, BRIAN DORIAN, to intentionally inflict emotional distress and pain upon him.

28. The Defendants reached an understanding to rush the charges against Plaintiff, BRIAN DORIAN, to intentionally inflict emotional distress and pain upon him.

29. Formal charges were filed in court despite the fact that the Defendants knew that Plaintiff, BRIAN DORIAN, had not committed the "Honey Bee Shootings."

30. In furtherance of this conspiracy or conspiracies, the Defendants committed the overt acts set forth above including wrongful arrest and imprisonment knowingly concealing exculpatory evidence about Plaintiff, BRIAN DORIAN, but not limited to the making of knowing misstatements and presentation of false evidence.

31. As a direct and proximate consequence of said conduct of the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY and DETECTIVE MORELLI, the Plaintiff, BRIAN DORIAN, suffered violations of his constitutional rights, emotional anxiety, fear, monetary loss, and pain and suffering.

WHEREFORE, the Plaintiff, BRIAN DORIAN, prays for judgment in his favor and against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, jointly and severally, in an amount in excess of One Million Dollars and 00/100 (\$1,000,000.00) in compensatory damages and One Million Dollars and 00/100 (\$1,000,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT V – MALICIOUS PROSECUTION

1-26. Plaintiff re-alleges and incorporates his allegations of paragraphs 1-26 of Count I as his respective allegations of paragraphs 1-26 of Count V as though fully set forth herein.

27. The Defendants proceeded with criminal charges knowing they were false.

28. The Defendants withheld evidence which prohibited the matter from being resolved in a timely fashion.

29. As a result of the actions of the Defendants, the Plaintiff incurred emotional distress, fear, anxiety and monetary expense.

WHEREFORE, the Plaintiff, BRIAN DORIAN, prays for judgment in his favor and against the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, jointly and severally, in an amount in excess of One Million Dollars and 00/100 (\$1,000,000.00) in compensatory damages and One Million Dollars and 00/100 (\$1,000,000.00) in punitive damages, plus attorneys' fees and costs.

**COUNT VI – INDEMNIFICATION CLAIM PURSUANT TO
745 ILCS 10.9-102 AGAINST WILL COUNTY**

1. Plaintiff re-alleges all paragraphs of all counts above as though fully set forth herein.

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

3. Defendant, WILL COUNTY, is and/or was an employee of the Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, who acted within the scope of their employment for WILL COUNTY in committing the misconduct described herein.

WHEREFORE, should Defendants, PAUL KAUPAS, SHERIFF OF WILL COUNTY, JAMES GLASGOW, WILL COUNTY STATE'S ATTORNEY, and DETECTIVE MORELLI, be found liable for the acts alleged above, Defendant WILL

COUNTY would be liable to pay the Plaintiff any judgment obtained against said Defendants.

JURY DEMAND

The Plaintiff, BRIAN DORIAN, hereby requests a trial by jury.

Respectfully submitted,

/s/ Gregory E. Kulis

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