

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STEPHEN TRACY,	)	
	)	<b>Case No.</b>
	)	
<b>Plaintiff,</b>	)	<b>Judge</b>
v.	)	<b>Magistrate Judge</b>
	)	
<b>P.O. MICHAEL HULL, AND THE CITY</b>	)	<b>Jury Demand</b>
<b>OF NAPERVILLE,</b>	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

NOW COMES the Plaintiff, STEPHEN TRACY, by and through his attorneys, GREGORY E. KULIS AND ASSOCIATES, and complaining against the Defendants, P.O. MICHAEL HULL, individually, and the CITY OF NAPERVILLE as follows:

**COUNT I – UNREASONABLE/UNLAWFUL SEARCH  
AND UNLAWFUL DETENTION**

1) This action arises under the United States Constitution and the laws of the United States, specifically the Civil Rights Act of 1871 (42 U.S.C. §1983), to redress deprivations of the civil rights of Plaintiff through acts and/or omissions of Defendants committed under color of law. Specifically here, Defendants deprived Plaintiff of her rights under the Fourth and Fourteenth Amendments to the United States Constitution.

2) Jurisdiction is based upon 28 U.S.C. §§ 1343, & 1331.

3) Additionally, Plaintiff relies upon the Court’s supplemental jurisdiction of the State of Illinois.

4) Venue lies in the United States Court, Northern District of Illinois, pursuant to 28 U.S.C. § 1391, because all events or omissions giving rise to this claim occurred in this district.

5) At all relevant times herein mentioned STEPHEN TRACY was a resident of the State of Illinois and residing at 12 N. Main Street in Naperville, Illinois.

6) At all relevant times herein mentioned, Defendant, P.O. MICHAEL HULL was an officer of the Naperville Police Department and were acting under color of state law and as an employee or agent of the CITY OF NAPERVILLE, Illinois.

7) On or about October 24, 2014, the Plaintiff, STEPHEN TRACY was in his home.

8) The Plaintiff was not committing a crime or breaking any laws.

9) P.O. MICHAEL HULL knocked on the door with the Plaintiff's landlord demanding entry into the apartment.

10) The Plaintiff objected and refused.

11) The Defendant, P.O. MICHAEL HULL did not have a warrant for the Plaintiff's home, exigent circumstances or Plaintiff's consent.

12) The Plaintiff objected to said entry into his home but was threatened to be placed under arrest by Defendant P.O. MICHAEL HULL if he did not allow entry.

13) Despite complaining about their entry, the Defendant allowed the landlord and himself to enter the premises and detaining the Plaintiff.

14) The actions of the Defendant P.O. MICHAEL HULL were unlawful.

15) By reason of the above-described acts and omissions of the Defendant Police Officer, Plaintiff sustained humiliation, fear, and indignities, and mental and emotional pain and suffering.

16) The aforementioned acts of the Defendant, P.O. MICHAEL HULL were willful, wanton, malicious, oppressive, and done with reckless indifference to and/or callous disregard for Plaintiff's rights and justify the awarding of punitive damages.

17) Defendant's actions violated the Plaintiff's Fourth and Fourteenth Amendment rights under the Constitution, protected by 42 U.S.C. 28 U.S.C. §1983.

WHEREFORE the Plaintiff, STEPHEN TRACY, prays for judgment against the Defendants, P.O. MICHAEL HULL, jointly and severally, for reasonable compensatory damages and punitive damages, plus attorneys' fees and costs.

**COUNT II – INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS**

1-13) The Plaintiff hereby re-allege and incorporate her allegations of paragraphs 3-15 of Count I as his respective allegations of paragraphs 1-13 of Count II as though fully set forth herein.

14) The Plaintiff subsequently complained to the Chief of the Naperville Police Department.

15) The Naperville Police Department did not follow up with the Plaintiff's complaint.

16) In retaliation to the Plaintiff's complaint, Defendant P.O. MICHAEL HULL on occasion followed the Plaintiff and appeared at the Plaintiff's children's school to serve him with a ticket.

17) Said actions of the Defendant have put the Plaintiff in fear of his safety and the Plaintiff is fearful of further actions by P.O. MICHAEL HULL.

18) Said actions of the Defendants have caused Plaintiff extreme emotional distress.

WHEREFORE the Plaintiff prays for judgment against the Defendant P.O. MICHAEL HULL, for reasonable compensatory damages and punitive damages, plus and costs.

**COUNT III – INDEMNIFICATION/CITY OF NAPERVILLE**

1-34. The Plaintiff, STEPHEN TRACY hereby realleges and incorporates his allegations of paragraphs 1-16 of Count I, and 1-18 of Count II as his respective allegations of 1-34 of Count III as though fully set forth herein.

35. 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.

36. The Defendant, P.O. MICHAEL HULL is or was an employee of the City of Naperville Police Department who acted within the scope of his employment in committing the misconduct described herein.

WHEREFORE, should the individual Defendant be found liable for any of the acts alleged above, the Defendant, CITY OF NAPERVILLE, would be liable to pay the Plaintiff, STEPHEN TRACY any judgment obtained against the Defendants.

**COUNT IV – MONELL CUSTOM PRACTICE AND POLICIES**

1-34) The Plaintiff hereby realleges and incorporates his allegations of paragraphs 1-34 of Count III as his respective paragraphs of 1-34 of Count IV as though fully set forth herein.

35) The Plaintiff complained of the Defendant P.O. MICHAEL HULL'S actions.

36) The Defendant, CITY OF NAPERVILLE, did not respond to the Plaintiff.

37) The Defendant, CITY OF NAPERVILLE, did not investigate the Plaintiff's complaint.

38) The Defendant, CITY OF NAPERVILLE, has a custom practice and policy to ignore citizen complaints and sweep them under the carpet.

39) As a result, the Defendant, P.O. MICHAEL HULL realizes that his unlawful and tortious actions will not be investigated.

40) This custom practice and policy fosters unlawful constitutional and tortious conduct.

41) As a result thereof the Plaintiff STEPHEN TRACY'S rights were violated and he suffered injuries.

WHEREFORE the Plaintiff, STEPHEN TRACY prays for judgment against the CITY OF NAPERVILLE for reasonable compensatory damages and attorney's fees and costs.

**JURY DEMAND**

The Plaintiff, STEPHEN TRACY, requests a trial by jury.

Respectfully submitted,

STEPHEN TRACY

/s/ Gregory E. Kulis

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