

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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THOMAS J. GOOD,

*Plaintiff,*

Case No. 18-CV-461

*v.*

NATHAN ADAMS, GREG CISNEROS,  
AND CITY OF БЕЛОIT,

*Defendants.*

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**COMPLAINT**

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Plaintiff Thomas J. Good, by his attorneys, Strang Bradley, LLC, for his complaint against Defendants, state as follows:

**Introduction**

1. This is a lawsuit brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Thomas Good's constitutional right to be free from unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution.

2. On December 29, 2014, Beloit Police Department officers Nathan Adams and Greg Cisneros forcibly restrained and held Thomas Good down and ordered a phlebotomist to draw his blood against his will and without a warrant.

3. Plaintiff seeks actual or compensatory damages against Defendants, and because they acted recklessly and/or with callous indifference to the federally protected

rights of Plaintiff, punitive damages, plus the costs of this action, attorneys' fees, and such other and further relief that the Court deems just and equitable.

### **Jurisdiction and Venue**

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), and § 1343(a)(3) (42 U.S.C. §1983 jurisdiction).

5. Venue is proper under 28 U.S.C. § 1391(b)(2). A substantial part of the events or omissions giving rise to the claims asserted herein occurred within this judicial district.

### **Parties**

6. Plaintiff Thomas J. Good is an adult who resides in Avalon, Wisconsin.

7. Defendant City of Beloit is a Wisconsin municipal corporation and is and/or was the employer of the individual police officer Defendants and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment pursuant to WIS. STAT. § 895.46.

8. This Defendants Nathan Adams and Greg Cisneros were, at the time of this occurrence, employed as police officers in the City of Beloit Police Department. At all times relevant to this action, Defendants Nathan Adams and Greg Cisneros were engaged in the conduct complained of while they were on duty and in the course and scope of their employment with the City of Beloit and were acting under color of state law, ordinance, and/or regulation. Each of these Defendants is sued in his individual capacity.

### Facts

9. On December 29, 2014, Beloit Police Department officers Adams and Cisneros arrested Good.

10. Defendants transported Good to Beloit Memorial Hospital to draw his blood.

11. Good refused to consent to a search of his blood and Defendant's specifically acknowledge that Good told them that he was "not going to give us his blood."

12. Defendants told Good that they were going to draw his blood whether he agreed to it or not.

13. Despite Good's refusal to consent to a blood draw, Defendants Adams and Cisneros forcibly restrained and held Good down while ordering a phlebotomist to draw his blood against his will, without a warrant, and without any other permissible lawful reason to do so.

14. Defendants Adams and Cisneros had the opportunity, duty and ability to intervene on behalf of Plaintiff during their violation of Plaintiff's constitutional rights in one or more of the ways described above, but failed to do so.

15. Defendant Adams testified in Rock County Circuit Court on May 27, 2015, that he acted in the above manner pursuant to a written directive that when a citizen initially consents but then later refuses to consent to have his blood drawn within three hours of his arrest that officers should forcibly draw his blood without a search warrant.

16. On information and belief both the City of Beloit and its chief of police issued, adopted or ratified the above mentioned written policy and custom.

**COUNT I**

**42 U.S.C. § 1983 Claim for Unlawful Search and Seizure / Failure to Intervene  
(All Individually-Named Defendants)**

17. Plaintiffs reallege and incorporate by reference all of the allegations in all of the preceding paragraphs.

18. The actions of Defendants Adams and Cisneros in forcibly restraining and holding Thomas Good down while ordering a phlebotomist to draw his blood against his will without a warrant, and without any other permissible lawful reason to do so, and/or intentionally failing to prevent said abuse, despite having the opportunity and duty to do so, violated Plaintiff's Fourth Amendment right to be free from unreasonable search and seizure, and thus violated 42. U.S.C. § 1983.

19. Defendants acted recklessly and/or with callous indifference to the federally protected rights of Plaintiff.

20. As a direct and proximate result of these Defendants' unlawful action, Plaintiff has suffered, and will continue to suffer damages.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands actual or compensatory damages against Defendants Adams and Cisneros and because they acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees, and such other and further relief that the Court deems just and equitable. Additionally, Plaintiff asks this Court to find that the City of Beloit is liable to

defend this action against Defendants Adams and Cisneros, and to satisfy any judgment entered against them, by virtue of WIS. STAT. § 895.46.

**COUNT II**  
**42 U.S.C. § 1983 *Monell* Policy Claim**  
**(City of Beloit)**

21. Plaintiffs reallege and incorporate by reference all of the allegations in all of the preceding paragraphs.

22. The above alleged actions of Defendants Adams and Cisneros were done pursuant to one or more interrelated policies, practices and/or customs of the City of Beloit and its police department.

23. At all times material to this complaint, Defendant City of Beloit and its police department had interrelated policies, practices and/or customs to forcibly draw blood from a citizen against their will and without a warrant when a citizen initially consents but then later refuses to consent to have his blood drawn within three hours of his arrest.

24. These policies, practices and customs encouraged the above police misconduct and were separately and together, the moving force and a direct and proximate cause of the unconstitutional acts committed by Defendants Adams and Cisneros, and the injuries and damages sustained by Good.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands actual or compensatory damages against Defendant City of Beloit plus the costs of this action, attorneys' fees, and such other and further relief that the Court deems just and equitable.

**Jury Demand**

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38(b), on all issues so triable.

Respectfully submitted,

Dated: June 18, 2018

/s/ John H. Bradley  
John H. Bradley  
Strang Bradley, LLC  
33 E. Main St., Ste. 400  
Madison, WI 53703  
(608) 535-1550  
John@StrangBradley.com