

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER LILTEICH,

Plaintiff,

v.

Case No: 3:25-cv-00047

STATE OF WISCONSIN, WISCONSIN DEPARTMENT OF CORRECTIONS,
BRETT MIERZEJEWSKI, CANDICE ANDRYCHOWICZ,
JENNIFER BURNS, MATTHEW CONARD, RICK DREIKOSEN,
ZACHERY EBBEN, JOHN HALLE, LINDA HOLENTUNDER,
AMY KALMUS, CORINNA LEFEVER, CHRISTOPHER ROST,
LISA SCHNEIDER, NATHAN SCHROEDER, PATRICK VANDERWAAL,
SUSAN SICKINGER, MARK RAEDER, TERRY SCHUETT,
HAROLD BECK, JEREMY WILTZIUS, CHRISTOPHER BRUDEN,
MICHAEL EICHSTEDT, JOHN GLINIECKI, HEATHER HEINEN,
AMBER MOELLER, TODD GOLEMBESKI, RYAN WEHRMANN, &
WAYNE OLSON,

Defendants.

COMPLAINT

Plaintiff Christopher Lilteich, by his attorneys, Strang Bradley, LLC, for his complaint against Defendants, states:

INTRODUCTION

1. Correctional staff used excessive force against Plaintiff Christopher Lilteich while he was having an epileptic seizure – on three different occasions, twice at Kettle Moraine Correctional Institution and once at Oakhill Correctional Institution.

2. Lilteich has suffered from epilepsy since he was 15 years old.

3. On February 8, 2022, Lilteich was incarcerated at Kettle Moraine Correctional Institution.

4. That day, Lilteich experienced the early warning signs of a seizure during breakfast.

5. Lilteich ran to a correctional sergeant to tell him that Lilteich needed his seizure medication immediately.

6. On his way to speak to the sergeant, Lilteich experienced a major seizure.

7. Despite knowing that Lilteich suffered from seizures, the Defendants responded by tasing and using violent force against Lilteich while he seized.

8. As a result of Defendant's excessive force, Lilteich experienced pain and suffering, including abrasions on his face and scars on his wrist and ankles, and he continues to experience numbness in his hands.

9. On June 29, 2022, Lilteich suffered another seizure outside of his cell.

10. Defendants knew Lilteich was suffering another seizure; however, they again responded with unjustified force and held Lilteich face down on the prison floor for over 20 minutes.

11. Defendants' unjustified force caused Lilteich prolonged pain and injury.

12. On May 20, 2023, Lilteich suffered another seizure.

13. His cellmate called a sergeant for help.

14. Lilteich blacked out.

15. When he awoke, his wrists and ankles were again cut from being handcuffed.

JURISDICTION AND VENUE

16. This lawsuit is brought under 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act to redress the deprivation under color of law of Plaintiff Lilteich's rights as secured by the United States Constitution.

17. This Court has jurisdiction over federal claims under 28 U.S.C. § 1331.

18. Venue is proper under 28 U.S.C. § 1391(b). A substantial portion of the events giving rise to the claims asserted herein occurred within the judicial district. The Wisconsin Department of Corrections is headquartered within the judicial district.

FACTS

A. BACKGROUND

19. Plaintiff Lilteich developed epilepsy at age 15.

20. Epilepsy is a brain disorder that causes recurring, unprovoked seizures.

21. These seizures often cause Lilteich to lose consciousness and convulse.

22. During these seizures, Lilteich does not have control over his body.

23. Lilteich took Lamotrigine to treat his epilepsy.

24. In February of 2022, Lilteich was an inmate at Kettle Moraine Correctional Institution (KMCI) in Plymouth, WI.

25. While at KMCI, Lilteich was compliant with taking his Lamotrigine.

26. He also wore a medical bracelet that informed staff that he suffered from epileptic seizures.

B. 8 FEBRUARY 2022 INCIDENT

27. On the morning of February 8, 2022, Lilteich was standing in line waiting for breakfast at KMCI.

28. While in line, Lilteich began experiencing twitching.

29. Lilteich knew from prior experiences that twitching often preceded his seizures.

30. He left the line to ask a correctional officer for his seizure medication.

31. Lilteich told Defendant Sickinger that he needed to take his seizure medication because his hands were shaking.

32. Defendant Sickinger instructed Lilteich to return to his cell to retrieve his identification card and then to report to the south side officer's desk to get his medication.

33. Lilteich obeyed Defendant Sickinger and returned to his cell.

34. Sickinger told Defendant Holentunder everything that Lilteich had just communicated to her.

35. As Lilteich was walking from his cell to the south side officer's desk, he fell forward and began to experience a seizure.

36. Defendant Holentunder saw Lilteich fall over and begin to seize. She observed that "his whole body was shaking." Holentunder would later write in a report that Lilteich,

just dropped his tray and his hands were shaking. Inmate Lilteich walked back to his cell 12 to get his id and then started walking back to the south side officer's desk. As he was approaching the desk he starts to fall forward towards the desk and then falls on to his right to side to floor in front of the desk by the glass door divider of the unit. At approximately 6:41AM I called over the radio that unit 15 south side was having a medical issue as possible seizure. As he was on floor his whole body was shaking. F-Patrol COII Andrychowicz comes off the desk and is attempting to hold his head away from the desk and wall. I Sgt Holentunder come down off the desk to assist COII Andrychowicz. I called inmate Lilteich by his name to see if he could respond but he was still just shaking on the ground. COII Andrychowicz attempts to see if he repsonds by calling his name and still no response from him. At Approximately, 6:42AM CO II Schroeder comes over to the south side

37. Defendant Holentunder radioed to other officers at the prison that Lilteich was having a medical issue and possibly a seizure.

38. Defendants Mierzejewski, Andrychowicz, Kalmus, Lefeber, Beck, Schroeder, Schuett, Ebben, Vanderwaal, Halle, and Conard heard Defendant Holentunder's call over the radio.

39. Defendant Andrychowicz was working behind the south side officers' desk when Lilteich fell. She then observed Lilteich shaking on the ground.

40. A seizing individual should not be held down or restrained.

41. Defendant Andrychowicz exited the officers' desk and began holding Lilteich's head.

42. Defendants Holentunder and Andrychowicz then called out Lilteich's name to see if he could respond.

43. But Lilteich was unable to respond. Instead, he continued to shake on the ground.

44. Defendants Schroeder, Ebben, Vanderwaal, and Mierzejewski then arrived where Lilteich was seizing.

45. Despite knowing that Lilteich was seizing, Defendant Vanderwaal kneeled on Lilteich's legs.

46. Defendant Halle grabbed Lilteich's hands, and Defendant Ebben handcuffed him.

47. Because Lilteich was seizing and moving uncontrollably, the handcuffs cut and scraped Lilteich's wrists.

48. Defendant Ebben would later write that Lilteich was,

resistive. I was told to help restrain his hands. I grabbed ahold of Lilteich's right wrist and tried to keep his hands out in front of him so that he could not push his body up. Inmate Lilteich was very sweaty and his wrist started to bleed from him struggling against the hand-cuffs.

49. Defendants Schuett, Schneider, Halle, and Burns then arrived on scene.

50. Despite being aware that Lilteich was seizing and seeing that the wrist restraints were making him bleed, Defendant Schuett placed leg restraints on Lilteich.

51. Because Lilteich was seizing, the leg restraints cut and scraped Lilteich's legs and ankles.

52. Defendants Nurse Schneider and Nurse Burns arrived and then assessed Lilteich.

53. Nurses Schneider and Burns observed that Lilteich was experiencing a seizure that caused him to lose control of his bodily movements.

54. Despite knowing this, Defendants Schneider and Burns allowed the correctional officers to use force against Lilteich while he was seizing.

55. After Defendants Schneider and Burns accessed Lilteich, Defendant Vanderwaal knelt on Lilteich's upper legs.

56. During this time, Lilteich cried out for the officers and nurses on scene to help him. One correctional officer would later write,

After being placed into the recovery position, I/M Lilteich started to open his eyes and come to. HSU Burns and Schneider arrived on scene and started to document vitals and communicate with I/M Lilteich. I/M Lilteich became very disorientated and aggressive trying to pull away from staff and stating "help me." As I/M Lilteich increased in aggressiveness, Myself, Ofc. Andrychowicz, and Officer Vanderwaal situated I/M Lilteich to the prone position. At this point I had secured I/M Lilteich's back left shoulder, applying equal pressure down the muscle area of his back. Ofc. Andrychowicz and secured the back right shoulder, and Ofc. Vanderwaal had secured his legs. I communicated with I/M Lilteich to calm down, breath and relax. I/M Lilteich kept saying and repeated multiple times "help me," and started to buck his legs and pull away from staff. Multiple directives were given to I/M Lilteich to disengage in his actions and was told that staff was trying to help him.

57. While Lilteich continued to seize and lacked control over his bodily movements, Defendant Mierzejewski pulled out his taser, put it into Lilteich's back, and tased him,

approximately 6:45AM Sgt. Schuett, Nurse Lisa Schneider, and Nurse Jenny Burns on unit to access inmate Lilteich. Sgt Schuett assists with placing leg restraints on him. At approximately 6:47AM the nursing staff backs off from him to allow security staff to gain control of the situation. At 6:50AM Sgt Schuett takes both hands to hold down his ankles, while COII Vanderwaal kneeling over the upper legs to help gain control of inmate Lilteich. COII Schroeder goes around the desk and enters from the north side of the unit to assist with gaining control. At 6:53AM Lt. Mierzejewski pulls out his taser and puts it the mid back location and deploys taser. Inmate Lilteich was still fighting with

58. Being tased by Defendant Mierzejewski caused Lilteich to experience pain and suffering.

59. Defendant Mierzejewski knew that Lilteich suffered from seizures prior to February 8, 2022.

60. Defendants Schneider, Burns, Schuett, Vanderwaal, Ebben, Schroeder, Holentunder, Andrychowicz, Halle, and Sickinger saw Defendant Mierzejewski unholster his taser and aim it at Lilteich's back.

61. Defendants Schneider, Burns, Schuett, Vanderwaal, Ebben, Schroeder, Holentunder, Andrychowicz, Halle, and Sickinger knew Lilteich was experiencing a seizure and could not control his bodily movements.

62. Despite knowing this, Defendants Schneider, Burns, Schuett, Vanderwaal, Ebben, Schroeder, Holentunder, Andrychowicz, Halle, and Sickinger did not attempt to stop Defendant Mierzejewski from tasing Lilteich.

63. The taser had no impact on Lilteich movements because his movements were a result of an involuntary seizure rather than conscious resistance. Defendant Mierzejewski would later write,

he continued to resist staff. I removed the cartridge from my Taser placed it (Taser) below the right shoulder area of Lilteich and introduced a 5 second Drive Stun. The application didn't create any neuromuscular incapacitation, resulted in actually no reaction from Lilteich as he continued to be resistive towards staff.

64. After Defendant Mierzejewski tased a seizing Lilteich, Defendants Kalmus, Lefeber, Beck, Dreikosen, Raeder, Conard, Wiltzius, and Rost arrived on scene.

65. Defendants Kalmus, Lefeber, Beck, Dreikosen, Raeder, Conard, Wiltzius, and Rost observed Lilteich shaking on the floor.

66. Defendants Kalmus, Lefeber, Beck, Dreikosen, Raeder, Conard, Wiltzius, and Rost saw the other defendants using force against a helpless and seizing Lilteich.

67. However, Defendants Kalmus, Lefeber, Beck, Dreikosen, Raeder, Conard, Wiltzius, and Rost did not intervene to prevent the other defendants from using violent force against Lilteich while he seized.

68. Defendant Raeder then brought a restraint chair to the scene.

69. Lilteich was still seizing at this time and lacked control over his bodily movements.

70. Defendants Kalmus, Lefeber, Beck, Dreikosen, Raeder, Conard, Rost, Schneider, Burns, Schuett, Vanderwaal, Ebben, Schroeder, Holentunder, Andrychowicz, Mierzejewski, Wiltzius, Halle, and Sickinger remained on scene and knew that Lilteich was continuing to seize

71. A restraint chair is inappropriate and potentially harmful for an individual who is seizing.

72. Nevertheless, Defendants Vanderwaal, Andrychowicz, Conard, and Lefeber lifted Lilteich off the ground, placed him in the restraint chair, and applied the restraints, including a forehead restraint.

73. Defendants Kalmus, Beck, Dreikosen, Raeder, Rost, Schneider, Ebben, Schroeder, Holentunder, Mierzejewski, Wiltzius, Halle, and Sickinger knew that a restraint chair was inappropriate and potentially harmful for a seizing inmate but did not intervene to stop the remaining Defendants from placing Lilteich in the chair.

74. Defendants Burns and Schneider then examined Lilteich while he was seizing in the restraint chair.

75. Defendants Burns and Schneider are trained medical professionals who knew that it was inappropriate and potentially harmful to place a seizing inmate in a restraint chair.

76. However, Defendants Burns and Schneider allowed Lilteich to remain in the restraint chair.

77. The head restraint caused abrasions to Lilteich's forehead, among the other injuries the Defendants had already inflicted on him.

remove him from the restraint chair while his leg restraints, wrist restraints and waist belt remained in place. Health Services requested a medical evaluation which was granted Lilteich was escorted to Health Service Department and evaluated, abrasions were located on Lilteich's forehead area, abrasions on his wrist from resisting while in restraints and Signature Marks from where the Taser was applied conducting the Drive Stun. Photographs of his injuries were taken, inmate Lilteich was escorted to Restrictive Housing and placed into Temporary Lock Up Status pending review of the Staff Assault. Also, a Urinalysis was conducted and sample provided by Lilteich which came back negative on all fourteen panels. All staff involved were directed to complete an incident report and asked if there were any injuries which there were

78. The Defendants knew they had tased and used violent force against a prisoner who had suffered an epileptic seizure.

79. The Defendants attempted to avoid accountability for attacking an epileptic man by falsely claiming that Lilteich's actions were caused by an illicit drug overdose rather than his known epilepsy.

80. Despite knowing these accusations were false, the Defendants used their lies as a basis to put Lilteich into segregation.

81. However, a urinalysis revealed that Lilteich was not using any illicit drugs.

C. 29 JUNE 2022 INCIDENT

82. On June 29, 2022, Lilteich remained incarcerated at KMCI.

83. That day, Lilteich was walking down the hall when he experienced another epileptic seizure.

84. Lilteich fell to the ground and hit his head on the floor.

85. Defendant Golembeski observed the start of Lilteich's seizure,

On the above date and time I CO II Golembeski was working my assigned post as Unit 12 Officer. Inmate Lilteich, Christopher #451843 was walking down the short hall towards his cell. He then fell to the ground onto his arms and hit his head on the floor. Inmate Schleible, Isaiah #644998 immediately yelled very loud to me for help. I heard him yell that he's having a seizure. I responded while also calling control center that an inmate in the short hall was having a seizure. Once I identified the inmate I called control center and informed them

86. Defendant Golembeski informed the control center that Lilteich was having a seizure.

87. Defendant Golembeski called out Lilteich's name, but Lilteich was unable to respond.

88. Defendants Mierzejewski and Eichstedt arrived on scene. They observed Lilteich shaking on the ground and were told that he was having a seizure.

89. Defendant Mierzejewski knew from Lilteich's February 8, 2022, seizure that placing restraints on Lilteich while he was seizing would cause injury.

90. Despite knowing Lilteich was seizing, Defendant Mierzejewski ordered Lilteich to be placed in leg and arm restraints.

91. Defendant Bruden placed leg restraints on Lilteich.

92. Defendant Golembeski placed an arm restraint on Lilteich's wrist.

93. Because Lilteich was seizing, the leg and arm restraints caused cuts and scrapes. Lilteich began to actively bleed.

94. Lilteich attempted to stand up.

95. Defendants Gliniecki and Moeller, who had arrived on scene, instructed Lilteich to remain seated.

96. However, Lilteich was still having a seizure and was not capable of understanding or following orders.

97. Lilteich was then tackled to the ground by Defendants Bruden and Golembeski.

98. While Lilteich continued to experience a seizure, Defendants Heinen and Bruden held down Lilteich's legs. Defendant Eichstedt held down his right arm. Defendant Gliniecki held down his left arm. Defendant Wehrmann held down his head.

99. While Lilteich was held down with his stomach to the floor, Defendant Golembeski laid on top of him, making it difficult for Lilteich to breathe.

100. The Defendants held Lilteich face-down on the floor while he seized for approximately 20 minutes.

101. The Defendants violent and unjustified force against Lilteich caused him pain and suffering.

D. 20 MAY 2023 INCIDENT

102. In August of 2022, Lilteich was moved to Oakhill Correctional Institution.

103. At Oakhill, the staff was aware that Lilteich had epilepsy.

104. Lilteich continued to wear a medical bracelet showing he had epilepsy.

105. On May 20, 2023, Lilteich was in his cell when he felt a seizure coming on.

106. His cellmate waved down a sergeant.

107. Lilteich told the sergeant that a seizure was coming on. That was the last thing he remembers.

108. Lilteich woke up in segregation.

109. He could tell from the pain, cuts, and scrapes that he had again been restrained and handcuffed while having a seizure.

110. Correctional staff again accused him of using illegal drugs.

111. Again a drug panel showed that Lilteich was not using drugs.

112. The Wisconsin Department of Corrections has not yet produced the incident reports and video from Lilteich's seizure.

113. Wayne Olson is the warden of Oakhill Correction Institution. He is sued as a placeholder until the identities of those who restrained Lilteich can be ascertained.

PARTIES

114. Plaintiff Christopher Lilteich is a resident of the State of Wisconsin.

115. Defendant State of Wisconsin is a state government.

116. Defendant State of Wisconsin accepts federal money to help administer its prison system.

117. Under the Rehabilitation Act, the State of Wisconsin is required to administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

118. Under the Rehabilitation Act and the Americans with Disabilities Act, the State of Wisconsin is required to ensure that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

119. Defendant Wisconsin Department of Corrections is a state government agency of the State of Wisconsin.

120. Defendant Wisconsin Department of Corrections oversees the prison system of the State of Wisconsin.

121. Defendant Wisconsin Department of Corrections accepts federal money to help administer Wisconsin's prison system.

122. Under the Rehabilitation Act, the Wisconsin Department of Corrections is required to administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

123. Under the Rehabilitation Act and the Americans with Disabilities Act, the Wisconsin Department of Corrections is required to ensure that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

124. Defendant Candice Andrychowicz was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. The Kettle Moraine Correctional Institution is a state institution operated

by the State of Wisconsin through the Wisconsin Department of Corrections. Defendant Andrychowicz engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Andrychowicz was acting under color of state law, ordinance, or regulation. Defendant Andrychowicz is sued in her individual capacity.

125. Defendant Jennifer Burns was, at the time of this occurrence, employed as a Nurse Clinician 2 at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Burns engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Burns was acting under color of state law, ordinance, or regulation. Defendant Burns is sued in her individual capacity.

126. Defendant Matthew Conard was, at the time of this occurrence, employed as a correctional sergeant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Conard engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Conard was acting under color of state law, ordinance, or regulation. Defendant Conard is sued in his individual capacity.

127. Defendant Rick Dreikosen was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Dreikosen engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times

relevant to this action, Defendant Dreikosen was acting under color of state law, ordinance, or regulation. Defendant Dreikosen is sued in his individual capacity.

128. Defendant Zachery Ebben was, at the time of this occurrence, employed as a correctional sergeant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Ebben engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Ebben was acting under color of state law, ordinance, or regulation. Defendant Ebben is sued in his individual capacity.

129. Defendant John Halle was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Halle engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Halle was acting under color of state law, ordinance, or regulation. Defendant Halle is sued in his individual capacity.

130. Defendant Linda Holentunder was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Holentunder engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Holentunder was acting under color of state law, ordinance, or regulation. Defendant Holentunder is sued in her individual capacity.

131. Defendant Amy Kalmus was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Kalmus engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Kalmus was acting under color of state law, ordinance, or regulation. Defendant Kalmus is sued in her individual capacity.

132. Defendant Corinna Lefeber was, at the time of this occurrence, employed as a correctional sergeant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Lefeber engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Lefeber was acting under color of state law, ordinance, or regulation. Defendant Lefeber is sued in her individual capacity.

133. Defendant Brett Mierzejewski was, at the time of this occurrence, employed as a lieutenant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Mierzejewski engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Mierzejewski was acting under color of state law, ordinance, or regulation. Defendant Mierzejewski is sued in his individual capacity.

134. Defendant Christopher Rost was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Rost engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to

this action, Defendant Rost was acting under color of state law, ordinance, or regulation. Defendant Rost is sued in his individual capacity.

135. Defendant Lisa Schneider was, at the time of this occurrence, employed as a Nurse Clinician 2 at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Schneider engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Schneider was acting under color of state law, ordinance, or regulation. Defendant Schneider is sued in her individual capacity.

136. Defendant Nathan Schroeder was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Schroeder engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Schroeder was acting under color of state law, ordinance, or regulation. Defendant Schroeder is sued in his individual capacity.

137. Defendant Patrick Vanderwaal was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Vanderwaal engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Vanderwaal was acting under color of state law, ordinance, or regulation. Defendant Vanderwaal is sued in his individual capacity.

138. Defendant Mark Raeder was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI.

Defendant Raeder engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Raeder was acting under color of state law, ordinance, or regulation. Defendant Raeder is sued in his individual capacity.

139. Defendant Terry Schuett was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Schuett engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Schuett was acting under color of state law, ordinance, or regulation. Defendant Schuett is sued in his individual capacity.

140. Defendant Harold Beck was, at the time of this occurrence, employed as a lieutenant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Beck engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Beck was acting under color of state law, ordinance, or regulation. Defendant Beck is sued in his individual capacity.

141. Defendant Jeremy Wiltzius was, at the time of this occurrence, employed as a correctional lieutenant at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Wiltzius engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Wiltzius was acting under color of state law, ordinance, or regulation. Defendant Wiltzius is sued in his individual capacity.

142. Defendant Susanna Sickinger was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Vanderwaal engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Sickinger was acting under color of state law, ordinance, or regulation. Defendant Sickinger is sued in her individual capacity.

143. Defendant Todd Golembeski was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Golembeski engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Golembeski was acting under color of state law, ordinance, or regulation. Defendant Golembeski is sued in his individual capacity.

144. Defendant Michael Eichstedt was, at the time of this occurrence, employed as a captain at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Eichstedt engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Eichstedt was acting under color of state law, ordinance, or regulation. Defendant Eichstedt is sued in his individual capacity.

145. Defendant Christopher Bruden was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Bruden engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At

all times relevant to this action, Defendant Bruden was acting under color of state law, ordinance, or regulation. Defendant Bruden is sued in his individual capacity.

146. Defendant John Gliniecki was, at the time of this occurrence, employed as a Nurse Clinician 4 at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Gliniecki engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Gliniecki was acting under color of state law, ordinance, or regulation. Defendant Gliniecki is sued in his individual capacity.

147. Defendant Heather Heinen was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Heinen engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Heinen was acting under color of state law, ordinance, or regulation. Defendant Heinen is sued in her individual capacity.

148. Defendant Ryan Wehrmann was, at the time of this occurrence, employed as a correctional officer at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant Wehrmann engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the State of Wisconsin. At all times relevant to this action, Defendant Wehrmann was acting under color of state law, ordinance, or regulation. Defendant Wehrmann is sued in his individual capacity.

149. Defendant Amber Moeller was, at the time of this occurrence, employed as a nurse at the Kettle Moraine Correctional Institution in Plymouth, WI. Defendant

Moeller engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the State of Wisconsin. At all times relevant to this action, Defendant Moeller was acting under color of state law, ordinance, or regulation. Defendant Moeller is sued in her individual capacity.

150. Defendant Wayne Olson is the warden of Oakhill Correctional Institution. He is sued as a placeholder until Lilteich can discover who improperly restrained him while he was having a seizure on May 20, 2023.

COUNT 1:
42 U.S.C. § 1983 Claim for Excessive Force/Failure to Intervene
February 2022

151. Plaintiff realleges the above paragraphs.

152. On February 8, 2022, Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius used excessive, unjustifiable, and unnecessary force against Plaintiff by using violent force against Plaintiff and using a taser on Plaintiff while he was experiencing a seizure, in violation of Plaintiff's Eighth Amendment rights.

153. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius using violent force against and tasing Plaintiff was done for the purpose of harming Plaintiff Lilteich, and not in a good faith effort to maintain or restore security or order.

154. The Defendants each had an independent duty to stop their fellow officers from using excessive force against Plaintiff.

155. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefebber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius acted within the scope of their employment with the State of Wisconsin.

156. The aforementioned actions of the defendants were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefebber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 2:
42 U.S.C. § 1983 Claim for Failure to Provide Medical Attention
February 2022

157. Plaintiff realleges the above paragraph.

158. On February 8, 2022, Lilteich had a serious medical need. He was suffering from an epileptic seizure. And the restraints that the Defendants placed on him were causing bleeding and nerve damage to his hands and legs.

159. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius were aware that Plaintiff Lilteich had a serious medical need or strongly suspected that Plaintiff Lilteich had a serious medical need.

160. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius consciously failed to take reasonable measures to provide treatment for Plaintiff Lilteich's serious medical needs when they refused to offer him medical attention, refused to remove the restraints that were causing him harm, and tased him while he seized.

161. As a result of Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius's actions and inactions, Plaintiff Lilteich suffered prolonged, unnecessary pain and suffering, including scars and nerve damage.

162. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius acted under the color of law.

163. Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefeber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger,

Raeder, Schuett, Beck, Vanderwaal, and Wiltzius acted within the scope of their employment with the State of Wisconsin.

164. The aforementioned actions of Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefebber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against Defendants Andrychowicz, Burns, Conard, Dreikosen, Ebben, Halle, Holentunder, Kalmus, Lefebber, Mierzejewski, Rost, Schneider, Schroeder, Sickinger, Raeder, Schuett, Beck, Vanderwaal, and Wiltzius; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 3:
Americans with Disabilities Act and Rehabilitation Act Claims
February 2022

165. Plaintiff realleges the above paragraphs.

166. Plaintiff Lilteich is a qualified person with a disability under the ADA and RA.

167. Plaintiff Lilteich has epilepsy, has a record of epilepsy, and is regarded as having epilepsy.

168. Plaintiff Lilteich's epilepsy substantially impairs his major life activities.

169. Plaintiff Lilteich's epilepsy substantially limits his neurological function.

170. Defendants State of Wisconsin and Wisconsin Department of Corrections, intentionally or with deliberate indifference, discriminated against Lilteich because of his epilepsy on and in the days after February 8, 2022.

171. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to reasonably accommodate Lilteich's epilepsy on February 8, 2022.

172. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to make reasonable modifications to their policies, practices, or procedures to avoid discrimination against Lilteich because of his epilepsy.

173. Defendants State of Wisconsin and Wisconsin Department of Corrections are vicariously liable for the acts of their employees who discriminated against Lilteich because of his epilepsy and failed to reasonably accommodate his epilepsy on February 8, 2022, and the days following.

WHEREFORE, pursuant to the ADA, RA, 42 U.S.C. § 1988, and 29 U.S.C. § 794a, Plaintiff demands actual or compensatory damages against Defendants State of Wisconsin and Wisconsin Department of Corrections; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 4:
42 U.S.C. § 1983 Claim for Excessive Force/Failure to Intervene
June 2022

174. Plaintiff realleges the above paragraphs.

175. On June 29, 2022, Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski and Wehrmann used excessive, unjustifiable, and

unnecessary force against Plaintiff by using violent force against Plaintiff and holding Plaintiff face down on the prison floor for over 20 minutes while he was experiencing a seizure, in violation of Plaintiff's Eighth Amendment rights.

176. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann using violent force against Plaintiff and forcing him to lie face down on the prison floor for over 20 minutes was done for the purpose of harming Plaintiff Lilteich, and not in a good faith effort to maintain or restore security or order.

177. The Defendants each had an independent duty to stop their fellow officers from using excessive force against Plaintiff.

178. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann acted within the scope of their employment with the State of Wisconsin.

179. The aforementioned actions of the defendants were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 5:
42 U.S.C. § 1983 Claim for Failure to Provide Medical Attention
June 2022

180. Plaintiff realleges the above paragraphs.

181. On June 29, 2022, Lilteich had a serious medical need. He was suffering from an epileptic seizure. And the restraints that the Defendants placed on him were causing bleeding and nerve damage to his hands and legs.

182. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann were aware that Plaintiff Lilteich had a serious medical need or strongly suspected that Plaintiff Lilteich had a serious medical.

183. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann consciously failed to take reasonable measures to provide treatment for Plaintiff Lilteich's serious medical needs when they refused to offer him medical attention, refused to remove the restraints that were causing him harm, and forced him to lie face down on the prison floor for over 20 minutes.

184. As a result of Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann's actions and inactions, Plaintiff Lilteich suffered prolonged, unnecessary pain and suffering, including scars and nerve damage.

185. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann acted under the color of law.

186. Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann acted within the scope of their employment with the State of Wisconsin.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against Defendants Defendants Bruden, Eichstedt, Gliniecki, Heinen, Mierzejewski, Moeller, Golembeski, and Wehrmann; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

**COUNT 6:
Americans with Disabilities Act and Rehabilitation Act Claims
June 2022**

187. Plaintiff realleges the above paragraphs.

188. Plaintiff Lilteich is a qualified person with a disability under the ADA and RA.

189. Plaintiff Lilteich has epilepsy, has a record of epilepsy, and is regarded as having epilepsy.

190. Plaintiff Lilteich's epilepsy substantially impairs his major life activities.

191. Plaintiff Lilteich's epilepsy substantially limits his neurological function.

192. Defendants State of Wisconsin and Wisconsin Department of Corrections, intentionally or with deliberate indifference, discriminated against Lilteich because of his epilepsy on and in the days after June 29, 2022.

193. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to reasonably accommodate Lilteich's epilepsy on June 29, 2022.

194. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to make reasonable modifications to their policies, practices, or procedures to avoid discrimination against Lilteich because of his epilepsy.

195. Defendants State of Wisconsin and Wisconsin Department of Corrections are vicariously liable for the acts of their employees who discriminated against Lilteich because of his epilepsy and failed to reasonably accommodate his epilepsy on June 29, 2022, and the days following.

WHEREFORE, pursuant to the ADA, RA, 42 U.S.C. § 1988, and 29 U.S.C. § 794a, Plaintiff demands actual or compensatory damages against Defendants State of Wisconsin and Wisconsin Department of Corrections; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 7:
42 U.S.C. § 1983 Claim for Excessive Force/Failure to Intervene
May 2023

196. Plaintiff realleges the above paragraphs.

197. On May 20, 2023, Oakhill Correctional Institution employees used excessive, unjustifiable, and unnecessary force against Plaintiff by using violent force against Plaintiff and illegally handcuffing and restraining him while he was experiencing a seizure, in violation of Plaintiff's Eighth Amendment rights.

198. The Oakhill Correctional Institution employees' use of violent force against Plaintiff and restraints was done for the purpose of harming Plaintiff Lilteich, and not in a good faith effort to maintain or restore security or order.

199. The Oakhill Correctional Institution employees acted within the scope of their employment with the State of Wisconsin.

200. The aforementioned actions of the Oakhill Correctional Institution employees were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against the Oakhill Correctional Institution employees; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

COUNT 8:
42 U.S.C. § 1983 Claim for Failure to Provide Medical Attention
May 2023

201. Plaintiff realleges the above paragraphs.

202. On May 20, 2023, Lilteich had a serious medical need. He was suffering from an epileptic seizure. And the restraints that the Oakhill Correctional Institution employees placed on him were causing bleeding and pain to his hands and legs.

203. The Oakhill Correctional Institution employees were aware that Plaintiff Lilteich had a serious medical need or strongly suspected that Plaintiff Lilteich had a serious medical.

204. The Oakhill Correctional Institution employees consciously failed to take reasonable measures to provide treatment for Plaintiff Lilteich's serious medical needs when they refused to offer him medical attention, refused to remove the restraints that

were causing him harm, and forced him to lie face down on the prison floor for over 20 minutes.

205. As a result of the Oakhill Correctional Institution employees' actions and inactions, Plaintiff Lilteich suffered prolonged, unnecessary pain and suffering, including scars and nerve damage.

206. The Oakhill Correctional Institution employees acted under the color of law.

207. The Oakhill Correctional Institution employees acted within the scope of their employment with the State of Wisconsin.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff demands actual or compensatory damages against the Oakhill Correctional Institution employees; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's fees; and such other and further relief that the Court deems just and equitable.

**COUNT 9:
Americans with Disabilities Act and Rehabilitation Act Claims
May 2023**

208. Plaintiff realleges the above paragraphs.

209. Plaintiff Lilteich is a qualified person with a disability under the ADA and RA.

210. Plaintiff Lilteich has epilepsy, has a record of epilepsy, and is regarded as having epilepsy.

211. Plaintiff Lilteich's epilepsy substantially impairs his major life activities.

212. Plaintiff Lilteich's epilepsy substantially limits his neurological function.

213. Defendants State of Wisconsin and Wisconsin Department of Corrections, intentionally or with deliberate indifference, discriminated against Lilteich because of his epilepsy on and in the days after May 20, 2023.

214. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to reasonably accommodate Lilteich's epilepsy on May 20, 2023.

215. Defendants State of Wisconsin and Wisconsin Department of Corrections failed to make reasonable modifications to their policies, practices, or procedures to avoid discrimination against Lilteich because of his epilepsy.

216. Defendants State of Wisconsin and Wisconsin Department of Corrections are vicariously liable for the acts of their employees who discriminated against Lilteich because of his epilepsy and failed to reasonably accommodate his epilepsy on May 20, 2023, and the days following.

WHEREFORE, pursuant to the ADA, RA, 42 U.S.C. § 1988, and 29 U.S.C. § 794a, Plaintiff demands actual or compensatory damages against Defendants State of Wisconsin and Wisconsin Department of Corrections; and because they acted maliciously, wantonly, or oppressively, punitive damages; the costs of this action; attorney's 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. PRO. 38(b), on all issues so triable.

Respectfully submitted,

Dated: January 22, 2025,

/s/ William E. Grau
John H. Bradley
Wisconsin Bar No. 1053124
William E. Grau
Wisconsin Bar No. 1117724
R. Rick Resch
Wisconsin Bar No. 1117722
STRANG BRADLEY, LLC
613 Williamson Street, Suite 204
Madison, Wisconsin 53703
(608) 535-1550
John@StrangBradley.com
William@StrangBradley.com
Rick@StrangBradley.com

Attorneys for Plaintiff