

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JASON GRULKE,

Plaintiff,

v.

Case No: 2:25-cv-697

CITY OF WEST BEND AND MONTANA LUECKING,

Defendants.

COMPLAINT

Plaintiff Jason Grulke, by his attorneys, Strang Bradley, LLC, for his complaint against Defendant City of West Bend and Montana Luecking, states:

INTRODUCTION

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

2. On April 19, 2023, Deputy Montana Luecking responded to the scene of an accident and illegally seized and searched a backpack belonging Jason Grulke.

3. This action is brought now to redress the deprivation of Plaintiff Grulke's civil rights and to seek a change in Defendant Luecking's behavior and other officers who may be tempted to act similarly by seeking punitive damages.

JURISDICTION AND VENUE

4. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331.

5. Venue is proper under 28 U.S.C. § 1391(b)(2). Defendant City of West Bend is a political subdivision of the state of Wisconsin located within this judicial district. Additionally, the events giving rise to the claims asserted herein occurred within the judicial district.

PARTIES

6. Plaintiff Grulke was a resident of the State of Wisconsin.

7. Defendant Montana Luecking was, at the time of this occurrence, employed as a police officer in the City of West Bend Police Department.

8. At all times Defendant Luecking interacted with Plaintiff Grulke on April 19, 2023, she was acting under the color of state and local law.

9. At all times Defendant Luecking interacted with Plaintiff Grulke on April 19, 2023, she was acting within the scope of her employment with the City of West Bend Police Department.

10. Defendant Luecking is sued in her individual capacity.

11. Defendant City of West Bend is a political subdivision of the state of Wisconsin and was the employer of Defendant Luecking and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

12. The City of West Bend is sued as an indemnitor.

FACTS

13. On April 19, 2023, Jason Grulke was driving his vehicle when one of the wheels came off, resulting in a crash.

14. Defendant City of West Bend Police Officer Montana Luecking responded to the scene and made contact with Grulke.

15. Luecking had no reason to believe that Grulke was impaired or had committed any other violation of the law.

16. Grulke called his employer to come pick him up, assist with towing his vehicle, and give him a ride.

17. While Grulke was being checked out in an ambulance at the scene for a minor injury, his employer arrived and, at Grulke's request, the employer took Grulke's work clothes and backpack from his disabled vehicle into the employer's vehicle.

18. Luecking took Grulke's backpack out of the hands of the employer while he was transferring the backpack from Grulke's car to the employer's car.

19. Luecking then searched Grulke's backpack.

20. Luecking did not have a warrant to search Grulke's backpack, and no exception to the warrant requirement permitted her to do so.

21. After the illegal search of Grulke's backpack, he was criminally charged in Washington County Circuit Court, case number 2023CF000189. Grulke filed a motion to suppress, asserting that the search violated Grulke's Fourth Amendment right to be free from unreasonable searches. The State of Wisconsin conceded to the motion to suppress,

and Washington County Circuit Court Judge Robert Wirtz granted the motion to suppress and the case was dismissed.

COUNT 1:
42 U.S.C. § 1983 Claim for Unlawful Search

22. Plaintiff realleges the above paragraphs.

23. Defendant Luecking searched Grulke's backpack. The search was unlawful because Grulke did not consent, Luecking did not obtain a warrant, and there was no reason to believe Grulke was involved in a crime, was dangerous, or was armed.

24. The intentional actions of Defendant Luecking in searching Grulke's backpack without a warrant, consent, reasonable suspicion, or probable cause violated his Fourth Amendment right to be free from unreasonable searches.

25. As a direct and proximate result of Defendant Luecking's unlawful actions, Grulke suffered damages including mental distress, humiliation, and invasion of privacy.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 & 1988, Plaintiff demands actual or compensatory damages against Luecking and because she acted in reckless disregard for Plaintiff's rights, punitive damages, plus the costs of this action, attorneys' fees, and such other relief that the Court deems just and equitable.

COUNT 2:
Indemnification Claim Against City of West Bend

26. Plaintiff realleges the above paragraphs.

27. Wisconsin law, WIS. STAT. § 895.46, requires public entities to pay any tort judgment for damages for which employees are liable, for acts within the scope of their employment.

28. At all times relevant to this action, Defendant Luecking engaged in the conduct complained of while she was on duty and in the course and scope of her employment with the City of West Bend.

WHEREFORE, Plaintiff asks this Court to find that the City of West Bend is liable to defend this action against Defendant Luecking and to satisfy any judgment entered against her, by virtue of WIS. STAT. § 895.46.

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: 13 May 2025,

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