

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JUWAY DAMM,

Plaintiffs,

v.

Case No: 2:25-cv-196

MARQUETTE COUNTY &
BRENDAN CUTRELL,

Defendants.

COMPLAINT

Plaintiff Juway Damm, by his attorneys, Strang Bradley, LLC, for his complaint against Defendants, states:

JURISDICTION AND VENUE

1. This lawsuit is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

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

3. Venue is proper under 28 U.S.C. § 1391(b)(2). Defendant Marquette County 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

4. Plaintiff Juway Damm is a resident of the State of Tennessee.

5. In 2023, Damm was a resident of Illinois.

6. Defendant Marquette County is a political subdivision of the state of Wisconsin and was the employer of Defendant Cutrell and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

7. Defendant Brendan Cutrell was, at the time of this occurrence, employed as a deputy in the Marquette County Sheriff's Office. Defendant Cutrell engaged in the conduct complained of while he was on duty, acting under color of state law, ordinance, and/or regulation, and in the course and scope of his employment with Marquette County. He is sued in his individual capacity.

FACTS

8. On April 24, 2023, Juway Damm was driving to a cabin near Wisconsin Dells when he was pulled over by Marquette County Sheriff's Deputy Brendan Cutrell.

9. The interaction was captured on Deputy Cutrell's dash camera.

10. While Cutrell's police report claims that he was immediately suspicious of Damm because he was "slower than normal" pulling over, the dash cam reveals that Damm began to pull over almost immediately after Cutrell activated his lights.

11. Cutrell approached the vehicle and began to converse with Damm, informing him that he had pulled him over because his exhaust was too loud.

12. Cutrell, in his police report, stated that he found it suspicious that Damm only cracked his window slightly during this conversation.

13. But Damm had a small dog with him that he was trying to keep from jumping on the officer through the car window.

14. And Cutrell can be heard telling Damm that he was “all good” and “not to worry” while commenting that the dog in the car was a “cute pup.”

15. Cutrell asked Damm where he was coming from and where he was going.

16. Damm told Cutrell that he was coming from Rockford, Illinois, and heading to the Wisconsin Dells.

17. Cutrell remarked in his police report that he found it suspicious that Damm did not give him a more specific location of where he was coming and where he was going.

18. But Cutrell never asked for that information and made no indication that he was anything but satisfied with Damm’s answers about his travel plans.

19. In fact, Damm *did* give Cutrell additional information, letting him know that he had just been grocery shopping at a Wal-Mart and going to stop for gas before arriving at the Dells and was following his GPS.

20. Cutrell’s police report says he found this suspicious also, because Damm there was a gas station near the grocery Damm had stopped at.

21. But Cutrell asked no follow-up questions on this point.

22. Damm gave Cutrell a copy of his license and registration, but it took longer when trying to find proof of insurance.

23. Damm asked Cutrell if he could borrow his flashlight to look for the proof of insurance, but Cutrell told him to just look on his own while he went back to the squad car.

24. Cutrell paused while returning to his squad to deploy a spike strip in front of one of Damm's tires, despite Damm giving no indication he would flee the scene.

25. Cutrell immediately requested a canine officer to come and perform a sniff of the vehicle.

26. Cutrell sat in his vehicle for a period of time, and Damm got out of the car to signal to him that he had found proof of his insurance.

27. Cutrell then yelled at Damm to get "back into the car," and Damm did so.

28. Time passed, during which the sound of a written warning for improper exhaust being printed out can be heard on the squad footage.

29. A backup officer arrived on scene, spoke to Damm, and confirmed he had proof of insurance.

30. The backup officer told Cutrell that Damm's insurance checked out, but Cutrell continued to delay until the canine officer arrived on scene.

31. The delay had no purpose, as Cutrell had already printed the written warning and was simply holding Damm there until the canine arrived.

32. Cutrell waited minutes for the dog to arrive.

33. The officers said the dog alerted, and Damm's vehicle was searched, revealing a small amount of marijuana.

34. Cutrell placed Damm under arrest for possession of marijuana and OWI.

35. Cutrell never removed the spike strip he'd placed.

36. And so, while Damm's car was being towed from the scene, an officer drove over the spike strip, and a tire was destroyed.

37. After his arrest, Damm, representing himself *pro se*, filed a motion to suppress, and the charges against Damm were dismissed.

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

38. Plaintiff realleges the above paragraphs.

39. Defendant Cutrell illegally prolonged the detention of Damm, resulting in an unjustified, unreasonable, and illegal seizure. This violated Damm's rights under the Fourth Amendment to be free from unreasonable searches, arrests, and seizures.

40. After Cutrell finished issuing a warning for Damm's exhaust, there was no longer any reasonable suspicion of wrongdoing to prolong the seizure.

41. The aforementioned actions of Cutrell were the direct and proximate cause of the constitutional violation set forth above and of Damm's resulting injuries: mental suffering, anguish, fear, humiliation, loss of personal freedom, and expenses.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands actual or compensatory damages against Cutrell and because he acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this actions, attorney's fees, and such other and further relief that the Court deems just and equitable. Additionally, Plaintiff asks this Court to find Marquette County is liable to defend this action against the individual defendants and is required to satisfy any judgment against their employees 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: 7 February 2025,

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