

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

KENNETH P. ACHTERLING,

Plaintiff,

v.

Case No. 3:25-cv-386

POLK COUNTY, TROY OLSON,
AND TORSTEN SWANSON,

Defendants.

COMPLAINT

Plaintiff Kenneth Achterling, by his attorneys, Strang Bradley, LLC, for his complaint against Defendants, 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 Kenneth Achterling's constitutional right to be free from unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution.

2. On February 25, 2024, Polk County Sheriff's Deputies Troy Olson and Torsten Swanson entered Plaintiff Kenneth Achterling's cabin and arrested Achterling inside his cabin without a warrant, and without any other permissible lawful reason to do so.

JURISDICTION AND VENUE

3. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and the state law claims for indemnification pursuant to 28 U.S.C. § 1367.

4. Venue is proper under 28 U.S.C. § 1391(b). Defendant Polk 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 this judicial district.

PARTIES

5. Plaintiff Kenneth Achterling is a resident of the State of Wisconsin.

6. Defendant Polk County is a political subdivision of the state of Wisconsin and is or was the employer of the individual Defendants Troy Olson and Torsten Swanson, 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. Polk County is sued as an indemnitor.

8. Defendants Olson and Swanson were, at the time of this occurrence, employed as deputies for the Polk County Sheriff's Department.

9. At all times that Defendants Olson and Swanson interacted with Plaintiff on February 25, 2024, they were on duty and acting under the color of state and local law.

10. At all times that Defendants Olson and Swanson interacted with Plaintiff on February 25, 2024, they were acting within the scope of their employment with Polk County.

FACTS

11. On February 25, 2024, Polk County Sheriff's Deputy Troy Olson arrived at the cabin that Plaintiff Kenneth Achterling was living, opened the front door to the cabin and entered the cabin.

12. Upon entering the cabin, Defendant Olson further searched the cabin.

13. Defendant Olson then left the cabin and began searching items outside the cabin.

14. Defendant Swanson arrived at the cabin after Defendant Olson.

15. Defendant Swanson entered the cabin and remained inside the cabin after Defendant Olson left the area.

16. Plaintiff Achterling later arrived and entered his cabin to find Defendant Swanson inside his cabin.

17. Defendant Olson directed Defendant Swanson to detain Achterling.

18. Defendant Swanson placed Achterling in handcuffs behind his back.

19. Defendants Olson and Swanson did not have a warrant authorizing them to enter Achterling's cabin.

20. Defendants Olson and Swanson did not obtain consent to enter Achterling's cabin.

21. There were no exceptions to the warrant requirement permitting Defendants Olson and Swanson to enter Achterling's cabin at the time they did so.

22. As a direct and proximate result of the acts of Defendants, as detailed above, Plaintiff suffered, *inter alia*, mental distress, humiliation, loss of liberty, and has incurred expenses.

COUNT 1:
42 U.S.C. § 1983 Claim for Unlawful Entry to Home

23. Plaintiff realleges the above paragraphs.

24. The actions of Defendants Olson and Swanson in entering Plaintiff's cabin and searching it without a warrant, and without any other permissible lawful reason 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.

25. The aforementioned actions of Defendants Olson and Swanson 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 & 1988, Plaintiff demands actual or compensatory damages against Defendants Olson and Swanson and because they acted in reckless disregard for Plaintiff's rights, punitive damages; the costs of this action, attorneys' fees; and such other relief that the Court deems just and equitable.

COUNT 2:
42 U.S.C. § 1983 Claim for Unlawful Seizure and Arrest

26. Plaintiff realleges the above paragraphs.

27. The actions of Defendants Olson and Swanson in seizing and arresting Plaintiff in his cabin without a warrant or other permissible legal justification, violated

Plaintiff's Fourth Amendment right to be free from unreasonable search and seizure and thus violated 42 U.S.C. § 1983.

28. The aforementioned actions of Defendants Olson and Swanson 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 & 1988, Plaintiff demands actual or compensatory damages against Defendants Olson and Swanson and because they acted in reckless disregard for Plaintiff's rights, punitive damages; the costs of this action, attorneys' fees; and such other relief that the Court deems just and equitable.

**COUNT 3:
Indemnification Claim Against Polk County**

29. Plaintiff realleges the above paragraphs.

30. 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.

31. At all times relevant to this action, Defendants Olson and Swanson engaged in the conduct complained of while they were on duty and in the course and scope of their employment with Polk County.

WHEREFORE, Plaintiff asks this Court to find that Polk County is liable to defend this action against Defendants Olson and Swanson and to satisfy any judgment entered against them, 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: 14 May 2025,

STRANG BRADLEY, LLC
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