

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TONYA SCHULER,

Plaintiff,

Case No. 3:25-cv-318

v.

CITY OF RIVER FALLS AND SCOTT BANGERT,

Defendants.

COMPLAINT

Plaintiff Tonya Schuler, by her attorneys, Strang Bradley, LLC, for her complaint against Defendants, states:

INTRODUCTION

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

2. On August 17, 2022, River Falls Police Department Sergeant Scott Bangert entered and searched two of Tonya Schuler's houses after obtaining a search warrant based on his affidavit in support of a request for a search warrant that was so lacking in indicia of probable cause that any reasonably well-trained officer would have known that the search was illegal despite the judge's authorization.

3. This lawsuit seeks to establish that it is a violation of Schuler's constitutional rights for a police officer to execute a search warrant when the warrant was based on an officer's affidavit that lacked probable cause of a crime. It seeks to effect change through punitive damages by punishing Defendant Bangert for his egregious conduct with the hope that the punishment is significant enough to prevent this from happening again in the future.

JURISDICTION AND VENUE

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

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

PARTIES

6. Plaintiff Tonya Schuler is an adult resident of the State of Wisconsin.

7. Defendant Scott Bangert was, at the time of this occurrence, employed as a sergeant at the River Falls Police Department.

8. At all times relevant to this action, Defendant Bangert engaged in the conduct complained of while he was a duly appointed and sworn police officer and was acting under color of state law.

9. At all times relevant to this action, Defendant Bangert was acting within the scope of his employment with the City of River Falls.

10. Defendant Bangert is sued in his individual capacity.

11. Defendant City of River Falls is a political subdivision of the state of Wisconsin and is or was the employer of Defendant Bangert and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment. Defendant City of River Falls is sued as an indemnitor.

FACTS

12. On August 17, 2022, River Falls Police Department Sergeant Scott Bangert submitted an affidavit in support of a request for a search warrant for Tonya Schuler's home in connection with an investigation related to Schuler's son, Austin Koeckeritz.

13. Defendant Bangert's affidavit in support of a search warrant was so lacking in indicia of probable cause of any crime that any reasonably well-trained officer would have known that the affidavit was void of probable cause.

14. The target of the search warrant was Koeckeritz's firearm.

15. Despite the affidavit lacking any indicia of probable cause to believe the firearm was evidence of a crime, the judge signed the search warrant solely in reliance on Defendant Bangert's affidavit.

16. Defendant Bangert's affidavit was also recklessly misleading and recklessly omitted facts that further showed there was no probable cause to search for or seize Koeckeritz's firearm.

17. After the search warrant was signed, Defendant Bangert, along with other police officers, entered and searched two of Tonya Schuler's properties and seized items.

18. The officers unreasonably entered Schuler's properties, unreasonably searched them, and unreasonably seized items.

19. Defendant Bangert organized and coordinated the entries and searches of Schuler's properties.

20. In entering Schuler's properties, the officers unreasonably broke down doors and destroyed property.

21. Plaintiff Schuler's son, Austin Koeckeritz, was indicted in the U.S. District Court for the Western District of Wisconsin in case number 23-CR-005.

22. In that case, Austin Koeckeritz filed a motion to suppress the fruits of the search of Plaintiff Schuler's home on the basis that the search of Schuler's properties was illegal because the warrant affidavits were utterly bereft of any probable cause of any crime.

23. Magistrate Judge Stephen L. Crocker issued a report and recommendation recommending that the Court grant Koeckeritz's motion to suppress related to the search of Schuler's home.

24. District Judge James D. Peterson issued a decision and order adopting Magistrate Judge Crocker's report and recommendation suppressing the evidence obtained from the search of Schuler's home.

25. As a direct and proximate result of the acts of Defendant, as detailed above, Plaintiff has suffered, *inter alia*, a violation of her privacy, emotional suffering, mental distress, reputational loss, and humiliation.

26. The City of River Falls is liable to defend this action against Defendant Bangert and to satisfy any judgment entered against him, by virtue of WIS. STAT. § 895.46.

COUNT I:
42 U.S.C. § 1983 Claim for Unreasonable Search and Seizure

27. Plaintiff realleges the above paragraphs.

28. Defendant Bangert violated Plaintiff Schuler's Fourth Amendment right to be free from unreasonable search and seizure by entering Plaintiff Schuler's properties based on his affidavit in support of a request for a search warrant that was so lacking in indicia of probable cause that any reasonably well-trained officer would have known that the search was illegal despite the judge's authorization.

29. In addition to the affidavit lacking sufficient probable cause, Defendant Bangert recklessly omitted and misrepresented facts that further showed there was no probable cause to believe that Koeckeritz's firearm was related to any crime.

30. Defendant Bangert's actions caused Plaintiff Schuler's properties to be unreasonably entered and searched and property to be unreasonably seized.

31. The above-described actions of Defendant Bangert 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, Plaintiff demands actual or compensatory damages against Defendant Bangert; and because he acted maliciously, wantonly, or oppressively, punitive damages; 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 River Falls is liable to satisfy any judgment entered against Defendant Bangert, 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: 23 April 2025,

/s/ John H. Bradley
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