

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

TREVON JACKSON AND YAZMEN PIERCE,

Plaintiffs,

v.

CITY OF MILWAUKEE,
NORA R. BURLO, HANNAH MERKEL,
EVAN J. SNEED, ANTHONY J. MILONE,
AND TYLER J. SEELOW,

Case No: 2:22-cv-121

Defendants.

COMPLAINT

Plaintiffs Trevon Jackson and Yazmen Pierce, by their attorneys, Strang Bradley, LLC, for their complaint against Defendants, state:

INTRODUCTION

1. On March 18 2021, the above City of Milwaukee Police Officer Defendants responded to a call at the Plaintiffs house for a subject with a gun complaint.

2. The Plaintiffs met the Defendants outside their house. The Defendants arrested Mr. Jackson when he refused to give them consent to enter and search his house. When Ms. Pierce then retreated into the house and attempted to shut the front door, began walking back into the house and called someone on her phone, the Defendants pulled the door open to prevent her from shutting it, ordered her to stay where she is and not walk further into the house and to get off the phone.

3. The Defendants then coerced Ms. Pierce into giving them constitutionally invalid consent to enter the house for a limited scope search. Despite the Defendants knowing that they did not have constitutionally valid consent to enter the house, did not have a search warrant to enter the house, and that there were no exigent circumstances that permitted a warrantless entry, they entered the house and searched it in a manner that exceeded the limited scope they promised when they coerced limited consent from Ms. Pierce.

4. This lawsuit seeks to vindicate the violation of Plaintiffs' constitutional rights. It seeks to effect change through punitive damages by punishing the Defendants for their egregious conduct with the hope that the punishment is significant enough to prevent this from happening again in the future.

JURISDICTION AND VENUE

5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiffs' rights as secured by the United States Constitution.

6. 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.

7. Venue is proper under 28 U.S.C. § 1391(b). Defendant City of Milwaukee 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

8. Plaintiff Trevon Jackson is a resident of the State of Wisconsin and the County of Milwaukee.

9. Plaintiff Yazmen Pierce is a resident of the State of Wisconsin and the County of Milwaukee.

10. Defendant City of Milwaukee is a political subdivision of the state of Wisconsin and is and/or was the employer of the individual police officer Defendants and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

11. Defendant Nora R. Burlo was, at the time of this occurrence, employed as an officer in the City of Milwaukee's Police Department. Defendant Burlo engaged in the conduct complained of while she was on duty, acting under color of state law, ordinance, and/or regulation, and in the course and scope of her employment with the City of Milwaukee. She is sued in his individual capacity.

12. Defendant Hannah Merkel was, at the time of this occurrence, employed as an officer in the City of Milwaukee's Police Department. Defendant Merkel engaged in the conduct complained of while she was on duty, acting under color of state law, ordinance, and/or regulation, and in the course and scope of her employment with the City of Milwaukee. She is sued in her individual capacity.

13. Defendant Evan J. Sneed was, at the time of this occurrence, employed as an officer in the City of Milwaukee's Police Department. Defendant Sneed 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 the City of Milwaukee. He is sued in his individual capacity.

14. Defendant Anthony J. Milone was, at the time of this occurrence, employed as an officer in the City of Milwaukee's Police Department. Defendant Milone 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 the City of Milwaukee. He is sued in his individual capacity.

15. Defendant Tyler J. Seelow was, at the time of this occurrence, employed as an officer in the City of Milwaukee's Police Department. Defendant Seelow 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 the City of Milwaukee. He is sued in his individual capacity.

FACTS

16. On March 18 2021, at around 10:00 p.m., the above City of Milwaukee Police Officer Defendants responded to the Plaintiffs house for a subject with a gun complaint at 4121 N. 20th Street.

17. The Plaintiffs met with the Defendants outside the front door of their house.

18. The Defendants repeatedly tried to get Plaintiff Trevon Jackson to give them consent to search the house, but Mr. Jackson refused to do so.

19. One or more of the Defendants then arrested Mr. Jackson and removed him from the scene where other Defendants continued to try to get Plaintiff Pierce to give them consent to search the house.

20. Plaintiff Pierce then retreated into the house where one or more Defendants repeatedly tried to get her to give them consent to search the house, but Ms. Pierce refused to do so.

21. Ms. Pierce attempted to shut the front door, but one or more of the Defendants pulled the door back open and prevented Ms. Pierce from shutting the front door.

22. Ms. Pierce then retreated further inside the house but one or more of the Defendants ordered her to not retreat further into the house and remain where the Defendant officers can see her.

23. Ms. Pierce then called someone on her phone while standing inside the house, but one or more of the Defendant officers ordered her to hang up the phone.

24. In an effort to coerce Ms. Pierce into allowing the police to enter the house, one or more of the Defendants told Ms. Pierce "I am looking for one firearm, if it is not here it is not here and we are gone;" "I don't care about anything else;" "I don't care if there are mounds or kilos of whatever the hell, I don't give a shit about that;" "we are going to look to see if there is a firearm we are not tearing apart your stuff, nothing;" "we are not tearing apart anything, we are not opening drawers, we're not doing none of that, we are literally just walking through and leaving, that is all we are doing, that is literally all we are doing."

25. One or more of the Defendants then proceeded into the house and search the house including opening closed closet doors, searching inside multiple closets, behind a bed, underneath mattresses in multiple rooms, in cabinet drawers, behind wall panels, and under the bathroom sink cabinet.

26. At no time did any of the Defendants have constitutionally valid consent to enter the house.

27. At no time did any of the Defendants have consent to search the house in the manner that is described above.

28. At no time did any of the Defendants have a search warrant permitting them to enter the house.

29. At no time did any of the Defendants attempt to obtain a search warrant.

30. At no time did any of the Defendants have any exigent circumstances that permitted them to enter the house without a search warrant.

31. Despite the Defendants knowing that they did not have constitutionally valid consent to enter the house, did not have a search warrant to enter the house, and that there were no exigent circumstances that permitted a warrantless entry, they entered the house and searched it as described above.

32. Despite one or more of the Defendants telling Ms. Pierce “we are not tearing apart anything, we are not opening drawers, we’re not doing none of that, we are literally just walking through and leaving, that is all we are doing, that is literally all we are doing” they proceeded to search the house in a manner that exceeded the limited scope that they said they were going to adhere to.

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

34. Defendant City of Milwaukee is liable to defend this action against Defendants, and to satisfy any judgment entered against them, by virtue of WIS. STAT. § 895.46.

COUNT I:
42 U.S.C. § 1983 Claim for Unlawful Search and Seizure / Failure to Intervene

35. Plaintiff realleges the above paragraphs.

36. The actions of Defendants in seizing Plaintiff while insider her home, entering Plaintiffs' home and searching it without a warrant, and without any other permissible lawful reason to do so, and/or intentionally failing to prevent said illegal search, despite having the opportunity and duty to do so, violated Plaintiffs' Fourth Amendment right to be free from unreasonable search and seizure, and thus violated 42. U.S.C. § 1983.

37. The aforementioned actions of 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, Plaintiff demands actual or compensatory damages against Defendants; and because they 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.

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 31, 2022

/s/ John H. Bradley
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