

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

NICOLE STAUFFACHER, JILLIAN CLARK,)
ROSS ENGELBRECHT, individually and)
on behalf of all other persons similarly situated,)

Plaintiffs,)

vs.)

MINNEHAHA COUNTY, SOUTH DAKOTA;)

Defendant.)

CIV 00-4202
Judge Piersol
Jury Demanded

FIRST AMENDED COMPLAINT

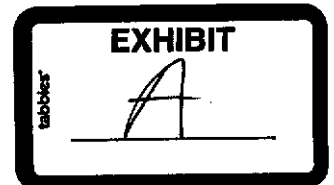
Plaintiffs Nicole Stauffacher, Jillian Clark, and Ross Engelbrecht, by counsel, complain of defendant Minnehaha County, South Dakota, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Civil Rights Act of 1866, 42 U.S.C. § 1983, (“Section 1983”), and the Fourth and Fourteenth Amendments to the United States Constitution, seeking to redress the defendant’s unlawful policy and practice of strip searching minors without probable cause.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. Venue is proper because the defendant resides or is located in the District of South Dakota, Southern Division, and all of the conduct complained of occurred within this District.



PARTIES

3. Plaintiff Nicole Stauffacher is, and at all times pertinent hereto has been, a resident of South Dakota.

4. Plaintiff Jillian Clark is, and at all times pertinent hereto has been, a resident of Minnesota.

5. Plaintiff Ross Engelbrecht is, and at all times pertinent hereto has been, a resident of South Dakota.

6. Defendant Minnehaha County is and, at all times relevant to this cause of action, was a political subdivision of the State of South Dakota that operates, manages, directs and controls the Minnehaha County Juvenile Detention Center.

CLASS ALLEGATIONS

7. Nicole Stauffacher, Jillian Clark, and Ross Engelbrecht bring this action in their individual capacities and as representatives of all other similarly situated individuals who, when they were under the age of eighteen years old, were charged with minor or non-felony offenses, and were, pursuant to Minnehaha County Juvenile Detention Center (“JDC”) policy, strip searched at the JDC.

8. The class is so numerous that joinder of all members is impracticable. The class consists of all persons who have been injured in any way by the unconstitutional practices, acts and policies of the defendant and its agents.

9. Questions of fact and/or law exist that are common to all members of the putative class. These questions include, but are not limited to:

- a. Whether the defendant's conduct was violative of the laws and protections of the United States of America and/or the State of South Dakota;
- b. What is the proper measure of damages and other remedies for the defendant's violations of law.

10. The named plaintiffs will fairly and adequately protect and represent the interest of the class. Plaintiffs seek no relief antagonistic or adverse to the members of the class. Plaintiffs' rights and damages suffered are typical of all members of the class. The defendant has acted or has refused to act on grounds applicable to the entire class. Plaintiffs' counsel are able and experienced in the prosecution of class actions.

11. A class action is the only appropriate method for the adjudication of this controversy. Individual actions by individual members would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation. Such individual actions would work a hardship on each and every member of the class and the court system.

STATEMENT OF CLAIMS

12. A class action is the only appropriate method for the adjudication of this controversy. Individual actions by individual members would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation. Such individual actions would work a hardship on each and every member of the class and the court system.

Nicole Stauffacher

13. On December 6, 1997, Nicole Stauffacher, who was thirteen (13) years old at the time, was detained by officers from the Sioux Falls Police Department after allegedly shoplifting. She was with two adult friends of the family and their daughter at the time of the incident.

14. The police officers handcuffed Stauffacher and transported her to the JDC.

15. At the JDC, Stauffacher was brought into a room with a shower, required to remove all of her clothing, and strip searched at the direction of the JDC's personnel.

16. Stauffacher was held at the JDC for a few hours and then released to her mother.

Jillian Clark

17. On August 30, 2000, Jillian Clark, who was seventeen (17) years old at the time, was detained by officers of the Sioux Falls Police Department after allegedly shoplifting.

18. The police officers handcuffed Clark and transported her to the JDC.

19. At the JDC, Clark was brought into a holding room, required to remove all of her clothing, and strip searched at the direction of the JDC's personnel.

20. Clark was held at the JDC for a few hours and then released to her both of her parents.

Ross Engelbrecht

21. In or about December 2000, Ross Engelbrecht, who was seventeen (17) years old at the time, was issued a ticket by officers of the Sioux Falls Police Department while he was in attendance at a party at which there was underage consumption of alcohol.

22. On December 19, 2000, when Engelbrecht appeared in court on the ticket, he pleaded guilty to underage consumption, at which time the judge ordered him to immediately serve two days at the JDC. Police officers then handcuffed Engelbrecht and transported him to the JDC.

23. At the JDC, Engelbrecht was brought into a room with showers, required to remove all of his clothing, and strip searched at the direction of the JDC's personnel.

24. Engelbrecht was held at the JDC for two days and then released to his mother.

42 U.S.C. § 1983 - Fourth Amendment

25. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 24.

26. The actions complained of in paragraphs 12 through 24 were done pursuant to an unlawful and unconstitutional policy or practice of conducting strip searches of individuals under the age of eighteen years old who were brought to the JDC for minor or non-felony offenses, without reasonable suspicion to conduct a strip search.

27. The actions complained of have caused plaintiffs and the members of the plaintiff class to be subjected to an unreasonable search and seizure, deprived of their liberty,

embarrassed, humiliated, subjected to extreme emotional distress, and deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

Prayer for Relief

WHEREFORE, plaintiffs respectfully request, on behalf of themselves and the class they seek to represent, that this Court:

A. Enter judgment in favor of plaintiffs and members of the plaintiff class and against the defendant Minnehaha County for violation of the Fourth and Fourteenth Amendments to the United States Constitution;

B. Declare that the actions of the defendant alleged in this complaint were unconstitutional;

C. Award plaintiffs and the members of the plaintiff class appropriate compensatory damages, against the defendant;

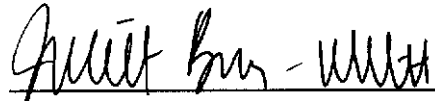
D. Award plaintiff and members of the plaintiff classes the costs and attorneys fees incurred in this action; and

E. Grant plaintiffs and the members of the plaintiff class such additional relief as is just and proper.

Plaintiffs demand trial by jury on all issues for which a trial by jury is allowed.

June 7, 2007

Respectfully submitted,



One of the attorneys for the plaintiffs

Matthew J. Piers
Mary M. Rowland
Juliet V. Berger-White
Hughes Socol Piers Resnick & Dym, Ltd.
Three First National Plaza, Suite 4000
Chicago, Illinois 60602
(312) 580-0100

James Abourezk
Abourezk Law Firm
401 East 8th Street
Suite 321
Sioux Falls, South Dakota 57103
(605) 334-8402