

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL LEDFORD, JR., and )  
KAREN LYNN LEDFORD, individually )  
and on behalf of all persons similarly )  
situated, )

Plaintiffs, )

v. )

THE CITY OF HIGHLAND PARK, )

Defendant. )

**DOCKETED**  
**JUL 14 2000**

JUDGE HART

FILED-EDS

00 JUL 12 AM 11:19

U.S. DISTRICT COURT  
CLERK

No. **MAGISTRATE JUDGE KEYS**

**00C 4212**

**COMPLAINT**

Plaintiffs, by their attorneys, make their Complaint against defendant as follows:

**I. INTRODUCTION**

1. This is a civil rights class action brought pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 2201 and 2202 seeking declaratory and injunctive relief for violations of the Fourth Amendment to the United States Constitution, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and the administrative regulations of the United States Department of Justice effectuating Title VI, 28 C.F.R. § 42.101 et seq.

**II. JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).
3. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b)(2) because all of

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the events giving rise to the claims in this Complaint occurred within the Northern District of Illinois.

### **III. PARTIES**

4. Plaintiff Michael Ledford, Jr. is a resident of the City of Highland Park, Illinois. He is and appears to be African-American.

5. Plaintiff Karen Lynn Ledford is a resident of the City of Highland Park, Illinois. She is and appears to be African-American.

6. Defendant the City of Highland Park is a duly constituted municipal corporation under the laws of the State of Illinois. The City operates the Highland Park Police Department ("HPPD").

### **IV. CLASS ALLEGATIONS**

7. Pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure and for purposes of declaratory and injunctive relief, plaintiffs seek to represent a class of all persons who in the past have been, or who in the future are subjected to any policy, practice or custom which has the result of or requires Highland Park Police Department officers to target persons for surveillance, stops, detentions, interrogations, requests for consent to search, and searches on the basis of race or ethnicity.

8. All of the prerequisites to a class action as stated in Rule 23(a) are satisfied by this class:

(a) Numerous individuals have been or will be subjected to the policies, practices, and customs alleged herein. Therefore, the class is so numerous that joinder of all members is impracticable.

(b) There are questions of law and fact common to the plaintiff class. The common questions include whether the policies, practices, and customs described herein violate the Fourth Amendment, the Equal Protection Clause, Title VI of the Civil Rights Act of 1964, and the Department of Justice regulations promulgated pursuant to Title VI.

(c) The claims of plaintiffs are typical of the claims of the class: they were targeted for surveillance, stopped, detained, interrogated, and/or searched pursuant to the policies, practices, and customs challenged here, as was each member of the class.

(d) Plaintiffs will fairly and adequately represent the interests of the class: they have no interest antagonistic to the class; they seek declaratory and injunctive relief on behalf of the entire class and such relief will benefit all members of the class; and they are represented by counsel who are competent and experienced in civil rights and class action litigation.

9. The class satisfies Rule 23(b)(2) because defendant has engaged in a course of conduct common to all members of the class, and final declaratory and injunctive relief in favor of the plaintiff class is therefore appropriate.

## **V. FACTUAL ALLEGATIONS**

10. Defendant maintains policies, practices, and customs which have the result of or require HPPD officers to target persons for surveillance, stops, detentions, interrogations, requests for consent to search, and searches on the basis of race.

11. On repeated occasions during 1998 and 1997, HPPD officers stopped, detained, interrogated, and/or searched Michael Ledford, Jr. pursuant to the policies, practices and customs set forth above.

12. On April 11, 2000, an HPPD officer targeted Karen Lynn Ledford for surveillance pursuant to the policies, practices and customs set forth above. On at least one prior occasion, HPPD officers stopped, detained, and interrogated Karen Lynn Ledford pursuant to the policies, practices and customs set forth above.

13. During the time relevant to each of the incidents above, plaintiffs did not violate any local, state or federal law, and there was no cause to believe they had done so.

#### **VI. CLAIMS FOR RELIEF**

14. Defendant's actions discussed above violate plaintiffs' rights under the Fourth Amendment to the United States Constitution.

15. Defendant's actions discussed above violate plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

16. Defendant's actions discussed above violate 42 U.S.C. § 2000d et seq.

17. Defendant's actions discussed above violate 28 C.F.R. § 42.101 et seq.

#### **VII. PRAYER FOR RELIEF**

WHEREFORE, plaintiffs respectfully request that this Court:

A. Enter a declaratory judgment that defendant's policies, practices, and customs described above violate the Fourth Amendment, the Equal Protection Clause, Title VI of the Civil Rights Act of 1964, and the Department of Justice regulations effectuating Title VI.

B. Enter a permanent injunction:

(a) prohibiting all HPPD officers from considering in any fashion and to any degree the race or ethnicity of civilians in deciding to surveil, stop, detain, interrogate, request consent to search, or search; except that in circumstances where

HPPD officers are seeking to detain, apprehend, or otherwise be on the lookout for a specific individual sought in connection with a specific crime who has been identified or described in part by race or ethnicity, HPPD officers may rely in part on race or ethnicity in determining whether reasonable suspicion exists that a given individual is the person being sought;

(b) requiring defendants to collect and maintain comprehensive records of all contacts with persons subjected to surveillance, stops, detentions, interrogations, requests for consent to search, and searches in Highland Park, including those contacts that do not result in the issuance of citations, and to include in these records the race and ethnicity of all individuals involved;

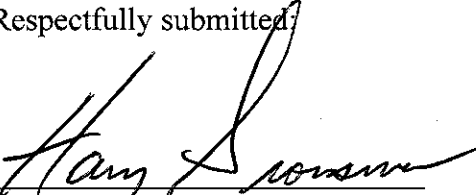
(c) ordering defendants to submit a plan to the Court for its approval providing for effective preventive mechanisms to ensure that racially discriminatory surveillance, stops, detentions, interrogations, requests for consent to search, and searches do not continue in the future.

C. Award plaintiffs' costs, expenses and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.

D. Award such other and further relief as this Court deems necessary and proper.

DATED: July 12, 2000

Respectfully submitted,



One of plaintiffs' attorneys

HARVEY GROSSMAN  
ADAM SCHWARTZ  
Roger Baldwin Foundation  
of ACLU, Inc.  
180 North Michigan Avenue  
Suite 2300  
Chicago, Illinois 60601  
(312) 201-9740

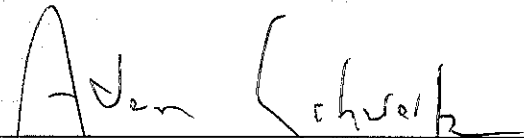
PAUL E. GREENWALT III  
MATTHEW J. FISCHER  
CAROLYN MOREHOUSE  
Schiff Hardin & Waite  
6600 Sears Tower  
Chicago, Illinois 60606  
(312) 258-5500

**CERTIFICATE OF SERVICE**

I, Adam Schwartz, an attorney, hereby certify that on the 12th day of July, 2000, I caused to be served to the party listed below a true and correct copy of the foregoing **COMPLAINT**, via messenger delivery, before the hour of 5:00 pm.

**TO:** Steven M. Elrod  
Holland & Knight  
55 W. Monroe, Suite 800  
Chicago, IL 60603

By:

  
One of the Plaintiffs Attorneys

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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behalf of all persons similarly situated, )  
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Plaintiffs, )  
 )  
v. )  
 )  
THE CITY OF HIGHLAND PARK, )  
 )  
Defendant. )

No **00C 4212**

MAGISTRATE JUDGE KEYS

NOTICE OF FILING

TO: Steven M. Elrod  
Holland & Knight  
55 W. Monroe, Suite 800  
Chicago, IL 60603

PLEASE TAKE NOTICE that on the 12th day of July, 2000, we filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, a **COMPLAINT**, a copy of which is attached hereto and served upon you.

By: Adam Schwartz  
One of the Plaintiffs' Attorneys

HARVEY GROSSMAN  
ADAM SCHWARTZ  
Roger Baldwin Foundation  
of ACLU, Inc.  
180 North Michigan Avenue  
Suite 2300  
Chicago, Illinois 60601  
(312) 201-9740

PAUL E. GREENWALT III  
MATTHEW J. FISCHER  
CAROLYN MOREHOUSE  
Schiff Hardin & Waite  
6600 Sears Tower  
Chicago, Illinois 60606  
(312) 258-5500

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**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

MICHAEL LEDFORD, JR.  
KAREN LYNN LEDFORD  
all persons similarly situated

**JUDGE HART  
MAGISTRATE JUDGE KEYS**

**DEFENDANTS**

CITY OF HIGHLAND PARK

00C 4212

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lake  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Lake  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Harvey Grossman  
Roger Baldwin Foundation of ACLU, Inc.  
180 N. Michigan Ave., Suite 2300  
Chicago, IL 60601

ATTORNEYS (IF KNOWN)

Steven M. Elrod  
Holland & Knight  
55 W. Monroe, Suite 800  
Chicago, IL 60603

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**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609	

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Fourth Amendment, Equal Protection Clause, 42 U.S.C. Sec. 2000d et seq., and 28 C.F.R. Sec. 42.101 et seq.

**VII. REQUESTED IN COMPLAINT**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint  
**JURY DEMAND:**  YES  NO

VIII. This case  is not a refiling of a previously dismissed action.  
 is a refiling of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE: July 12, 2000  
SIGNATURE OF ATTORNEY OF RECORD: *Harvey Grossman*  
Harvey Grossman

1-2

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

MICHAEL LEDFORD, JR., et al.

v.

THE CITY OF HIGHLAND PARK

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Case Number:

**00C 4212**

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CLERK  
U.S. DISTRICT COURT

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Michael Ledford, Jr., Karen Lynn Ledford, and all persons similarly situated.

<b>(A)</b>		<b>(B)</b>	
SIGNATURE <i>Harvey Grossman</i>		SIGNATURE <i>Adam Schwartz</i>	
NAME Harvey Grossman		NAME Adam Schwartz	
FIRM Roger Baldwin Foundation of ACLU, Inc.		FIRM Roger Baldwin Foundation of ACLU, Inc.	
STREET ADDRESS 180 N. Michigan Ave., Suite 2300		STREET ADDRESS 180 N. Michigan Ave., Suite 2300	
CITY/STATE/ZIP Chicago, IL 60601		CITY/STATE/ZIP Chicago, IL 60601	
TELEPHONE NUMBER 312-201-9740		TELEPHONE NUMBER 312-201-9740	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 1071629		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6238050	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
<b>(C)</b>		<b>(D)</b>	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

3