

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

NICHOLAS C. BEIGLER,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	
ERIN GIBLER, JUAN LEON, JOHN	)	
SCHEFFLER, and A. GORSKI,	)	No. 1:17-cv-03421
each in his or her individual capacity,	)	
the CITY OF NAPERVILLE, an Illinois	)	
municipal corporation, and the	)	
VILLAGE OF WEST DUNDEE, an	)	
Illinois municipal corporation,	)	Judge Harry D. Leinenweber
	)	
Defendants.	)	Magistrate Judge Sidney I. Schenkier

AMENDED COMPLAINT

(42 U.S.C. §1983—Fourth Amendment—  
Entry into Residence without a Warrant and without  
Exigent Circumstances Justifying Entry without a Warrant)

NOW COMES the Plaintiff, NICHOLAS C. BEIGLER, by and through his attorney, JOANIE RAE WIMMER, and complaining of the Defendants, ERIN GIBLER, JUAN LEON, JOHN SCHEFFLER, and A. GORSKI, each in his or her individual capacity, the CITY OF NAPERVILLE, an Illinois municipal corporation, and the VILLAGE OF WEST DUNDEE, an Illinois municipal corporation, alleges and states as follows:

1. The Plaintiff, NICHOLAS C. BEIGLER, has brought this action to redress the violation of his rights under the Fourth Amendment to the United States Constitution.

2. Jurisdiction over this action has been conferred upon this Court under 28 U.S.C. §1331 and 42 U.S.C. §1983.

3. Venue is proper in this Court under 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in the Northern District of Illinois, Eastern Division.

4. The Plaintiff, NICHOLAS C. BEIGLER, is a citizen of the United States, and at all times material to this action, resided in a townhome he was renting at 1833 Canterfield Parkway West, West Dundee, Illinois 60118.

5. Defendant CITY OF NAPERVILLE is an Illinois municipal corporation organized and existing under and by virtue of the laws of the State of Illinois.

6. At all times material to this action, Defendants ERIN GIBLER and JUAN LEON were police officers employed by the City of Naperville, Illinois.

7. Defendant VILLAGE OF WEST DUNDEE is an Illinois municipal corporation organized and existing under and by virtue of the laws of the State of Illinois.

8. At all times material to this action, Defendants JOHN SCHEFFLER and A. GORSKI were police officers employed by the Village of West Dundee, Illinois.

9. On or about April 26, 2015, Amy Berger, who was then approximately 42 years of age, was found unresponsive on the floor of the Stardust Motel in Naperville. Amy Berger was pronounced dead at approximately 2:15 p.m. on that date. Police suspected that her death might have been the result of drug use.

10. Defendants ERIN GIBLER and JUAN LEON were assigned to investigate the circumstances of her death.

11. The investigation revealed evidence that Amy Berger was an alcoholic and a cocaine user.

12. On April 26, 2015, Amy Berger's boyfriend told Defendant ERIN GIBLER that he and Amy had been staying at the Motel 6 in Naperville, Illinois, for several weeks until the morning of April 26, 2015, when they checked into the Stardust Motel. Amy Berger's boyfriend told Defendant ERIN GIBLER that, while he and Amy had been staying at the Motel 6, Amy had been hanging out there with other drug users.

13. During the investigation, on or about April 26, 2015, a witness told Defendant ERIN GIBLER that the night before her death Amy Berger had been with two male subjects at a Motel 6 in Naperville, and that she was very intoxicated and acting "hyped up".

14. On or about May 4, 2015, the investigation of the circumstances of the death of Amy Berger by Defendants ERIN GIBLER and JUAN LEON revealed that Amy Berger's boyfriend had been getting text messages from a certain cell phone number inquiring about Amy Berger. Said Defendants determined that that cell phone number was the number of the Plaintiff, NICHOLAS C. BEIGLER.

15. As of May 6, 2015, Defendants ERIN GIBLER and JUAN LEON urgently wished to speak with the Plaintiff, NICHOLAS C. BEIGLER, in connection with their investigation of Amy Berger's death.

16. On May 6, 2015, at approximately 10:50 a.m., the Plaintiff, NICHOLAS C. BEIGLER, was at home when some people rang his doorbell, pounded on his door, and yelled. The people yelled words to this effect: “We are the police—we want to speak with you—we are going to stay here until you talk to us so answer your door.”

17. The Plaintiff, NICHOLAS C. BEIGLER, did not wish to interact with the police and did not answer the door.

18. Shortly thereafter Defendants ERIN GIBLER and JUAN LEON began making phone calls to the Plaintiff’s phone and continued to ring the doorbell, pound on the door, and shout.

19. While these activities were taking place, Defendant ERIN GIBLER telephoned the Plaintiff’s father, David Beigler, and left a voice mail informing David Beigler that the Plaintiff, NICHOLAS C. BEIGLER, was a suspect in a homicide.

20. The phone calls, doorbell ringing, and pounding on the door continued for approximately 48 minutes.

21. Defendants ERIN GIBLER and JUAN LEON determined that the Plaintiff’s car was parked in front of his building. They determined that the Plaintiff’s sliding glass door which led onto the balcony on the second floor was partially open.

22. Defendants ERIN GIBLER and JUAN LEON contacted the West Dundee police department and asked them to send officers to the scene.

23. Defendants JOHN SCHEFFLER and A. GORSKI responded to the

Plaintiff's residence.

24. Defendant ERIN GIBLER contacted the leasing agent for the Plaintiff's landlord, told the agent that the police were going to do a "well-being check" on the Plaintiff, and requested the agent to unlock the door to the Plaintiff's residence for the police, which the agent did.

25. Defendants, ERIN GIBLER, JUAN LEON, JOHN SCHEFFLER, and A. GORSKI, subsequently entered the Plaintiff's townhome without his consent at approximately 11:50 a.m.

26. At the time the Defendant police officers entered the Plaintiff's home, they did not have a warrant to enter, they did not have the consent of an occupant of the townhome to enter, and they had no reason to believe that anyone inside the townhome was in need of emergency medical intervention. In fact, the "well-being check" was an excuse that the Defendant police officers attempted to use to justify their illegal entry into the Plaintiff's home as part of a homicide investigation. Accordingly, the entry was in violation of the Fourth Amendment to the United States Constitution.

27. Once said police officers had entered the Plaintiff's home, Defendant ERIN GIBLER told the Plaintiff, NICHOLAS C. BEIGLER, words to this effect: "Now that we've determined that you are okay, we are going to speak with you about the investigation." The Plaintiff, NICHOLAS C. BEIGLER felt that he had to speak with the police who had entered his home against his wishes. Defendants ERIN GIBLER and JUAN LEON then interviewed the Plaintiff for approximately one hour in connection with their investigation into Amy

Berger's death.

28. The four Defendant police officers entered the Plaintiff's house without a warrant, without the consent of an occupant of the house, and without any reason to believe that an occupant of the house was in need of emergency medical intervention either with the intent to deprive the Plaintiff of his rights under the Fourth Amendment to the United States Constitution, or in reckless disregard of said rights.

29. The actions of the four Defendants recounted above were undertaken under color of state law.

30. At the time of the events described in this complaint and for years prior thereto the Plaintiff suffered from clinical depression, and at the time of the events described in this complaint, the Plaintiff was regularly seeing a therapist.

31. As a proximate result of the unconstitutional entry into the Plaintiff's house by the four Defendant police officers, the Plaintiff experienced great mental suffering, including, but not limited to, feelings of fear, feelings that he was being violated, and feelings of humiliation, and a diminished sense of security in his own home, and the Plaintiff's depression was exacerbated.

32. The unconstitutional actions of individual Defendants ERIN GIBLER and JUAN LEON recounted above were the result of inadequate training of police officers by Defendant CITY OF NAPERVILLE, which inadequate training was the result of one or more official policy decisions by the City Council of the City of Naperville, which failed to fund and provide adequate training for police

officers even after it became apparent that Naperville police officers were repeatedly guilty of violating the Fourth Amendment to the United States Constitution and needed more training.

33. The unconstitutional actions of Defendants JOHN SCHEFFLER and A. GORSKI recounted above were the result of inadequate training of police officers by Defendant VILLAGE OF WEST DUNDEE, which inadequate training was the result of one or more official policy decisions by the President and the Board of Trustees of the Village of West Dundee who failed to fund and provide adequate training for police officers even after it became apparent that West Dundee police officers were repeatedly guilty of violating the Fourth Amendment to the United States Constitution and needed more training.

WHEREFORE, the Plaintiff, NICHOLAS C. BEIGLER, prays that this Court:

(a) Award the Plaintiff and assess against each Defendant (joint and several liability) compensatory damages in an amount to be determined by the jury;

(b) Award the Plaintiff and assess against the individual Defendants punitive damages in an amount to be determined by the jury;

(c) Award the Plaintiff and assess against each Defendant (joint and several liability) his reasonable attorney's fees pursuant to 42 U.S.C. §1988;

(d) Award the Plaintiff his costs pursuant to Fed.R.Civ.P. 54; and

(e) Grant the Plaintiff such other and further relief as the nature of the case may allow.

