

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

TERRY HOFFMAN

Plaintiff

v.

DEWITT COUNTY, ILLINOIS, an Illinois
Local Governmental Entity; JERED SHOFNER,
Sheriff of Dewitt County, Illinois; ANTHONY
MONAGHAN Deputy Sheriff Dewitt County,
Illinois; DEPUTY HARDWICK, Deputy Sheriff of
Dewitt County, Illinois; BEN WILFORD, Deputy
Sheriff of Dewitt County, Illinois; TERESA
BARNETT-HALL, Director of Emergency
Services, Dewitt County, Illinois

Defendants

Case No. 15-

JURY DEMAND

COMPLAINT

Now comes the Plaintiff, Terry Hoffman, by Richard L. Steagall, his attorney, and complaining of the Defendants, Dewitt County, Illinois, an Illinois Local Governmental Entity; Jered Shofner, Sheriff of Dewitt County, Illinois, Anthony Monaghan, Deputy Sheriff of Dewitt County, Illinois; DeputyHardwick, Deputy Sheriff of Dewitt County, Illinois; Ben Wilford, Deputy Sheriff of Dewitt County, Illinois; Teresa Barnett-Hall, Director of Emergency Management Agency for Dewitt County, Illinois, for his claims states:

**I.
Jurisdiction & Venue**

1. Jurisdiction to hear plaintiff's claims under the Civil Rights Act of 1871, 42 U.S.C. § 1983, is founded under 28 U.S.C. § 1343 (4). Supplemental jurisdiction to hear plaintiff's Illinois common law claims is founded under 28 U.S.C. § 1391 (a).

2. Plaintiff, Terry Hoffman, is a resident of DeWitt County, Illinois. Dewitt County, Illinois is County organized and existing as an Illinois Local Government Agency with the county seat located in Clinton, Illinois. Jered Shofner, Sheriff of Dewitt County, Illinois, Anthony Monaghan, Deputy Sheriff of Dewitt County, Illinois, Deputy Hardwick, Deputy Sheriff of Dewitt County, Illinois; Ben Wilford, Deputy Sheriff of Dewitt County, Illinois, and Teresa Barnett-Hall, Director of Emergency Management Agency for Dewitt County, Illinois are all officers employed by Dewitt County, Illinois. The incident complained of occurred in Dewitt County, Illinois. Venue is founded in this district court under 28 U.S.C. § 1391 (a). The case is assigned to the Springfield Division under Local Rule 40.1 (B).

3. The incident complained of occurred on **December 12, 2012** and thereafter in the City of Clinton, County of DeWitt County, and State of Illinois.

II. The Parties

4. Plaintiff, Terry Hoffman, was 55 years old at the time of the incident who is retired from farming, but assists his two sons in farming near the City of Maroa in DeWitt County, Illinois; he also assists his other son in this trucking business in Clinton, Illinois from time to time as needed. Hoffman was elected to the DeWitt County, Illinois

Board at the November 6, 2012 election and took office on December 3, 2012.¹

5. Defendant, Dewitt County, Illinois, is an Illinois Local Governmental Entity, organized and existing under the laws of the State Illinois and was acting under color of state law. It is sued as a necessary party because the County is liable for payment of any judgment or settlement or compensatory damages for the conduct of a local governmental officer or employee acting in the scope of employment under Section 9-102 of the Illinois Local Tort Immunity Act. 745 ILCS 5/9-102 (2012).

6. Defendant, Jered Shofner, was at all times material the duly elected and appointed Sheriff of Dewitt County, Illinois acting in the scope of his office under color of state law. He is sued in his Individual and Official Capacities.

6. Defendant, Anthony Monaghan was at all times material Deputy Sheriff Dewitt County, Illinois acting in the scope of his employment under color of state law. He is sued in his Individual Capacity.

7. Defendant, Deputy Hardwick, was at all times material, Deputy Sheriff of Dewitt County, Illinois acting in the scope of employment under color of state law. He is sued in his Individual Capacity.

8. Defendant, Ben Wilford, was at all times material aDeputy Sheriff of DewittCounty, Illinois acting in the scope of her employemtn and under color of state

¹ The usual date for taking County Officer after the November Election is December 1st. December 1, 2012 was a Saturday, so the newly elected members of the DeWitt County Board took the oath of office on December 3, 2012.

law. He is sued in his Individual Capacity.

9. Defendant, Teresa Barnett-Hall, was the Director of Emergency Management Agency for Dewitt County, Illinois acting in the scope of her employment under color of state law. She is sued in her Individual Capacity.

III. The Events

A. The Landfill & the 2012 Election

10. Hoffman was born to a farm family in Dewitt County, Illinois, obtained his B.S. in Agriculture and Business from Illinois State University, and took over the farming business from his father. Since 2010, Hoffman's two sons have primary responsibility for the farming business. Hoffman assists them at planting and harvest as needed and his other son in the trucking business he runs in Clinton, Illinois when needed.

11. Below the surface of a significant part of the land of Dewitt County, Illinois is the Mahomet Acquifer which is a large body of underground water running across Central Illinois. That Acquifer is the water supply for over 750,000 people in Central Illinois.

12. Since 2002, Dewitt County, Illinois has had a hosting contract and a siting agreement for Peoria Disposal Company to construct and operate a landfill located one mile south of the City of Clinton in Dewitt County, Illinois. Peoria Disposal has operated the landfill since the early 1980s taking over an existing landfill from a prior owner. The 2002 agreements are the basis on which Peoria Disposal is operating the

landfill from 2002 to the present.

13. The hosting contract and siting agreement for Peoria Disposal's use of the landfill in Dewitt County became a matter of public concern in approximately 2007 and has remained a matter of public concern since that time. It was brought to public attention that among the wastes placed by Peoria Disposal in the landfill are hazardous wastes including manufactured gas plant waste from clean up of 19th century coal gasification plants, PCBs from clean-up sites from the Chicago area, as well as a salt product that is a part of the chemical waste part of the landfill.

14. Peoria Disposal does not have a specific hazardous waste permit from the Environmental Protection Agency, an agency of the United States, yet is still placing hazardous waste in the landfill in the landfill without an EPA permit.

15. Under the Environmental Protection Act, statutory and regulatory scheme, Dewitt County – the location of a landfill accepting waste including hazardous waste -- conducts a siting hearing to decide whether to allow the landfill to operate under a siting contract. Engineering testimony is heard about the effects of the landfill and compliance with applicable environmental standards.

16. Peoria Disposal does not have a permit from the EPA that allows it to dispose of the coal gas and PCBs being placed in the Dewitt County landfill. The Mahomet Aquifer supplying over 750,000 people with water in Central Illinois lies directly below the landfill being used by Peoria Disposal. Water from rainfall eventually reaches the Mahomet Aquifer and water going through the landfill could well take

with it the hazardous chemicals from coal gas and PCBs into the water supply for 750,000 people in Central Illinois including that of Dewitt County, Illinois.

17. Hoffman had turned over the operation of the farm business to his sons, had a college degree in agriculture, and the experience in farming and the use of agricultural chemicals and effects to appreciate the problem of hazardous waste at the landfill being operated by Peoria Disposal Company in Dewitt County. Hoffman decided to run for election to the Dewitt County Board to address the environmental safety of the landfill in the November 6, 2012 Election.

18. The Dewitt County Board has 12 members. Hoffman was among eight candidates for the Board. Hoffman, Ron Savage, George Wissmiller, Kellie Riggs, Sherrie Brown, Pete Daugherty, Tom Cruiser, and Mark Gardner, campaigned for election to the County Board on concern about the environmental safety of the landfill and its threat to the Central Illinois water supply contained in the Mahomet Acquifer located directly below the landfill.

19. Hoffman and those seven other candidates – Ron Savage, George Wissmiller, Kellie Riggs, Sherrie Brown, Pete Daugherty, Tom Cruiser, and Mark Gardner -- won election to the Dewitt County Board on November 6, 2012 and took the oath of office. Sherrie Brown was elected as Chairman and Pete Daugherty as Vice Chairman at the Monday, December 3, 2012 meeting of the Board.

20. The concern of Hoffman and the other seven candidates elected to the Dewitt County Board for the environmental effects of the landfill operated by Peoria

Disposal Company was not shared by other members of the Dewitt County Board, the Dewitt County State's Attorney, and the Dewitt County Sheriff, Jered Shotner. It was a hotly contested political issue that generated much division in Dewitt County and serious political infighting on the County Board and Dewitt County public officials that occurred during and after the November 6, 2012.

B. Hoffman's Tour of the Dewitt County Courthouse

21. The Dewitt County holders of Public Office invited all the Board Members to visit the County Office holders at their Offices in the Dewitt County Courthouse at a time of their choosing on December 12, 2012.

22. Hoffman had not served in office before at any level of government. He knew the County Clerk and Teresa Barnett-Hall, who was the Director of Emergency Management Agency, because they attended the Maroa Grade School and Maroa-Forsyth High School. Each were small enough that all students knew each other. Hoffman knew the other County Office holders as acquaintances, if that.

23. Hoffman thought it was a good idea to meet and talk with the County Officers, so he went to their various Offices in the Dewitt County Courthouse on December 12, 2012.

24. Hoffman went to the Sheriff's Department, which is connected to the Courthouse, first and was given a tour of the Department and Jail by the Sheriff. The State's Attorney was not available so Hoffman went next door to the Office of defendant, Teresa Barnett-Hall, Director of Emergency Management Agency.

25. Hoffman entered the waiting room of Ms. Barnett-Hall's office and asked her secretary who was located in that waiting room if Barnett-Hall had time to talk with him. Barnett-Hall told Hoffman to come into her office from the waiting area where the secretary's desk was located. Hoffman followed Barnett-Hall into her office from the waiting area where the desk and chair used by Barnett-Hall's secretary,

26. During Hoffman's meeting with Barnett-Hall after being shown into Barnett-Hall's office, Hoffman sat at a chair in front of Barnett-Hall and Barnett-Hall sat behind her desk. They had a pleasant visit. Hoffman and Barnett-Hall had grown up together going the same schools and knew each other's parents. They had not been in contact much afterward, but people who grew up together and attended a small school do not forget their fellow students and the students' families as they go through their adult life.

27. At about the middle of the meeting between Barnett-Hall and Hoffman, Barnett-Hall asked Hoffman if he was glad he was her boss. She suggested Hoffman could now he reduce the size of her Office space. Hoffman stood up from his chair, reached across the Chair, and lightly touched Barnett-Hall' forearm above the elbow politely with his index finger as a friendly greeting stating, "I would rather have less of the bureaucracy, but I was not her boss. I am only one of 12 on the Board. It was not just up to me."

28. Barneet-Hall had no reaction to the gesture and statement set forth in ¶ 27 and continued her pleasant conversation with Hoffman. Another subject Hoffman

addressed was what was the subject of a large regulation book located in Barnett-Hall's Office, which Barnett-Hall pleasantly explained. Hoffman and Barnett-Hall talked about other subjects for approximately 15 more minutes. The entire 30 minutes was a pleasant conversation. When Hoffman got up to leave Barnett-Hall's Office, Barnett-Hall told Hoffman,

"I would like to thank you for visiting my office. You are the only Board Member who came to see me in response to my invitation to all of them."

29. Hoffman walked out of Barnett-Hall's office, went to the Administrative Assistant's Office to get a key for the back door to the Courthouse given to all County Board Members, which took about five minutes. He then walked to the front door and saw the State's Attorney, told him he had stopped to see him, and the State's Attorney asked Hoffman to come to his Office where Hoffman and the State's Attorney talked for 15 minutes.

30. Hoffman then left the Dewitt State's Attorney's Office and the Dewitt County Courthouse ultimately going home.

C. Hoffman's Arrest at His Home by Deputy Hardwick and Deputy Wilford and Transportation to Dewitt County Jail

31. About 7:00 pm on December 12, 2012, Deputy Hardwick and Wilford drove their squad cars to Hoffmann's house on a farm in rural Maroa. They drove up the drive, exited their squad cars, and loudly pounded on the front door.

32. Hoffman opened the door, the Deputies asked if he was Terry Hoffman and he said he was. The Deputies asked Hoffman to get his coat and shoes on and come

with them because the Sheriff wanted to talk with him. Hoffman walked back to the kitchen to get his shoes and coat with Deputies following him.

33. The Deputies asked Hoffman if he had a gun and he truthfully told them, "No." Hoffman asked if he or his wife could drive him to meet with the Sheriff and the Deputies refused. Hoffman said he needed to call a lawyer. The Deputies responded that the Sheriff wanted him to come now and if he did not, they were directed to handcuff Hoffman and bring him to the Sheriff. Because Hoffman did not want to be handcuffed, he did not call his lawyer.

34. As Hoffman was walking toward the front door, he again stated that he should be able to talk to a lawyer. The Deputies responded that he could not because the Sheriff had told them to bring him in handcuffs if he does not come right away. Hoffman went with them to the squad car they directed, got in the back seat, and the Deputy driving that squad car took Hoffman to the Dewitt County Jail.

D. Arrest & Detention at Dewitt County Jail by Sheriff Shofner & Deputy Monaghan

35. The Deputies escorted Hoffman from the squad car in the parking lot to the Jail where they were met by Deputy Monaghan. Monaghan ordered Hoffman into an interrogation room. Monaghan gave him a card with Miranda rights, which Hoffman read and confirmed he read when Monaghan turned on an audio recorder.

36. Monaghan asked Hoffman if he knew what had happened and Hoffman said, "No". Monaghan referred to Hoffman's visit with Barnett-Hall. He asked if Hoffman knew what a battery was and Hoffman asked if Barnett-Hall had a black eye.

Monaghan questioned Hoffman if he had touched Barnett-Hall. Hoffman responded they had shaken hands and they might have come into contact lightly when they were both looking at her Operations Manual.

37. Monaghan asked Hoffman three times, "Did you poke her with your knuckle?" Those words are absent from the audio recording for reasons that cannot be explained. Hoffman responded, "Yes, I did poke her with my finger on her arm." Hoffman then showed Monaghan the light friendly touch that he had with Barnett-Hall. Monaghan said he would return and left the interrogation room.

38. Deputy Monaghan and Sheriff Shofner brought with him a letter directing Hoffman not trespass on County property limiting him to 15 minutes on County property before the County Board meeting and 15 minutes after the County Board meeting. Sheriff Shofner told Hoffman that if he had poked one of his employees like Hoffman did Barnett-Hall, the employee would have responded by knocking the Sheriff down. Hoffman responded if the Sheriff was correct about his touch of Barnett-Hall, then Hoffman said he would have to press charges against the Sheriff for the touching of Hoffman when the Sheriff handed Hoffman the letter directing him not to trespass on county property because it was the same contact he had with Barnett-Hall.

39. Sheriff Shofner angrily responded, "That is it. Take him away." Hoffman was escorted to a Jail Cell where he remained until 11:30 a.m. the following day to get a Judge from another County to conduct the bail hearing. His wife posted \$1,000 bail and Hoffman was released after the hearing at approximately 12:00 noon.

E. Criminal Prosecution & Sheriff's Statement of Reason for Arrest

40. Sheriff Shofner telephoned County Board Chairman Sherrie Brown at approximately 9:00 p.m. on December 12, 2012 after Hoffman had been jailed. Shofner told Brown that Hoffman had been arrested, detained in the Jail, and that the new County Board Members have to learn how things work. Sheriff Shofner was a supporter of the Peoria Disposal Company use of the Dewitt County landfill without any further environmental restrictions which Hoffman opposed.

41. The State's Attorney of Dewitt County referred the arrest of Hoffman to a Special Prosecutor who was duly appointed by the Circuit Court of Dewitt County. Hoffman was charged by the Special Prosecutor in a complaint for battery against Teresa Barnett-Hall, a Class A misdemeanor. 720 ILCS 5/12-3 (a)(2). *People v. Hoffman*, Circuit Court Sixth Judicial Circuit, Dewitt County, Illinois. Case No. 13 CM 10.

42. The criminal case against Hoffman was prosecuted in a jury trial held on May 19, 2014 through May 21, 2014. The jury returned a verdict of not guilty. The court entered a judgment of acquittal in favor of Hoffman. The \$1,000 bond Hoffman had posted was refunded less the \$100 Clerk's fee for a total refund of \$900.

**IV.
Plaintiff's Claim**

A. Constitutional Provisions and Statute Involved

43. There was in full force and effect the following constitutional provisions and statutes in the United States, namely:

Constitution of the United States

Amendment XIV. Due Process

... nor shall any State deprive any person of life, liberty, or property without due process of law...

Amendment I. Freedom of Religion, Speech and Press; Peaceful Assemblage; Petition of Grievances

Congress shall make no law abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV. Search and Seizure

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Civil Rights Act of 1871, 42 U.S.C. § 1983

Every person who, under the color of any statute, ordinance, regulation, custom, or usage of any State or Territory or the District of Columbia subjects, or causes to be subjected, any citizen of the United States or any person within the jurisdiction thereof to the deprivation of any rights, privilege or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress...

B. Federal Claims

1. First Amendment - Director Barnett-Hall, Sheriff Shofner, & Deputy Monaghan

44. The conduct of the defendant, Director Barnett-Hall, in making the charge of battery against Hoffman knowing the touching was incidental and was not intended to be offensive specifically alleged in Part III B ¶ 25-30, Part III E ¶ 40 for which she

made no objection and remained friendly for the additional 15 minutes of the interview was motivated by suppression of Hoffman's right to speech in opposing hazardous waste being placed in the landfill, which put the Mahomet Aquifer, the water supply for 750,000 people at risk and economies in County Government contrary to the First Amendment guaranty of freedom of speech.

45. Defendants, Sheriff Shofner and Deputy Monaghan, in intentionally directing Deputies Hardwick and Wilford to arrest Hoffman from his home and bring him to the Dewitt County Jail as alleged in Part III C ¶ 31-34 and then detaining Hoffman for the charge of battery as specifically alleged in Part III D ¶ 35-39, Part III, E ¶ 40 knowing the touching was incidental and was not intended to be offensive specifically alleged in Part III B ¶ 25-30 for which Barnett-Hall made no objection and remained friendly for the additional 15 minutes of the interview that was apparent in the investigation and which Shofner and Monaghan knew no probable cause existed for the arrest was motivated by Shofner and Monaghan's suppression of Hoffman's right to speech in opposing hazardous waste being placed in the landfill, which put the Mahomet Aquifer, the water supply for 750,000 people at risk and economies in the operation of the County Government in deprivation of the First Amendment guaranty of freedom of speech.

2. Sheriff Shofner & Deputy Monaghan - Fourth Amendment

46. Defendants, Sheriff Shofner and Deputy Monaghan, in intentionally directing Deputies Hardwick and Wilford to arrest Hoffman from his home and bring

him to the Dewitt County Jail as alleged in Part III C ¶ 31-34 and then detaining Hoffman for the charge of battery as specifically alleged in Part III D ¶ 35-39 knowing the touching was incidental and was not intended to be offensive specifically alleged in Part III B ¶ 25-30 for which Barnett-Hall made no objection and remained friendly for the additional 15 minutes of the interview that was apparent in the investigation and which Shofner and Monaghan knew no probable cause existed for the arrest was a deprivation of the Fourth Amendment guaranty against unreasonable searches and seizures.

3. Deputies Hardwick & Monaghan - Fourth Amendment

47. Deputies Hardwick and Monaghan intentionally went to Hoffman's house, arrested him, and took him to the Dewitt County Jail as alleged in Part III C ¶ 31-34 knowing there was no probable cause to arrest him for any crime or other violation subject to arrest as alleged in Part III B ¶ 25-30 was a deprivation of Hoffman's right to be free from unreasonable searches and seizures guaranteed by the Fourth Amendment.

C. State Claims

1. False Arrest - Sheriff Shofner, Deputy Monaghan at Dewitt County Jail

48. Defendants, Sheriff Shofner and Deputy Monagan, as alleged in Part III D ¶ 35-39 at the Dewitt County Jail intentionally arrested and detained Hoffman for the offense of battery knowing the touching was incidental and was not intended to be offensive specifically alleged in Part III B ¶ 25-30 for which she made no objection and

remained friendly for the additional 15 minutes of the interview that was apparent in the investigation was an Illinois common law false arrest.

2. False Arrest -- Sheriff Shofner, Deputy Monaghan, and Deputies Hardwick and Wilford in Taking Hoffman from His Home to the Dewitt County Jail

49. Defendant, Sheriff Shofner as Sheriff of Dewitt County, Illinois, and Deputy Monaghan by directing Deputies Hardwick, & Deputy Wilford to bring Hoffman from his house to the Jail as alleged in Part III C ¶ 31-34 which Sheriff Shofer and Deputy Monaghan knew there was no probable cause for the arrest and imprisonment of Hoffman at his home and taking him to the Dewitt County Jail knowing the touching of Barnett-Hill specifically alleged in Part III B ¶ 25-30 was incidental and was not intended to be offensive.

50. Defendants, Deputies Hardwick and Wilford, intentionally arrested Hoffman at his home as alleged in Part III C ¶ 31-34 following the Sheriff's direction to bring him to the Jail which each knew lacked probable cause for the arrest of Hoffman at his home and taking him to the Dewitt County Jail knowing the touching of Barnett-Hill specifically alleged in Part III B ¶ 25-30 was incidental and was not intended to be offensive. was an Illinois common law false arrest.

3. False Arrest & Imprisonment in the Dewitt County Jail - Sheriff Shofner & Deputy Monaghan

51. Defendants, Sheriff Shofner and Deputy Monaghan intentionally arrested and imprisoned Hoffman in the Dewitt County Jail as alleged in Part III D ¶ 35-39, Part III E ¶ 40 knowing they lacked probable cause to believe a battery had been committed

the touching of Barnett-Hill specifically alleged in Part III B ¶ 25-30 was incidental and was not intended to be offensive. was an Illinois common law false arrest and imprisonment.

4. Director Barnett-Hall, Sheriff Shofner, & Deputy Monaghan – Malicious Prosecution

52. The conduct of defendants, Director Barnett-Hall alleged in Part III B ¶ 25-30 and Sheriff Shofner, & Deputy Monaghan alleged in Part III D ¶ 35-39, Part III E ¶ 40 made the charge of battery knowing there was no probable cause, sought, and cooperated in the prosecution of Hoffman for battery was common law malicious prosecution.

53. Hoffman was acquitted in a jury trial held on the criminal battery charges by verdict and judgment entered on May 21, 2014.

5. Respondeat Superior – Sheriff Hofner

54. Deputy Monaghan, Deputy Hardwick, and Deputy Wilford’s conduct in falsely arresting Hoffman alleged in Part IV C 1-4 was in the scope of their employment for Sheriff Shofner for which Shofner is liable under common law respondeat superior.

55. The conduct of Deputy Monaghan in the malicious prosecution of Hoffman as alleged in Part IV C 5 was in the scope of their employment for Sheriff Shofner for which Shofner is liable under common law respondeat superior

6. Section 9-102 of the Illinois Local Governmental Tort Immunity Act

56. The conduct of Director Barnett Hall was in the scope of her employment

and office as Director of Emergency Management for Dewitt County, Illinois in for the federal claim in Part IV B 1 ¶ 44 and the Illinois common law claim alleged in Part IV C 5 ¶ 52 for which Dewitt County, Illinois is liable for payment of any settlement or judgment of compensatory damages under Section 9-102 of the Illinois Local Governmental Tort Immunity Act. 745 ILCS 5/9-102 (2012).

54. The conduct of Sheriff Shofner and Deputy Monaghan for the federal claims in Part IV B 1 ¶ 45 and Part IV B 2 ¶ 46, Part IV B 3 ¶ 47 and for the Illinois common law claims alleged in Part IV C 1-3 ¶ 48-51 and Part IV C ¶ 54 was in the scope of his employment office as Sheriff of Dewitt County, Illinois and Deputy Sheriff of Dewitt County, Illinois respectively.

55. The conuct of Deputy Hardwick, and Deputy Wilford for the federal claims in Part IV B 3 ¶ 47 and for the Illinois common law claims in Part IV C 2 ¶ 55 was in the scope of their employment.

56. Dewitt County, Illinois is liable for payment of the federal and Illinois common law claims set forth above under Section 9-102 of the Illinois Local Governmental Tort Immunity Act. 745 ILCS 5/9-102 (2012).

V. Relief Requested

57. As a direct and proximate result of the conduct of defendants, Director Barnett-Hall, Sheriff Shofner, Deputy Monaghan, Deputy Hardwick and Deputy Wilford alleged above, Hoffman has suffered the infringement and retaliation by arrest and prosecution for his speech on an issue of public concern as a Dewitt County Board

Member and a citizen and has falsely arrested and imprisoned in deprivation of his Fourth Amendment right to be free from unreasonable searches and seizures; a result thereof, Hoffman has suffered a loss of reputation, mental anguish from imprisonment and the threat of additional imprisonment; further as a result of the malicious prosecution for the charge of battery without probable cause Hoffman has expended the sum of \$24,021.50 for attorney's fees to defend the criminal charges and obtain an acquittal plus the \$100 court costs, a total of \$24,121.50.

58. The conduct of Director Barnett-Hall, Sheriff Shofner, and Deputy Monaghan is such that for the purposes of punishment and by way of example, Hoffman is entitled to an award of punitive damages.

59. Hoffman has in the past and will in the future incurred attorney's fees and expenses in the prosecution of this action for which he is entitled to an award of attorney's fees and expenses under 42 U.S.C. § 1988.

VI. Prayer for Relief

WHEREFORE, Plaintiff, Terry Hoffman, prays for judgment in his favor and against the Defendants as follows:

1. Compensatory damages in the amount of Seven Hundred Fifty Thousand (\$750,000) jointly and severally against Defendants, Dewitt County, Illinois, an Illinois Local Governmental Entity; Jered Shofner, Sheriff of Dewitt County, Illinois in his Individual and Official Capacities, Anthony Monaghan, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Deputy Hardwick, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Ben Wilford, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Teresa Barnett-Hall, Director of Emergency Management Agency for Dewitt County, Illinois, in her

Individual Capacity.

2. Punitive Damages jointly and severally in the amount of One Hundred Thousand Dollars (\$100,000) against Defendants, Jered Shofner, Sheriff of Dewitt County, Illinois in his Individual Capacity, Anthony Monaghan, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity, and Teresa Barnett-Hall, Director of Emergency Management Agency for Dewitt County, Illinois, in her Individual Capacity.
3. An award of prevailing plaintiff's attorney's fees and expenses as a part of costs under 42 U.S.C. § 1988 against Defendants, Dewitt County, Illinois, an Illinois Local Governmental Entity; Jered Shofner, Sheriff of Dewitt County, Illinois in his Individual and Official Capacities, Anthony Monaghan, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Deputy Hardwick, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Ben Wilford, Deputy Sheriff of Dewitt County, Illinois in his Individual Capacity; Teresa Barnett-Hall, Director of Emergency Management Agency for Dewitt County, Illinois, in her Individual Capacity.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,

s/ Richard L. Steagall
Attorney for Plaintiff

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