

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

ANGELINA CIANFAGLIONE,	)
	)
Plaintiff,	)
	)
vs.	)
	)
TERRY ROGERS in his individual capacity,	)
DEE BURGIN, in his individual capacity,	)
ROBERT WILSON, in his individual capacity,	)
BEVERLY WEGER, in her individual capacity,	)
And COUNTY OF EDGAR, ILLINOIS,	)
	)
Defendants.	)

No. 10-2170

**FILED**  
MAY 18 2012  
CLERK OF THE COURT  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
URBANA, ILLINOIS

**FINAL PRE-TRIAL ORDER**

This matter comes before the Court at a Final Pre-Trial Conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.3(D); and Jude M. Redwood, as attorney for Plaintiff, Angelina Cianfaglione, and Nathaniel M. Schmitz, as attorney for the Defendants, Dee Burgin, Terry Rogers, Robert Wilson, Beverly Weger, and the County of Edgar, Illinois, the following action was taken.

**I. NATURE OF ACTION AND JURISDICTION**

This is an action brought pursuant to 42 U.S.C. §1983 for alleged violations of Angelina Cianfaglione’s rights under the Fourth Amendment. Ms. Cianfaglione alleges that on August 20, 2008, she was subjected to an unreasonable strip search and body cavity search at the Edgar County Jail. The genesis surrounding Ms. Cianfaglione’s allegations was a stop of Ms. Cianfaglione in her vehicle at or about 6:15 p.m. on August 20, 2008, by Defendants Dee Burgin and Terry Rogers in connection with an unrelated matter.

Ms. Cianfaglione alleges that Mr. Burgin and Mr. Rogers lacked reasonable suspicion to request that a strip and/ or body cavity search be performed on her at the Edgar County Jail on August 20, 2008. Mr. Burgin and Mr. Rogers deny that they lacked reasonable suspicion to request a strip search of Ms. Cianfaglione. In addition, Mr. Burgin and Mr. Rogers deny that they requested a body cavity search be performed on Ms. Cianfaglione at the Edgar County Jail.

Ms. Cianfaglione further alleges that the strip search and/ or body cavity search were unreasonable. Specifically, Ms. Cianfaglione alleges that Defendant Beverly Weger (at the

direction of Mr. Burgin, Mr. Rogers and Defendant Robert Wilson) performed an unreasonable strip/ body cavity search by touching Ms. Cianfaglione on the buttocks, on the vagina, and legs near her vagina and inspected the interior of her anus and vagina with a flashlight. Ms. Weger does not deny that she performed a strip search on Ms. Cianfaglione, however, Ms. Weger denies that the strip search occurred as alleged by Ms. Cianfaglione. Furthermore, Ms. Weger denies she performed a body cavity search on Ms. Cianfaglione and denies that she had any physical contact with Ms. Cianfaglione. Mr. Wilson also denies Ms. Cianfaglione's allegation that he directed Ms. Weger to perform the alleged strip/ body cavity search.

The focus of this action is twofold:

- 1) Was there reasonable suspicion to conduct a strip search of Ms. Cianfaglione for contraband?
- 2) If there was reasonable suspicion to conduct a strip search, was the scope of the search conducted by Ms. Weger at the Edgar County Jail unconstitutional?

## **II. JOINT STATEMENT**

### **A. JURISDICTION**

This Court has original jurisdiction over this case under 28 U.S.C. §1331. The jurisdiction of this Court is not disputed.

### **B. UNCONTESTED ISSUES OF FACT**

1. Angelina Cianfaglione was stopped on August 20, 2008, at approximately 6:15 p.m. for the purpose of arresting her on a bench warrant for her arrest that was the result of her failure to appear in the Circuit Court of Edgar County for a hearing on a traffic ticket.
2. Defendants Dee Burgin and Terry Rogers requested a strip search be performed on Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail.
3. Defendant Beverly Weger performed a strip search on Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail.
4. No illegal narcotics or contraband were found in Ms. Cianfaglione's vehicle or on her person by Mr. Burgin or Mr. Rogers on August 20, 2008.
5. No illegal narcotics or contraband were found on Ms. Cianfaglione's person as a result of the strip search.

**C. CONTESTED ISSUES OF FACT**

1. Whether the narcotic detector dog “AJ” employed by the Edgar County Sheriff’s Department made an “alert” on Angelina Cianfaglione and /or her vehicle on August 20, 2008.
2. Whether Defendants Dee Burgin and Terry Rogers searched Ms. Cianfaglione’s car, her purse, her cell phone, and a little notebook that was in her purse.
3. Whether after the search of Ms. Cianfaglione’s car and personal possessions, she was arrested on the warrant and, at the orders of Mr. Burgin and Mr. Rogers, she was transported to the Edgar County Jail in handcuffs and put into a holding cell at about 6:40 p.m.
4. Whether Ms. Cianfaglione informed the personnel at the Edgar County Jail that she had the money to bond out on the warrant and that she wanted to immediately pay the \$400.00 bond and leave the jail.
5. Whether Ms. Cianfaglione was not allowed to bond out at that time.
6. Whether Defendants Dee Burgin and Terry Rogers requested a body cavity search be performed on Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail.
7. Whether Defendant Robert Wilson directed Defendant Beverly Weger to perform a strip search on Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail.
8. Whether Mr. Wilson directed Ms. Weger to perform a body cavity search on Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail.
9. Whether Ms. Weger’s strip search of Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail occurred as alleged by Ms. Cianfaglione.
10. Whether Ms. Weger performed a body cavity search of Ms. Cianfaglione on August 20, 2008, at the Edgar County Jail as alleged by Ms. Cianfaglione.
11. Whether at or about 10:09 p.m. Ms. Cianfaglione was removed from the holding cell and posted bond of \$400.00, as required on the arrest warrant and was allowed to leave the Edgar County Jail.

**D. UNCONTESTED ISSUES OF LAW**

1. Defendants were acting under color of state law at all relevant times hereto.

**E. CONTESTED ISSUES OF LAW**

1. Whether Defendants Dee Burgin and Terry Rogers had reasonable suspicion to request a strip search be performed on Plaintiff Angelina Cianfaglione on August 20, 2008, at the Edgar County Jail.
2. Whether Defendants violated Plaintiff's Fourth Amendment Rights.
3. Whether the Defendants are entitled to qualified immunity.
4. Whether Plaintiff is entitled to compensatory damages.
5. Whether Plaintiff is entitled to punitive damages.

**F. JURY DEMAND**

1. The parties agree that this cause will be a jury trial.

**III. PLAINTIFF'S ITEMIZED STATEMENT OF DAMAGES**

1. Compensatory damages.
2. Punitive damages to punish the Defendants for their conduct and to deter similar conduct in the future.
3. Attorney's Fees and Costs pursuant to 42 U.S.C. § 1988.

**IV. EXHIBITS ATTACHED**

**Exhibit A – Witness List for Plaintiff**  
**Exhibit B – Witness List for Defendants**  
**Exhibit C – Exhibit List for Plaintiff**  
**Exhibit D – Exhibit List for Defendants**

DUE TO PRIVACY ISSUES THE WITNESS  
LISTS HAVE BEEN REMOVED FROM THE  
FINAL PRETRIAL ORDER

THE WITNESS LISTS WILL BE MAILED  
CONVENTIONALLY TO ATTORNEYS OF  
RECORD AND/OR PRO SE PARTIES

**EXHIBIT C****EXHIBIT LIST FOR PLAINTIFF**

Case Name: Cianfaglione v. Rogers, et al.,	Case No.: 10-cv-2170	Page 1 of 1
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No.	Description	Admit Without Objection	Authentication Waived	Objection
1	Docket Sheet Edgar County Case 08-TR-793			X
2	Bail Bond Form Edgar County Case 08-TR-793			
3	Certified Copy Warrant of Arrest – Edgar County Case 08-TR-793			X

**EXHIBIT D****EXHIBIT LIST FOR DEFENDANTS**

Case Name: Cianfaglione v. Rogers, et al.,	Case No.: 10-cv-2170	Page 1 of 1
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No.	Description	Admit Without Objection	Authentication Waived	Objection
1	Edgar County Jailers Log – August 20, 2008, 4:00 p.m. through August 20, 2008, 10:40 p.m.			
2	Paris Police Department Daily Activity Report – August 20, 2008, 17:46 through August 20, 2008, 21:32.			
3	Edgar County Sheriff's Dispatch Log/ Confidential – August 14, 2008, 00:00 through August 20, 2008, 23:56.			
4	Edgar County Jailnet Report – August 20, 2008			
5	Edgar County Sheriff's Department Records concerning narcotic detector dog "AJ"			

V. GENERAL ADDITIONAL

The following additional action was taken:

**IT IS FURTHER UNDERSTOOD BY THE PARTIES THAT:**

The Parties have not disclosed the name or qualifications of any expert witnesses, and thus will not call as a witness any expert.

Any Trial Briefs or Motions in Limine shall be submitted as directed by this Court but in no event ~~less than five (5) days prior to the commencement of that trial.~~ *Following May 25, 2012*

A party may supplement a list of witnesses or exhibits only upon good cause shown in a motion filed and served upon the other parties prior to trial; except that, upon the development of testimony fairly shown to be unexpected, any party may, with leave of court, call such contrary witnesses or use such exhibits as may be necessary to counter the unexpected evidence, although not previously listed, and without prior notice of any other party.

It is mutually estimated that the length of trial will not exceed five (5) full days. The case will be listed on the trial calendar to be tried when reached.

Once a final version of this order has been approved by the Court, it may be modified at the trial of the action, or prior thereto, only to prevent manifest injustice. Such modification may be made either on motion of counsel for any party or on the Court's own motion.

Any additional proposed jury instructions shall be submitted to the Court within five days before the commencement of the trial, but there is reserved to counsel for the respective parties the right to submit supplemental proposals for instructions during the course of the trial or at the conclusion of the evidence on matters that could not reasonably have been anticipated.

ENTERED: May 18, 2012.

s/ Michael P. McCuskey

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Hon. Michael P. McCuskey

APPROVED:   
s/Jude M. Redwood

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Jude M. Redwood  
Attorney for Plaintiff

s/Nathaniel M. Schmitz

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Nathaniel M. Schmitz  
Attorney for Defendants