



2. In 2011, former LaSalle County State's Attorney, Brian Towne ("Defendant Towne") formed a vigilante police force, called the State's Attorney Felony Enforcement ("SAFE") unit, without proper authority and outside the realm of his jurisdiction. The SAFE unit arrested dozens of people and confiscated large amounts of money from out-of-state drivers without sufficient justification. Defendants even confiscated money from drivers who committed no crimes and were not arrested after the SAFE unit's traffic stops. Upon information and belief, Defendants used these sums of money for improper purposes, such as travel expenses for law enforcement conferences (along with per diem payments to Defendant Towne and his employees for travel), donations to schools and sports teams, and funding for the SAFE unit itself.

3. Defendant Towne purported to establish the SAFE unit pursuant to 55 ILCS 5/3-9005(b), which authorizes the State's Attorney to appoint "one or more special investigators to serve subpoenas and summonses, make return of process, and conduct investigations which assist the State's Attorney in the performance of his duties." The purpose of the SAFE unit was to target drug traffickers driving through Illinois by way of interstate highways and confiscate any illegal drugs and drug money from them.

4. Defendant Towne equipped SAFE unit officers with police powers to conduct drug interdiction activities along interstate highways passing through LaSalle County, Illinois, particularly on I-80. The SAFE unit consisted of officers with drug interdiction backgrounds, drug-sniffing dogs to assist with searches for drugs, and agencies to support the unit.

5. The SAFE unit targeted "suspicious" vehicles with out-of-state license plates (primarily from western states) and pulled over drivers for non-drug related traffic violations as a

pretext for searching vehicles for drugs and drug money. Once a SAFE unit officer stopped a vehicle, the officer would walk over to the vehicle to speak with the driver. Within minutes or sometimes moments, a drug-sniffing dog would arrive on the scene and the officer would routinely allow the dog to walk around the perimeter of the vehicle. If the dog detected the scent of drugs or the scent of drug residue on cash found in the vehicle, the officer would confiscate the drugs and/or any cash the officer deemed to be drug money, along with arresting the driver and/or passenger(s). In a number of cases, the SAFE unit would seize money without arresting or charging the driver and/or passenger(s).

6. Defendants allocated the SAFE unit's confiscated money to a civil forfeiture fund. Based on responses to Freedom of Information Act ("FOIA") requests, money from the fund was donated to schools and sports teams. Additionally, approximately \$100,000 was spent on travel expenses for law enforcement conferences, including \$17,000 in per diem payments made to Defendant Towne and his employees for travel.<sup>1</sup> The civil forfeiture fund also provided money for the SAFE unit's vehicles, guns, computers, uniforms, etc. Money seized by the SAFE unit totaled approximately \$1.7 million from 2011 to 2015, and included cash from traffic stops that did not result in criminal charges.<sup>2</sup>

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<sup>1</sup> Taryn Phaneuf, *Should Investigators Hired by the State's Attorney be Able to Arrest Suspected Drug Traffickers*, MADISON RECORD, Jul. 26, 2016, <http://madisonrecord.com/stories/510965991-should-investigators-hired-by-the-state-s-attorney-be-able-to-arrest-suspected-drug-traffickers>; Roy Strom, *LaSalle County State's Attorney: A Prosecutor, Police Chief or both?*, CHICAGO LAWYER, Dec. 1, 2015, <http://www.chicagolawyer.com/Archives/2015/12/LaSalle-County-towne-Dec15.aspx>.

<sup>2</sup> Roy Strom, *LaSalle County: How a Prosecutor's Police Force Turned a Highway into a Payday*, CHICAGO LAWYER, Mar. 1, 2016, <http://www.chicagolawyer.com/Archives/2016/03/Brian-Towne-Safe-Unit-March16.aspx>; Roy Strom, *LaSalle County State's Attorney: A Prosecutor, Police Chief or both?*, CHICAGO LAWYER, Dec. 1, 2015, <http://www.chicagolawyer.com/Archives/2015/12/LaSalle-County-towne-Dec15.aspx>.

7. Using drug forfeiture money to fund the SAFE unit's actions violates the Illinois Drug Asset Forfeiture Procedure Act, as drug asset forfeiture "is not intended to be an alternative means of funding the administration of criminal justice." 725 ILCS 150/2.

8. Defendants' SAFE program exceeds the scope of 55 ILCS 5/2-9005(b) per the court's decision in *People v. Ringland*, 2015 IL App (3d) 130523, P48 (Ill. App. Ct. 3d Dist. 2015) (holding that the trial court did not err in granting defendants' motions to suppress, as the SAFE unit and special investigator exceeded the scope of 55 ILCS 5/3-9005(b)). The court reasoned that the State's Attorney's investigative role is restricted to helping police with investigation needs or providing assistance when police are unable to address criminal activity sufficiently. *Id.* at P46. "Seeking out criminal activity by virtue of patrolling the highway is a far cry from 'standing ready' to assist police" pursuant to 55 ILCS 5/2-9005(b). *Id.* at P46-48.

9. Defendants' SAFE unit program was suspended in 2015.

10. Defendants' SAFE program violated Plaintiff and Class members' Fourth Amendment rights. Per 42 U.S.C. § 1983, Defendants are therefore not shielded by qualified immunity and are liable to Plaintiffs and Class members for monetary, declaratory, and injunctive relief.

### **JURISDICTION AND VENUE**

11. This Court has subject matter jurisdiction over this class action pursuant to 28 U.S.C. §§ 1331, 1332(d), and 1343(a) and 42 U.S.C. § 1983. Jurisdiction for Plaintiffs' state claims are based on supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

12. Venue is proper in the Court pursuant to 28 U.S.C. § 1391(b), as the claims arose in this district as alleged below.

### **PARTIES**

13. Plaintiffs are Alyssa B. Larson (“Plaintiff Larson”), a resident of Torrington, Connecticut, and Jeffrey R. Straker (“Plaintiff Straker”), a resident of Chicago, Illinois.

14. Defendants are LaSalle County, former LaSalle County State’s Attorney, Brian Towne (“Defendant Towne”), and John Doe SAFE Unit officers (“Officer” or “Officers”). Defendant Towne is sued based on his actions as State’s Attorney of LaSalle County.

### **FACTUAL ALLEGATIONS**

#### **Plaintiff Larson**

15. In October 2012, Plaintiff Larson’s mother was pulled over by a SAFE unit Officer while she was driving down I-80. The officer claimed that she was speeding. He directed her to sit in his vehicle while a drug-sniffing dog walked around the perimeter of her vehicle. The dog alerted the Officer, who searched her vehicle and discovered marijuana. The officer confiscated the drugs, arrested Plaintiff Larson’s mother, and she was incarcerated for approximately 15 months.

16. Shortly after her mother’s arrest, Plaintiff Larson flew to LaSalle County to obtain her mother’s vehicle, which had been impounded after her mother’s arrest.

17. After obtaining her mother’s vehicle from the impound lot, Plaintiff Larson began driving on I-80, with her grandmother, through LaSalle County.

18. While driving down I-80, Plaintiff Larson witnessed two to three Officers in unmarked cars stopping another vehicle.

19. Plaintiff Larson witnessed one Officer pointing to her car and another Officer (“Officer 1”) run to an unmarked vehicle and enter it.

20. Officer 1 subsequently pulled Plaintiff Larson over, walked up to her driver side window, and immediately told her to get out of her car.

21. Officer 1 claimed that Plaintiff Larson had made an “unsafe lane change,” which was not true.

22. Plaintiff Larson had not violated any traffic, city, state, or federal law. Officer 1 did not have any reason to believe that Plaintiff Larson had violated, or was about to violate, any traffic, city, state, or federal law. Officer 1 did not have an arrest warrant, probable cause, reasonable suspicion, consent, or any other lawful basis to stop Plaintiff Larson.

23. Officer 1 concocted the allegation that Plaintiff Larson made an “unsafe lane change” in an attempt to establish probable cause or reasonable suspicion to stop Plaintiff Larson.

24. The real reason that Officer 1 stopped Plaintiff Larson was the fact that she was traveling in a vehicle with out-of-state license plates.

25. Police officers are not allowed to stop vehicles based solely on the fact that they have out-of-state license plates.

26. Plaintiff Larson was seized and not free to leave.

27. Officer 1 told her to come back to his vehicle and sit in the passenger seat. While walking with Officer 1 back to his vehicle, a second Officer (“Officer 2”) pulled up in an unmarked car and exited the car.

28. Officer 1 told Officer 2 to “run the car,” meaning that Officer 2 must search Plaintiff Larson’s car with a drug-sniffing dog.

29. Plaintiff Larson was not carrying any drugs in her car.

30. Plaintiff Larson did not give the Officers permission for the search and neither Officer asked for her permission to conduct a search of her vehicle.

31. Plaintiff Larson carefully observed the dog because she is a police dog trainer by occupation.

32. While the drug-sniffing dog searched the vehicle, Plaintiff Larson noticed that the dog was panting, which meant that the dog was not capable of sniffing for drugs. Plaintiff Larson told Officer 1 that she trains police dogs for a living and she continued to critique the search.

33. Plaintiff Larson also noticed that the dog attempted to steal ice cream from her grandmother who was still sitting in the passenger seat of her vehicle. Plaintiff noted that a well-trained drug-sniffing dog would not engage in such behavior and that the dog seemed disinterested.

34. After learning that Plaintiff Larson trains police dogs for living, Officer 1 asked Officer 2 to stop the search, but Officer 2 had already rewarded the dog with a ball for “alerting” him.

35. Plaintiff Larson continued to speak with Officer 1 and asked him about what he and the other Officers were doing on I-80. Officer 1 told her that he was a retired police officer who was part of a team that the State’s Attorney had created to stop drug traffickers on I-80. Officer 1 also told her that the team sits on I-80, looks for vehicles with out-of-state license plates, and stops them “all day.”

36. Officer 1 allowed Plaintiff Larson to leave, without arresting her, ticketing her, or even checking her license and registration. The traffic stop lasted approximately 25 minutes.

37. Plaintiff Larson possesses video footage of portions of the stop.

38. Defendants conducted an unreasonable search and seizure as set forth above, in violation of Plaintiff Larson’s Fourth Amendment rights.

39. The establishment and actions of Defendants directly caused the violation of Plaintiff Larson's and all Class members' Fourth Amendment rights, as made actionable by and through 42 U.S.C. § 1983.

40. The violation of Plaintiff Larson's and Class members' rights under the Fourth Amendment has resulted in unwarranted arrests and incarcerations and the imposition of illegal fines and court costs, as well as other forms of damages specifically provided for under 42 U.S.C. § 1983, including but not limited to humiliation, anxiety, embarrassment, and attorneys' fees.

**Plaintiff Straker**

41. On or about December 20, 2014, Plaintiff Straker was driving a Cadillac Seville heading east on I-80 towards Ohio.

42. At the time, Plaintiff Straker was living in Nevada City, California and had California license plates on his car.

43. Sometime between 8:00am and 9:00am, an unmarked vehicle pulled over Plaintiff Straker and a SAFE Officer ("Officer 3") walked up to Plaintiff Straker's driver's side window.

44. Officer 3 told Plaintiff Straker that he was driving 73 miles per hour in a 70 mile per hour zone and asked for Plaintiff Straker's license and registration.

45. The real reason that Officer 3 stopped Plaintiff Straker was the fact that he was traveling in a vehicle with out-of-state license plates.

46. Police officers are not allowed to stop vehicles based solely on the fact that they have out-of-state license plates.

47. Plaintiff Straker complied and Officer 3 asked Plaintiff Straker to come back to his vehicle while he ran his license/registration.

48. Plaintiff Straker complied because he did not feel that he was free to remain in his own vehicle.

49. Plaintiff Straker was seized and therefore not free to leave.

50. Plaintiff Straker sat in the front passenger seat in Officer 3's car.

51. Another vehicle showed up and Officer 3 told Plaintiff Straker that the K-9 unit had arrived.

52. Another Officer ("Officer 4") walked around Plaintiff Straker's vehicle with a drug-sniffing dog.

53. At no point did Plaintiff Straker give the Officers permission to allow the dog to walk around his vehicle.

54. The dog alerted Officer 4, and Officer 3 told Plaintiff Straker that they would be taking him to the police station.

55. Officer 4 got into Plaintiff Straker's car and started driving it to the police station without Plaintiff Straker's permission.

56. Once Plaintiff Straker and the Officers reached the station, the Officers asked Plaintiff Straker to wait inside the garage while the Officers searched the vehicle.

57. The Officers discovered that Plaintiff Straker was carrying marijuana and arrested him.

58. Plaintiff Straker was imprisoned and subsequently admitted into a work release program.

59. Plaintiff Straker was fined \$31,0000.

60. Defendants conducted an unreasonable search and seizure as set forth above, in violation of Plaintiff Straker's Fourth Amendment rights.

61. The establishment and actions of Defendants directly caused the violation of Plaintiff Straker's and all Class members' Fourth Amendment rights, as made actionable by and through 42 U.S.C. § 1983.

62. The violation of Plaintiff Straker's and Class members' rights under the Fourth Amendment has resulted in unwarranted arrests and incarcerations and the imposition of illegal fines and court costs, as well as other forms of damages specifically provided for under 42 U.S.C. § 1983, including but not limited to humiliation, anxiety, embarrassment, and attorneys' fees.

### **CLASS ACTION ALLEGATIONS**

63. Plaintiffs bring this class action lawsuit on behalf of themselves and proposed Classes of similarly situated persons, pursuant to Rule 23(b)(2) and (b)(3) of the Federal Rules of Civil Procedure.

64. Plaintiffs seek certification of the following Class:

**National Class:** All persons in the United States with vehicle license plates from states other than Illinois who were stopped and detained by SAFE unit officers while driving through interstate highways in Illinois.

Excluded from the Class are Defendants and their affiliates, parents, subsidiaries, employees, officers, agents, and directors. Also excluded are any judicial officers presiding over this matter and the members of their immediate families and judicial staff.

65. Certification of Plaintiffs' claims for class-wide treatment is appropriate because Plaintiffs can prove the elements of their claims on a class-wide basis using the same evidence that would be used to prove those elements in individual actions alleging the same claims.

66. **Numerosity – Federal Rule of Civil Procedure 23(a)(1).** The members of the Class are so numerous that individual joinder of all Class members is impracticable. On

information and belief, Class members number in the hundreds to thousands. The precise number or identification of members of the Class are currently unknown to Plaintiffs, but may be ascertained from Defendants' books, records, and responses to FOIA requests. Class members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. mail, electronic mail, internet postings, and/or published notice.

67. **Commonality and Predominance – Federal Rule of Civil Procedure 23(a)(2) and 23(b)(3).** Common questions of law and fact exist as to all members of the Class, which predominate over any questions affecting individual members of the Class. These common questions of law or fact include, but are not limited to, the following:

- a) Whether Defendants exceeded the scope of 55 ILCS 5/3-9005(b) in establishing the LaSalle County SAFE unit;
- b) Whether Defendants violated the Fourth Amendment rights of Class members by conducting illegal stops, resulting in unreasonable searches of persons and/or vehicles, unreasonable searches of vehicles, unreasonable seizures, and false arrests; and
- c) Whether Defendants violated any other city, state, or federal laws in establishing the SAFE unit and authorizing or approving the SAFE unit's drug interdiction activities.

68. Defendants engaged in a common course of conduct giving rise to the legal rights sought to be enforced by Plaintiffs, on behalf of themselves and the Class members. Similar or identical statutory and common law violations and injuries are involved. Common questions of law and fact predominate over any questions that affect the individual members of the Class.

69. **Typicality – Federal Rule of Civil Procedure 23(a)(3).** Plaintiffs' claims are typical of the claims of the other Class members. Plaintiffs and Class members sustained damages arising out of Defendants' wrongful course of conduct in violation of federal and state

laws. Additionally, the damages of Plaintiffs and each Class member were caused directly by Defendants' wrongful conduct. Further, the harms suffered by the named Plaintiffs are typical of the harms suffered by Class members.

**70. Adequacy of Representation – Federal Rule of Civil Procedure 23(a)(4).**

Plaintiffs are adequate representatives of the Class and their interests do not conflict with the interests of the other Class members they seek to represent. Plaintiffs have also retained counsel competent and experienced in complex commercial and class action litigation. Plaintiffs and their counsel fully intend to fairly and adequately protect the interests of the Class.

**71. Declaratory and Injunctive Relief – Federal Rule of Civil Procedure 23(b)(2).**

Defendants have acted or refused to act on grounds generally applicable to Plaintiffs and the other Class members, thereby making appropriate final injunctive relief and declaratory relief, as described below, with respect to the members of the Class as a whole.

**72. Superiority – Federal Rule of Civil Procedure 23(b)(3).** A class action is superior to any other available means for the fair and efficient adjudication of this case, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other financial detriment suffered by Plaintiffs and the other members of the Class are relatively small compared to the burden and expense involved in individually litigating their claims against Defendants. Therefore, it would be impracticable for members of the Class to individually seek redress for Defendants' wrongful conduct. Even if members of the Class could afford individual litigation, the court system could not. Individualized litigation creates a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management

difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

**CAUSES OF ACTION**

**COUNT I**  
**(42 U.S.C § 1983 – Unreasonable Seizures)**

73. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

74. After fabricating and/or exaggerating traffic violations, Defendant Officers stopped Plaintiffs' vehicles.

75. Defendant Officers seized Plaintiffs.

76. Defendant Officers did not have a reasonable suspicion, based on any specific and articulable facts, that Plaintiffs were involved in a criminal activity at the time.

77. Defendants Officers did not have any other legal justification to seize Plaintiffs.

78. The seizure of Plaintiffs without reasonable suspicion or any other legal justification violated their Fourth Amendment rights, as guaranteed by the Fourteenth Amendment, to be free from unreasonable seizures.

WHEREFORE, Plaintiffs asks that this Honorable Court:

- a. Enter judgment against Defendants;
- b. Award Plaintiffs compensatory and punitive damages;
- c. Award attorneys' fees and costs; and
- d. Award any further relief that this Honorable Court deems just and equitable.

**COUNT II**  
**(42 U.S.C. § 1983 – False Arrest)**

79. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

80. After stopping Plaintiffs for traffic violations and failing to issue any warnings or tickets for such violations, Defendant Officers did not allow Plaintiff to leave.

81. Plaintiffs were under arrest and not free to leave.

82. Defendant Officers did not have an arrest warrant, probable cause, or any other legal justification to arrest Plaintiffs.

83. The arrest of Plaintiffs without any legal justification or probable cause violated their Fourth Amendment rights, as guaranteed by the Fourteenth Amendment, to be free from unreasonable seizures.

WHEREFORE, Plaintiffs ask that this Honorable Court:

- a. Enter judgment against Defendants;
- b. Award Plaintiffs compensatory and punitive damages;
- c. Award attorneys' fees and costs; and
- d. Award any further relief that this Honorable Court deems just and equitable.

### **COUNT III**

#### **(42 U.S.C. § 1983 – Unreasonable Search of Vehicle)**

84. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

85. Searching Plaintiffs' vehicles without probable cause or any other legal justification violated their Fourth Amendment rights, as guaranteed by the Fourteenth Amendment, to be free from unreasonable searches.

WHEREFORE, Plaintiffs ask that this Honorable Court:

- a. Enter judgment against Defendants;
- b. Award Plaintiffs compensatory and punitive damages;
- c. Award attorneys' fees and costs; and
- d. Award any further relief that this Honorable Court deems just and equitable

**COUNT IV**

**(42 U.S.C. § 1983 – *Monell* Claim Against LaSalle County)**

86. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

87. *Monell v. Dep't of Soc. Servs.* held that local governing bodies “can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where...the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers.” 436 U.S. 658, 690-691 (1978).

88. At all times relevant to this Complaint, there existed in LaSalle County the following practices, policies, and customs as carried out by the SAFE unit:

- a. Stopping, detaining, arresting, and searching persons driving on Illinois interstate highways with out-of-state license plates without a warrant, probable cause, reasonable suspicion, consent, or any other legal basis;
- b. Searching persons' vehicles without a warrant, probable cause, reasonable suspicion, consent, or any other legal basis;
- c. Conducting false K9 alerts during traffic stops in an attempt to justify the illegal searches of the vehicles;
- d. Conducting illegal traffic stops in an attempt to seize money and vehicles pursuant to asset forfeiture.

89. The actions of Defendants as alleged in this Complaint were done pursuant to, and as a result of, one or more of the above *de facto* practices, policies and customs of LaSalle County, Defendant Towne, the SAFE unit, and the Officers, investigators, and government agencies involved in the SAFE program.

90. The practices, policies, and customs described above are widespread, permanent and well-settled, and were known, or should have been known, to Defendant Towne and the policy-makers of LaSalle County.

91. From 2011 to 2015, it was reported that money seized by the LaSalle County SAFE unit totaled approximately \$1.7 million from 2011 to 2015, and included asset forfeiture from stops that did not result in criminal charges.<sup>3</sup>

92. Revenue from the SAFE program's civil asset forfeitures was placed in Defendant Towne's forfeiture fund.<sup>4</sup>

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<sup>3</sup> Roy Strom, LaSalle Bounty: How a Prosecutor's Police Force Turned a Highway into a Payday, CHICAGO LAWYER, Mar. 1, 2016, <http://www.chicagolawyermagazine.com/Archives/2016/03/Brian-Towne-Safe-Unit-March16.aspx>; Roy Strom, *LaSalle County State's Attorney: A Prosecutor, Police Chief or both?*, CHICAGO LAWYER, Dec. 1, 2015, <http://www.chicagolawyermagazine.com/Archives/2015/12/LaSalle-County-towne-Dec15.aspx>.

93. LaSalle County used the SAFE drug forfeiture revenue to fund: travel for Defendant Towne and his employees to attend law enforcement conferences; the SAFE unit's vehicles, guns, office furniture, computers, and uniforms; and donations to organizations of Defendant Towne's choice.<sup>5</sup>

94. The LaSalle County State's Attorney and LaSalle County policy-makers acted with deliberate indifference in maintaining, overlooking and preserving the unconstitutional practices, policies and customs delineated above.

95. By their inaction and failure to correct the above-described practices, policies and customs, Defendant Towne authorized and approved, and LaSalle County policy-makers tacitly approved and thus indirectly authorized, the type of misconduct Plaintiffs complain of herein.

WHEREFORE, Plaintiffs ask that this Honorable Court:

- a. Enter judgment against LaSalle County and Defendant Towne;
- b. Award Plaintiffs compensatory and punitive damages;
- c. Award attorneys' fees and costs; and
- d. Award any further relief that this Honorable Court deems just and equitable

#### **COUNT V**

#### **(Illinois State Law Claim for Intentional Infliction of Emotional Distress)**

96. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

97. Defendants' conduct was extreme and outrageous.

98. Defendants intended to cause Plaintiffs severe emotional distress, or knew that

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

there was a high probability that their conduct would cause Plaintiffs severe emotional distress.

99. Defendants' conduct caused Plaintiffs severe emotional distress.

WHEREFORE, Plaintiffs ask that this Honorable Court:

- a. Enter judgment against Defendants;
- b. Award Plaintiffs compensatory and punitive damages;
- c. Award attorneys' fees and costs; and
- d. Award any further relief that this Honorable Court deems just and equitable.

#### **COUNT VI**

#### **(Illinois State Law *Respondeat Superior* Claim)**

100. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

101. The acts of Defendants described in the above state-law claim of intentional infliction of emotional distress was willful and wanton, and committed in the scope of employment.

102. Pursuant to *respondeat superior*, Defendants Towne and LaSalle County are liable for their agents' actions.

WHEREFORE, Plaintiffs demand judgment against Defendants Towne and LaSalle County, and such other and additional relief that this Honorable Court deems just and equitable.

#### **COUNT VII**

#### **(Indemnification Claim Pursuant to 745 ILCS 10/9-102)**

103. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

104. The acts of Defendants described in the above claims were willful and wanton, and committed in the scope of employment.

105. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant LaSalle County is liable for any judgments for compensatory damages in this case arising from the Defendants' actions.

WHEREFORE, Plaintiffs ask that this Honorable Court order Defendant LaSalle County to indemnify Defendants for any judgment for compensatory damages in this case arising from their actions.

**COUNT VIII**  
**(Unjust Enrichment)**

106. Plaintiffs incorporate and re-allege the foregoing paragraphs as if fully set forth herein.

107. Plaintiffs and the other members of the Class conferred benefits on Defendants by relinquishing cash as a result of the SAFE officer's orders.

108. Defendants have been unjustly enriched in retaining the revenues derived from Plaintiffs and the other members of the Class as a result of the SAFE unit's vehicle stops. Retention of those monies under these circumstances is unjust and inequitable because Defendants violated the Fourth Amendment in confiscating Plaintiffs' money.

109. Because Defendants' retention of the non-gratuitous benefits conferred on them by Plaintiffs and the other members of the Class is unjust and inequitable, Defendants must pay restitution to Plaintiffs and the other members of the Classes for their unjust enrichment, as ordered by the Court.

WHEREFORE, Plaintiffs ask that this Honorable Court enter judgment against Defendants and award Plaintiffs restitution of the monies Defendants wrongfully acquired through the SAFE unit's civil asset forfeiture, and such other and additional relief that this Honorable Court deems just and equitable.

**JURY DEMAND**

Plaintiffs demand a trial by jury of all claims in this Class Action Complaint so triable.

Dated: June 2, 2017

Respectfully submitted,

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