

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

KIMBERLEY THAMES,

Plaintiff,

v.

CITY OF WESTLAND; JEFF JEDRUSIK, individually and in his official capacity as Chief of Police, City of Westland Police Department; JASON SOULLIERE, individually and in his official capacity as a police officer, City of Westland Police Department; JOHN GATTI, individually and in his official capacity as a police officer, City of Westland Police Department; ADAM TARDIF, individually and in his official capacity as a police officer, City of Westland Police Department; NORMAN BROOKS, individually and in his official capacity as a police officer, City of Westland Police Department; NORTHLAND FAMILY PLANNING CLINIC, INC.; RENEE CHELIAN, Owner, Operator, CEO, and Founder, Northland Family Planning Clinic, Inc.; JOHN DOE [a fictitious name], employee/agent, Northland Family Planning Clinic, Inc.; and MARY E. GUILBERNAT, employee/agent, Northland Family Planning Clinic, Inc.,

Defendants.

Case No.

COMPLAINT

[Civil Rights Action under
42 U.S.C. § 1983 &
Michigan State Law]

Demand for Jury Trial

Plaintiff Kimberley Thames (hereinafter referred to as “Plaintiff”), by and through her undersigned counsel, brings this Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof alleges the following upon information and belief:

INTRODUCTION

1. This case seeks to protect and vindicate fundamental rights. It is a civil rights action brought under the First, Fourth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, and Michigan state law, challenging Defendants' acts, policies, practices, customs, and/or procedures that deprived Plaintiff of her fundamental rights and caused her severe physical, mental, and emotional harm.

2. Defendant City of Westland's (also referred to as the "City") acts, policies, practices, customs, and/or procedures, and its failure to adequately train and supervise its police officers and jailers were each a moving force behind the constitutional violations and a proximate cause for the harm caused to Plaintiff.

3. The City and its police officials, including its chief of police, Defendant Jeff Jedrusik, in conjunction, agreement, and cooperation with Defendant Northland Family Planning Clinic, Inc. and its agents, employees, volunteers, and/or security personnel, including Defendants Chelian, Doe, and Guilbernat, conspired to and in fact did jointly engage in a pattern of conduct that deprived Plaintiff of her fundamental rights and caused her severe physical, mental, and emotional harm. Defendants' actions were in retaliation against Plaintiff for engaging in constitutionally protected activities.

4. Plaintiff seeks a declaration that Defendants violated her clearly established rights as set forth in this Complaint; a preliminary and permanent injunction enjoining the enforcement of Defendants' unconstitutional acts, policies, practices, customs, and/or procedures as set forth in this Complaint; a judgment awarding nominal and compensatory damages against all Defendants for the harm caused to Plaintiff; and a judgment awarding exemplary and punitive damages against certain Defendants in their individual capacities for their reckless, wanton, intentional, and outrageous conduct, which was done with an evil motive and a callous indifference to the fundamental rights of Plaintiff. Plaintiff also seeks an award of her reasonable costs of litigation, including attorneys' fees and expenses.

JURISDICTION AND VENUE

5. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

6. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

7. Plaintiff's claims for damages are authorized under 42 U.S.C. § 1983, Mich. Comp. Laws § 600.291, and by the general legal and equitable powers of this

Court.

8. Plaintiff's claim for an award of her reasonable costs of litigation, including attorneys' fees and expenses, is authorized by 42 U.S.C. § 1988, Mich. Comp. Laws § 600.2911, and other applicable law.

9. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this district.

PLAINTIFF

10. Plaintiff Kimberley Thames is an adult citizen of the United States, and she resides in Westland, Michigan. Plaintiff served honorably in the U.S. Navy for nine years.

11. Plaintiff opposes all violence, specifically including the violence of abortion, which results in the death of an innocent human life.

12. Plaintiff is Catholic, and she opposes abortion based on her sincerely held religious belief that abortion is an intrinsic evil. Plaintiff engages in expressive religious activity, such as praying and witnessing for life outside of facilities where abortions are performed, as part of her religious exercise.

13. As part of her expressive religious activity, Plaintiff would often protest abortion by engaging in silent prayer and holding pro-life signs on the public sidewalks surrounding facilities where abortions are performed, including on the public sidewalks surrounding the Northland Family Planning Center located on Ford

Road in Westland, Michigan (hereinafter referred to as the “Northland facility”).

DEFENDANTS

14. Defendant City of Westland is a municipal entity organized and existing under the laws of the State of Michigan. It is a municipal corporation with the right to sue and be sued.

15. The City and its officials are responsible for creating, adopting, approving, ratifying, and enforcing the policies, practices, customs, and/or procedures of the City, including the policies, practices, customs and/or procedures of the City Police Department, which includes the policies, practices, customs, and/or procedures for detaining individuals, such as Plaintiff, in the holding cell of the City Police Department.

16. The City’s policies, practices, customs, and/or procedures were the moving force behind the constitutional violations set forth in this Complaint.

17. At all relevant times, the City trained, supervised, and employed its police officers, including Defendants Jedrusik, Soulliere, Gatti, Tardiff, and Brooks, and its jailers.

18. The City’s deficient training and supervision of Defendants Jedrusik, Soulliere, Gatti, Tardiff, Brooks, and the City jailers were done with deliberate indifference as to their known or obvious consequences and were a moving force

behind the actions that deprived Plaintiff of her fundamental rights as set forth in this Complaint.

19. Defendant Jeff Jedrusik is the chief of police for the City Police Department. At all relevant times, he was an agent, servant, and/or employee of the City, acting under color of state law.

20. As the chief of police, Defendant Jedrusik is responsible for the acts, policies, practices, customs, and/or procedures of the police department, including those that deprived Plaintiff of her fundamental rights as set forth in this Complaint. This includes the acts, policies, practices, customs, and/or procedures for detaining individuals, such as Plaintiff, in the holding cell of the City Police Department.

21. As the chief of police, Defendant Jedrusik is also responsible for the training and supervision of the City's police officers, including the training and supervision of Defendants Soulliere, Gatti, Tardiff, and Brooks, and for the training and supervision of the jailers who operate the holding cell at the City Police Department. The deficient training and supervision of these officers and jailers were done with deliberate indifference as to their known or obvious consequences and were the moving force behind the actions that deprived Plaintiff of her fundamental rights and caused her injury as set forth in this Complaint.

22. Defendant Jedrusik is sued individually and in his official capacity as chief of police for the City Police Department.

23. At all relevant times, Defendant Jason Soulliere was a police officer with the City Police Department. At all relevant times, Defendant Soulliere was an agent, servant, and/or employee of the City, acting under color of state law. Defendant Soulliere is sued individually and in his official capacity as a police officer for the City Police Department.

24. At all relevant times, Defendant John Gatti was a police officer with the City Police Department. At all relevant times, Defendant Gatti was an agent, servant, and/or employee of the City, acting under color of state law. Defendant Gatti is sued individually and in his official capacity as a police officer for the City Police Department.

25. At all relevant times, Defendant Adam Tardif was a police officer with the City Police Department. At all relevant times, Defendant Tardif was an agent, servant, and/or employee of the City, acting under color of state law. Defendant Tardif is sued individually and in his official capacity as a police officer for the City Police Department.

26. At all relevant times, Defendant Norman Brooks was a police officer with the City Police Department. At all relevant times, Defendant Brooks was an agent, servant, and/or employee of the City, acting under color of state law. Defendant Brooks is sued individually and in his official capacity as a police officer for the City Police Department.

27. Defendants City, Jedrusik, Soulliere, Gatti, Tardif, and Brooks are collectively referred to as “City Defendants.”

28. Defendants Soulliere, Gatti, Tardif, and Brooks are collectively referred to as “Defendant police officers.”

29. Defendant Northland Family Planning Clinic, Inc. (hereinafter “Northland”) is a corporation organized and existing under Michigan law. Northland owns and operates the Northland facility. Abortions are routinely performed at the Northland facility.

30. Defendant Renee Chelian is the owner, operator, Chief Executive Officer (CEO), and founder of Northland. Defendant Chelian is responsible for the acts and omissions of Northland’s employees and agents, including Defendants Doe and Guilbernath. Defendant Chelian is responsible for creating a work environment at Northland that is hostile to people, such as Plaintiff, who engage in pro-life speech activity outside of the Northland facility.

31. At all relevant times, Defendant John Doe, a fictitious name, was an agent/employee of Northland, working as a security guard for the Northland facility. Defendant John Doe is referred to in the police reports as “Robert Charles,” with his last name blacked out.

32. At all relevant times, Defendant Mary E. Guilbernat was an agent/employee of Northland, working at the Northland facility located on Ford Road in Westland, Michigan.

33. At all relevant times, Defendants Doe and Guilbernat were employees or agents of Northland, acting in the course of their employment or agency.

34. Defendants Northland, Chelian, Doe, and Guilbernat are collectively referred to as “Northland Defendants.”

STATEMENT OF FACTS

35. On the morning of August 27, 2016, Plaintiff went to the Northland facility. She silently prayed on the public sidewalks surrounding the facility.

36. Plaintiff’s silent prayer and abortion protest activity is fully protected by the First Amendment.

37. Plaintiff, who is rather petite, standing at a mere 5 feet, 4 inches, was joined by an older Catholic nun who was offering similar prayers.

38. Plaintiff would not be described by anyone as threatening. To the contrary, she is soft spoken and has a very calm and gentle demeanor.

39. While at the Northland facility, Plaintiff had no weapons with her. She never does. Plaintiff abhors violence, including the violence of abortion.

40. All that Plaintiff was equipped with that day was a pro-life sign and a Rosary.

41. Northland, like most abortion facilities, hires security guards. These guards often harass and intimidate peaceful, pro-life demonstrators like Plaintiff.

42. Defendant John Doe was the security guard on duty at the Northland facility on the morning of August 27, 2016.

43. Defendant Doe wore a police-like uniform. Plaintiff was dressed in a long blue skirt, and she was wearing flip flops. The contrast between the two was stark.

44. As she would often do, Plaintiff engaged Defendant Doe, assuring him that she was praying for him as well as the unborn babies. She also told Defendant Doe that she would pray he would find another job—a job that would affirm the value of human life.

45. Plaintiff sincerely wanted Defendant Doe to have a conversion of heart. She wanted him to protect life, not defend death.

46. Defendant Doe appeared agitated by Plaintiff's suggestion, claiming that his job was "fine" and that he was there to protect everyone. Plaintiff told him that she was happy to hear that he would protect her as well. She had never heard this from the other guards.

47. Shortly after this conversation, Plaintiff departed the area momentarily to use the restroom at a nearby store.

48. Upon returning to Northland, Plaintiff noticed several police cruisers and Defendant Doe talking to a uniformed police officer. Plaintiff had no idea why they were there.

49. The police officers that arrived were Defendants Soulliere, Gatti, Tardif, and Brooks.

50. Upon the arrival of the Defendant police officers, Defendant Guilbernat told the officers that she took a picture of Plaintiff's license plate and that she knows exactly who made the threat. Defendant Guilbernat told the officers that they (Northland) "just ran her plate," and that she knows "that this is her," or words to that effect, pointing Plaintiff out to the Defendant police officers.

51. Defendant Guilbernat also told the officers that Plaintiff had made threats in the past and that she is a common problem for Northland—all of which are false. Defendant Guilbernat made these false statements to persuade and encourage Defendant police officers to falsely arrest and imprison Plaintiff.

52. At Defendant Guilbernat's urging, Defendant Doe told the Defendant police officers that Plaintiff said, "I prophesy bombs are going to fall, I prophesy bombs are going to fall."

53. While Defendant Doe's report to the police was a complete fabrication, the "threat" that Defendant Doe attributed to Plaintiff could not serve as a basis for

concluding that Plaintiff engaged in any criminal conduct. Rather, this alleged “threat” is protected speech under the First Amendment.

54. Unbeknownst to Plaintiff, Defendant Guilbernath, with the assistance of Defendant Doe and the urging and concurrence of Defendant Chelian, called 911 and made a false claim that Plaintiff was threatening to bomb the Northland facility.

55. On the 911 call, the dispatcher asked Defendant Guilbernath if Plaintiff had anything in her possession “that appeared to indicate that she had a bomb,” and Defendant Guilbernath responded, “no, just the sign,” referring to the pro-life sign Plaintiff had been holding during her pro-life speech activity.

56. Aside from conducting a search of Plaintiff’s vehicle—a search which revealed no evidence of criminal activity—Defendants Soulliere, Gatti, Tardif, and Brooks didn’t bother to conduct an investigation.

57. None of the officers at the scene interviewed the Catholic nun who was outside with Plaintiff the entire time. The nun was trying to tell the officers that they were arresting the wrong person. She told the officers that Plaintiff never made any threats and that Defendant Doe was lying. The officers ignored what she was telling them. In fact, one officer became angry with the nun and told her in an agitated voice, “You have no idea what you are talking about.”

58. One of the officers asked Plaintiff directly whether she made any statements about bombing the abortion facility, and Plaintiff emphatically responded, “No. Absolutely not.” The officers didn’t care.

59. While at the scene, one of the officers stated, “Anyone who has anything to do with the whole thing [referring to the pro-life movement] is a fanatic.” This statement demonstrates the animosity the Defendant police officers had toward Plaintiff and others who engage in pro-life speech activity outside of abortion clinics like the Northland facility.

60. Defendants Soulliere, Gatti, Tardif, and Brooks proceeded to unlawfully arrest Plaintiff, telling her that she was “under arrest for making terrorist threats,” or words to that effect.

61. During the arrest, Defendant Gatti appeared particularly angry and prejudiced toward Plaintiff. He glared at her, trying to intimidate and frighten her by his presence and demeanor.

62. The Defendant police officers placed Plaintiff in handcuffs, put her in a police cruiser, and brought her to the Westland police station.

63. While in the police cruiser, Plaintiff, who is a claustrophobic, kept her head down and closed her eyes. She seldom rides in the backseat of a car because of her claustrophobia, and being handcuffed and closed up in the back seat of the police cruiser was more than she could handle. Plaintiff was trying to mentally

escape from her confinement in order to ease her mental anguish and suffering. It didn't work.

64. While in police custody, Plaintiff asked what was going to happen to her, and one of the officers curtly responded, "I already told you you're going to jail for terrorist threats. Have a seat, I have gun," or words to that effect.

65. While in police custody, Plaintiff continued to protest her arrest, asserting her innocence and inquiring as to how long she will be detained. One of the officers responded, "It's not for me to determine." The officer proceeded to say, "Sometimes you have to be careful with what you say."

66. While the police were booking Plaintiff, she was sobbing. She couldn't understand why they were doing this to her. She did nothing wrong. She kept telling the officers that she was innocent and that Defendant Doe was lying, which he was.

67. It was Saturday morning when Plaintiff was imprisoned. She was detained in a concrete holding cell. The City jailers assured Plaintiff that a detective would be arriving shortly to take her statement and to hopefully clear this up.

68. Plaintiff's personal items were taken from her. Her skirt had strings on it. The City jailers told Plaintiff that she had the option of cutting and removing the strings or wearing paper pants that the jailers would give to prisoners. Plaintiff cut the strings.

69. While in the City Defendants' custody, Plaintiff was not allowed to make a telephone call or to speak with anyone outside of the jail. She was alone and concerned for her safety; she often felt frightened by the criminals that were brought into her holding cell, some of whom were very intimidating. She had never experienced anything like this before.

70. Plaintiff waited with great anticipation for the detective to arrive so she could tell him her side of the story and hopefully go home.

71. Saturday morning turned into the afternoon, which turned into the evening. No detective arrived, despite repeated assurances by the City jailers that the detective would be arriving soon.

72. The food served in the holding cell was terrible; it turned Plaintiff's stomach. Plaintiff has health issues and has to eat healthy foods. She couldn't eat.

73. Throughout the night, the City jailers paraded various criminals in and out of the same holding cell. Most of them were promptly released, but not Plaintiff.

74. At various times, Plaintiff tried to put toilet paper over her eyes to block the glaring lights so she could at least try to get some sleep on the cold and damp concrete slab of the holding cell, but the City jailers wouldn't allow it. Plaintiff never slept. Her body constantly ached. She was awake for over 50 hours. It reminded her of torture.

75. The holding cell did not have a private restroom, just a toilet in the corner for everyone to use. The conditions were far from sanitary, and there was no privacy for Plaintiff, just constant anguish.

76. Sunday morning arrived, and still no detective. Plaintiff remained in the holding cell. She wasn't allowed to attend Catholic Mass or to receive the Holy Eucharist, as her faith requires. She just waited, silently and in fear. Plaintiff was told once again that a detective would arrive soon. She was hoping, indeed praying, that this nightmare would soon end and she would be free to return home. Her hopes were dashed.

77. Sunday afternoon arrived, followed by evening. The parade of criminals continued as Plaintiff desperately tried to get some rest. But there would be no rest for her, and no detective. The physical, mental, and emotional anguish was becoming unbearable for Plaintiff. She was innocent, yet she was in jail as if she were a convicted criminal.

78. At one point, Plaintiff tried using a stale honeybun that her City jailers had given her for breakfast the day before as a pillow to rest her head. It didn't work.

79. Plaintiff remained in the holding cell all day Sunday. As far as she knew, no one other than the nun who was praying with her outside of Northland knew that she was in jail.

80. Individuals who had heard that Plaintiff was taken into custody by the Defendant police officers came to the jail and asked if they could meet with Plaintiff. They were told no, and Plaintiff was never informed of their attempts to meet with her.

81. Monday morning arrived, and eventually, so did a detective. The detective had Plaintiff taken from the holding cell, in handcuffs, to an interrogation room.

82. Plaintiff was relieved to be out of the holding cell, but she still had no idea what they were going to do with her. She started sobbing.

83. Plaintiff thought she might never get out of the jail, that the City Defendants might put her in prison for what she was falsely accused of doing. Plaintiff knew she was innocent, but she had lost all faith in the criminal justice system. She was thinking and believing that she would never go home, causing stress that was severely damaging to her.

84. The stress of Plaintiff's arrest and custody was exacerbated by the fact that she is a claustrophobic. Just being inside the detention cell was causing her great anguish and pain. Only prayer kept Plaintiff from breaking down completely.

85. At the start of the interrogation, the detective had Plaintiff sign a waiver of rights form. The detective told Plaintiff that if she didn't waive her rights and if she insisted on an attorney being present then she would likely be in jail longer. At

this point, the anguish and pain were unbearable for Plaintiff. She wanted out, so she signed the waiver.

86. Plaintiff pled her innocence to the detective, explaining how she was a peaceful, honest, and law-abiding citizen. She had never been charged with a crime in her life, let alone arrested and held in jail for more than two days on a false and unsubstantiated charge.

87. The detective reviewed Defendant Doe's written statement, which was made at the time of Plaintiff's arrest.

88. Defendant Doe's statement, which was utterly false and a fabrication intended to have Plaintiff arrested and imprisoned, read as follows: "I told her my job is fine, after she said to get another job. I also told her I am procting (sic) everyone that is to come near my building. I told her we are to protect the laws of the land. She said, bombs, bombs, on America, and bombs will blow up this building."

89. Upon reviewing Defendant Doe's written statement, the detective correctly concluded: "I do not see a direct threat where [Plaintiff] threatened to bomb the clinic."

90. Even if Plaintiff said what Defendant Doe accused her of saying, Plaintiff did not commit a crime. The content of this alleged statement is protected speech under the First Amendment.

91. Thus, even if Plaintiff said what Defendant Doe claimed she said, there was no crime. But she didn't say this or any other statement that Defendant Doe attributed to her regarding bombs or bombing, and the City Defendants had no evidence to corroborate or substantiate in any way the Northland Defendants' false claim. That is, there was no probable cause to believe that a crime was committed or that Plaintiff committed it.

92. As noted previously, the Defendant police officers intentionally ignored the only other witness present—the Catholic nun.

93. Rather than protecting Plaintiff's constitutional rights, as is their duty, the Defendant police officers, jointly and in cooperation and agreement with the Northland Defendants, violated Plaintiff's rights.

94. Under the U.S. Constitution, in order to arrest a person and deprive her of her liberty, the police must have probable cause that a crime was committed. That is, the police must have evidence (*i.e.*, facts) that would lead a reasonably intelligent and prudent person to believe that a crime was committed and that the person subject to arrest committed it. The City Defendants had no such evidence. Indeed, the evidence they did have demonstrates that the Defendant police officers arrested Plaintiff on the basis of speech that is protected by the First Amendment.

95. The City Defendants, jointly and in cooperation and agreement with the Northland Defendants, have in place a policy whereby the City Defendants will

arrest individuals engaged in pro-life speech activity outside of the Northland facility without probable cause based upon false complaints made by the Northland Defendants and others who are employees or agents of Northland (hereinafter “Arrest Policy”). Plaintiff was arrested pursuant to the Arrest Policy.

96. The Northland Defendants instigated, directed, persuaded, and encouraged, without legal justification, the unlawful arrest and imprisonment of Plaintiff and worked jointly and in cooperation and agreement with Defendant police officers to have Plaintiff unlawfully arrested and falsely imprisoned.

97. The Northland Defendants told the officers that they wanted Plaintiff arrested and prosecuted. That is, the Northland Defendants instigated, directed, persuaded, and encouraged, without legal justification, the false arrest and false imprisonment of Plaintiff.

98. At all relevant times, Defendants Doe and Guilbernat were acting as agents of Defendants Northland and Chelian, and at the direction of Defendant Chelian.

99. After Plaintiff suffered injury as a result of the false arrest and false imprisonment—that is, after Plaintiff had been punished for her pro-life speech activity and made an example for others who might want to engage in pro-life speech activity at the Northland facility—the detective assigned to the case concluded that

“there is insufficient evidence to charge [Plaintiff] with a crime.” Plaintiff was finally released from custody.

100. To add insult to injury, upon being released, Plaintiff requested a ride to her car, which, after searching it, the Defendant police officers left in the parking lot of a business that was adjacent to the Northland facility. The jailers refused. Plaintiff walked to her car and drove home.

101. By falsely arresting and imprisoning Plaintiff, Defendants have chilled Plaintiff from further participation in her pro-life speech activity. Plaintiff reasonably believes that if she returns to the Northland facility and engages in her expressive, religious activity she will be subject to false arrest and false imprisonment by Defendants.

102. On August 27, 2016, the very day of the unlawful arrest of Plaintiff, Defendant Chelian published the following false and defamatory statement on Facebook: “I want to share this because this morning started at one of our clinics with a woman threatening to bomb us. The police arrested her while a local Catholic Nun kept screaming at the police we are the ones to be arrested. Please keep ALL Reproductive Health Care Workers in your prayers as this is what we live with daily.”

103. Defendant Chelian’s defamatory post had over 100 “likes,” and the comments associated with this post demonstrate that the readers of her post clearly

understood that Defendant Chelian was stating as a fact that Plaintiff committed a criminal act. It is publicly known through police reports and other information available to the public that the “woman” referred to in this false and defamatory statement is Plaintiff.

104. Comments to Defendant Chelian’s defamatory post include the following: “These people need to be treated as the terrorist they are”; “I’m so sad that this kind of domestic terrorism continues”; “Glad they got the culprit but this is terrible”; “I feel sickened & outraged that you & other reproductive health providers have to deal with threats of terror!”; and “so sorry about this Renee and huge thanks to the Northland staff – and the cops! hope (sic) the woman gets jail time. . . .”

105. Defendant Chelian’s defamatory post was of and concerning Plaintiff. Plaintiff’s friends and acquaintances, including the Catholic nun who was present, the individuals who tried to visit Plaintiff while she was in jail, and other pro-life demonstrators—individuals who were familiar with the incident—were certain to recognize Plaintiff as the “woman” perpetrator of the offense. Additionally, the Defendant police officers, the Northland Defendants, and others present at the Northland facility on August 27, 2016—individuals who were also familiar with the incident—were certain to recognize Plaintiff as the “woman” perpetrator of the offense.

106. Defendant Chelian knew the defamatory statement of and concerning Plaintiff was false and/or she authored the defamatory statement with a reckless disregard of the truth and/or she authored the defamatory statement negligently.

107. On November 10, 2016, Plaintiff sent a notice to Defendant Chelian to publish a retraction pursuant to Mich. Comp. Laws § 600.2911. As of the filing of this lawsuit, Defendant Chelian has not done so.

FIRST CLAIM FOR RELIEF

(Freedom of Speech—First Amendment)

108. Plaintiff hereby incorporates by reference all stated paragraphs.

109. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiff of her right to freedom of speech in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

110. On August 27, 2016, Plaintiff was engaging in constitutionally protected speech activity. Defendants' actions, as set forth in this Complaint, injured Plaintiff in a way likely to chill a person of ordinary firmness from further participation in that activity. Plaintiff's constitutionally protected activity motivated Defendants' adverse actions. Thus, Defendants acted with a retaliatory intent or motive.

111. By arresting Plaintiff on August 27, 2016, as set forth in this Complaint, the Defendant police officers violated the First Amendment.

112. By instigating, directing, persuading, and encouraging the false arrest and false imprisonment of Plaintiff, the Northland Defendants, acting jointly and in concert with and aiding and abetting the Defendant police officers, as set forth in this Complaint, violated Plaintiff's right to freedom of speech.

113. By arresting Plaintiff on August 27, 2016, based on the Northland Defendants' reaction to Plaintiff's speech, as set forth in this Complaint, the Defendant police officers violated the First Amendment.

114. By preventing Plaintiff from engaging in her speech activity on August 27, 2016, as set forth in this Complaint, Defendants violated the First Amendment.

115. Defendants targeted Plaintiff's speech activity for disfavored treatment because Plaintiff engages in pro-life speech activity as set forth in this Complaint, in violation of the First Amendment.

116. Defendants' animus against Plaintiff's pro-life speech is content and viewpoint based in violation of the First Amendment.

117. By seizing Plaintiff and preventing her from engaging in her pro-life speech activity on August 27, 2016, as set forth in this Complaint, Defendants deprived Plaintiff of her right to freedom of speech in violation of the First Amendment.

118. Defendants' Arrest Policy as set forth in this Complaint violates the First Amendment.

119. The enforcement of Defendants' Arrest Policy against Plaintiff on August 27, 2016, as set forth in this Complaint, deprived Plaintiff of her right to freedom of speech in violation of the First Amendment.

120. Defendants' Arrest Policy was the moving force behind the violation of Plaintiff's right to freedom of speech protected by the First Amendment.

121. Defendants will seek to enforce their Arrest Policy against Plaintiff in the future.

122. As a direct and proximate result of Defendants' violation of the First Amendment, as set forth in this Complaint, Plaintiff has suffered irreparable harm, including the loss of her fundamental constitutional rights, entitling her to declaratory and injunctive relief and damages, including damages for physical, mental, and emotional harm.

123. Defendants Soulliere, Gatti, Tardif, Brooks, Doe, and Guilbernath acted with an evil motive or reckless or callous indifference to the federally protected rights of Plaintiff, warranting punitive damages against these Defendants.

SECOND CLAIM FOR RELIEF

(Free Exercise of Religion—First Amendment)

124. Plaintiff hereby incorporates by reference all stated paragraphs.

125. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiff of her right to religious exercise in violation of the Free Exercise Clause of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

126. Plaintiff's expressive religious activity as set forth in this Complaint is protected by both the Free Speech Clause and the Free Exercise Clause of the First Amendment.

127. As set forth in this Complaint, Defendants targeted Plaintiff for selective and disfavored treatment because of Plaintiff's expressive religious activity in violation of the Free Exercise Clause of the First Amendment.

128. By arresting Plaintiff on August 27, 2016, as set forth in this Complaint, the Defendant police officers violated Plaintiff's right to the free exercise of religion.

129. By instigating, directing, persuading, and encouraging the false arrest and false imprisonment of Plaintiff, the Northland Defendants, acting jointly and in concert with and aiding and abetting the Defendant police officers, as set forth in this Complaint, violated Plaintiff's right to the free exercise of religion.

130. By preventing Plaintiff from engaging in her religious speech activity on August 27, 2016, as set forth in this Complaint, Defendants violated Plaintiff's right to the free exercise of religion.

131. By seizing Plaintiff and preventing her from engaging in her religious speech activity on August 27, 2016, as set forth in this Complaint, Defendants deprived Plaintiff of her right to the free exercise of religion.

132. By preventing Plaintiff from attending Mass and receiving the Eucharist on Sunday, August 28, 2016, the City Defendants deprived Plaintiff of her right to the free exercise of religion.

133. As set forth in this Complaint, Defendants' adverse actions against Plaintiff were designed to intimidate and oppress Plaintiff's pro-life religious expression, which Defendants disfavor, in violation of the Free Exercise Clause of the First Amendment.

134. As a direct and proximate result of Defendants' violation of the First Amendment, as set forth in this Complaint, Plaintiff has suffered irreparable harm, including the loss of her fundamental constitutional rights, entitling her to declaratory and injunctive relief and damages, including damages for physical, mental, and emotional harm.

135. Defendants Soulliere, Gatti, Tardif, Brooks, Doe, and Guilbernath acted with an evil motive or reckless or callous indifference to the federally protected rights of Plaintiff, warranting punitive damages against these Defendants.

THIRD CLAIM FOR RELIEF

(Unlawful Search and Seizure—Fourth Amendment)

136. Plaintiff hereby incorporates by reference all stated paragraphs.

137. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiff of her right to be free from unreasonable searches and seizures protected by the Fourth Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

138. By seizing Plaintiff and her personal property and subjecting Plaintiff to a search, including a search of her property, on August 27, 2016, without probable cause or any other lawful authority, as set forth in this Complaint, the City Defendants violated Plaintiff's rights protected by the Fourth Amendment.

139. By seizing Plaintiff and confining her in jail without probable cause or any other lawful authority, as set forth in this Complaint, the City Defendants violated Plaintiff's rights protected by the Fourth Amendment.

140. By instigating, directing, persuading, and encouraging, without legal justification, the false arrest and false imprisonment of Plaintiff, the Northland Defendants, acting jointly and in concert with and aiding and abetting the Defendant police officers, as set forth in this Complaint, violated Plaintiff's rights protected by the Fourth Amendment.

141. The City Defendants' Arrest Policy was the moving force behind the violation of Plaintiff's rights protected by the Fourth Amendment as set forth in this Complaint.

142. The enforcement of the City Defendants' Arrest Policy against Plaintiff, as set forth in this Complaint, violated Plaintiff's rights protected by the Fourth Amendment.

143. As a direct and proximate result of Defendants' violation of the Fourth Amendment, Plaintiff has suffered irreparable harm, including the loss of her fundamental constitutional rights, entitling her to declaratory and injunctive relief and damages, including damages for physical, mental, and emotional harm.

144. Defendants Soulliere, Gatti, Tardif, Brooks, Doe, and Guilbernat acted with an evil motive or reckless or callous indifference to the federally protected rights of Plaintiff, warranting punitive damages against these Defendants.

FOURTH CLAIM FOR RELIEF

(Equal Protection—Fourteenth Amendment)

145. Plaintiff hereby incorporates by reference all stated paragraphs.

146. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants deprived Plaintiff of the equal protection of the law guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

147. The Defendant police officers' arrest of Plaintiff as set forth in this Complaint violated the Equal Protection Clause of the Fourteenth Amendment because the officers chose to arrest Plaintiff due to invidious discrimination. The Defendant police officers arrested Plaintiff because she was exercising her fundamental constitutional rights to freedom of speech and the free exercise of religion protected by the First Amendment. Additionally, the Defendant police officers singled out Plaintiff for arrest because she was engaging in pro-life speech activity.

148. By instigating, directing, persuading, and encouraging the false arrest and false imprisonment of Plaintiff, the Northland Defendants, acting jointly and in concert with and aiding and abetting the Defendant police officers, as set forth in this Complaint, violated the Equal Protection Clause of the Fourteenth Amendment.

149. By denying Plaintiff access to a public forum to engage in her speech activities, which Defendants disfavor, Defendants have deprived Plaintiff of the equal protection of the law.

150. The City Defendants' Arrest Policy was the moving force behind the violation of Plaintiff's rights protected by the Fourteenth Amendment as set forth in this Complaint.

151. The enforcement of the City Defendants' Arrest Policy against Plaintiff, as set forth in this Complaint, violated Plaintiff's rights protected by the Fourteenth Amendment.

152. As a direct and proximate result of Defendants' violation of the Equal Protection Clause, Plaintiff has suffered irreparable harm, including the loss of her fundamental constitutional rights, entitling her to declaratory and injunctive relief and damages, including damages for physical, mental, and emotional harm.

153. Defendants Soulliere, Gatti, Tardif, Brooks, Doe, and Guilbernac acted with an evil motive or reckless or callous indifference to the federally protected rights of Plaintiff, warranting punitive damages against these Defendants.

FIFTH CLAIM FOR RELIEF

(Conspiracy to Violate Constitutional Rights—42 U.S.C. § 1983)

154. Plaintiff hereby incorporates by reference all stated paragraphs.

155. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, the City Defendants and the Northland Defendants acted jointly and conspired to violate Plaintiff's rights protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

156. As set forth in this Complaint, Defendants conspired to prevent Plaintiff from engaging in her pro-life, religious speech activity at the Northland facility on or about August 27, 2016.

157. As set forth in this Complaint, Defendants conspired to punish Plaintiff for engaging in her pro-life, religious speech activity at the Northland facility on or about August 27, 2016.

158. As set forth in this Complaint, Defendants conspired to have Plaintiff arrested and jailed for engaging in her pro-life, religious speech activity at the Northland facility on or about August 27, 2016.

159. As part of the conspiracy and as set forth in this Complaint, the Northland Defendants made false complaints and the City Defendants acted on those complaints to falsely arrest and falsely imprison Plaintiff on or about August 27, 2016, in violation of Plaintiff's constitutional rights.

160. As part of the conspiracy, the Northland Defendants instigated, directed, persuaded, and encouraged, without legal justification, the false arrest and false imprisonment of Plaintiff, as set forth in this Complaint.

161. As set forth in this Complaint, Defendants conspired to punish Plaintiff for engaging in her pro-life, religious speech activity at the Northland facility on or about August 27, 2016, as set forth in this Complaint.

162. As a direct and proximate result of Defendants' conspiracy to violate Plaintiff's rights, Plaintiff has suffered irreparable harm, including the loss of her fundamental constitutional rights, entitling her to declaratory and injunctive relief and damages, including damages for physical, mental, and emotional harm.

163. Defendants Soulliere, Gatti, Tardif, Brooks, Doe, and Guilbernat acted with an evil motive or reckless or callous indifference to the federally protected rights of Plaintiff, warranting punitive damages against these Defendants.

SIXTH CLAIM FOR RELIEF

(False Arrest / False Imprisonment—Michigan Law)

164. Plaintiff hereby incorporates by reference all stated paragraphs.

165. By reason of the aforementioned acts, the Northland Defendants instigated, directed, persuaded, and encouraged, without legal justification, the false arrest and false imprisonment of Plaintiff in violation of Michigan law.

166. As a direct and proximate result of the Northland Defendants' false arrest and false imprisonment, Plaintiff was injured, entitling her to damages, including damages for physical, mental, and emotional harm.

167. As a direct and proximate result of the Northland Defendants' instigating, directing, persuading, and encouraging the false arrest and false imprisonment of Plaintiff, Plaintiff was injured, entitling her to damages, including damages for physical, mental, and emotional harm.

168. Plaintiff is also entitled to an award of exemplary damages to compensate her for the humiliation, sense of outrage, and indignity resulting from her injuries, which were maliciously, willfully, and wantonly inflicted by the Northland Defendants.

SEVENTH CLAIM FOR RELIEF

(Defamation—Mich. Comp. Laws § 600.2911)

169. Plaintiff hereby incorporates by reference all stated paragraphs.

170. By reason of the aforementioned false and defamatory statement that was made and published by Defendant Chelian as set forth in this Complaint, Defendant Chelian injured Plaintiff in violation of Mich. Comp. Laws § 600.2911.

171. Defendant Chelian knew the defamatory statement of and concerning Plaintiff was false and/or she authored the defamatory statement with a reckless disregard of the truth and/or she authored the defamatory statement negligently.

172. Defendant Chelian made and/or published the false and defamatory statement about Plaintiff knowing that it would injure Plaintiff's reputation in that the statement is defamatory *per se*.

173. Defendant Chelian made and/or published the false and defamatory statement about Plaintiff with the intent to injure Plaintiff's reputation and to intimidate Plaintiff and other pro-life advocates in order to prevent them from engaging in free speech activity outside of the Northland facility.

174. Defendant Chelian made and/or published the false and defamatory statement about Plaintiff with actual and expressed malice and a reckless disregard of the truth.

175. As a direct and proximate result of Defendant Chelian's false and defamatory statement, Plaintiff has suffered irreparable harm to her reputation, including the loss of employment opportunities, entitling her to declaratory and injunctive relief and damages.

176. Plaintiff is also entitled to an award of exemplary damages to compensate her for the humiliation, sense of outrage, and indignity resulting from her injuries, which were maliciously, willfully, and wantonly inflicted by Defendant Chelian.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court:

A) to declare that Defendants violated Plaintiff's fundamental constitutional rights as set forth in this Complaint;

B) to declare that Defendants violated Plaintiff's rights protected by Michigan law as set forth in this Complaint;

C) to permanently enjoin Defendants' Arrest Policy and its application to Plaintiff's speech and related activities as set forth in this Complaint;

D) to order the retraction of the defamatory statement made by Defendant Chelian;

E) to award Plaintiff nominal and compensatory damages against all Defendants;

F) to award Plaintiff exemplary and punitive damages against Defendants Soulliere, Gatti, Tardif, Brooks, Doe, Chelian, and Guilbernats in their individual capacities as set forth in this Complaint;

G) to order the City Defendants to permanently expunge all records referencing or relating to Plaintiff's arrest and custody as set forth in this Complaint;

H) to award Plaintiff her reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988, Mich. Comp. Laws § 600.2911, and other applicable law;

I) to grant such other and further relief as this court should find just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

/s/ Robert J. Muise

Robert J. Muise, Esq. (P62849)

PO Box 131098

Ann Arbor, Michigan 48113

Tel: (734) 635-3756

Fax: (801) 760-3901

rmuise@americanfreedomlawcenter.org

/s/ David Yerushalmi

David Yerushalmi, Esq.* (Ariz. Bar No. 009616;

DC Bar No. 978179; Cal. Bar No. 132011;

NY Bar No. 4632568)

1901 Pennsylvania Avenue NW

Suite 201

Washington, D.C. 20006

Tel: (646) 262-0500

Fax: (801) 760-3901

dyerushalmi@americanfreedomlawcenter.org

THOMAS MORE SOCIETY

/s/ Patrick T. Gillen

Patrick T. Gillen (P47456)

Special Counsel

1025 Commons Circle

Naples, Florida 34119

Tel: (734) 355-4728

ptgillen@avemarialaw.edu

Counsel for Plaintiff