

FILED  
11-20-2020  
John Barrett  
Clerk of Circuit Court  
2020CV006883  
Honorable Kevin E.  
Martens-27  
Branch 27

STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY  
CIVIL DIVISION

REYNALDO J. NARVAEZ  
2432 N. 18<sup>th</sup> Street  
Milwaukee, WI 53210

SUMMONS

Plaintiff,  
vs.

Case No.:  
Case Code: Personal Injury – Other - 30107

LUCAS BINTER  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

TODD KURTZ  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

JEFFREY ZIENTEK  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

TIMOTHY GOLD  
West Allis Police Department  
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JERITT MEES  
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RAMON AGOR  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

RYAN STUETTGEN  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

SLH Services  
Server [Signature]  
Date 11-30-20 Time 11:30 AM

WAYNE TREEP  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

MICHAEL SITTER  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

CHIEF OF POLICE PATRICK MITCHELL  
West Allis Police Department  
11301 W. Lincoln Ave. West Allis, WI 53227

CITY OF WEST ALLIS  
c/o City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk City Hall  
Room 108-110 7525 W. Greenfield Ave. West Allis, WI 53214

Defendants.

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THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Milwaukee County Courthouse, 901 N. Ninth Street, Milwaukee, WI 53233, and to Martin Law Office, S.C., plaintiff's attorneys, whose address is 7280 S. 13th St., Ste. 102, Oak Creek, WI 53154. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated: November 20, 2020

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff

*Electronically Signed by Drew J. DeVinney*

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Drew J. De Vinney  
State Bar No. 01088576

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Dated: November 20, 2020

**AHMAD & ASSOCIATES, L.L.C.**  
Attorney for Plaintiff

*Electronically Signed by E. Edgar Lin*

---

E. Edgar Lin  
State Bar No. 01085712

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Edgar@lin.lawyer

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Office of the City Clerk City Hall  
Room 108-110 7525 W. Greenfield Ave. West Allis, WI 53214

Defendants.

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**NOW COMES** the above-named plaintiff, Reynaldo J. Narvaez, by his attorneys, Drew DeVinney of Martin Law Office, S.C. and E. Edgar Lin of Ahmad & Associates, L.L.C., and as and for his claims for relief against the above-named defendants, alleges and shows to the Court as follows:

**Nature of the Case**

1. This is a civil action, pursuant to the laws of the State of Wisconsin and 42 U.S.C. §§ 1983 and 1988, for redress of the violation, under color of law, of Reynaldo J. Narvaez's rights secured by the Fourteenth and Fourth Amendments to the United States Constitution; that the allegations herein arise from acts committed, and injuries and damages incurred, in the State of Wisconsin, County of Milwaukee; that all parties to this action are residents of the State of Wisconsin, County of Milwaukee.

### **Parties**

2. That the plaintiff, Reynaldo J. Narvaez (“Narvaez”), is an adult citizen, born January 6, 1998, and resident of the State of Wisconsin, residing at 2432 N. 18<sup>th</sup> Street, Milwaukee WI 53210; this lawsuit is timely filed pursuant to the provisions of Wis. Stat. 893.16(1).

3. That the defendants, Lucas Binter (“Binter”), Todd Kurtz (“Kurtz”), Jeffrey Zientek (“Zientek”), Timothy Gold (“Gold”), Clint Corwin (“Corwin”), Wayne Treep (“Treep”), Ryan McNally (“McNally”), Jerritt Mees (“Mees”), Ramon Agor (“Agor”), Ryan Stuetzgen (“Stuetzgen”), Michael Sitter (“Sitter”) are adult residents of the State of Wisconsin; that, at all times material hereto, Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter were employed by the defendant, Milwaukee County, as police officers with the City of West Allis; that, at all times material hereto, Binter, Kurtz, Zientek, Gold, Corwin, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter were acting within the scope of their employment and authority as police officers with the City of West Allis; that the plaintiff sues Binter, Corwin, Gold, Kurtz, Treep, McNally, Mees, Agor, Stuetzgen, and Sitter in their individual and official capacities.

4. That the defendant, Patrick Mitchell (“Mitchell”), is an adult resident of the State of Wisconsin; that, at all times material hereto, Morales was employed by the defendant, City of West Allis, as the Chief of Police with the West Allis Police Department; that, at all times material hereto, Mitchell was acting within the scope of his employment and authority as the Chief of Police for the City of West Allis; that the plaintiff sues Mitchell in his individual and official capacities.

5. That the Defendant, City of West Allis, at all times material hereto, is a municipal corporation, organized and existing under the laws of the State of Wisconsin, whose principal offices are located at 7525 W. Greenfield Ave., West Allis, WI 53214; that the City of West Allis,

has a legal obligation under Wis. Stat. § 895.46 to indemnify each of the defendant police officers and to satisfy any judgment entered against them if it is determined that the defendant police officers were acting within the scope of their employment at all times material hereto.

### **General Allegations**

6. That, at all times material hereto, the defendants Binter, Corwin, Gold, Kurtz, Treep, McNally, Mees, Agor, Stuetngen, and Sitter acted under color of state law and within the scope of their employment with the City of West Allis.

7. That on March 22, 2018, at approximately 12:30 am, Narvaez was the permissive driver of a motor vehicle in the City of West Allis; that Narvaez had borrowed the vehicle and was driving home; that, Narvaez was obeying all traffic rules and was operating his vehicle in a safe and reasonable manner.

8. That, upon information and belief, at approximately 12:30 am, Stuetngen was operating a marked West Allis Police Department squad car; that Stuetngen observed the vehicle Narvaez was driving to have dark window tints; that other than a potential equipment violation, Stuetngen had no reasonable basis to believe that Narvaez had committed any crime or moving violations; that Stuetngen decided to attempt a traffic stop of Narvaez; that Stuetngen conducted a U-turn and attempted a traffic stop around the 1900 block of S. 84<sup>th</sup> St.; that Narvaez was scared and regrettably did not stop.

9. That Narvaez took responsibility and later pleaded guilty to Fleeing or Eluding an Officer and Negligent Operation of a Motor Vehicle; that, Stuetngen's actual pursuit lasted about one minute before he lost visual of Narvaez; that an unknown police surveillance aircraft equipped with military-grade audio visual equipment continued the clandestine pursuit directing West Allis PD officers to Narvaez's location; that the unknown police surveillance aircraft tracked Narvaez's

vehicle as he drove around town in an unremarkable manner until Narvaez parked his vehicle and continued on foot, shortly after 1:00 am.

10. That Narvaez did not continue on foot for long; that Narvaez was quickly cornered by Binter, Kurtz, and Zientek in the front yard of a property located at 1529 S. 12 St. Milwaukee, WI 53204.

11. That with his M4 assault rifle drawn, Binter commanded Narvaez to stop, to place his hands behind his head, and to get on the ground; that Narvaez was unarmed and instantly complied; that, Narvaez surrendered by placing both hands over his head while kneeling down to the ground.

12. That once Narvaez knelt on the ground, Binter charged toward Narvaez and struck him with a running jump-kick to his neck; that as a result of Binter's kick, Narvaez immediately fell to the ground, landing on his stomach; that Narvaez complied with directions to place his hands behind his back; that after Narvaez surrendered, he did not attempt to resist, threaten, harm or in any way refuse to comply with Binder or any other resisting officers in any manner; that Narvaez did not imply or otherwise act in a manner to suggest that he was armed or a danger to any person; that Narvaez's hands were visible to the defendants at all times.

13. That, while Narvaez's hands were behind his back, Binter pressed his foot into Narvaez's back and held Narvaez down against the ground; that Kurtz and Zientek then ran up to Narvaez; that one officer held Narvaez down while Binter and the other officer began to relentlessly and repeatedly kick Narvaez in his neck, face and head.

14. That two more officers, including Corwin, Gold, McNally, Mees, Agor, and/or Stuetgen then joined in the assault; that these defendants collectively, kicked, punched and strangled Narvaez; that Corwin, Gold, McNally, Mees, Agor, and/or Stuetgen threatened Narvaez,



stating: “you are going to die today” and “we are going to beat your ass when we get back to district.”

15. That after the defendants beat Narvaez, Gold tasered Narvaez; that Narvaez was not resisting or fleeing at the time he was tasered; that Narvaez was already detained at the time he was tasered; that Narvaez was attempting to comply with all instructions from the defendants; that Gold did not have a reasonable belief that Narvaez had committed a violent act; that Gold did not have a reasonable belief or suspicion that Narvaez was armed or a danger to any person; that there was no justification for the use of a taser on Narvaez.

16. That the collective assault by multiple law enforcement officers caused Mr. Narvaez to lose consciousness; that Narvaez suffered head trauma in the assault from the defendants; that, Narvaez was confused and terrified when he regained consciousness; that he was placed in an ambulance and transported to West Allis Medical Center for medical care.

17. That Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetngen, and Sitter were each aware of the violation of Narvaez’s constitutional rights; that each defendant had the opportunity to prevent the ongoing violation of Narvaez’s constitutional rights and decided not to intervene.

18. That, as a result of the actions of the defendants, Narvaez suffered injuries and damages, as alleged herein.

**First Claim for Relief: Excessive Force –**  
**Against Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees,**  
**Agor, Stuetngen, and Sitter**

19. Plaintiff realleges and incorporates herein by reference the allegations of the preceding paragraphs.

20. That the use of force employed by Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter in the course of arresting Reynaldo J. Narvaez after his compliance and surrender, including, but not limited to, jump-kicking Narvaez to the ground, exerting physical pressure on Narvaez's while he was in prone position, kicking and stomping Narvaez's head, face, and neck area, punching Narvaez, strangling Narvaez, and finally, deploying a taser, were not objectively reasonable under the Fourth Amendment to the United States Constitution.

21. That the conduct alleged constituted unreasonable and excessive force and violated Reynaldo J. Narvaez's right to be free from unreasonable seizures under the Fourth and Fourteenth Amendments to the United States Constitution.

22. That Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter's unreasonable and excessive use of force against Reynaldo J. Narvaez was a cause of injuries sustained by Reynaldo J. Narvaez, including the violation of his constitutional rights, loss of liberty, past and future pain, suffering, emotional distress, mental anguish, past and future medical expenses, disability, loss of enjoyment of life and dignity, and other compensable injuries and damages, all to the damage of Reynaldo J. Narvaez in an amount to be determined at a trial of this matter.

23. Defendants Binter, Kurtz, Zientek, and Gold acted with malice or in reckless disregard of Narvaez's federally protected rights.

**Second Claim for Relief: Failure to Intervene –**  
**Against Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees,**  
**Agor, Stuetzgen, and Sitter**

24. Plaintiff realleges and incorporates herein by reference the allegations of the preceding paragraphs.

25. That this claim is brought pursuant to 42 U.S.C. § 1983 against defendants Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter for failure to intervene to prevent the violation of Plaintiff's rights under the Fourth, and Fourteenth Amendments to the United States Constitution as more fully alleged above.

26. That, upon information and belief, during the constitutional violations described, one or more of the individual defendants named in this claim stood by without intervening to prevent the misconduct, despite the opportunity to do so.

27. That, upon information and belief, Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter acted knowingly, intentionally and with malice; that each individual defendant was deliberately indifferent to Narvaez's constitutional rights.

28. That as a direct and proximate result of the defendants' failure to intervene, as alleged, Narvaez suffered injuries, including the violation of his constitutional rights, loss of liberty, past and future pain, suffering, emotional distress, mental anguish, past medical expenses, disability, loss of enjoyment of life and dignity, and other compensable injuries and damages, all to the damage of Murdoch in an amount to be determined at a trial of this matter.

**Third Claim for Relief: Monell Claim against City of West Allis and Mitchell**  
**(Policy, Practice, and/or Custom; Failure to Train and Supervise)**

29. Plaintiff realleges and incorporates herein by reference the allegations of the preceding paragraphs.

30. That, upon information and belief, defendants Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetzgen, and Sitter acted within the written or unwritten policies, practices, and/or customs of the West Allis Police Department, an agency of the defendant, City of West Allis, when they employed excessive force against Reynaldo J. Narvaez during his arrest.

31. That, upon information and belief, none of the officers involved in Narvaez's forceful arrest were reprimanded for the excessive use of force in this case; that the officers' collective involvement reveals the underlying custom amongst the West Allis Police Department to use excessive force; that Chief of Police Patrick Mitchell and the City of West Allis Police Department had an express policy or widespread practice that permits the type of unnecessary force used by the numerous officers involved in the forceful arrest of Mr. Narvaez; that the refusal of any officer to intervene demonstrates that the West Allis Police Department was ineffective in its training of officers on the limits of force and/or had a custom or policy of permitting an unreasonable use of force.

32. That West Allis Police Department has a reputation in the community for using excessive and unreasonable force against arrestees; that the City of West Allis and Mitchell were at all material times aware of the reputation of its officers to use unreasonable force; that one or multiple of the named defendants had a reputation or were known to have a proclivity to use unreasonable force; that despite knowledge of the pervasive use of excessive force, the City of West Allis and Mitchell did not adequately train or supervise its officers to curb the pervasive use of unreasonable force.

33. That, upon information and belief, the defendant, City of West Allis, failed to adequately train and supervise its police officers, including Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetgen, and Sitter regarding the reasonable use of force.

34. That, upon information and belief, in light of the foreseeable consequences due to the failure to adequately train and supervise police officers as alleged, defendant City of West Allis was deliberately indifferent to the rights of Reynaldo J. Narvaez and other persons in West Allis

by failing to adequately train and supervise its police officers including Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetgen, and Sitter.

35. That, upon information and belief, defendant City of West Allis's law enforcement policies, practices, and/or customs and its failure to adequately train and supervise its police officers, including Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetgen, and Sitter was a cause of the violations of Reynaldo J. Narvaez's constitutional right to be free from unreasonable seizures, in the form of excessive force.

36. That, upon information and belief, the City of West Allis's law enforcement policies, practices, and/or customs and its failure to adequately train and supervise its police officers, including Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetgen, and Sitter caused Reynaldo J. Narvaez to injuries, including the violation of his constitutional rights, loss of liberty, past and future pain, suffering, emotional distress, mental anguish, past and future medical expenses, disability, loss of enjoyment of life and dignity, and other compensable injuries and damages, all to the damage of Narvaez.

**WHEREFORE**, the plaintiff demands judgment against defendants, City of West Allis and Reynaldo J. Narvaez, as follows:

A. for an order declaring that the defendants violated the plaintiff, Reynaldo J. Narvaez's constitutional rights by using excessive force against him and by arresting him without probable cause;

B. for an order declaring that the defendant, City of West Allis is responsible under Wis. Stat. § 895.46 to indemnify each of the defendant police officers and to satisfy any judgment entered against them

C. for compensatory damages against all defendants, jointly and severally, in an amount to be determined at trial;

D. for punitive damages against defendants Binter, Corwin, Gold, Kurtz, Treep, McNally, Zientek, Mees, Agor, Stuetgen, and Sitter in an amount to be proved at trial;

E. for plaintiff's attorneys' fees, pursuant to 42 U.S.C. § 1988;

F. for costs;

G. for such further and additional relief as this Court may deem equitable and just.

**PLEASE TAKE NOTICE THAT THE PLAINTIFF DEMANDS A TRIAL IN THE  
IN THE ABOVE-ENTITLED ACTION.**

Dated: November 20, 2020

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff

*Electronically Signed by Drew J. DeVinney*

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Drew J. De Vinney  
State Bar No. 01088576

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