

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RECEIVED

MAY 6 2024

WEST ALLIS POLICE DEPT

Elliot H Brown

Plaintiff;

v.

Case No. 24-CV-449

Unknown Officers, et al,

Defendants,

To Chief Executive Officer of West Allis P.D.

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within thirty (30) days from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint.

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require

you, or the entity you represent, to pay the expenses of making service. Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below:

DATE 4/30/2024



Signature

Elliot H. Brown

Printed Name

Email Address

Telephone Number

515 W. Moreland Blvd. Waukesha, WI 53188
Address

DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint.

A defendant who is located in the United States and who fails to return a signed waiver of service requested by a Plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good Cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and other defenses or objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Elliot H. Brown

Plaintiff;

v.

Three Unknown Named Officers of the
City of West Allis Police Department,
Correctional Officer Cornhoj formerly of
Milwaukee County Jail - C.J.F.,
Milwaukee County Jail Downtown Facility
- C.J.F.,

Defendant(s);

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

1. Place of Present Confinement

515 W. Moreland Blvd.

Waukesha, WI 53188

2. Parties

A) Elliot H. Brown (Plaintiff)

B) 554122 (DOC Number)

C) 3451 (Last four of social)

D) 515 W. Moreland Blvd. (Current Address)

Waukesha, WI 53188

MILWAUKEE COUNTY JAIL DOWNTOWN FACILITY - CJF (Additional Defendant)

COUNTY JAIL OF MILWAUKEE COUNTY

at 949 N 9th St.

Milwaukee, WI 53233

II. Previous Lawsuits

A) Have you begun other lawsuits in state or federal court relating to the same facts involved in this action?

Yes

No

B) Have you begun other lawsuits in state or federal court relating to your imprisonment?

Yes

No

V. STATEMENT OF CLAIM

CLAIM 1 - FALSE IMPRISONMENT & ABUSE OF PROCESS

A) On or about April 28th of 2021 three unknown named police officers of the City of West Allis Police Department, whom will eventually be named, responded to a car accident involving a Saturn XB. Unknown Named Police Officer X locate the plaintiff in an alley nearby and ordered him to stop. Officer X began to question the plaintiff and determined the plaintiff was disoriented and had been in an accident. Unknown Named Police Officer(s) Y and Z arrived shortly after and although the plaintiff insisted he was not intoxicated and may have a concussion, they continued to believe the plaintiff was on drugs. The Police Department arrived and determined the plaintiff did not seem intoxicated and may have a concussion. Unknown Named Police Officer(s) V and W arrived shortly after and

to a field sobriety exam. The Three Unknown Named Police Officers of the City of West Allis did improperly conduct the field sobriety exam for the purpose of artificially creating probable cause. The Three Unknown Named Police Officers of the City of West Allis Police Department did submit the plaintiff to a PBT which resulted in a reading of 0.00 alcohol content. Three Unknown Named Officers of the City of West Allis Police Department then submitted the plaintiff to a blood analysis, and prior to the results, without probable cause, charged and arrested the plaintiff, restraining him of his liberty, for the crime of Operating While Intoxicated Fifth Offense which he did not commit. The plaintiff was imprisoned falsely in Milwaukee County Jail until the month of September 2021 when the case was dismissed in favor of the plaintiff. The Three Unknown Named Officers of the City of West Allis did abuse the process of commencing a criminal charge on the plaintiff, knowing that in doing so would result in a probation hold and revocation proceedings on the plaintiff. The Three Unknown Named Officers of the City of West Allis did so maliciously, in bad faith, and without probable cause by withholding evidence from the plaintiff. The resulting probation hold and criminal prosecution did falsely imprison the plaintiff until September of 2021 when the blood analysis results returned negative of any intoxicant. While falsely imprisoned and as a result of the defendants abuse of process the plaintiff suffered injuries to the head and face as he was battered by an inmate with a metal cane, he suffered grave mental and emotional distress, and monetary damages in the form of lost wages, loss of his career, and loss of an apartment.

B) The Three Unknown Named Officers of the City of West Allis Police Department acted under state law to deprive the plaintiff of his Tenth and Fourteenth Amendment rights - guaranteed by the Wisconsin Constitution, Article 1, § 1, 9, & 11. The plaintiff was falsely imprisoned a violation of Wis. Stat. § 940.30 and 92 uses § 1983 See Bivens v. Unknown Named

CLAIM 2 - MALICIOUS PROSECUTION

A) On or about April 28th of 2021 the Three Unknown Named Officers of West Allis Police Department did, with malicious intent improperly conduct a field sobriety test on the plaintiff in order to artificially create probable cause and used their position as law enforcement to improperly commence criminal proceedings on the plaintiff. The three Unknown Named Officers X, Y, and Z did, maliciously and without probable cause, charge the plaintiff with Operating while Intoxicated (OWI) offense despite the plaintiff completing the Field Sobriety Tests and PBT without error. The charge resulted in the plaintiff's arrest and false imprisonment in Milwaukee County Jail and judicial proceedings which terminated in September of 2021 in favor of the plaintiff. The defendant's charge resulted in false allegations in the plaintiff's subsequent probation revocation hearing which also terminated in September of 2021 in the favor of the plaintiff. The plaintiff was injured physically, by another inmate during his imprisonment as a direct result of the malicious prosecution by the Three Unknown Named Officers of West Allis Police Department. The plaintiff did suffer financial hardship as a result of losing his job, his apartment, being disrespected in the community, and not being able to work during the period of his confinement. The plaintiff was damaged physically, emotionally, mentally, and financially as a direct result of the Three Unknown Named Officers of the City of West Allis Police Department who responded to the plaintiff's car accident.

B) The responding Three Unknown Named Officers of the City of West Allis Police Department subjected the plaintiff to an unlawful, illegal, and excessive detention in violation of Fourth Amendment rights as a consequence of a maliciously initiated judicial proceeding. They acted under the color of law and in violation of 42 U.S.C. § 1983 and 18 § 1525. See Ulmer v. Chicago S.N.W.R. Co., 257 Wis 228; Lewis v. Malen, 949 F. Supp.

CLAIM 3 - DEFAMATION

A) Three Unknown Named Officers of the City of West Allis Police Department, on or about April 28th of 2021 did falsely arrest, charge, and imprison the plaintiff with Operating While Intoxicated Fifth Offense and in doing so they signed and submitted reports and affidavits available publicly at the county and Municipal levels. As the vehicle which was involved in the reports was a business owned vehicle, this false charge subjected the plaintiff unnecessarily and maliciously to hatred, contempt, ridicule, and disgrace in society and in the business or occupation of the plaintiff. Records of the false charge were published on the Wisconsin Circuit Court Online Database (CCAD) and were publicly available for many months. As a result the plaintiff lost his job, was defamed in the community, suffered mental and emotional distress, a loss of wages, wage increases, benefits from employment, and was forced to change careers because of his inability to get and keep a job in his previous career.

B) The Three Unknown Named Officers of the City of West Allis Police Department acted under color of law in violation of Wis. Stat. § 942.01(2) and contrary to the plaintiff's Fourteenth Amendment rights to be free of deprivations of life, liberty, and property. They acted individually and in their capacities as Police Officers of the City of West Allis Police Department, guilty of violating 42 U.S.C. § 1983. See Van Straten v. Milwaukee Journal Newspaper Publishers (51 Wis 2d 705, 712, 717 NW2d 105, 108 (Ct. App 1981))

CLAIM 4 - NEGLIGENCE & FAILURE-TO-PROTECT

A) Between April 28th of 2021 and September of 2021 the plaintiff volunteered to assist the Correctional Officers of the Milwaukee County Jail Department, - COF in their daily duties through the inmate worker program Defendant Correctional Officers

Solomon Lanis was housed in pod 4D, on discipline, while the plaintiff was cleaning and assisting with food service a CDF Corrections Officer did punish Solomon Lanis with a metal cane. A CDF Corrections Officer did improperly restrain Solomon Lanis with shower restraints. Correctional Officer Cornhag did not close the outer pod door prior to releasing the inmate Solomon Lanis from his cell. Corrections Officer Cornhag was aware of the threat posed by inmate Solomon Lanis as he has multiple batteries by prisoner on his record and was on discipline for this reason. Correctional officer Cornhag was aware of prior threats made to hurt the plaintiff by inmate Solomon Lanis. Correctional Officer Cornhag had a duty to protect the plaintiff as an inmate and a volunteer. The Milwaukee County Jail Downtown Facility (CJF) has a duty to protect its inmates and volunteers from excessive force. Due to negligence on the part of Correctional Officer Cornhag and policy of negligence instituted by the Milwaukee County Jail Downtown Facility (CJF) the plaintiff was battered in his face with a metal cane by Solomon Lanis. The plaintiff suffers a large laceration requiring immediate medical attention, bruising to the eyes and face, leaving a disfiguring scar. The injury required multiple medical procedures to correct. Strill requires more. The plaintiff is traumatized daily by the scarring scars and mental anguish from the harrowing ordeal plaguing him to this day. The inmate Solomon Lanis has been charged with battery by prison but to this day CJF nor Correctional Officer Cornhag have been brought to justice for their deliberate negligence.

B) Due to Negligent policy instituted by Milwaukee County Jail Downtown Facility, - CJF and Negligence in his duties of care as a correctional officer, Correctional Officer Cornhag did fail to protect the plaintiff and caused him to be seriously injured in violation of the plaintiff's Fourteenth Amendment rights to be free from excessive force.

V. RELIEF YOU REQUEST

The plaintiff demands the following relief jointly and severally against all the defendants:

A.) COMPENSATORY DAMAGES

- 1.) Actual lost wages during the period of confinement amounting to \$40,000.00 and an additional \$7,500.00 for time spent finding new employment after his release and the resulting loss of \$3.00/hour.
- 2.) The costs of \$5,000.00 incurred due to defaulting on a lease agreement, losing his apartment and all the furniture inside it. An additional \$50,000.00 to compensate the resulting homelessness directly attributed to the plaintiff being evicted as caused by the defendants.
- 3.) \$100,000.00 for medical expenses required to eliminate the bruising and scars from the battery sustained by the defendant's negligence and failure to protect the plaintiff.
- 4.) Legal fees amounting to \$40,000.00 for legal consulting, litigation, time spent researching, and court costs associated with both the proceeds initiated by the malicious prosecution. An additional \$15,000.00 for costs that will be incurred from this case.

B.) PUNATIVE DAMAGES

Due to the immense mental anguish of being disgraced in the community in which he has grown up in, forced into confinement under false pretenses, from enduring physical punishment, emotional trauma from ridicule through the experience, the pain and suffering of having been physically and emotionally abused at the fault of another the plaintiff demands \$250,000.00 in punitive damages so that he may recover emotionally and that the people and organizations responsible may be duly punished.

C) To prevent and deter such future unlawful conduct, I, Elliot H Brown do request State and Local police policy to be affected in that charges are not inflicted and published until positive test results are determined in cases where a PBT field sobriety test is negative.

I declare under penalty of perjury that the following is true and correct.

Name: Elliot H. Brown

Signed: Elliot Brown

Date: 04/08/2024

Signed before me on 4/8/24

Jonathan Westberg
Waukesha County

Expires 10/15/26

JONATHAN WESTBERG
Notary Public
State of Wisconsin

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Elliot H Brown
Plaintiff,

CASE No. 24-cv-449

v.
Unknown Officers, et al,
Defendants,

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I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under rule 12 within 60 days from the date when this request was sent. If I fail to do so, a default judgement will be entered against me or the entity I represent.

DATE _____

signature of attorney or unrepresented party

Printed Name

Address

email address

Telephone Number

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Elliot H Brown
Plaintiff,

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