

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

CHRISOPHER STOLLER,

Plaintiff,

v.

Case No: 2019 cv 140

Costco Wholesale Corporation, James Hamilton,
W. Craig Jelinch, Richard Galanti, Ron Galanti,
Ron Vachri, Paul Moulton, Franz Lazarus,
John McKay, James Murphy, Joseph Portera,
Timothy Rose, Dennis Zook, Kenneth Denman,
Chris Barbarino, Jeff Erickson, Greg Killian, Matt
Harris, Christine Carlson, Patricio Omar Chavez,
(Costco Defendants)

JURY DEMAND

Ronald M. Serpico, Mary Ann Paolantonio,
Anthony N. Abruzzo, Sonny Hicotera, Jaime
Angulano, Mary Ramiez Taconi, Arturo Mota,
Anthony J. Prignano, Village of Melrose Park,
Melrose Park Police Department, Sam C. Pitassi,
Officer Michael DeCarlo Jr, Officer Marco Flores,
Damico Law

(Melrose Park Defendants)

Law Offices of Lisa T Damico Esq., Lisa T Damico
., **(Damico Defendants)**

Lipe Lyons Murrphy & Pontikis Ltd,
Jeffrey H. Lipe, Raymond Lyons, Jr.,
Edward J. Murphy, Bradley C. Nahrstadt, Thomas J.
Pontikis, **(Lipe Defendants)**

Attorneys, Assignees, agents John Doe's
1-thru 10,

Defendants.

**COMPLAINT FOR VIOLATIONS OF 42 U.S.C. § 1983,
FALSE ARREST AND IMPRISONMENT, CONSPIRACY (UNDER
§1983 AND COMMON LAW) FAILURE TO PROTECT AND PREVENT
(BY ADEQUATELY TRAINING), MALICIOUS PROSECUTION,
ABUSE OF PROCESS¹, ASSAULT, BATTERY, NEGLIGENCE,
INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

COMES NOW, Plaintiff Christopher Stoller, 70, a disabled Senior Citizen, and a protected person under the Americans for Disability Act (ADA), complaining of the COSTCO WHOLESALE CORPORATION et al and in support of his complaint now states the following:

NATURE OF THE ACTION

This is an action brought against the Defendants for their violations, OF 42 U.S.C. § 1983², Americans's With Disabilites Act of 1990, 42 USC s12101 et seq. (2000) ("ADA"), Equal Protection Clause, 42 U.S.C. § 1963 claim for "abuse of process", which include false arrest, deprivation of rights, false imprisonment, conspiracy under §1983 and common law, failure to protect and prevent (by adequate training), malicious prosecution, abuse of process³, assault and battery, negligence, intentional and negligent infliction of emotional distress, abuse of process⁴, willful and wanton misconduct, aiding and abetting, fraud, negligence, and defamation, which conduct was the legal cause of the injuries or damages to the Plaintiff.

PARTIES

Plaintiff Christopher Stoller, 70, is a disabled senior citizen of the United States, a protected person as defined by the Americans for Disability Act (ADA) and he is a resident of Cook County, Illinois, and a .regular customer and member of Costco Wholesale Corporation

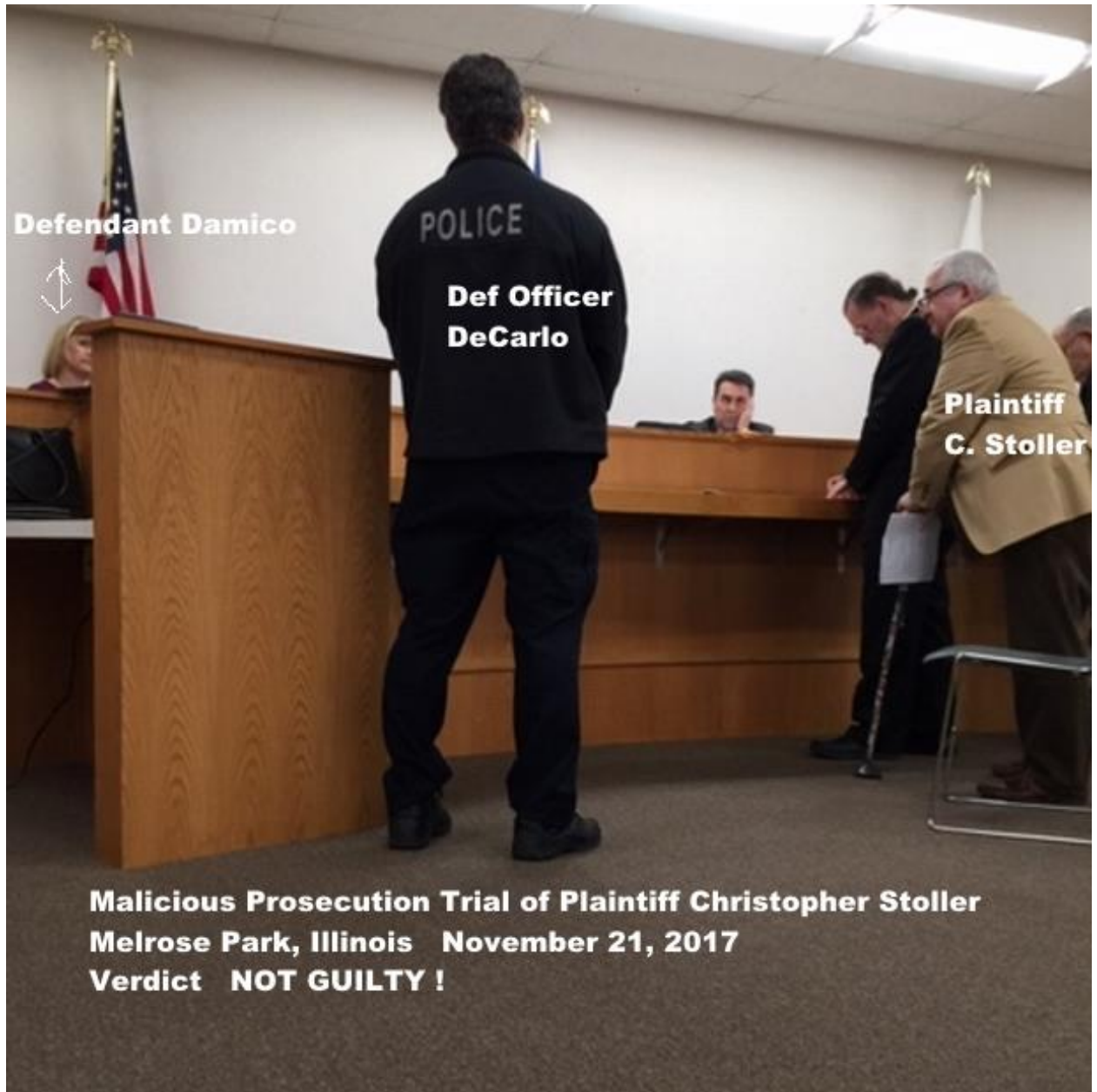
² "42 U.S. Code § 1983 - Civil action for deprivation of rights". Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress

³,

⁴Abuse of process is a cause of action in tort arising from one party making misusing or perversion of regularly issued court process (civil or criminal) not justified by the underlying legal action. It is a common law intentional tort. https://en.wikipedia.org/wiki/Abuse_of_process *Kumar v. Bornstein*, 354 Ill.App.3d 159, 820 N.E.2d 1167, 290 Ill.Dec. 100 (2d Dist. 2004); *Neurosurgery & Spine Surgery, S.C. v. Goldman*, 339 Ill.App.3d 177, 790 N.E.2d 925, 274 Ill.Dec. 152 (2d Dist. 2003); *Kirchner v. Greene*, 294 Ill.App.3d 672, 691 N.E.2d 107, 229 Ill.Dec. 171 (1st Dist. 1998); *Sutton v. Hofeld*, 118 Ill.App.3d 65, 454 N.E.2d 681, 73 Ill.Dec. 584 (1st Dist. 1983); *Kurek v. Kavanagh, Scully, Sudow, White & Frederick*, 50 Ill.App.3d 1033, 365 N.E.2d 1191, 1195, 8 Ill.Dec. 805 (3d Dist. 1977).

membership number 111850480782⁵

MALICIOUS PROSECUTION TRIAL OF CHRISTOPHER STOLLER 11-21-17



⁵ Defendant Christine Carlson. The loss prevention agent for Costco Wholesale and Defendant Matt Harris, a manager of Costco Wholesale unlawfully canceled Christopher Stoller's Costco Membership on November 11, 2016. See **Exhibit 13**

Defendant(s)

All of the Defendants will be referred collectively as “Defendants

Costco branch 1607 store located at 8400 W. North Ave Melrose Park, IL 60160




Defendant, Costco⁶ Wholesale Corporation⁷, (“Costco”) which is headquartered at 999 Lake Drive, Issaquah, Wa 98027 (428) 313-8100 www.costco.com in based upon

⁶ The **Costco Mission Statement**. "Costco's mission is to continually provide our members with quality goods and services at the lowest possible prices. achieve our mission we will conduct our business with the following Code of Ethics in mind: Obey the law. Apr 28, 2017 <https://www.thebalancesmb.com/costco-mission-statement-2891829> See **Exhibit 13**.

⁷ This statistic shows the number of Costco operating warehouses worldwide from 2011 to 2018. In 2018, Costco operated a total of 762 warehouses worldwide. Of those, there were 527 [Costco warehouses](#) in the U.S. and Puerto Rico combined. In 2018, Costco generated approximately 138.4 billion U.S. dollars in [net sales worldwide](#), averaging approximately 176 million U.S. dollars in [sales per warehouse](#) that year. <https://www.statista.com/statistics/269769/costcos-number-of-warehouses-worldwide/>

information and belief is at all times herein mentioned a corporation, organized and existing under the laws of the United States of America, with one of its branch 1607 store located at 8400 W. North Ave Melrose Park, IL 60160 where the incident complained of occurred. . At all times pertinent to the Complaint, Costco individually and through its agents, alter egos, subsidiaries, divisions or parent companies materially participated, conspired, assisted, encouraged and otherwise aided and abetted one or more of the other named Costco Defendants James Hamilton, W. Craig Jelinch, Richard Galanti, Ron Galanti, Ron Vachri, Paul Moulton, Franz Lazarus, John McKay, James Murphy, Joseph Portera, Timothy Rose, Dennis Zook, Kenneth Denman, Chris Barbarino, Jeff Erickson, Greg Killian, Matt Harris, Christine Carlos, and Patricio Omar Chavez (“Costco defendants”) in the unlawful, misleading and fraudulent conduct alleged herein, which conduct was the legal cause of the injuries or damages to the Plaintiff.



1.  James E. Hamilton (“James”), Chairman of the Board.,

individually and in his official capacity and is in charge of the Board of Directors of Costco, and all of the officers, agents, servants and employees under his control. James engaged in the conduct complained of in the course and scope of his employment and/or management of Costco. James is liability directly, under the Doctrine of Respondent Superior⁸ and under the

⁸ It is well-settled that under the Doctrine of Respondent Superior an employer may be liable for the negligent, willful, malicious or even criminal acts of its employees when such acts are committed in the course and scope of employment and in furtherance of the business of the

Pinkerton Theory of Liability⁹ and the inequitable conduct of the agent. Agent's inequitable acts may be imputed to the principle whether or not the principle knew of the agent's misconduct. James acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that , acted with willful and wanton misconduct in the course and scope of his employment. Hamiiton E. James 's negligence, willful, malicious and wanton acts against the Plaintiffs were committed in the course and scope of his employment with Costco and in furtherance of the business of Costco, which conduct was the legal cause of the injuries or damages to the Plaintiff..

employer. *Mitchell v. Norman James Const. Co.*, 291 Ill. App.3d 927(1st Dist. 1999)

9 Under the Pinkerton Theory of Liability, a defendant may be found guilty of a substantive offence committed by a co-conspirator if the offence was committed in furtherance of the conspiracy at the time the defendant was a member of the conspiracy; this is true even if the defendant neither participated in nor had knowledge of the substantive offense. A principal seeking specific performance may be bound by an agent's inequitable conduct. *E.g.*, *Handelman v. Arquilla*, 95 N.E. 2d 910, 913 (Ill. 1951) (rejecting specific performance based on agent's material misrepresentation); *Alexander v. Hughes*, 472 P.2d 818, 819-20 (Or. 1970) (affirming the denial of specific performance when the agent misled the opposing party about the nature of the document signed). The restatement and the cited cases are consistent with the duties of both agents and principals owed to the third parties in the context of the sale of real property. See *Lombardo v. Albu*, 199 Ariz. 97, 100-01, §§13-15, 14 P.3d 288, 291-92 (2000) (noting common law and regulatory duties). In addition, the rule that the principal is bound by his agent's conduct is consistent with long-established principles of equity.



2. W. Craig Jelinch, (“Jelinch”) the President, CEO and Director of Costco¹⁰ , individually and in his official capacity and is in charge of of Costco, and all of the officers, agents, servants and employees under his control. James engaged in the conduct complained of in the course and scope of his employment and/or management of Costco. James is liability directly, under the Doctrine of Respondent Superior¹¹ and under the Pinkerton Theory of Liability¹² and the inequitable conduct of the agent. Agent’s inequitable acts may be imputed to

¹⁰ Craig Jelinek assumed the position of President, Chief Operating Officer and Director in February 2010. Prior to being named President by the Board of Directors, he held various senior management positions in Operations and Merchandising, including the position of Executive Vice President and COO of Merchandising since 2004. Prior to joining the Company in 1984, Mr. Jelinek held various management positions with Fed-Mart and Gemco.

¹¹ It is well-settled that under the Doctrine of Respondent Superior an employer may be liable for the negligent, willful, malicious or even criminal acts of its employees when such acts are committed in the course and scope of employment and in furtherance of the business of the employer. *Mitchell v. Norman James Const. Co.*, 291 Ill. App.3d 927(1st Dist. 1999)

¹² Under the Pinkerton Theory of Liability, a defendant may be found guilty of a substantive offence committed by a co-conspirator if the offence was committed in furtherance of the conspiracy at the time the defendant was a member of the conspiracy; this is true even if the defendant neither participated in nor had knowledge of the substantive offense. A principal seeking specific performance may be bound by an agent’s inequitable conduct. *E.g., Handelman v. Arquilla*, 95 N.E. 2d 910, 913 (Ill. 1951) (rejecting specific performance based on agent’s material misrepresentation); *Alexander v. Hughes*, 472 P.2d 818, 819-20 (Or. 1970) (affirming the denial of specific performance when the agent misled the opposing party about the nature of the document signed). The restatement and the cited cases are consistent with the duties of both agents and principals owed to the third parties in the context of the sale of real property. See *Lombardo v. Albu*, 199 Ariz. 97, 100-01, §§13-15, 14 P.3d 288, 291-92 (2000) (noting common law and regulatory duties). In addition, the rule that the principal is bound by his agent’s

the principle whether or not the principle knew of the agent's misconduct. James acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that , acted with willful and wanton misconduct in the course and scope of his employment. Jelinch,'s negligence, willful, malicious and wanton acts against the Plaintiffs were committed in the course and scope of his employment with Costco and in furtherance of the business of Costco, which conduct was the legal cause of the injuries or damages to the Plaintiff.



13. Lisa T. Damico Esq., (“Damico”) Managing Partner in the law firm of Damico Law Offices, aided and abetted her client Melrose Park,, participated in, encouraged, advised, counseled, sanctioned, condoned and ratified the unlawful conduct of Melrose Park abuse of process and malicious prosecution¹³ of Christopher Stoller. Defendant Damico, is liable for aiding and

conduct is consistent with long-established principles of equity.

¹³ Knowing that Costco did not have any lawful evidence (ie the alleged stolen glove), upon which to prosecute use for evidence to prosecute Christopher Stoller, for allegedly stealing a glove from Costco (“Exhibit 2”), in direct violation of 18 U.S. Code § 1622 - Subornation of perjury, aiding and abetting and causing Defendant Christine Carlson to lie under oath, when testifying against Christopher Stoller. See official transcript of the trial **Exhibit 6**

abetting under the Doctrines of Respondent Superior, Pinkerton Theory of Liability and Partnership Liability, as agent/principal. Defendant Damico acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Damico, acted with willful and wanton misconduct in the course and scope of her employment of defendant Damico Law Offices and her employment by Defendant Malrose Park in the abuse of process and directing the malicious prosecution of Christopher Stoller knowing that there was no probable cause to have Christopher Stoller arrested for stealing a glove and for the substantiate false prosecution.. (**Exhibit 6**)¹⁴ Stoller charges Lisa T. Damico with depriving him of liberty in violation of the Fourteenth amendment's due process clause and committing torts of malicious prosecution, abuse of process, intentional infliction of emotional distress, and conspiracy, in violation of Federal and Illinois State law. Specifically she solicited fabricated testimony from Defendant Christine Carlson, the Costco Lost Prevention Agent see **Exhibit 6** the trial transcript and from Defendant Melrose Park Police Officer coerced a witness Defendant Christine Carlson to give fabricated testimony that Damico as well as the Carlson knew to be false. See the official transcript **Exhibit 6** true and correct copy of photo Defendants Officer Michael DeCarlo and Christine Carlson who both lied under oath and gave fabricated evidence at the bequest of Defendant Attorney Lisa T. Damico, taken at Plaintiff's Trial. which conduct was the legal cause of the injuries or damages to the Plaintiff.

¹⁴ Lisa T. Damico cannot claim prosecutorial immunity because; the malicious prosecution of Christopher Stoller was a civil matter and not a criminal matter.



14. Defendant Melrose Park Police Officer Michael DeCarlo Jr, that at all times hereinafter mentioned, the Defendant, was and still is an officer with the Melrose Park

Police. DeCarlo is charged with aiding and abetting Defendant Melrose Park and Defendant Costco, Christine Carlson ¹⁵, acted with malice, fraud, gross negligence, oppressiveness, unlawful malicious prosecution of Christopher Stoller, abuse of process, which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing but that DeCarlo acted with willful and wanton misconduct in the course and scope of his employment with the Melrose Park Police Department, conspiring with Defendant Melrose Park, Costco to falsely arrest Christopher Stoller with **no probably cause**, to lie under oath, knowing that Defendant Costco did not have any lawful evidence (ie the alleged stolen gloves), upon which to prosecute, use for evidence to prosecute Christopher Stoller, for allegedly stealing a glove from Costco (“Exhibit 2”) The actions of Michael DeCarlo deprived Plaintiff of his right to be free from unreasonable searches and seizures as protected by the Fourth. which conduct was the legal cause of the injuries or damages to the Plaintiff.

Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1983.

15. Defendant Marco Flores (“Flores) Officer that at all times hereinafter mentioned, the Defendant, was and still is an officer with the Melrose Park Police. Flores charged with aiding and abetting Defendant Melrose Park and Defendant Costco, Christine Carlson ¹⁶, acted with malice, fraud, gross negligence, oppressiveness, unlawful malicious prosecution of Christopher Stoller, abuse of process, which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing but that Flores acted with willful and wanton misconduct in the course and scope of his employment with the Melrose Park Police Department, conspiring with Defendant Melrose Park, Costco to falsely arrest

15 (*Thornwood v. Jenner & Block*, 344 N.E.2d 15 (Ill. App. 2003)),

16 (*Thornwood v. Jenner & Block*, 344 N.E.2d 15 (Ill. App. 2003)),

Christopher Stoller with **no probably cause**. The actions of Marco Flores deprived Plaintiff of his right to be free from unreasonable searches and seizures as protected by the Fourth Amendment, which conduct was the legal cause of the injuries or damages to the Plaintiff.



15. Defendant Christine Carlson, an employee of Costco, the Loss Prevention agent acted with malice, fraud, gross negligence, oppressiveness, unlawful malicious prosecution of Christopher Stoller, abuse of process, which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing but that Carlson acted with willful and wanton misconduct in the course and scope of her employment with Costco, conspiring with Defendant Melrose Park Police to lie under oath se official transcript Exhibit 6, knowing that Costco did not have any lawful evidence (ie the alleged stolen glove), upon which to detain lawfully prosecute Christopher Stoller, for allegedly

stealing a glove from Costco (“**Exhibit 2**”) The actions of Christine Carlson deprived Plaintiff of his right to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1983. which conduct was the legal cause of the injuries or damages to the Plaintiff.



Defendant, Melrose Park Police Department, a division of the Village of Melrose Park Illinois, which employs Defendant Chief of the Melrose Park Police, Sam C. . Pitassi ¹⁷, is the Chief of Police of the, located in Melrose Park, Illinois. Upon information and belief, that at all times hereinafter mentioned, the Defendant, was and still is the Chief of Police. Sam C. Pistassi is in charge of the Melrose Park Police Department and all of the officers, agents, servants and employees under his control, which include the following named Defendants: Officer Pitassis. acted with malice, fraud, gross negligence, oppressiveness, unlawful malicious prosecution of Christopher Stoller, abuse of process, which was not a result of mistake of fact or law, honest

¹⁷ Sam C. Pitassi stated on May 24, 2014 “I admired their commitment and resolve in coming in and accomplishing the task of keeping us safe,” Pitassi recalls. “Plus, my uncle and godfather (Nick Perrino) was a police officer in Chicago in the 1960s, and he inspired me to pursue law enforcement as a career.” The son of Peter and Christine (nee Millonzi) Pitassi, Pitassi moved to Melrose Park with his family from the Grand Avenue Italian enclave in Chicago when he was 4. After high school, he earned an associate’s degree in police science at Triton College in 1972 and a bachelor’s degree in criminal justice from Lewis University in 1974. He joined the Melrose Park Police Department that same year; married Rosa Ruotolo, a native of Naples, Italy, in 1985; and steadily rose through the ranks until he was appointed chief in 2007. <https://www.franoi.com/profiles/melrose-park-police-chief-sam-pitassi/>

error or judgment, overzealousness, mere negligence or other human failing but that Pitassis acted with willful and wanton misconduct in the course and scope of his employment with the Melrose Park Police, conspiring with Defendant Costco to have Christopher Stoller arrested without probable cause, have his Officer Michael DeCarlo lie under oath during the malicious prosecution of Plaintiff Christopher Stoller see **Exhibit 6** the official transcript of, knowing that Costco did not have any lawful evidence (ie the alleged stolen glove), upon which to lawfully prosecute Christopher Stoller, for allegedly stealing a glove from Costco (“Exhibit 2”) and that there was no probable cause to arrest and to detain Christopher Stoller. that the actions of the various Defendants as will be described herein deprived Christopher Stoller of his of the right to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1983, which conduct was the legal cause of the injuries or damages to the Plaintiff.



Defendant, Village of Melrose Park is located in Melrose Park, Illinois, Cook County. Upon information and belief, that at all times hereinafter mentioned, the Defendant, was and still is a governmental unit organized and existing under and by virtue of the laws of the State of Illinois. Defendant(s), Village of Melrose Park, its agents, servants, and employees, which are the following Defendants: Ronald M. Serpico, Mary Ann Paolantonio, Anthony N. Abruzzo, Sonny Hicotera, Jaime Angulano, Mary Ramiez Taconi, Arturo Mota, Anthony J. Prignano operated, maintained and controlled the Melrose Park Police Department, its officers, its agents, servants, and employees, which conduct was the legal cause of the injuries or damages to the Plaintiff.

Law firm of Lipe Lyons Murphy & Pontikis aided and abetted their Client Costco in the Malicious prosecution of Christopher. See a true and correct photo of the Lipe Lyons Murphy & Pontikis



Lipe Lyons Murphy & Pontikis Ltd., the law firm who represents Defendant Costco, hired by the

insurance company to represent (Defendant)t Christine Carlson, the lost prevention agent for Costco and Costco., in an attempt to malicious prosecute the Plaintiff for a an alleged crime that they knew or should have known that Chirstopher Stollere did not commit (to steal a pair of gloves, and Lipe firm lawyers, experienced litigators, knew or should have known that there was no probable cause to arrest Christopher, but the Lipe law firm with over 100 years collective of litigation experience, use that experience to deprive Christopher Stoller, 70 a disabled person of his civil rights, due process rights and aided and abetted in the unlawful abuse of process, and malicious prosecution of Christopher Stoller. This Defendant law firm aided and abetted their client(s) Defendant Costco and Christine Carlson ¹⁸ acted with malice, fraud, gross negligence, oppressiveness, unlawful malicious prosecution of Christopher Stoller, abuse of process, which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing but that Lipe, Lyons Murrphy & Pontikis¹⁹ Ltd., (“Lipe”) law

18 (*Thornwood v. Jenner & Block*, 344 N.E.2d 15 (Ill. App. 2003)),

¹⁹ **Dedicated Service**

Those two simple words encapsulate the firm’s philosophy regarding legal representation. Lipe Lyons Murphy Nahrstadt & Pontikis was founded after the five name partners, with decades of experience, departed from their former firm together in order to better serve their long-standing clients. A testament to the relationships that the firm builds with each of its clients, the firm and its clients work in partnership to maximize the value afforded to each client. This dedication to client service serves as the foundation of every firm undertaking.

Our case handling philosophy is simple. We investigate and evaluate cases promptly and accurately. We work closely with our clients in order to determine the most effective and efficient way to resolve a dispute. We attempt to resolve cases on a fair and equitable basis as soon as possible, with minimal expense to our clients. If a fair and equitable resolution cannot be reached, we are ready, willing and able to take a case to verdict. Collectively, the name partners of the firm have tried more than 100 cases to verdict.

The attorneys of Lipe Lyons Murphy Nahrstadt & Pontikis practice in state and federal court and are experienced in a variety of practice areas including commercial litigation, general liability, insurance coverage and bad faith, labor and employment, product liability, professional liability and transportation. We invite you to explore our web site and see how our commitment to dedicated service can work for you. <https://www.lipelyons.com/firm-overview>

firm acted with willful and wanton misconduct conspiring with Defendant Costco and counseled and prepared Christine Carlson to lie under oath (See **Exhibit 6** the court room transcript), knowing that Costco did not have any lawful evidence (ie the alleged stolen glove), no probabloy cause, to arrest Christopher Stoller. No valid evidence upon which to Christopher Stoller, for allegedly stealing a glove from Costco (“Exhibit 2”), in direct violation of 18 U.S. Code § 1622 - Subornation of perjury²⁰ and ARDC Rule 8.4(c) and (d). and Lipe law firm is liable directly and under the Pinkerton Theory of Liability and the inequitable conduct of the agent(s). Agent’s inequitable acts may be imputed to the principle whether or not the principle knew of the agent’s misconduct, which conduct was the legal cause of the injuries or damages to the Plaintiff.




Jeffrey H. Lipe

Partner

Email: jhl@lipelyons.com

Tel: 312.448.6232

 V-Card

Jeffrey H. Lipe²¹, Managing Partner of the defendant law firm of that Lipe, Lyons Murrphy & Pontikis Ltd., (“Lipe”) , which does business in Northern District of Illinois, 230 West Monroe

²⁰ Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

²¹ Jeffrey H. Lipe is a founding partner of Lipe Lyons Murphy Nahrstadt & Pontikis Ltd., head of the firm's general liability practice, and a member of the professional liability, commercial litigation, product liability, construction, transportation and labor and employment practice groups. Mr. Lipe focuses his practice on product liability, construction litigation, commercial litigation, employment counseling and litigation, premises liability, and transportation liability matters. Mr. Lipe is a trial attorney with over 30 years of experience and has tried more than 30 cases to jury verdict in state and federal courts. He has particular experience with the preparation and trial of catastrophic injury and wrongful death claims.

Street, Suite 2260 Chicago, IL 60606- Defendant Lipe is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-conspirator, conspiring with the Defendants, aiding and abetting the Defendants to malicious prosecute Christopher Stoller, assisting Costco to bring a fraudulent malicious prosecution lawsuit²² against the Plaintiff, under the color of the law. Jeffrey H. Lipe is liable under the Doctrine of Respondent Superior, the Pinkerton Theory of Liability and under the liability theory that principle/agent, and partnership liability. Jeffrey H. Lipe is also in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d). Jeffrey H. Lipe acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Jeffrey H. Lipe acted with willful and wanton misconduct in the course and scope of his employment, which conduct was the legal cause of the injuries or damages to the Plaintiff.

²² Knowing that Costco did not have any lawful evidence (ie the alleged stolen glove), upon which to prosecute use for evidence to prosecute Christopher Stoller, for allegedly stealing a glove from Costco (“Exhibit 2”), in direct violation of 18 U.S. Code § 1622 - Subornation of perjury



Raymond Lyons, Jr.

Partner

Email: rl@lipelyons.com

Tel: 312.448.6233

 V-Card

Raymond Lyons Jr²³, (“Lyons”) Principal Partner of the law firm of Lipe, Lyons Murrphy & Pontikis is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-conspirator, conspiring with the Defendants, aiding and abetting the Defendants to maliciously prosecute Christopher Stoller is liable under the Doctrine of Respondent Superior, the Pinkerton Theory of Liability and under the liability theory that principle/agent, and partnership liability. Lyons is also in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d). Lyons acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Lyons acted with willful and wanton misconduct, which conduct was the legal cause of the injuries or damages to the Plaintiff.

²³ Raymond Lyons is a partner of Lipe Lyons Murphy Nahrstadt & Pontikis Ltd. and a member of the firm's product liability, construction, transportation and tort defense practice groups. He focuses his practice on defending product liability, construction, transportation, catastrophic injury and wrongful death lawsuits brought in state and federal courts around the country. Mr. Lyons has more than 30 years of jury trial experience and has litigated hundreds of cases in state and federal courts throughout the United States, including successfully trying more than 40 cases to verdict. He has represented numerous clients in a range of industries, including TruGreen Limited Partnership, TruGreen Lawncare LLC, The Terminix International Company, L.P., ServiceMaster Company, Manchester Tank & Equipment Company, McWane, Inc., Tyler Pipe, Inc., Gehl Company, Walsh Construction, Gertz Electric Company, National Indemnity Insurance Company, and Zurich Insurance Company.



Bradely C. Nahrstadt²⁴ partner of of the law firm of Lipe Lyons Murphy & Pontikis, which does business in Cook County, with an office at , which does business in Northern District of Illinois, 230 West Monroe Street, Suite 2260 Chicago, IL 60606 Defendant Nahrstadt is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-conspirator, conspiring with the Defendants, aiding and abetting the Defendants to maliciously prosecute Christopher Stoller, without probably cause, aided and abetted the defendants in bringing a fraudulent malicious prosecute law suit againe Christopher Stoller, under the color of the law. Represented Costco employee, Christine Carlson, counseled her to fabricate testimony, set in the court room on November 21, 2017 aided and abetted Christine Carlson to lie under oath during the malicious prosecution of Chirstopher Stoller see Exhibit 6 the official transcript of the trial, Defendant Nahrstadt directly,

²⁴ Bradley C. Nahrstadt is a partner of Lipe Lyons Murphy Nahrstadt & Pontikis Ltd., co-chair of the insurance coverage practice group, and a member of the product liability, professional liability and tort defense practice groups. He focuses his practice on defending product liability, professional liability, premises liability, insurance coverage and bad faith and commercial matters in state and federal courts around the country, and also has handled a number of matters at the appellate level.

is liable under the Doctrine of Respondent Superior, the Pinkerton Theory of Liability and under the liability theory that principle/agent, and partnership liability. Defendant Nahrstadt is also in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d). Defendant Nahrstadt acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Defendant Nahrstadt acted with willful and wanton misconduct during the course and scope of his employment with the law firm of Lipe, Lyons Murphy & Pontikis Ltd., which conduct was the legal cause of the injuries or damages to the Plaintiff.



1. Edward J. Murphy²⁵ Partner of the law firm the law firm of Lipe Lyons Murphy & Pontikis, which does business in Northern District of Illinois, 230 West Monroe Street, Suite 2260 Chicago, IL 60606. Defendant Nesbit is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-

²⁵ Edward J. Murphy is a partner of Lipe Lyons Murphy Nahrstadt & Pontikis Ltd., and a member of the firm's product liability, insurance coverage, and commercial litigation practice groups. He focuses his practice on product liability, aviation, insurance coverage/bad faith,

conspirator, conspiring with the Defendants, aiding and abetting the Defendants to bring a fraudulent malicious prosecution lawsuit against the Plaintiffs, knowing that there was no probable cause to arrest Stoller, nor for the Village of Melrose Park to try Stoller for a crime that he did not commit under the color of the law. Edward J. Murphy is liable directly and under the Doctrine of Respondent Superior, the Pinkerton Theory of Liability and under the liability theory that principle/agent, and partnership liability. Edward J. Murphy is also in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d). Edward J. Murphy acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Edward J. Murphy acted with willful and wanton misconduct in the course and scope of his employment which conduct was the legal cause of the injuries or damages to the Plaintiff.



Thomas J. Pontikis²⁶ Partner of the law firm the law firm of Lipe Lyons Murphy & Pontikis, which does business in Northern District of Illinois, 230 West Monroe Street, Suite 2260 Chicago, IL 60606. Defendant Pontikis is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-conspirator, conspiring with the Defendants, aiding and abetting the Defendants to bring a fraudulent malicious prosecution lawsuit against the Plaintiff, knowing that there was no probable cause to arrest Stoller, nor for the Village of Melrose Park to try Stoller for a crime that he did not commit under, the color of the law. Defendant Pontikis is liable directly and under the Doctrine of Respondent Superior, the Pinkerton Theory of Liability and under the liability theory that principle/agent, and partnership liability. Defendant Thomas J. Pontikis is also in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d). Defendant Pontikis acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing but that Defendant Pontikis acted with willful and wanton misconduct in the course and scope of his employment which conduct was the legal cause of the injuries or damages to the Plaintiff.

2. The purpose of said relationship, exceeding said authority for alternatively while purporting to act to further the purpose of said relationship instead engaged in self dealing and

²⁶ Thomas J. Pontikis is a partner of Lipe Lyons Murphy Nahrstadt & Pontikis Ltd. He focuses his practice on insurance defense, commercial litigation, mass and toxic torts, product liability, construction litigation, professional malpractice and construction defect litigation. Mr. Pontikis has more than 26 years of jury trial experience, handling cases in state and federal courts throughout the United States. He has represented numerous clients in a range of industries, including Ford Motor Company, General Electric Company, Terminix, Viacom/CBS and Zurich Insurance Company.

acted to harm said relationship over alternatively, colluded and conspired with other Defendants.



3. This action is also brought against Does 1-10, which may include Defendants' Police officers, lawyers, predecessors, partners, associates, agents, employees, affiliates and subsidiaries, process servers, contractors, developers, law firms, and realtors which hereafter are also included in the term "defendants." Plaintiffs are ignorant of the true names and capacities of defendants (John Doe 1 pictured above) sued herein and Does 1-10 inclusive, and therefore sues these defendants by such fictitious name. Plaintiffs will add their names (his name) to this Complaint to allege their true names and capacities when ascertained.

Defendant, Melrose Park Police Department and Defendant, Sam C. Pitassi, is the Chief of Police of the, located in Melrose Park, Illinois. Upon information and belief, that at all times hereinafter mentioned, the Defendant, was and still is the Chief of Police. Sam C. Pistassi is in charge of the Melrose Park Police Department and all of the officers, agents, servants and employees under his control, which include the following named Defendants: Officer Michael DeCarlo, Jr., and Officer Marco Flores.

Defendant, Village of Melrose Park is located in Melrose Park, Illinois, Cook County. Upon information and belief, that at all times hereinafter mentioned, the Defendant, was and still is a governmental unit organized and existing under and by virtue of the laws of the State of Illinois. Defendant, Village of Melrose Park, its agents, servants, and employees, which are the following Defendants: Ronald M. Serpico, Mary Ann Paolantonio, Anthony N. Abruzzo, Sonny Hicotera, Jaime Angulano, Mary Ramiez Taconi, Arturo Mota, Anthony J. Prignano operated, maintained and controlled the Melrose Park Police Department, its officers, its agents, servants, and employees.

Defendant, Damico Law Offices, Lisa T Damico Esq., is located in Chicago, Illinois, County of Cook.

Defendants, Lipe, Lyons Murphy & Pontikis, Ltd, is located in Chicago, Illinois, County of Cook. Jeffrey H. Lipe, Raymond Lyons, Jr., Edward J. Murphy, Bradley C. Nahrstadt, Thomas J. Pontikis,

4. James Hamilton, W. Craig Jelinch, Richard Galanti, Ron Galanti, Ron Vachri, Paul Moulton, Franz Lazarus, John McKay, James Murphy, Joseph Portera, Timothy Rose, Dennis Zook, Kenneth Denman, Chris Barbarino, Jeff Erickson, Greg Killian, Matt Harris, Christine Carlos, and Patricio Omar Chavez engaged in the conduct complained of in the course

and scope of his/her employment and/or management of Costco. The above named Defendants' liability directly lies under the Doctrine of Respondent Superior²⁷, the Pinkerton Theory of Liability²⁸ and the inequitable conduct of the agent. The agent's inequitable acts may be imputed to the principle whether or not the principle knew of the agent's misconduct. The above named Defendants' negligence, willful, malicious and wanton acts against the Plaintiff were committed in the course and scope of his/her employment with Costco and in furtherance of the business of Costco.

5. At all times relevant to this Complaint, Sam C. Pitassi, Chief of Police was responsible for the supervision of Officer Michael D. DeCarlo, Jr., and unknown officers who employed by the Melrose Park Police Department. Defendant Sam C. Pitassi is being sued in his official and individual capacity. All other Defendant Officers are each sued in his/her individual capacity. Each Defendant Officer acted under color of law and within the scope of his/her employment during the relevant events, including the investigation, the false arrest and trial of Christopher Stoller.

6. At all times relevant to this Complaint Lisa T. Damico, was the outside civil attorney for Melrose Park. The law firm of Lipe, Lyons Murphy & Pontikis Ltd, attorneys

²⁷It is well settled that under the Doctrine of Respondent Superior an employer may be liable for the negligent, willful, malicious or even criminal acts of its employees when such acts are committed in the course and scope of employment and in furtherance of the business of the employer. *Mitchell v. Norman James Const. Co.*, 291 Ill. App.3d 927(1st Dist. 1999)

²⁸Under the Pinkerton Theory of Liability, a defendant may be found guilty of a substantive offence committed by a co-conspirator if the offence was committed in furtherance of the conspiracy at the time the defendant was a member of the conspiracy; this is true even if the defendant neither participated in nor had knowledge of the substantive offense. A principal seeking specific performance may be bound by an agent's inequitable conduct. *E.g., Handelman v. Arquilla*, 95 N.E. 2d 910, 913 (Ill. 1951) (rejecting specific performance based on agent's material misrepresentation); *Alexander v. Hughes*, 472 P.2d 818, 819-20 (Or. 1970) (affirming the denial of specific performance when the agent misled the opposing party about the nature of the document signed). The restatement and the cited cases are consistent with the duties of both agents and principals owed to the third parties in the context of the sale of real property. See *Lombardo v. Albu*, 199 Ariz. 97, 100-01, §§13-15, 14 P.3d 288, 291-92 (2000) (noting common law and regulatory duties). In addition, the rule that the principal is bound by his agent's conduct is consistent with long-established principles of equity.

Jeffrey H. Lipe, Raymond Lyons Jr, Edward J. Murphy, and Bradley C. Nahrstadt were the attorney for Costco. The above named Defendants are being sued in their individual capacity. They acted under color of law and within the scope of their employment during the relevant events, including the investigation, the false arrest and trial of the fictitious theft of glove charge at issue.

7. At all times relevant to this Complaint, Ronald M. Serpico was the Mayor of Melrose Park, Illinois. Defendant Serpico is being sued in his official and his individual capacity. Defendant Serpico acted under color of law and within the scope of his employment during the relevant events, including the investigation the false arrest and trial of the fictitious theft of glove charge at issue.

8. The misconduct described herein was also undertaken by Defendants Christine Carlson, Jeff Erickson, Matt Harris, Patricio Omar Chavez within the scope of their employment and under color of law such that their employer, Costco Wholesale Corporation, who is liable for their actions. County.

9. As a direct and proximate result of the misconduct of the above named Defendants described above, the Plaintiff suffered injuries, including severe emotional distress and ongoing pain.

POLICIES AND PRACTICES

10. The constitutional violations that caused Christopher Stoller's malicious prosecution and the claims set forth in this Complaint were also the result of the Village of Melrose Park and the Costco Wholesale Corporation's lack of a lost prevention policy and widespread practices of failing to discipline employees and officers who withhold exculpatory or impeachment evidence, or who fabricate evidence.

11. The constitutional violations that caused Christopher Stoller's malicious prosecution and the claims set forth in this Complaint were not isolated events. To the contrary, they were the result of the Village of Melrose Park policies and widespread practices of pursuing convictions without regard to the truth, through reliance on profoundly flawed investigations that withhold exculpatory evidence, fabricate evidence, and coerce witnesses.

12. The constitutional violations that caused Christopher Stoller's malicious prosecution and the claims set forth in this Complaint were also the result of the Village of Melrose Park policies and widespread practices of failing to adequately train and supervise its police officers and employees on their obligations not to withhold exculpatory or impeachment evidence, and not to fabricate evidence.

13. The constitutional violations that caused Christopher Stoller's malicious prosecution and the claims set forth in this Complaint were also the result of the Village of Melrose Park and the Costco Wholesale Corporation policies and widespread practices of failing to intervene to prevent individual officers and lost prevention employees from violating citizens' constitutional rights.

14. In accordance with these policies and widespread practices, Melrose Park Police officers, Costco Wholesale Corporation employees refused to report misconduct committed by their colleagues, including the misconduct at issue in this case.

15. The Village of Melrose Park, the Melrose Park Police Department, Costco Wholesale Corporation failure to train, supervise, and discipline its officers and employees effectively condones, ratifies, and sanctions the kind of misconduct that the Defendant Officers and their Attorneys committed against Christopher Stoller in this case. Constitutional violations

such as those that occurred in this case are encouraged and facilitated because of the Village of Melrose Park and the Costco Wholesale Corporation practices and policies, as alleged above.

16. The Village of Melrose Park and officials within the Melrose Park Police Department as well as the Costco Wholesale Corporation employees failed to act to remedy the abuses described in the preceding paragraphs, despite actual knowledge of the pattern of misconduct. They perpetuated the unlawful practices and ensured that no action would be taken (independent of the judicial process) to remedy Christopher Stoller's ongoing injuries.

17. In accordance with these policies and widespread practices, Melrose Park Police Officers refused to report misconduct committed by their colleagues, including the misconduct at issue in this case.

18. The Village of Melrose Park failure to train, supervise, and discipline its officers effectively condones, ratifies, and sanctions the kind of misconduct that the Defendant Officers committed against Christopher Stoller in this case. Constitutional violations such as those that occurred in this case are encouraged and facilitated because of the city's practices and policies, as alleged above. The policies and practices described in the foregoing paragraphs were consciously approved by Village of Melrose Park policymakers who were deliberately indifferent to the violations of constitutional rights described herein.

JURISDICTION

19. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiffs' rights as secured by the United States Constitution.

20. This Court has jurisdiction over Plaintiff's constitutional claims pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over his state law claims pursuant to 28 U.S.C. §

1367. Venue is proper under 28 U.S.C. § 1391(v). The events giving rise to this Complaint occurred in this judicial district.

21. This Court original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. § 1333 and § 1343.

22. Venue is proper in the Northern District of Illinois.

23. Jurisdiction of this court arises under 28 U.S.C. secs 1331, 1337, 1343(a), and 1367(a); 42 U.S.C. secs. 1983, 1985, 1986, and 1988; and 18 U.S.C. 1961-1968.

24. Jurisdiction of this court for the above claims is authorized by F.R.Civ.P. 18(a), and arises under the doctrine of pendent jurisdiction as set forth in *United Mine Workers v. Gibbs*.

NATURE OF THE CASE

25. This lawsuit seeks redress from the above named Defendants who caused Stoller to be falsely arrested, without probably cause and was subjected unreasonable search, and force, in violation of his rights under the Fourth Amendment to the U.S. Constitution.

26. Unlike other cases where a person is caught up in the criminal justice system for a crime for which they were not involved, not only did the Defendants fabricate a case against Christopher Stoller, they fabricated a crime, the theft of a pair of gloves by Christopher Stoller and upon which, no stolen gloves were ever recovered from Christopher Stoller after the Melrose Park Police Officers, Defendants Michael DeCarlo Jr., and Marco Flores arrested Christopher Stoller on November 21, 2017 without probably cause. See the Official court Transcript marked as **Exhibit 6**, incorporated herein as if fully copied and attached and made a part hereof..

27. Defendants caused Christopher Stoller to be falsely charged for retail theft (Exhibit(s) 2, 4, & 6 by fabricating evidence, fabricating evidence that Christopher Stoller was lying about what happened the morning of November 21, 2017, in the Costco Wholesale Store in

Melrose Park, Illinois and withholding exculpatory evidence. See **Exhibit 6** the Transcript of the Trial incorporated herein by reference and made a part hereof. Christopher Stoller was found not guilty on Nov. 21, 2017 after the Plaintiff's put on their case by a directed verdict of the judge.(Exhibit 6)

DEFENDANTS' VIOLATIONS OF THE PLAINTIFF INCLUDE

28. Christopher Stoller, hereby asserts the following claims against the Defendants in the above-entitled action:

- (a) Violation of 42 U.S.C. 1983: arrest
- (b) Violation of 42 U.S.C. 1983: detention and confinement
- (c) Violation of 42 U.S.C. 1983: strip search
- (d) Violation of 42 U.S.C. 1983: conspiracy
- (e) Violation of 42 U.S.C. 1983: refusing or neglecting to prevent
- (f) Malicious prosecution
- (g) Malicious abuse of process
- (h) Violation of Ill. Civil Rights Act
- (i) False arrest and imprisonment
- (j) Battery
- (k) Conspiracy
- (l) Intentional infliction of emotional distress.

DAMAGES

29. As a result of the foregoing, Plaintiff Christopher Stoller has suffered tremendous damage, including physical sickness and injury, and emotional damages, all caused by the Defendants' (individually and in their official capacity) misconduct.

30. Because of Defendants' intentional discrimination and defamation, they have subjected Christopher Stoller to emotional distress, ridicule, name-calling, harassment and being targeted by malicious statements imputing egregious actions to him.

31. Defendants' actions were intentional, malicious, willful, wanton and callous and showed reckless disregard for Plaintiff's civil and constitutional rights.

32. As a result of the events described herein. Plaintiff has endured fear, humiliation, embarrassment, mental pain, suffering, inconvenience and financial injury, including lost business profits.

33. As a direct, foreseeable, and proximate result of the said wrongful acts by Defendants, Plaintiff suffered and will continue to suffer humiliation, anxiety, shame, despair, embarrassment, depression, mental pain, anguish, and injury to his reputation and economic loss, all to Plaintiff's damage in an amount to be proven at time of trial.

34. Plaintiff has suffered physical injuries and has incurred medical bills in an amount to be ascertained, resulting from the acts of Defendants.

BACKGROUND FACTS

35. On November 19, 2016, Christopher Stoller, 68, then, a disabled senior citizen, a protected person as defined by the Americans for the Disability Act (ADA) went to Costco Wholesale, located on 8400 W. North Ave, in Melrose Park, Illinois to do some shopping. The Plaintiff purchased \$54.43 of groceries.

36. Christopher Stoller was in the handicap motorized cart and attempted to leave the store when Defendant Christine Carlson, Costco Loss Prevent Agent, she approached him after he had driven the handy cap cart out of the store and accused Christopher Stoller of stealing a pair of gloves and for him to come back into the Costco office with her. Christopher Stoller stated, "I did not steel any gloves!" Ms. Carlson screamed, "If you don't come into the store, I will cancel your Costco Membership²⁹ and Ms. Carlson took the Plaintiff's groceries back into the Costco Store. Christopher Stoller than drove out of the Costco Parking Lot on the electric shooter.

37. The Defendants, Assistant General Managers, Matt Harris, Jeff Erickson and Defendant Patricio Omar Chavez Merchant/Stocker surrounded Christopher Stoller to prevent the electric cart from moving. Defendant Chavez then picked up the electric cart and dropped it causing a serve injury to Christopher Stoller's back ("**Exhibit 1**³⁰").

38. Christopher Stoller attempted to make a phone call his attorney, when the Melrose Park Police arrived, Defendant/Police Officers Michael DeCarlo Jr., and Flores. DeCarlo and Flores stopped Christopher Stoller from calling his attorney and conducted an unlawful search of Christopher Stoller.

39. Afterwards, Officer DeCarlo , without probably cause, stated Christopher Stoller was under arrest for retail thief for stealing a pair of gloves. Christopher Stoller said, "Aren't you going to read me my Miranda rights?" Officer DeCarlo said, "This is Melrose Park, we don't

²⁹ See the report of Ms. Carlson marked as **Exhibit 2**

³⁰ **Exhibit 1** Dr. Mark Sokolowski, M.D.,CIME Medical Report on the Bank Injury that Christopher Stoller sustained.

have to read anyone their Miranda rights here” neither Defendant Officers DeCarlo nor Flores read Stoller his Miranda Rights. DeCarlo said, “Miranda rights are for TV!”

40. Officers DeCarlo and Flores were unable to find any of the alleged stolen gloves on Christopher Stoller, who denied stealing any gloves from Costco.

41. Christopher Stoller told the officers that he wanted to speak to his attorney. Officers DeCarlo and Flores refused to allow Christopher Stoller to call his lawyer on his I phone. DeCarlo said, “You don’t need an attorney in Melrose Park, we know how to deal with a thief..”

42. Defendant Officers DeCarlo and Flores placed under arrest, hand cuffed him and placed him in their police car. DeCarlo said “that the Melrose Park knows how to deal with criminals like you!”

43. The Melrose Park Police officers DeCarlo and Flores took Christopher Stoller back to the Costco store in hand cuffs, in front of all of the customers of the Melrose Park Costco Store. Christopher Stoller while in handcuffs heard the Costco customers saying that the “Cops caught a thief, look at him!”

44. At time, Defendant Christine Carlson, the Costco Loss Prevention Agent, told the Melrose Park Police Officers DeCarlo and Flores “That’s the guy (Christopher Stoller) who I saw steal the gloves and put those gloves in his pocket, that’s the guy!” Christine Carlson knowingly and willfully falsified a document, a false writing, a fraudulent statement when Carlson presented to the Police the attached falsified document³¹ to evidence that Christopher

³¹ This was a violation of 18 U.S § 1001 Statements or entries. Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves

Stoller stole the gloves See (“**Exhibit 2**”) when Ms Carlson knew that Christopher Stoller did not seal any gloves..

45. Defendants conduct was motivated by malice. Christine Carlson, the loss prevention person for Costco, manufactured false verbal and written evidence, knowing it to be false, presented to the Melrose Park Police officers (“**Exhibit 2**”), in order to have the Plaintiff falsely arrested.

46. Officer DeCarlo said to Defendant Carlson, “Hey I searched this guy and he did not have any gloves on him?” Defendant Carlson said, “Arrest him, I saw him steal the gloves.” Christopher Stoller stated, “I did not steal any gloves!

47. Officer DeCarlo wrote a ticket charging Christopher Stoller with retail theft, under Chapter 10 Section 04-010 of its local ordinance³².

48. On November 21, 2017, a trial was set for Christopher Stoller.

49. The Administrator for the Village of Melrose Park, who is not a Cook County Judge, appointed as a hearing officer that hears Civil Ordinance violation, Russell Syracuse stated on Page 79, Line 22 of the official transcript marked as (“**Exhibit 3**”). “This is not a criminal proceeding. This is a civil matter.”³³

50. Appearing on behalf of the Village of Melrose Park, Defendant Attorney Lisa T. Damico, who was **not** a criminal prosecutor, pursuant to Section 1983 and the Illinois Law

international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

³² Chapter 10 Section 04-010 of the Melrose Park Ordinance is motor vehicle violation, under the Municipal Code, which has nothing to do with retail theft. Which required Christopher Stoller was required to Appear in the Melrose Park Municipal Court on December 6, 2016 at 1:00PM 1 North Broadway, Melrose Park, Illinois 60160 See **Exhibit 4**.

³³ The Village of Melrose Park attorney Defendant Lisa T. Damico cannot claim prosecutor immunity because this was a Civil Action see transcript Exhibit 6 .

deprived Christopher Stoller of his due process by engaging in suggestive identification procedures, deliberately suppressing exculpatory evidence (there was no evidence of the alleged stolen gloves), that there were no stolen gloves recovered from the plaintiff. Christopher Stoller did not steal any gloves, as well known to the Defendants.

51. Defendant Damico coerced Defendant Christine Carlson, the Loss Prevention Agent and Officer Michael DeCarlo to provide false, fabricated evidence under oath (perjury) and subornation perjury (“**Exhibit 6**” the Official Court Transcript).

52. Defendant Attorney Lisa T. Damico³⁴, the Melrose Park attorney conspired with Defendants’ Christine Carlson, Officer DeCarlo, Matt Harris, Chris Barbarino and Jeff Erickson (Costco Defendants) to frame Christopher Stoller for “retail theft of a pair of gloves” that Defendant Lisa T. Damico knew that Christopher Stoller did not take from the Melrose Park Costco store and there was no probable cause to arrest Christopher Stoller, no evidence which would have even supported the claim of Christopher Stoller stealing a pair of gloves (no gloves were ever recovered).

53. On November 19, 2016 Defendant was charged with Chapter 10 Section 04 010 of the Village of Melrose Park local ordinance. See true and correct copy of the attached Compliance Violation Number C102277 (“**Exhibit 4**”).

54. Chapter 10.04 of the village of Melrose Park Municipal deals solely with the Code Regarding the Operation of Motor Vehicles (“**Exhibit 7**”) Village of Melrose Park Cook County Illinois Ordinance No. 1354.

55. The actual charge against the Defendant as described by the Melrose Police

³⁴ Cannot claim prosecutorial immunity in this case, because Attorney Lisa T. Damico was **not** a prosecutor in a criminal prosecution, the underlying case was a Civil Matter and not a criminal case.

Department (MPPD) Incident Number 201600026297 Blotter states:

Offender Stoller opened a shrimp cocktail container, ate several shrimp inside totaling \$11.99 then took a pair of gloves, placed them in his pocket totaling \$24.99 and passed the last point of purchase without paying for said item.

56. This case dismissed in favor of the Defendant because the Charging instrument violated Illinois Statutes Chapter 725 Criminal Procedure §5/114-1(8) the charge did not state an offense under §/114(c). See Exhibit 6 a copy of the Court Transcript of the Nov. 21, 2017 malicious prosecution.

57. The charge Compliance Violation Number C102277 was void *ab initio* and was dismissed with prejudice on November 21, 2017, for it fails to allege the commission of an offense and citing to the statutory provision as well known to the Defendants. (See **Exhibit 6**, the court room transcript)

58. Plaintiff Stoller was not found guilty of said uncharged offense³⁵.

59. The Defendants asserted that the miscitation prejudiced the Plaintiff in that the instrument did not set forth the crime charged with sufficient specificity to apprise the Plaintiff of the offense with which he was charged³⁶. (See **Exhibit 6** the court room transcript)

³⁵*People v. Lloyd* 2013 IL 113510. The court in *Lloyd* stated “we can only consider the evidence regarding the actual charges the State chose to bring against him and not the fact that he may be guilty of the uncharged offense”. *Lloyd* 2013 IL 113510. To allege the commission of an offense, any proper criminal charge must be in writing, stating the name of the offense, setting forth the nature and elements of the offense and citing to the statutory provision alleged to have been violated. (Ill. Rev. Stat. 1983 Ch. 38 par. 111-3). Any conviction upon a defective charging instrument would warrant reversal.

³⁶*People v. Boyd* (1980), 87 Ill. App.3d 978, 409 N.E.2d 866. *People v. Melton*, 282 Ill. App. 3d 408, 415 (1996) 2-1110. Motion in non-jury case to find for defendant at close of evidence. In all cases tried without a jury, defendant may, at the close of plaintiff’s case, move for a finding or judgment in his or her favor. *Kokinis v. Kotrich* (Ill.1980) 81 Ill.2d 151, 40 Ill. Dec. 812, 407 N.E.2d 43,

**PLAINTIFF MOVES FOR A DIRECTED VERDICT AND WAS GRANTED A
FINDING OR JUDGMENT IN HIS FAVOR 735 ILCS 5/2-1110**

60. It was not possible for the Defendants to have established a *prima facie* case, in that the charging instrument did not state name of the offense and did not cite to the proper statutory provision alleged to have been violated. (Ill. Rev. Stat 1983, Ch. 38, par. 11-3).

61. Christopher Stoller was found **not guilty** of the uncharged offense at trial on November 21, 2017. See official Transcript (“**Exhibit 6**” at page 83 Line 20-21). The court stated on the record, “Do to the defect in the complaint, I am going to dismiss the Complaint.”

**COUNT I
VIOLATION OF CIVIL RIGHTS – FALSE ARREST
PLAINTIFF AGAINST DEFENDANTS**

62. The Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior paragraphs with the same force and effect as if more fully set forth herein. At all times relevant herein, the conduct of the Plaintiff was subject to 42 U.S.C. Secs. 1983, 1985, 1986, and 1988.

63. That on or about November 19, 2016, at about 12:54p.m., the Plaintiff was in the Costco Wholesale Store located in Melrose Park, Illinois.

64. Defendant Melrose Park Police Officer Michael DeCarlo Jr., and Officer Flores, wrongfully and falsely arrested, imprisoned and detained Plaintiff, Christopher Stoller, without any legal cause. (See pages 66-71 of the Official Court Room Transcript marked as “**Exhibit 6**” and the true and correct copies of transcripts pages 66-70).

65. The Melrose Park Police did not have probable cause to arrest Stoller, they searched Stoller, padded him down and did not find any evidence of the stolen gloves.

66. At Stoller's trial Defendant Christine Carlson, Costco's loss prevention agent, testified on November 21, 2017, at Page 48 of the Official Court Transcript beginning with Line 6 of ("**Exhibit 6**"), Ms. Carlson tells Defendant Matt Harris, Costco's Assistant General Manager, after she had unlawfully removed the Plaintiff groceries that he had purchased from Costco ("**Exhibit 7**") from the electric disability cart, in which Christopher Stoller was setting in, to call the police. Ms. Carlson gave false information, to Matt Harris, knowing it to be false, and that conduct was motivated by malice. In order to give the police probable cause, so Costco would not be liable for calling the Melrose Park Police, and for Costco not to be liable, for charges of false arrest and false imprisonment.

67. This arrest was in violation of Plaintiff's Fourth Amendment Rights to the Constitution of the United States as this was an unreasonable seizure, and as a result, the Defendants, *ie* Costco Wholesale Corporation, Melrose Park, Melrose Park Police Department DeCarlo and Flores, Defendants are liable to Plaintiff pursuant to 42 U.S.C. section 1983.

68. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

69. **WHEREFORE**, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

70.

COUNT II
VIOLATION OF CIVIL RIGHTS FOR EXCESSIVE USE OF FORCE PLAINTIFF
AGAINST DEFENDANTS PARK, MELROSE PARK POLICE DEPARTMENT, SAM C.
PITASSI, OFFICER DECARLO JR, OFFICER FLORES (MPPD) DEFENDANTS

66. Plaintiff repeats and realleges each and every allegation contained in all prior paragraphs, with the same force and effect as if more fully and at length set forth herein.

67. That on or about November 19, 2016, at about 12:54P.M. while the Plaintiff was lawfully and properly in the Costco Wholesale Store in Melrose Park Illinois, Officers/Defendants Michael DeCarlo Jr and Flores without just cause or provocation and with great force and violence unreasonably seized the Plaintiff. The Defendants intentionally and forcefully handcuffed the Plaintiff. Defendants caused handcuffs to be unreasonably placed upon the wrists of the Plaintiff disabled senior citizen, who later had to go to the hospital.

68. This use of force was excessive and was in violation of Plaintiff's Fourth Amendment Right to the Constitution of the United States as this was an unreasonable seizure, and as a result, the Defendant is liable to Plaintiff pursuant to 42 U.S.C. § 1983.

69. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful,

wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT III
**MONELL LIABILITY³⁷ PLAINTIFF AGAINST DEFENDANTS MELROSE PARK,
MELROSE POLICE DEPARTMENT, SAM C.PITASSI, OFFICER MICHAEL D.
DECARLO JR, OFFICER MARCO FLORES (MPPD) DEFENDANTS**

70. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs are incorporated herein with the same force and effect as if more fully set forth at length hereat.

71. As alleged above, Plaintiff is informed and believes and alleges thereon that Defendants, DEFENDANTS RONALD M. SERPICO, MELROSE PARK, MELROSE PARK POLICE DEPARTMENT, SAM C. PITASSI, OFFICER MICHAEL DECARLO JR, OFFICER MARCO FLORES (MPPD) DEFENDANTS, were responsible for the customs and policies, and/or the policymakers for the customs and policies as set forth below.

72. The above named Defendants were acting under of state law and through its employees, agents and/or representatives, engaged in a course of action and behavior, rising to the level of a policy, custom and systemic condoned practice, which deprived Plaintiff of the rights, privileges and immunities secured by the United States Constitution.

73. These rights include, but are not limited to, Plaintiff's Fourth and Fourteenth

³⁷ Under *Monell v. Department of Social Serv.*, 436 U.S. 658 (1978), a municipal government can be held liable under Section 1983 when as here that a deprivation of a federal right(s) occurred as a result of the "policy" of the Melrose Park and the Melrose Park Police whose acts may fairly be said to be those of the municipality. The Melrose Park municipal action was (i) taken with the requisite degree of culpability and (ii) causally linked to the Plaintiff's deprivation of federal right(s).

Amendment Rights to equal protection, and related rights in that the Defendants' and each of them promulgated a custom and/or policy of arresting and/or treating disabled senior citizens by charging them with frivolous motor vehicle violation for frivolous retail thief charges without any substantial evidence.

74. The Defendants' acts as alleged above were the moving force behind the violations of Plaintiff's rights.

75. The acts of the Defendants caused Plaintiff injury as set forth above.

76. Because of the foregoing, Defendants and each of them are liable pursuant to 42 U.S.C. Section 1983.

77. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages

WHEREFORE, the Plaintiff prays for judgment against Defendants, MELROSE PARK, MELROSE PARK POLICE DEPARTMENT, SAM C.PITASSI, OFFICER MICHAEL D. DECARLO JR, OFFICER MARCO FLORES (MPPD) DEFENDANTS, in an amount in excess of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) from each defendant,, plus the costs of this suit, for all compensatory damages, resulting from the willful and wanton and other acts and omissions of Defendants. Plaintiff is also seeking leave to request ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) in punitive damages against these Defendants individually and in their official capacity.

COUNT IV
VIOLATIONS OF 42 U.S.C. §1983 DETENTION AND CONFINEMENT PLAINTIFF
AGAINST ALL DEFENDANTS

78. Plaintiff repeats and realleges and incorporates by reference the allegations in All previous Paragraphs above with the same force and effect as if herein set forth.

79. As a result of their concerted unlawful and malicious detention and confinement of Plaintiff, Defendants deprived Plaintiff of both his right to his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. Sec. 1983.

80. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT V
CONSPIRACY TO ENGAGE IN A MALICIOUS PROSECUTION PLAINTIFF
AGAINST DEFENDANTS

81. Plaintiff repeats, reiterates and realleges each and every allegation contained in all previous Paragraphs with the same force and effect as if more fully and at length set forth herein.

82. Defendants MELROSE PARK, MELROSE PARK POLICE DEPARTMENT, SAM C.PITASSI, OFFICER MICHAEL D. DECARLO JR, OFFICER MARCO FLORES, CHRISTINE CALSON, JEEF ERICKSON, MATT HARRIS, PATRICIO OMAR CHAVEZ, LISA T. DAMICO, DAMICO LAW OFFICES, JEFFREY H. LIPE, RAYMOND LYONS JR, EDWARD J. MURPHY, BRADLEY C. NAHRSTADT conspired, as set forth above, in causing a frivolous retail theft charge to be filed against Plaintiff on November 19, 2018.

83. On or about November 19, 2018, Defendants entered into an agreement, ratified and approved the on going conspiracy, in which the frivolous retail thief charge was filed against the Plaintiff.

84. On or about the November 19, 2016, the Defendants their agents, servants and employees falsely and maliciously and without probable cause or provocation caused Plaintiff to be charged with retail thief.

85. In furtherance of their conspiracy, the Defendants and each of them gave false information and withheld vital information in connection with the retail thief charge alleged

above, as well known to Defendants, who ratified and approved same before the Melrose Park Police, which caused Officers Michael DeCarlo and Officer Marco to falsely arrest Christopher Stoller. When the Defendants all new that the retail theft charge was a sham for stealing gloves. The Defendants had no evidence that Stoller stole any gloves, no evidence of the gloves were ever recovered. Defendants Attorney(s) Bradley C. Nahrstadt and Lisa T. Damico met with Christine Carlson, the loss prevention “Agent for Costco and coached her to perjure³⁸ herself under oath, and to persist in attempting to give false testimony in order to convict Christopher Stoller of a charge that he was not guilty of knowing that there was no evidence of an stolen gloves ever recovered on November 19, 2016, the day of the false arrest. See the Official Transcript (“**Exhibit 6**”), filled with perjury and Attorney Lisa T. Damico subornation of perjury³⁹.

86. The November 19, 2016, the false arrest of Christopher Stoller was falsely and maliciously ratified, and approved by all the Defendants.

87. Judge Russell Syracuse, for the Village of Melrose Park on November 21, 2017, dismissed, vacated and favorably terminated the ‘false’ arrest charge against Plaintiff see a copy. See official Transcript (“**Exhibit 6**” Page 83, Line 20-21).

88. That the commencement and/or continuation of the false arrest charge

³⁸ **18 U.S. Code § 1621 - Perjury generally**

Whoever—(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

³⁹ 18 U.S. Code § 1622 - Subornation of perjury .Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

proceedings by the Defendants against the Plaintiff was without probable cause, and with actual malice.

89. That by reason of the aforesaid unlawful and malicious prosecution resulting in the “false” arrest charge on November 19, 2016, the Plaintiff was deprived of his liberty, was brutally hand cuffed, subjected to great indignity, humiliation, pain and great distress of mind and body, was later hospitalized and was held up to scorn and ridicule, was injured in his character and reputation, was prevented from attending his usual business and avocation, was injured in his reputation in the community and the said Plaintiff has been otherwise damaged.

90. Because of their concerted unlawful and malicious conspiracy of Defendants Plaintiff was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983 and 1985.

91. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, and each of them, in their individual and official capacity, an amount, in excess of 1 Million Dollars each, (\$1,000,000.00), plus the costs of this suit, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of all the Defendants. Plaintiff is also seeking leave of court to request an additional \$1 Million Dollars (\$1,000,000.00) in punitive damages against each Defendant individually and in their official capacity.

COUNT VI
VIOLATIONS OF 42 U.S.C. §1983

92. Plaintiff repeats and realleges and incorporates by reference the allegations in All previous Paragraphs above with the same force and effect as if herein set forth.

93. At all times relevant to this Complaint, Defendant Officer Michael DeCarlo Jr and Officer Marco Flores, Melrose Park Police Officers were acting under the direction and control of the Village of Melrose Park, a Municipality⁴⁰, located in Cook County Illinois.

94. Acting under color of law and pursuant to official policy or custom, Defendant Officer Michael DeCarlo Jr and Officer Marco Flores and/or the Mayor of Melrose Park Ronald M. Serpico, the Chief of Police of the Melrose Park, Sam C Pitassi, knowingly, recklessly, or with gross negligence failed to instruct, supervise, control, and discipline on a continuing basis Defendants Officer Michael DeCarlo Jr and Officer Marco Flores in their duties to refrain from:

(a) Unlawfully and maliciously harassing a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities;

(b) Unlawfully and maliciously arresting, imprisoning and prosecuting a citizen who was acting in accordance with his constitutional and statutory rights, privileges, and immunities,

⁴⁰ Melrose Park, the Mayor of Melrose Park Ronald M. Serpico, the Chief of Police of the Melrose Park Police Sam C Pitassi, the responsible policymakers of Melrose park had actual or constructive knowledge of the misconduct of Officer Michael DeCarlo Jr and Officer Marco Flores, but covered it up and failed as a matter of specific intent or deliberate indifference to stop or correct the practice F 3d 831 at *3(4th Cir 1996) . See *Wright v. Town of Glenarden*, 89 F 3d 831 at *3(4th Cir 1996)

(c) Conspiring to violate the rights, privileges, and immunities guaranteed to Plaintiff by the Constitution and laws of the United States;

(d) Otherwise depriving Plaintiff of his constitutional and statutory rights, privileges, and immunities.

95. Defendant(s) Melrose Park, the Melrose Park Police, Ronald M. Serpico, Sam C. Pitassi, had they diligently exercised their duties to instruct, supervise, control, and discipline on a continuing basis, should have had knowledge that the wrongs conspired to be done, as heretofore alleged, were about to be committed. Defendant(s) Melrose Park, the Melrose Park Police, Ronald M. Serpico, Sam C. Pitassi, had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and knowingly, recklessly, or with gross negligence failed or refused to do so. Defendants/Officers Michael DeCarlo Jr and Officer Marco Flores knew or should have known that there was no probable cause, no evidence, upon which the arrest of Christopher Stoller could be justified under the law. Defendants Officer Michael DeCarlo Jr and Officer Marco but “manufactured that “charge” of retail theft of a gloves in order unlawfully arrest the Plaintiff.

96. Defendant(s) Melrose Park, the Melrose Park Police, Ronald M. Serpico, Sam C. Pitassi, directly or indirectly, under color of law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendant(s) Michael DeCarlo Jr and Officer Marco heretofore described.

97. As a direct and proximate cause of the negligent and intentional acts of Defendants, as set forth above, Plaintiff suffered physical injury, went to his doctor who issued a report of Stoller’s injuries marked as (“**Exhibit 2**”).

98. As a result of the misconduct of the Defendants described in this Count, Plaintiff

Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, Plaintiff demands judgment against all the Defendants jointly and severally, for actual, general, special, compensatory damages in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) and request leave of court to further demands judgment against each of said Defendants, jointly and severally, punitive damages in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT VII

MALICIOUS PROSECUTION⁴¹ PLAINTIFF AGAINST DEFENDANTS LISA T. DAMICO, DAMICO LAW OFFICES, BRADLEY C. NAHRSTADT, EDWARD J. MURPHY, THOMAS J. PONTIKIS, LIPE, LYONS MURPHY & PONTIKIS LTD , JOHN DOE 1

99. Plaintiff repeats and realleges and incorporates by reference the allegations in all previous above with the same force and effect as if herein set forth.

100. Defendants instituted a “phony” retail thief charge against the plaintiff with malice on November 19, 2016 and/or had after the fact constructive knowledge of the wrongdoing and failed to do anything about it. Defendants caused a frivolous legal prosecution of the fictitious theft charge.

101. Defendants LISA T. DAMICO, DAMICO LAW OFFICES, BRADLEY C.

⁴¹ In an action for malicious prosecution, the plaintiff must prove four elements: that the prosecution was (1) malicious; (2) instituted by or with the cooperation of the defendant; (3) without probable cause; and (4) terminated in a manner not unfavorable to the plaintiff. *O'Connor v. Tice*, 281 Va. 1, 7, 704 S.E.2d 572, 575 (2011); *Baker v. Elmendorf*, 271 Va. 474, 476, 628 S.E.2d 358, 359 (2006). On Page 40 of the Official Court Transcript **Exhibit 6**, the Administrative Law Judge Russell Syracuse states on the record that this is not a criminal prosecution, it is a “\$100.00 civil offense ticket” on page 40 at line 22. Defendant Melrose Park Civil Attorney Lisa T. Damico makes a judicial admission on the official transcript confirming, “It is a trial on a ticket.” At page 40 line 22. Administrative Law Judge Russell Syracuse states on line 24 page 40-41 Exhibit 6 “This is not a criminal charge.” As such, Defendant Attorney Lisa T. Damico is not entitled to prosecutorial immunity for prosecuting a criminal offense, because in this case she was acting as a Melrose Park Counsel trying Civil matters.

NAHRSTADT, EDWARD J. MURPHY, THOMAS J. PONTIKIS, LIPE, LYONS MURPHY & PONTIKIS LTD, JOHN DOE 1 played an active part in the initiation of the frivolous theft charge and/or frivolous prosecution of same.

102. Lisa T. Damico subordinated the perjurious statements of Christine Carlson.

103. Defendant played an active part in the initiation of the phony theft charges and/or the prosecution of same, resulting in the unlawful arrest, excess force, false imprisonment and trial of Plaintiff.

104. The charges were not based upon probable cause that is the state of the facts in the mind of the prosecutor would not lead a man of ordinary caution and prudence to believe, or entertain an honest or strong suspicion that Plaintiff was guilty of theft of a glove. No gloves were ever recovered.

105. Defendants had a duty to ascertain whether there was a reasonable and probable cause for a retail theft of glove charge, to wit, knowing that Plaintiff was not guilty of the retail theft of a glove.

106. Defendants knew that Christopher Stoller was innocent man. They had a duty to follow the law and failed that duty.

107. Defendants recklessly caused Christine Carlson to make false statements accusing the Plaintiff of stealing a glove from Costco and those statements resulted in Plaintiff's arrest for theft of a glove.

108. Defendants instigated or participated in the prosecution by pressuring Judge Russell Syracuse to find the Plaintiff guilty of the retain theft of a glove.

109. The false arrest charge used by Melrose Police Department, terminated in the favor of the Plaintiff when Judge Russell Syracuse for the Village of Melrose Park on November

21,2017, dismissed, vacated and favorably terminated the ‘false’ arrest charge against Plaintiff see a copy.

110. Defendants Melrose Park, the Police Department of Melrose Park, the Mayor of Melrose Park, Ronald M. Serpico, the Chief of Police of the Melrose Park, Sam C Pitassi are liable under the Doctrine of Respondent Superior.

111. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT VIII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS PLAINTIFF
(Against all Defendants)

109. Plaintiff repeats, reiterates and realleges each and every allegation contained in all previous Paragraphs with the same force and effect as if more fully and at length set forth herein.

110. As alleged above, the Defendants and each of them engaged in extreme and outrageous conduct by intentionally causing the Plaintiff to be falsely arrested and maliciously prosecuted.

111. As a direct, foreseeable, and proximate result of said wrongful acts by Defendants

as alleged above, caused the Plaintiff to suffer extreme emotional distress. This includes but is not limited to humiliation, anxiety, shame, despair, embarrassment, depression, mental pain, anguish, and injury to his reputation.

112. As a result of the actual emotional distress suffered by Plaintiff, he has sought and receives mental health therapy and his business and related affairs have substantially suffered.

113. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT IX
DEFENDANTS VIOLATED PLAINTIFF'S DUE PROCESS

114. Plaintiff repeats, reiterates and realleges each and every allegation contained in all previous Paragraphs with the same force and effect as if more fully and at length set forth herein.

115. As described in detail above, the Attorney Lisa T Damico, Defendant Officers, DeCarlo Jr, and Flores while acting individually, jointly, and each in conspiracy with one or more other persons, deprived Plaintiff Christopher Stoller of his constitutional right to a fair trial

by withholding and suppressing exculpatory and impeachment evidence and by fabricating evidence against Plaintiff.

116. In the manner described more fully above, the Attorney Lisa T. Damico, Witness Christine Carlson, Defendants/Officers, DeCarlo Jr, and Flores deliberately withheld exculpatory and impeachment evidence from Plaintiff and from the court, among others, thereby misleading and misdirecting the civil prosecution of Plaintiff Christopher Stoller.

117. In addition, in the manner described more fully above, the Defendants Lisa T. Damico, Christine Carlson, Defendants/Officers, DeCarlo Jr, and Flores, knowingly fabricated and solicited false evidence implicating Plaintiff the crime, and pursued and almost obtained Plaintiff's conviction using that false evidence.

118. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff's clear innocence.

119. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendants Lisa T. Damico, Witness Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores other Unknown Defendant Officers, or were proximately caused when Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores & other Unknown Defendant Officers were deliberately, recklessly indifferent to their subordinates misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

120. As a result of the Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores Officers, misconduct described in this Count, Plaintiff suffered

loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

121. The misconduct described in this Count was also undertaken pursuant to the policies and practices of the Costco Wholesale Corporation lack of a loss prevention policy and the Melrose Park Police Department in the manner described more fully above. In this way, the Village of Melrose Park (itself and/or through the Police Department, Costco Wholesale Corporation) also violated Plaintiff Christopher Stoller's rights through the actions of their agents and employees by maintaining policies and practices that were a moving force driving the foregoing constitutional violations. As such, the Village of Melrose Park and Costco Wholesale Corporation are also liable.

122. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, **WHEREFORE**, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT X
MALICIOUS PROSECUTION

124. Plaintiff repeats, reiterates and realleges each and every allegation contained in all previous Paragraphs with the same force and effect as if more fully and at length set forth herein.

125. In the manner described more fully above, Defendant Lisa T. Damico, Christine Carlson, Defendants/Officers, DeCarlo Jr, and Flores individually, jointly, and each in conspiracy with one or more persons, known and unknown, and all pursuant to the Village of Melrose Park and the Costco Wholesale Corporation policies and widespread practices, deprived Plaintiff Christopher Stoller of his constitutional rights.

126. The Defendants/Officers, DeCarlo Jr, and Flores accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff Christopher Stoller without any probable cause for doing so, in violation of his rights secured by the Fourth Amendment and the procedural and substantive due process components of the Fourteenth Amendment.

127. In so doing, the Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores caused Plaintiff to be unreasonably seized and defendant Lisa T. Damico caused Christopher Stoller to be improperly subjected to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury, and all such proceedings were ultimately terminated.

128. The Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores subjected Plaintiff Christopher Stoller to unauthorized and arbitrary governmental action that shocks the conscience in that Plaintiff Christopher Stoller was deliberately and intentionally framed for a crime of which he was totally innocent, through the Defendants Lisa

T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores Officers' fabrication, suppression, and withholding of evidence.

129. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff Christopher Stoller's clear innocence.

130. Likewise, Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores other Unknown Defendant Officers were supervisors, and had knowledge of the misconduct of DeCarlo Jr and Flores, and other Unknown Defendant Officers.

131. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores & other Unknown Defendant Officers, or were proximately caused when Defendants & other Unknown Defendant Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

132. As a result of the misconduct of the Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

133. The misconduct described in this Count was also undertaken pursuant to the policies and practices of the Costco Wholesale Corporation and the Melrose Park Police Department in the manner described more fully above. In this way, the Village of Melrose Park, the Costco Wholesale Corporation also violated Plaintiff Christopher Stoller's rights through the actions of their agents and employees by maintaining policies and practices that were a moving

force driving the foregoing constitutional violations. As such, the Village of Melrose Park and Costco Wholesale Corporation are also liable.

134. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT XI

UNLAWFUL DETENTION

(Against Defendants Lisa T. Damico, Christine Carlson, Defendants/Officers, DeCarlo Jr, Flores, Unknown Defendant Officers and the Village of Melrose Park, Costco Wholesale Corporation)

135. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs with the same force and effect as if more fully and at length set forth herein

136. As described more fully above, Costco Wholesale Corporation Defendants Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores, and unknown Defendant Officers caused Plaintiffs Christopher Stoller to be unlawfully and unreasonably detained without justification.

137. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

138. As a result of the above-described wrongful infringement of his rights, Plaintiffs suffered damages, including but not limited to emotional distress and anguish.

139. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Costco Wholesale Corporation and the Melrose Park Police Department in that the Village of Melrose Park has a policy, practice, and custom of involuntarily detaining anyone that that a loss prevention employee of Costco Wholesale Corporation points a finger at, for unreasonable periods of time, and falsely charging them with crimes that they did not commit.

140. Costco Wholesale Corporation and the Village of Melrose Park has failed to act to remedy the patterns of abuse described in the preceding paragraph(s), despite actual knowledge of the same, thereby causing the types of injuries alleged here.

141. The misconduct described in this Count was undertaken by the Defendant Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores , and unknown Defendant Officers, within the scope of their employment and under color of law such that their employer(s) ie Damico Law Offices, Costco Wholesale Corporation and the Village of Melrose Park are liable for their actions.

142. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to

request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT XII
CONSPIRACY TO DEPRIVE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS
(Against all Individual Defendants)

143. Plaintiff repeats, reiterates and realleges each and every allegation contained in prior Paragraphs with the same force and effect as if more fully and at length set forth herein.

144. Each of the Defendant Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores acting in concert with one or more co-conspirators, reached an agreement to deprive Plaintiff Christopher Stoller of his constitutional rights, all as described in the various paragraphs of this Complaint.

145. Each of Defendants Costco Wholesale Corporation, Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores and unknown Defendant Officers, acting in concert with one or more co-conspirators, reached an agreement to deprive Plaintiff Christopher Stoller of his constitutional rights, all as described in various paragraphs of this Complaint.

146. In so doing, these co-conspirators conspired to accomplish an unlawful purpose, or to accomplish a lawful purpose by an unlawful means.

147. In furtherance of their conspiracy, one or more of the co-conspirators committed an overt act, and each was a willful participant in joint activity.

148. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to Plaintiffs' constitutional rights.

149. As a result of the Individual Defendants' misconduct described in this Count Plaintiff suffered loss of liberty and injury, including physical and emotional harm.

150. The misconduct described in this Count was also undertaken pursuant to the policies and practices of Costco Wholesale Corporation, the Melrose Park Police Department in the manner described more fully above. In this way, the Village of Melrose Park also violated Plaintiff Christopher Stoller's rights through the actions of their agents and employees by maintaining policies and practices that were a moving force driving the foregoing constitutional violations.

151. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT XIII
FALSE IMPRISONMENT
(Against Defendants Costco Wholesale Corporation, Lisa T. Damico, Christine Carlson, Defendant Officers, DeCarlo Jr, Flores Biswell, and Unknown Defendant Officers)

152. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs with the same force and effect as if more fully and at length set forth herein.

153. Plaintiff Christopher Stoller was arrested and detained despite Defendants DeCarlo Jr and Flores, and Unknown Defendants/Officers' knowledge that there was no lawful justification for doing so.

154. In the manner described more fully above, Defendants Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores and Unknown Defendant Officers unlawfully and unreasonably imprisoned Plaintiff Christopher Stoller without justification.

155. As a result of the above-described wrongful infringement of their rights, Plaintiff suffered damages, including but not limited to emotional distress and anguish.

156. Defendants Christine Carlson, Defendant Officers, DeCarlo Jr, and Flores and Unknown Defendant Officers' conduct was undertaken intentionally, with malice and reckless indifference to the constitutional rights of Christopher Stoller.

157. The misconduct described in this Count was undertaken by the Defendant Christine Carlson within the scope of her employment and under color of law such that their employer, Costco is liable. Defendant Officers, DeCarlo Jr, and Flores and unknown Defendant Officers, within the scope of their employment and under color of law such that their employer, City of Quincy, is liable for their actions.

158. As a result of the misconduct of the Defendants described in this Count, Plaintiff Christopher Stoller suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to

request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

**COUNT XIV
FAILURE TO INTERVENE**

(Against Defendant Costco Wholesale Corporation, Damico Law Offices, Lisa T. Damico, Lipe, Lyons Murphy & Pontikis Ltrd., Jeffrey H. Lipe, Raymond Lyons, Jr., Edward J. Murphy, Bradley C. Nahrstadt, Thomas J. Pontikis, Christine Carlson, Jeff Erickson, Matt Harris, Patricio Omar Chavez, Officers, DeCarlo Jr and Flores, Village Of Melrose Park)

159. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs with the same force and effect as if more fully and at length set forth herein.

160. During the constitutional violations described herein, one or more of the Defendants stood by without intervening to prevent the violation of Plaintiffs' constitutional rights, even though they had the opportunity to do so.

161. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to Plaintiffs' constitutional rights.

162. The misconduct described in this Count was also undertaken pursuant to the policies and practices of the Costco Wholesale Corporation, the Melrose Park Police Department in the manner described more fully above. In this way, the Village of Melrose Park and the Costco Wholesale Corporation also violated Plaintiff Christopher Stoller rights through the actions of their agents and employees by maintaining policies and practices that were a moving force driving the foregoing constitutional violations.

163. As a result of Defendants' misconduct described in this Count, undertaken pursuant to the Melrose Park and Costco Wholesale Corporation policies and practices as

described above, Plaintiff Christopher Stoller suffered injury, including physical and emotional harm.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT XV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against all Defendants)

164. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs with the same force and effect as if more fully and at length set forth herein.

164. In the manner described more fully above, by fabricating false evidence against Christopher Stoller, maliciously prosecuting him, and/or by withholding exculpatory and impeaching evidence from him, the Individual Defendants engaged in extreme and outrageous conduct.

165. Moreover, in the manner described more fully above, by causing Christopher Stoller, to be unlawfully detained Defendants within the scope of their employment and under color of law such that their employer Defendants engaged in extreme and outrageous conduct

166. Defendants' actions set forth above were rooted in an abuse of power or authority.

167. Defendants' actions set forth above were undertaken with intent or knowledge that there was a high probability that the conduct would inflict severe emotional distress and with reckless disregard of that probability.

168. Defendants' actions set forth above were undertaken with malice, willfulness, and reckless indifference to the rights of others.

169. The misconduct described in this Count was undertaken by the Defendant Costco Wholesale Corporation, Damico Law Offices, Lisa T. Damico, Lipe, Lyons Murphy & Pontikis Ltd., Jeffrey H. Lipe, Raymond Lyons, Jr., Edward J. Murphy, Bradley C. Nahrstadt, Thomas J. Pontikis, Christine Carlson, Jeff Erickson, Matt Harris, Patricio Omar Chavez, Officers, DeCarlo Jr and Flores, within the scope of their employment and under color of law such that their employers, are liable for their actions. The misconduct described in this Count was also undertaken by Christine Carlson, Jeff Erickson, Matt Harris, and Patricio Omar Chavez within the scope of their employment and under color of law such that their employer, Costco Wholesale Corporation is liable for their actions.

170. As a direct and proximate result of the misconduct described in this Count, Plaintiff suffered injuries, including severe emotional distress and ongoing pain.

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

COUNT XVI
Pe se Defamation⁴²
(Against all Defendants)

164. Plaintiff repeats, reiterates and realleges each and every allegation contained in all prior Paragraphs with the same force and effect as if more fully and at length set forth herein.

⁴² To prevail in a cause of action for defamation, a plaintiff must present facts showing the defendant made a false statement about the plaintiff, the defendant made an unprivileged publication of that statement to a third party, and the publication caused damages. *Hadley v. Doe*, 2015 IL 118000, ¶ 30. A defamatory statement is one that harms a person’s reputation because it lowers the person in the eyes of others or deters others from associating with her or him. *Id.* Statements may be considered defamatory *per se* or defamatory *per quod*. *Tuite v. Corbitt*, 224 Ill. 2d 490, 501 (2006). A statement is defamatory *per se* if its defamatory character is obvious and apparent on its face, and injury to the plaintiff’s reputation may be presumed. *Id.* Here, the plaintiff is pursuing only a claim of defamation *per se*. Under Illinois law, there are five categories of statements considered defamatory *per se*, only three of which are relevant to this case: (1) “**words that impute a person has committed a crime,**” (See **Exhibit 2**) (2) “words that impute a person is unable to perform or lacks integrity in performing her or his employment duties,” and (3) “words that impute a person lacks ability or otherwise prejudices that person in her or his profession.” *Green v. Rogers*, 234 Ill. 2d 478, 491-92 (2009).

165. Defendant Costco employee Christine Carlson as well known to all of the defendants wrote a report **that impute Christopher Stoller** had committed a crime. See **Exhibit 2**.

166. The Melrose Park Police Officer wrote out a false complaint against Christopher Stoller that impute that Christopher Stoller had committed a crime See **Exhibit 4**. Christopher Stoller did not commit a crime.

167. The said statements were defamatory *per se* because they accused the plaintiffs of the crime of thief, and they demeaned and defamed the plaintiffs. The plaintiff suffers today from the said defamation.

168. The statements actually supported by the evidence are defamatory as a matter of law because they were NOT subject to innocent construction.

169. which conduct was the legal cause of the injuries or damages to the Plaintiff..

WHEREFORE, the Plaintiff prays for judgment against Defendants, individually and in their official capacity and each of them, in an amount of 1 Million Dollars (\$1,000,000.00) each, plus the costs of this suit, attorney fees, for all compensatory damages, resulting from the willful, wanton, and other acts and omissions of Defendants. Plaintiff is also seeking leave of court to request 1 Million Dollars (\$1,000,000.00) from each defendant, in punitive damages against these Defendants and whatever other relief that this court fees is fair.

Christopher Stoller
415 Wesley, Apt. 1
Oak Park, IL 60302
(773) 746-3163
Cns40@hotmail.com

VERIFICATION

Under penalties as provided by law under Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, and as much matters, the undersigned certifies as aforesaid that I verify believe the same to be true, and the attached documents are true and correct copies of the originals.

Christopher Stoller