

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

WISCONSIN CARRY, INC.,)	
FRANK HANNAN ROCK,)	
MATTHEW LUTZ,)	
SHAWN WINRICH,)	
STEVE JENSEN, and)	
PAUL FISHER,)	
)	
Plaintiffs,)	CIVIL ACTION NO.
)	
v.)	
)	
)	
CITY OF MADISON, WISCONSIN,)	
JASON RAMIREZ,)	
BERNIE GONZALEZ,)	
HARRISON ZANDERS,)	
COLLEEN MICHELSON,)	
HEATHER DZICK,)	
THOMAS HELGREN,)	
)	
Defendants)	

Complaint

1. This is a civil rights action under 42 U.S.C. 1983, seeking damages as well as declaratory relief for violations of Plaintiffs’ rights to be free from unreasonable searches and seizures.

II. JURISDICTION & VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. §1343.
3. Venue is proper because Defendants are located in this District.

4. Joinder of the Defendants is proper because the claims against them arise under the same series of transactions or occurrences and there are common questions of law and fact in the claims against them.

III. PARTIES

5. Plaintiff Wisconsin Carry, Inc. (“WCI”) is a corporation organized under the laws of the State of Wisconsin. Its primary purpose is to foster the rights of its members to keep and bear arms.
6. Plaintiff Frank Hannan Rock is a citizen of the United States, a resident of the State of Wisconsin, and a member of WCI.
7. Plaintiff Matthew Lutz is a citizen of the United States, a resident of the State of Wisconsin, and a member of WCI.
8. Plaintiff Shawn Winrich is a citizen of the United States, a resident of the State of Wisconsin, and a member of WCI.
9. Plaintiff Steve Jensen is a citizen of the United States, a resident of the State of Wisconsin, and a member of WCI.
10. Plaintiff Paul Fisher is a citizen of the United States, a resident of the State of Wisconsin, and a member of WCI.
11. Defendant City of Madison is a municipal corporation organized under the laws of the State of Wisconsin.

12. Defendant Jason Ramirez was, at all times relevant to this Complaint, a police officer with the City of Madison Police Department.

13. Defendant Colleen Michelson was, at all times relevant to this Complaint, a police officer with the City of Madison Police Department.

14. Defendant Heather Dzick was, at all times relevant to this Complaint, a police officer with the City of Madison Police Department.

15. Defendant Harrison Zanders was, at all times relevant to this Complaint, a police officer with the City of Madison Police Department.

16. Defendant Bernie Gonzalez was, at all times relevant to this Complaint, a sergeant with the City of Madison Police Department.

17. Defendant Thomas Helgren was, at all times relevant to this Complaint, a detective with the City of Madison Police Department.

IV. FACTUAL BACKGROUND

18. On September 18, 2010, the individual Plaintiffs were met for dinner at the Culver's restaurant near East Towne in the City of Madison.

19. The individual Plaintiffs all were openly wearing handguns in holsters on their waists.

20. Shortly before 7 p.m., Defendant Ramirez was dispatched to Culver's with a report that two people later determined to be Plaintiffs Hannan Rock and Lutz were sitting at a picnic table outside of the restaurant.

21. The report stated that Plaintiffs were “extremely calm” and “not threatening,” but that Hannan Rock and Lutz were armed.
22. Defendant Ramirez and another officer responded.
23. Defendant Ramirez detained Hannan Rock and Lutz.
24. Defendant Ramirez demanded that Hannan Rock and Lutz identify themselves.
25. Hannan Rock and Lutz refused to identify themselves, so Ramirez contacted his supervisor, Defendant Gonzalez.
26. Gonzalez contacted Lt. Jen Krueger Favour, the officer in charge of the shift that day, and told her he intended to arrest any Plaintiffs that refused to identify themselves.
27. Lt. Krueger Favor approved Gonzalez’ plan.
28. Defendant Gonzalez then responded to the scene.
29. After Gonzalez arrived at the scene, the remaining three individual Plaintiffs had left the restaurant and joined the others at the picnic tables.
30. Gonzalez called Defendants Zanders and Dzick to the scene.
31. A sixth officer, Matthew Magolan, also responded to the scene.
32. All five individual Plaintiffs were detained.
33. They were surrounded by six police officers and were required to provide identification under threat of arrest.

34. Gonzalez and Ramirez told all five individual Plaintiffs that they were going to be asked for their identification. Those who provided identification would be checked for criminal history and released if nothing indicated a prohibition from possessing a firearm. Those who refused would be arrested for obstructing an officer's "official investigation."
35. Defendant Ramirez asked Hannan Rock for his identification. He refused, and Defendant Ramirez arrested him, searched him, disarmed him, handcuffed him with Defendant Gonzalez' assistance, and placed him in a squad car.
36. Plaintiff Winrich refused to identify himself, whereupon he was arrested by Defendants Gonzalez and Ramirez.
37. Defendants Zanders and Michelson searched, disarmed, and handcuffed Winrich and placed him in a squad car.
38. Plaintiffs Jensen, Lutz, and Fisher ultimately identified themselves.
39. The Officers ran background checks on Jensen, Lutz, and Fisher and they were released.
40. On September 23, 2010, Capt. Cameron McClay of the Madison Police Department wrote a letter to each individual Plaintiff, informing them that they were being cited for disorderly conduct for the events that took place at Culver's on September 18, 2010.

41. Each citation was signed by Defendant Helgren.

42. At the time of the detention of the five individual Plaintiffs, none of the Officers had any direct contact with the original caller.

43. The City of Madison has a custom, policy, or practice of detaining anyone seen carrying a firearm, without regard to reasonable suspicion of probable cause, in violation of those people's rights to be free unreasonable seizures.

44. The City of Madison has a custom, policy, or practice of charging people with disorderly conduct when such people carry firearms and anyone reports being afraid of such firearm.

45. WCI has members that want to carry firearms in the City of Madison, but they are in fear of detention and arrest for doing so and therefore refrain from doing so.

Count 1 – 14th Amendment Violations

46. By detaining the individual Plaintiffs without reasonable suspicion that they had committed a crime, were committing a crime, or were about to commit a crime, the Officers violated Plaintiffs' rights to be free from unreasonable seizures.

47. By arresting , searching, and disarming Plaintiffs Hannan Rock and Winrich for refusing to identify themselves, Defendants Gonzalez, Ramirez, and

Zanders violated Hannan Rock's and Winrich's rights to be free from unreasonable searches and seizures.

48. By threatening all five individual Plaintiffs with arrest if they refused to identify themselves, Defendants Gonzalez and Ramirez violated Plaintiffs' rights to be free from unreasonable seizures.

49. By charging all five individual Plaintiffs with disorderly conduct without probable cause to believe they had committed an offense, Defendant Helgren violated Plaintiffs' rights to be free from unreasonable seizures.

50. By maintain customs, policies, and practices of detaining people seen carrying firearms without regard to reasonable suspicion or probable cause, the City of Madison violates the rights of WCI's members to be free from unreasonable seizures.

51. By maintaining customs, policies, and practices of charging people with disorderly conduct when such people carry firearms and anyone reports being afraid of such firearms, the City of Madison violates the rights of WCI's members to be free from unreasonable seizures.

Prayer for Relief

Plaintiffs demand the following relief:

52. Damages to the five individual Plaintiffs from Defendants Gonzalez, Ramirez, Zanders, Dzick, and Michelson for detaining them without reasonable suspicion or probable cause.
53. Damages to Hannan Rock and Winrich from Gonzalez, Ramirez, Michelson, and Zanders for arresting them without probable cause.
54. Damages to the five individual Plaintiffs from the Defendants Gonzalez and Ramirez for threatening them with arrest if they refused to identify themselves.
55. A declaration that Madison's custom, policy, or practice of detaining anyone seen carrying a firearm without regard to reasonable suspicion or probable cause violates the right to be free from unreasonable seizures.
56. A declaration that Madison's custom, policy, or practice of arresting a person carrying a firearm if anyone reports being afraid of that firearm violates the right to be free from unreasonable seizures.
57. Reasonable costs and attorney's fees.
58. A jury to try this case.
59. Any other relief the Court deems proper.

/s/ John R. Monroe
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