



allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 129 S. Ct. at 1949, *citing Twombly*, 550 U.S. at 556. When determining whether Plaintiff has met the standard, this Court must “tak[e] all well-pleaded allegations of the complaint as true and view [] them in the light most favorable to the plaintiff.” *Santiago v. Walls*, 599 F. 3d 749, 756 (7th Cir. 2010), *quoting Zimmerman v. Tribble*, 226 F. 3d 568, 571 (7th Cir. 2000). The Seventh Circuit has interpreted the Supreme Court’s *Iqbal* decision to mean that the plaintiff must merely “give enough details about the subject-matter of the case to present a story that holds together.” *Swanson v. Citibank, N.A.*, 614 F. 3d 400, 405 (7th Cir. 2010). The court asks itself, “could these things have happened, not did they happen.” *Id.*

Plaintiff’s complaint unquestionably satisfies this pleading standard.

**I. Plaintiff Sets Forth A Detailed Factual Narrative That Specifically Identifies the Actions of Defendant Martin that Form the Basis of Her Fourth Amendment Claims and Related State Tort Claims.**

At the outset, Plaintiff does not allege that Detective Martin was involved in her arrest and/or prosecution under the Illinois eavesdropping statute. Rather, Plaintiff alleges that Defendant Martin violated her Fourth Amendment Rights when he arrested her and initiated criminal charges against her for the offense of computer tampering without probable cause to believe that she committed the offense. Relatedly, Plaintiff set forth sufficient facts to establish that Defendant Martin is liable for the following state tort violations: false arrest, false imprisonment, malicious prosecution, slander, and intentional infliction of emotional distress.

Police officers have “probable cause to arrest an individual when the facts and circumstances within their knowledge and of which they [have] reasonable trustworthy

information are sufficient to warrant a prudent [person] in believing that the [suspect] had committed or was committing an offense.” *Sheik-Abdi v. McClellan*, 37 F. 3d 1240, 1246 (7th Cir. 1994). As pled in Plaintiff’s Complaint, Defendant Martin conducted no investigation of the serial fabricator, Defendant Spizzirri's bald and unsupported allegations that Plaintiff was responsible for the deletion of hundreds of financial records from SALF's computer servers. Pl. Comp. ¶¶38-40. Plaintiff further alleged that Defendant Martin ignored exculpatory evidence showing that Plaintiff had no ability whatsoever to access SALF's servers and could not have committed the offense of computer tampering even if she wanted to. Pl. Comp. ¶¶38-40. Indeed, a Cook County Circuit Court judge found that no probable cause existed to support computer tampering charges against Plaintiff. Pl. Comp. ¶43.

Notwithstanding the stunning lack of evidence against Plaintiff, Defendant Martin arrested Plaintiff and initiated criminal charges against her. Defendant Martin later gave perjured testimony at a grand jury proceeding for the purpose of securing an indictment against Plaintiff on computer tampering charges even though the charges were unsupported by probable cause, and Defendant Martin knew that no facts supported the allegations against Plaintiff. Pl. Comp. ¶¶41-43. Plaintiff was not vindicated of the computer tampering charges until July 28, 2014. Accordingly, Plaintiff's claims against Defendant Martin are not time-barred and Plaintiff has pled sufficient facts to survive Defendant Martin's motion to dismiss.

**II. Defendant's Motion to Dismiss Plaintiff's *Monell* claim against Defendant Schiller Park Must be Denied.**

Plaintiff has adequately pled that Defendant Village of Schiller Park has a pattern, practice, and custom of allowing its officers to falsely arrest individuals, like Plaintiff,

where probable cause does not support the arrest or the eventual criminal charges. Plaintiff further alleged that Village of Schiller Park acquiesced to a pattern and practice of allowing its officers to arrest individuals without conducting any investigation and in the face of exculpatory evidence. Pl. Comp. ¶100. Under the lenient pleading requirements, Plaintiff's *Monell* claim against Defendant Village Schiller Park should survive Defendant's motion to dismiss.

For the foregoing reasons, Defendant Martin and Defendant Village of Schiller Park's Motion to Dismiss pursuant to Fed. R. 12(b)(6) should be denied in its entirety.

Respectfully Submitted,

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