

**ATTORNEY NO 46837
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROUSEMARY VEGA and JESUS RAMOS

Plaintiff,

v.

**The CHICAGO BOARD OF EDUCATION,
DAVID VITALE in his individual
and official capacity; JESSE RUIZ in his
individual and official capacity; MAHALIA
HINES, in her individual and official
capacity; ANDREA ZOPP in her individual
and official capacity; CARLOS AZCOITIA
in his individual and official capacity; HENRY
BIENEN in his individual and official capacity;
JADINE CHOU in her individual and official
capacity; Unnamed Chicago Public Schools
Security Guards**

Defendant.

No. 15 CV 3221

COMPLAINT

Rousemary Vega (Plaintiff Vega) and Jesus Ramos (Plaintiff Ramos) (collectively “Plaintiffs”) by their attorneys, Shaw Legal Services Ltd., brings this Complaint against The Chicago Board of Education (“Defendant Board”), David Vitale, in both his individual and official capacity, Jesse Ruiz, in both his individual and official capacity, Mahalia Hines, in both her individual and official capacity, Andrea Zopp, in both her individual and official capacity, Carlos Azcoitia, in both his individual and official capacity, Henry Bienen in both his individual and official capacity, (collectively “Defendant Board Members”), Jadine Chou, in both her individual and official capacity, and unnamed Chicago Public School Security Guards (“Defendant Guards”) (all collectively “Defendants”) and allege as follows:

INTRODUCTION

1. Plaintiffs brings this action against Defendants pursuant to 42 U.S.C. § 1983 for violation of their rights under the First Amendment of the United States Constitution, applicable to the states through the Fourteenth Amendment, and pursuant to 28 U.S.C. § 1367, Plaintiffs are also bringing state law claims of civil assault and battery and false imprisonment. Defendants have a history of retaliating against and attempting to improperly muzzle individuals, particularly Plaintiffs, who attempted to speak out and be heard by Defendant Board about matters of public concern. Defendants, its agents and employees, while acting under color of state law, have engaged in and carried out acts to violate Plaintiffs' First Amendment rights by retaliating against them for speaking out on such matters of public concern. Defendants have subjected Plaintiffs to illegal and unconstitutional harassment and deprivation of and interference with the peaceful exercise of their constitutionally protected right of Free Speech.

JURISDICTION AND VENUE

2. This action arises under the First and Fourteenth Amendments to the Constitution of the United States.
3. Plaintiffs state law claims arise under the common laws of the State of Illinois.
4. This Court has subject matter jurisdiction over the causes of action in this Complaint pursuant to 28 U.S.C. § 1331. The Court also has jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.
5. The events giving rise to this Complaint occurred in this district. Thus, venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b).

PARTIES

6. Plaintiff Vega is, and at all times relevant to this lawsuit, has been a citizen of the United States and a resident of Chicago, Illinois. Before the events giving rise to this lawsuit, Plaintiff Vega was a regular attendee at and participant in Defendant Board public meetings.
7. Plaintiff Ramos is, and at all times relevant to this lawsuit, has been a citizen of the United States and a resident of Chicago, Illinois. Before the events giving rise to this lawsuit, Plaintiff Ramos was a regular attendee at and participant in Defendant Board public meetings.
8. Defendant Board is a unit of local government organized under the laws of the State of Illinois with offices at County of Cook, State of Illinois. The Defendant Board is in charge of setting policy and overseeing the administration of over six hundred (600) public high schools within the District and includes numerous departments within its control, including but not limited Chicago Public Schools Office of School Safety & Security (“Security Office”). The Security Office oversees the implementation safety and security measures of Chicago Public Schools, including security guards at Chicago Public School public board meetings.
9. Defendant David Vitale (“Defendant Vitale”), at all times relevant to this lawsuit, has been the President of the Board. He is the head official of the Board, the policy making body of the Chicago Public Schools Board which oversees administration. Defendant Vitale was present for one or more of the events in the Complaint.
10. Defendant Jesse Ruiz (“Defendant Ruiz”), at all times relevant to this lawsuit, has been the Vice President of the Board. He is a head official of the Board, the policy making

body of the Chicago Public Schools which oversees administration. Defendant Ruiz was present for one or more of the events in the Complaint.

11. Defendant Mahalia Hines (“Defendant Hines”), at all times relevant to this lawsuit, has been a member of the Board and part of the policy making body of the Chicago Public Schools which oversees administration. Defendant Hines was present for one or more of the events in the Complaint.

12. Defendant Andrea Zopp (“Defendant Zopp”), at all times relevant to this lawsuit, has been a member of the Board and part of the policy making body of the Chicago Public Schools which oversees administration. Defendant Zopp was present for one or more of the events in the Complaint.

13. Defendant Carlos Azcoitia (“Defendant Azcoitia”), at all times relevant to this lawsuit, has been a member of the Board and part of the policy making body of the Chicago Public Schools which oversees administration. Defendant Azcoitia was present for one or more of the events in the Complaint.

14. Defendant Henry Bienen (“Defendant Bienen”), at all times relevant to this lawsuit, has been a member of the Board and part of the policy making body of the Chicago Public Schools which oversees administration. Defendant Bienen was present for one or more of the events in the Complaint.

15. Defendant Jadine Chou (“Defendant Chou”), at all times relevant to this lawsuit, has been the Chief Safety and Security Officer of the Security Office. She oversees the implementation safety and security measures of Chicago Public Schools for Defendant Board.

16. Defendant Unnamed Chicago Public Schools Security Guards are present or former employees and/or agents of Chicago Board of Education via the Security Office (“Defendant Guards”).

FACTS COMMON TO ALL COUNTS

17. Plaintiffs are active citizens and residents of District six (6) (“District”) who frequently attend and actively participate in monthly Chicago Board of Education public meetings held for the District by the Defendant Board (“Meetings”). These Meetings at the CPS Central Administration Building 125 S. Clark Street, 5th Floor Chicago, IL 60603 and are open to all residents and employees of the District. The Defendant Board Meetings serve as a public forum where the Defendant Board reports to District residents and where citizens are able to voice their opinions and concerns about the District, the workings of the Defendant Board and the manner in which the Defendant Board and the superintendent are administering the schools and handling the District’s business.
18. Starting in or about April 2014, due to Plaintiffs active participation at the Meetings and speaking out at protests regarding the Chicago Public School closings, Defendants began singling out and trying to intimidate Plaintiffs at Meetings. Defendants did so by segregating Plaintiffs from other Meeting participants by assigning them seats in the back of the room, when there were not assigned seats for anyone else; requiring them to leave after they spoke but prior to the end of the Meetings; and specifically placing security guards next to them at Meetings.
19. On or about July 23, 2014, Plaintiffs, accompanied by their four minor children, attended a Defendant Board Meeting held at CPS Central Administration Building 125 S. Clark

Street, 5th Floor Chicago, IL 60603 (“Premises”) where the Defendant Board Members were present (“July Meeting”). Plaintiff Vega followed the proper procedures to speak at the July Meeting and was scheduled to do so during the public forum portion of the July Meeting.

20. During the course of the July Meeting, after Defendant Ruiz got up to leave in the middle of the meeting, Plaintiff Vega stood up and made a statement and sat back in her chair with her child on her lap.
21. Defendant Board via Defendant Board Members ordered Defendant Guards to remove Plaintiffs from the Premises. Plaintiff Vega stated that she had a right to speak and still had not had her chance to speak at the July Meeting.
22. At the direction of the Defendant Board via Defendant Board members, at least five unnamed Defendant Guards, surrounded Plaintiffs and their minor children.
23. Plaintiff Ramos then stood behind Plaintiff Vega and the minor child sitting on her lap and put his arms around them, immediately thereafter, and without provocation, Defendant Guards grabbed Plaintiff Ramos, forcefully pulled him away from Plaintiff Vega and their children and dragged him out of the July Meeting using unnecessary and excessive force.
24. Defendant Guards then grabbed Plaintiff Vega and removed her and their children from the July Meeting as well.
25. Defendant Guards then detained Plaintiff Ramos in a solitary room, with the door locked, where he was forced to remain for forty-five (45) minutes against his will and without justification.

26. Despite Plaintiff Ramos request to be set free and to know the reason for his unlawful detention, Defendant Guards refused to tell him why he was being kept in the room and refused to let him go until they saw the bruises they made on his rib cage.
27. After Plaintiff Ramos was released, he went to the emergency room due to the injuries he sustained from Defendant Guards forceful removal of him from the July Meeting.
28. On or about August 1, 2014 Defendant Chou on behalf of Defendants issued a letter banning Plaintiff Vega from attending future Meetings until further notice. (A true and correct copy of the August 1, 2014 letter is hereto attached as Exhibit A)
29. Plaintiff Vega again tried to register to speak at the January 2015 Meeting and on or about January 23, 2015 she received another letter from Defendant Chou on behalf of Defendants stating that she forfeited her right to reentry to future Meetings. (A true and correct copy of the January 23, 2015 letter is hereto attached as Exhibit B).
30. Defendants continue to prevent Plaintiff Vega from participating in and expressing her viewpoints at Meetings.

COUNT I
(42 U.S.C. § 1983)
FIRST AMENDMENT VIOLATIONS

31. Plaintiffs hereby incorporate and re-allege the allegations of paragraphs 1 through 30 as if the allegations are set forth herein.
32. Plaintiff Vega has exercised her constitutionally protected right to free speech by speaking out at Meetings on matters of public concern. Specifically, Plaintiff Vega has addressed issues pertaining to Chicago Public School closings.

33. Defendants have retaliated against Plaintiff Vega for exercising her constitutionally protected right of free speech to criticize and express opposition to Defendants' act and policies.
34. Defendants have violated Plaintiff Vega's First Amendment right by, but not limited to:
- i. Not allowing Plaintiff Vega to speak during her scheduled turn at the July Meeting;
 - ii. Forcefully removing Plaintiff Vega from the July Meeting prior to allowing her to speak;
 - iii. Banning Plaintiff Vega from speaking at further Meetings as of August 2014 through current;
 - iv. Failing to provide adequate means for Plaintiff Vega to express her opinions on matters of public concerns regarding the District;
 - v. Repeatedly using force, threats, and intimidation to prevent Plaintiff Vega from speaking at Meetings on matters of public concern.
35. All of the overt acts of Defendants were undertaken willfully and maliciously and have been committed for the express purpose to deprive Plaintiff Vega from exercising her First Amendment right to free speech.

COUNT II
CIVIL ASSAULT & BATTERY

36. Plaintiffs hereby incorporate and re-allege the allegations of paragraphs 1 through 30 as if the allegations are set forth herein.
37. Defendant Board via Defendant Board Members directed Defendant Guards on behalf of Defendant Security, without provocation or cause, to remove Plaintiffs from the July

Meeting. Defendant Guards used harmful, offensive, and unlawful force in removing Plaintiffs.

38. The forceful grabbing and dragging of Plaintiffs from the July Meeting was willful and unauthorized.

39. As such, Defendants acted together to commit civil assault and battery against Plaintiffs by intentionally causing excessive and offensive contact to Plaintiffs.

40. As a direct result of Defendants' conduct, Plaintiffs and their children were in fear and Plaintiff Ramos suffered physical injuries that required medical attention.

COUNT III
FALSE IMPRISONMENT

41. Plaintiffs hereby incorporate and re-allege the allegations of paragraphs 1 through 30 as if the allegations are set forth herein.

42. Through actions described above at the July Meeting, Defendants intentionally and forcefully confined and constrained Plaintiff Ramos without lawful justification in a locked room against his will.

43. As a proximate result of the acts alleged herein Plaintiff Ramos is entitled to damages in an amount to be proven at trial.

COUNT IV
(745 ILCS 10/0-102)
RESPONDEAT SUPERIOR

44. Plaintiffs hereby incorporate and re-allege the allegations of paragraphs 1 through 43 as if the allegations are set forth herein.

45. In committing the acts alleged, each individual defendant was acting within his/her scope of employment with the Chicago Board of Education.

