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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED
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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018L012534

VIVIAN ROMEO, on behalf of herself
and as Special Administrator of the
Estate of Harith Augustus, Deceased,

10658015

Plaintiff,

No. 2018L012534

v.

CITY OF CHICAGO and CHICAGO
POLICE OFFICERS DILLAN HALLEY,
MEGAN FLEMING, JAMES AIMERS,
LEON COLEMAN, QUINCY JONES,
and DANNY TAN,

Judge Patricia O'Brien Sheahan

Defendants.

JURY TRIAL DEMANDED

FOURTH AMENDED COMPLAINT

NOW COMES the Plaintiff, VIVIAN ROMEO, on behalf of herself and as Special Administrator of the ESTATE OF HARITH AUGUSTUS, Deceased, by and through her counsel, LOEVY & LOEVY, complaining of the Defendants CHICAGO POLICE OFFICERS DILLAN HALLEY, MEGAN FLEMING, JAMES AIMERS, LEON COLEMAN, QUINCY JONES, DANNY TAN (collectively, "Individual Defendants) and the CITY OF CHICAGO, states as follows:

INTRODUCTION
(facts common to all counts)

1. On July 14, 2018, Harith Augustus had just finished running an errand and was returning to work at the Sideline Studio barbershop and beauty salon, where he was the assistant manager, when he was stopped by Defendants Chicago Police Officers Dillan Halley, Megan Fleming, Quincy Jones, Danny Tan, and Leon Coleman ("Defendant Officers").

2. There was no reason to stop Mr. Augustus. Absolutely nothing about his conduct suggested that he was engaged in any criminal behavior or otherwise a threat to the Defendant Officers or the public.

3. Mr. Augustus was simply walking down a busy street on his way to work.

4. Nevertheless, Defendant Officers stopped him.

5. Mr. Augustus calmly cooperated with Defendant Officers; he spoke with Defendant Jones, pulled out his wallet, and began to show Defendant Jones his identification.

6. Without warning or reason, Defendant Fleming—along with Defendants Tan and Halley—aggressively grabbed Mr. Augustus from his blind side.

7. Defendants Coleman and Jones also moved in to surround and corner Mr. Augustus.

8. Mr. Augustus was startled, tripped, and started to fall back.

9. At that moment, Defendant Halley fired five gunshots, hitting Mr. Augustus in the back of his head, shoulder, chest, buttocks, and forearm.

10. Mr. Augustus died at the scene as a result of the shots fired by Defendant Halley.

11. Mr. Augustus was only 37 years old.

12. Defendant Halley had been on the force for less than a year and was still on probation when he shot and killed Mr. Augustus.

13. Defendants' egregious misconduct caused Mr. Augustus tremendous physical and mental pain, anguish, and emotional distress before his death, and has left a family and community irreparably harmed. The estate of Mr. Augustus has also suffered financial loss, including but not limited to the costs of an unexpected funeral.

14. Plaintiff brings this action pursuant to Illinois law in order to hold Defendants accountable for their misconduct and to redress the pain, suffering, and loss of life suffered by Mr. Augustus, the Plaintiff, and their community.

JURISDICTION AND VENUE

15. Jurisdiction and venue properly lie in the Circuit Court of Cook County, Illinois, because the parties reside here and the events described in this Complaint occurred therein.

PARTIES

16. At the time of his death, Harith Augustus was a 37-year-old African American man; a staple in the South Shore Community as the Assistant Manager of Sideline Studio barber shop and beauty salon; and a loving brother and son. Mr. Augustus was a citizen of the United States and resident of the City of Chicago, County of Cook, Illinois.

17. Plaintiff, Vivian Romeo, is the special administrator of the estate of the decedent, Harith Augustus, and brings this action on behalf of his surviving family members. Letters of Administration were granted to Mrs. Romeo by the Probate Department of the Circuit Court of Cook County, Illinois, establishing her as the administrator of the estate of Harith Augustus. She is also Mr. Augustus' mother.

18. Defendants Dillan Halley, Megan Fleming, Quincy Jones, Danny Tan, Leon Coleman, and James Aimers, were, at all relevant times, duly licensed Chicago Police Officers. They engaged in the conduct complained of in the course and scope of their employment and under the color of law. They are sued in their individual capacities.

19. Defendant City of Chicago (“City” or “Chicago”) is an Illinois municipal corporation, duly incorporated under the laws of the State of Illinois, that is or was the employer and principal of the above-named Individual Defendants. At all times relevant to the events described in the Complaint, each of the Individual Defendants acted as agents or employees of the City of Chicago.

COUNT I
Battery Against Defendant Halley
(Wrongful Death and Survival Action)

20. Plaintiff incorporates herein ¶¶1-19.

21. Late afternoon on July 14, 2018, Mr. Augustus twice walked by the Defendant Officers on East 71st Street.

22. The first time Mr. Augustus walked by the Defendant Officers, he had just left the barbershop where he worked and was going east on East 71st Street.

23. Mr. Augustus was on his way to run a few errands. He had just cut his friend’s hair for the friend’s upcoming nuptials, and he had plans to attend his friend’s bachelor party that night.

24. There was nothing out of the ordinary about this first encounter. Mr. Augustus walked by the Defendant Officers, did not disturb anyone, and was not

acting suspicious in any way. The Defendant Officers did not observe anything about him to give them any concerns; instead they continued talking among themselves.

25. Minutes later, Mr. Augustus was heading back to the barbershop from his errands. He walked past the Defendant Officers going west on East 71st Street.

26. Again, Mr. Augustus was not doing anything to disturb anyone or acting suspicious in any way; he was just going about his day.

27. Yet, the Defendant Officers stopped him the second time he came around.

28. Mr. Augustus did not protest.

29. He was only two and a half blocks away from work when the Defendant Officers approached him.

30. Several of the Defendant Officers had guns drawn as they approached, including Defendants Tan and Jones.

31. When Defendant Jones asked Mr. Augustus for identification, Mr. Augustus complied. He calmly pulled his wallet out of his back pocket.

32. Mr. Augustus was in the process of taking his identification out of his wallet when Defendant Fleming grabbed Mr. Augustus from behind.

33. Defendant Officers Tan and Halley also reached for and grabbed Mr. Augustus.

34. At the same time, Defendants Coleman and Jones moved in to surround Mr. Augustus and prevent him from leaving. Defendant Jones had his gun drawn.

35. As Defendants Fleming, Tan, and Halley grabbed Mr. Augustus, Defendant Aimers drove up in a police car to block Mr. Augustus between the car and the Defendant Officers and to prevent him from leaving.

36. Startled and turned around, Mr. Augustus started to fall back toward the street and Defendant Aimers' car.

37. At that moment, Defendant Halley began firing multiple shots at Mr. Augustus.

38. At no point during Mr. Augustus' encounter with the Individual Defendants did Mr. Augustus take any action that would justify the use of deadly force.

39. Mr. Augustus had a gun at the time, which he had a license for and which was secured in his holster.

40. At no point did Mr. Augustus threaten any Chicago Police Officer or anyone with his weapon, verbally or physically threaten to shoot or kill anyone, or brandish his weapon in a menacing or threatening manner.

41. In fact, his weapon was secured in a holster at his side throughout the encounter until Defendant Jones removed it after Mr. Augustus had been shot and was lying motionless on the ground.

42. The only thing Mr. Augustus had in his hand throughout this encounter and as he lay dying on the ground was his wallet.

43. Mr. Augustus died from multiple, needless gunshot wounds he suffered at the hands of Defendant Halley.

44. As discussed in ¶¶1-43, Defendant Officer Halley, acting under color of law and within the scope of his employment, shot Mr. Augustus multiple times; this conduct constituted intentional and offensive physical contact made without the consent of Mr. Augustus.

45. Defendant Halley's actions were undertaken with intent to harm—or with utter indifference to and conscious disregard for the harm that Mr. Augustus would likely suffer—and were the proximate cause of Mr. Augustus' serious bodily harm and death, as well as Mr. Augustus' physical pain, emotional distress, and suffering.

46. As a result of the Defendant Halley's misconduct described in this Count, Mr. Augustus suffered injury, including physical harm, mental and emotional distress, excruciating pain and fear, and death.

47. As a result of the Defendant Halley's misconduct described in this Count, Plaintiff suffered injury, including mental and emotional distress, the loss of her son and his companionship, and financial loss, including but not limited to the costs of an unexpected funeral.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against the Defendant Dillan Halley, in an amount in excess of Fifty Thousand Dollars

(\$50,000.00), such additional amounts as the Jury and any other relief this Honorable Court deems equitable and just.

COUNT II
Civil Conspiracy Against the Individual Defendants
(Survival Action)

48. Plaintiff incorporates herein ¶¶1-19.

49. Plaintiff incorporates herein ¶¶21-43 from Count I.

50. Approximately ten minutes passed in-between the two times Mr. Augustus walked by the Individual Defendant Officers.

51. During that time, the Individual Defendant Officers were engaged in conversation amongst themselves.

52. At some point, Defendants Halley, Fleming, and Tan went off on their own and stood at the northwest corner of East 71st Street and South Chappel Avenue, while Defendants Jones and Coleman remained together a few storefronts down on East 71st Street.

53. When Mr. Augustus walked by Defendants Halley, Fleming, and Tan, he was not acting unusual or suspicious in any way that would give the Individual Defendants a lawful reason to stop and detain him.

54. Yet, after a brief conversation between Defendants Halley, Fleming and Tan, Defendant Halley gestured to Defendants Jones and Coleman to stop Mr. Augustus.

55. At the time, Defendant Jones stopped Mr. Augustus, Mr. Augustus was not acting unusual or suspicious in any way that would give Defendant Jones a lawful reason to stop and detain Mr. Augustus.

56. As Defendants Halley, Fleming, Tan, and Coleman walked down the block to join Defendant Jones, they had the opportunity to discuss how they would respond to the unlawful stop they initiated.

57. The Individual Defendants surrounded Mr. Augustus and detained him without justification.

58. As described more fully in the paragraphs incorporated above, the Individual Defendants, acting in concert with co-conspirators, known and unknown, reached an agreement among themselves to stop and detain Mr. Augustus without justification, which led to Defendant Halley shooting and killing Mr. Augustus without provocation.

59. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by unlawful means.

60. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

61. The violations of the law described in this Complaint, including Mr. Augustus' wrongful death, and the international infliction of emotional distress were accomplished by the Individual Defendants' conspiracy.

62. The misconduct described in this Count is objectively unreasonable and was undertaken intentionally and in total disregard of the truth and Mr. Augustus' life.

63. As a result of the Defendants' misconduct described in this Count, Mr. Augustus suffered injury, including physical harm, mental and emotional distress, excruciating pain and fear, and death.

64. As a result of the Defendants' misconduct described in this Count, Plaintiff suffered injury, including mental and emotional distress, the loss of her son and his companionship, and financial loss, including but not limited to the costs of an unexpected funeral.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against the Defendants Dillan Halley, James Aimers, Megan Fleming, Quincy Jones, Leon Coleman, and Danny Tan, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, disbursement, attorney's fees, interests, and any other relief this Honorable Court deems equitable and just.

COUNT III
Intentional Infliction of Emotional Distress
Against the Individual Defendants
(Survival Action)

65. Plaintiff incorporates herein ¶¶1-19.

66. Plaintiff incorporates herein ¶¶21-43 from Count I.

67. Plaintiff incorporates herein ¶¶ 50-57 from Count II.

68. In the manner described in greater detail in the paragraphs above, the Individual Defendants' conduct was extreme and outrageous when they stopped, grabbed, and shot Mr. Augustus without justification.

69. In stopping, grabbing, and shooting Mr. Augustus, the Individual Defendants either intended to cause or knew of a high probability that their conduct would cause Mr. Augustus both physical and emotional distress.

70. This conduct did in fact cause Mr. Augustus severe disabling physical and emotional distress before his death, and ultimately resulted in his death.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against the Defendants Dillan Halley, James Aimers, Megan Fleming, Quincy Jones, Leon Coleman, and Danny Tan, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), such additional amounts as the Jury and any other relief this Honorable Court deems equitable and just.

COUNT IV
Intentional Infliction of Emotional Distress
Against the Individual Defendants

71. Plaintiff incorporates herein ¶¶1-19.

72. Plaintiff incorporates herein ¶¶21-43 from Count I.

73. Plaintiff incorporates herein ¶¶ 50-57 from Count II.

74. Immediately after he shot and killed Mr. Augustus, Defendant Halley turned on his BWC and exclaimed, “Police shot. Shots fired at police.”

75. Defendant Halley knew that his statement was false.

76. A few minutes later, Defendant Fleming told Defendant Halley that a gun was recovered. They then made additional false statements in an attempt to justify the unjustifiable shooting.

77. Defendant Halley told the sergeant on the scene that Mr. Augustus “pulled a gun on me.”

78. This statement was false.

79. Defendants Halley and Fleming made comments to each other such as “I had to. He was going to shoot us;” “He pulled a gun on us;” “I know he did.”

80. These comments were false.

81. Defendants Halley and Fleming knew that their conversations were being recorded by Defendant Halley’s BWC.

82. The video recordings show that after Mr. Augustus was lying on the ground, Defendant Jones recovered Mr. Augustus’ gun from his locked holster.

83. Defendant Jones unclipped the holster in order to retrieve the gun.

84. In other words, Defendant Halley’s multiples statements that Mr. Augustus “was going to shoot [the officers],” that he had “pulled a gun on [them],” and that “shots [were] fired at police” were all false.

85. In the aftermath of the unlawful killing of Mr. Augustus, one or more of the Individual Defendants made additional false statements in their police reports and/or to authority figures investigating the shooting in order to justify the unlawful killing of Mr. Augustus.

86. After an evening of protest and unrest in the South Shore neighborhood, the CPD decided to hold a press conference. According to then-Superintendent Eddie Johnson, they did so to make sure that “the narrative [did not] spin out of control.”

87. The narrative told by the CPD, which was covered by the media, was the false narrative the Individual Defendants created with their statements described above.

88. At the press conference, the CPD justified the shooting by suggesting that Mr. Augustus posed a safety threat to the officers and releasing a freeze-frame shot showing Mr. Augustus' holstered gun, without mentioning that Mr. Augustus had a valid FOID card and that the gun was still clipped to his holster when Defendant Jones recovered it.

89. In the manner described in greater detail in the paragraphs above, the Individual Defendants conduct was extreme and outrageous when they stopped, grabbed, and shot Mr. Augustus without justification and then made false statements to justify their action.

90. In stopping, grabbing, and shooting Mr. August and then making false statements about the event, the Individual Defendants knew of a high probability that their conduct would cause Plaintiff severe emotional distress.

91. The Individual Defendants did in fact cause Plaintiff—who observed both the video footage and the aftermath of the shooting—to suffer severe emotional distress and other harm.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against the Defendants Dillan Halley, James Aimers, Megan Fleming, Quincy Jones, Leon Coleman, and Danny Tan, in an amount in excess of Fifty Thousand Dollars

(\$50,000.00), such additional amounts as the Jury and any other relief this Honorable Court deems equitable and just.

COUNT V
Respondeat Superior

92. Plaintiff incorporates herein ¶¶1-19.

93. Plaintiff further incorporates herein the allegations found in Counts I, II, III, and IV.

94. In committing the acts alleged in those counts, the above-described Individual Defendants were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

95. Defendant City is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against Defendant City of Chicago, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), such additional amounts as the Jury and any other relief this Honorable Court deems equitable and just.

COUNT VI
Indemnification

96. Plaintiff incorporates herein ¶¶1-19.

97. Plaintiff incorporates herein the paragraphs from Counts I, II, III and IV.

98. Illinois law, 745 ILCS 10/9-102, provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

99. Defendant Halley, who shot and killed Mr. Augustus, as well as the other Individual Defendants, who failed to intervene, are or were employees of the CPD, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff, Vivian Romeo, demands judgment against Defendant City of Chicago, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), such additional amounts as the Jury and any other relief this Honorable Court deems equitable and just.

JURY DEMAND

Plaintiff Vivian Romeo, on behalf of herself and as the Special Administrator of the Estate of Harith Augustus, hereby demands a jury trial, pursuant to 735 ILCS 5/2-1105.

Respectfully submitted,

/s/ Cindy Tsai
One of Plaintiff's Attorneys

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