

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

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MARQUITA HENSON, as Mother and Legal Guardian  
of J.H.S., a Minor,

Plaintiff,

Case No. 24-cv-2833

v.

*Jury Trial Demanded.*

KIARA BOGAN, VILLAGE OF LANSING, a  
Municipal Corporation, THORNTON FRACTIONAL  
TOWNSHIP HIGH SCHOOL DISTRICT 215,

Defendants.

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**COMPLAINT AT LAW**

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NOW COMES Plaintiff, MARQUITA HENSON, as Mother and Legal Guardian of J.H.S., a minor, by and through her attorney, LAW OFFICE OF JORDAN MARSH LLC, complaining of the Defendants, KIARA BOGAN, VILLAGE OF LANSING, a Municipal Corporation, THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215 (hereinafter “DISTRICT 215”), and states the following:

**JURISDICTION AND VENUE**

1. This action arises under the Constitution of the United States, particularly the Fourth and Fourteenth Amendments to the Constitution of the United States, under the laws of the United States, particularly the Civil Rights Act, Title 42 of the United States Code, §§ 1983 and 1988, and under the laws of the State of Illinois.

2. The jurisdiction of this Court is invoked under the provisions of Title 28 of the United States

Code, §§ 1331 and 1343. Plaintiff also invokes the supplemental jurisdiction of this Court pursuant to Title 28 of the United States Code, Section 1367.

3. This Court has jurisdiction over this action pursuant to Title 28 of the United States Code §§ 1331 and 1367, as Plaintiff asserts claims under federal law and the state law claims arise out of the same facts as the federal claims. Venue is proper in the United States District Court for the Northern District of Illinois under Title 28 of the United States Code, § 1391(b)(2), as the events complained of occurred within this district.

### **PARTIES**

4. At all times relevant, Plaintiff MARQUITA HENSON (hereinafter “MARQUITA”) was the mother of J.H.S., a minor.

5. At all times relevant, MARQUITA and J.H.S. were residents of the County of Cook, State of Illinois.

6. At all times relevant herein, J.H.S. was a 17-year-old student attending Thornton Fractional South High School (“hereinafter “TFSHS”), located in Lansing, Illinois.

7. Defendant KIARA BOGAN is sued in her individual capacity and was at all times relevant, a sworn police officer employed by Defendant VILLAGE OF LANSING and acting as a School Resource Officer for Defendant DISTRICT 215, working specifically in TFSHS, and was acting within the scope of her agency, service and/or employment with the VILLAGE OF LANSING and DISTRICT 215, and was acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois.

8. Defendant VILLAGE OF LANSING is a municipal corporation operating within the State

of Illinois. The VILLAGE OF LANSING is responsible for the actions of its employees while acting within the scope of their employment. At all times relevant to this action, VILLAGE OF LANSING was the employer of Defendant BOGAN.

9. Defendant THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215 is a taxpayer-funded public school district and a government entity operating within the State of Illinois. DISTRICT 215 is responsible for the actions of its employees and agents while acting within the scope of their employment and their agency.

### FACTS

10. On March 7, 2024, around 8:15 a.m., a number of students were gathered in the TFSHS cafeteria waiting for the school day to begin.

11. At or around that time, Defendant Bogan was walking between two tables in one direction, while J.H.S. was walking in the opposite direction toward Bogan.

12. J.H.S. and Bogan walked by each other, with J.H.S. maneuvering his body to avoid contact with Bogan.

13. As J.H.S. passed Bogan, Bogan shoved him, then told him to “[w]atch the fuck out.”

14. Shocked by what had just occurred, J.H.S. responded by issuing an epithet to Bogan.

15. Bogan stepped toward J.H.S. aggressively, while an unidentified student put his or her hand on Bogan’s shoulder as if to stop her from going after J.H.S.

16. Bogan repeatedly told J.H.S. to “Say ‘excuse me’ next time.”

17. A school official arrived and scolded J.H.S., telling him something to the effect that “That’s a cop, you don’t get to say that.”

18. Bogan threatened to tase J.H.S.

19. As J.H.S. and the school official walked away from Bogan, Bogan followed, yelling at J.H.S., “Don’t make me put you down.”

20. Bogan continued to engage with and threaten J.H.S. as he walked away.

21. The incident was captured on the school’s surveillance video system.

22. J.H.S. came home after school and informed his mother, Marquita, what had occurred.

23. Marquita immediately went to the high school to inquire about the incident. She met the school principal, Jake Gourley, and asked him about it.

24. Marquita informed Gourley that her son had stated there are video cameras in the cafeteria that would have captured the incident and asked him to pull the video of the incident.

25. Principal Gourley told Marquita he had not been informed of the incident and asked her to return the following morning.

26. Marquita went to the school the following morning, a Friday, and met with Principal Gourley and Defendant Bogan.

27. In that meeting, Bogan claimed J.H.S. had seen her and bumped into her on purpose.

28. Bogan also informed Marquita that the next time this happened, she would arrest J.H.S.

29. Marquita asked Bogan if she had the right to put her hands on a student who may have accidentally bumped into her.

30. Bogan replied that she had that right because she was a police officer.

31. Bogan told Marquita she could file a complaint if she had a problem with Bogan’s actions.

32. When Marquita asked Principal Gourley if he felt that Bogan’s actions were appropriate, he stated he was not a police officer and would not comment on whether it was appropriate.

33. On information and belief, Bogan also claimed to her supervisor at the Lansing Police

Department that J.H.S. bumped into her on purpose.

34. Bogan's claims were false.

35. J.H.S. never bumped into Bogan, intentionally or otherwise.

36. In fact, J.H.S. made a concerted attempt to avoid any contact with Bogan.

37. The contact between Bogan and J.H.S. was initiated entirely by Bogan.

38. During the Friday meeting, when Marquita asked Principal Gourley about video footage of the incident, he told her it would take 24 to 48 hours to retrieve the video, and that maybe it would be available Monday.

39. Gourley's claim was false. The video was available at that very moment.

40. At the end of the meeting, Marquita told Bogan not to put her hands on her son again.

Bogan replied by calling Marquita "crazy".

41. Principal Gourley told Marquita to leave the building.

42. Marquita left the school and went directly to the Lansing police station, where Police Sergeant Joe Pomilia told Marquita he had spoken with Bogan, who told him J.H.S. had bumped into her on purpose.

43. When Marquita inquired about filing a complaint, Pomilia suggested that she wait until she saw the video of the incident.

44. Later, at Sgt. Pomilia's request, Marquita went to the school and met with Sgt. Pomilia and Principal Gourley.

45. Pomilia told her he had seen the video, and that Bogan was in the wrong.

46. Pomilia asked Marquita to view Bogan's actions "in context", informing Marquita that Bogan had just broken up a disturbance before her altercation with J.H.S., that she lost her cool,

and that she has a very high-stress job.

47. Marquita repeatedly requested to see the video, but Sgt. Pomilia repeatedly suggested that he bring Defendant Bogan in to apologize to Marquita and J.H.S. before Marquita would see the video.

48. Marquita insisted on seeing the video first.

49. Pomilia reluctantly agreed to allow Marquita to see the video.

50. When Marquita watched the video – which Gourley had previously told her would not be available until the following Monday – she saw that Bogan had pushed her son without provocation, and that Bogan had lied to her, and to Sgt. Pomilia, about the incident.

51. Despite the fact that a TFSHS student was assaulted by a uniformed School Resource Officer in the school – and it was captured on video – neither the school nor the district generated a single report or other written documentation of the officer’s assault on J.H.S.

52. As of March 14, Defendant Bogan was still on active duty and still assigned to TFSHS, where J.H.S. saw her, despite the fact that the school administration as well as Bogan’s superiors had viewed the video and were aware of her misconduct.

**COUNT I - FEDERAL CLAIM**  
**EXCESSIVE FORCE**  
**DEFENDANT BOGAN**

53. Each paragraph of this Complaint is incorporated as if restated fully herein.

54. J.H.S. did nothing to justify Bogan’s violent actions or her abusive and threatening words.

55. J.H.S. did not threaten, attack, or otherwise place Bogan or anyone else in imminent fear of harm.

56. Bogan had no probable cause or reasonable suspicion to believe J.H.S. posed a threat to anyone or that he was involved in criminal activity.

57. The force used by Defendant Bogan against J.H.S. was excessive, unnecessary, and objectively unreasonable.

58. The actions of Defendant Bogan constituted unreasonable, unjustifiable, and excessive force against J.H.S., violating his rights under the Fourth Amendment to the United States Constitution.

59. As a direct and proximate result of Defendant Bogan's conduct, J.H.S. suffered emotional trauma, physical and mental pain and suffering, anxiety, and humiliation, and will continue to suffer many of these conditions in the future.

**COUNT II - STATE CLAIM**  
**ASSAULT**

**DEFENDANTS BOGAN, VILLAGE OF LANSING, THORNTON FRACTIONAL  
TOWNSHIP HIGH SCHOOL DISTRICT 215**

60. Each paragraph of this Complaint is incorporated as if restated fully herein.

61. Defendant Bogan, and Defendants VILLAGE OF LANSING and THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215, by and through their agent Defendant Bogan, without lawful authority, knowingly engaged in conduct that placed J.H.S. in reasonable apprehension of receiving a battery, committing assault under Illinois law.

62. As a direct and proximate result of Defendants' conduct, J.H.S. suffered emotional trauma, physical and mental pain and suffering, anxiety, and humiliation, and will continue to suffer many of these conditions in the future.

**COUNT III - STATE CLAIM**  
**BATTERY**

**DEFENDANTS BOGAN, VILLAGE OF LANSING, THORNTON FRACTIONAL  
TOWNSHIP HIGH SCHOOL DISTRICT 215**

63. Each paragraph of this Complaint is incorporated as if restated fully herein.

64. Defendant Bogan, and Defendants VILLAGE OF LANSING, and THORNTON

FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215, by and through their agent Defendant Bogan, knowingly and without legal justification or permission, harmfully and/or offensively touched J.H.S., committing battery under Illinois law.

65. As a direct and proximate result of Defendants' conduct, J.H.S. suffered emotional trauma, physical and mental pain and suffering, anxiety, and humiliation, and will continue to suffer many of these conditions in the future.

**COUNT IV - STATE CLAIM**  
**INDEMNIFICATION**

**VILLAGE OF LANSING, THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL  
DISTRICT 215**

66. Each paragraph of this Complaint is incorporated as if restated fully herein.

67. At all relevant times, Defendant VILLAGE OF LANSING was the employer of Defendant Bogan.

68. At all relevant times, Defendant Bogan was the agent of THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215 and was acting within the scope of her agency.

69. Defendant Bogan committed the acts alleged above under color of law and in the scope of her employment as an employee of the Defendant VILLAGE OF LANSING, and in the scope of her agency as agent of THORNTON FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215.

70. Illinois law provides that governmental entities are directed to pay any tort judgment for any damages for which employees are liable within the scope of their employment activities.

71. Should Defendant Bogan be found liable on one or more of the claims set forth above, Plaintiff Marquita Henson, as Mother and Legal Guardian of J.H.S., pursuant to Illinois law, requests that her employer, Defendant VILLAGE OF LANSING, as well as THORNTON



FRACTIONAL TOWNSHIP HIGH SCHOOL DISTRICT 215, be found liable for any judgment plaintiff obtains against Defendant Bogan, as well as attorney's fees and costs awarded, and for any additional relief this Court deems just and proper.

**PRAYER FOR RELIEF (ALL COUNTS)**

For the foregoing reasons, the Plaintiff respectfully requests judgment against Defendants in a fair and reasonable amount, including compensatory and punitive damages, attorney's fees, and costs, and for any additional relief this Court deems just and proper.

**JURY DEMAND**

Plaintiff MARQUITA HENSON, as Mother and Legal Guardian of J.H.S., a minor, hereby requests a trial by jury.

**DATED:** April 9, 2024.

Respectfully submitted,

MARQUITA HENSON, as the mother and  
Legal Guardian of J.H.S., a minor,

/s/ Jordan Marsh  
*Attorney for the Plaintiff*

**LAW OFFICE OF JORDAN MARSH, LLC**  
5 Revere drive Suite 200  
Northbrook, IL 60062  
(224) 220-9000  
jordan@jmarshlaw.com

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

I. (a) PLAINTIFFS

Marquita Henson, as Mother and Legal Guardian of J.H.S., a minor,

(b) County of Residence of First Listed Plaintiff Cook (Except in U.S. plaintiff cases)

(c) Attorneys (firm name, address, and telephone number)

Law Office of Jordan Marsh LLC, 5 Revere Drive Suite 200, Northbrook, IL 60062 - (224) 220-9000

DEFENDANTS

Kiara Bogan, et al,

County of Residence of First Listed Defendant (In U.S. plaintiff cases only)

Note: In land condemnation cases, use the location of the tract of land involved.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Check one box, only.)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only.)

- PTF DEF Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation

IV. NATURE OF SUIT (Check one box, only.)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAXES, OTHER STATUTES.

V. ORIGIN (Check one box, only.)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

42 USC Sec. 1983 - Excessive Force

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

Check if this is a class action under Rule 23, F.R.CV.P.

Demand \$

CHECK Yes only if demanded in complaint:

Jury Demand: Yes No

IX. RELATED CASE(S) IF ANY (See instructions):

Judge Case Number

X. Is this a previously dismissed or remanded case?

Yes No If yes, Case # Name of Judge

Date: 4/9/2024

Signature of Attorney of Record /s/ Jordan Marsh

Authority for Civil Cover Sheet

The ILND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use  
**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the  
**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
Original Proceedings. (1) Cases which originate in the United States district courts.  
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C.  
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.