

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

JOMNER OROZCO CARRETO, and)	
CARLOS RAMIREZ)	
)	No.
Plaintiffs,)	
)	Judge
v.)	
)	Magistrate Judge
)	
Chicago Police Officer KEVIN BUNGE,)	
Star #12973, and CITY OF CHICAGO,)	Jury Demand
)	
Defendants.		

COMPLAINT

1. Defendant Officer Kevin Bunge, without cause or justification, discharged his firearm at Plaintiffs Jomner Orozco Carreto and Carlos Ramírez, in violation of Plaintiffs’ constitutional right to be free from excessive force and unlawful seizures guaranteed by the Fourth Amendment to the U.S. Constitution. Plaintiffs seek just compensation for the pain and suffering, mental anguish, humiliation, and other damages they suffered as a result of this violation of rights.

JURISDICTION AND VENUE

2. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 § 1983; the judicial code, 28 U.S. §§ 1331 and 1343(a); and the Constitution of the United States, and supplementary jurisdiction, as codified in 28 U.S.C § 1367.

3. Venue is proper in this District under 28 U.S.C. 1391(b). The parties reside in this judicial district and the events that are the basis of these claims occurred in this judicial district.

PARTIES

4. Plaintiff Jomner Orozco is a resident of Chicago.

5. Plaintiff Carlos Ramírez is a resident of Chicago.

6. Defendant Bunge was, at the time of this incident, a duly appointed Chicago police officer. Defendant was acting under color of law and within the scope of his employment with the City of Chicago at the time of this incident.

7. Defendant City of Chicago is a municipal corporation, duly incorporated under the laws of the State of Illinois. It is the employer and principal of the Defendant Police Officer Bunge.

FACTS

8. On the night of December 11, 2020, Plaintiff Orozco was driving his vehicle, while his friend Carlos Ramírez was riding in the passenger seat.

9. The two were driving to meet another friend of Mr. Orozco and were traveling west bound on West Irving Park, in Chicago, Illinois.

10. Mr. Ramírez was using the GPS on his phone to navigate and provide directions to Mr. Orozco.

11. Mr. Orozco questioned whether the GPS on Mr. Ramírez's phone was providing accurate directions and decided to pull over to safely use the GPS on his own phone.

12. Mr. Orozco pulled his vehicle to the side of the road on the 3300 block of West Irving Park Road.

13. Defendant Officer Bunge had recently ended a shift as a Chicago police officer, and was sitting in a Sports Utility Vehicle (SUV) parked in front of Mr. Orozco's vehicle, further west on Irving Park.

14. Mr. Orozco and Mr. Ramírez sat in Mr. Orozco's legally parked vehicle while they attempted to confirm directions to their destination.

15. Defendant Officer Bunge exited the SUV and approached Mr. Orozco's vehicle, holding a handgun and displaying a Chicago Police star around his neck.

16. Mr. Orozco and Mr. Ramírez had committed no crime, were unarmed, and posed absolutely no threat to Defendant Bunge or any other person.

17. Without cause or justification, Defendant Bunge pointed his firearm toward Mr. Orozco and Mr. Ramírez and fired at them multiple times.

18. Defendant Bunge used unreasonable force against Plaintiffs.

19. Mr. Orozco understood that their lives were in danger, so he rapidly reversed his vehicle and sped off to a safe location.

20. Defendant Bunge fired multiple shots, one of which struck Mr. Orozco in his hand, causing significant physical injury to two of the fingers on his right hand. A photo of Mr. Orozco's injury appears below.



21. Glass from the shattered car window struck Mr. Ramírez in the face and the volume of the gunshots was so excruciatingly loud that it caused significant pain and hearing loss in his left ear.

22. Defendant Officer Bunge completed official Chicago Police Department reports, including a Tactical Response Report (TRR), in which he made false statements in an attempt to cover up his wrongdoing.

23. Defendant Officer Bunge fired rounds at Mr. Orozco and Mr. Ramírez that left bullet holes in Mr. Orozco's car and shattered the window of the vehicle. Photos of the damage to Mr. Orozco's vehicle appear below.



COUNT I
42 U.S.C. § 1983 Claim for Excessive Force
and Unlawful Seizure

24. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

25. Defendant Bunge violated Plaintiff Orozco and Plaintiff Ramírez's rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free from the use of excessive and unreasonable force and unlawful seizure by aiming and discharging a firearm in their direction with no justification or reason.

26. Plaintiffs Orozco and Ramírez were injured as a result of Defendant Bunge's unconstitutional actions.

27. The unconstitutional actions of Defendant Bunge were the direct and proximate cause of Plaintiffs' physical injuries, pain and suffering, mental anguish and humiliation, and loss of personal freedom.

COUNT II
State Law Claim for Battery

28. Plaintiffs repeat and reallege the foregoing paragraphs 1-23 as if fully set forth herein.

29. The actions of Defendant Bunge were intentional acts which caused an unpermitted contact of a harmful and offensive nature, to which Plaintiffs did not consent, constituting battery under Illinois law.

30. Plaintiffs Orozco and Ramírez were injured as a result of Defendant Bunge's actions.

31. These actions of Defendant Bunge were the direct and proximate cause of Plaintiffs' pain and suffering, mental anguish and humiliation, and loss of personal freedom.

32. The actions of Defendant Bunge were committed in a willful and wanton manner.

COUNT III
State Law Claim for Assault

33. Plaintiffs repeat and reallege the foregoing paragraphs 1-23 as if fully set forth herein.

34. The actions of Defendant Bunge were intentional acts which threatened to cause unpermitted contact of a harmful and offensive nature, and placed them in reasonable apprehension of such contact, to which Plaintiffs did not consent, constituting assault under Illinois law.

35. These actions of Defendant Bunge were the direct and proximate cause of Plaintiffs' pain and suffering, mental anguish and humiliation, and loss of personal freedom.

36. The actions of Defendant Bunge were committed in a willful and wanton manner.

COUNT IV
State Law Claim for Intentional
Infliction of Emotional Distress

37. Plaintiffs repeat and reallege the foregoing paragraphs 1-23 as if fully set forth herein.

38. The conduct and actions of Defendant Bunge, set forth above, were extreme and outrageous, were done intentionally, willfully and wantonly, and/or knowing that there was a high probability that their conduct would cause Plaintiffs severe emotional distress as set forth above.

39. Plaintiffs Orozco and Ramírez experienced, and continue to experience, severe emotional distress as a result of Defendant Bunge's actions.

40. As a direct and proximate cause of the extreme and outrageous conduct of Defendant Bunge, Plaintiffs were injured and experienced severe emotional distress constituting intentional infliction of emotional distress under Illinois law.

COUNT V
State Law *Respondeat Superior* Claim

41. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

42. Defendant Bunge was, at all times material to this complaint, an employee of the Defendant City of Chicago, acting within the scope of his employment; and his acts, which violated state law, are directly chargeable to the Defendant City under state law pursuant to *respondeat superior*.

COUNT VI
745 ILCS 10/9-102 Claim Against
Defendant City of Chicago

43. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

44. Defendant Officer Bunge committed the acts alleged above under color of law and in the scope of employment as an employee of the City of Chicago.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court to enter judgment in their favor against Defendants Bunge and the City of Chicago, awarding compensatory and punitive damages, attorneys' fees and costs against him, as well as any other relief this Court deems appropriate.

JURY DEMAND

Plaintiffs demands a trial by jury on all counts, pursuant to Federal Rule of Civil Procedure 38 and the Seventh Amendment to the United States Constitution.

Dated: February 9, 2021

Respectfully Submitted,
/s/ Brad J. Thomson
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