

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

ANDREW WHITE,

Plaintiff,

v.

JOSEPH FELCHNER and ELLEN  
SWEENEY

Defendants.

No. 3:19-cv-03181-SEM-TSH

**ANSWER AND AFFIRMATIVE DEFENSE**

NOW COMES DEFENDANT ELLEN SWEENEY, by and through her attorney, Kwame Raoul, Attorney General for the State of Illinois, and for her Answer and Affirmative Defenses to Plaintiff's Complaint (Doc. 1), states the following:

**I. JURISDICTION**

Subject matter jurisdiction is invoked under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), and/or 42 U.S.C. § 1983. List any additional bases for federal subject matter jurisdiction here:

**ANSWER: Defendant Sweeney admits the allegations of this paragraph.**

**II. PARTIES**

**Plaintiff:**

A. Plaintiff, a citizen of Illinois (state), who resides at

1751 North Grand Ave West Lot #101, alleges that

his/her civil rights were violated by the individual(s) named below.

**Defendant #1:**

B. Defendant Ellen Sweeney is employed as a

(a) (Name of First Defendant)

SOS Police investigator

(b) (Position/Title)

with Illinois Secretary of State Police 421 E. Capital Spf 1d, IL 62701

(c) (Employer's Name and Address)

**ANSWER:** Defendant Sweeney admits that Ellen Sweeney was employed by the Illinois Secretary of State Police at the time of the incident but denies that she presently is so employed. Defendant Sweeney otherwise admits the allegations of this paragraph.

*Check one of the following:*

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to do something). Briefly describe this policy or custom: *Deceptive practices, Defamation of Character & Police misconduct*

**ANSWER:** Defendant Sweeney denies the allegations contained in this paragraph.

**Defendant #2:**

C. Defendant Joseph Felchner is employed as a

(a) (Name of Second Defendant)

Police officer

(b) (Position/Title)

with Rochester Police Dept. # Community Drive Rochester IL, 62563

(c) (Employer's Name and Address)

*Check one of the following:*

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to do something). Briefly describe this policy or custom: *False arrest & Police misconduct*

**ANSWER:** Defendant Sweeney admits that Joseph Felchner is a police officer with the Rochester Police Department. Defendant Sweeney otherwise denies the allegations contained in this paragraph.

**Defendant #3:**

D. Defendant \_\_\_\_\_ is employed as a  
(a) (Name of Third Defendant)

\_\_\_\_\_  
(b) (Position/Title)

with \_\_\_\_\_  
(c) (Employer's Name and Address)

*Check one of the following:*

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something). Briefly describe this policy or custom:

**ANSWER:** Defendant Sweeney makes no response to this paragraph as there are no allegations of fact.

**III. PREVIOUS LAWSUITS**

A. Have you begun any other lawsuits in federal court? Yes  
☐ ☒ No

**ANSWER:** Defendant Sweeney lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

B. If your answer to "A" is YES, describe the lawsuit in the space below. *If the more than one lawsuit, you must describe the additional lawsuits on another sheet of p using the same outline.*

1. Parties to previous lawsuits:

Plaintiff(s):

Defendant(s):

2. Date of Filing:

3. Case Number:

4. Jurisdiction/Court:

5. Name of Judge:

6. Issues Raised:

7. Disposition of Case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

8. Date of Final Disposition:

**ANSWER:** Defendant Sweeney makes no response to this paragraph as there are no allegations of fact.

2. Plaintiff was charged with one or more crimes, specifically:

625 ILCS 5/4-103 Possession of a Stolen Vehicle, 625 ILCS 5/3-702

Driving with Revoked Registration, 196281 625 ILCS 5/3-706 Failure to Surrender Revoked Registration, and 196282 625 ILCS 5/3-101 Operating Vehicle with Revoked Title

**ANSWER: Defendant Sweeney admits the allegations contained in this paragraph.**

3. The criminal proceedings (check the box that applies):

- ☐ are still pending.
- ☒ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.
- ☐ resulted in a finding of guilty on one or more of the charges.
- ☐ other: \_\_\_\_\_

**ANSWER: Defendant Sweeney admits the allegations contained in this paragraph.**

**ANSWER: Defendant Sweeney admits speaking with Plaintiff regarding an investigation involving a 1995 Mercury Marquis. Defendant Sweeney admits that on August 10, 2018, at approximately 3:10 p.m., Plaintiff was arrested for possession of a stolen vehicle, driving with revoked registration, failure to surrender revoked registration, and operating a vehicle with a revoked title. Defendant Sweeney admits contact with Corporal Patterson on August 13, 2018, regarding the incident of August 10, 2018. Defendant Sweeney otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.**

5. Defendant(s) acted knowingly, intentionally, willfully, and maliciously.

**ANSWER: Defendant Sweeney denies the allegations contained in this paragraph.**

6. As a result of Defendant's conduct, plaintiff was injured as follows:

Loss of income, loss of enjoyment of life with my kids  
Pain and Suffering and loss of property

**ANSWER: Defendant Sweeney denies the allegations contained in this paragraph.**

7. Plaintiff asks that this case be tried by a jury. ☒ Yes ☐ No

**ANSWER: Defendant Sweeney admits the allegations contained in this paragraph.**

## V. PRAYER FOR RELIEF

Plaintiff requests that the Court grant the following relief:

1. Compensatory Damages in the amount of \$ 500,000.00 to compensate for *(check all that apply)*:

- ☐ bodily harm
- ☒ emotional harm
- ☒ pain and suffering
- ☒ loss of income
- ☒ loss of enjoyment of life
- ☐ property damage

**ANSWER:** Defendant Sweeney denies Plaintiff is entitled to any relief.

2. Punitive Damages: ☒ Yes ☐ No

**ANSWER:** Defendant Sweeney denies Plaintiff is entitled to any relief.

3. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

**ANSWER:** Defendant Sweeney denies Plaintiff is entitled any relief.

### AFFIRMATIVE DEFENSE

At all times relevant herein, Defendant Sweeney acted in good faith in the performance of her official duties and without violating Plaintiff's clearly established constitutional rights; consequently Defendant is protected from liability by the doctrine of qualified immunity.

**DEFENDANT DEMANDS TRIAL BY JURY**

WHEREFORE, for the above and foregoing reasons, Defendant Sweeney respectfully requests this Court deny Plaintiff any relief in this matter whatsoever and enter judgment in their favor.

Respectfully submitted,

ELLEN SWEENEY,

Defendant,

KWAME RAOUL, Attorney General  
of the State of Illinois,

Attorney for Defendant,

By: s/Shannon Fruth  
Shannon Fruth, #6320635  
Assistant Attorney General  
500 South Second Street  
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[glis@atg.state.il.us](mailto:glis@atg.state.il.us)



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**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2019, I caused a copy of the foregoing *Answer and Affirmative Defense* to be electronically efiled with the Clerk of the Court, which will send electronic notice of same to the following:

Charles A. Pierce  
Pierce Law Firm, P.C.  
#3 Executive Woods Court, Suite 200  
Belleville, IL 62226  
[cpierce@piercelawpc.com](mailto:cpierce@piercelawpc.com)

and I certify that I mailed a copy of same by United States Postal Service, in an envelope properly addressed and fully prepaid, to the following:

Andrew White  
1751 North Grand Avenue West, Lot #101  
Springfield, IL 62702

Respectfully submitted,

By: s/Shannon Fruth #63202635  
Shannon Fruth, #6320635  
Assistant Attorney General  
500 South Second Street  
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Phone: (217) 782-2077  
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