

United States Constitution. The plaintiffs are entitled to an award of their damages, including punitive damages.

Jurisdiction, Venue, and Cause of Action

3. Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.
4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

6. Nicholas Tyo is an adult resident of Franklin County, Ohio.
7. Steven Stanley is an adult resident of Franklin County, Ohio.
8. Drew Landes is an adult resident of Franklin County, Ohio.
9. Deputy Ethan Biggs is a law enforcement officer who, at all relevant times, was employed by the Starke County Sheriff's Department.

Factual Allegations

10. On the evening of Friday, July 16, 2021, the three plaintiffs—Nicholas Tyo, Steven Stanley, and Drew Landes—travelled by car from outside of Columbus, Ohio to Chicago, Illinois in order to attend the weekend-long Pokémon GO Fest 2021. Conducted in-person in twenty-two cities worldwide and conducted virtually elsewhere, the Pokémon GO Fest is a celebration of the popular augmented reality videogame Pokémon GO and features opportunities for persons to meet other enthusiasts of the game, to work with other players to complete specialized gaming challenges, and to observe new or rare animated creatures called Pokémon—events of special significance to lovers of the game.
11. Between 9:30pm and 10:00pm, the plaintiffs were travelling west on U.S. Hwy. 30 near

Hamlet, Indiana. Mr. Stanley was driving his vehicle, a 2011 Toyota Prius with Ohio plates, while Mr. Landes was in the passenger seat and Mr. Tyo was in the back seat. Mr. Stanley and Mr. Landes both have darker complexions.

12. U.S. Hwy. 30 is a large thoroughfare that extends across the country from Atlantic City, New Jersey all the way to Oregon. It passes through or near numerous significant cities, including Philadelphia and Pittsburgh (Pennsylvania), Canton (Ohio), Fort Wayne (Indiana), Aurora and Chicago (Illinois), Cedar Rapids (Iowa), Cheyenne (Wyoming), and Portland (Oregon). In Indiana, it extends from the Illinois state line west of Merrillville to the Ohio state line east of Fort Wayne.
13. Near Hamlet, Indiana, U.S. Hwy. 30 is a four-lane divided highway, with two lanes travelling westbound and two lanes travelling eastbound.
14. As he was driving near Hamlet, Mr. Stanley noticed that the vehicle in which the plaintiffs were travelling was being followed closely by a dark SUV that he recognized as a police vehicle by the light bar on the top of the vehicle.
15. The plaintiffs were wearing their seatbelts. Mr. Stanley's vehicle was properly registered. They were not driving erratically and none of them had outstanding warrants.
16. Within a couple of minutes the police cruiser—which was operated by Deputy Ethan Biggs of the Starke County Sheriff's Department—activated its emergency lights and initiated a traffic stop of the vehicle driven by Mr. Stanley. Mr. Stanley promptly pulled over to the shoulder of the highway.
17. Dep. Biggs approached the passenger side of the vehicle and, instead of requesting Mr. Stanley's driver's license or vehicle registration, asked the plaintiffs where they were coming from and where they were going. He was informed that they were travelling from

Columbus to Chicago to attend the Pokémon GO Fest. Without being asked to do so, Mr. Stanley provided Dep. Biggs with a small Ziploc bag containing his driver's license, vehicle registration, and proof of insurance.

18. Dep. Biggs took the bag, glanced at it for no more than a second or two, and then handed the bag back to Mr. Stanley. This act caused the plaintiffs to become extremely nervous as it appeared that Dep. Biggs had little if any interest in completing the normal tasks associated with a traffic stop.
19. Dep. Biggs then asked the ages of each of the plaintiffs and demanded that each of them—including Mr. Landes and Mr. Tyo, neither of whom had been operating the vehicle—produce their driver's licenses. The plaintiffs complied with this demand.
20. Dep. Biggs then returned to his police vehicle with the plaintiffs' drivers' licenses, still without having explained why he initiated a traffic stop. The plaintiffs heard their names over the police radio as Dep. Biggs had dispatch run their names through the police database. None of the plaintiffs have any criminal history.
21. After dispatch had finished running the plaintiffs' names through the police database and, presumably, after Dep. Biggs was informed that none of the plaintiffs had any criminal history or outstanding warrants, Dep. Biggs returned to the plaintiffs' vehicle. He then inquired as to whether the plaintiffs had any drugs in the vehicle. They responded, truthfully, that they did not.
22. Dep. Biggs nonetheless informed the plaintiffs that his K-9 partner, a drug-detecting dog who was in the police vehicle with him, was going to walk around the plaintiffs' vehicle in order to sniff for drugs. He then led the K-9 officer out of the police vehicle and along the passenger side—and only the passenger side—of the plaintiffs' vehicle.

23. None of the plaintiffs consented to this search, and this search unnecessarily prolonged the traffic stop, for at this point neither Dep. Biggs nor any other law enforcement officer was writing a citation or conducting any other activities necessary to complete the traffic stop.
24. After walking the K-9 officer up and down the passenger side of the plaintiffs' vehicle, Dep. Biggs returned the dog to his police vehicle before immediately returning to the plaintiffs' vehicle and informing the plaintiffs that the dog had "alerted" to the presence of drugs. This was false: there were no drugs present in or around the plaintiffs' vehicle.
25. Dep. Biggs then ordered the plaintiffs to get out of their vehicle, and the plaintiffs complied with this command. Dep. Biggs conducted a pat-down search of each of the plaintiffs. Again, the plaintiffs did not consent to this pat-down search and there was no reasonable suspicion or other cause for a pat-down search of any of the plaintiffs. The pat-down searches did not reveal any weapons or drugs, nor did they reveal the presence of any other illegal or even suspicious items.
26. After the plaintiffs were ordered to get out of their vehicle and did so, and after Dep. Biggs conducted a pat-down search of each of the plaintiffs, two additional deputies employed by the Starke County Sheriff's Department arrived at the scene.
27. The three plaintiffs were then ordered to sit on the hood of Dep. Biggs's police vehicle while their vehicle was searched. One of the other deputies that had arrived at the scene watched the plaintiffs while Dep. Biggs and the third deputy searched the vehicle. The plaintiffs watched as they searched the interior of the vehicle and many compartments within the vehicle, including the plaintiffs' overnight bags and their hats.
28. To the best of the plaintiffs' recollection, at no point did Dep. Biggs or one of the other deputies remove the K-9 officer from the police vehicle in order to assist in searching the

interior of the plaintiffs' vehicle or any of the items, such as the plaintiffs' overnight bags, that were inside of the vehicle.

29. The search of the plaintiffs' vehicle did not reveal any weapons or drugs, nor did it reveal the presence of any other illegal or even suspicious items. When the search was complete, Dep. Biggs informed the plaintiffs that he was letting them go and returned the plaintiffs' drivers' licenses to them. At this point, he informed the plaintiffs—for the very first time—that the traffic stop had been initiated because they had been speeding.
30. Despite indicating that the plaintiffs had been speeding, Dep. Biggs did not issue a traffic citation nor did he issue any form of written warning to the plaintiffs. The plaintiffs then were allowed to depart the area and continued their trip to Chicago.
31. At no point did Dep. Biggs have reasonable suspicion, probable cause, or any other justification to conduct a search of the exterior of the plaintiffs' vehicle with a K-9 officer, to conduct pat-down searches of the plaintiffs, or to search the interior of the plaintiffs' vehicle. These actions were taken maliciously and with reckless or callous indifference to the plaintiffs' rights.
32. As a result of the actions of Dep. Biggs, each of the plaintiffs suffered emotional and other damages.
33. At all times Dep. Biggs acted or refused to act under color of state law.

Legal Claim

34. The actions of Dep. Biggs violated the Fourth Amendment to the United States Constitution.

Jury Trial Demand

35. The plaintiffs demand a trial by jury on all issues so triable.

Request for Relief

WHEREFORE, the plaintiffs request that this Court do the following:

1. Accept jurisdiction of this cause and set it for hearing.
2. Declare that the defendant violated the rights of the plaintiffs for the reason(s) described above.
3. Following a hearing, award the plaintiffs nominal, compensatory, and punitive damages.
4. Award the plaintiffs their costs and attorneys' fees pursuant to 42 U.S.C. § 1988.
5. Award all other proper relief.

Gavin M. Rose
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
grose@aclu-in.org

Attorney for the plaintiffs