

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

FULVIO ZERLA,	)	
	)	
Plaintiff,	)	
	)	Case No. 19-cv-
vs.	)	
	)	Jury Trial Demanded
STARK COUNTY, ILLINOIS and STEVE	)	
SLOAN, in his Individual and Official	)	
Capacity.	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff, FULVIO ZERLA (“Zerla”), by and through his attorneys, JULIE L. GALASSI, DUSTIN R. JENSEN, and HASSELBERG, ROCK, BELL & KUPPLER, LLP, states the following for his COMPLAINT against Defendants, STARK COUNTY, ILLINOIS (“Stark County”) and STEVE SLOAN (“Sloan”):

**Nature of the Action**

1. On January 13, 2015, Zerla was appointed to Stark County’s Board of Directors.
2. Zerla was an advocate for budget restraint and sought to remedy budgetary failures in the Stark County’s Sheriff Department.
3. Sloan has served as the Sheriff of Stark County since December 1, 2016.
4. As more fully described in this complaint, Sloan took actions to prevent Zerla from publicly discussing his budgetary concerns by personally intimidating and threatening Zerla, calling for Sloan’s supporters to intimidate Zerla, violating

the law to allow intimidation of Zerla to take place that would not have otherwise occurred without Sloan's action, and paid individuals to disrupt the functions of the Stark County Board.

5. Sloan acted under the color of state title, i.e. in his capacity of Sheriff, when he undertook the actions complained of in this complaint.

6. Sloan's actions violated 42 U.S.C. 1983, because he deprived Zerla of his constitutionally protected right of free speech while acting under the color of state law via his position as Sheriff of Stark County.

#### Parties

7. Zerla resides in Stark County, Illinois.

8. Sloan resides in Stark County, Illinois and is employed by Stark County.

9. Stark County is a resident of Stark County, Illinois.

#### Jurisdiction and Venue

10. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1331, because this matter is a civil action arising under the Constitution and laws of the United States.

11. The Central District of Illinois, Peoria Division, is the proper venue for this matter pursuant to 28 U.S.C. 1391(b)(1) and (2), because the Defendants reside in Stark County, Illinois and a substantial part of the events giving rise to Zerla's claims occurred in the Peoria Division of the Central District of Illinois.

COUNT I  
42 U.S.C. §§1983.

12. Zerla had oversight responsibilities with regard to county finances, which included appropriations for the operation of the Sheriff's department.

13. At all relevant times, Zerla and other Board members discussed the budget and their policy positions at each Board meeting. Zerla's statements at Board meetings stressed the necessity of each department staying within budget.

14. During the spring of 2017, Sloan's expenditures at the Stark County Sheriff's office were causing a budget crisis. Zerla, along with the County Chairperson, tried to work with Sloan to resolve the monetary problems.

15. Sloan rejected Zerla and the Chairperson's list of changes that would rein in spending for the Sheriff's office.

16. Zerla prepared a letter for the Chairperson to send to Sloan outlining the budget problems Sloan's spending was creating, including a warning that if Sloan went over budget, the Chairperson did not foresee additional monies being appropriated for the Sheriff's office.

17. Sloan's agitation over the Chairperson and Zerla's insistence that the Sheriff's office stay within its budget boiled over on May 9, 2017 during a Board meeting.

18. As Sheriff, Sloan was required to attend Board meetings to keep the peace.

19. On May 9, 2017, while performing his duties as Sheriff of Stark County, Sloan publicly stated he would no longer work with Zerla or the

Chairperson. Sloan then yelled to Zerla that Zerla better look at Sloan while he was talking, and he better not roll his eyes. Sloan's physical gestures toward Zerla caused Zerla and other Board members to conclude that Sloan was threatening Zerla.

20. Prior to the June 13, 2017 Board meeting, Sloan urged his supporters to attend the meeting for intimidation purposes.

21. Sloan held a rally outside the Stark County courthouse on June 13, 2017, urging everyone present to come inside and disrupt the county Board meeting, for which he was charged with keeping the peace.

22. Sloan invited so many of his supporters into the courthouse, Zerla had to push through a hostile crowd in order to take his seat as a Board member.

23. Sloan packed the courthouse in violation of the fire code.

24. At the June 13<sup>th</sup> meeting, Sloan stood closely to, and directly behind, Zerla. Before the meeting could begin, Sloan began yelling for Zerla and the Chairperson's resignation and demanded his supporters yell louder. The meeting was then cancelled preventing any discussion of how to resolve the Sheriff's budget problems. Zerla and the Chairperson stayed in the courthouse for some time afterward so as to avoid contact with the mob.

25. At the meeting rescheduled for June 15, 2017, Sloan paid individuals from a purported watchdog group to attend the meeting. The meeting was immediately disrupted by the "watchdog" members who denounced the meeting as illegal and asserted the Chairperson was subject to arrest if the meeting was not

cancelled. The meeting was then cancelled preventing any discussion of how to resolve the Sheriff's budget problems.

26. After effectuating the cancellation of the meeting, Sloan and his deputies surrounded the Chairperson and led her away.

27. In June 2017, Sloan released to the public a voice mail from the Chairperson to Sloan from January 2017 wherein she expressed concerns over disruptions at meetings by two individuals. As a result, one of the individuals drove by the Chairperson's house on multiple occasions and posted on Facebook if the Chairperson was at home. The other individual watched the Chairperson and Zerla and posted their location on Facebook.

28. Zerla and the Chairperson resigned as a result of Sloan's intimidating actions detailed above, which led Zerla and the Chairperson to fear for their families' safety.

29. Zerla was never able to communicate his policy prescriptions for the Sheriff's office's out-of-control budget.

30. Zerla was attempting to exercise his right of free speech in discussing policies related to the county budget.

31. Sloan's conduct was committed under color of state law as Sheriff of the County.

32. As Sheriff, Sloan's above-described actions constituted state action.

33. As Sheriff, Sloan adopted an official policy for the Sheriff's office to impede and prevent discussion regarding the financial operation of his department.

34. Zerla has a constitutionally protected right to free speech as guaranteed through the First Amendment of the United States Constitution and made enforceable through 42 U.S.C. §1983.

35. Sloan intentionally and willfully violated Zerla's constitutional right to free speech, in violation of 42 U.S.C. §1983, first by intimidating Zerla to the point he would be prevented from speaking about budget policies and resign from his duly elected office; and second, with deliberate indifference, by placing Zerla in a position of danger that he would not have otherwise faced.

36. Sloan acted intentionally and with callous disregard for Zerla's clearly established constitutional rights.

37. As a direct and proximate result of the Sloan's violations of Zerla's constitutional rights, Zerla has suffered severe and substantial damages. These damages include lost wages, loss of reputation, embarrassment, inconvenience, and emotional anguish and distress and other compensatory damages, in an amount to be determined by and jury and the Court.

WHEREFORE Plaintiff, Fulvio Zerla, respectfully requests that this Court enter judgment in his favor and against Defendants, Steve Sloan and the Stark County Board, as follows:

- A. For appropriate compensatory damages to be determined at trial;
- B. For appropriate declaratory relief regarding the unlawful and unconstitutional acts of Defendants;

- C. For appropriate equitable relief against Defendants as allowed by 42 U.S.C. §1983, including the enjoining and permanent restraining of these violations, and direction to Defendants to take such affirmative action as is necessary to ensure that the effects of the unconstitutional and unlawful practices are eliminated and do not continue;
- D. For an award of punitive damages against Steve Sloan in his individual capacity;
- E. For an award of reasonable attorney's fees and costs expended pursuant to 42 U.S. C. §1988; and
- F. For such other and further relief to which Plaintiff may show himself entitled.

Fulvio Zerla,  
Plaintiff,

By: /s/ Julie L. Galassi  
JULIE L. GALASSI, ESQ., BAR NO. 6198035  
DUSTIN R. JENSEN, ESQ., BAR NO. 6306248  
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FULVIO ZERLA, )

Plaintiff, )

vs. )

STARK COUNTY, ILLINOIS and STEVE )  
SLOAN, in his Individual and Official )  
Capacity. )

Defendant. )

Case No. 19-cv-1140

Jury Trial Demanded

**NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS**

To: Stark County, Illinois  
c/o Stark County Clerk  
130 W. Main St.  
Toulon, Illinois 61483

**Why are you getting this?**

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

**What happens next?**

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).



If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: April 25, 2019

By: /s/ Julie L. Galassi  
JULIE L. GALASSI  
DUSTIN R. JENSEN  
HASSELBERG, ROCK, BELL & KUPPLER, LLP  
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djensen@hrbkllaw.com

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	)	
Defendant.	)	

WAIVER OF THE SERVICE OF SUMMONS

To: Julie L. Galassi

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from April 25, 2019, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of the attorney or unrepresented party*

\_\_\_\_\_  
*Printed name of party waiving service of summons*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Email Address*

\_\_\_\_\_  
*Telephone number*

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### **Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on April 25, 2019, she served a copy of *Plaintiffs' Complaint, Notice of Lawsuit and Request to Waive Service of Summons, two copies of a Waiver of Service Form and a prepaid return envelope* by depositing the same in the U.S. Mail at Peoria, Illinois, with proper postage affixed thereto, to:

Stark County Clerk  
130 W. Main St.  
Toulon, Illinois 61483

Fulvio Zerla,  
Plaintiff,

By: Julie L. Galassi  
JULIE L. GALASSI  
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