

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA**

KRISTOPHER PATRICK ALCORN,	:	
	:	Case No:
Plaintiff,	:	
	:	
v.	:	
	:	
MASON CITY POLICE OFFICERS	:	COMPLAINT
STRATTON STEFFY & JASON	:	
STILES, & THE MASON CITY	:	
POLICE DEPARTMENT	:	
	:	JURY TRIAL DEMANDED
Defendants.	:	
	:	

INTRODUCTION

This is a civil rights action for unlawful First Amendment retaliation, malicious prosecution, false arrest and intentional infliction of emotional distress stemming from an alleged assault that occurred at the Mason City Menards on July 13, 2014.

One of the cornerstones of our constitutional democracy is the right of to be free from arrest for crimes that any reasonable police officer doing a proper investigation would know you did not commit. Unfortunately for the Plaintiff, Kristopher Patrick Alcorn, this constitutional right was abused by the very public servants who take an oath to uphold that constitutional right.

On July 13, 2014, Menard’s employee Lloyd Jones left his shift early, slightly before noon, and more than six hours later reported to the Mason City Police Department that he had been assaulted at work by a customer. Although Jones told a doctor a different story and although Jones had a history of creating injuries at work to receive benefits, Mason City Police Officer Stratton Steffy took Jones story at face value regardless of reams of evidence that suggested Jones veracity was more than a little questionable. Without conducting an even a

reasonable competent investigation, Officer Steffy buried his head in the sand and unconstitutionally focused on and arrested the Plaintiff for an assault he did not commit. As damaging as this false arrest and malicious prosecution has been for the Plaintiff, his reputation and business, that damage was compounded when Mason City Police Officer Jason Stiles decided to retaliate against the Plaintiff on social media for exercising his constitutional right to question his treatment at the hands of Mason City law enforcement.

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 and the Fourth and Fourteenth Amendments to the United States Constitution and under the common law of the State of Iowa. Title 28 U.S.C. §§ 1331 and 1334 provide federal jurisdiction over all federal claims, 28 U.S.C. § 1367 provides supplemental or pendant jurisdiction for this Court to entertain claims arising under the laws of the State of Iowa.

2. Venue is proper in the North District of Iowa under 28 U.S.C. §§ 1391 and 1402(b) because plaintiff resides in Clear Lake, Iowa within the Northern District of Iowa and the incidents giving rise to this claim occurred within this district.

PARTIES

3. Plaintiff Kristopher Patrick Alcorn (“Kit”) was at all times relevant to this Complaint a resident of Clear Lake, Iowa situated in Cerro Gordo County.

1. Defendant Stratton Steffy (“Steffy”) was at all times relevant to this Complaint a duly appointed police officer of the Mason City, Iowa Police Department. . In his capacity as a Mason City Police Officer, Defendant Steffy had a legal obligation to act in conformity with the United States and Iowa Constitutions and other applicable federal and state laws. Defendant

Steffy is sued in his individual capacity and at all times relevant to this Complaint was acting within this scope and course of his employment with the Mason City Police Department.

2. Defendant Jason Stiles (“Stiles”) was at all times relevant to this Complaint a duly appointed police officer of the Mason City, Iowa Police Department. . In his capacity as a Mason City Police Officer, Defendant Stiles had a legal obligation to act in conformity with the United States and Iowa Constitutions and other applicable federal and state laws. Defendant Stiles is sued in his individual capacity and at all times relevant to this Complaint was acting within this scope and course of his employment with the Mason City Police Department.

3. Defendant Mason City Police Department (“Police Department”) is a political subdivision of the State of Iowa existing and operating pursuant to the laws of the State of Iowa. The Mason City Police Department has a legal responsibility to operate according to the laws of the United States and the State of Iowa, including, but not limited to, the United States Constitution.

FACTUAL ALLEGATIONS

The Background

4. Plaintiff Kit Alcorn is a native of Sac City, Iowa who now resides in Clear Lake, Iowa with his wife and children.

5. After graduating from the University of Northern Iowa with a BA in Criminology & Sociology, Kit worked as a police officer for the Newell Police Department in Newell, Iowa.

6. Prior to joining the Newell Police Department, Kit had interned and worked part-time with various law enforcement agencies while attending college.

7. After working for Newell Police Department for approximately a year, Kit decided to join his father's employer in a sales capacity after his father convinced him that within a few years Kit and his father could take over the business.

8. In January 2002, Kit started Quality Pump & Control, Inc. based in Mason City, Iowa.

9. Quality Pump & Control, Inc. sells and services pumps and controls for the water and wastewater industry in Iowa and Nebraska and does approximately one million dollars in annual sales.

10. Kit is a prominent businessman and well-liked member of the Clear Lake and Mason City communities as is his wife, Wendy, who works for DHS in the Child Support Recovery Unit in Mason City and has since approximately 2000.

The Alleged Assault Incident at Menards & Arrest of Kit Alcorn

11. On July 13, 2014, Kit and his wife went to the Menards store on Village Green Drive in Mason City to shop for a mini-refrigerator.

12. After locating the refrigerators and noting the sizes and prices available, Kit and his wife left the aisle heading west to exit the store and head to Sears to compare prices.

13. Adjacent to the dog food isle, the couple ran into Joe Davis and his wife, friends of theirs from the Mason City area, and they stood talking with them for approximately 5-8 minutes.

14. Before leaving, Kit grabbed and paid for a bag of dog food.

15. The couple left the store at approximately 11:58 AM after purchasing the bag of dog food.

16. After comparing the prices for similar refrigerators at Sears and being told that it would take approximately four weeks for their desired refrigerator to be delivered, Kit and his wife returned to Menards to purchase a refrigerator that had seen on their previous visit that morning.

17. Kit and his wife purchased the refrigerator at 12:48 PM using a credit card.

18. One day later, on July 14, 2014, Kit received a call from Mason City Police Officer Stratton Steffy at 6:31 PM.

19. Steffy's report notes the date he spoke with Kit was July 17, 2014 but the actual date of Steffy's initial contact with Kit was July 14, 2014 as phone records confirm. Steffy's report is full of mistakes such as this showing his sloppiness in either accurately reporting details or in keeping proper notes from which to compile an actual report at a later date.

20. Steffy asked Kit if he been involved in an altercation with a Menard's employee on July 13th.

21. Although Kit was caught off guard by the phone call, he truthfully informed Steffy that he had no idea what Steffy was talking about.

22. Kit repeatedly asked Steffy if he was joking and who had put Steffy up to such a prank.

23. After telling Kit that he was not joking, Steffy asked Kit if he had been at Menards on July 13, 2014 and Kit admitted that he had, in fact, been at the store that day.

24. Kit informed Steffy that he and his wife had purchased a refrigerator and again he asked Steffy if this was some sort of joke.

25. Despite his Steffy's denials, Kit informed Steffy that he was concerned he was being pranked and he asked Steffy for Steffy's full name and the number of the Mason City Police Department so that Kit could call Steffy back.

26. Kit immediately called back the number Steffy provided and reached a receptionist with the Mason City Police Department. When Kit asked for an Officer Steffy, the receptionist transferred Kit to Officer Steffy's desk.

27. Steffy again asked Kit if he had been involved in an altercation with a Menard's employee on the 13th and Kit again informed Steffy that he had not been involved in any altercation at Menard's and furthermore that he had no idea why Steffy should be contacting him about such a matter.

28. In addition, Kit explicitly told Steffy that to the extent Steffy believed Kit had something to do with such an altercation, Steffy had the wrong man.

29. Approximately three weeks later, on August 8, 2014 at 5:58 PM, Steffy again contacted Kit and asked Kit to come speak with him about the altercation at Menard's that they had previously spoken about.

30. Kit informed Steffy that he was out to dinner with friends and was there a different time that they could speak about the matter. Steffy informed Kit that he would call Kit on Sunday, August 10, 2014 when he got on duty that day.

31. At 6:08 PM on Sunday the 10th, Kit received a call from Steffy. At that time, Kit informed Steffy that given Steffy's continued interest in him regarding apparently false allegations that he was involved in an assault, Kit thought it best to retain a lawyer prior to speaking with Steffy again. At that point, Steffy abruptly ended the phone call.

32. Two days later, Kit called Steffy at 4:04 PM to let Steffy know that he had retained Richard Piscopo to represent him and that if Steffy desired, they could set up a time to come speak with Steffy and answer any remaining questions he might have regarding the alleged assault.

33. At this time, Steffy became extremely excited and verbally agitated with Kit. Steffy informed Kit that it was now too late and at this point he was going to charge Kit with serious

assault that Kit was required to tell Steffy where he was so that Steffy could come place him under arrest and transport him to jail for fingerprinting and booking.

34. Kit informed Steffy was not comfortable with the way Steffy was talking to him and that if he wanted more information, Steffy would need to call and speak with Attorney Piscopo.

35. Nine days later, on August 21, 2014, Kit learned there was a warrant out for his arrest and he turned himself into the Cerro Gordo County Sherriff's Office.

36. Kit was arrested, booked & processed and had to post a one thousand dollar bond before being released.

37. That evening Kit & Wendy had to tell their children that Kit has been arrested for a serious assault that he did not commit.

38. Their children had lots of questions, and Kit and Wendy did their best to reassure them that Kit had not committed the assault or any crime, for that matter, and soon enough, everyone would know that the charges were false.

39. Little did they know at the time, but it would take almost six months, thousands of dollars and countless sleepless nights and questions from friends and neighbors before that simple prediction was even close to coming true.

40. Meanwhile, Kit's business suffered because of the anxiety of being falsely accused and charged and revenue for the company dipped as Kit is the primary salesperson for this business.

Officer Stratton Steffy's Investigation & Decision to Arrest

41. At approximately 6:29 PM on July 13, 2014, Steffy was dispatched to the Mason City Police Department to speak with Menard's employee Lloyd Steven Jones ("Jones") who was reporting he had been assaulted at work that same morning.

42. Jones told Steffy that while stocking shelves in the back isle at Menards, he had been approached by an unknown female customer asking about countertops.

43. Jones reported that after returning and informing the female that someone would be with them as soon as possible, he was approached by a white man complaining about the way Jones had treated the man's wife.

44. Jones reported the man threatened to hit him and when Jones said no, the man picked him up and threw him down onto a pallet piled with boxes.

45. Jones told Steffy that he called a store manager over during the incident and that the store manager sent him home for the day.

46. Jones also apparently told Steffy that another Menard's employee had been just down the aisle during the encounter and had witnessed the alleged assault.

47. Steffy asked Jones to fill out a statement form but rather than insisting that Jones complete the form while the incident was fresh in his mind, Steffy suggested and then allowed Jones to leave with the form to complete at a later time.

48. During this initial interview, Steffy never once asked Jones to give a physical description of either the woman initially asking for help or for the man who allegedly assaulted him. Steffy never asked Jones to describe how the alleged assailant was dressed.

49. Steffy did take photographs of the physical injuries Jones claimed to have received as a result of the alleged assault.

50. Later that evening, Jones went to Mercy Medical Center in Mason City for treatment of his alleged injuries.

51. Steffy went to Menards to interview the manager called over by Jones during the incident and also the female employee who has been nearby and allegedly witnessed the assault.

52. At Menards, Steffy spoke with Dustin Pixley (“Pixley”), the manager that responded to the incident. Pixley told and gave a statement to Steffy that he did not witness the assault but that he arrived sometime after and asked the male customer what had happened.

53. Pixley told Steffy that the customer reported that Jones has smarted off to his wife but when Pixley asked if the customer wanted the store manager to respond to the incident, the customer refused. The customer declined to speak about the incident with the store manager, Pixley reported to Steffy.

54. Pixley then spoke to Jones about how Jones had treated the customers and asked Jones if he wanted to fill out a report on his arm. Pixley told Steffy that Jones refused to fill out a report and refused to discuss with Pixley the incident with the customer.

55. Instead, Pixley told Steffy, Jones left the store and went home.

56. Steffy did not ask Pixley what time the alleged assault occurred. Likewise, Steffy did not ask Pixley or Menards to see the records of when Jones clocked out from work at Menards that day.

57. Steffy never attempted to determine what time the alleged assault occurred.

58. As with Jones, Steffy also never asked Pixley to give a physical description of the customer alleged to have assaulted Jones despite the fact, according to Steffy’s report, that Pixley had significant interaction with the customer immediately after the alleged incident.

59. Steffy also spoke to Menard’s employee Alexis Sliger who was the young woman who had apparently witnessed the alleged assault from down the aisle.

60. Like Pixley, Sliger prepared a statement for Steffy in which she said there was an altercation between Jones and a male customer in which the customer threw Jones down and that afterwards, Jones left work.

61. And once again, like with both Jones and Pixley, Steffy never asked Sliger to give a physical description of the alleged assailant and never asked her what time to the alleged assault occurred.

62. Unlike Pixley, who alleged he had asked Jones if he wanted to fill out a report about his arm, Sliger specifically told Steffy that neither Jones nor the customer had informed Pixley there was a physical altercation.

63. Both Pixley and Sliger gave written statements to Steffy dated July 13, 2014.

64. Steffy also spoke to the Village Green Drive Menard's store manager who told Steffy there would be video footage in the store security office.

65. Without having any specific information as to who the suspect in the alleged assault might be, the store manager curiously told Steffy that he would find out the male's name due to him using a credit card at the store.

66. Finally, the store manager informed Steffy that it usually takes about a week to get the information.

67. The following day, July 14, 2014, Jones returned to the Mason City Police Department and dropped off a handwritten statement that indicated he was in the back aisle of Menards stocking shelves from a pallet when a man approached him and told him, I'm going to punch you in the face. Jones then wrote that the man lifted him up and threw him down onto the boxes and pallet and that as a result he sustained cuts and bruises on his arm.

68. That same day, the Menard's store manager contacted Steffy and gave Steffy Kit's name as the suspected assailant based solely and exclusively on a credit card receipt for a bag of dog food purchased at Menards around the time of the alleged assault.

69. Steffy never asked the store manager why they thought Kit was the assailant based solely on a credit card receipt when the incident occurred on a Sunday afternoon soon after local church services ended when there were hundreds of other customers in the store and where dozens, at least, had checked out within minutes of Kit.

70. Again, Steffy never inquired as to what time the alleged assault occurred and therefore did not know whether Menards proffering of Kit as a suspect was reasonable or unreasonable and Steffy took no action to independently verify the veracity of Menard's proffer.

71. Finally, on July 14, 2014, Steffy reached out to Kit to ask about the alleged assault. Kit denied any knowledge of an assault at Menards on July 13, 2014 and denied being involved.

72. After Kit's denials of knowledge and participation, Steffy met with Jones again on July 15, 2014 to purportedly take follow-up photographs of his injuries. Steffy was apparently unable to take photographs since Jones informed Steffy that he had gone to the hospital the evening of the alleged incident and that the hospital had informed him not to take the bandage off his arm. Jones did inform Steffy, however, that the hospital had taken photographs of his injuries. Steffy had Jones fill out a medical release form so Steffy could obtain copies of Jones medical records.

73. Steffy received Jones medical records from Mercy Medical Center – North Iowa dated July 13, 2014. Physician Rajendra Singh prominently indicated that Jones told him that Jones had received the injuries from being "pushed down the stairs."

74. Despite having the contradictory medical records in front of him, Steffy never once asked Jones to explain why he had told the doctor he received his injuries from being pushed down the stairs instead of being assaulted at Menards. Likewise, Steffy never reached out to Dr. Singh to ask about Jones explanation for his injuries and whether those explanations would be consistent with the type of injuries Jones had sustained.

75. Furthermore, Steffy never asked Menards or Jones if he had ever been injured at work before. Such inquires would have revealed that Jones has a history of making false claims for work –related injuries.

76. On July 31, 2014, Menards gave Steffy two brief snippets of surveillance video reportedly showing Kit and his wife leaving the store and the couple walking by an aisle that the assault is alleged to have occurred in.

77. Menards employs an extensive security camera system in the Village Green Drive store designed, among other things, to detect shop lifting and to protect its customers and employees in the cases of accidents.

78. Cameras are positioned to cover the entire sales floor, including the back aisle of the Village Green Menards which is where the alleged assault occurred.

79. Steffy failed in his duty as a reasonable police officer investigating a crime because he did not subpoena or otherwise ask to obtain or see the Menard’s surveillance from July 13, 2014 even though he knew of the existence of the footage. Such surveillance footage would have captured the alleged assault on Jones and objectively show Steffy that Kit did not commit the crime.

80. Instead of obtaining actual footage of the assault, Steffy, contrary to the duties of a reasonable police officer, once again metaphorically buried his head in the sand accepted Menard’s evidence at face value. A reasonable police officer would have asked for or subpoenaed the entire surveillance footage. Steffy simply pulled a copy of Kit’s Iowa Driver’s License, compared the photo to the snippets of video, and without reasonable investigation, determined that Kit had committed the assault on Jones.

81. On August 2, 2014, Steffy asked Jones to meet him at Mason City Police Department. Steffy showed Jones the video and upon watching the clip of Kit and Wendy leaving the store, Jones informed Steffy that Menards had already shown him this exact same video snippet before.

82. In an attempt to test the veracity of Jones and Steffy's own thoughts, Steffy did not attempt to show the video snippets or any photographs of Kit to Sliger or Pixley to determine if they could identify Kit as the perpetrator of the alleged assault.

83. Instead, over a week later, on August 10, 2014, Steffy called Kit and asked to speak with him and Kit informed Steffy that he would not speak with Steffy again until he obtained an attorney.

84. Two days later, on August 12, 2014, Kit called Steffy discuss Steffy's allegations, and Kit informed Steffy that he was exercising his constitutional rights and had hired a private attorney to represent him in this matter. Kit told Steffy he was unjustly targeting Kit and he informed Steffy that he should call his attorney, Richard Piscopo to arrange a time to talk about and address Steffy's questions.

85. Instead of calling Piscopo to set up a time to interview Kit, Steffy harshly informed Kit that the time for interviewing was done and Steffy needed Kit to meet with him to be arrested for assaulting Jones. If Kit did not appear to be arrested, Steffy would have a warrant issued for Kit's arrest, he said.

86. On August 16, 2014, without probable cause and without asking for or reviewing evidence a reasonable police officer would have requested and reviewed given the month he had between the alleged assault and his determination of Kit's guilt, Steffy issued an arrest warrant for Kit.

Kit Alcorn's Trial

87. On February 10, 2015, Kit Alcorn's case went to trial in Cerro Gordo County in front District Associate Judge Karen Kaufman Relic.

88. Witnesses for the state were Sliger, Pixley and Jones.

89. Each witness was directly asked to identify Kit as the individual who committed the alleged assault against Jones. Neither Sliger, Pixley or the victim, Jones, could identify Kit as the perpetrator of the alleged assault.

90. In fact, each of the state's witnesses said they specifically could NOT identify Kit as perpetrator of the alleged assault.

91. After Jones failed to identify Kit, Kit's attorney Piscopo made a Motion for Judgment of Acquittal which was granted by District Associate Judge Relic.

92. Despite being the sole officer reasonable for the investigation and arrest of Kit, Steffy was not called to testify at Kit's trial after the people he interviewed and spoke to could not identify Kit as the assailant.

The Mason City Police Department Retaliates Against Kit for Questioning His Arrest

93. Although his trial ended in a Judgment of Acquittal, Kit's business and reputation suffered and he was determined to seek relief for his wrongful arrest.

94. Kit spoke to his criminal lawyer Piscopo about what his options were in terms of seeking legal redress.

95. Kit spoke openly to his family and his friends, including a Cerro Gordo County Deputy Sheriff about his desire to file a lawsuit against Steffy and the Mason City Police Department.

96. In late March and early April, Kit began calling prominent Iowa lawyers asking for representation in a lawsuit against Steffy and the Mason City Police Department.

97. The same Cerro Gordo Sheriff's Deputy informed by Kit of the coming lawsuit was specifically asked by a member of the Mason City Police Department what the status of Kit's case and/or lawsuit was.

98. Through the Cerro Gordo County Sheriff's Deputy and others, word filtered back to Steffy and other officers with the Mason City Police Department that Kit was preparing a lawsuit against Steffy and the Department.

99. On April 17, 2015, Officer Jason Stiles of the Mason City Police posted a message on Facebook that was critical of Kit and his business in retaliation for Kit's exercise of his First Amendment right to question law enforcement and petition his government for redress of grievances.

100. Stiles' message falsely accused Quality Pump & Control employee, Jason Rosauer ("Rosauer") of yelling the epitaph "fucking pig" at Stiles from a block away and continued, "[y]ou stay classy Quality Pump and Control, I'm sure your business will thrive with an awesome employee like that."

101. In fact, that day, Stiles approached Rosauer as he was backing his personal vehicle out of its parking spot in the Quality Pump & Control parking lot. Stiles was standing behind Rosauer's truck and he asked Rosauer, "is everything alright?" When Rosauer said sure and asked why, Stiles turned and abruptly left the parking lot.

102. Stiles created the encounter to add legitimacy to his false claim of a negative encounter with Kit's business and his employees.

103. Stiles message was intended and designed to negatively impact Kit's business in retaliation for his decision to pursue a lawsuit against a fellow officer.

104. Immediately, and in fulfillment of Stiles desire to damage Kit and his business, others individuals began responding to Stiles post, including comments saying, “I hope people see this can chose NOT to use them,” them meaning Quality Pump & Control.

105. Other members of the Mason City Police Department commented on Stiles Facebook post, including Officer Charlie Conner, who writes “I’ll be sure to give that area special attention, sounds like they might have employees of questionable moral character working for them. It's probably bad for other businesses in that area.”

106. Lt. Rich Jensen, the head of all investigators with the Mason City Police Department wrote “[s]ounds like a pump chump.”

107. When someone’s post asked when Quality Pump & Control was located, Stiles notoriously posted the address as 15th & S. Van Buren Ave., and then when he realized he’d given the wrong street address, quickly corrected himself to S. Harrison Avenue.

108. Immediately following Stiles Facebook posts, Kit began receiving calls from customers and friends asking about the messages, whether they were true and expressing concern his employees and business.

109. The posts caused Kit great anxiety and stress and as a result his sales calls have declined and existing sales order declined as well.

110. As a result of the anxiety and stress produced by the posts, Kit was forced to seek medical help to help him function and keep his business afloat.

The Mason City Police Department Retaliates Against Kit By Placing His Business Under Open and Notorious Surveillance

111. Furthermore, following Kit’s attempts to have undersigned counsel settle this matter amicably by sending Defendants and Defendant’s counsel a copy of this Complaint pre-

filing, officers from the Mason City Police Department began placing Kit and Quality Pump & Control under open and notorious surveillance.

112. Numerous times, including, but not limited to July 15, 2015, August 14, 2015 and as recently as August 19, 2015, the day before the filing of this Complaint, Mason City officers have engaged in this surveillance.

113. At various times during the work day, officers from the Mason City Police Department sit in the parking lot of 825 and 835 15th Street SW, Mason City and watch the comings and goings from Quality Pump & Control's front door and parking lot.

114. Officers have made no attempt to hide their surveillance from either Kit, him employee or members of the general public and instead seemingly make every effort to be noticed sitting at watching the business where all can see.

115. Kit's employees have begun commenting to him that police officers are driving by the office way more that they have ever noticed before.

116. Kit has not seen the officers engaged in any traffic stops and has never witnessed the officers holding or using a radar gun to clock drivers' speed on 15th Street SW.

117. In fact, on August 19, 2015, when Kit noticed an officer sitting in the parking area of 825 and 835 15th Street SW, he exited his office through the front door and began openly using his cell phone to record the officer.

118. Kit walked towards the officer holding his cell phone in front of him and when the officer noticed Kit recording him, the Officer abruptly started his patrol car and turned left on 15th Street SW, passing right in front of Kit.

119. Different officers from the Mason City Police Department are engaged in the surveillance and harassment of Kit and Quality Pump & Control, meaning superiors within the

department are aware of the activity and either condone it or turn a blind eye to the Department's unconstitutional retaliation against Kit.

CAUSES OF ACTION

COUNT I

**42 U.S.C. § 1983 – CONSTITUTIONAL TORT - FIRST AMENDMENT RETALIATION
– DEFENDANT STILES & MASON CITY POLICE DEPARTMENT**

120. Plaintiff incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

121. Openly question police officer behavior and actions and petitioning the government for redress of your grievances by openly contemplating and/or filing a lawsuit about those officers' actions is conduct protected by the First Amendment to the United States Constitution.

122. Defendant Stiles social media posts and interactions with Plaintiff's employee constitute retaliation and harassment for Plaintiff engaging in activity protected by the First Amendment to the United States Constitution.

123. Defendant Mason City Police Department's open and notorious surveillance of Kit and his business constitutes harassment and retaliation against Kit for Kit's constitutionally protected decision to question the Mason City Police Department and the actions of its officers as well as his decision to seek a redress of these grievances in federal court.

COUNTS II & III

**42 U.S.C. § 1983 - CONSTITUTIONAL TORT - MALICIOUS PROSECUTION &
STATE TORT – MALICIOUS PROSECUTION – DEFENDANT STEFFY**

124. Plaintiff incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

125. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution and Iowa state law to be free from unreasonable seizure of his person, a right Defendant Steffy violated when arresting Plaintiff without probable cause and without a reasonable belief that Plaintiff had committed any crime.

126. Furthermore, Defendant Steffy actively participated in the commencement and/or maintenance of the criminal proceeding against Plaintiff in retaliation for Plaintiff's engaging in his constitutionally protected right not to answer questions from Defendant Steffy and/or to only answer questions from Steffy with a lawyer of Plaintiff's choosing on hand.

127. Defendant Steffy pursued this prosecution of Plaintiff with malice in retaliation for Plaintiff's engagement in his constitutionally protected rights and/or without any probable cause or reasonable basis to believing that Plaintiff had committed assault or any other crime in the State of Iowa.

COUNTS IV & V
42 U.S.C. § 1983 – CONSTITUTIONAL TORT - FALSE ARREST & STATE TORT –
FALSE ARREST– DEFENDANT STEFFY

128. Plaintiff incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

129. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution and Iowa state law to be free from unreasonable seizure of his person, a right Defendant Steffy violated when, claiming to act under proper legal authority, he arrested Plaintiff without any probable cause or reasonable basis for believing that Plaintiff committed an assault or committed any other crime in the state of Iowa.

130. Defendant Steffy pursued this prosecution of Plaintiff with malice in retaliation for Plaintiff's engagement in his constitutionally protected rights and/or without any probable

cause or reasonable basis to believing that Plaintiff had committed assault or any other crime in the State of Iowa.

COUNT VI
STATE TORT – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS– ALL
DEFENDANTS

131. Plaintiff incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

132. Defendant Steffy acted intentionally to arrest and bring criminal charges against Plaintiff without probable cause.

133. Defendant Steffy acted intentionally to retaliate against Plaintiff for exercising his constitutional right to refuse to answer questions & to seek a lawyer’s advice before speaking with the Defendant.

134. Defendant Stiles acted intentionally to retaliate against Plaintiff for exercising his constitutional right to question police officer conduct and to petition his government for redress of his grievances.

135. Defendants Steffy and Stiles conduct was extreme and outrageous and likely to result in emotional distress to the Plaintiff.

136. Defendants Steffy and Stiles caused Plaintiff to suffer extreme emotional distress.

137. As a direct and proximate result of Defendant Steffy and Stiles’ conduct, Plaintiff suffered the damages described above.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing, Plaintiff respectfully requests the following:

- a. An award of compensatory damages against all Defendants, joint and severally, in an amount to be determined at trial;

- b. An award of punitive damages against all Defendants;
- c. An award for costs, expenses and counsel fees pursuant to 42 U.S.C. § 1988; and
- d. Enter such other relief as this Honorable Court may deem just and deserving.

JURY DEMAND

A trial by jury is hereby demanded.

Thursday, August 20, 2015

Respectfully submitted,

s/Glen S. Downey

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