

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

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GEORGE SELLS IV and HEIDI THIEL,)
)
Plaintiffs,)
)
v.)
)
JEFF BERRY,)
)
Defendant.)

STEPHEN J. CLARK, CLERK
U.S. DISTRICT COURT
NO. 03-0303
NORTHERN DISTRICT
OF INDIANA

COMPLAINT
(Jury Trial Demanded)

NATURE OF THE ACTION

1. This is a diversity action. George Sells and Heidi Thiel claim that they were falsely imprisoned and assaulted by Jeff Berry, the Imperial Wizard of the American Knights of the Ku Klux Klan, and his Klan followers. Sells and Thiel seek compensatory damages for the harm they have suffered and punitive damages to punish Berry and to deter him and others from similar misconduct in the future.

PARTIES

2. George Sells IV is an adult citizen and resident of the State of Kentucky. He is a reporter for WHAS-TV, a television station in Louisville, Kentucky.

3. Heidi Thiel is an adult citizen and resident of the State of Kentucky. She is a cameraperson for WHAS-TV.

4. Jeff Berry is an adult citizen and resident of the State of Indiana. He is the Imperial Wizard – Emperor – of the American Knights of the Ku Klux Klan (“the American Knights”). The Klan followers mentioned in this complaint were Berry’s agents. They acted within the course and scope of their agency, in

concert with Berry, and with Berry's authorization when they committed the acts alleged in this complaint.

JURISDICTION

5. The Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332. Plaintiffs Sells and Thiel are citizens of the State of Kentucky, and Berry is a citizen of the State of Indiana. For each plaintiff, the matter in controversy exceeds the sum of seventy-five thousand dollars, exclusive of interest and costs.

STATEMENT OF FACTS

6. Prior to November 17, 1999, Berry scheduled a Klan rally for southern Indiana, near Louisville. Because WHAS-TV considered the planned rally to be newsworthy, the station contacted Berry and requested that he consent to a recorded, on-camera interview. Berry agreed to be interviewed and invited WHAS-TV to send reporters to his home in Newville, Indiana.

7. On November 17, 1999, Sells and Thiel traveled from Kentucky to Indiana to conduct the interview with Berry for WHAS-TV. Berry invited them into his home to conduct the interview.

8. After the interview, Berry asked Sells if he planned to interview Brad Thompson, a former Grand Dragon of the American Knights. When Sells answered that he did, Berry said that he did not want to be part of the story and demanded that Sells and Thiel give him the interview tapes. Sells and Thiel refused.

9. Because Sells and Thiel refused to give Berry the interview tapes, Berry and his Klan followers confined them inside the room where the interview had been conducted. Berry and a second Klan follower locked and blocked the

doors, and a third Klan follower blocked the driveway where Sells and Thiel had parked their vehicle.

10. Berry told Sells and Thiel that they could not leave unless they gave him the interview tapes. They continued to refuse.

11. While holding Sells and Thiel against their will, Berry spoke with WHAS-TV News Director Maria Reitan. Reitan promised Berry that the station would not air the interview without his permission.

12. After Berry spoke with Reitan, a fourth Klan follower entered the room, carrying a shotgun. Despite Reitan's promise, Berry would not let Sells and Thiel leave. Sells and Thiel were told to turn over the interview tapes. When they refused, the armed Klan follower pumped the shotgun to further intimidate them.

13. Fearing that they would be harmed, Sells and Thiel decided to let Berry have the interview tapes. As Thiel was in the process of giving the tapes to Berry, he grabbed them from her. He then allowed Sells and Thiel to leave.

14. The confinement and assault terrified Sells and Thiel.

CLAIMS

First Claim: False Imprisonment

15. Berry and his Klan followers intentionally confined Sells and Thiel.

16. Sells and Thiel were conscious of their confinement.

17. Sells and Thiel did not consent to their confinement, and Berry and his Klan followers did not have legal authority or privilege to confine Sells and Thiel.

18. As a result of being confined by Berry and his Klan followers, Sells and Thiel were unlawfully deprived of their personal liberty and freedom of locomotion.

19. As a result of being confined by Berry and his Klan followers, Sells and Thiel were frightened and apprehensive, and they suffered other mental distress and trauma.

20. Berry's Klan followers acted within the scope of their duties for Berry, in concert with him, and with his authorization when they helped Berry confine Sells and Thiel.

Second Claim: Assault

21. By surrounding Sells and Thiel, physically blocking the exits and driveway, and wielding a shotgun in a threatening manner, Berry and his Klan followers caused Sells and Thiel to reasonably fear that Berry and his Klan followers would cause them imminent physical harm.

22. As a result of the assault, Sells and Thiel were frightened and apprehensive, and they suffered other mental distress and trauma.

23. Berry's Klan followers acted within the scope of their duties for Berry, in concert with him, and with his authorization when they helped Berry assault Sells and Thiel.

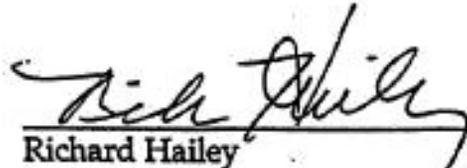
PRAYER FOR RELIEF

WHEREFORE, the plaintiffs pray for:

- (1) a judgment against Berry to sufficiently compensate each plaintiff for his or her damages and injuries;
- (2) punitive damages;
- (3) reasonable costs, interest, and attorneys' fees; and

(4) any other relief the Court deems just and proper.

Dated this ____ day of January 2000.



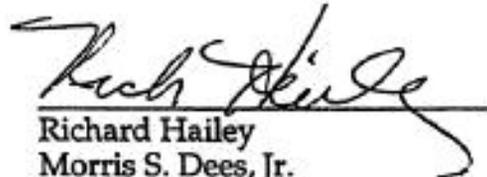
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DEMAND FOR JURY TRIAL

The plaintiffs demand a trial by jury.



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