

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA BHATT and MEERA SIDHU,

Plaintiffs,

Case No.

v.

Hon.

TWO UNKNOWN NAMED AGENTS
OF THE UNITED STATES
CUSTOMS AND BORDER
PROTECTION, jointly and severally,

Defendants.

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COMPLAINT AND JURY DEMAND

Plaintiffs Lisa Bhatt (“Bhatt”) and Meera Sidhu (“Sidhu”) (jointly, “Plaintiffs”), by their counsel, Wiener & Gould, P.C., hereby complain against the above-captioned defendants and for their cause of action allege the following:

PARTIES AND JURISDICTION

1. Bhatt is a Canadian citizen residing at 4853 Whitefish Crescent, Windsor, Ontario N9G3E2.

2. Sidhu is a Canadian citizen residing at 27 Coates Drive, Milton, Ontario L9T5R4.

At the time of the events giving rise to this action, she was unmarried and went by her maiden name, which was Meera Beri.

3. Plaintiffs have frequently traveled between the United States and Canada at the Detroit border post. Plaintiffs hold Nexus cards to facilitate their border crossings.

4. Bhatt holds a TN Visa to the United States.

5. Sidhu formerly held an F1 student visa to the United States and was a student at Wayne State University.

6. Upon information and belief, the two unknown named Defendants (individually, “Doe” and “Roe”) (jointly, “Defendants”) were at all material times employed as officers of the United States Customs and Border Protection (“CBP”) and stationed in the office located at 3033 West Porter Street, City of Detroit, County of Wayne, State of Michigan 48226.

7. The identity of Doe is presently unknown but identifiable and within the possession of the CBP.

8. The identity of Roe is presently unknown but identifiable and within the possession of the CBP.

9. Plaintiffs will seek leave to amend their complaint once they have been able to learn the actual names of Doe and Roe through discovery.

10. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331.

11. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b)(2) because a substantial part of the events giving rise to Plaintiffs’ claims occurred in this district.

FACTUAL ALLEGATIONS

12. Plaintiffs have regularly traveled between Windsor and the United States. Bhatt holds a TN Visa; Sidhu held an F1 student visa. When crossing to the United States, their usual route was to enter the United States by crossing the Ambassador Bridge to Detroit, Michigan.

13. On the evening of March 5, 2010, Sidhu crossed from Detroit to Ontario to meet Bhatt and drive with her to an Alecia Keys concert in Detroit. Sidhu and Bhatt left in Sidhu's car at approximately 6:30 p.m. and arrived at the Ambassador Bridge shortly thereafter.

14. The border crossing was very busy that evening, requiring Plaintiffs to sit in traffic on the bridge.

15. As Plaintiffs sat in their car, they were approached by two CBP officers. These officers asked Plaintiffs where they were going and how frequently they visited the United States.

16. The two officials asked Plaintiffs for their passports and took them. The female officer informed Plaintiffs that "you're going to be pulled over." Neither officer stated any grounds for suspicion.

17. At the CBP booth, Plaintiffs were instructed to enter the CBP building in order to retrieve their passports. Plaintiffs complied.

18. Once inside the CBP building, Plaintiffs signed in and waited for approximately one hour.

19. While Plaintiffs waited, they observed Defendants bring out an unknown woman who apparently had just been searched. Plaintiffs observed that this woman was visibly upset.

20. Defendants called Bhatt and escorted her to a holding cell.

21. Inside the cell, Defendants instructed Bhatt to remove her shoes, socks, and top, so that she was wearing only leggings and a tank top.

22. At this time, Bhatt was eight months pregnant.

23. Defendant Doe asked Bhatt whether she had ever been “strip searched” or “invasively searched.” When Bhatt answered that she had not, Doe told her, “Well, you’re about to be. It’s very invasive.”

24. Neither Doe nor Roe stated any grounds for their belief that a strip search or invasive search was necessary.

25. Defendants directed Bhatt to face the cell wall and spread her arms and legs. As Doe watched, Roe began her search of Bhatt, starting at her feet.

26. When Roe reached Bhatt’s groin area, she stuck her fingers into Bhatt’s anus and vagina deeply enough that Bhatt’s leggings were pushed inside these orifices.

27. Roe proceeded to reach under Bhatt’s bra and fondled Bhatt’s bare breasts for a prolonged period.

28. Defendants then searched Bhatt’s purse and instructed Bhatt to put her clothes back on.

29. Defendants informed Bhatt that the search was “random.”

30. Defendants escorted Bhatt out of the cell, after which Defendants brought Plaintiff Sidhu back to the holding cell.

31. As with Bhatt, Defendants informed Sidhu that she was about to be subjected to a “random,” “invasive search.”

32. Defendants instructed Sidhu to remove all clothing other than her leggings and bra.

33. With Doe watching, Roe probed through Sidhu’s leggings into Sidhu’s anus and vagina with her finger.

34. Roe then reached under Sidhu’s bra and roughly squeezed Sidhu’s bare breasts.

35. After the search, Defendants informed Sidhu that she was “clear” and instructed her to go outside to wait.

36. Plaintiffs were then cleared for entry to the United States without any further questioning or explanation.

37. As a direct result of Defendants’ actions, Plaintiffs have suffered violations of their rights under the Fourth Amendment and sustained mental anguish as well as emotional pain and suffering.

38. Upon information and belief, Defendants were both acting in their capacities as officers of the CBP during all relevant and material times.

LEGAL CLAIMS

Count I

Violation of Fourth Amendment Rights

39. Plaintiffs incorporate herein paragraphs 1 through 38 of the Complaint.

40. Plaintiffs have significant voluntary connections with the United States which entitle them to the protections of the Fourth Amendment to the United States Constitution against unreasonable searches and seizures.

41. During the CBP search, Doe and Roe subjected Plaintiffs to invasive personal searches.

42. In the course of these searches, Roe thrust her fingers inside each Plaintiff’s anus and vagina, and fondled each Plaintiff’s bare breasts in a prolonged, deliberate manner.

43. These searches were carried out in a windowless concrete holding cell which Doe and Roe did not permit Plaintiffs to leave until they had completed their invasive searches.

44. Upon information and belief, these searches were carried out contrary to standard CBP procedure.

45. Further, Defendants' searches were carried out in the total absence of any reasonable suspicion that invasive personal searches were warranted by the circumstances.

46. These unauthorized, unduly threatening and physically invasive searches violated Plaintiffs' Fourth Amendment rights against unreasonable search and seizure.

47. As a direct result of these violations of their Fourth Amendment rights, Plaintiffs have suffered mental anguish and emotional distress.

48. Due to the outrageousness of Defendants' violations of Plaintiffs' constitutional rights, Defendants are jointly liable to Plaintiffs for punitive damages as well as compensatory damages for their mental anguish and emotional distress in amounts to be determined at trial.

CLAIMS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- I. Enter its judgment in favor of Plaintiffs and against each of the Defendants, jointly and severally, for compensatory and punitive damages in whatever amounts are found appropriate at trial;
- II. Award Plaintiffs their costs and disbursements of this suit, including, without limitation, reasonable attorneys' fees; and
- III. Grant Plaintiffs such other and further relief as the Court may deem just and proper.

/s/ S. Thomas Wiener (P29233)

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Dated: March 13, 2012

JURY DEMAND

Plaintiffs hereby demand a trial by jury of the above-captioned case.

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Dated: March 13, 2012