

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

PAUL SATKOWIAK and
PRIZZA SATKOWIAK,
Plaintiff,

Case No.: 24-cv-11229
Honorable _____

v.

**COMPLAINT
JURY DEMANDED**

BRIAN MARSHALL, in his official and
personal capacities,

and

JUSTIN SMITH, in his official and
personal capacities,
Defendants

_____ /

COMPLAINT

NOW COME Plaintiff PAUL and PRIZZA SATKOWIAK, by and through
counsel, and complains as follows:

PARTIES

1. Plaintiffs PAUL and PRIZZA SATKOWIAK are property owners of 2925 North Huron Road in Fraser Township (Bay County), Michigan.
2. Defendant BRIAN MARSHALL is an official of the Department of Environment, Great Lakes, and Energy who conducted a search of Plaintiff's property on April 11, 2024. He is sued in his official and personal capacities.
3. Defendant JUSTIN SMITH is an official of the Department of Environment, Great Lakes, and Energy who conducted a search of Plaintiff's property on April 11, 2024. He is sued in his official and personal capacities.

JURISDICTION

4. This is a civil action brought inter alia pursuant to 42 U.S.C. § 1983 seeking relief against Defendants for violations of the United States Constitution and Michigan law.

5. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which authorizes federal courts to decide cases concerning federal questions; 28 U.S.C. § 1343, which authorizes federal courts to hear civil rights cases; 28 U.S.C. § 2201, which authorizes declaratory judgments via the Declaratory Judgment Act; and 28 U.S.C. § 1367, which authorizes supplemental state law claim(s).

6. Venue is proper in this Court as Defendants conduct or conducted their business in the Eastern District of Michigan.

GENERAL ALLEGATIONS

7. On April 11, 2024, agents of the State of Michigan's Department of Environment, Great Lakes, and Energy descended on the real property known as 2925 North Huron Road in Fraser Township (Bay County), Michigan to conduct an unannounced and unasked-for inspection.

8. Defendants did not have permission from Plaintiffs.

9. On information and belief, Defendants had not secured a warrant.

10. Thereafter, Defendant JUSTIN SMITH wrote a letter to just Plaintiff PAUL SATKOWIAK confirming the permissionless and warrantless inspection on April 11, 2024 and confirmed there were no violations of Michigan law.

11. A copy of that letter is attached as **Exhibit A**.

COUNT I FOURTH AMENDMENT VIOLATION(S) 42 U.S.C. § 1983

12. The prior allegations are reincorporated herein.

13. The Fourth Amendment provides "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable

searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

14. In the absent of consent, a warrant, or an exemption to the warrant requirement, the permissionless search of 2925 North Huron Road in Fraser Township (Bay County), Michigan violated the Fourth Amendment.

15. Plaintiffs experienced harm by the unconstitutional actions undertaken by Defendants in contradiction of the Fourth Amendment to the United States Constitution.

16. The actions and/or inactions of Defendants, in their official capacity, is the result of a policy, custom, and/or practice sufficient to impose damages and other relief pursuant to *Monell v. New York City Department of Social Services* and its progeny.

17. Defendants, in their official capacity, are liable pursuant to the *Monell* standard as flowing from the execution of a policy or custom pursuant one or more of the four recognized methodologies, see *Thomas v. City of Chattanooga*, 398 F.3d 426, 429 (6th Cir. 2005).

18. The conduct of Defendants was reckless and undertaken with complete indifference and wanton disregard to the federal rights of Plaintiff Paul Satkowiak to be free from violations of the Fourth Amendment to the United States Constitution.

COUNT II
BAUSERMAN CLAIM – ART I, SEC 11

19. The prior allegations are reincorporated herein.

20. Article I, Section 11 of the Michigan Constitution provides—

The person, houses, papers, possessions, electronic data, and electronic communications of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things or to access electronic data or electronic communications shall issue without describing them, nor without probable cause, supported by oath or affirmation.

21. In the absent of consent, a warrant, or an exemption to the warrant requirement, the permissionless search of 2925 North Huron Road in Fraser Township (Bay County), Michigan violated the Michigan Constitution.

22. Plaintiffs have experienced harm by the unconstitutional actions undertaken by Defendants in contradiction of Article I, Section 11 of the Michigan Constitution.

**COUNT III
TRESPASS**

23. The prior allegations are reincorporated herein.

24. Plaintiffs are in lawful possession and control of 2925 North Huron Road in Fraser Township (Bay County), Michigan.

25. Defendants trespassed upon the North Huron Road property on April 11, 2024 without lawful authority or consent.

26. Due to governmental immunity, a damages award is not sought for the trespass under this Count; however, an injunctive order and declaratory relief is sought against both Defendants for their illegal trespassing upon 2925 North Huron Road in Fraser Township (Bay County), Michigan as has been a practice and/or asserted as an ongoing right to do so by Defendants.

RELIEF REQUESTED

27. WHEREFORE, Plaintiffs respectfully request this Court to—

a. Enter an order, pursuant to the Declaratory Judgment Act, declaring the conduct of Defendants as being both unconstitutional under the state and federal constitutions and contrary to the law of trespass;

b. Enter an order for injunctive relief to halt any further unannounced and unasked-for inspection(s) by Defendants in violation of state and federal law;

c. Enter an order for injunctive relief to halt further trespass(es) by Defendants in violation of Michigan law;

d. Enter an injunctive order to the command Defendants to destroy all notes, records, photographs, and/or any other catalogued information generated at or deriving from the events of April 11, 2024 and/or Defendants' illegal activities associated therewith, see *Snitko v. United States*, 90 F.4th 1250 (9th Cir. 2024) and *Fendler v. U.S. Parole Comm'n*, 774 F.2d 975, 979 (9th Cir. 1985) ("Federal courts have the equitable power 'to order the expungement of Government records where necessary to vindicate rights secured by the Constitution or by statute.'");

e. Award damages (including compensatory, economic, non-economic, punitive, and/or nominal) under 42 U.S.C. § 1983 against both Defendants solely in their personal capacities in amount deemed legally appropriate;

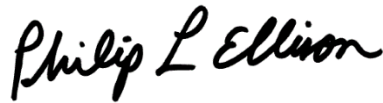
f. Enter an order for an award of actual/reasonable attorney fees, litigation expenses, and court costs pursuant to 42 U.S.C. § 1988 and all other applicable laws, rules, or statutes; and

g. Enter an order for all such other relief the court deems equitable.

JURY DEMAND

28. For all triable issues, a jury is hereby demanded.

RESPECTFULLY SUBMITTED:



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Date: May 9, 2024