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Kane settles excessive force suit for \$75,000

By Harry Hitzeman

Kane County recently settled a federal lawsuit for \$75,000 against the sheriff's department accusing a deputy of excessive force while arresting a Michigan man in Elburn in spring 2010.

One defendant in the suit, Michael Widlarz, also is accused of beating a man in Elgin in September 2009.

Jeffrey A. Nichols, 43, of Kalamazoo, filed a federal lawsuit against Widlarz, an eight-year veteran, other deputies and the department arguing that Widlarz used excessive force in punching him in the face and head while he was handcuffed during an arrest April 23, 2010 after authorities were called to the 4N600 block of Mohican Lane near Elburn.

The suit also claims officers conspired to cover up what happened and that Widlarz falsely accused Nichols of trying to take his gun.

In the settlement, the county does not admit guilt nor wrongdoing and Nichols pleaded guilty to attacking an officer.

Kane County Sheriff Pat Perez said the altercation was investigated by his department's Office of Professional Standards, which determined Widlarz did not do anything wrong and no disciplinary action was taken against him.

"Everybody weighs it out when you go through something like that. Would it be cheaper in the long run to settle even if you're right?" Perez said.

A message left with Widlarz's attorney, Michael Bersani, was not returned. Efforts to reach Widlarz also were unsuccessful.

Nichols pleaded guilty to felony aggravated battery to a police officer in July 2010, was fined \$1,810, served two days in jail and was given 18 months probation.

As part of the deal, prosecutors dropped charges of disorderly conduct, domestic violence, disarming a police officer, resisting arrest and aggravated assault against Nichols.

Nichols' attorney, Fabian Rosati, said his client's guilty plea hurt his ability to sue for damages and that Nichols made the final call on whether to settle.

Rosati said \$75,000 is still a significant sum for his client and it holds the department accountable for what happened.

It's a situation that shouldn't have happened and it did, Rosati said. The citizens of Kane County, they should know this took place and it shouldn't have taken place.

Widlarz, along with a host of other deputies, is also named in a suit filed by Michael Medrano.

Medrano argues that Widlarz used excessive force when he responded to a call on Sept. 11, 2009, of a burglary in progress.

According to the suit, Widlarz arrived and told Medrano he was under arrest, but the property owner told Widlarz that Medrano was there legally. Despite this, Widlarz punched Medrano repeatedly in the face and head, causing a deviated septum, according to the suit, which also was filed by Rosati.

The parties are due in federal court next week.