

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

2019 JAN 11 PM 4:36

JEFFREY P. COLWELL  
CLERK

Civil Action No. 1:18-cv-03112-RBJ-STV  
(To be supplied by the court)

BY \_\_\_\_\_ DEP. CLK

Sean Slatton, Plaintiff

v.

Todd Hopkins,

Brandon Barnes,

John Hutto,

Fort Collins Police Department, Defendant(s).

*(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)*

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**COMPLAINT**

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**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.**

**A. PLAINTIFF INFORMATION**

*You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.*

Sean Slatton, 3201 Brighton Blvd. Apt. #181, Denver, CO 80216

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(Name and complete mailing address)

(720)926-2890, shslatton@gmail.com

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(Telephone number and e-mail address)

**B. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."*

Defendant 1: Todd Hopkins, 2221 S. Timberline Road Fort Collins, CO 80525

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(Name and complete mailing address)

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(Telephone number and e-mail address if known)

Defendant 2: Brandon Barnes, 2221 S. Timberline Road Fort Collins, CO 80525

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(Name and complete mailing address)

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(Telephone number and e-mail address if known)

Defendant 3: John Hutto, 2221 S. Timberline Road Fort Collins, CO 80525

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(Name and complete mailing address)

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(Telephone number and e-mail address if known)

Defendant 4: Fort Collins Police, 2221 S. Timberline Road Fort Collins, CO 80525

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(Name and complete mailing address)

(970)419-3273

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(Telephone number and e-mail address if known)

**C. JURISDICTION**

*Identify the statutory authority that allows the court to consider your claim(s): (check one)*



Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

False Arrest (4th Amendment), Excessive Force, False Imprisonment

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18-3-303, C.R.S., 42 U.S. Code § 1983 - Civil action for deprivation of rights

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Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of \_\_\_\_\_.

If Defendant 1 is an individual, Defendant 1 is a citizen of \_\_\_\_\_.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of \_\_\_\_\_ (name of state or foreign nation).

Defendant 1 has its principal place of business in \_\_\_\_\_ (name of state or foreign nation).

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: \_\_\_\_\_

Supporting facts:

- Attached Pages/Documents

CLAIM TWO: \_\_\_\_\_

Supporting facts:

#### **D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: False Arrest: Civil Rights Act of 1871. (42 U.S.C. § 1983.) A section 1983 claim alleges that the defendant, "under color of law," violated the plaintiff's constitutional rights. The use of excessive force constitutes a valid claim under section 1983 because it violates the Fourth Amendment prohibition against "unreasonable seizures."

CLAIM TWO: Excessive Force

CLAIM THREE: False Imprisonment

#### Supporting facts:

On December 3rd, 2016, the Plaintiff was attending his spouses' sorority event.

The Defendants instructed the Plaintiff to leave the event due to false information.

The Plaintiff calmly and immediately complied with the Defendants. The Plaintiff exited the building and began ordering a car service to drive the Plaintiff back to the hotel where he was staying.

Completely unprovoked, the Defendants attacked the Plaintiff as he waited next to the parking lot of the building the event was in.

Video footage from the Defendants' body cameras, along with security camera footage from the event building showed the unwarranted actions occurred within a single minute of the Plaintiff being told to exit the building.

The Plaintiff was hospitalized after being beat with a baton and pepper sprayed.

The Plaintiff was taken from the hospital to the Larimer County Jail.

On the night of December 3rd, 2016, the Plaintiff was arrested by the Defendants and charged with:

18-04-0504 *3rd Degree Criminal Trespassing*

18-08-0104 *Obstructing a Peace Officer/Fireman*

18-08-0103 *Resisting Arrest*

#### **D. STATEMENT OF CLAIM(S)**

The Plaintiff was released from jail in the early morning hours of December 4th, 2016.

The District Attorney filed a motion to drop all of the charges against the Plaintiff and dismiss the case.

The motion/proposed order was granted by the county Court Judge on September 14, 2017.

All charges against the Plaintiff were dismissed. The actions of the Defendants on the night of December 3rd, 2016 were extremely excessive, unwarranted, and violated the constitutional rights of the Plaintiff.

The Defendant who caused the most offense is no longer a member of the Police Department.

Since the incident which occurred on December 3rd 2016, the main offending Defendant was involved in an incident where questionable amounts of force was used which gained massive amounts of public attention from news and social media. In the aforementioned incident, the Defendant struck a short, overweight woman with his baton for several minutes as an attempt to control her.

“After an internal affairs investigation, ([Defendants] Police Services Chief) said Thursday the recommendation by ([officer] Defendant) chain of command was for him to be fired.”  
-9News.com

This incident brings forth serious concerns regarding the incident that occurred on December 3rd, 2016 with the Plaintiff.

The Plaintiff is a larger than average male with a very large cyst in the back of his brain. The incident on the night of December 3rd, 2016 was completely unnecessary. The Plaintiff endured extreme damages due to the actions of the Defendants. Due to the Plaintiff having an invisible disability, both the Plaintiff and the Defendants are lucky the incident on December 3rd did not result in a death.

The Plaintiff has numerous items to be considered for discovery which will further validate these claims.

# D. STATEMENT OF CLAIM(S)

*Supporting Facts:*

COUNTY COURT, LARIMER (FT COLLINS) COUNTY, COLORADO	
Court Address: 201 Laporte Avenue, Suite 100, Ft. Collins, CO, 80521	DATE FILED: September 14, 2017 11:12 AM CASE NUMBER: 2016M3395
<b>The People of the State of Colorado v. SEAN HARRISON SLATTON</b>	<b>△ COURT USE ONLY △</b> Case Number: 2016M3395 Division: 5D      Courtroom:
<b>Order Granting Motion to Dismiss</b>	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 9/14/2017



THOMAS L. LYNCH  
County Court Judge



COUNTY COURT; LARIMER COUNTY, COLORADO 201 La Porte Avenue Fort Collins, CO 80521-2761 (970) 494-3500	
<b>PEOPLE OF THE STATE OF COLORADO vs.</b>  <b>Defendant:</b>  <b>SLATTON, SEAN HARRISON</b>	<b>▲ COURT USE ONLY ▲</b>
	Case No: <b>F16M3395</b>  Courtroom: <b>5D</b>
<b>ORDER TO DISMISS CASE</b>	

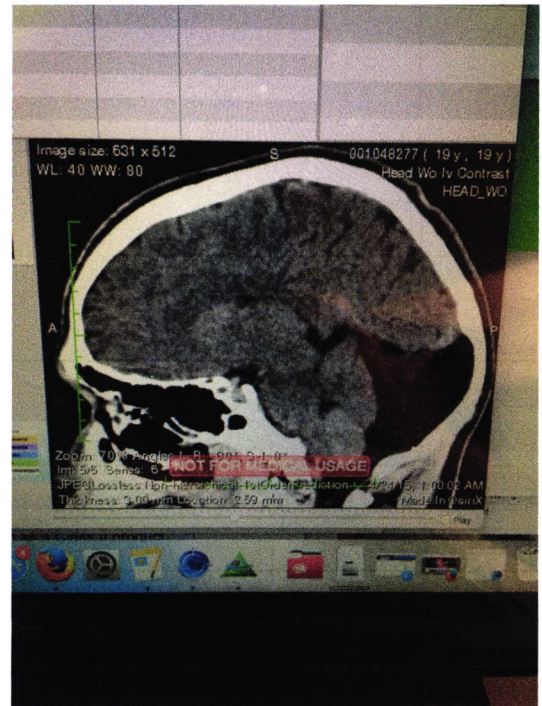
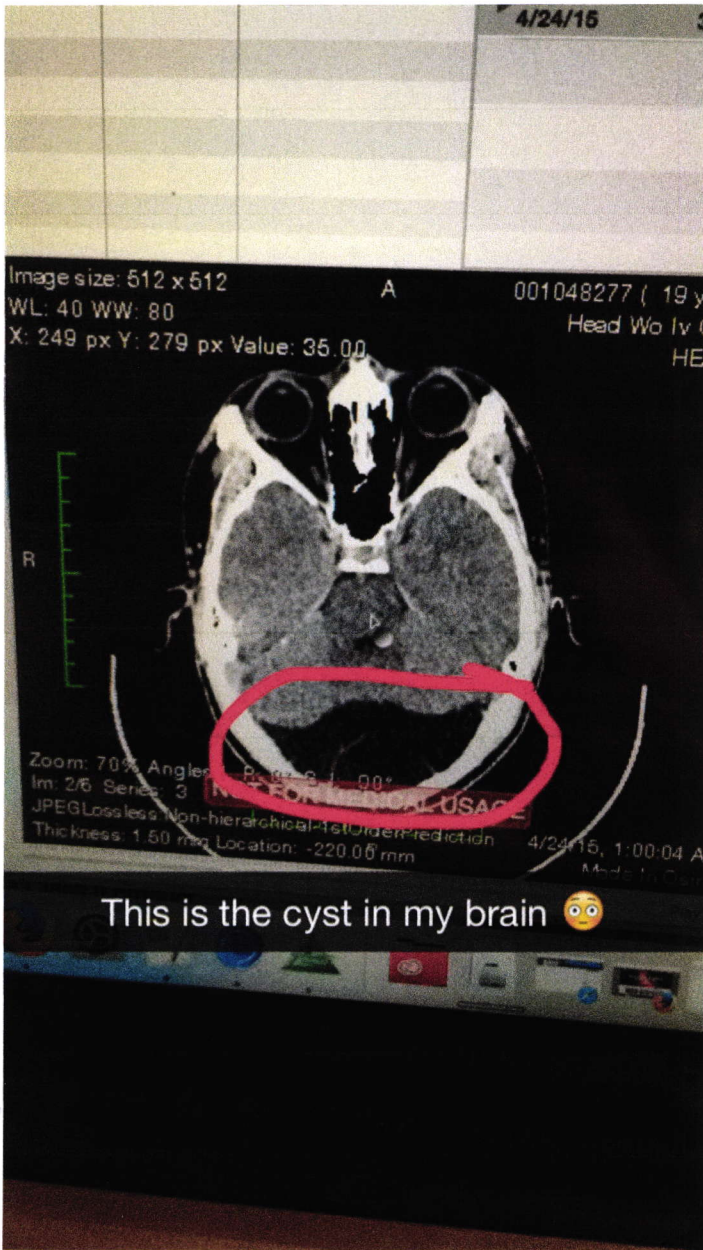
Upon motion to quash warrant and dismiss case filed by the District Attorney, the consent and approval of the court is given to the dismissal of case without prejudice this \_\_\_\_ day of AUGUST \_\_\_\_\_ 2017.

BY THE COURT:

\_\_\_\_\_  
 COUNTY COURT JUDGE

D. STATEMENT OF CLAIMS

Supporting Facts:



**E. REQUEST FOR RELIEF**

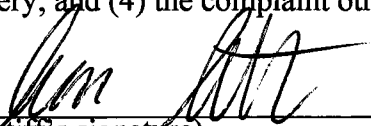
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

\$2,500,000 split between  
the named Defendants in "fair" amounts  
based on accountability.

**F. PLAINTIFF'S SIGNATURE**

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

  
\_\_\_\_\_  
(Plaintiff's signature)

1/11/2019  
\_\_\_\_\_  
(Date)