

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2019 JUN 14 PM 4:40

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. John Hutto

Heather Moore

Todd Hopkins

Randall Klamser

Brandon Barnes

Michael Harres

The City of Fort Collins

Dane Stratton

Andy Ferraro

Matthew Schuh

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.)

COMPLAINT

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, 951 20th St #8971, Denver, CO 80202

(Name and complete mailing address)

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

(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

(Name and complete mailing address)

(Telephone number and e-mail address if known)

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

(Name and complete mailing address)

(Telephone number and e-mail address if known)

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

(Name and complete mailing address)

(Telephone number and e-mail address if known)

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

(Name and complete mailing address)

(970)419-3273

(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.

42 U.S.C. § 1983, 490 U.S. 386, 396-97, 519 U.S. 357, 18 U.S.C. § 1503

18 U.S.C. § 242



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)

All of the named defendants were involved enough to substantiate writing an incident report about the events which occurred with the Plaintiff: Sean Slatton on the night of December 3rd, 2016. This is a pro se complaint which is intended to be both thorough and concise. As of 6/13/2019 the Plaintiff is still waiting upon his requested items of discovery.

The **Fourteenth Amendment**: states that a person's rights to life, liberty or property shall not be deprived without due process of law, nor shall any person be denied equal protection of the laws.

The **Fourth Amendment** protects the right to be free from unreasonable searches and seizures.

CLAIM ONE: **False Arrest**: Civil Rights Act of 1871. (42 U.S.C. § 1983.) A section 1983 claim alleges that the defendants, "under color of law," violated SLATTON'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." (Defendants: ALL).

CLAIM TWO: **Excessive Force/Physical Assault**: the government must, in most cases, prove that that the law enforcement officer used more force than is reasonably necessary to arrest or gain control of the victim. This is an objective standard dependent on what a reasonable officer would do under the same circumstances. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 386, 396-97 (1989). (Defendants: HOPKINS, KLAMSER).

CLAIM THREE: **False Imprisonment**: Invalid Use of Legal Authority — An example of an invalid use of legal authority is the detainment or arrest of a person without a warrant, with an illegal warrant, or with a warrant illegally executed. So long as the person is deprived of his personal liberty, the amount of time actually detained is inconsequential. See, e.g. *Schenck v. Pro Choice Network*, 519 U.S. 357 (1997). (Defendants: ALL EXCEPT: HUTTO, BARNES, HOPKINS).

CLAIM FOUR: **Obstruction of Justice**: 18 U.S.C. § 1503 defines "obstruction of justice" as an act that "corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice." (Defendants: ALL).

CLAIM FIVE: **Police Misconduct**: The federal criminal statute that enforces Constitutional limits on conduct by law enforcement officers is 18 U.S.C. § 242. Section 242 provides in relevant part: "Whoever, under color of any law, ...willfully subjects any person...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States [shall be guilty of a crime]." (Defendants: ALL).

CLAIM SIX: **Failure to Intervene**: An officer who purposefully allows a fellow officer to violate a victim's Constitutional rights may be prosecuted for failure to intervene to stop the Constitutional violation. To prosecute such an officer, the government must show that the defendant officer was aware of the Constitutional violation, had an opportunity to intervene, and

chose not to do so. This charge is often appropriate for supervisory officers who observe uses of excessive force without stopping them, or who actively encourage uses of excessive force but do not directly participate in them. (Defendants: BARNES, HUTTO, MOORE).

Regarding Qualified Immunity:

The defense of qualified immunity protects "government officials . . . from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

The rule of qualified immunity "**provides ample support to all but the plainly incompetent or those who knowingly violate the law.**" *Burns v. Reed*, 500 U.S. 478, 494-95 (1991) (quoting *Malley v. Briggs*, 475 U.S. 335, 341 (1986)).

"Therefore, regardless of whether the constitutional violation occurred, **the officer should prevail if the right asserted by the plaintiff was not 'clearly established' or the officer could have reasonably believed that his particular conduct was lawful.**" *Romero v. Kitsap County*, 931 F.2d 624, 627 (9th Cir. 1991) (emphasis added).

Furthermore, "[t]he entitlement is an immunity from suit rather than a mere defense to liability; . . . it is effectively lost if a case is erroneously permitted to go to trial." *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). (Ref #14 upcounsel.com)

The qualified immunity test requires **a two-part analysis**:

- (1) Was the law governing the official's conduct clearly established?
- (2) Under that law, could a reasonable officer have believed the conduct was lawful?

BACKGROUND:

On December 3rd, 2016, the Plaintiff SLATTON was attending his girlfriend's sorority event in Fort Collins. SLATTON and his girlfriend had been at the event for less than an hour when the incident occurred.

In just over one minute, Fort Collins Police Officers Hopkins and Barnes went from zero involvement to hitting SLATTON with a baton and pepper spraying him.

The initial cause: a jealous sorority member lied to event staff that SLATTON had a flask with alcohol in it. SLATTON did not have a flask, and furthermore, was over the age of twenty-one years old. SLATTON calmly offered to be searched to prove that he did not have a flask on him. Instead, HOPKINS and BARNES told SLATTON to leave the event. SLATTON immediately complied, walked out of the building, and began ordering an Uber/Lyft.

Officers HOPKINS and BARNES instructed SLATTON to leave the event due to false information. They did not make any reasonable attempt to assess the reality of the situation. HOPKINS and BARNES then chose to escalate the situation further.

SLATTON had calmly and immediately complied with HOPKINS and BARNES. As SLATTON exited the building he began ordering a car service (Uber/Lyft) to drive him back to the hotel

where he had rented a room. SLATTON was never threatening and was actively trying to leave the event.

Without reason, HOPKINS and BARNES rushed out of the building towards SLATTON. HOPKINS and BARNES yelled at SLATTON for not leaving the premises and demanded SLATTON'S ID. SLATTON told the officers he had ordered an Uber to leave, and his ride was on the way. HOPKINS and BARNES then attacked SLATTON next to the parking lot of the building the event was in. HOPKINS hit SLATTON with a baton and then administered pepper spray (OC spray).

After being hit with a baton and pepper-sprayed, SLATTON ran away from HOPKINS and BARNES. SLATTON was arrested nearly a mile away by the remaining named DEFENDANTS.

Video footage from the body cameras of HOPKINS and BARNES, along with security camera footage from the event building proved SLATTON was absolutely compliant and non-threatening. The footage was indisputable, and the reason why all charges against SLATTON were dropped.

The Austin, Texas based insurance company: "The Zebra" conducted an experiment comparing Uber and Lyft in 2017. The Zebra claims to be "the leading car insurance comparison marketplace in the U.S.". After completing the experiment, their data showed that an Uber rider had to wait an average of 5 minutes for their Uber driver to arrive. For a Lyft passenger, the average Lyft driver took 4 minutes and 15 seconds to arrive (13).

Again, *in just over one minute*, HOPKINS and BARNES went from no involvement to asking SLATTON to leave the Lincoln Center, to detaining him for trespassing, to using a police baton against SLATTON, and then spraying him with pepper spray all for "not leaving the event center". The claim that SLATTON was not leaving the event center is a blatant lie.

SLATTON was hospitalized after being hit with a baton and pepper sprayed.

SLATTON was taken from the hospital to the Larimer County Jail.

On the night of December 3rd, 2016, SLATTON 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*

SLATTON 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 SLATTON and dismiss the case.

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

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

Due to this incident, SLATTON lost the support of his friends and family. SLATTON lost the financial support of his parents, and was unable to complete his degree from the University of Colorado. SLATTON was a Junior in his undergraduate program.

HOPKINS is no longer a member of the Fort Collins Police Department since his October 2017 incident involving a woman in Target.

After the incident which occurred on December 3rd 2016, HOPKINS was involved in an incident where he used excessive amounts of force against a woman in Target. The incident gained massive amounts of public attention from news sources and social media. In the aforementioned incident, HOPKINS struck a short, overweight woman with his baton for several minutes as an attempt to control her.

“After an internal affairs investigation, Jeff Swoboda (Fort Collins Police Services Chief) said Thursday the recommendation by Officer Todd HOPKINS chain of command was for him to be fired.” -9News.com

“Swoboda said in an interview that when he first saw the footage, he was ‘disturbed’ by the ‘unnecessary use of force’ and what appeared to be actions that were inconsistent with agency training.” -www.coloradoan.com

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

SLATTON 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. SLATTON endured extreme damages due to the actions of the Defendants. Due to SLATTON having an invisible disability, both SLATTON and the Defendants are lucky the incident on December 3rd did not result in a death considering the common law eggshell skull doctrine.

Based on the actions of HOPKINS, he should have never been hired. Other Fort Collins Police Department officers have had similar issues recurring each year. The evidence is pointing towards a larger systematic issue with the ways these officers have been selected and trained.

TIMELINE OF EVENTS:

1. Sorority sister makes false claim to Lincoln Event Center staff that SLATTON has flask with alcohol in it.
2. Lincoln Center Staff member yells at SLATTON regarding the claim that SLATTON has a flask with alcohol in it.

3. SLATTON calmly refutes the claim and offers to be searched to prove he does not have a flask. (SLATTON is over 21 years old at time of the event, and there was a bar serving alcohol regardless. In addition to this, SLATTON had not been drinking)
4. Lincoln Center Staff member immediately calls officers HOPKINS and BARNES over and demands they tell SLATTON to leave the event.
5. Officers HOPKINS and BARNES tell SLATTON to leave the event.
6. Without hesitation, SLATTON calmly complied and exited the Lincoln Center Event building. SLATTON exited the building and walked towards the parking lot.
7. SLATTON begins using his cellphone to order a ride back to his hotel room from either Uber or Lyft.
8. HOPKINS and BARNES run out of the event center towards SLATTON.
9. HOPKINS/BARNES ask SLATTON why he is not leaving.
10. SLATTON states he is waiting for a ride from Uber/Lyft. SLATTON's phone is clearly seen in his hand.
11. HOPKINS/BARNES request SLATTON's ID.
12. SLATTON refuses and asks why.
13. HOPKINS hit SLATTON with his baton in the calf area.
14. SLATTON states he is recording the interaction with his phone.
15. HOPKINS administers OC spray, hitting SLATTON in the eyes/side of head.
16. SLATTON ran from HOPKINS and BARNES.
17. HOPKINS and BARNES run approximately 50 feet before reaching their cardiovascular limit. HOPKINS and BARNES immediately lose sight of SLATTON.
18. SLATTON runs approximately a mile before stopping due to the effects of the OC spray and attempts to order another Lyft/Uber.
18. SLATTON is caught and arrested by the named Defendants (Except for Officers HUTTO, HOPKINS and BARNES).
19. SLATTON is handcuffed, then strapped to an ambulance gurney and taken to the hospital.

20. At the Hospital, SLATTON is treated for the effects of the OC spray.

21. SLATTON is released from the Hospital and booked at the Larimer County Jail. SLATTON is charged with: 18-04-0504 *3rd Degree Criminal Trespassing*, 18-08-0104 *Obstructing a Peace Officer/Fireman*, and lastly 18-08-0103 *Resisting Arrest*.

22. SLATTON spent the night in a cramped jail cell.

23. SLATTON is released the following morning of December 4th, 2016.

24. Despite no charges relating to alcohol, SLATTON is required to take breathalyzer tests multiple times per week until the charges are dropped.

25. The motion/proposed order from the District Attorney to dismiss all of the charges was granted by the county Court Judge on September 14, 2017.

SUPPORTING FACTS:

Regarding Officer Hopkins, SLATTON has requested any and all material and information in FCPD possession concerning the officer—including, but not limited to that contained in personnel, Internal Affairs and Performance Standards Unit files—related to (1) use of force and other acts of aggression or violence; (2) noncompliance with FCPD rules, regulations and policies or the law and (3); untruthfulness or other acts indicative of dishonesty.

- 1) Use of Force and Other Acts of Aggression or Violence: The Fort Collins Police Services Policy Manual effective as of July 2014 (*hereinafter* FCPD Manual) and available at <http://www.fcgov.com/police/pdf/policy-manual-7-14.pdf>, provides that both the use of a police baton and the use of OC spray are “Type 1” uses of force. FCPD Manual § 301.2.2. The manual also requires that whenever Type 1 force is used, the involved employees are to complete an Early Intervention System (*hereinafter* EIS) incident report. FCPD Manual §1021.5.1. Officer Hopkins used both a police baton and OC spray against [SLATTON] during the events preceding the charging of [SLATTON] in the matter at bar.
- 2) Noncompliance with FCPD Rules, Regulations and Policies or the Law: FCPD Manual § 308.2 authorizes officers to use control devices such as police batons and OC spray “to control subjects who are violent or who demonstrate the intent to be violent.” Section 308.7 explicitly states that OC Spray “should not [] be used against individuals . . . who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.” FCPD Manual § 388.2 provides that off-duty officers may take

reasonable action to minimize “an imminent threat of serious bodily injury or death or significant property damage.” *See also* FCPD Manual § 420.2.1. Section 388.5 provides that, when reasonably possible, an officer “shall notify and receive approval of an agency supervisor” before taking any off-duty enforcement action. *See also* FCPD Manual § 420.2.1. C.R.S. §§ 18-1-707 and 18-8-804 provide for the use of reasonable force by peace officers according to adopted departmental policies. C.R.S. § 18-8-804 and FCPD Manual § 106.1 require all FCPD employees to comply with the departmental policies in the manual. The force used against SLATTON in this matter violated all of the foregoing provisions of the FCPD Policy Manual and Colorado law (not to mention the SLATTON’s rights under the U.S. and Colorado constitutions). Further, FCPD Manual § 106.2.1 provides that violations of the manual form the basis for administrative action and § 1020.8 shows that administrative action records are kept on file by the FCPD. Accordingly, it is reasonably likely that there exists material and information related to Officer Hopkins’ noncompliance with FCPD rules, regulations and policies or the law.

- 3) Untruthfulness or Other Acts Indicative of Dishonesty: Officer Hopkins makes several statements in his report that are both malicious in nature and clearly contradicted by the footage from his own and Officer Barnes’ point of view (body worn) cameras.

Regarding Officer Barnes, SLATTON has requested any and all material and information in FCPD possession concerning the officer—including, but not limited to that contained in personnel, Internal Affairs and Performance Standards Unit files—related to use of force and other acts of aggression or violence. SLATTON incorporates by reference the FCPD Manual provisions detailed in ¶ 10.a.1), *supra*. Officer Hopkins used both a police baton and OC spray against SLATTON during the events preceding the charging of SLATTON in this matter; Officer Barnes was present and working together with Officer Hopkins at that time and was witness to Officer Hopkins’ use of force against SLATTON. Officer Barnes was therefore an employee involved in Type I use of force required to complete an EIS incident report per FCPD Manual § 1021.5.1. Officer Barnes was also involved with the shooting of a suspect by the FCPD in January of this year. *See* <http://kdvr.com/2017/01/21/police-shoot-burglary-suspect-in-ft-collins/>. Thus, there is a reasonable likelihood that material and information related to the use of force and other acts of aggression or violence by or otherwise involving Officer Barnes, exists.

SLATTON will limit his requested to material that goes to the issues of officer propensity for violence, officer propensity for misconduct and officer credibility. Given the assertions of excessive force, self-defense, failure to intervene, and untruthfulness, these issues are central to the SLATTON’s defense. SLATTON has laid out in the paragraphs above why the materials exist. They would assist his defense and he has no other way to secure them. *See* ¶¶ 10.-13., *supra*. SLATTON is not asking for unfettered access to the FCPD’s files in the mere hope he might find something he could use for his defense. *See Neal* at *3 (“without having seen the

personnel files, the Court cannot imagine how Defendant could be more specific”). Further, compliance with his request would not unnecessarily impose on the FCPD, or Officers Hopkins, or Barnes, nor affect the ability of either the FCPD or the officers to perform their functions and duties, or otherwise be unreasonable or oppressive. *See Spykstra* at 664, 667; Crim. P. 17(c).

IN CONCLUSION

Slatton writes this with as much accuracy as his recollection allows. Video evidence which exists for this case provides indisputable facts that support SLATTON’s claims. A public records request was submitted to the police on April 23rd 2019. Slatton still has not received a response.

The argument seemingly being used against the Plaintiff SLATTON is that the officers were justified in hitting him with a baton, and spraying him in the face with OC spray because he is a large male. If simply existing as a large male is enough justification for those types of force to be used as a precaution, we do not live in a free society.

Dismissing this case would set a precedent that an officer can freely hit a large person with a baton/administer OC spray and be justified because the person was larger than the officer.

CERTIFICATE OF SERVICE

On 6/13/2019 a copy of the foregoing document was sent via electronic service/email to all opposing counsel at:

ratnerm@HallEvans.com (Mark Ratner)

MKloster@ndm-law.com (Marni Kloster)

NPoppe@ndm-law.com (Nicholas Poppe)

REFERENCES:

(1).

Brandon Barnes involved with shooting man who had a pellet gun.

<http://kdvr.com/2017/01/21/police-shoot-burglary-suspect-in-ft-collins/>

“When they began to approach, the suspect did emerge from the residence with a gun. At that time, one officer had fired and those shots struck the suspect,” Barnes said.

‘Cops just started shooting,’ the neighbor said.

Witnesses said it sounded like at least eight rounds of automatic gunfire. Bullets hit cars and car windows, and left the suspect injured in the street.” -kdvr.com (above article)

(2). <https://www.fjc.gov/content/section-1983-litigation-third-edition>

Pages Referenced: 24-25, 32-33, 41, 44, 65, 66, 67, 71-74, 103, 106, 108-110, 127-129, 132-136, 156, 159, 162, 164, 199-207, 209-211

(3).

FCPD Policy Manual

https://www.fcgov.com/police/pdf/policy_manual.pdf

(4).

“Klamser slams girl on the ground.”

<https://www.denverpost.com/2019/04/24/michaella-surat-csu-viral-video-arrest/>

(5).

Fort Collins Police Officer Resigns after ‘Unnecessary Use of Force’ in Target Shoplifting Arrest

<https://www.coloradoan.com/story/news/2018/09/20/fort-collins-police-officer-resigns-after-unnecessary-use-force-target-shoplifting-arrest/1374734002/>

“The Fort Collins police officer [Todd Hopkins] under investigation for his use of force during a March 29 arrest at Target has resigned following a recommendation for his firing.”

(8).

Fort Collins police Chief John Hutto is resigning amid department turmoil

<https://www.denverpost.com/2017/04/18/fort-collins-police-chief-john-hutto-resigns/>

“Hutto and his department have been the target of several use-of-force and employment controversies in the past year or so.”

(9).

<https://www.coloradoan.com/story/money/2019/03/04/fort-collins-police-and-city-government-face-lawsuit-alleging-gender-discrimination/2990444002/>

(10).

“Federal Judicial Center” *Section 1983 Litigation*, (Third Edition)

<https://www.fjc.gov/content/section-1983-litigation-third-edition>

(11).

Instructions for Civil Rights Claims Under Section 1983

https://www.ca3.uscourts.gov/sites/ca3/files/4_Chap_4_2014_fall.pdf

(12). Eggshell Skull Doctrine

https://www.law.cornell.edu/wex/eggshell_skull_rule

(13). Average Wait Times for Uber & Lyft

<https://www.thezebra.com/insurance-news/848/uber-vs-lyft/#time>

(14). <https://www.upcounsel.com/legal-def-qualified-immunity>

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."

PLAINTIFF HAS REQUESTED \$2,000,000. IF THE DEFENDANTS WOULD LIKE TO SETTLE BEFORE TRIAL, DISCUSSION MAY ENSUE. The Plaintiff understands that Defendant #1 is no longer a police officer. The police chief of (FCPD) has since changed as well, and likely wants this incident to be forgotten. Despite these changes, there are numerous currently active police officers of (#3) who were involved with the incident involving the Plaintiff on December 3, 2016. The Plaintiff wants to ensure that what happened to him, does not happen to other innocent people.

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)

(Date)

(Revised December 2017)