

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 19-cv-02848

KIMBERLY CHANCELLOR,

Plaintiff,

v.

CITY OF FORT COLLINS, a municipality, and
STEPHAN SPARACIO, in his individual capacity,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Kimberly Chancellor, by and through her attorney David Lane of KILLMER, LANE & NEWMAN, LLP, respectfully alleges for her Complaint and Jury Demand as follows:

I. INTRODUCTION

1. Mid-afternoon on October 6, 2017, Plaintiff Kimberly Chancellor was driving home from Front Range Community College in Fort Collins where she was studying to be a nurse.

2. During the drive home, she noticed an unfamiliar man on a motorcycle following her. He followed her into the parking lot of her apartment complex and parked next to her, making her extremely nervous. As she walked quickly toward her apartment building, the driver of the motorcycle started shouting at her.

3. Reasonably fearing for her safety, Ms. Chancellor continued to walk away until the man—off-duty Fort Collins Police Officer Stephen Sparacio—identified himself as a police officer and informed her she would be arrested and taken to jail.

4. Officer Sparacio grabbed Ms. Chancellor's arm, shoved his badge in her face, and pulled her back toward her car while demanding her license and registration.

5. Ms. Chancellor looked through her purse for her license, but maintained suspicions about Officer Sparacio's aggressive behavior so started to slowly back away from him.

6. Officer Sparacio responded by suddenly grabbing Ms. Chancellor and throwing her face-down on the asphalt. While she was prone on the ground, not resisting or threatening him in any way, Officer Sparacio pinned Ms. Chancellor to the ground with his knee and bodyweight on her back.

7. The use of force against Ms. Chancellor was grossly excessive in violation of the Fourth Amendment to the United States Constitution, and resulted from the deliberately indifferent customs, practices, training, supervision and/or discipline of Defendant City of Fort Collins.

8. Ms. Chancellor brings this action pursuant to 42 U.S.C. § 1983 against Officer Sparacio and the City of Fort Collins for violating the rights guaranteed to her by the Fourth and Fourteenth Amendments to the Constitution of the United States.

II. JURISDICTION AND VENUE

9. This action arises under the Constitution and laws of the United States and is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331.

10. Jurisdiction supporting Plaintiff's claim for attorney fees and costs is conferred by 42 U.S.C. § 1988.

11. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado, and all of the parties were residents of the State at the time of the events giving rise to this Complaint.

III. PARTIES

12. At all times relevant to this complaint, Plaintiff Kimberly Chancellor was a citizen of the United States of America and a resident of the State of Colorado.

13. At all times relevant to this complaint, Defendant Stephen Sparacio was a citizen of the United States and a resident of the State of Colorado. At all relevant times, Officer Sparacio was acting within the scope of his official duties and employment and under color of state law in his capacity as a law enforcement officer for Fort Collins Police Services (“FCPS”).

14. Defendant City of Fort Collins (“Fort Collins”) is a Colorado municipal corporation and is the legal entity responsible for itself and for FCPS.

IV. FACTUAL ALLEGATIONS

A. *Defendant Sparacio used excessive force during the arrest of Ms. Chancellor.*

15. Plaintiff Kimberly Chancellor is a 27 year-old woman who lives in Fort Collins, Colorado. She is a student at Front Range Community College in Fort Collins where she is studying to be a nurse.

16. Ms. Chancellor is 5’2” tall and approximately 105 pounds.

17. Mid-afternoon on October 6, 2017, Ms. Chancellor was driving home from Front Range Community College after class.

18. While driving home, she noticed an unfamiliar man in a leather jacket following her on a motorcycle. He continued to follow her as she pulled into the parking lot of her apartment complex and parked right next to her.

19. This made Ms. Chancellor extremely nervous because he was not the tenant who parked in the spot next to hers, and she did not otherwise recognize him.

20. When Ms. Chancellor exited her car, the man shouted at her, “hey! Stop! Hey you!”

21. Reasonably fearing for her safety, Ms. Chancellor quickly walked away from the man and toward her apartment.

22. It was not until Ms. Chancellor was near the door of her apartment complex that the man informed her that he was a police officer and that he was going to arrest her and take her to jail. Ms. Chancellor immediately stopped and turned around.

23. Unbeknownst to Ms. Chancellor until that point, the man was an off-duty officer with Fort Collins Police Services—Defendant Stephan Sparacio.

24. Officer Sparacio grabbed Ms. Chancellor’s arm and shoved his badge in her face. He told Ms. Chancellor that he was going to arrest her for resisting arrest.

25. Still holding on to Ms. Chancellor’s arm, Officer Sparacio pulled Ms. Chancellor back toward her car and demanded that she show her identification.

26. Frightened by Officer Sparacio’s aggressive behavior and worried that he was not actually a police officer, Ms. Chancellor asked Officer Sparacio if she could call the police to verify that he was an officer or call her parents. Officer Sparacio refused and demanded to see her license and registration.

27. Ms. Chancellor placed her purse on the ground and crouched down to look for her license. While doing so, she explained to Officer Sparacio that she had initially walked away from him because she did not know who he was, why he was following her, or that he was a police officer.

28. When Ms. Chancellor attempted to stand back up from her crouched position, Officer Sparacio started aggressively reaching out to grab her.

29. Feeling extremely nervous and in fear for her safety, Ms. Chancellor attempted to back away, but Officer Sparacio immediately grabbed her by the arm.

30. Officer Sparacio then violently pulled Ms. Chancellor toward him and slammed her face-down to the ground. Ms. Chancellor screamed in terror and shock.

31. Officer Sparacio pinned Ms. Chancellor down on the asphalt with his knee and bodyweight on her back, pressing her face into the gravel and twisting her arm behind her back.

32. With her free hand, Ms. Chancellor attempted to use her phone to record what was happening, but Officer Sparacio grabbed her phone and threw it away from her.

33. A bystander called 911 to report a man assaulting a woman in the parking lot.

34. Another bystander, who worked as a security guard at a nearby business, saw Officer Sparacio pursue Ms. Chancellor and heard Ms. Chancellor scream. When he walked over to the parking lot to investigate, Officer Sparacio asked him if Officer Sparacio could use his handcuffs.

35. Officer Sparacio then handcuffed Ms. Chancellor and left her on the ground.

36. Officer Sparacio called Fort Collins Dispatch for assistance and, moments later, four uniform officers arrived on the scene.

37. Ms. Chancellor's handcuffs were removed and returned to the security guard.

38. Ms. Chancellor was issued a citation for careless driving and obstructing a police officer, and then she was allowed to leave.¹

39. Ms. Chancellor went straight to her apartment, extremely distressed and traumatized from Officer Sparacio's use of force against her.

40. Ms. Chancellor suffered from multiple cuts and bruises on her face, arms, and knees. She had an egg-sized bump and a cut on her forehead that lasted for a week, and a one- to two-inch cut on her forearm. She also had dirt in her mouth, gravel all over her face, and the sweater she wore was torn and covered in dirt.

B. Defendant Fort Collins' policies, customs practices, and/or lack of adequate training and supervision caused the violations of Ms. Chancellor's constitutional rights.

41. As detailed below, it has recently been the custom and actual practice of FCPS to ratify and condone the use of excessive force by FCPS officers. As a result, it has become customary among FCPS officers to use unjustified and excessive force because FCPS has communicated to its officers that such force is authorized and, indeed, expected, and when used will be defended or covered up by the supervisory and municipal apparatus of the City

42. FCPS officers have repeatedly used excessive force against individuals like Ms. Chancellor who did not threaten or resist officers. For instance, in December of 2013, FCPS officers similarly brutalized Stanley Cropp, an eighty-year-old man with Alzheimer's disease and dementia. Mr. Cropp was aggressively, unjustifiably, and unreasonably tackled by FCPS officers while taking a walk in his neighborhood. Mr. Cropp was taken to Larimer County jail. The excessive force claims against the City of Fort Collins and FCPS settled for \$113,000.

¹ Ms. Chancellor ultimately pleaded guilty to careless driving and the obstruction charge was dismissed.

43. In another case roughly a year before Ms. Chancellor's, FCPS officers similarly used excessive force against another member of the community. On or about October 20, 2016, FCPS officers seized Dakota McGrath, who was suspected of third-degree assault, a misdemeanor. Mr. McGrath, who had gotten out of his car and was walking in an alleyway, had earbuds in and did not hear the officer approach. The officer caught up to Mr. McGrath and struck him in the head or neck with a steel baton, causing Mr. McGrath to fall to the ground, unconscious. Mr. McGrath regained consciousness but remained on the ground, dazed, when the officer struck Mr. McGrath's leg multiple times with the baton, fracturing his leg in several places. On information and belief, the case was settled for an undisclosed amount.

44. In July of 2016, FCPS were called to Enan Joe Heneghan's house for a noise complaint. Mr. Heneghan turned down the music. The officer proceeded to search Mr. Heneghan's home without a warrant and without his consent, and unjustifiably and unreasonably pepper sprayed him in the face when he refused to show officers his ID. The City of Fort Collins settled Mr. Heneghan's case for \$150,000.

45. In December 2016, with absolutely no justification, a FCPS officer violently struck Sean Slatton's lower leg with his metal baton and then seconds later pepper sprayed him in the face. By the time FCPS then wrongfully arrested Mr. Slatton, he was essentially blind and needed to go to the hospital. Because Mr. Slatton had committed no crime, all charges against him were dropped

46. On April 6, 2017, Michaella Surat was outside a bar in Fort Collins celebrating her twenty-second birthday when police officers were called regarding an altercation inside the bar. When Ms. Surat approached officers who were speaking with her boyfriend, one officer told her to "back off" and pushed her shoulder. Ms. Surat told the officer not to touch her. The officer

then grabbed and held on to Ms. Surat's wrist and put her in a rear wristlock hold. Ms. Surat repeatedly asked the officer why he was touching her and what she did wrong. The officer responded by slamming Ms. Surat face-first to the ground – clearly an excessive use of force on someone who posed no danger to the officer. Ms. Surat's chin slammed into the sidewalk, causing a concussion, cervical strain, and a large and painful contusion on her chin.

47. After video footage of Ms. Surat's encounter with FCPS surfaced, FCPS spokesperson Kate Kimble told the media that the officer used "standard arrest control." This statement makes explicit Fort Collins' custom and practice of unconstitutional use of force.

48. Last but not least, FCPS officers used excessive force in an egregious incident against Natasha Patnode, a woman accused of shoplifting at a Target store on March 29, 2018. An FCPS officer struck Ms. Patnode more than sixty times with his fist or baton while she was already on the ground and restrained. Another FCPS officer arrived and the officers tased Ms. Patnode multiple times, again while she was already restrained on the ground. The FCPS officers' use of force blatantly exceeded the Fourth Amendment's scope of reasonableness.

49. Defendant Fort Collins knew or had constructive knowledge, based on its history and widespread practice of its officers using excessive force and its condoning of those actions, that its officers would utilize excessive and unnecessary force against people like Ms.

Chancellor.

50. Because Defendant Fort Collins created and tolerated a custom of deliberate indifference and has continuously failed, despite the obvious need to do so, to adequately train and supervise FCPS officers in these areas, citizens, including Ms. Chancellor, have repeatedly been subjected to violations of their constitutional rights.

51. Defendant Fort Collins has fostered “a policy of inaction” in the face of knowledge that FCPS officers were routinely violating specific constitutional rights, which constitutes the functional equivalent of a decision by Fort Collins itself to violate the Constitution.

52. Moreover, FCPS’ persistent failure to meaningfully investigate and discipline numerous FCPS officers for their similar uses of excessive force reflects a custom, policy, or practice of encourage, tolerating and/or blatantly illegal and improper conduct. These encouragements, toleration of, and ratifications demonstrate that such police misconduct is carried out pursuant to the policies of and regimen of training provided by Fort Collins, and that such conduct is customary within FCPS.

53. Likewise, FCPS’s deliberate and conscious failure to correct prior constitutional violations based on similar conduct constituted an affirmative choice to ratify the conduct, and to send a clear message in doing so to its law enforcement officers that such misconduct is acceptable and approved. It is Fort Collins’ responsibility to properly train its officers to ensure they perform their duties correctly and to discipline, rather than ratify and encourage, their improper conduct, so that officers can learn from their mistakes and perform their jobs correctly moving forward, and be deterred from engaging in misconduct that violates the constitutional rights of people with whom the police interact. Fort Collins’ failure to do so has clearly communicated to FCPS’s officers, including Defendant Sparacio, that excessive force is authorized and tacitly (or explicitly) encouraged.

54. Fort Collins’ past ratification and toleration of similar illegal conduct thus caused and was the moving force behind the Defendant Sparacio’s use of excessive force against Ms. Chancellor.

C. Defendant Fort Collins is liable for Defendant Sparacio's violation of Ms. Chancellor's rights.

55. The unlawful conduct of FCPS officers, as set forth in detail herein, amounts to a custom and widespread practice so pervasive and well-established as to constitute a custom or usage with the force of law.

56. Given FCPS's history and widespread practice of officers using excessive force, Fort Collins knew of the need to provide additional or better training and supervision in this respect and made a deliberate choice to not adequately train and supervise FCPS officers in avoiding excessive force and.

57. Fort Collins knew or should have known that its acts or omissions in this regard were substantially certain to cause FCPS officers to violate individuals constitutional rights, and it consciously or deliberately chose to disregard this obvious risk of harm in adhering to its policy and custom of failing to provide additional or better training and supervision to FCPS officers regarding how to avoid excessive force.

58. Defendant Fort Collins was deliberately indifferent to Plaintiff's constitutional rights, because Fort Collins knew that individuals in Ms. Chancellor's position would be at a substantial risk of suffering dangerous consequences from Fort Collins' failure to properly train and supervise its employees.

59. Defendant Fort Collins could have and should have pursued reasonable methods for the training and supervising of such employees, or disciplining them if they engaged in misconduct, but intentionally chose not to do so.

60. Defendant Fort Collins policy of failing to act in the face of a history of excessive force against people, and its custom, policy, and practice in failing to properly train and supervise its employees despite such history and knowledge or constructive knowledge of such

history, were the moving force and proximate cause of Defendant Sparacio's violation of Ms. Chancellor's constitutional rights.

61. Defendant Fort Collins' custom, policy, and practice of encouraging, condoning, tolerating, and ratifying excessive force, as described herein, and the subsequent cover-ups of such constitutional violations, were the moving force behind, and proximate cause of, Defendant Sparacio's violation of Ms. Chancellor's constitutional rights.

62. Defendant Fort Collin's acts or omissions caused Ms. Chancellor damages in that she suffered physical and mental pain, humiliation, fear, anxiety, loss of enjoyment of life and sense of security and individual dignity, among other injuries, damages, and losses.

63. Defendant Fort Collin's actions, as described herein, deprived Ms. Chancellor of the rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused her other damages.

64. All of the acts described herein were done by Defendant Sparacio intentionally, knowingly, willfully, wantonly, maliciously and/or recklessly in disregard for Ms. Chancellor's federally protected rights, and were done pursuant to the preexisting, deliberately indifferent official custom, policy, practice, training, and supervision.

V. STATEMENT OF CLAIM FOR RELIEF

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983

Fourth & Fourteenth Amendment Violation – Excessive Force (Against All Defendants)

65. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

66. At all times relevant to the subject matter of this Complaint, Defendant Sparacio was acting under color of state law in his capacity as an FCPS officer and within the scope of his employment.

67. At the time when Ms. Chancellor was seized, she had a clearly established constitutional right under the Fourth Amendment to the United States Constitution to be secure in her person from unreasonable seizure through excessive force.

68. Defendant Sparacio is not entitled to qualified immunity. Any reasonable law enforcement officer knew or should have known of this clearly established right.

69. Defendant Sparacio's arrest of Ms. Chancellor by, among other things, grabbing her by the arm and throwing her face-first on the asphalt, used greater force than was reasonably necessary to effectuate the seizure.

70. Defendant Sparacio's use of force was objectively unreasonable in light of the circumstances confronting him.

71. Defendant Sparacio's excessive use of force caused extreme pain to Ms. Chancellor's head, forearm, and knees, which were painfully cut and bruised. She also suffered physical and mental injury, including pain and suffering, humiliation, and other injuries, damages, and losses due to Defendant Sparacio's actions. These injuries are not *de minimis*.

72. Defendant Sparacio's actions, as described herein, were undertaken intentionally, maliciously, willfully, wantonly, and/or in reckless disregard of Ms. Chancellor's federally protected rights, which entitles Ms. Chancellor to punitive damages.

73. Defendant Sparacio used excessive force in accordance with custom, policy, practice, and training provided and promulgated by Defendant Fort Collins.

74. Defendant Fort Collins established policies, customs and/or practices in violation of the Constitution.

75. Defendant Fort Collins developed and maintained law enforcement-related policies, customs, and/or practices exhibiting or resulting in a deliberate indifference to the Fourth and Fourteenth Amendment protected constitutional rights of persons in Fort Collins, which proximately caused the violation of Ms. Chancellor's constitutional rights.

76. Defendant Fort Collins failed to properly train and supervise its employees with regard to lawful seizures and lawful use of force.

77. Defendant Fort Collins has a duty to protect the constitutional rights of the members of the public from violations of those rights by members of their police department.

78. In light of the duties and responsibilities of those law enforcement officers that participate in providing safety and security for citizens and arrestees, the need for specialized training and supervision is so obvious, and the inadequacy of training and supervision is so likely to result in the violation of constitutional rights such as those described herein, that Defendant Fort Collins is liable for its failure to do so.

79. The inadequate training and supervision provided by Defendant Fort Collins resulted from a conscious or deliberate choice to follow a course of action from among various alternatives. Defendant Fort Collins could have and should have pursued reasonable methods for the training and supervising of such employees, yet failed to do so.

80. Defendant Fort Collins' policies, customs, or practices in failing to train and supervise its employees were the proximate cause of, and moving force behind, the violation of Ms. Chancellor's constitutional rights, which caused her damages as set forth above.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendants, and grant:

- (a) Appropriate declaratory and other injunctive and/or equitable relief;
- (b) Compensatory and consequential damages, including damages for physical injury, emotional distress, loss of reputation, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- (c) All economic losses on all claims allowed by law;
- (d) Punitive damages on all claims allowed by law and in an amount to be determined at trial;
- (e) Attorney's fees and the costs associated with this action, as well as expert witness fees, on all claims allowed by law;
- (f) Pre- and post-judgment interest at the lawful rate to the maximum extent allowed by law; and
- (g) Any further relief that this court deems just and proper, and any other relief as allowed by law.

PLAINTIFF REQUESTS A TRIAL TO A JURY ON ALL ISSUES SO TRIABLE.

Dated this 4th day of October 2019.

KILLMER, LANE & NEWMAN, LLP

s/ David Lane

David Lane

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Denver, Colorado 80202

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Fax: (303) 571-1001

dlane@kln-law.com

Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KIMBERLY CHANCELLOR,

(b) County of Residence of First Listed Plaintiff Larimer
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Killmer Lane & Newman, LLP
1543 Champa Street, Suite 400
Denver, CO 80202 303-571-1000

DEFENDANTS

CITY OF FORT COLLINS,
STEPHAN SPARACIO

County of Residence of First Listed Defendant Larimer
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:

Civil Rights, excessive force

AP Docket

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

10/04/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ David A. Lane

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.