

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

Civil Action No. 21-cv-01499

ROSEMARY GOODMAN; and
NATHAN GEORGE

Plaintiffs,

v.

LAS ANIMAS COUNTY SHERIFF'S DEPARTMENT;
BOARD OF COUNTY COMMISSIONERS OF LAS ANIMAS COUNTY, COLORADO;
LAS ANIMAS COUNTY SHERIFF'S DEPUTY MIKHAIL NOEL, in his individual
capacity;
and LAS ANIMAS COUNTY SHERIFF'S LIEUTENANT HENRY TRUJILLO, in his
individual capacity,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiffs Rosemary Goodman and Nathan George (collectively "Plaintiffs"), by and through their attorneys at Spark Justice Law LLC, allege as follows:

I. INTRODUCTION

The events giving rise to this case occurred during a moment of extreme pain and stress for Plaintiffs Rosemary Goodman and Nathan George on account of Ms. Goodman's attempt to take her own life the night of June 17, 2020. Their pain and stress were further exacerbated by Defendants during the afternoon of June 18, 2020. What should have been a routine, uneventful task for Defendants escalated unnecessarily into

a chaotic, violent, and traumatic incident as a direct result of Defendants' discriminatory and unconstitutional conduct.

In the early afternoon of June 18, 2020, Defendants Las Animas County Sheriff's Deputy Mikhail Noel and Lieutenant Henry Trujillo encountered Ms. Goodman at the Mount San Rafael Hospital ("the hospital"), where Ms. Goodman had been admitted for treatment the night before. Hospital staff were helping Ms. Goodman recover from a suicide attempt by overdose, and Ms. Goodman had made the scary yet necessary decision to obtain treatment at a nearby mental health facility.

Defendants Deputy Noel and Lt. Trujillo were well aware that Ms. Goodman had just survived a mental health crisis when they arrived at the hospital. They knew that they were not reporting to a crime scene, nor were they tasked with arresting anyone. They had one job: to transport Ms. Goodman from the hospital in Trinidad to a mental health facility in Pueblo.

By the time they arrived at the hospital, Deputy Noel and Lt. Trujillo had also learned another critical fact about Ms. Goodman: she is Deaf. Ms. Goodman speaks American Sign Language ("ASL"), although she can also somewhat read lips. While Ms. Goodman was able to communicate with Mr. George, who speaks ASL, she was unable to understand anything Defendants said to her when they entered her hospital room with opaque, cloth masks and without an ASL interpreter. Mr. George repeatedly requested an interpreter, and he was met with hostility and threats by Defendants in response.

Despite knowing of Ms. Goodman's fragile emotional state, mental health disabilities, and Deafness, Deputy Noel approached Ms. Goodman while armed and in

uniform, prepared to handcuff her pursuant to Defendant Las Animas County Sheriff's Department ("LACSD") policy requiring the restraint of all transportees.

Despite repeated requests and evident panic on the part of Ms. Goodman, Deputy Noel refused to call for a translator, to allow Mr. George to unofficially translate, or even to pull down his mask to explain that Ms. Goodman was not being arrested. Instead, Deputy Noel applied his handcuffs to Ms. Goodman, knowing that she did not understand what was happening. He applied them with such force that Ms. Goodman yelled in pain and lost feeling to her pinky finger for many weeks thereafter.

Instead of pausing and calling an interpreter or allowing Ms. Goodman to communicate with Mr. George, the only person able to sign to her, Deputy Noel ordered Mr. George out of the room. Confused, scared, and in pain, Ms. Goodman clung to Mr. George as Deputy Noel and a security guard acting upon Deputy Noel's direction forcibly removed Mr. George from the hospital room. After Deputy Noel and the security guard grabbed Mr. George and shoved him out, Ms. Goodman was inconsolable, and she resorted to repeatedly striking her forehead with the metal wrist restraints, causing significant bleeding from her head.

Ms. Goodman and Mr. George have suffered significant injury as a result of Defendants' actions. Both suffered a loss of their sense of security and individual dignity as Defendants applied an unreasonable and excessive amount of physical force during the encounter. On top of the stress and emotion they were already experiencing from the night before, they were now bombarded with unnecessary and frightening force by armed law enforcement officers. They each suffered the pain of not knowing what would happen to their loved one in the moments after they were separated. And finally, Ms. Goodman

and Mr. George experienced the indignity of having their constitutional rights violated and of being discriminated against on account of Ms. Goodman's disabilities.

II. JURISDICTION AND VENUE

1. This action arises under the Constitution and laws of the United States and is brought pursuant to the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, the Fourth Amendment to the United States Constitution through 42 U.S.C. § 1983, and Article II, § 7 of the Constitution of the State of Colorado through C.R.S. § 13-21-131.

2. Subject-matter jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331 because, as is shown more fully in this Complaint, Plaintiffs' claims arise under the Constitution and laws of the United States, namely the Fourth Amendment to the United States Constitution, 42 U.S.C. § 12101, *et seq.*, and 29 U.S.C. § 794.

3. Jurisdiction over Plaintiffs' pendent state law claims is proper under 28 U.S.C. § 1367(a) because they are so related to Plaintiffs' claims arising under federal law that they form part of the same case or controversy.

4. Insofar as Plaintiffs seek to enforce their rights under 42 U.S.C. § 12101, *et seq.*, and 29 U.S.C. § 794, jurisdiction supporting Plaintiffs' claim for attorneys' fees and costs is conferred by 42 U.S.C. § 12205 and 29 U.S.C. § 794a(b). Insofar as Plaintiffs are seeking to enforce their rights under the Fourth Amendment to the United States Constitution, jurisdiction supporting Plaintiffs' claim for attorneys' fees and costs is conferred by 42 U.S.C. § 1988(b). Finally, insofar as Plaintiffs seek to enforce their rights under Article II, § 7 of the Constitution of the State of Colorado, jurisdiction

supporting Plaintiffs' claim for attorneys' fees and costs is conferred by C.R.S. § 13-21-131(3).

5. Venue is proper in the United States District Court for the District of Colorado pursuant to both 28 U.S.C. § 1391(b)(1) and (2). Specifically, venue is proper under 28 U.S.C. § 1391(b)(1) because all of the events and omissions alleged herein occurred within the State of Colorado. Venue is also proper under 28 U.S.C. § 1391(b)(2) because at the time of the events and omissions giving rise to this litigation, all of the Defendants resided in Colorado, the state in which the District of Colorado is located.

III. PARTIES

6. At all times relevant to this lawsuit, Plaintiff Rosemary Goodman was a resident of and domiciled in the state of Colorado.

7. At all times relevant to this lawsuit, Plaintiff Nathan George was a resident of and domiciled in the state of Colorado.

8. Defendant Las Animas County Sheriff's Department ("LACSD" or "Defendant LACSD") is a municipal agency of the Las Animas County government, with its main office located at 2309 E. Main Street, Trinidad, CO 81082.

9. As is pertinent to this action, Defendant LACSD is responsible for transporting individuals suffering from mental health crises within its jurisdiction to nearby mental health facilities.

10. Defendant LACSD is also responsible for the oversight, supervision, and training of LACSD officers, including deputies and lieutenants.

11. Defendant LACSD is also both an agency of local government and a recipient of federal financial assistance, each of which separately renders it a proper entity to be sued under Title II of the ADA and Section 504 of the Rehabilitation Act.

12. Defendant Board of County Commissioners of Las Animas County, Colorado (“BCCLAC” or “Defendant BCCLAC”) is an administrative and policy-making body for Las Animas County as delegated by the Colorado General Assembly, with its main office located at 200 East 1st Street, Trinidad, CO 81082.

13. As is pertinent to this action, Defendant BCCLAC is responsible for establishing policies for Las Animas County agencies, including LACSD.

14. Defendant BCCLAC is also responsible for oversight of county government services, including LACSD’s operations.

15. Defendant BCCLAC is also both an agency of local government and a recipient of federal financial assistance, each of which separately renders it a proper entity to be sued under Title II of the ADA and Section 504 of the Rehabilitation Act.

16. At all times relevant to this lawsuit, Defendant Mikhail Noel (referred to herein interchangeably as “Defendant Noel” or “Deputy Noel”) was a resident of and domiciled in the State of Colorado.

17. Defendant Noel is employed by LACSD as a Sheriff’s Deputy.

18. Defendant Noel is obligated to enforce policies established by Defendant BCCLAC and adopted by Defendant LACSD, and he receives training on how to do so.

19. At all times relevant to this action, Defendant Noel understood that should he violate a policy of Defendants LACSD and BCCLAC or act outside of his training, he

would be subject to an Internal Affairs investigation and possible discipline, up to and including termination.

20. At all times relevant to this lawsuit, Defendant Henry Trujillo (referred to herein interchangeably as “Defendant Trujillo” or “Lt. Trujillo”) was a resident of and domiciled in the State of Colorado.

21. Defendant Trujillo is employed by LACSD as a Lieutenant for the Sheriff’s Department.

22. Defendant Trujillo is obligated to enforce policies established by Defendant BCCLAC and adopted by Defendant LACSD, and he receives training on how to do so.

23. At all times relevant to this action, Defendant Trujillo understood that should he violate a policy of Defendants LACSD and BCCLAC or act outside of his training, he would be subject to an Internal Affairs investigation and possible discipline, up to and including termination.

24. Defendant Trujillo is also responsible for the oversight and supervision of LACSD deputies, including Defendant Deputy Noel.

25. At all times relevant to this action, Defendant Trujillo understood that should he fail to adequately oversee and supervise LACSD deputies, including Defendant Deputy Noel, he would be subject to an Internal Affairs investigation and possible discipline, up to and including termination.

IV. FACTUAL ALLEGATIONS

Ms. Goodman Is Deaf and Suffers from Clinical Depression

26. Ms. Goodman was born Deaf and is thus considered disabled under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”).¹

27. Ms. Goodman’s first language is American Sign Language (“ASL”).

28. Ms. Goodman can understand some speech by reading the lips of others, but lipreading is much more difficult for her and significant portions of the communication will be lost in her attempts to lipread.

29. Ms. Goodman can speak using her voice, but she prefers only to speak with those with whom she has built a trusting relationship.

30. In Ms. Goodman’s experience, using her voice to communicate frequently leads others to believe that she can hear their speech and thus encourages them to disregard her disability.

31. Ms. Goodman will also speak when she is in a state of fear or panic, especially if she does not have an interpreter or other effective means of communication.

32. Mr. George was born hearing.

33. Mr. George’s first language is English, however, at the time of the actions giving rise to this case, he maintained basic knowledge of ASL. Specifically, Mr. George could communicate with Ms. Goodman in ASL, however, he was not fluent.

¹ The Rehabilitation Act uses the term “handicap” instead of “disabled.” The preferred term in the disability community is “disabled” and as such the term “disabled” will be used throughout.

34. Through his relationship to Ms. Goodman, Mr. George is associated with a person with a disability.

35. Ms. Goodman also suffers from clinical depression, another disability under the ADA and Section 504.

36. Obtaining mental health services to treat Ms. Goodman's depression has historically been a challenge, because many mental health providers do not have ASL interpreters on staff.

In an Attempt to Take Her Life, Ms. Goodman Consumed a Dangerous Dose of Pills and Alcohol, Prompting Mr. George to Rush Her to the Hospital

37. On the evening of June 17, 2020, Mr. George arrived at the home he shared with Ms. Goodman.

38. Ms. Goodman was not present in Plaintiffs' home when Mr. George arrived.

39. Later that evening, Mr. George discovered Ms. Goodman laying face-down in the woods near their home.

40. Ms. Goodman was unconscious when Mr. George found her.

41. Mr. George rushed Ms. Goodman to the emergency room at Mount San Rafael Hospital ("the hospital") in Trinidad, Colorado.

42. While en route to the hospital, Mr. George learned that Ms. Goodman had swallowed multiple muscle relaxer pills called baclofen along with alcohol.

Hospital Staff Stabilized Ms. Goodman and Learned that Her Overdose Was a Suicide Attempt

43. Upon arriving at the hospital, Mr. George informed hospital staff that Ms. Goodman had consumed baclofen pills and alcohol.

44. When hospital staff first encountered Ms. Goodman, Ms. Goodman was lethargic, disoriented, and slurring her speech.

45. With the help of poison control, hospital doctors and nurses were able to stabilize Ms. Goodman within hours.

46. During this time, Mr. George notified hospital staff that Ms. Goodman was Deaf.

47. After being stabilized and resting, Ms. Goodman became more alert and was able to answer questions.

48. When asked about the overdose, Ms. Goodman explained that she had attempted to take her own life.

49. Among the reasons Ms. Goodman identified as motivating her suicide attempt were the isolation she felt as a result of her Deafness.

50. Ms. Goodman also identified the difficulty she had faced in securing effective mental health treatment due to her need for ASL interpretation services to communicate fully as another motivating factor.

Ms. Goodman Agreed to Go to a Mental Health Facility for Treatment

51. After learning that Ms. Goodman's overdose was an intentional suicide attempt, the hospital staff asked her whether she would consent to being admitted to an inpatient mental health facility to stabilize her mental health crisis.

52. Ms. Goodman consented to be referred to an inpatient mental health facility.

53. Subsequently, Ms. Goodman's treating physicians contacted a mental health treatment facility to coordinate a transfer of her care to that facility in Pueblo, Colorado.

54. The facility treats patients in need of psychiatric help, including during and following mental health crises.

55. A representative from the mental health facility met with Ms. Goodman in person and determined that Ms. Goodman was suffering from significant suicidal ideation.

56. While speaking with the facility's representative, Ms. Goodman voluntarily agreed to go to the facility for treatment.

57. The facility's representative told Ms. Goodman that Mr. George could escort her outside of the hospital so that she felt safe.

Deputies from the Las Animas County Sheriff's Department Arrived at the Hospital to Transport Ms. Goodman to a Mental Health Facility

58. Soon after this evaluation, and on the afternoon following Ms. Goodman's admission to the hospital, Defendant Las Animas County Sheriff's Deputy Mikhail Noel arrived at the hospital.

59. Defendant Lieutenant Henry Trujillo accompanied Deputy Noel.

60. Defendant Noel was tasked with transporting Ms. Goodman in his patrol vehicle from the hospital to the mental health facility.

61. Upon information and belief, hospital staff informed Deputy Noel that Ms. Goodman was Deaf prior to Deputy Noel's entering Ms. Goodman's hospital room.

62. Upon information and belief, hospital staff informed Deputy Noel that Ms. Goodman was suffering from a mental health crisis prior to Deputy Noel's entering Ms. Goodman's hospital room.

63. At no point prior to meeting Ms. Goodman was Deputy Noel told that Ms. Goodman had committed a crime.

64. Indeed, prior to meeting Ms. Goodman, Deputy Noel was aware that he was *not* responding to a report of a crime but instead was traveling to the hospital for the sole purpose of transporting Ms. Goodman voluntarily to a mental health facility.

65. Mr. George was present with Ms. Goodman when Defendant Noel arrived in Ms. Goodman's hospital room.

66. Ms. Goodman was calm, polite, and cooperative with hospital staff immediately prior to Deputy Noel's arrival.

Deputy Noel Failed to Effectively Communicate with Ms. Goodman When He Placed Her in Handcuffs

67. It is LACSD policy that any civilian being transported in a patrol vehicle must be handcuffed prior to entering the vehicle.

68. The mandatory-handcuffing policy is intended to protect the safety of Las Animas County Sheriff's deputies.

69. At the time that Deputy Noel arrived at the hospital, no one had informed or effectively communicated to Ms. Goodman that the Sheriff's Department required her to be handcuffed during transport.

70. Indeed, prior to this time, Ms. Goodman had been notified only that an *off-duty* Sheriff's deputy would be transporting her to the hospital.

71. When Deputy Noel arrived at the hospital, he was armed and wearing his Las Animas County Sheriff's deputy uniform.

72. When Deputy Noel entered Ms. Goodman's hospital room, he was wearing an opaque, cloth mask over his face.

73. Deputy Noel does not speak ASL.

74. Deputy Noel did not bring an ASL interpreter with him to communicate with Ms. Goodman.

75. When Deputy Noel entered Ms. Goodman's hospital room, he did not remove his mask or replace his opaque mask with a clear, plastic mask so that Ms. Goodman could try to read his lips while he spoke to her.

76. Without Deputy Noel having the ability to speak ASL and without him removing his opaque mask so that Ms. Goodman could try to read his lips, Ms. Goodman was unable to understand anything that Deputy Noel was attempting to communicate with her.

77. Indeed, Ms. Goodman could not even know if Deputy Noel was speaking or, if so, addressing her.

78. Upon information and belief, Deputy Noel never explained why he was present in Ms. Goodman's hospital room.

79. In the alternative, Deputy Noel failed to explain, using any means of communication that Ms. Goodman could understand, why he was present in Ms. Goodman's hospital room.

80. Upon information and belief, Deputy Noel never explained why he would be placing Ms. Goodman in handcuffs.

81. In the alternative, Deputy Noel failed to explain, using any means of communication that Ms. Goodman could understand, why would be placing Ms. Goodman in handcuffs.

82. Upon entering Ms. Goodman's hospital room, Deputy Noel told Mr. George to leave. However, when Deputy Noel saw that Mr. George was able to sign to Ms.

Goodman, he changed his mind and (temporarily) allowed Mr. George to remain in the room.

83. Despite his reasoning for allowing Mr. George to stay in the room—that Mr. George could sign to Ms. Goodman—Deputy Noel ultimately did not allow Mr. George an opportunity to attempt to effectively communicate with Ms. Goodman.

84. Instead, Deputy Noel proceeded to handcuff Ms. Goodman with solid-bar handcuffs without allowing Mr. George to explain what was happening. Solid-bar handcuffs are handcuffs that have a solid, metal bar between the two cuffs instead of a chain.

85. Ms. Goodman looked to Mr. George as she tried to understand whether Deputy Noel was speaking. In contrast to the assurances she had received about her being safe, Ms. Goodman felt a strong sense of insecurity in Deputy Noel's presence and worried that she was being placed under arrest or had otherwise done something wrong.

86. After handcuffing Ms. Goodman, Deputy Noel realized that he had failed to remove Ms. Goodman's purse, which was hanging over Ms. Goodman's shoulder.

87. To remove Ms. Goodman's purse, Deputy Noel took off the handcuffs.

88. Deputy Noel removed Ms. Goodman's purse from her shoulder and then placed her back in the handcuffs.

89. The second time that Deputy Noel placed Ms. Goodman in handcuffs, the cuffs were so tight that they hurt Ms. Goodman's wrist.

90. The handcuffs were so tight that Ms. Goodman lost feeling in one of her pinky fingers for several weeks or months thereafter.

91. Ms. Goodman cried out in pain. Aware of the lengthy drive ahead of her to Pueblo, Ms. Goodman began to panic at the thought of enduring this pain for so long.

92. Ms. Goodman pled with Deputy Noel to loosen the cuffs, but Deputy Noel refused to adjust them.

93. Deputy Noel later told Ms. Goodman's medical team that, since he could stick his pinky finger between the cuffs and Ms. Goodman's wrist, the cuffs were not too tight.

94. Without having any warning of the reason for Deputy Noel's presence or why Ms. Goodman was being handcuffed, let alone handcuffed so violently, Ms. Goodman feared that she was being placed under arrest.

Deputy Noel and Lieutenant Trujillo Refused to Call for an ASL Interpreter or to Allow Mr. George to Explain What Was Happening to Ms. Goodman

95. Mr. George was standing next to Ms. Goodman when Deputy Noel first placed the handcuffs on her.

96. As Ms. Goodman became frightened, not understanding what was happening, she grabbed onto Mr. George.

97. Without regard for Ms. Goodman's physical or mental health disabilities, Deputy Noel ordered Mr. George to leave the hospital room the moment he saw Ms. Goodman cling to Mr. George's arm in need.

98. At this point, Deputy Noel turned on his body worn camera.

99. Deputy Noel again ordered Mr. George to leave the room, without explaining why Mr. George could not be present.

100. This was especially confusing in light of the fact that Ms. Goodman was not being placed under arrest but instead was only being handcuffed for purposes of transporting her to the mental health facility in Pueblo.

101. Mr. George had also not committed any crime.

102. Mr. George was not behaving in a way that threatened anyone's safety, and his actions were not impeding Defendants Noel and Trujillo from doing their jobs.

103. Further, hospital staff had not complained of Mr. George's presence as trespass.

104. Under these circumstances, there was no lawful basis for Deputy Noel to order Mr. George to leave the hospital room.

105. A hospital security guard was standing in the doorway of the hospital room as Deputy Noel ordered Mr. George to step out.

106. Like Deputy Noel, the security guard was armed and wearing his uniform.

107. The security guard was also wearing an opaque, cloth mask.

108. The security guard did not speak ASL.

109. Following Deputy Noel's lead, the security guard also told Mr. George to step out of the room.

110. Again, because Mr. George had not committed any crime, nor had hospital staff complained of his presence as trespass, there was no lawful basis for the security guard to order Mr. George to leave the hospital room.

111. Deputy Noel then told Mr. George, "If you do not step out, I will have to remove you."

112. Ms. Goodman could not hear what was being said nor could she attempt to read the lips of Deputy Noel or the security guard from behind their masks.

113. With her hands wrapped around Mr. George's arm, Ms. Goodman placed her head on Mr. George's shoulder.

114. At approximately 1:45 p.m., Mr. George responded, "I need to sign to her," referring to Ms. Goodman's need for an ASL interpreter.

115. Rather than allow Mr. George to communicate and sign with Ms. Goodman, Deputy Noel responded by yelling, "Step out!"

116. At no time did Deputy Noel ever explain why it was necessary for Mr. George to exit the room.

117. At this time, Ms. Goodman began asking where her doctor was.

118. Mr. George attempted to step towards the doorway, but Ms. Goodman held him back by continuing to grab onto his arm.

119. Deputy Noel began to forcibly grab Ms. Goodman's hands to remove them from Mr. George's arm.

120. As Deputy Noel attempted to physically separate Ms. Goodman from Mr. George, Ms. Goodman began to scream and cry.

121. As Ms. Goodman screamed, Mr. George began to step out of the room.

122. Mr. George was in tears as he turned away from Ms. Goodman.

123. Ms. Goodman was forced to let go of Mr. George when Deputy Noel grabbed onto her and physically pulled her away from him.

124. Terrified and hurt, Ms. Goodman screamed at the top of her lungs, "Stop pushing me!"

125. Mr. George placed his hands in the air and pulled down his mask.

126. At approximately 1:46 p.m., as Ms. Goodman continued to scream, Mr. George pleaded for Deputy Noel and the security guard to allow him to speak to Ms. Goodman in ASL.

127. Ms. Goodman screamed and was desperate to know why the deputies were “doing that.”

128. At this point in time, Mr. George was not yet outside of the room.

129. Ms. Goodman grabbed onto Mr. George’s arm again, pulling him towards her.

130. As Deputy Noel attempted to pull Ms. Goodman away from Mr. George a second time, Ms. Goodman screamed, “No!”

131. Crying, Mr. George reminded Deputy Noel that Ms. Goodman had overdosed the night before, trying to express the severity of her mental health crisis and need for comfort.

132. Mr. George turned towards Ms. Goodman and reached up to his face to wipe his tears away.

133. Deputy Noel again told Mr. George to step out.

134. Mr. George yelled, “I’m trying!”

135. As Mr. George attempted to leave, Ms. Goodman again clung to his arm.

136. Ms. Goodman again yelled, “No!”

137. Deputy Noel attempted to remove Mr. George’s arm from Ms. Goodman’s grasp.

138. Each time Deputy Noel or the security guard grabbed Mr. George by the arm or hands, they interfered with Mr. George's ability to sign to Ms. Goodman, and with Ms. Goodman's ability to receive any form of effective communication throughout the handcuffing process.

139. Mr. George said, "Please! Please. Can you give me one second with her? She overdosed last night!"

140. Ms. Goodman began to hyperventilate.

141. Taking the same approach as Deputy Noel, the security guard responded that he and Deputy Noel "need[ed] to take control of" Ms. Goodman.

142. The security guard and Deputy Noel proceeded to physically remove Mr. George from the hospital room.

143. The security guard then grabbed Mr. George and forcibly shoved him out of the hospital room.

144. Mr. George said, "Please. Please do not. Do not."

145. As Mr. George was being forced out of the room, Ms. Goodman clung to Mr. George's shirt.

146. Deputy Noel dragged Ms. Goodman across the hospital floor at the same time that the security guard physically shoved Mr. George out of the room.

147. Deputy Noel grabbed Ms. Goodman's hands and forced her to release her grip of Mr. George's shirt.

148. After the forced separation from Mr. George, Ms. Goodman was on her hands and knees.

149. Ms. Goodman screamed, "Don't leave me alone in here!"

150. Deputy Noel prevented Ms. Goodman from following Mr. George out of the room.

151. Throughout the entire exchange articulated above in paragraphs 84-150, Ms. Goodman was handcuffed with solid-bar handcuffs.

Because of the Trauma Ms. Goodman Endured, Ms. Goodman Harmed Herself

152. Immediately after Mr. George was forcibly removed from the hospital room, Ms. Goodman screamed and repeatedly hit the solid-bar handcuffs against her own forehead.

153. Ms. Goodman suffered numerous lacerations to her forehead, resulting in substantial bleeding.

154. Upon witnessing Ms. Goodman hit herself in the head, Deputy Noel asked for a doctor to enter Ms. Goodman's hospital room.

155. Deputy Noel stated, without emotion or compassion, that Ms. Goodman had "self harmed herself."

156. At no time did Deputy Noel approach Ms. Goodman to try to prevent her from engaging in self-harm.

157. Just moments earlier, meanwhile, Deputy Noel had gone hands-on to pull Ms. Goodman away from her only support network and means of effective communication: Mr. George.

158. Immediately after Ms. Goodman hit herself in the forehead, Deputy Noel asked for a fresh pair of gloves.

159. During this time, Ms. Goodman wept and hyperventilated.

160. Deputy Noel permitted a nurse and Ms. Goodman's doctor, Eric Ball, MD, to enter the hospital room.

161. As he entered the room, Dr. Ball said to Deputy Noel, "This is why you don't handcuff her."

162. Deputy Noel replied, "This is why I was going to put her in the belly restraint."

163. A belly restraint is a more restrictive form of handcuffing that secures one's hands to a chain around the torso.

164. Deputy Noel noted that he "was just trying to be nice."

Dr. Ball Explained to Ms. Goodman that the Sheriff's Department Had a Mandatory Handcuffing Policy

165. As Dr. Ball entered Ms. Goodman's room, he removed his mask.

166. Ms. Goodman continued to weep.

167. Without any prompting, Deputy Noel stated, "It's on camera, so I'm not worried."

168. As Ms. Goodman hyperventilated, Dr. Ball assured her, "I want to help you, dear."

169. Dr. Ball spoke slowly so that Ms. Goodman could try to read his lips.

170. Despite the COVID-19 pandemic, Dr. Ball showed immense compassion for Ms. Goodman by removing his mask to provide some, even if insufficient, means of immediate communication to calm her.

171. Referring to being transported to the mental health facility by Deputy Noel, Ms. Goodman wept to Dr. Ball, "I don't want to go anymore. I changed my mind."

172. Dr. Ball asked Ms. Goodman to look at him so that she could read his lips.

173. Dr. Ball then explained to Ms. Goodman, “I don’t want you in handcuffs.”

174. Dr. Ball then explained that he needed to treat the injuries to her forehead.

175. Still weeping, Ms. Goodman asked for assistance in getting up off the floor.

176. Dr. Ball and a nurse helped Ms. Goodman off the floor and onto the hospital bed, where she sat upright, crying.

177. A nurse placed gauze over the injuries on Ms. Goodman’s forehead.

178. Dr. Ball bent down so that Ms. Goodman could see his lips as he spoke.

179. Referring to the handcuffs, Dr. Ball told Ms. Goodman, “I want you out of those. I want you out. I didn’t want you in those.”

180. Dr. Ball attempted to explain that it is the Sheriff’s Department’s policy that they handcuff her.

181. This was the first time that anyone had been permitted by Defendant Noel to try to effectively communicate with Ms. Goodman regarding the reason she was being handcuffed, specifically that it was due to a policy issued and trained on by Defendants LACSD and BCCLAC.

182. Dr. Ball stated that the handcuffs would be removed, then turned to Deputy Noel to ask if he would consent to removing the handcuffs.

183. Deputy Noel responded, “If she doesn’t get combative or start fighting, I am ok with that.”

184. Notably, Ms. Goodman had not been combative nor had she “started fighting” prior to having the handcuffs placed on her the first time.

185. Deputy Noel added that he would keep his body camera on “for my safety.”

186. Deputy Noel then falsely alleged that Ms. Goodman “swung on me once.”

187. Deputy Noel unlocked and removed the handcuffs from Ms. Goodman's wrists as she wept and while the nurse continued to hold gauze to her bleeding forehead.

188. After the handcuffs were removed, Dr. Ball had Ms. Goodman lie back on the hospital bed.

189. Leaning directly over Ms. Goodman's face, Dr. Ball again explained that the Sheriff's Department had a mandatory policy requiring handcuffs during transport.

190. Ms. Goodman said, "Nate could have walked me out of the building."

191. Ms. Goodman then said that the handcuffs were too tight and Deputy Noel "wouldn't make it loose. Like he couldn't hear me or something."

192. Ms. Goodman was referencing the time that she was speaking, asking Deputy Noel to loosen the handcuffs. As noted above, Ms. Goodman can speak, even if she cannot hear.

193. As Ms. Goodman begged to understand why this was happening and whether she was being arrested, Dr. Ball assured her, "You're not—you've been nothing but sweet to us. You've been wonderful."

194. Ms. Goodman reiterated that she no longer wanted to go to the mental health facility because she did not want to be "treated like this over there."

195. Dr. Ball assured Ms. Goodman that the mental health facility would not treat Ms. Goodman like Deputy Noel had.

196. As Ms. Goodman expressed how frightened she felt, Dr. Ball agreed that "it is scary."

197. Dr. Ball explained to Ms. Goodman that he had no power over whether or not she was handcuffed while being transported.

198. Only the Defendants had that power.

199. Dr. Ball then told Ms. Goodman that he needed to treat the cuts to her forehead.

200. Perseverating, Ms. Goodman again explained how tight the handcuffs had been and that they hurt her wrists.

201. As she told Dr. Ball how Deputy Noel would not listen to her, and that she could not see Deputy Noel's face, she again began to hyperventilate in fear.

202. Ms. Goodman yelled loudly, "I don't want to feel like this when I go over there!", referring to the mental health facility.

203. Dr. Ball again assured her that she would not be treated the same way at the mental health facility.

Deputy Noel Explained His Actions to Dr. Ball

204. At this time, Dr. Ball turned away from Ms. Goodman and approached Deputy Noel, who was still standing in the hospital room.

205. Dr. Ball explained, "She just got a little excited. The problem is, she's Deaf."

206. Deputy Noel responded, "No, I know."

207. Dr. Ball continued, "And with your face cover, it freaked her out."

208. Deputy Noel stated, "That's why I had the guy sit, I was like, 'Stay here. Wait for her. Tell her she's gonna be fine.'" In making these statements, Deputy Noel was referring to Mr. George.

209. Despite his claims to Dr. Ball, Deputy Noel had never instructed Mr. George to effectively communicate with Ms. Goodman, and indeed he had actively interfered with Mr. George's efforts to effectively communicate with Ms. Goodman.

210. Deputy Noel then said that he had told Ms. Goodman that he would transport her in the wrist restraints if she was compliant but that the policy was to put her in belly chains.

211. Deputy Noel said that Mr. George "started getting rowley,"² I asked him to step out."

212. Dr. Ball did not seem to appreciate Deputy Noel's excuses, responding, "It escalated for no reason."

213. Deputy Noel claimed that after he told Mr. George to step out of the room, he asked him to translate for Ms. Goodman.

214. The body worn camera footage contradicts this claim.

215. Deputy Noel then explained how he placed the handcuffs on Ms. Goodman.

216. Deputy Noel stated that he tested the fit of the cuffs by placing his pinky fingers between the handcuffs and Ms. Goodman's wrists to make sure that they were not too tight.

217. Deputy Noel stated that he explained to Ms. Goodman that, since he could fit his pinky fingers between the handcuffs and her wrists, the handcuffs were not tight.

218. This claim is not supported by the body worn camera footage.

² Deputy Noel appears to be using a combination of the phrase "riled up" and the word "rowdy."

219. Deputy Noel told Dr. Ball that he explained to Ms. Goodman, “These are handcuffs, they’re not meant to be comfortable.”

220. Deputy Noel also told Dr. Ball that he said to Ms. Goodman, “I am being nice to you, and I am going to handcuff you from the front.”

221. As explained in detail above, regardless of the words Deputy Noel spoke out loud, Deputy Noel actively prevented her from understanding any of these alleged explanations by wearing an opaque, cloth mask and preventing Mr. George from signing to her.

222. Deputy Noel stated that Ms. Goodman “got all rowley, she grabbed onto him.”

223. Deputy Noel then stated that he told Mr. George to step out because his gun was available to Mr. George.

224. Notably, at no point during the recorded interaction does Deputy Noel ever explain why he asked Mr. George to step out of the room. What is more, this claim contradicts Deputy Noel’s earlier position that he had expressly asked Mr. George to enter the room to translate for him.

225. Deputy Noel then told Dr. Ball that Mr. George “refused” to step out of the room, so Deputy Noel “kind of separated him.”

226. Deputy Noel said that as the security guard assisted him in separating Ms. Goodman and Mr. George, Mr. George started “cursing and yelling and being however he was.”

227. Deputy Noel stated that Ms. Goodman then began using the handcuffs to hit her own head.

228. Deputy Noel added, “And she swung on me.”

229. The body worn camera footage does not support this version of events.

Upon Learning the Details of Ms. Goodman’s Disability, Lieutenant Trujillo Refused to Provide an Interpreter

230. As Ms. Goodman’s doctor and nurses tended to her injuries, Mr. George encountered Lt. Trujillo outside of the hospital.

231. Defendant Trujillo threatened to arrest Mr. George if he didn’t “calm down, and shut up.”

232. Failing to calm down is not a lawful basis for effectuating an arrest.

233. Speaking is not a lawful basis for effectuating an arrest.

234. Mr. George explained to Lt. Trujillo that he was upset because no one was able to effectively communicate with Ms. Goodman.

235. Mr. George further explained that given Ms. Goodman’s suicide attempt the night before, she needed to know what was going on.

236. Lt. Trujillo said he would go inside to figure out what was going on.

237. Upset, Mr. George responded at approximately 1:53 p.m., “I don’t even know how any of you are even going to go in there and talk to her to calm her down because none of you speak sign language! None of you can talk to her!”

238. Mr. George then suggested that someone write things down on a piece of paper for Ms. Goodman.

239. Lt. Trujillo responded, “Well, she’s going, ok? She’s going! All she needs to know is she needs to walk out to the car, and she’s going. That’s it.”

240. Lt. Trujillo then walked back inside the hospital.

Defendants Trujillo and Noel Unlawfully Restricted Mr. George's Access to the Hospital Because of His Association with a Disabled Person, Ms. Goodman

241. After Lt. Trujillo re-entered the hospital, Mr. George again requested to speak with Ms. Goodman so that he could explain to her what was happening.

242. One of the hospital nurses and a security guard allowed Mr. George to walk inside the hospital.

243. As Mr. George walked towards Ms. Goodman's hospital room, Lt. Trujillo approached him and shouted that Mr. George should be in jail for what Mr. George had allegedly done to Deputy Noel.

244. Lt. Trujillo told Mr. George that he had only decided not to arrest Mr. George out of the kindness of his heart.

245. Lt. Trujillo brandished his taser and pointed it at Mr. George's stomach.

246. As Lt. Trujillo turned on his body camera, Mr. George apologized out of fear that he was about to be tased.

247. Lt. Trujillo never explained what Mr. George had done to Deputy Noel to warrant Mr. George's being jailed.

248. Defendants Trujillo and Noel refused to allow Mr. George to see, comfort, or communicate with Ms. Goodman, who had been overwhelmed from the use of excessive force applied to both her and Mr. George by the individual Defendants.

249. Instead, Defendants Trujillo and Noel again ordered Mr. George to leave the hospital.

250. Once again, no one from the hospital had asked that Mr. George be removed from the premises.

251. Instead, the basis for Mr. George's removal was his association with Ms. Goodman, a disabled individual.

252. In the alternative, the basis for Ms. George's removal was his decision to engage in protected activity on behalf of Ms. Goodman, specifically requesting effective communication on her behalf.

253. At approximately 1:57 p.m., Mr. George turned towards the hospital exit and yelled in exasperation, "Someone! Bring a fucking interpreter!"

254. Angry at the comment, Lt. Trujillo responded by chasing Mr. George from behind.

255. Lt. Trujillo, still armed with a gun and a taser, got closer and closer to Mr. George as Mr. George walked outside.

256. Lt. Trujillo carried his taser in his right hand as he chased Mr. George.

257. Mr. George insisted, "I'm leaving," and said, "Do not put your hands on me!"

258. Mr. George yelled, "This is against people's rights!" as he walked into the parking lot.

259. Lt. Trujillo yelled back, "Then you get a lawyer and you sue us!"

260. At approximately 1:58 p.m., Lt. Trujillo brandished his taser, aiming it at Mr. George, and using it to wave away Mr. George's friend standing nearby.

261. As Mr. George climbed into a truck with his friend to leave, Lt. Trujillo screamed at Mr. George, "You do not make the rules around here! And as soon as you get that through your head, the better off you'll be!"

Ms. Goodman Calmly Allowed Deputy Noel to Transport Her to the Mental Health Facility

262. After Dr. Ball effectively explained to Ms. Goodman that she was not being arrested and assured her that she would be treated well at the mental health facility, Ms. Goodman agreed to go to treatment.

263. Ms. Goodman calmly left the hospital with a nurse and entered Deputy Noel's patrol vehicle.

264. Deputy Noel then drove Ms. Goodman to Pueblo for admission to the mental health facility.

265. After arriving at the front door, Ms. Goodman waited patiently—still handcuffed—for over two minutes for facility staff to meet her outside.

266. Ms. Goodman was calm throughout this time.

267. Throughout the transport, Ms. Goodman did not threaten Deputy Noel in any way.

268. Throughout the transport, Deputy Noel took selfies and communicated with third parties via Snapchat while operating his vehicle.

269. When the facility's staff members exited the building, Deputy Noel informed them that Ms. Goodman "has a disability. She doesn't—she can't hear."

270. In response, the admitting nurse told Deputy Noel, "Yeah, she's Deaf."

271. The nurse immediately pulled down her mask and spoke directly to Ms. Goodman.

272. The nurse asked Ms. Goodman, "How are you doing?"

273. Ms. Goodman responded by holding up her hand and pointing her thumb down.

274. Only after facility staff requested that Deputy Noel remove the handcuffs did Deputy Noel take the handcuffs off of Ms. Goodman's wrists.

V. STATEMENT OF CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF
Fourth Amendment to the United States Constitution through 42 U.S.C. § 1983 –
Excessive Force
(All Plaintiffs Against Defendants Noel and Trujillo)**

275. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully stated herein.

276. The Fourth Amendment to the United States Constitution prohibits “unreasonable searches and seizures.” U.S. Const. amend. IV.

277. Defendants Noel and Trujillo acted under color of state law and within the course and scope of their employment as law enforcement officers employed by the Las Animas County Sheriff's Department at all times relevant to the allegations in this Complaint.

278. Deputy Noel used an objectively unreasonable amount of force against Ms. Goodman during his (multiple) seizures of her at the hospital.

279. First, in this particular circumstance, Deputy Noel was not responding to any alleged crime. Instead, he arrived at the hospital to transport Ms. Goodman to a mental health facility from which she had voluntarily chosen to seek treatment.

280. Ms. Goodman, who could not understand what was happening, posed no immediate threat to Deputy Noel's safety or the safety of others.

281. Indeed, Ms. Goodman was considered so safe to transport that medical staff had indicated to Deputy Noel their desire that he not use handcuffs in transporting her to the mental health facility.

282. At the time of the seizures, Ms. Goodman was not under arrest.

283. Ms. Goodman did not actively resist being handcuffed, nor did she attempt to evade Deputy Noel.

284. Understanding that Ms. Goodman was Deaf and could not understand why she was being placed in handcuffs, Deputy Noel applied an objectively unreasonable amount of physical force to her without attempting to effectively communicate what he was doing or why.

285. Deputy Noel handcuffed Ms. Goodman three times, the second time applying such force that it caused Ms. Goodman to lose feeling in her pinky finger for months.

286. The force Deputy Noel applied while handcuffing Ms. Goodman caused Ms. Goodman significant pain, which Ms. Goodman effectively communicated to Deputy Noel by speaking to him.

287. When Deputy Noel refused to loosen the handcuffs, and after repeated, failed attempts to obtain effective communication, Ms. Goodman became confused and scared, causing her to panic, weep, and cling to Mr. George.

288. In a subsequent seizure, Deputy Noel again applied an objectively unreasonable amount of force to Ms. Goodman as he grabbed her and forced her to release her grip on Mr. George and his shirt.

289. Deputy Noel dragged Ms. Goodman across the floor of the hospital room to separate her from Mr. George. Again, Ms. Goodman was not under arrest for an alleged crime when Deputy Noel used this force. Instead, he used this objectively

excessive force against her despite the fact that she had agreed to voluntarily be treated for her mental health disorder.

290. Deputy Noel also directed the hospital security guard to use an objectively unreasonable amount of force against Mr. George when interacting with him.

291. Rather than allow Mr. George to de-escalate the situation by signing to Ms. Goodman what was happening, Deputy Noel grabbed onto Mr. George's left arm and began to turn him towards the door. Mr. George simultaneously pleaded for time to communicate with Ms. Goodman.

292. Ignoring Mr. George's request, Deputy Noel grabbed onto Mr. George's right arm and pried it from Ms. Goodman's grip, forcibly separating the two. Simultaneously, the security guard grabbed Mr. George's left arm and pulled him sideways out of the hospital room.

293. The security guard was acting in accordance with Deputy Noel's authority as a POST-certified law enforcement officer and solely at Deputy Noel's direction. Deputy Noel was acting under the color of law as he ordered Mr. George to vacate the hospital and directed the security guard to use force to that effect.

294. Given that no crime had been committed by either Plaintiff and neither Plaintiff was acting in a violent or aggressive manner, it would have been objectively unreasonable to believe that either Ms. Goodman or Mr. George posed any threat to the safety of Deputy Noel, the security guard, each other, hospital staff, or themselves. Further, neither Plaintiff attempted to evade or actively resist Deputy Noel or the security guard prior to the seizure or use of force.

295. Upon Mr. George's re-entry into the hospital, Lt. Trujillo used an objectively unreasonable amount of force against Mr. George by pointing his taser at Mr. George's stomach as he ordered him to leave the hospital.

296. Just like Ms. Goodman, Mr. George had committed no crime.

297. Mr. George, who had been weeping as he was ordered to leave Ms. Goodman's side, posed no immediate threat to either Deputy Noel or Lt. Trujillo. He made no physical movements toward either defendant and, after briefly hesitating, complied with Lt. Trujillo's order by turning and walking outside.

298. At no point did Mr. George actively resist or attempt to evade Deputy Noel or Lt. Trujillo.

299. Mr. George was attempting to provide effective communication for Ms. Goodman on account of her disabling Deafness and Defendants' refusal to provide Ms. Goodman with a translator.

300. Mr. George was also concerned about the need for effective communication for Ms. Goodman on account of her mental health disability, and in light of the fact that she had attempted suicide mere hours earlier and was in a very fragile emotional state.

301. Mr. George pleaded with Deputy Noel and Lt. Trujillo to allow him to sign to Ms. Goodman so that she could understand what was happening.

302. Out of concerns for her mental health and safety, and also knowing that she was Deaf, Mr. George wanted Ms. Goodman to understand that she was not in danger and was not under arrest.

303. As evidenced by the totality of the circumstances—including as set forth in both the specific allegations within this claim for relief as well as the allegations contained throughout this pleading—Deputy Noel’s and Lt. Trujillo’s forceful conduct was objectively excessive and violated the Fourth Amendment rights of both Ms. Goodman and Mr. George.

304. Defendants’ conduct was engaged in with malice or reckless indifference to the federally protected rights of Plaintiffs.

305. As a result of Defendants’ unlawful conduct, Plaintiffs have suffered significant injuries, damages, and losses.

SECOND CLAIM FOR RELIEF
Article II, § 7 of the Constitution of the State of Colorado through C.R.S. § 13-21-
131 – Excessive Force
(All Plaintiffs Against Defendants Noel and Trujillo)

306. Plaintiffs hereby incorporate all other paragraphs of this complaint as if fully stated herein.

307. Article II, § 7 of the Constitution of the State of Colorado prohibits “unreasonable searches and seizures.” Colo. Const. art. II, § 7.

308. Although Article II, § 7 of the Constitution of the State of Colorado guarantees rights similar to those protected by the Fourth Amendment of the U.S. Constitution, these constitutional provisions are distinct and the Colorado Constitution affords broader protections than the U.S. Constitution. *See, e.g., People v. McKnight*, 446 P.3d 397, 408 (Colo. 2019); *People v. Oates*, 698 P.2d 811 (Colo. 1985).

309. Defendants Noel and Trujillo acted under color of state law and within the course and scope of their employment as law enforcement officers employed by the Las

Animas County Sheriff's Department at all times relevant to the allegations in this Complaint.

310. At all relevant times, Defendants Noel and Trujillo were "peace officers" under C.R.S. § 24-31-901(3) and were employed by a local government.

311. Plaintiffs had a protected interest under Article II, § 7 of the Colorado Constitution in being free from the use of excessive force by law enforcement personnel.

312. Defendants Noel and Trujillo seized Plaintiffs by means of unreasonable and excessive physical force, including but not limited to physical restraints and handcuffs.

313. Defendants Noel and Trujillo did not have, at any time before or during their encounter with Plaintiffs, a legally valid basis to seize either of the Plaintiffs.

314. Defendants Noel and Trujillo had no warrant authorizing any seizure of Plaintiffs.

315. Plaintiffs had committed no crime and Defendants Noel and Trujillo did not have probable cause or reasonable suspicion to believe that either Plaintiff had committed, was committing, or was going to commit a crime.

316. Defendants Noel and Trujillo had no reasonable basis to believe either of the Plaintiffs posed a threat of harm to Defendants Noel or Trujillo, each other, hospital staff, or anyone else.

317. Before and during Plaintiffs' encounter with Defendants Noel and Trujillo, Plaintiffs made no attempt to flee from Defendants Noel or Trujillo.

318. Defendants Noel and Trujillo did not have a legally valid basis to seize Plaintiffs in the manner and with the level of force used under the circumstances presented.

319. Defendants' use of force against Plaintiffs, as described herein, was objectively unreasonable in light of the circumstances confronting them before and during the encounter with Plaintiffs.

320. Defendants Noel and Trujillo violated Plaintiffs' state constitutional rights by using objectively unreasonable and excessive force against Plaintiffs.

321. Defendants Noel and Trujillo engaged in a collective plan or effort with the hospital security guard, who was acting solely at Defendant Noel's direction, to use unreasonable and excessive force against Plaintiffs, or alternatively, each Defendant failed to take reasonable steps to intervene in the other's unlawful use of force against Plaintiffs, despite being in a position and having the opportunity to do so. Each is therefore liable for the damages resulting from the objectively unreasonable and excessive use of force against Plaintiffs.

322. Defendants Noel and Trujillo subjected or caused Plaintiffs to be subjected to the deprivation of individual rights secured by the Bill of Rights of the Colorado Constitution.

323. Defendants Noel and Trujillo did not act upon a good faith and reasonable belief that their actions in using unreasonable and excessive force against Plaintiffs were lawful.

324. The acts or omissions of Defendants Noel and Trujillo were the moving force behind, and the proximate cause of, injuries sustained by Plaintiffs.

325. The conduct of Defendants Noel and Trujillo as described herein and throughout this pleading was attended by circumstances of malice, or willful and wanton conduct, which Defendants Noel and Trujillo must have realized was dangerous, or that was done heedlessly and recklessly, without regard to the consequences, or of the rights and safety of others, particularly Plaintiffs.

326. As a result of Defendants' unlawful conduct, Plaintiffs have suffered significant injuries, damages, and losses.

THIRD CLAIM FOR RELIEF
Fourth Amendment to the U.S. Constitution through 42 U.S.C. § 1983 –
Unlawful Seizure
(All Plaintiffs Against All Defendants)

327. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

328. The Fourth Amendment to the United States Constitution prohibits “unreasonable searches and seizures.” U.S. Const. amend. IV.

329. Defendants Noel and Trujillo acted under color of state law and within the course and scope of their employment as law enforcement officers employed by Defendant LACSD at all times relevant to the allegations in this Complaint.

330. Defendants Noel and Trujillo, through a show of authority to Mr. George, first attempted to, and then successfully did, unlawfully seize Mr. George in violation of his Fourth Amendment rights.

331. For example, Defendant Noel commanded Mr. George to exit Ms. Goodman's hospital room. Deputy Noel had no legal basis for doing so. There was no reasonable articulable suspicion or probable cause to believe that Mr. George had committed a crime. Mr. George had not threatened anyone's safety or acted in a

manner that indicated he was dangerous. Mr. George was not armed. Mr. George was simply present as Ms. Goodman's source of support and only means for any form of communication.

332. At Defendant Noel's direction, the security guard soon joined in, also ordering Mr. George to leave first the hospital room and then the hospital altogether. As Mr. George wiped tears away from his eyes when Ms. Goodman began to panic, Defendant Noel ordered him to step out. Mr. George responded, "I'm trying!" He rubbed Ms. Goodman's shoulders as she screamed. Mr. George turned and said, "Please, please."

333. As Ms. Goodman clung to Mr. George's arm, Mr. George was attempting to comply with the officers' orders because he did not believe that he was free to stay or to ignore the officers' orders. Had Mr. George not been restrained by Ms. Goodman, he would have submitted to Defendants Noel's and Trujillo's orders, effectively completing the unlawful seizure.

334. Defendant Noel soon resorted to physical force to effectuate the unlawful seizure. As Defendant Noel forcibly separated Ms. Goodman from Mr. George's arm by prying Mr. George's arm from her grip, the security guard acted accordingly, grabbing onto Mr. George's other arm and pulling him from the hospital room.

335. Finally, Defendant Trujillo again unlawfully seized Mr. George by unlawfully requiring him to exit the hospital building and ultimately, the hospital grounds. Mr. George presented no threat to anyone's safety and had committed no crime as he expressed his frustration that no one had properly communicated to Ms. Goodman why she had been handcuffed or called for an interpreter to do so. As such, there was no

lawful basis for ordering Mr. George to leave the hospital building or to prevent him from re-entering the hospital.

336. Defendant Trujillo's unlawful order for Mr. George to depart the hospital and the hospital parking lot constituted an unreasonable seizure in violation of Mr. George's Fourth Amendment rights.

337. Defendant Noel also unlawfully and unreasonably seized Ms. Goodman both times that he handcuffed her. Detaining Ms. Goodman in handcuffs was unnecessary and not supported by reasonable articulable suspicion or probable cause to believe that she had committed a crime. She was not behaving in an aggressive or threatening manner. Hospital staff, who had spent several hours treating Ms. Goodman, reported that she had been "polite" and "wonderful." Ms. Goodman had voluntarily agreed to go to a mental health facility for treatment. Defendant Noel had no reason to believe Ms. Goodman would resist and no lawful basis for physically forcing her to be transported by him if she did. He handcuffed her regardless, three times.

338. Defendant Noel again unlawfully and unreasonably seized Ms. Goodman as he grabbed her and physically separated her from Mr. George. Defendant Noel pulled Ms. Goodman's hand off of Mr. George's shirt and then dragged her across the floor of the hospital room to prevent her from going with Mr. George.

339. During each seizure—including those articulated within this section of the Complaint as well as those detailed throughout this pleading—Defendants unlawfully restrained Plaintiffs' liberty in violation of their Fourth Amendment rights.

340. A municipal government policy or custom that caused an injury results in liability when "the policy was enacted or maintained with deliberate indifference to an

almost inevitable constitutional injury.” *Schneider v. City of Grand Junction Police Dep’t*, 717 F.3d 760, 769 (10th Cir. 2013) (citing *Monell v. Dep’t of Social Servs.*, 436 U.S. 658, 694 (1978)).

341. A municipality may also “be held liable for failure to adequately train its employees in situations where the potential for constitutional violations is so apparent” and where the failure to train constitutes “deliberate indifference to the rights of persons with whom the police come into contact.” *Twitchell v. Hutton*, No. 10-cv-01939-WYD-KMT, 2011 WL 318827, at *5 (D. Colo. Jan. 28, 2011) (quoting *City of Canton v. Harris*, 489 U.S. 378, 387-89 (1989)).

342. The LACSD and BCCLAC policy requiring the use of handcuffs on *anyone* being transported in a LACSD vehicle will inevitably result in the violation of the rights of some disabled individuals unless reasonably modified to accommodate the transportee’s disability or disabilities.

343. Further, a person who commits no crime and voluntarily agrees to be transported to a mental health facility enjoys the constitutional protections of the Fourth Amendment, just like the rest of society. The rigid application of LACSD’s and BCCLAC’s handcuffing policy to such individuals without accounting for individualized, disability-related needs will inevitably result in a violation of certain individuals’ federal and constitutionally protected rights.

344. Defendants LACSD’s and BCCLAC’s failure to consider how such a policy might affect individuals with mental health disabilities, including those who have experienced life-threatening suicidal crises in the hours prior to transport, will

foreseeably result in a deprivation of the individual's federal and constitutionally protected rights.

345. Further, Defendants LACSD's and BCCLAC's failure to consider how such a policy might affect individuals who are unable to engage in effective communication with law enforcement officers, including those who are Deaf, will foreseeably result in a deprivation of the individual's federal and constitutionally protected rights.

346. In this case, Ms. Goodman's medical treatment providers objected to the use of handcuffs on her given her Deafness and mental health disability, as well as the fact that Ms. Goodman exhibited no signs of being a threat to the safety and wellbeing of the officers.

347. Further, Ms. Goodman had voluntarily agreed to be transferred to the mental health facility for mental health treatment, as opposed to being placed under arrest for committing a crime. Without explanation, LACSD and BCCLAC policy does not provide a difference in policy for those who are being placed under arrest as compared to those who are being voluntarily transported by law enforcement.

348. The Individual Defendants' rigid application of LACSD and BCCLAC policy directly resulted in a violation of Ms. Goodman's federally protected and constitutional rights.

349. Specifically, Defendants Noel and Trujillo acted pursuant to an official municipal policy—the handcuffing policy—and in doing so deprived Ms. Goodman of her federally protected and constitutional rights, as articulated above.

350. In addition, Defendant LACSD is also liable under a failure to train or supervise theory.

351. Specifically, LACSD failed to adequately train or supervise Defendants Noel Trujillo on how to apply its handcuffing policy when confronted with a person with disabilities, including Deaf individuals and those suffering from mental health disabilities.

352. LACSD was deliberately indifferent in failing to adequately train or supervise its officers on how to provide reasonable accommodations to individuals with disabilities. Just 13 years prior to the incident giving rise to this case, LACSD was involved in a similar lawsuit alleging discrimination by failing to accommodate Deaf individuals. *See Robertson v. Las Animas Cty. Sheriff's Dep't*, 500 F.3d 1185 (10th Cir. 2007). Being on express notice of the impact of its failure to properly train or supervise officers to interact with disabled—and particularly Deaf—individuals, LACSD knew or should have known that both its policy and its failure to train or supervise officers on adequately accommodating disabled individuals would inevitably result in constitutional injury to disabled persons.

353. Defendants' conduct was engaged in with malice or reckless indifference to the federally protected rights of Plaintiffs.

354. As a result of Defendants' unlawful conduct, as well as Defendants LACSD's and BCCLAC's unlawful policies, practices, and customs, Plaintiffs have suffered significant injuries, damages, and losses.

FOURTH CLAIM FOR RELIEF
Article II, § 7 of the Constitution of the State of Colorado through C.R.S. § 13-21-
131 – Unlawful Seizure
(All Plaintiffs Against Defendants Noel and Trujillo)

355. Plaintiffs hereby incorporate all other paragraphs of this complaint as if fully stated herein.

356. Article II, § 7 of the Constitution of the State of Colorado prohibits “unreasonable searches and seizures.” Colo. Const. art. II, § 7.

357. Although Article II, § 7 of the Constitution of the State of Colorado guarantees rights similar to those protected by the Fourth Amendment of the U.S. Constitution, these constitutional provisions are distinct and the Colorado Constitution affords broader protections than the U.S. Constitution. *See, e.g., People v. McKnight*, 446 P.3d 397, 408 (Colo. 2019); *People v. Oates*, 698 P.2d 811 (Colo. 1985).

358. Defendants Noel and Trujillo acted under color of state law and within the course and scope of their employment as law enforcement officers employed by Defendant LACSD at all times relevant to the allegations in this Complaint.

359. At all relevant times, Defendants Noel and Trujillo were “peace officers” under C.R.S. § 24-31-901(3) and were employed by a local government.

360. Plaintiffs had a protected interest under Article II, § 7 of the Colorado Constitution in being free from the use of excessive force by law enforcement personnel.

361. Defendants Noel and Trujillo, acting in concert with one another, unreasonably seized and detained Plaintiffs, in violation of the Constitution of the State of Colorado.

362. Defendant Noel handcuffed Plaintiff Goodman three times and grabbed her and dragged her across the hospital floor, depriving her of her freedom of action for a sustained period of time.

363. Defendant Noel, with the help of the hospital security guard who acted in accordance with his orders, grabbed Plaintiff George, pulled him out of the hospital

room, and forced him to leave the hospital, depriving him of his freedom of action for a sustained period of time.

364. Defendants Noel and Trujillo did not at any time during their encounter with Plaintiffs have probable cause or reasonable suspicion, or any other legally valid basis, to believe that any Plaintiffs had committed, were committing, or were about to commit any violation of the law.

365. Defendants Noel and Trujillo did not at any time have a reasonable basis for believing that Plaintiffs were a danger to themselves or others.

366. Defendants Noel and Trujillo did not at any time have a warrant authorizing the seizure of either Plaintiff.

367. Defendants Noel and Trujillo seized Plaintiffs against their will, despite lacking any legally valid basis for the seizures.

368. Defendants Noel and Trujillo violated Plaintiffs' state constitutional rights by engaging in unlawful seizures of Plaintiffs that were objectively unreasonable in light of the facts and circumstances confronting Defendants Noel and Trujillo before and during their encounter with Plaintiffs.

369. Defendants Noel and Trujillo engaged in a collective plan or effort to seize Plaintiffs without probable cause or reasonable suspicion, or alternatively, Defendants Noel and Trujillo failed to take reasonable steps to intervene in the other's unlawful seizure of Plaintiffs, despite being in a position and having the opportunity to do so. Each is therefore liable for the damages resulting from the objectively unlawful and unreasonable arrest and seizure of Plaintiffs.

370. Defendants Noel and Trujillo subjected or caused Plaintiffs to be subjected to the deprivation of individual rights secured by the Bill of Rights of the Colorado Constitution.

371. Defendants Noel and Trujillo did not act upon a good faith and reasonable belief that their actions in seizing Plaintiffs without probable cause or reasonable suspicion were lawful.

372. The acts or omissions of Defendants Noel and Trujillo were the moving force behind, and the proximate cause of, injuries sustained by Plaintiffs.

373. The conduct of Defendants Noel and Trujillo described herein and throughout this pleading was attended by circumstances of malice, or willful and wanton conduct, which Defendants Noel and Trujillo must have realized was dangerous, or that was done heedlessly and recklessly, without regard to the consequences, or of the rights and safety of others, particularly Plaintiffs.

374. As a result of Defendants' unlawful conduct, Plaintiffs have suffered significant injuries, damages, and losses.

FIFTH CLAIM FOR RELIEF
Title II of the Americans with Disabilities Act – 42 U.S.C. § 12101, *et seq.* –
Discrimination
(All Plaintiffs Against Defendants LACSD and BCCLAC)

375. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully stated herein.

376. Title II of the Americans with Disabilities Act (“ADA”) prohibits discrimination on the basis of a disability by public entities, including state and local governments, like Defendants LACSD and BCCLAC. See 42 U.S.C. § 12101, *et seq.*

377. In addition to protecting the rights of disabled individuals, federal regulations implementing the ADA also include a prohibition on discrimination against non-disabled individuals who are associated with disabled individuals. See 28 C.F.R. § 35.130(g).

378. Specifically, ADA regulations require state and local governments to “make reasonable modifications in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability” 28 C.F.R. § 35.130(b)(7)(i). Furthermore, state and local governments must “ensure that communications with . . . members of the public and companions with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a)(1).

379. At all relevant times, Defendants LACSD and BCCLAC constituted a state or local government subject to Title II of the ADA.

380. At all relevant times, Defendants Noel and Trujillo acted within the course and scope of their employment on behalf of Defendants LACSD and BCCLAC.

381. At all relevant times, Defendants Noel and Trujillo were aware that Ms. Goodman suffered from a physical disability—Deafness—as well as a mental health disability—clinical depression resulting in an attempted suicide the evening prior to their interaction with Ms. Goodman.

382. When Defendants Noel and Trujillo arrived at the hospital, neither took any steps to ensure that their communications with Ms. Goodman were as effective as their communications with a non-Deaf individual.

383. Pursuant to the ADA, Ms. Goodman had a right to an ASL interpreter to ensure effective communications. 28 C.F.R. § 35.160(b)(1).

384. Mr. George repeatedly requested that Defendants Noel and Trujillo call for a translator or allow for him to communicate with Ms. Goodman, and each of his requests went unanswered.

385. What is more, after refusing these repeated requests by Mr. George, Defendants Noel and Trujillo went so far as to actively prevent Mr. George from attempting to translate for Ms. Goodman.

386. Put another way, Defendants Noel and Trujillo expressly refused to allow Mr. George—the only person present who spoke ASL—to explain to Ms. Goodman what was happening.

387. Defendants Noel and Trujillo also refused to allow Mr. George time to speak with Ms. Goodman with his mask down so that she could read his lips. Although reading lips would not constitute a legally effective form of communication for Ms. Goodman, this blanket refusal by Defendants Noel and Trujillo serves as further evidence of Defendants' malice or wanton and willful disregard for Ms. Goodman's federally protected rights.

388. Defendants Noel and Trujillo also refused to make any efforts to effectively communicate with Ms. Goodman by pulling down their masks and allowing her to read their lips. Again, while such efforts would not have been compliant with the duty to provide an ASL interpreter, that *no* efforts—even minimal—were made to effectively communicate is telling.

389. In addition to failing to effectively communicate with Ms. Goodman, Defendants Noel and Trujillo failed to reasonably modify Defendants LACSD's and BCCLAC's handcuffing policy to accommodate Ms. Goodman's disabilities.

390. Specifically, Defendants LACSD's and BCCLAC's policy requires the use of handcuffs on all individuals being transported by law enforcement officers in a law enforcement vehicle.

391. Defendants Noel and Trujillo had been notified by hospital staff that Ms. Goodman had attempted suicide the evening before the scheduled transport to the mental health facility.

392. Defendants Noel and Trujillo also knew that Ms. Goodman was Deaf and that there was no ASL translator present to effectively communicate with her.

393. Knowing that Ms. Goodman was suffering from a mental health crisis and also that she could not understand what was being said around her, Defendants failed to consider or offer any reasonable modification of the handcuffing policy to accommodate Ms. Goodman's disability-related needs.

394. Ms. Goodman's doctor had also made this reasonable accommodation request on Ms. Goodman's behalf. Specifically, Dr. Ball had asked Defendants Noel and Trujillo not to use handcuffs on Ms. Goodman. In response thereto, Defendant Noel decided to use a wrist restraint instead of a belly restraint. However, for unknown reasons, Defendant Noel refused to grant the request that no handcuffs be used.

395. Even upon learning from hospital staff that Ms. Goodman had been "nothing but sweet," polite, and "wonderful," and also seeing that Ms. Goodman posed no threat to the officers, Defendants refused to reasonably modify the LACSD and BCCLAC handcuffing policy to accommodate Ms. Goodman's disability-related needs.

396. During this same set of interactions, Defendants also discriminated against Mr. George for being associated with Ms. Goodman when they refused to allow

him to provide effective communication to Ms. Goodman and then forcibly removed him from the premises for trying to communicate with her.

397. Defendants' conduct was engaged in with malice or reckless indifference to the federally protected rights of Plaintiffs.

398. As a result of Defendants' unlawful conduct, Plaintiffs have suffered significant injuries, damages, and losses.

SIXTH CLAIM FOR RELIEF
29 U.S.C. § 794 – Section 504 of the Rehabilitation Act of 1973 – Disability
Discrimination
(All Plaintiffs Against Defendants LACSD and BCCLAC)

399. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully stated herein.

400. Section 504 of the Rehabilitation Act declares that “[n]o otherwise qualified individual with a disability . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” 29 U.S.C. § 794(a).

401. Both disabled individuals and persons associated with individuals with disabilities have a right to ensure compliance with Section 504 of the Rehabilitation Act. 28 C.F.R. § 35.170(a).

402. Ms. Goodman has a “disability” as the term is used in Section 504 and a “handicap” as defined in regulations implementing Section 504, 24 C.F.R. § 8.3.

403. At all relevant times, Mr. George was associated with a person with a “disability” as the term is used in Section 504 and a “handicap” as defined in regulations implementing Section 504, 24 C.F.R. § 8.3.

404. At all relevant times, Defendants LACSD and BCCLAC have been recipients of federal funding.

405. Upon learning that Ms. Goodman was Deaf, Defendants LACSD and BCCLAC—acting through Defendants Noel and Trujillo—had a duty to provide an effective means of communication to Ms. Goodman as a person with a disability.

406. Despite being obligated to accommodate Ms. Goodman’s disability-related need for effective communication—and despite requests by Mr. George for Defendants Noel and Trujillo to call an interpreter—Defendants LACSD and BCCLAC failed at any time to accommodate Ms. Goodman’s disability-related need.

407. Further, Defendants LACSD’s and BCCLAC’s policy of handcuffing all transportees fails to provide for a means to accommodate disabled individuals who pose no threat to sheriff’s deputies and whose mental health disabilities prevent them from coping with being handcuffed or prevent them from being handcuffed without experiencing trauma.

408. Defendants LACSD’s and BCCLAC’s handcuffing policy has a disparate impact on individuals with disabilities who have voluntarily agreed to receive necessary mental health treatment and whose disabilities allow for safe transportation without the use of handcuffs.

409. In this instance, Defendants Noel and Trujillo had been put on notice of the need to accommodate Ms. Goodman’s disabilities—in particular her combined Deafness and clinical depression—by allowing her to be transported without handcuffs.

410. Despite Dr. Ball’s request for this accommodation, Defendants refused the accommodation, citing LACSD and BCCLAC policy.

411. Defendants LACSD's and BCCLAC's decision to maintain a mandatory handcuffing policy that does not account for disabled individuals' needs is a form of discrimination against Plaintiffs on account of Ms. Goodman's disabilities and her disability-related needs.

412. In the alternative, the failure by Defendants Noel and Trujillo to accommodate Ms. Goodman's disability-related need not to be handcuffed during transportation constitutes a violation of her right to an accommodation under Section 504 of the Rehabilitation Act.

413. By engaging in the conduct detailed above, Defendants LACSD and BCCLAC recklessly and intentionally discriminated against Plaintiff Goodman on the basis of disability and against Plaintiff George for his association with a person with a disability, in violation of the Rehabilitation Act.

414. As a result of Defendants LACSD's and BCCLAC's discriminatory conduct, Plaintiffs have suffered significant injuries, damages, and losses.

SEVENTH CLAIM FOR RELIEF
Americans with Disabilities Act – 42 U.S.C. § 12203 –
Retaliation & Interference
(All Plaintiffs Against All Defendants)

415. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully stated herein.

416. The ADA states that “[n]o person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter” 42 U.S.C. § 12203(a).

417. It continues, “It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having

exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.”

42 U.S.C. § 12203(b).

418. As noted above, Mr. George repeatedly pleaded with Defendants Noel and Trujillo to call for an interpreter and also to allow him to communicate with Ms. Goodman.

419. Each of these requests constitutes a form of protected activity under the ADA.

420. In response thereto, Defendants ordered Mr. George to leave the hospital room and, ultimately, the hospital itself.

421. When Mr. George failed to immediately comply with this unlawful order, in part because Ms. Goodman continued to cling to his arm, Defendants used physical force and threats to remove him from the premises.

422. Mr. George never posed any physical threat to either Defendant Noel or Defendant Trujillo, nor had any hospital staff asked that Mr. George be removed from the premises.

423. Instead, Defendants forced Mr. George outside because he voiced his objection to Defendants’ discriminatory treatment of Ms. Goodman and made repeated requests on her behalf, including for effective communication.

424. In addition to forcing Mr. George to leave the hospital, Defendants brandished a taser and threatened to arrest Mr. George because he had voiced his concerns and pleaded with the officers to provide effective communication for Ms.

Goodman. At one point, Defendant Trujillo expressly threatened to arrest Mr. George if he did not stop speaking.

425. Defendants Noel's and Trujillo's actions were taken in retaliation for Mr. George's having engaged in protected conduct under the ADA and further constitute unlawful interference, coercion, or intimidation in violation of the ADA.

426. Defendants also retaliated against Ms. Goodman in violation of 42 U.S.C. § 12203 by separating her from Mr. George after she opposed Defendants Noel's and Trujillo's discriminatory actions.

427. Ms. Goodman protested being handcuffed without sufficient explanation by an interpreter.

428. In response, Defendants forced Mr. George—Ms. Goodman's only source of emotional and linguistic support—out of her hospital room.

429. Defendants would not allow Mr. George to re-enter to explain to Ms. Goodman what was going on.

430. As a result, Ms. Goodman was subjected to additional emotional turmoil not knowing what had happened to Mr. George—such as whether he had been arrested.

431. At all times pertinent hereto, Defendants Trujillo and Noel acted within the course of scope of their employment and as agents of Defendants LACSD and BCCLAC.

432. Defendants' conduct was engaged in with malice or reckless indifference to the federally protected rights of Plaintiffs.

433. As a result of Defendants' unlawful conduct, Plaintiffs have suffered significant injuries, damages, and losses.

EIGHTH CLAIM FOR RELIEF
29 U.S.C. § 794 – Section 504 of the Rehabilitation Act of 1973 –
Retaliation
(All Plaintiffs Against Defendants LACSD and BCCLAC)

434. Plaintiffs hereby incorporate all of the paragraphs of this Complaint as if fully stated herein.

435. As detailed above, Plaintiffs—through themselves or others—requested reasonable accommodations on account of Ms. Goodman’s disabilities, including requests for an ASL interpreter and a reasonable deviation from Defendants LACSD’s and BCCLAC’s mandatory handcuffing policy.

436. Defendants LACSD and BCCLAC, directly or through their agents Defendants Noel and Trujillo, retaliated against Plaintiffs because they exercised rights afforded to them under federal civil right laws.

437. Defendants LACSD and BCCLAC subjected Plaintiffs to discriminatory treatment when they refused Plaintiffs’ requests for reasonable accommodations, forced Plaintiff George to leave the hospital, and prevented Plaintiffs from communicating.

438. Defendants LACSD and BCCLAC treated Plaintiffs less favorably than similarly situated individuals who did not engage in protected opposition to Defendants’ discriminatory policies and practices.

439. Defendants LACSD’s and BCCLAC’s conduct was engaged in with malice or with reckless indifference to federally protected rights of Plaintiffs within the meaning of Section 504 of the Rehabilitation Act.

440. As a result of Defendants LACSD’s and BCCLAC’s retaliatory actions, Plaintiffs have suffered significant injuries and losses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against each of the Defendants and award them all relief allowed by law and in equity, including but not limited to the following:

- A. All declaratory and injunctive relief, as appropriate;
- B. Actual economic damages as established at trial;
- D. Compensatory and consequential damages, including but not limited to damages for past and future pecuniary and non-pecuniary losses, physical and mental pain, emotional distress, humiliation, fear, anxiety, loss of enjoyment of life, loss of liberty, loss of a sense of security and individual dignity, and other pain and suffering, on all claims allowed by law or in equity in an amount to be determined at trial;
- E. Punitive or exemplary damages on all claims allowed by law or in equity and in an amount to be determined at trial;
- F. Attorneys' fees and the costs associated with this action, including expert witness fees, on all claims allowed by law or in equity;
- G. Pre-and post-judgment interest at the highest lawful rate; and
- H. Issuance of an Order mandating appropriate equitable relief, including but not limited to:
 - 1. Issuance of a formal written apology from each Defendant to Plaintiffs;
 - 2. The imposition of appropriate policy changes designed to avoid future similar misconduct by Defendants;
 - 3. Mandatory training designed to avoid future similar misconduct by Defendants;

4. Imposition of disciplinary action against appropriate individuals, including but not limited to the individually-named Defendants;
- I. Any other appropriate relief at law and in equity that this court deems just and proper.

PLAINTIFFS HEREBY DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE

Dated: June 15, 2022

SPARK JUSTICE LAW LLC

s/ Laura B. Wolf

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Attorneys for Plaintiffs

JS 44 (Rev. 10/20) District of Colorado

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

Rosemary Goodman and Nathan George

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Spark Justice Law LLC 1312 17th Street, Suite 569, Denver, CO 80202 (303) 802-5390

DEFENDANTS

Las Animas County Sheriff's Department, Board of County Commissioners of Las Animas County, Colorado, Las

County of Residence of First Listed Defendant (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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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 Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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, 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. s. 1983, 29 U.S.C. s. 794, 42 U.S.C. s. 12101, et seq. AP Docket

Brief description of cause: Las Animas County and its agents discriminated against Deaf patient and partner through excessive force, unlawful seizure, and handcuff policy

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 SIGNATURE OF ATTORNEY OF RECORD

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.
 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.