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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTHONY MITCHELL, LINDA MITCHELL,  
and MICHAEL MITCHELL,

*Plaintiffs,*

*vs.*

CITY OF HENDERSON, NEVADA; JUTTA  
CHAMBERS, individually and in her capacity  
as Chief of the Henderson Police  
Department; GARRETT POINER, RONALD  
FEOLA, RAMONA WALLS, ANGELA  
WALKER, and CHRISTOPHER WORLEY,  
individually and in their official capacities as  
Henderson police officers; CITY OF NORTH  
LAS VEGAS, NEVADA; JOSEPH  
CHRONISTER, individually and in his  
official capacity as Chief of the North Las  
Vegas Police Department; DOE individuals  
I–X, individually and in their official  
capacities as police officers; and ROE  
individuals I–X, individually and in their  
official capacities, jointly and severally,

*Defendants.*

Case No: \_\_\_\_\_

**COMPLAINT**

**JURY DEMANDED**

COME NOW the Plaintiffs, ANTHONY MITCHELL, LINDA MITCHELL, and MICHAEL  
MITCHELL, by and through their counsel, BENJAMIN C. DURHAM, ESQ., of COFER, GELLER  
& DURHAM, LLC, and for their claims for relief against Defendants, and each of them, jointly

01 and severally, based upon knowledge, information, and reasonable belief derived therefrom, allege,  
02 complain, and state as follows:

03 JURISDICTION AND VENUE  
04

05 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1343 over  
06 Plaintiffs' causes of action arising under 42 U.S.C. § 1983 and due to the deprivation of rights,  
07 privileges, and immunities secured to Plaintiffs under the Third, Fourth, and Fourteenth Amend-  
08 ments to the United States Constitution.

09 2. This Court has supplemental jurisdiction over Plaintiffs' causes of action arising under  
10 Nevada state law pursuant to 28 U.S.C. § 1367.

11 3. Venue lies in the Southern Division of the United States District Court for the District of  
12 Nevada pursuant to 28 U.S.C. § 1391(a)(1) and 28 U.S.C. § 1391(b)(2) because one or more  
13 Defendants is a political subdivision of the State of Nevada, and because the underlying acts,  
14 omissions, events, injuries and related facts upon which the present action is based occurred in  
15 Clark County, Nevada.

16 PARTIES  
17

18 4. Plaintiff ANTHONY MITCHELL is, and at all times herein mentioned was, a United States  
19 citizen and a resident of the District of Nevada, and is the son of Plaintiffs LINDA MITCHELL and  
20 MICHAEL MITCHELL.

21 5. Plaintiffs LINDA MITCHELL and MICHAEL MITCHELL are, and at all times herein men-  
22 tioned were, United States citizens and residents of the District of Nevada. They are a married  
23 couple.

24 6. Defendant CITY OF HENDERSON is a governmental entity organized and existing under the  
25 laws of the State of Nevada, and is a political entity of the State of Nevada.

26 7. Defendant CITY OF NORTH LAS VEGAS is a governmental entity organized and existing  
27 under the laws of the State of Nevada, and is a political entity of the State of Nevada.

01 8. At all times, Defendant CITY OF HENDERSON possessed the power and authority to adopt  
02 policies and prescribe rules, regulations, and practices affecting all facets of the training, super-  
03 vision, control, employment, assignment and removal of individual members of the Henderson  
04 Police Department (hereinafter, "HPD"). In this case, Defendant CITY OF HENDERSON acted  
05 through agents, employees, and servants, including its policymakers, and through Defendant  
06 JUTTA CHAMBERS.

07 9. At all times, Defendant CITY OF NORTH LAS VEGAS possessed the power and authority  
08 to adopt policies and prescribe rules, regulations, and practices affecting all facets of the training,  
09 supervision, control, employment, assignment and removal of individual members of the North  
10 Las Vegas Police Department (hereinafter, "NLVPD").

11 10. Defendant JUTTA CHAMBERS was at all times relevant to this action the Chief of HPD.  
12 She is sued in this action as an individual.

13 11. Defendants SERGEANT GARRETT POINIER, OFFICER RONALD FEOLA, OFFICER  
14 RAMONA WALLS, OFFICER ANGELA WALTER, and OFFICER CHRISTOPHER WORLEY are and  
15 were at all times relevant to this action police officers employed by CITY OF HENDERSON. They  
16 are sued in both their individual and official capacities.

17 12. Defendants SERGEANT MICHAEL WALLER, OFFICER ALBERS, OFFICER DAVID  
18 CAWTHORN, OFFICER ROCKWELL, and OFFICER SNYDER are and were at all times relevant  
19 to this action police officers employed by CITY OF NORTH LAS VEGAS. They are sued in both  
20 their individual and official capacities.

21 13. Does 1–10 are fictitious names for employees, agents and/or servants of CITY OF HEN-  
22 DERSON, and DOES 11–20 are fictitious names for employees, agents, and/or servants of CITY  
23 OF NORTH LAS VEGAS. Plaintiffs are ignorant of the true names and capacities of defendants  
24 sued herein as DOES, and therefore sue these defendants by such fictitious names. Plaintiffs are  
25 informed, believe, and thereon allege that each of the fictitiously named defendants is legally re-  
26 sponsible, either intentionally, negligently, or in some other actionable manner, for the events and  
27 happenings hereinafter referred to, and thereby legally caused the injuries, damages, and violations

and/or deprivation of rights hereinafter alleged. Plaintiffs request leave of the Court to amend this Complaint and insert the true names and capacities of said fictitiously named Defendants when the same have been ascertained.

14. The reason why Plaintiffs are ignorant of the true names and capacities of Defendants herein sued as DOES is that the same have been unascertainable as of the date of filing of this Complaint, due to the fact that these DOES may be state police officers, sergeants, lieutenants, captains, commanders, deputy chiefs and/or civilian employee agents, policy makers and representatives of HPD or NLVPD, or employees, agents, and/or representatives of Defendants CITY OF HENDERSON or CITY OF NORTH LAS VEGAS and/or other state political entities. As such, many records of these individuals are protected by state statutes and can only be ascertained through the discovery process.

15. Plaintiffs are informed, believe, and thereon allege that all Defendants were the agents, employees, and/or co-conspirators of the other Defendants, and each of them were acting within the course and scope of their agency, employment, and/or concert of action, and are vicariously liable, jointly and severally, for the actions, inactions, and/or omissions of themselves and of the other Defendants, which proximately resulted in the physical, emotional, and future damages to the Plaintiffs as herein alleged.

#### NATURE OF THE ACTION

16. This is an action for money damages, declaratory, and injunctive relief brought pursuant to 42 U.S.C. §§ 1983 and 1988, the Third, Fourth, and Fourteenth Amendments to the United States Constitution, and under the law of the State of Nevada, against the named Defendants, police officers of the Henderson Police Department and the North Las Vegas Police Department, in their individual and official capacities, and against the City of Henderson and the City of North Las Vegas.

## COMMON ALLEGATIONS

17. On the morning of July 10th, 2011, officers from the Henderson Police Department responded to a domestic violence call at a neighbor's residence.

18. At 10:45 a.m., Defendant OFFICER CHRISTOPHER WORLEY (HPD) contacted Plaintiff ANTHONY MITCHELL via his telephone. WORLEY told Plaintiff that police needed to occupy his home in order to gain a "tactical advantage" against the occupant of the neighboring house. ANTHONY MITCHELL told the officer that he did not want to become involved and that he did not want police to enter his residence. Although WORLEY continued to insist that Plaintiff should leave his residence, Plaintiff clearly explained that he did not intend to leave his home or to allow police to occupy his home. WORLEY then ended the phone call.

19. After Plaintiff ANTHONY MITCHELL refused to allow the police to enter his home, the Defendant police officers, including Defendants SERGEANT MICHAEL WALLER, OFFICER DAVID CAWTHORN and OFFICER CHRISTOPHER WORLEY, conspired among themselves to force ANTHONY MITCHELL out of his residence and to occupy his home for their own use. Defendant OFFICER DAVID CAWTHORN outlined the Defendants' plan in his official report:

It was determined to move to 367 Evening Side and attempt to contact Mitchell. If Mitchell answered the door he would be asked to leave. If he refused to leave he would be arrested for Obstructing a Police Officer. If Mitchell refused to answer the door, force entry would be made and Mitchell would be arrested.

20. At approximately 11:52 a.m., police officers, including Defendants SERGEANT MICHAEL WALLER, OFFICER ALBERS, OFFICER DAVID CAWTHORN, OFFICER ROCKWELL, and OFFICER SNYDER arrayed themselves in front of Plaintiff ANTHONY MITCHELL's house and prepared to execute their plan. The officers banged forcefully on the door and loudly commanded ANTHONY MITCHELL to open the door to his residence.

21. Surprised and perturbed, Plaintiff ANTHONY MITCHELL immediately called his mother (Plaintiff LINDA MITCHELL) on the phone, exclaiming to her that the police were beating on his front door.

01 22. Seconds later, officers, including OFFICER ROCKWELL, smashed open Plaintiff AN-  
02 THONY MITCHELL's front door with a metal ram as Plaintiff stood in his living room.

03 23. As Plaintiff ANTHONY MITCHELL stood in shock, the officers aimed their weapons at  
04 ANTHONY MITCHELL and shouted obscenities at him and ordered him to lie down on the floor.

05 24. Fearing for his life, Plaintiff ANTHONY MITCHELL dropped his phone and prostrated  
06 himself onto the floor of his living room, covering his face with his hands.

07 25. Addressing Plaintiff as "asshole," officers, including OFFICER SNYDER, shouted conflict-  
08 ing orders at ANTHONY MITCHELL, commanding him both to shut off his phone, which was on  
09 the floor in front of his head, and simultaneously commanding him to "crawl" toward the officers.

10 26. Confused and terrified, Plaintiff ANTHONY MITCHELL remained curled on the floor of his  
11 living room, with his hands over his face, and made no movement.

12 27. Although Plaintiff ANTHONY MITCHELL was lying motionless on the ground and posed  
13 no threat, officers, including OFFICER DAVID CAWTHORN, then fired multiple "pepperball"  
14 rounds at Plaintiff as he lay defenseless on the floor of his living room. ANTHONY MITCHELL  
15 was struck at least three times by shots fired from close range, injuring him and causing him severe  
16 pain.

17 28. As a result of being shot by officers, Plaintiff ANTHONY MITCHELL experienced psycho-  
18 logical horror and extreme emotional distress due to his fear and belief that he had been mortally  
19 wounded by gunfire. Further, in addition to the shock and bruising caused by the impact of the  
20 "pepperball" rounds on his body at close range, the caustic and irritating chemicals released caused  
21 ANTHONY MITCHELL to suffer extreme and prolonged pain in his eyes, nose, throat, lungs, and  
22 skin, as well as causing him to experience uncontrollable coughing and difficulty breathing.

23 29. Plaintiff ANTHONY MITCHELL's pet, a female dog named "Sam", was cowering in the  
24 corner when officers smashed through the front door. Although the terrified animal posed no threat  
25 to officers, they gratuitously shot it with one or more pepperball rounds. The panicked animal  
26 howled in fear and pain and fled from the residence. Sam was subsequently left trapped outside in  
27 a fenced alcove without access to water, food, or shelter from the sun for much of the day, while

01 temperatures outside soared to over 100 degrees Fahrenheit.

02 30. Plaintiff LINDA MITCHELL was talking to her son ANTHONY MITCHELL via telephone  
03 at the time that officers smashed through ANTHONY MITCHELL's front door. Over the telephone,  
04 she was able to hear officers shouting obscenities and weapons being fired. As a result of the  
05 officers' actions, she experienced extreme emotional distress due to her fear and belief that her son  
06 had been severely wounded or killed. While she was screaming her son's name over and over into  
07 the phone, one of the officers inside ANTHONY MITCHELL's home callously hung up the phone.

08 31. As Plaintiff ANTHONY MITCHELL lay incapacitated and in agony on his living room floor,  
09 several officers, including OFFICER DAVID CAWTHORN, forcefully pressed their knees atop the  
10 back of ANTHONY MITCHELL's neck and body, and roughly wrenched his arms behind his back  
11 and handcuffed him, all of which caused ANTHONY MITCHELL to suffer further pain and distress.

12 32. Officers, including OFFICER DAVID CAWTHORN, then roughly dragged Plaintiff AN-  
13 THONY MITCHELL out of his residence by his arms, causing him pain and humiliation.

14 33. Once outside the residence, OFFICER DAVID CAWTHORN slammed ANTHONY  
15 MITCHELL against the exterior of Plaintiff's home, and forcefully pressed Plaintiff's face into  
16 the stucco wall, holding him in this painful and humiliating configuration for several minutes.  
17 When ANTHONY MITCHELL begged to be released and pleaded that he was not a threat, officers,  
18 including OFFICER DAVID CAWTHORN, did not relent, but commented that Plaintiff should have  
19 come out of his home when commanded to do so by the police, and continued to press his face  
20 against the wall for an additional thirty seconds.

21 34. Defendant OFFICER DAVID CAWTHORN then told Plaintiff ANTHONY MITCHELL that he  
22 was under arrest for "Obstructing a Police Officer."

23 35. Officers, including Defendants SERGEANT MICHAEL WALLER, OFFICER ALBERS,  
24 OFFICER ROCKWELL, and OFFICER SNYDER, then swarmed through Plaintiff ANTHONY  
25 MITCHELL's home, searching through his rooms and possessions and moving his furniture, with-  
26 out permission or a warrant.

27 36. Officers subsequently occupied Plaintiff ANTHONY MITCHELL's home at 367 Evening-

01 side Avenue and used it as an observation post to surveil the neighboring house at 363 Eveningside  
02 Avenue.

03 37. Meanwhile, starting at approximately 10:45 a.m., police officers entered the back yard of  
04 Plaintiffs MICHAEL MITCHELL and LINDA MITCHELL's residence at 362 Eveningside Avenue.  
05 The officers asked Plaintiff MICHAEL MITCHELL if he would be willing to vacate his residence  
06 and accompany them to their "command center" under the guise that the officers wanted MICHAEL  
07 MITCHELL's assistance in negotiating the surrender of the neighboring suspect at 363 Eveningside  
08 Avenue. Plaintiff MICHAEL MITCHELL reluctantly agreed to follow the officers from his back  
09 yard to the HPD command center, which was approximately one quarter mile away.

10 38. When Plaintiff MICHAEL MITCHELL arrived at the HPD command center, he was in-  
11 formed that the suspect was "not taking any calls" and that Plaintiff MICHAEL MITCHELL would  
12 not be permitted to call the suspect neighbor from his own phone. At that time, Mr. Mitchell re-  
13 alized that the request to accompany officers to the HPD command center was a tactic to remove  
14 him from his house. He waited approximately 10 minutes at the HPD command center and was  
15 told he could not return to his home.

16 39. Plaintiff MICHAEL MITCHELL then left the HPD command center and walked down  
17 Mauve Street toward the exit of the neighborhood. After walking for less than 5 minutes, an HPD  
18 car pulled up next to him. He was told that his wife, LINDA MITCHELL, had "left the house," and  
19 would meet him at the HPD command center. Michael Mitchell then walked back up Mauve street  
20 to the HPD command center. He then called his son, James Mitchell, to pick him up at the HPD  
21 command center. When Plaintiff MICHAEL MITCHELL attempted to leave the HPD command  
22 center to meet James, he was arrested, handcuffed, and placed in the back of a marked police car.

23 40. Officers had no reasonable grounds to detain Plaintiff MICHAEL MITCHELL, nor probable  
24 cause to suspect him of committing any crime.

25 41. At approximately 1:45 p.m., a group of officers entered the back yard of Plaintiffs  
26 MICHAEL MITCHELL and LINDA MITCHELL's residence at 362 Eveningside Avenue. They  
27 banged on the back door of the house and demanded that Plaintiff LINDA MITCHELL open the



01 door.

02 42. Plaintiff LINDA MITCHELL complied and opened the door to her home. When she told  
03 officers that they could not enter her home without a warrant, the officers ignored her. One officer,  
04 Defendant DOE 1, seized her by the arm, and other officers entered her home without permission.

05 43. Defendant DOE 1 then forcibly pulled Plaintiff LINDA MITCHELL out of her house.

06 44. Another unidentified officer, Defendant DOE 2, then seized Plaintiff LINDA MITCHELL's  
07 purse and began rummaging through it, without permission, consent, or a warrant.

08 45. Defendant DOE 1 then escorted LINDA MITCHELL at a brisk pace through her yard and  
09 up the hill toward the "Command Post" while maintaining a firm grip on her upper arm. Plaintiff  
10 LINDA MITCHELL is physically frail and had difficulty breathing due to the heat and the swift  
11 pace. However, DOE 1 ignored her pleas to be released or to at least slow down, and refused to  
12 provide any explanation for why she was being treated in such a manner.

13 46. In the meantime, the officers searched and occupied Plaintiffs MICHAEL MITCHELL and  
14 LINDA MITCHELL's house. When Plaintiff LINDA MITCHELL returned to their home, the cabinets  
15 and closet doors throughout the house had been left open and their contents moved about. Water  
16 had been consumed from their water dispenser. Even the refrigerator door had been left ajar, and  
17 mustard and mayonnaise had been left on their kitchen floor.

18 47. Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL were subsequently trans-  
19 ported to Henderson Detention Center and were booked on charges of Obstructing an Officer.  
20 Both Anthony and Michael Mitchell were detained for at least nine hours and were required to pay  
21 a bond to secure their release from custody.

22 48. A criminal complaint was subsequently filed by the Henderson City Attorney's office  
23 against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL, charging them with counts  
24 of Obstructing an Officer. All criminal charges against Plaintiffs were ultimately dismissed with  
25 prejudice.

26 49. Officers and DOE Defendants jailed Plaintiffs ANTHONY MITCHELL and MICHAEL  
27 MITCHELL, and caused criminal complaints to issue against Plaintiffs, in order to provide cover

for Defendants' wrongful actions, to frustrate and impede Plaintiffs' ability to seek relief for those actions, and to further intimidate and retaliate against Plaintiffs.

50. On information and belief, none of the officers involved in the above-alleged incidents were ever subjected to official discipline or inquiry regarding their actions.

FIRST CLAIM FOR RELIEF  
(42 U.S.C. § 1983)

51. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–50 as though fully restated herein.

52. Prior to the events of June 10th, 2011, the Henderson Police Department and the North Las Vegas Police Department developed and maintained policies and/or customs exhibiting deliberate indifference to the Constitutional rights of United States citizens, which caused the violations of Plaintiff's rights.

53. It was the policy and/or custom of the Henderson Police Department and the North Las Vegas Police Department to inadequately supervise and train its police officers, including the Defendant police officers, thereby failing to properly discourage Constitutional violations on the part of their police officers.

54. As a result of the above-described policies and customs, police officers of the Henderson Police Department and the North Las Vegas Police Department, including the Defendant police officers, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

55. The above-described policies and/or customs demonstrate a deliberate indifference on the part of Defendants CITY OF HENDERSON and CITY OF NORTH LAS VEGAS to the Constitutional rights of United States citizens, and were the cause of the violations of Plaintiffs' rights alleged herein.

56. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

57. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

SECOND CLAIM FOR RELIEF  
(Assault)

58. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–57 as though fully restated herein.

59. As described hereinabove, by pointing rifles at Plaintiffs, and making threatening moves and advancing upon Plaintiffs, Defendants caused Plaintiffs to feel fear of harmful or offensive physical contact on multiple occasions.

60. The actions of Defendants in causing Plaintiffs to fear such harmful or offensive physical contact were intentional, and undertaken with malice and oppression.

61. As a direct and proximate result of Plaintiffs’ fear of harmful or offensive physical contact, Plaintiffs suffered emotional distress.

62. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

63. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

THIRD CLAIM FOR RELIEF  
(Battery)

64. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–63 as though fully restated herein.

65. As a result of being seized, shot, thrown to the ground, slammed into walls, handcuffed, beaten, and otherwise touched without consent, Plaintiffs suffered harmful or offensive physical contact at the hands of Defendants.

66. The actions of Defendants in inflicting such harmful or offensive physical contact were intentional, and undertaken with malice and oppression.

67. As a direct and proximate result of Defendants’ infliction of such harmful or offensive contact to their persons, Plaintiffs suffered emotional distress, physical discomfort, and injury.

68. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

69. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at

01 trial.

02                                   FOURTH CLAIM FOR RELIEF  
03                                   (False Arrest and Imprisonment)

04           70. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–69 as though  
05 fully restated herein.

06           71. Defendants detained Plaintiff ANTHONY MITCHELL by dragging him from his home,  
07 handcuffing him, placing him in a police vehicle, and jailing him.

08           72. Defendants detained Plaintiff MICHAEL MITCHELL by physically preventing him from  
09 leaving the “Command Center,” handcuffing him, placing him in a police vehicle, and jailing him.

10           73. Defendants detained Plaintiff LINDA MITCHELL by seizing her by the arm, forcefully  
11 dragging her away against her will, and preventing her from remaining in her home.

12           74. Defendants’ detention of Plaintiffs was without legal authority, and unsupported by reason-  
13 able suspicion of wrongdoing, probable cause to believe that a crime had been committed, exigent  
14 circumstances, or a judicial warrant.

15           75. Defendants acted with oppression, fraud, and malice in detaining Plaintiffs.

16           76. As a direct and proximate result of being so detained, Plaintiffs suffered emotional distress,  
17 humiliation, physical discomfort, and injury.

18           77. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

19           78. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at  
20 trial.

21                                   FIFTH CLAIM FOR RELIEF  
22                                   (Intentional Infliction of Emotional Distress)

23           79. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–78 as though  
24 fully restated herein.

25           80. As set forth hereinabove, Defendants’ conduct was intentional, malicious, and oppressive,  
26 and calculated to cause Plaintiffs fear and emotional distress.

27           81. As the actual and proximate result of Defendants’ outrageous conduct, including the inva-

sion of Plaintiff ANTHONY MITCHELL's home, the shooting of Plaintiff ANTHONY MITCHELL and his dog while he was on the phone with his mother, and the unjustified handcuffing and detention of Plaintiffs ANTHONY and MICHAEL MITCHELL in each other's presence and in the presence of LINDA MITCHELL, Plaintiffs suffered humiliation, mental anguish, physical discomfort, injury, and severe emotional distress.

82. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

83. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

SIXTH CLAIM FOR RELIEF  
(Negligent Infliction of Emotional Distress)

84. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–83 as though fully restated herein.

85. Plaintiff LINDA MITCHELL, via her telephone, was subjected to the sounds of her son being shot and brutalized by Defendant officers after they broke into his home.

86. As a direct and proximate result of observing these acts, Plaintiff LINDA MITCHELL suffered emotional injury.

87. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

SEVENTH CLAIM FOR RELIEF  
(Civil Conspiracy)

88. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–87 as though fully restated herein.

89. Defendants, acting in concert, agreed among themselves to detain, arrest, and employ physical violence against Plaintiffs, in the manners and ways previously alleged, all the while knowing that they had no legal right to do so.

90. Defendants further agreed among themselves to provide a false accounting of the incident for the purpose of concealing their own wrongdoing and causing Plaintiffs to be arrested and jailed.

91. The actions of Defendants were undertaken with fraud, oppression, and malice.

01 92. As a direct and proximate result of Defendants' actions, Plaintiffs suffered emotional dis-  
02 tress, humiliation, physical discomfort, and injury.

03 93. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

04 94. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at  
05 trial.

06 EIGHTH CLAIM FOR RELIEF  
07 (Defamation)

08 95. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–94 as though  
09 fully restated herein.

10 96. By seizing, handcuffing, and detaining Plaintiffs ANTHONY MITCHELL and MICHAEL  
11 MITCHELL, in full view of the neighborhood, Defendant Officers communicated to all observers  
12 that Plaintiffs were criminals.

13 97. Plaintiffs were not criminals, and Defendants knew and/or acted in reckless disregard of  
14 the fact that Plaintiffs were not criminals.

15 98. Defendants published this communication to the individuals present in the neighborhood  
16 where Defendants seized Plaintiffs, and to any and all other persons encountered after Defendants  
17 first began detaining Plaintiffs.

18 99. On information and belief, such individuals were not persons to whom Defendants enjoyed  
19 a privilege to publish such defamatory communications.

20 100. The actions of Defendants constitute defamation per se.

21 101. As a direct and proximate result of these action of Defendants, Plaintiffs were injured in  
22 their reputation and suffered severe embarrassment and humiliation.

23 102. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

24 103. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at  
25 trial.

26 NINTH CLAIM FOR RELIEF  
27 (Abuse of Process)

104. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–103 as though fully restated herein.

105. Defendants filed criminal complaints against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL not for the purpose of resolving a legitimate dispute, but for the ulterior purpose of legitimizing and/or concealing their wrongful detention and arrest of Plaintiffs.

106. The actions of Defendants constitute an abuse of process.

107. Defendants acted with oppression, fraud, and malice in initiating the criminal process against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL.

108. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

109. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

TENTH CLAIM FOR RELIEF  
(Malicious Prosecution)

110. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–109 as though fully restated herein.

111. Defendants initiated criminal proceedings against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL by filing a complaint in the Municipal Court of the City of Henderson charging Plaintiffs each with obstruction.

112. Defendants had no probable cause to believe that Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL had committed said crimes.

113. The charges against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL were dismissed with prejudice, thereby terminating the proceedings against Plaintiffs.

114. The dismissal of said charges was not based on any agreement, request or acceptance of mercy, or compromise, and such termination was in the favor of Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL.

115. Defendants acted with oppression, fraud, and malice in initiating criminal proceedings against Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL.

116. As a result of the criminal proceedings initiated by Defendants, Plaintiffs ANTHONY MITCHELL and MICHAEL MITCHELL were wrongfully imprisoned, forced to post bond, and suffered humiliation, emotional distress, and outrage.

117. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

118. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

ELEVENTH CLAIM FOR RELIEF  
(Respondeat Superior)

119. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–118 as though fully restated herein.

120. Defendants CITY OF HENDERSON and CITY OF NORTH LAS VEGAS are liable for the tortious acts of their agents and employees, as hereinabove alleged, under the theory of Respondeat Superior.

121. As a direct and proximate cause of those tortious acts, Plaintiffs suffered injuries in the manners and ways previously alleged.

122. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

123. Plaintiffs are entitled to exemplary and/or punitive damages in an amount to be proven at trial.

TWELFTH CLAIM FOR RELIEF  
(Negligent Hiring, Retention, Supervision, and Training)

124. Plaintiffs hereby repeat, reallege, and incorporate by reference paragraphs 1–123 as though fully restated herein.

125. Defendants CITY OF HENDERSON and CITY OF NORTH LAS VEGAS owed a duty to citizens, such as Plaintiffs, to exercise care in the hiring, training, and supervision of its police force, so as to protect citizens from false arrest, false imprisonment, assault, battery, and the like, at the hands of poorly trained, poorly supervised, unwisely hired, or unwisely retained police officers.



126. Defendants CITY OF HENDERSON and CITY OF NORTH LAS VEGAS breached this duty by

- a) negligently tolerating and/or ratifying the practice or policy of their police officers in detaining, seizing, and arresting citizens without probable cause or reasonable grounds, and violating citizens' Constitutional rights to due process and to freedom from unreasonable seizure, as manifested by Defendants' failure to discipline the officers who committed such acts as alleged above; and
- b) failing to properly screen individuals who apply to become police officers, and failing to remove dangerous police, as manifested by Defendants' failure to conduct an internal investigation and inquiry under the circumstances described herein.

127. As a direct and proximate result of Defendants' negligence, Plaintiffs suffered injuries at the hands of Defendants' employees in the manners and ways previously alleged.

128. Plaintiffs are entitled to compensatory damages in an amount to be proven at trial.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court enter a judgment in their favor and against Defendants, jointly and severally, and award:

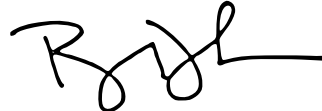
1. General damages in an amount to be proven at trial as to each and every claim herein;
2. Exemplary and/or punitive damages in an amount to be proven at trial as to each and every claim herein, save for the sixth and twelfth claims for relief;
3. Prejudgment interest pursuant to law;
4. Declaratory relief declaring Defendant Officers' conduct to be unconstitutional;
5. Following a proper motion, a permanent injunction requiring Defendants CITY OF HENDERSON and CITY OF NORTH LAS VEGAS to adopt appropriate policies regarding the hiring, training, and supervision of their police officers;
6. Reasonable attorneys' fees and costs pursuant to all applicable statutes, codes, and rules, including 42 U.S.C. § 1988; and

01 7. Such other and further relief as the Court deems just and proper.

02 DEMAND FOR JURY TRIAL

03  
04 Plaintiffs hereby demand a trial by jury on all issues in this action to the extent authorized by  
05 law.

06 DATED this 30th day of June, 2013.

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