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18
19 **IN THE UNITED STATES DISTRICT COURT**
20
21 **FOR THE DISTRICT OF ARIZONA**

22 Christopher Russett, a married man; David
23 Holder, a single man; Desiree Knigton, a
24 single woman; Doug Schuster, a single
25 man; Tim Baca, a married man; Armando
26 Salazar, a married man; and Susette and
27 David Kohler, a married couple; Ricardo
28 Acosta, a married man, Eduardo Osuna, a
single man,

Plaintiffs,

v.

State Of Arizona, a governmental entity;
Charles Ryan, in his official capacity as
Director of the Arizona Department of

Case No.: 2:16-cv-00431-ROS

**SECOND AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

1 Corrections (“ADC”); Greg Fizer, Warden
2 of the Arizona State Prison Complex
3 (“ASPC”) Florence and Jane Doe Fizer;
4 Stephen Morris, Deputy Warden of the
5 ASPC Florence, Central Unit and Jane
6 Doe Morris; Captain John Doe Curtis,
7 Chief of Security of the ASPC Florence,
8 Central Unit and Jane Doe Curtis;
9 Lieutenant George Smith and Jane Doe
10 Smith; John Doe Moody, Warden of the
11 ASPC Lewis; John Doe Shift Commander
12 at ASPC Lewis, Bachman Unit and Jane
13 Doe Shift Commander; Terry Hibbard,
14 Deputy Warden of the ASPC Lewis, Eagle
15 Point Unit and Jane Doe Hibbard;
16 Lieutenant John Doe Lunka and Jane Doe
17 Lunka; Therese Schroeder, Warden at
18 ASPC Tucson and John Doe Schroeder;
19 Walt Hensley, Deputy Warden at ASPC
20 Tucson, Cimarron Unit and Jane Doe
21 Hensley; Glenn Pacheco, Deputy Warden
22 at ASPC Tucson, Cimarron Unit and Kim
23 Pacheco; Chris Josefowicz, Assistant
24 Deputy Warden at APSC Tucson,
25 Cimarron Unit and Jane Doe Josefowicz;
26 Captain Mike Childeree, Chief of Security
27 at ASPC Tucson, Cimarron Unit and Jane
28 Doe Childeree; Alfredo Ramos, Warden of
ASPC Tucson and Jane Doe Ramos;
Daniella Stemple, Deputy Warden at
ASPC Tucson, Cimarron Unit and John
Doe Stemple; Captain Jay Ritchie, Chief
of Security at ASPC Tucson, Cimarron
Unit and Jane Doe Ritchie; Laura
Escapule, Warden of ASPC Yuma and
John Doe Escapule; Rose Sanders, Deputy
Warden of ASPC Yuma Dakota Unit and
John Doe Sanders; Captain John Doe
Carol, Chief of Security for ASPC Yuma
and Jane Doe Carol; COIV Laura Pyle;
John McAdorey, Deputy Warden of ASPC

1 Tucson Santa Rita Unit; John And/Or Jane
2 Doe Captain; John And/Or Jane Doe
3 Lieutenant; John And/Or Jane Doe
4 Sergeant; John And/Or Jane Doe
5 Corrections Officers; John And Jane Does
6 1 – 40,

7
8 Defendants.

9 For their Complaint against Defendants, Plaintiffs Christopher Russett, David Holder,
10 Desiree Knighton, Doug Schuster, Tim Baca, Armando Salazar, Susette Kohler, Ricardo Acosta,
11 and Eduardo Osuna hereby allege as follows:

12 **PARTIES**

13 1. Plaintiff Christopher Russett (“Christopher”) is a resident of Maricopa County,
14 Arizona who is employed by the ADC as a Corrections Officer.

15 2. Plaintiff David Holder (“David”) is a resident of Maricopa County, Arizona who
16 is employed by the ADC as a Corrections Officer.

17 3. Plaintiff Desiree Knighton (“Desiree”) is a resident of Maricopa County, Arizona
18 who is employed by the ADC as a Corrections Officer.

19 4. Plaintiff Tim Baca (“Tim”) is a resident of Pima County, Arizona who is employed
20 by ADC as a Corrections Officer.

21 5. Plaintiff Armando Salazar (“Armando”) is a resident of Pima County, Arizona
22 who is employed by ADC as a Corrections Officer.

23 6. Plaintiff Doug Schuster (“Doug”) is a resident of Maricopa County, Arizona who
24 was employed by the ADC as a Deputy Warden.

25 7. Plaintiff Susette Kohler (“Susette”) is a resident of Yuma County, Arizona who is
26 employed by the ADC as a Corrections Officer.

27 8. Plaintiff Ricardo Acosta (“Ricardo”) is a resident of Pima County, Arizona who is
28 employed by the ADC as a Corrections Officer.

1 9. Plaintiff Eduardo Osuna (“Eduardo”) is a resident of Pima County, Arizona who
2 is employed by the ADC as a Corrections Officer.

3 10. Defendant Charles Ryan (“Ryan”) is an Arizona resident and the Director of the
4 Arizona Department of Corrections (“ADC”).

5 11. Defendant Greg Fizer (“Fizer”) is an employee of the ADC and was, at the relevant
6 time, the warden at the Arizona State Prison Complex in Florence (the “ASPC-Florence”). As
7 Warden, Fizer is responsible for the operation of ASPC-Florence, including, without limitation,
8 ensuring that each unit in ASPC-Florence is staffed and operated in a manner that provides a
9 safe and secure working environment for staff and inmates, including Christopher.

10 12. Defendant Stephen Morris (“Morris”) is an employee of the ADC and was, at the
11 relevant time, the Deputy Warden of the Central Unit in ASPC-Florence (the “Central Unit”).
12 As Deputy Warden, Morris is responsible for the operation of the Central Unit, including,
13 without limitation, ensuring that the Central Unit is staffed and operated in a manner that
14 provides a safe and secure working environment for staff and inmates, including Christopher.

15 13. Defendant Captain JOHN DOE Curtis (“Curtis”) is an employee of the ADC and
16 was, at the relevant time, the Chief of Security of the Central in ASPC-Florence. As Chief of
17 Security, Morris is responsible for the operation of the Central Unit, including, without
18 limitation, ensuring that the Central Unit is staffed and operated in a manner that provides a safe
19 and secure working environment for staff and inmates, including Christopher.

20 14. Defendant Lieutenant George Smith (“Smith”) is an employee of the ADC and
21 was, at the relevant time, the Shift Commander of the Central in ASPC-Florence. As Shift
22 Commander, Morris is responsible for the operation of the Central Unit, including, without
23 limitation, ensuring that the Central Unit is staffed and operated in a manner that provides a safe
24 and secure working environment for staff and inmates, including Christopher.

25 15. Defendant JOHN DOE Moody (“Moody”) is an employee of the ADC and was, at
26 the relevant time, the Warden at the Arizona State Prison Complex Lewis (the “ASPC-Lewis”).
27 As Warden, Moody is responsible for the operation of ASPC-Lewis, including, without
28

1 limitation, ensuring that each unit in ASPC-Lewis is operated in a manner that provides a safe
2 and secure working environment for staff and inmates, including David, Desiree, and Doug.

3 16. Defendant Deputy Warden Terry Hibbard (“Hibbard”) is an employee of the ADC
4 was, at the relevant time, the Deputy Warden of the Eagle Point Unit in ASPC-Lewis (the “Eagle
5 Point Unit”). As Deputy Warden, Hibbard is responsible for the operation of the Eagle Point
6 Unit, including, without limitation, ensuring that the Eagle Point Unit is operated in a manner
7 that provides a safe and secure working environment for staff and inmates, including Desiree.

8 17. Defendant Lieutenant JOHN DOE Lunka (“Lunka”) is an employee of the ADC
9 was, at the relevant time, the Chief of Security for the Eagle Point Unit. As Chief of Security,
10 Lunka is responsible for the operation of the Eagle Point Unit, including, without limitation,
11 ensuring that the Eagle Point Unit is operated in a manner that provides a safe and secure working
12 environment for staff and inmates, including Desiree.

13 18. Defendant JOHN DOE CHIEF OF SECURITY is an employee of the ADC and
14 was, at the relevant time, the Chief of Security for the Morey Unit in ASPC-Lewis (the “Morey
15 Unit”). As Chief of Security, JOHN DOE is responsible for the operation of the Morey Unit,
16 including, without limitation, ensuring that the Morey Unit is operated in a manner that provides
17 a safe and secure working environment for staff and inmates, including David.

18 19. Defendant JOHN DOE SHIFT COMMANDER is an employee of the ADC and
19 was, at the relevant time, the Shift Commander for the Morey Unit in ASPC-Lewis (the “Morey
20 Unit”). As Shift Commander, JOHN DOE is responsible for the operation of the Morey Unit,
21 including, without limitation, ensuring that the Morey Unit is operated in a manner that provides
22 a safe and secure working environment for staff and inmates, including David.

23 20. Defendant Sergeant JANE DOE Ramirez (“Ramirez”) is an employee of the ADC
24 and was, at the relevant time, a Sergeant in the Morey Unit.

25 21. Defendant COII JANE DOE Pizanno (“Pizanno”) is an employee of the ADC and
26 was, at the relevant time, assigned in the Morey Unit.

27 22. Defendant Therese Schroeder (“Schroeder”) was an employee of the ADC and
28 was, at the relevant time, the Warden at the Arizona State Prison Complex Tucson (the “ASPC-

1 Tucson”). As Warden, Schroeder was responsible for the operation of ASPC-Tucson, including,
2 without limitation, ensuring that each unit in ASPC-Tucson was operated in a manner that
3 provided a safe and secure working environment for staff and inmates, including Tim.

4 23. Defendant Walt Hensley (“Hensley”) is an employee of the ADC was, at the
5 relevant time, the Assistant Deputy Warden of the Cimarron ASPC-Tucson (the “Cimarron
6 Unit”). As Assistant Deputy Warden, Hensley was responsible for the operation of the Cimarron
7 Unit, including, without limitation, ensuring that the Cimarron Unit was operated in a manner
8 that provided a safe and secure working environment for staff and inmates, including Tim.

9 24. Defendant Mike Childeree (“Childeree”) was an employee of the ADC was, at the
10 relevant time, the Chief of Security for the Cimarron Unit. As Chief of Security, Childeree was
11 responsible for the operation of the Cimarron Unit, including, without limitation, ensuring that
12 the Cimarron Unit is operated in a manner that provided a safe and secure working environment
13 for staff and inmates, including Tim.

14 25. Defendant Alfredo Ramos (“Ramos”) was an employee of the ADC and was, at
15 the relevant time, the Warden at the Arizona State Prison Complex Tucson (the “ASPC-
16 Tucson”). As Warden, Ramos is responsible for the operation of ASPC-Tucson, including,
17 without limitation, ensuring that each unit in ASPC-Tucson is operated in a manner that provides
18 a safe and secure working environment for staff and inmates, including Armando and Eduardo.

19 26. Defendant Pacheco (“Pacheco”) is an employee of the ADC was, at the relevant
20 time, the Deputy Warden of the Cimarron ASPC-Tucson (the “Cimarron Unit”). As Deputy
21 Warden, Pacheco was responsible for the operation of the Cimarron Unit, including, without
22 limitation, ensuring that the Cimarron Unit was operated in a manner that provided a safe and
23 secure working environment for staff and inmates, including Tim and Eduardo.

24 27. Defendant Chris Josefowicz (“Josefowicz”) is an employee of the ADC was, at the
25 relevant time, the Assistant Deputy Warden of the Cimarron ASPC-Tucson (the “Cimarron
26 Unit”). As Assistant Deputy Warden, Josefowicz is responsible for the operation of the Cimarron
27 Unit, including ensuring that the Cimarron Unit is operated in a manner that provides a safe and
28 secure working environment for staff and inmates, including Armando.

1 28. Defendant Daniella Stemple (“Stemple”) is an employee of the ADC is, at the
2 relevant time, the Deputy Warden of the Cimarron ASPC-Tucson (the “Cimarron Unit”). As
3 Deputy Warden, Stemple is responsible for the operation of the Cimarron Unit, including,
4 without limitation, ensuring that the Cimarron Unit is operated in a manner that provides a safe
5 and secure working environment for staff and inmates, including Armando.

6 29. Defendant Jay Ritchie (“Ritchie”) is an employee of the ADC and was, at the
7 relevant time, the Chief of Security for the Cimarron Unit. As Chief of Security, Ritchie is
8 responsible for the operation of the Cimarron Unit, including, without limitation, ensuring that
9 the Cimarron Unit is operated in a manner that provides a safe and secure working environment
10 for staff and inmates, including Armando.

11 30. Defendant Laura Escapule (“Escapule”) is an employee of the ADC and was, at
12 the relevant time, the warden at the ASPC-Yuma. As Warden, Escapule is responsible for the
13 operation of ASPC-Yuma, including, without limitation, ensuring that each unit in ASPC-Yuma
14 is staffed and operated in a manner that provides a safe and secure working environment for staff
15 and inmates, including David.

16 31. Defendant Rose Sanders (“Sanders”) is an employee of the ADC and was, at the
17 relevant time, the Deputy Warden of the ASPC Yuma – Dakota Unit (the “Dakota Unit”). As
18 Deputy Warden, Sanders is responsible for the operation of the Dakota Unit, including, without
19 limitation, ensuring that the Dakota Unit is staffed and operated in a manner that provides a safe
20 and secure working environment for staff and inmates, including David.

21 32. Defendant Captain JOHN DOE Carol (“Carol”) is an employee of the ADC and
22 was, at the relevant time, the Chief of Security of the ASPC-Yuma Dakota Unit. As Chief of
23 Security, Carol is responsible for the operation of the Dakota Unit, including, without limitation,
24 ensuring that the Dakota Unit is staffed and operated in a manner that provides a safe and secure
25 working environment for staff and inmates, including David.

26 33. Defendant COIV Laura Pyle (“Pyle”) is an employee of the ADC and was, at the
27 relevant time, the in charge of the employees of the ASPC-Yuma Dakota Unit. Pyle is
28 responsible for the operation of the Dakota Unit, including, without limitation, ensuring that the

1 Dakota Unit is staffed and operated in a manner that provides a safe and secure working
2 environment for staff and inmates, including David.

3 34. Defendant John McAdorey (“McAdorey”) is an employee of the ADC and was, at
4 the relevant time, the Deputy Warden of the Santa Rita Unit of ASPC-Tucson (“Santa Rita
5 Unit”). As Deputy Warden, McAdorey was responsible for the operation of the Santa Rita Unit,
6 including, without limitation, ensuring that the Santa Rita Unit was operated in a manner that
7 provided a safe and secure working environment for staff and inmates, including Ricardo.

8 35. Defendants John Doe Ramirez, Munoz, Pizanno, Escapule, Sanders, Pyle and Jane
9 Does Fizer, Morris, Curtis, Hibbard, Fisher, Wright, Schroeder, Hensley, Childeree, Ramos,
10 Stemple, Carol, and Ritchie are named because, at all relevant times herein, their spouses were
11 acting for the benefit of their respective marital communities, and therefore the respective marital
12 communities are liable for their acts.

13 36. Defendants John and/or Jane Doe Warden, Deputy Warden, Captain, Lieutenant,
14 Sergeant, Corrections Officers are employees of the ADC who, during the relevant time, were
15 assigned to the various ADC Units, but whose identities have not yet been ascertained. The
16 identities of these individuals are, however, well known by Defendants. Plaintiffs will amend
17 their complaint to allege the true names of the various Doe Defendants when they are learned.

18 37. John and Jane Does 1 through 40 are certain unknown ADC employees who
19 through their own actions or inactions have caused or assisted others in causing the incidents and
20 resulting harm set forth below. The identities of these individuals have not yet been ascertained
21 but they are well known by Defendants. Plaintiffs will amend their complaint to allege the true
22 names and capacities of the various Doe Defendants when they are learned.

23 38. At all relevant times described herein, Defendants were acting under the color of
24 law.

25 **JURISDICTION, AND VENUE**

26 39. This Court has jurisdiction over this action and the parties.

27 40. Venue is proper in this Court.

28

1 **GENERAL ALLEGATIONS**

2 41. ADC Director Ryan emphatically proclaims on the ADC website that the ADC is
3 “dedicated to public, staff and inmate safety by effectively employing sound correctional
4 practices, efficient operational procedures and proven programming opportunities for inmates.”

5 42. This statement is false.

6 43. The ADC does not employ sound correctional practices and, as a result, the
7 safety of ADC staff, inmates and the public has been compromised.

8 44. This lawsuit concerns the devastating and permanent injuries sustained by the
9 Plaintiffs as a result of the obvious and well-known dangerous conditions created by the
10 Defendants’ failure to employ sound correctional practices.

11 **CORRECTIONS OFFICER CHRISTOPHER RUSSETT**

12 45. Plaintiff Christopher Russett (“Christopher”) began working in corrections in
13 1998, at the Albany County Correctional Facility, in Albany, New York.

14 46. Christopher applied for a job with the ADC in May 2011.

15 47. After accepting employment with the ADC, Christopher attended and completed
16 the Arizona Correctional Officer Training Academy (the “Academy”) in June 2011.

17 48. Christopher was then assigned to work at the ASPC-Florence in the Central Unit
18 beginning in July 2011.

19 49. The inmates that are housed in the Central Unit are Level-5 offenders and are
20 sentenced there because they are violent and quick-tempered.

21 50. In addition to their violent nature, most of the inmates in the Central Unit are also
22 mental health patients. Besides death row, the inmates at Central Unit are colloquially referred
23 to as the “worst of the worst.”

24 51. Christopher worked at the ASPC-Florence Central Unit until September 2013.

25 52. Christopher briefly left the ADC between September 2013 and October 2014 in
26 order to fill a civilian position with the United States Air Force Reserves.

27 53. Upon completion of his deployment with the Air Force Reserves, Christopher
28 returned to the ADC and the Central Unit in October 20, 2014, and upon information and belief,

1 was assigned to work in the Central Unit by Defendants Fizer, Morris and Doe Defendants.¹
2 Upon information and belief, Christopher was assigned to work on his specific shift by
3 Defendants Curtis, Smith, and Doe Defendants.

4 54. Prior to his brief departure from the ADC, most of the inmates at Central Unit were
5 required to be shackled whenever they would leave their cells. This is due, in part, to the violent
6 nature of these inmates and/or the severity of their crimes.

7 55. When Christopher returned to the ADC and to the Central Unit in October 2014,
8 the ADC had changed its policies and the inmates in the Central Unit were no longer required to
9 be handcuffed whenever they left their cells to go to the cafeteria or to the recreation yard.

10 56. Specifically, between September 2013 and October 2014, Defendants Fizer and
11 Morris changed the inmate restraint policies which permitted inmates in the Central Unit to leave
12 their cells to go to the cafeteria or recreation yard without handcuffs, leg shackles, or other
13 restraint devices.

14 57. Defendants Fizer and Morris knew that the changes to the inmate restraint policies
15 were dangerous because the change in policy would permit inmates who were known to be
16 dangerous, violent, and possibly mentally ill to be able to move about the Central Unit
17 unrestrained therein putting inmates and corrections officers, including Christopher, in even
18 more danger.

19 58. Despite this knowledge, Defendants Fizer and Morris endorsed and promulgated
20 the changes to the inmate restraint policies.

21 59. Such changes to the policies and practices within the Central Unit placed the
22 corrections officers, including Christopher, in a dangerous environment.

23 60. When Christopher returned, there were approximately 120 Level-5 inmates house
24 in the Central Unit.

25
26
27 ¹ As employees of the ADC, Plaintiffs are assigned (and reassigned) to work at the various prisons and
28 on certain shifts based solely on the needs of the ADC. Despite Plaintiffs' efforts to ascertain the
identities of the parties responsible for work assignments and policy changes, this information is
currently only known to Defendants and is unknown to Plaintiff.

1 61. When Christopher returned, he was assigned to work the overnight shift from
2 10:00 p.m. to 6:00 a.m.

3 62. At approximately 6:00 a.m. on December 8, 2014, Christopher ended his overnight
4 shift.

5 63. However, due to the shortage of corrections officers that were scheduled to report
6 for the morning shift in the Central Unit, Christopher was asked to work overtime. Christopher
7 agreed to remain on shift.

8 64. Such staffing shortages are routine within the ADC, including the Central Unit,
9 and are well known by Defendants Fizer, Morris, and Curtis and others.

10 65. In fact, due to staffing shortages across the ADC, Christopher was frequently asked
11 to work overtime.

12 66. On December 8, 2014, the Central Unit was short several correctional officers, so
13 much so that it had less officers than was required to safely operate the Unit.

14 67. Defendants Fizer, Morris, Curtis, and Smith did not take any action to alleviate the
15 understaffed conditions, including cross-level additional corrections officers from other units to
16 assist in the Central Unit.

17 68. At times when staffing is short, Defendants Fizer, Morris, Curtis, and Smith can
18 choose to operate the Unit wherein the inmates are not permitted to leave their cells and inmates
19 can only leave their cells when restrained and escorted by corrections officers.

20 69. Despite the shortage of correctional officers and the option to operate the Unit in
21 the closed manner described herein, Defendants Fizer, Morris, Curtis, and Smith made the
22 decision to operate the Unit as normal. Defendants Fizer, Morris, Curtis, and Smith made this
23 decision knowing that such a decision was dangerous and would put corrections officers,
24 including Christopher, at risk because it permitted the inmates, including Inmate Hilton, to move
25 about the Unit unrestrained and with far fewer corrections officers to monitor the inmates.

26 70. At approximately 9:30 a.m. the inmates of the Central Unit were to be moved back
27 to their cells after morning recreation. Each of the inmates that were not already in their cells
28 were ordered to assemble and line up in order to start walking in from the recreation yard.

1 71. As a matter of procedure, the inmates are expected to organize and walk into the
2 housing unit, in a specific order, so that the inmates can be quickly and efficiently returned to
3 their cells.

4 72. Due to the ADC staffing shortages described above, there were only four
5 corrections officers inside the Central Unit that morning. One officer was assigned to the control
6 room. One officer was working the gate mechanism that is used to open and close the inmates'
7 cells. Christopher was one of two floor officers expected to watch, monitor, and maneuver
8 approximately 120, Level-5 offenders into their cells in a timely manner.

9 73. As inmates were called to return to their cells, Christopher walked inside the
10 housing building to monitor the inmates as they lined up.

11 74. There were, however, too many known violent inmates for Christopher to safely
12 monitor and control.

13 75. As Christopher monitored the inmates, Inmate Hilton approached Christopher
14 from behind and, without warning, hit Christopher with a closed fist on the back of the head,
15 instantly knocking him out and causing Christopher to fall to the ground and hit his head on the
16 floor.

17 76. Inmate Hilton then proceeded to kick and punch Christopher's head and neck.

18 77. Inmate Hilton's attack lasted for several minutes without interruption.

19 78. Eventually Inmate Hilton was subdued by another correctional officer.

20 79. Inmate Hilton was well known to Defendants Fizer, Morris, Curtis, and Smith, to
21 be violent because Hilton had, on at least two prior occasions in the previous six months,
22 violently assaulted other corrections officers at the Florence Central Unit.

23 80. Inmate Hilton was supposed to have a higher security level, but upon information
24 and belief, Inmate Hilton's security level was overridden by Defendants Curtis and/or Smith and
25 he was allowed to stay in the Central Unit despite the fact that he had committed violent assaults
26 on staff twice in the previous six months and was a member of a criminal gang.

27 81. Upon information and belief, Defendants Fizer, Morris, Curtis, and Smith knew
28 about Inmate Hilton's aggressive and violent nature and knew that he was dangerous because he

1 had already assaulted corrections staff on several occasions. Despite their knowledge and
2 awareness, Defendants Fizer, Morris, Curtis, and Smith chose not to reclassify Inmate Hilton
3 with a higher classification or transfer Inmate Hilton to another yard with stricter security
4 protocols, such as the protocols observed in the Central Unit in and prior to September 2013.

5 82. The lack of proper staffing levels for a Level-5 yard, which are filled with inmates
6 that are known to be violent—and often mentally ill—and who should have had higher
7 classifications, created an obvious unsecure and dangerous environment.

8 83. The existence of such an obvious unsecure and dangerous environment was well-
9 known by Defendants Fizer, Morris, Curtis, and Smith.

10 84. Despite the fact that Hilton had twice before violently assaulted corrections
11 officers, was known by the ADC staff to be a gang member, and extremely violent, Defendants
12 Fizer, Morris, Curtis, and Smith permitted Inmate Hilton to remain in the general inmate
13 population and also to remain unshackled through all inmate movements. This created a
14 significant risk to the health and safety of the inmates and corrections staff, including
15 Christopher, that otherwise would not have existed.

16 85. Defendants Fizer, Morris, Curtis, and Smith each contributed to creation of this
17 obvious unsecure and dangerous environment and were each deliberately indifferent to
18 Christopher's rights when they permitted the unrestrained movement of dangerous and violent
19 inmates while the Central Unit was severely understaffed and manned by guards who were
20 working consecutive shifts.

21 86. Defendants Fizer, Morris, Curtis, and Smith also contributed to creation of this
22 obvious unsecure and dangerous environment and were each deliberately indifferent to
23 Christopher's rights when they overrode the security classification for Inmate Hilton, leaving a
24 known aggressive and violent inmate to be able to move about unrestrained in the Central Unit
25 when it was severely understaffed.

26 87. As a direct and proximate result of Defendants Fizer, Morris, Curtis, and Smith's
27 deliberate indifference, the opportunity for Hilton to attack Christopher was created which would
28 have otherwise would not have existed.

1 88. As a result of that attack, Christopher suffered significant, debilitating, and
2 permanent physical and emotional injuries, including a traumatic brain injury, a concussion,
3 bruises, cuts, a fractured cheekbone, a dislocated jaw, and required surgery to reattach his right
4 earlobe that was nearly severed off.

5 89. As a result of the severe and permanent injuries sustained in the assault,
6 Christopher can no longer work for the ADC and is unable to find work.

7
8 **CORRECTIONS OFFICER DAVID HOLDER**

9 90. Plaintiff David Holder (“David”) completed the Academy in December 2013.

10 91. Upon completion of the Academy, David was assigned to work at ASPC Lewis,
11 in the Morey Unit.

12 92. More specifically, David worked in Building #1 as the A/B Control Room
13 Operator on the Blue Yard.

14 93. In addition to Control Room Operators, the ADC also designates certain officers
15 to be Floor Officers. A Floor Officer is assigned to work in various locations within the Unit,
16 including, without limitation, patrolling the Unit, observing and interacting with inmates, and
17 ensuring that safety and security protocols are enforced.

18 94. As a Control Room Operator, David is responsible for observing and controlling
19 all aspects of inmate and staff movement within Building #1, including opening all inmate cell
20 doors.

21 95. Commanders at the ADC, including the Morey Unit, utilize a policy called
22 “Collapse and Control” wherein corrections officers are commanded to leave their assigned posts
23 for the purpose of covering areas that are short-staffed.

24 96. On February 3, 2014, the Blue Yard was staffed with less officers than needed to
25 safely operate, and was at least four officers short of the minimum number of officers the ADC
26 believes it needs to safely operate the Blue Yard.

27 97. Such staffing shortages are routine within the ADC, including the Morey Unit, and
28 are well known to Defendants Warden Moody and John Doe Chief of Security.

1 98. Accordingly, David’s supervisors called a “Collapse and Control” and David was
2 reassigned from his post in the Control Room to accompany the pill nurse as she disbursed
3 medication to inmates in the Blue Yard.

4 99. After medications were distributed in the Blue Yard, David would normally have
5 escorted the pill nurse to the entrance of the Red Yard, where an officer from the Red Yard
6 would assume responsibility and accompany the pill nurse through the Red Yard.

7 100. Because the ADC regularly experiences staffing shortages, it is unsurprising that
8 the Red Yard was also experiencing a staffing shortage.

9 101. Accordingly, the Red Yard was ordered to “collapse and control.” There was no
10 corrections officer to relieve David and accompany the pill nurse through the Red Yard.

11 102. Defendants Warden Moody, John Doe Chief of Security, and John Doe Shift
12 Commander were aware that the Blue Yard was severely understaffed because many of the Blue
13 Yard’s officers had been cross-leveled to other prison units.

14 103. Despite being aware of the understaffing, and the open and obvious danger caused
15 by such understaffing, Defendants Warden Moody, John Doe Chief of Security, and John Doe
16 Shift Commander permitted the Blue Yard to operate with unsafe staffing levels, which placed
17 corrections officers, including David, in danger when they are assigned to work in areas or
18 perform tasks that they normally would not be responsible for, with inmates who are known by
19 others, including Defendants Warden Moody, John Doe Chief of Security, John Doe Shift
20 Commander and Ramirez to be dangerous and making threats.

21 104. David contacted his supervisor, Defendant Sergeant Ramirez (“Ramirez”), who
22 ordered David to accompany the pill nurse through the Red Yard.

23 105. Unbeknownst to David, at approximately 5:00 p.m. while David was still
24 accompanying the pill nurse through the Blue Yard, Inmate Ratliff exposed himself to CO
25 Pizzano, a female officer, as he was leaving the showers in Building #3 in the Red Yard.

26 106. At the time that Inmate Ratliff exposed himself to CO Pizzano, he was designated
27 as a Level-4 inmate.

28

1 107. As a result of his actions, Inmate Ratliff should have been reported and
2 immediately segregated from the general population for safety.

3 108. Instead, Ramirez confronted Ratliff about exposing himself to female staff and
4 ordered Inmate Ratliff to return to his cell.

5 109. Ramirez then ordered COII Pizzano to lock Inmate Ratliff in his cell.

6 110. Inmate Ratliff immediately became angry and threatened all ADC staff, yelling
7 out for the entire building to hear: “the next one of you motherfuckers I see is mine!”

8 111. Because Inmate Ratliff was so angry, aggressive, and threatening toward the
9 corrections officers, Ramirez commanded Pizzano to not open Inmate Ratliff’s cell door for any
10 reason.

11 112. Again, Ramirez failed to segregate Inmate Ratliff as ADC and sound correctional
12 policy requires.

13 113. After locking Inmate Ratliff back into his cell, Sgt. Ramirez left the building. The
14 only corrections officer present in Building #3 was the control room operator, Pizzano, who
15 could not leave the control room.

16 114. Shortly thereafter, as described above, Holder contacted Ramirez via his radio and
17 Ramirez ordered him to continue accompanying the pill nurse through the Red Yard.

18 115. Ramirez, who had already just confronted Inmate Ratliff and ordered him back
19 into his cell, was fully aware of the threats that Inmate Ratliff had just made against the
20 corrections staff.

21 116. Indeed, Ramirez understood Ratliff’s threat and had ordered Pizanno to lock
22 Ratliff in his cell and not open the doors as a result of that threat.

23 117. Despite Ramirez’ knowledge of the threat and the danger it presented, Ramirez did
24 not warn David as to the threats made by Inmate Ratliff.

25 118. David was completely unaware of Inmate Ratliff’s outburst and threats of violence
26 against corrections officers when he approached Inmate Ratliff’s cell and requested the cell door
27 to be opened for medication to be dispensed. This is because the radio traffic from the Red Yard
28

1 is on a different channel than the radio traffic than Blue Yard. This is also because Ramirez
2 failed to tell David about Ratliff's behavior and threats.

3 119. Despite knowing about Inmate Ratliff's threatening behavior, and being ordered
4 by Ramirez to keep Inmate Ratliff locked in his cell, Pizzano did not make any effort to warn
5 David and instead simply opened the door to Inmate Ratliff's cell door.

6 120. As the door opened, Inmate Ratliff stepped toward the door and reached out to
7 accept his medication. After receiving his medication, Inmate Ratliff took a small step back into
8 his cell.

9 121. Inmate Ratliff's cell door was broken and/or disabled to the point that Inmate
10 Ratliff could prevent the door from closing fully.

11 122. In fact, many of the cell doors in the Morey Unit, including Inmate Ratliff's door
12 had been reported to Defendant Warden Moody as malfunctioning or broken, and were in use
13 without being repaired. The result of the disrepair is that many of the cell doors do not lock and
14 are therefore not fully controlled by the control room operator.

15 123. Plainly put, inmates can open their cell doors at any time.

16 124. Defendants Warden Moody, John Doe Chief of Security, and John Doe Shift
17 Commander were aware of the door malfunctions and the fact that inmates knew how to rig their
18 cell doors so that that the doors could be opened at any time, yet chose to house inmates,
19 including Inmate Ratliff, in cells where the cell doors malfunctioned.

20 125. Moreover, Defendants Warden Moody, John Doe Chief of Security, and John Doe
21 Shift Commander were aware the doors did not work and were aware of the danger that such a
22 condition created for corrections staff, including David. Despite this knowledge, Defendants
23 Warden Moody, John Doe Chief of Security, and John Doe Shift Commander failed to repair
24 the cell door locking mechanisms, placing the inmates and corrections officers, including David,
25 at grave risk for serious bodily injury.

26 126. As such, Defendants Warden Moody, John Doe Chief of Security, and John Doe
27 Shift Commander placed corrections officers, including David, in danger.

28

1 127. As Inmate Ratliff's door finished closing, Inmate Ratliff pushed the door open and
2 made good on his threat by striking David's face with his closed fist.

3 128. Blindsided by Inmate Ratliff's punch, David stumbled back and fell to the ground.

4 129. Inmate Ratliff then proceeded to savagely kick and punch David, while David lay
5 in shock, defenseless on the ground.

6 130. Due to staffing shortages, there were no other Floor Officers in Building #3 who
7 were nearby to assist David and so the beating continued, unabated.

8 131. After a few moments of struggling, David was able to grab Inmate Ratliff's leg
9 and pull him to the ground while the fighting continued.

10 132. Finally, CO Pizzano noticed that David was being assaulted and called an ICS to
11 summon other corrections officers to the area.

12 133. However, due to the staffing shortage and "collapse and control" that had been
13 called, the nearest floor officer that could respond was in Building #4, which is approximately
14 100 yards away.

15 134. The fight continued for approximately three more minutes before another officer
16 finally arrived to assist David.

17 135. Once help arrived, Inmate Ratliff was finally sent to the segregated holding cell,
18 the same cell where ADC and sound correctional policies require he should have been sent after
19 first exposing himself to CO Pizzano and making distinct and dangerous threats of violence
20 against corrections staff.

21 136. Upon arriving at the scene, Ramirez exclaimed that he "knew this would happen,"
22 and "I told Pizzano not to open that door."

23 137. Operating the Morey Unit with failing equipment, such as cell doors, inadequate
24 staffing, and improper segregation of inmates who have assaulted and threatened corrections
25 officers, created an obvious unsafe and dangerous environment for inmates and corrections
26 officers, including David, that otherwise would not have existed.

27 138. The existence of such an obvious unsecure and dangerous environment was well-
28 known by Defendants.

1 139. Defendants Warden Moody, John Doe Chief of Security, John Doe Shift
2 Commander, Sergeant Ramirez, and COII Pizanno each contributed to the creation of this
3 obvious unsecure and dangerous environment and were deliberately indifferent to David's rights
4 when they permitted the Morey Unit to operate while understaffed and with equipment and
5 fixtures that were known to be faulty and/or defective.

6 140. Moreover, Ramirez was deliberately indifferent when she ignored the risk of what
7 he "knew would happen."

8 141. As a result of the deliberate indifference of Defendants Warden Moody, John Doe
9 Chief of Security, John Doe Shift Commander and Sergeant Ramirez and COII Pizanno, an
10 opportunity for Inmate Ratliff to attack David was created which otherwise would not have
11 existed.

12 142. As a result of that attack, David suffered physical and emotional injuries, including
13 a maxillary fracture to the right side of his face, as well as a torn labrum.

14 143. David has been required to have surgery to repair his labrum and another surgery
15 to implant a titanium plate in order to repair his facial structure. David still receives counseling
16 for Post-Traumatic Stress Disorder related to the assault.

17 144. As a result of his physical and psychological injuries, David is now unable to
18 pursue a career in law enforcement because any strike to the head may result in serious brain
19 injuries or worse.

20 **CORRECTIONS OFFICER DESIREE KNIGHTON**

21 145. At the time of her assault, Plaintiff Desiree Knighton ("Desiree") had been
22 employed by the ADC for approximately twenty-one months.

23 146. Throughout her tenure, Desiree was assigned to work at the ASPC Lewis in the
24 Morey Unit.

25 147. However, on March 6, 2014, the Eagle Point Unit was experiencing a staffing
26 shortage.

27 148. The staffing shortage was so great that officers from nearby units were asked to
28 work overtime at the Eagle Point Unit.

1 149. Such staffing shortages are routine within the ADC, including the Eagle Point
2 Unit.

3 150. Upon arriving at Eagle Point to work overtime, Desiree was initially assigned to
4 work “program security.”

5 151. However, Eagle Point’s Chief of Security, Lt. Lunka, reassigned Desiree to be a
6 “Yard Set” officer.

7 152. Upon being assigned as the Yard Set officer, Desiree told Lt. Lunka that she had
8 only worked at Eagle Point on one previous occasion in the detention unit and that, as a result,
9 she was unfamiliar with the yard and the duties of a Yard Set officer.

10 153. Desiree was not provided with the requisite post orders or given any “on the job
11 training” instructions by Lt. Lunka or any other supervisor.

12 154. Desiree proceeded to the recreation yard where COII Crumb provided her with
13 basic instructions on how to complete health and welfare checks on inmates, and provided her a
14 list of inmates that she needed to wake up in order to send to the prison’s medical unit.

15 155. After completing the health and welfare checks on the “A” run, Desiree looked
16 down to her list of inmates that needed to be awakened.

17 156. As Desiree looked at her list, Inmate Braxton approached her.

18 157. Without provocation or notice, Inmate Braxton violently and viciously struck
19 Desiree with a mesh bag full of gravel and sharp rocks on the left side of her face.

20 158. Upon being hit on the head, Desiree’s left eye immediately swelled shut.

21 159. Desiree crouched down in an effort to protect herself from further blows.

22 160. However, Inmate Braxton overpowered Desiree and continued to hit her on the
23 head with the bag of rocks an additional six times.

24 161. Desiree was eventually able to get away from Inmate Braxton and use her radio to
25 call for assistance.

26 162. When reporting that day, Desiree was unfamiliar with the Eagle Point Unit and she
27 was not provided with any warnings or information regarding the security risks that officers and
28 supervisors of Eagle Point Unit were very well aware of.

1 163. Specifically, corrections officers and supervisors, including Defendants Hibbard,
2 Lunka and others in the Eagle Point Unit, were well aware that Inmate Braxton's nickname is
3 "Psycho."

4 164. Corrections officers and supervisors, including Defendants Hibbard, Lunka and
5 others in the Eagle Point Unit, also knew, or should have known, that Inmate Braxton was a
6 violent and troubled inmate.

7 165. Corrections officers and supervisors, including Defendants Hibbard, Lunka and
8 others in the Eagle Point Unit, also knew, or should have known, that Inmate Braxton had lost
9 his job with Swift Transportation and had begun to act in an erratic and aggressive manner.

10 166. Corrections officers and supervisors, including Defendants Hibbard, Lunka and
11 others in the Eagle Point Unit, also knew, or should have known, that Inmate Braxton had
12 recently tested positive for methamphetamines and had stayed awake for two or three days, prior
13 to the assault.

14 167. Corrections officers and supervisors, including Defendants Hibbard, Lunka and
15 others in the Eagle Point Unit, also knew, or should have known, that Inmate Braxton had
16 threatened to "take out a CO."

17 168. Despite his violations of ADC rules and regulations, including illicit drug use and
18 making threats against ADC staff, Inmate Braxton was not removed from the Unit, nor was he
19 placed in administrative segregation.

20 169. Even though corrections officers and supervisors, including Defendants Hibbard,
21 Lunka and others in the Eagle Point Unit knew about Inmate Braxton's history of violence, illicit
22 drug use, administrative discipline, and threats of violence against staff, Inmate Braxton was not
23 placed in segregation or otherwise removed from where he could, and ultimately did, harm
24 Desiree.

25 170. Even though corrections officers and supervisors, including Defendants Hibbard,
26 Lunka and others in the Eagle Point Unit knew about Inmate Braxton's history of violence, illicit
27 drug use, administrative discipline, and threats of violence against staff, nobody warned Desiree
28 of this well-known threat to her safety, nor did anyone take any steps to insure that such vital

1 information was relayed to Desiree—an officer from another unit who was unfamiliar with the
2 unit operations and its population.

3 171. Even though corrections officers and supervisors, including Defendants Hibbard,
4 Lunka and others in the Eagle Point Unit knew that Desiree was not trained to be a Yard Set
5 officer and was unfamiliar with the prison and the inmates housed there, including Inmate
6 Braxton, Defendants Hibbard, Lunka still assigned her to work as a Yard Set officer and provided
7 no training to her. Likewise, they offered no knowledge and awareness as to the dangers posed
8 by Inmate Braxton.

9 172. The decision by Defendants Hibbard, Lunka and others in the Eagle Point Unit to
10 operate the Eagle Point Unit without proper staffing levels and to utilize staff that was untrained,
11 and without properly isolating dangerous inmates, created an unsecure and dangerous
12 environment that otherwise would not have existed.

13 173. The existence of such an obvious unsecure and dangerous environment was well-
14 known by Defendants Moody, Hibbard, Lunka and others in the Eagle Point Unit.

15 174. Defendants Moody, John Doe Deputy Warden, John Doe Shift Commander, and
16 Lieutenant Lunka each contributed to creation of this obviously unsecure and dangerous
17 environment. Further, each of the Defendants were deliberately indifferent to Desiree's rights by
18 creating the opportunity for Inmate Braxton to attack Desiree that he otherwise would not have
19 had.

20 175. As a result of that attack, Desiree has permanently lost vision in her left eye and
21 had required three separate surgeries to repair her broken nose and eye socket.

22 176. In addition to her physical pain, Desiree has sustained permanent disfigurement,
23 as well as various psychological trauma and emotional distress, including Post-Traumatic Stress
24 Disorder.

25 177. To further her law enforcement career goals, Desiree had, prior to being attacked
26 by Inmate Braxton, applied to work in the Criminal Investigation Unit (CIU) with the ADC.

27 178. However, as a result of the assault and the injuries that she sustained, Desiree will
28 never be able to pursue her career goals of working in the CIU, as a police officer, or in criminal

1 forensics. The injuries that she has sustained will prevent her from becoming P.O.S.T. certified.
2 Further, she was discharged from the United States Army Non-Deployment Status because of
3 her loss of vision.

4 **DEPUTY WARDEN DOUG SCHUSTER**

5 179. At the time of his assault, Plaintiff Doug Schuster (“Doug”) had been employed
6 by the ADC for approximately thirty years and had spent the previous three and a half years
7 working as the Deputy Warden of the Morey Unit at ASPC Lewis.

8 180. Prior to his assault, the Morey Unit had been on lock-down for several days due to
9 violent riots between members of various races in the Morey Unit.

10 181. Despite this, Warden Moody decided that the lock-down in the Morey Unit was to
11 be lifted and normal operations at Morey Unit were to resume on the morning of Friday, January
12 24, 2014.

13 182. On January 24, 2014, after the daily morning briefing, the staff at the Morey Unit
14 contacted Doug to inform him that security had found an anonymous note left by an inmate that
15 indicated there were still serious, ongoing racial tensions between inmates.

16 183. These serious, ongoing tensions represent real and significant risks of an inmate
17 riot and increases the danger for inmates and staff of the Morey Unit.

18 184. Additionally, a riot in one unit will frequently cause tension between inmates in
19 nearby units. Therefore, it is critical to conduct a speedy and thorough investigation of any and
20 all threats of riots.

21 185. In order to get the critical information about the racial tensions before meeting
22 with Defendant Warden Moody, Doug went to the Morey Unit recreation yard to talk with the
23 corrections officers and to the meet with inmates of the different racial groups.

24 186. On January 24, 2014, the Morey Unit was experiencing a staffing shortage. The
25 staffing shortage was caused, in part, because the Morey Unit was required to cross-level out
26 various staff members to cover for officer shortages at other nearby units.

27 187. Such staffing shortages are routine within the ADC, including the Morey Unit, and
28 are well known to Defendant Warden Moody.

1 188. As a result of the staffing shortage, the Morey Unit was minimally staffed and
2 Doug did not have the additional officers who would normally be assigned to accompany him
3 to the recreation yard where the inmates were assembled.

4 189. Faced with the risk of another violent race riot that would place inmates and staff
5 at risk for injury, Doug proceeded into the recreation yard to talk with the inmates.

6 190. After reaching a table where several inmates were seated, Doug began talking to
7 them.

8 191. It quickly became clear that the inmates appeared agitated. When Doug asked
9 Inmate Salley to step aside with him to discuss what the problems were, Inmate Salley refused
10 to speak to him.

11 192. Instead, Inmate Salley stood up from the bench and appeared to be walking with
12 Doug to initiate a one-on-one conversation.

13 193. Without warning, Inmate Salley launched a vicious attack, blindsiding Doug.

14 194. Inmate Salley repeatedly punched and kicked Doug in the head, face, ribs and
15 back.

16 195. Because of the well known staffing shortages, there were no guards nearby to
17 render assistance to Doug.

18 196. The attack continued until it was eventually broken up by guards, located in the
19 tower, who deployed non-lethal rounds to subdue Inmate Salley.

20 197. Doug was immediately seen by on-site medical staff and then transported, by
21 ambulance, to the hospital. At the hospital, Doug was treated in the ER, given an IV and CAT
22 scan.

23 198. After being discharged from the hospital, Doug recovered at home for two days
24 and returned to work on Monday.

25 199. Shortly after returning to work, Doug began to experience constant, debilitating
26 headaches.

27 200. Due to the constant and debilitating headaches, Doug saw his primary care
28 physician who ordered an MRI that took place on February 17, 2014.

1 201. The MRI showed bleeding on both sides of Doug's brain.

2 202. Doug returned to work and provided the MRI reports to Defendant Warden Moody
3 and the Occupational Health Nurse.

4 203. Two days later, another large inmate disturbance took place on the yard.

5 204. Defendant Warden Moody ordered Doug to quell the disturbance.

6 205. One of the responding corrections officers threw a flash-bang grenade that landed
7 at Doug's feet.

8 206. As the flash-bang grenade exploded, it caused Doug intense pain.

9 207. Doug remained at work for about an hour and then told the Defendant Warden
10 Moody that he had to go home because the flash-bang grenade triggered a debilitating headache.

11 208. Defendant Warden Moody was well aware of the unsecure and dangerous
12 environment that existed at the Morey Unit. For months preceding the attack, Doug had been
13 complaining to Defendant Warden Moody about the myriad issues at the Morey Unit, including
14 the lack of proper staffing for the unit and the fact that the cell doors were malfunctioning and
15 not working properly.

16 209. The lack of proper staffing levels at the Morey Unit, filled with inmates known to
17 have consistent racial tension, created an unsecure and dangerous environment that otherwise
18 would not have existed.

19 210. Defendant Warden Moody was deliberately indifferent to Doug's rights when he
20 made the decision to lift the lockdown and operate the Morey Unit while severely understaffed
21 with corrections officers. This is especially true given that Defendant Warden Moody was fully
22 aware of the racial tension within the Morey Unit.

23 211. As a result of Defendant Warden Moody's deliberate indifference to Doug's rights,
24 Doug was attacked. In the attack he sustained tremendous head injuries which required brain
25 surgery to drain blood and reduce pressure on both sides his head. During the surgery, doctors
26 implanted two titanium plates in his skull, thereby leaving Doug with permanent disfigurement
27 and scarring along with the risk that another blow to his head could kill him.

28

1 212. In addition to brain surgery, Doug experiences memory loss, continued debilitating
2 headaches, pain in his jaw, loss of balance, loss of sensation and feeling in his right foot, and an
3 uncontrollable gag response.

4 213. Doug requires prescription strength medication to help his insomnia and
5 counseling for the psychological effects of the assault.

6 214. Doug’s doctors have told him that he can no longer work in the corrections
7 environment. As Deputy Warden and a life-long corrections officer, Doug earned a decent wage.
8 However, as a result of the events and injuries described above, Doug is unable to find any
9 employment.

10 **CORRECTIONS OFFICER TIM BACA**

11 215. At the time of his assault, Plaintiff Tim Baca (“Tim”) had been employed as a
12 Corrections Officer with ADC for approximately 8 years at ASPC Tucson at the Cimarron Unit.

13 216. On June 10, 2014, Tim was conducting health and welfare checks on inmates in
14 Cimarron Housing Unit 1 AB.

15 217. Cimarron Housing Unit 1 AB holds at least 100 inmates.

16 218. At the time some of the inmates in Cimarron Housing Unit 1 AB were participating
17 in a “step down” program. These were inmates, who are among the most dangerous in the ADC,
18 who were trying to “step down” from a very high custody level to a lower custody level with
19 fewer restrictions.

20 219. Tim discovered that Inmate AS was not in his assigned cell.

21 220. After Tim redirected Inmate AS to his assigned cell, Inmate AS became agitated
22 and aggressive.

23 221. Tim and another corrections officer managed to control the situation and direct
24 Inmate AS into his cell and secured the cell door.

25 222. Tim reported the incident to a supervisor who directed Tim to go back to work in
26 the housing unit, lock down Inmate AS for 72 hours, and place him on report.

27 223. Approximately two hours later, a large number of inmates were returning from the
28 recreation yard.

1 224. Tim was alone in the unit, attempting to lock down all of the incoming inmates.

2 225. On June 10, 2014, the Cimarron Unit was short staffed and, as such, it lacked the
3 number of officers needed to safely operate.

4 226. Such staffing shortages are routine throughout the ADC, including the Cimarron
5 Unit.

6 227. As Tim was locking down inmates, Inmate AS was able to leave his cell and attack
7 Tim.

8 228. Inmate AS knocked Tim to the ground and other inmates joined in the attack,
9 kicking and punching Tim while he was down on the ground.

10 229. The control room officer saw the attack and called for assistance.

11 230. Officers from other units rushed to Cimarron Unit 1 AB to rescue Tim.

12 231. When the rescuers reached the Cimarron Unit Main Door, they were unable to
13 enter the Cimarron Unit because the door would not unlock.

14 232. The control room operator attempted to unlock the main door, but the locking
15 mechanism failed.

16 233. The rescuers then had to send an officer to locate a supervisor with a key to open
17 the Main Door.

18 234. Throughout this time, the inmates continued their attack on Tim.

19 235. Ultimately a supervisor with a key was able to unlock the main door and the
20 rescuers were able to subdue the inmates and save Tim.

21 236. Incredibly, the problems with the locks throughout the Cimarron Unit were well
22 known to Defendants Warden Schroeder, Deputy Warden Pacheco, Assistant Deputy Warden
23 Hensley, and Chief of Security Childeree.

24 237. Yet, Defendants Warden Schroeder, Deputy Warden Pacheco, Assistant Deputy
25 Warden Hensley, and Chief of Security Childeree failed to take appropriate action, or any action,
26 to address the faulty equipment, including the locks.

27

28

1 238. The lack of proper staffing levels for the Cimarron Unit, and the fact that the
2 equipment and fixtures were left in disrepair and inoperable, created an obvious unsecure and
3 dangerous environment.

4 239. The existence of such an obvious unsecure and dangerous environment was well-
5 known by Defendants Warden Schroeder, Deputy Warden Pacheco, Assistant Deputy Warden
6 Hensley, and Chief of Security Childeree.

7 240. Defendants Warden Schroeder, Deputy Warden Pacheco, Assistant Deputy
8 Warden Hensley, and Chief of Security Childeree each contributed to the creation of this obvious
9 unsecure and dangerous environment and were deliberately indifferent to Tim's rights when they
10 made the decision to operate the Cimarron Unit while staffed only with one floor officer, and
11 with equipment and fixtures that were known to be faulty, defective, and inoperable.

12 241. As a result of Defendant Warden Schroeder's, Deputy Warden Pacheco, Assistant
13 Deputy Warden Hensley's, and Chief of Security Childeree's deliberate indifference to Tim's
14 rights, this created an opportunity for inmates, which they otherwise would not have had, to
15 attack Tim.

16 242. As a result of that attack, Tim has suffered and continues to suffer from significant,
17 debilitating, and permanent physical and emotional injuries, including a broken nose, a lacerated
18 lip that had to be repaired by a plastic surgeon, a concussion, and bruising on his head and body.
19 Tim is still being treated for Post-Traumatic Stress Disorder, anxiety, insomnia, cognitive and
20 memory problems, and migraine and tension headaches as a result.

21 243. Tim has not been able to return to work since his attack in June 2014.

22 **CORRECTIONAL SERGEANT ARMANDO SALAZAR**

23 244. At the time of his assault, Plaintiff Armando Salazar ("Armando") had been
24 employed with ADC for approximately 8 years at ASPC Tucson.

25 245. Armando had been promoted to Sergeant and had also been accepted into ADC's
26 Special Security Unit ("SSU").

27 246. Among other duties, SSU officers are responsible for identifying and verifying
28 inmate gang members and investigating inmate misconduct.

1 247. Due to staffing shortages, on October 22, 2015, Armando was not in his SSU
2 role, but was mandated to work in the main control room of the Cimarron Unit.

3 248. This was the first time that Armando had ever worked as an officer in the
4 Cimarron Unit.

5 249. Armando was not aware that the locks on the inmate cell doors of the Cimarron
6 unit were faulty and defective.

7 250. The cell door locks were faulty and defective in that inmates could tamper with
8 the locking mechanisms. The effect of such tampering was that the doors did not lock and
9 inmates could open their cell doors, freely, at any time.

10 251. Upon information and belief, other units with ASPC Tucson and even other ADC
11 facilities have cell door locks that are tamperproof and cannot be opened by the inmates.

12 252. Defendants Ramos, Josefowicz, Ritchie and other supervisors had specific
13 knowledge that the Cimarron cell door locks were faulty and defective and because of this, the
14 inmates were able to tamper with and open their locked cell doors at any time.

15 253. At least two months before Armando was attacked, a representative from the
16 Correctional Officer Association personally met with Defendant Ramos and told him that the
17 cell door locks were faulty and/or defective and that the inmates in the Cimarron Unit could
18 open their cell doors. The representative explained to Ramos that condition of the cell door
19 locks placed every corrections officer at serious risk of harm.

20 254. The representative also told Defendant Ramos that no one had ever warned the
21 officers working in the Cimarron Unit that the cell locks were not functioning properly, or ever
22 even instructed the officers to check locks for inmate tampering.

23 255. Defendant Ritchie was also specifically warned and, he actually personally
24 observed, that the Cimarron cell door locks were faulty and defective. Defendant Ritchie failed
25 to ensure that the cell door locks were repaired or replaced.

26 256. Defendants Ramos, Josefowicz, Ritchie and other supervisors knew that the
27 Cimarron inmates' ability to open their cell doors, at will, presented an obvious danger to
28

1 corrections officers and placed every corrections officer at risk for serious bodily harm or
2 worse.

3 257. Defendants Ramos, Josefowicz, Ritchie each contributed to the creation of this
4 obvious unsecure and dangerous environment by failing to take action to repair or replace the
5 cell door locks, or to warn corrections officers of the danger.

6 258. Defendants Ramos, Josefowicz, Ritchie each further contributed creation of this
7 obvious unsecure and dangerous environment when they made the decision to house “step-
8 down” inmates in the Cimarron unit.

9 259. A number of the “step down” inmates were ADC validated Mexican Mafia gang
10 members who were known to be extremely dangerous and unpredictable. Defendants Ramos,
11 Josefowicz, Ritchie decided to house these inmates in cells with faulty and defective locks in
12 the Cimarron unit.

13 260. Defendants Ramos, Josefowicz, Ritchie each further contributed to the creation
14 of this obvious unsecure and dangerous environment when they made the decision to operate
15 the Cimarron Unit with cell door locks that were known to be faulty and/or defective and that
16 presented an obvious danger to corrections officers and placed every corrections officer at risk
17 for serious bodily harm or worse.

18 261. Hours before Armando came to work, a Mexican Mafia gang member inmate
19 attacked another inmate in the Cimarron yard creating extreme tension among the various
20 inmate gangs.

21 262. As a result, all of the inmates in Cimarron were placed on “lock-down” ie they
22 all were locked in their cells.

23 263. Shortly after Armando assumed the main control post in Cimarron, Ramos
24 ordered Armando to leave his post and bring the Mexican Mafia gang member involved in the
25 earlier altercation from his cell to another building for an interview.

26 264. After being relieved by another officer, Armando went to Defendant ADW
27 Josefowicz to confirm the duty change. Defendant ADW Josefowicz told Armando that the
28 change of duty was authorized.

1 265. Defendant Lt. Ritchie was present during Armando's conversation with ADW
2 Josefowicz.

3 266. Defendant Lt. Ritchie told Armando that he would go with Armando and help
4 him.

5 267. As the two approached the Cimarron Unit door, Defendant Lt. Ritchie did not
6 enter, and upon information and belief, remained outside to smoke a cigarette.

7 268. Armando entered the cell block where all of the inmates were locked in their
8 cells and went to the cell of the inmate involved in the earlier attack.

9 269. Armando advised the inmate that he was going to escort him to another area for
10 an interview.

11 270. Armando then motioned to the control officer to unlock the cell door.

12 271. As the door opened the inmate attacked Armando. Armando grappled with the
13 inmate while moving out of the cell.

14 272. Two officers came to Armando's aid and took control of the inmate.

15 273. Just as the officers had the situation under control, ten (10) other inmates, all
16 validated Mexican Mafia gang members, opened their own locked cell doors and brutally
17 attacked the officers.

18 274. Armando fought for his life against the onslaught of inmates. The inmates broke
19 Armando's wrist and continued to kick, stomp and punch him.

20 275. The control room officer sounded the alarm and officers rushed to the scene and
21 used OC spray to halt the attack.

22 276. Armando was bleeding and severely injured. As a result of the attack, Armando
23 suffered serious physical and emotional injuries, including a broken wrist, crushed hip-ball, a
24 concussion and other head injuries.

25 277. Armando remains off-duty and is scheduled for additional surgery this year.

26 278. Defendants Ramos, Josefowicz and Ritchie each contributed to the creation of
27 this obvious unsecure and dangerous environment and were deliberately indifferent to
28 Armando's rights when they made the decision to operate the Cimarron Unit with cell door

1 locks that were known to be faulty and/or defective, and created the heightened danger that
2 extraordinarily dangerous inmates who were purportedly “locked-down” could freely open
3 their locked cell doors to attack officers.

4 279. Defendants’ deliberate indifference created an opportunity for 10 inmates, who
5 were locked down and should not have been able to open their locked cell doors, to attack
6 Armando when they otherwise would not have had the opportunity to do so.

7
8 **CORRECTIONS OFFICER SUSETTE KOHLER**

9 280. Plaintiff Susette Kohler (“Susette”) began working as a correctional officer at the
10 ASPC Yuma in the Dakota Unit in 1998.

11 281. Susette transferred to other units at ASPC Yuma, but returned to the Dakota Unit
12 as a COIII in 2014.

13 282. As a COIII, Susette serves as a counselor and case worker for inmates in the
14 Dakota Unit. Her duties include annual inmate reviews, reclassification reviews, inmate
15 screenings, audit filing, and researching and addressing inmate grievances.

16 283. Due to the number of duties that the COIIIs perform, and for safety reasons, at
17 least two COIIIs are scheduled in each building.

18 284. The Dakota Unit was, however, routinely short of COIIIs.

19 285. In addition to the numerous duties described herein, Susette was often required to
20 serve in the capacity of a COII. This is because the Dakota Unit regularly experiences staffing
21 shortages.

22 286. Such staffing shortages are routine within the ADC, including the Dakota Unit,
23 and are well known to Defendants Warden Laura Escapule, Deputy Warden Rose Sanders, Chief
24 of Security Captain John Doe Carol, and COIV Laura Pyle.

25 287. In addition to the staffing shortages, Susette and the other employees at the Dakota
26 Unit had discovered that there were not enough working batteries for the radios that were
27 assigned out each day.

1 288. Susette had, in fact, told Defendant Sanders about her concerns with the batteries.
2 Specifically, Susette expressed her concern that there were not enough batteries for each
3 corrections officer to have a working radio, just days before her assault.

4 289. Defendant Sanders told Susette that she would investigate the batteries, but did not
5 otherwise change the protocols or procedures for the radios.

6 290. The Dakota Unit is a close-custody yard, housing Level-4 and Level-5 offenders.
7 Due to the violent nature of the inmates in a close-custody yard, all inmate movement is restricted
8 and inmates are not permitted to be escorted without a guard.

9 291. Through the mid-2000's and prior to her brief departure from the Dakota Unit,
10 whenever there was a staffing shortage the yard would be "closed," meaning that inmate
11 movement would be minimal. Put another way, in a "closed" yard, the inmates would not be sent
12 out to recreation and would be fed meals in their cells instead of the dining building.

13 292. Upon her return to the Dakota Unit in 2014, the yard was never "closed" when
14 there were staffing shortages.

15 293. During staffing shortages, there are routinely not enough corrections officers to
16 safely accompany inmate movement. As a result, instead of following the policies and
17 procedures required to manage inmate movement in a Level-4 close-custody unit, the corrections
18 officers at the Dakota Unit contact the guard in the tower to request that the tower guard make
19 and keep visual contact on any and all inmates that are in the recreation yard, or inmates who
20 are moving between housing, medical, administration or dining buildings.

21 294. In or around March 2015, COIII Olivera was promoted to COIII and began
22 working in Building 6 alongside another COIII.

23 295. Shortly thereafter, the other COIII was transferred to the next yard, leaving COIII
24 Olivera alone in Building 6.

25 296. In or around March 2015, Susette was informed by COIV Pyle that the only other
26 counselor, COIII Diaz, would be moved to Building 6 to work with COIII Olivera.

27 297. COIV Pyle told Susette that COIII Diaz was moved so that COIII Olivera would
28 not be alone in Building 6.

1 298. Of course, the effect of this was that Susette would be left to work alone and be
2 responsible for approximately 150 inmates housed in Building 7.

3 299. The fact that Susette would be assigned to work alone in Building 7 was well
4 known to Defendants Escapule, Sanders, John Doe Carol and COIV Pyle.

5 300. At approximately 8:45 a.m. on April 13, 2015, Susette called the control room for
6 Building 7 and informed them that Inmate Fernandes Masters, a Level 5 inmate, had a legal call
7 scheduled at 9:00 a.m.

8 301. The control room responded to Susette, informing her that the control room was
9 not ready yet and that they would call Susette back shortly. The control room did not tell Susette
10 that Inmate Masters was en route to her office in Building 7.

11 302. Inmate Masters is a Level-5 inmate who was convicted of the brutal murder of his
12 step-father where he murdered his step-father in order to steal his cell phone and car. Inmate
13 Masters was sentenced to life in prison.

14 303. In addition to the heinous crimes that resulted in his life sentence, Inmate Masters
15 had three additional documented incidents of sexual misconduct while in prison. Specifically,
16 in 2013, Inmate Masters was caught twice exposing himself to staff during informal count. In
17 2014, Inmate Masters verbally assaulted a female COII by asking sexually inappropriate
18 questions.

19 304. The fact that Inmate Masters was not only dangerous, but also known for his
20 sexually inappropriate conduct toward staff members was well known to the Defendants.

21 305. At approximately 9:00 a.m., Inmate Masters appeared, without an escort, at
22 Susette's office in Building 7.

23 306. Susette opened the door and let Inmate Masters into the office.

24 307. Susette then attempted to make Inmate Masters' legal call, however, the receiving
25 party did not answer.

26 308. Susette turned to tell Inmate Masters that the call could not be completed.

27 309. Before Susette could tell Masters about the call, he quickly closed Susette's office
28 door, locking both of them in the office.

1 310. Inmate Masters then proceeded to climb over Susette’s desk and jumped on top of
2 her. He grabbed her by the neck and threw her to the floor.

3 311. Once Susette was on the floor, Inmate Masters proceeded to climb on top of
4 Susette. He placed his hand over her mouth and told her “if you yell, I will kill you.”

5 312. Inmate Masters then reached into her blouse, ripped her tank top and began kissing
6 her breast.

7 313. Inmate Masters then began kissing Susette on the lips.

8 314. Inmate Masters then reached down and pulled his and Susette’s pants down.

9 315. She reached for her radio to call for help. However, the radio did not work.

10 316. The control room for Building 7 is upstairs on the second floor. Having heard
11 noises from downstairs, COII Ortega ordered the other COII in the control room to check on
12 Susette’s location.

13 317. Upon reaching Susette’s office and seeing the sexual assault in progress, the
14 responding corrections officer initiated an ICS and began the process of apprehending Inmate
15 Masters.

16 318. Inmate Masters subsequently admitted to the sexual assault and was sentenced to
17 an additional 11.25 years on top of his life sentence in the custody of the ADC.

18 319. The fact that Susette was expected to meet and work with dangerous Level-5
19 offenders while assigned to an office that was not only isolated, but was the only office in
20 Building 7, created an obvious unsecure and dangerous environment for Susette that provided
21 Inmate Masters with an opportunity to attack her which would otherwise have not existed.

22 320. The existence of such an obvious unsecure and dangerous environment was well-
23 known by Defendants Warden Escapule, Deputy Warden Sanders, Chief of Security Carol, and
24 COIV Laura Pyle.

25 321. Defendants Warden Escapule, Deputy Warden Rose Sanders, Chief of Security
26 Captain John Doe Carol, and COIV Laura Pyle each contributed to the creation of this obvious
27 unsecure and dangerous environment and were deliberately indifferent to Susette’s rights when
28

1 they made the decision to assign Susette to work with Level-5 offenders alone, in her office in
2 Building 7, where she would be the only ADC employee on the floor.

3 322. As a result of Defendants' Warden Escapule, Deputy Warden Sanders, Chief of
4 Security Carol, and COIV Laura Pyle's deliberate indifference to Susette's rights, the
5 opportunity for Inmate Masters to attack Susette was created which would have otherwise not
6 existed.

7 323. As a result of that attack, Susette has and continues to suffer significant,
8 debilitating, and permanent physical and emotional traumatic injuries.

9 324. As a result of the assault, Susette suffered contusions and bruising all over her
10 body. In addition to her physical injuries, Susette is being treated for anxiety, depression,
11 nightmares, and requires medication in order to sleep.

12 325. As a result of her physical and psychological injuries, Susette is no longer able to
13 work with or near inmates. She has had to change her role with the ADC, working at the Unit
14 office rather than in a prison facility with inmates.

15
16
17 **CORRECTIONS OFFICER RICARDO ACOSTA**

18 326. Plaintiff Ricardo Acosta ("Ricardo") has been working as a correctional officer at
19 the ASPC Tucson facility for nine years.

20 327. In 2015, Ricardo was assigned work at ASPC Tucson's Santa Rita Unit.

21 328. The Santa Rita Unit housed dangerous inmates who were classified as posing
22 serious threats to the safe and orderly operation of the institution.

23 329. The Santa Rita Unit is required to operate with a staff of two floor officers.

24 330. The Santa Rita Unit, however, is routinely short staffed and often operates with
25 only a single floor officer.

26 331. Short staffing exposes the floor officer to a heightened risk of assault by inmates.

27 332. Such staffing shortages are routine throughout the ADC, including the Santa Rita
28 Unit.

1 333. It was also well known to supervisors Defendants Warden Alfred Ramos, DW
2 John McAdorey, and other supervisors, that the Santa Rita Unit was routinely short staffed.
3 Upon information and belief, these supervisors condoned the practice of operating the Santa Rita
4 Unit with insufficient staff, and were well aware that this practice exposed Corrections Officers
5 to an unacceptable risk of harm.

6 334. In addition to routine short staffing, the cell door locks in the Santa Rita Unit were
7 defective and could be opened by inmates with minimal effort.

8 335. Defendants Ramos, McAdorey, and other supervisors were aware that, for years,
9 inmates could easily open the cell doors in the Santa Rita Unit.

10 336. Upon information and belief, Defendants Ramos, McAdorey, and other
11 supervisors failed to take appropriate corrective action to repair the locks on the Santa Rita Unit
12 cell doors.

13 337. On May 12, 2015, Ricardo was working in the Santa Rita Unit. He placed an
14 inmate on report for disruptive behavior.

15 338. The next morning, Ricardo was back in the Santa Rita Unit.

16 339. The Santa Rita Unit was short staffed and Ricardo was working as the sole floor
17 officer.

18 340. Ricardo was opening individual cell doors to turn the inmates out for breakfast.

19 341. As Ricardo was opening a cell door he heard an inmate yell, "You know what
20 Acosta, you can take that ticket and shove it up your ass!"

21 342. As Ricardo turned to see who was yelling, he saw an inmate rushing him.

22 343. The inmate had opened his own cell door to attack Ricardo.

23 344. Before Ricardo could defend himself, the inmate swung at Ricardo, striking him
24 in the temple and left cheek bone.

25 345. Ricardo was staggered by the punch.

26 346. Because he was the only officer in the Unit, Ricardo was forced to defend himself.

27 347. Ricardo gathered himself and was able to punch the inmate before the inmate could
28 strike a second time.

1 348. In defending himself, Ricardo's fingers and knuckles caught the inmate's mouth.

2 349. As a result, both Ricardo's hand and the inmate's mouth bled profusely.

3 350. After other officers arrived to calm the situation, Ricardo learned that the inmate
4 was both HIV positive and Hepatitis C positive.

5 351. Fearing transmission of those viruses, Ricardo went to the emergency room for
6 treatment.

7 352. At the hospital, Ricardo was treated with the Post-Exposure Prophylaxis ("PEP")
8 protocol for HIV exposure.

9 353. Ricardo became ill with nausea and vomiting, well known side effects of the PEP
10 protocol.

11 354. Ricardo advised the ADC that he had a worker's compensation injury and sought
12 to stay off work during the PEP course.

13 355. The ADC denied Ricardo's worker's compensation claim.

14 356. The ADC advised Ricardo that his claim would only be recognized if he tested
15 positive for HIV or Hepatitis C.

16 357. Even though he was sick with the side effects of the PEP, Ricardo returned to work
17 because he lacked sufficient sick time to remain home.

18 358. Ricardo routinely undergoes HIV and Hepatitis C testing and, to date, remains
19 uninfected.

20 359. Short staffing, especially when combined with defective locks, creates an obvious
21 unsecure and dangerous environment for corrections officers.

22 360. The existence of such an obvious unsecure and dangerous environment was well-
23 known by Defendants Warden Alfred Ramos, DW John McAdorey, and other supervisors.

24 361. Defendants Warden Ramos, Deputy Warden John McAdorey, and other
25 supervisors each contributed to the creation of this obvious unsecure and dangerous environment
26 and were deliberately indifferent to Ricardo's rights when they made the decision to operate the
27 Santa Rita Unit with Ricardo as the sole floor officer.

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1 362. As a result of Defendants’ Warden Ramos, Deputy Warden McAdorey, and other
2 supervisors’ indifference to Ricardo’s rights, the opportunity for the inmate to attack Ricardo
3 was created which other otherwise would not have existed.

4 363. As a result of that attack, Ricardo suffered and continues to suffer from physical
5 injuries, including a bruised and swollen head and face, cuts on his hand, and significant
6 emotional injuries relating to his fear and uncertainty over his exposure to HIV and Hepatitis C.

7 **CORRECTIONS OFFICER EDUARDO OSUNA**

8 364. Plaintiff Eduardo Osuna (“Eduardo”) has been working as a correctional officer at
9 the ASPC Tucson facility for three years.

10 365. In 2013, Eduardo was assigned to work at ASPC Tucson’s Cimarron Unit.

11 366. The Cimarron Unit housed dangerous inmates who were classified as posing
12 serious threats to the safe and orderly operation of the institution.

13 367. The Cimarron Unit was required to operate with a staff of two yard officers.

14 368. The Cimarron Unit, however, was routinely short staffed and often operated with
15 only a single yard officer.

16 369. Short staffing exposes the floor officer to a heightened risk of assault by inmates.

17 370. Such staffing shortages are routine throughout the ADC, including the Cimarron
18 Unit.

19 371. It was also well known to supervisors Defendants Warden Alfred Ramos, DW
20 Pacheco, and other supervisors, that the Cimarron Unit was routinely short staffed. Upon
21 information and belief, these supervisors condoned the practice of operating the Cimarron Unit
22 with insufficient staff and were well aware that this practice exposed the Corrections Officers to
23 an unacceptable risk of harm

24 372. In addition to routine short staffing, certain cell door locks in the Cimarron Unit
25 were broken in such a way that they could not be remotely opened by the Cimarron Unit control
26 room officer.

27 373. Instead, officers had to use keys to open the doors on the cells with broken locks.

1 374. When an officer used keys to open a door to put an inmate back inside a cell, the
2 officer's attention was diverted from the inmate to the lock. This created a dangerous situation
3 that allowed inmates to attack officers, essentially while their backs were turned.

4 375. This danger was heightened by the ADC's staff shortage. Where two officers were
5 needed to safely open the cell door with a key, ADC often simply sent a single officer, knowingly
6 exposing that officer to heightened risk of attack.

7 376. One of the cells with a broken lock is cell number 1-C-22.

8 377. Eduardo is well aware that, prior to his incident, the ADC staff had submitted
9 multiple repair requests for the lock on cell 1-C-22.

10 378. Upon information and belief, Defendants Ramos, Pacheco, and other supervisors
11 failed to take appropriate corrective action to repair the Cimarron Unit cell door locks and, in
12 spite of the multiple requests, the 1-C-22 was never repaired.

13 379. On June 6, 2015 Eduardo was working as a floor officer in the Cimarron Unit. An
14 inmate engaged Eduardo in a verbal exchange. As a result, the inmate was escorted to another
15 unit for an interview. This inmate was housed in cell 1-C-22.

16 380. On this day, the Cimarron Unit was short staffed with only a single yard officer.

17 381. At normal and safe staffing levels, one of the two yard officers would have been
18 tasked with retrieving the inmate from his interview.

19 382. Because only a single yard officer was on duty, Eduardo was ordered to retrieve
20 the inmate.

21 383. Eduardo escorted the inmate from the interview room to cell 1-C-22.

22 384. All of the other inmates in the cell block were locked down.

23 385. Eduardo and the inmate approached 1-C-22.

24 386. Because the cell door lock was broken and could not be remotely opened from the
25 control room, Eduardo had to use a key to open the door.

26 387. As Eduardo inserted the key into the 1-C-22 lock, his attention was momentarily
27 diverted from the inmate.

28 388. The inmate seized on this opportunity to punch Eduardo in head.

1 389. The unexpected blow knocked Eduardo unconscious and he fell to the floor.

2 390. The inmate then began kicking Eduardo in the head and ribs.

3 391. The control room officer saw the attack and called for assistance.

4 392. The inmate was quickly subdued.

5 393. Eduardo suffered a fractured eye orbital, cracked ribs and lacerations and bruises.

6 394. The broken lock, especially when combined with short staffing, creates an obvious
7 unsecure and dangerous environment for corrections officers.

8 395. The existence of such an obvious unsecure and dangerous environment was well-
9 known by Defendants Ramos, Pacheco, and other supervisors.

10 396. Defendants Ramos, Pacheco, and other supervisors each contributed to creation of
11 this obvious unsecure and dangerous environment and were deliberately indifferent to Eduardo's
12 rights when they made the decision to operate Cimarron with broken locks and without sufficient
13 staff.

14 397. As a result of Defendants' Ramos, Pacheco, and other supervisors' indifference to
15 Eduardo's rights, the opportunity for the inmate to attack Eduardo was created which would have
16 otherwise not existed.

17 398. Eduardo has returned to work to the Cimarron Unit.

18 399. It has been nearly a year since Eduardo was attacked and the 1-C-22 lock has still
19 not been repaired. 1-C-22 can only be opened manually, with a key.

20
21 **CLAIMS FOR RELIEF**

22 **COUNT ONE**

23 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**

24 **(Christopher Russett Against Defendants Fizer, Morris, Curtis, Smith and Doe
Defendants)**

25 400. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
26 preceding paragraphs of this Complaint as if fully set forth here.

27 401. At all relevant times, Defendants Fizer, Morris, Curtis, Smith, and Does were
28 acting under the color of law.

1 402. The United States Constitution guarantees Christopher the right to maintain the
2 integrity of his own body.

3 403. The Fourteenth Amendment to the United States Constitution precludes those
4 acting under the color of law from depriving Christopher of the rights guaranteed to him by the
5 United States Constitution, including the right to maintain the integrity of his body without due
6 process of law.

7 404. As set forth above, Defendants Fizer, Morris, Curtis, Smith, and Does individually
8 and collectively created obvious and well known dangerous conditions that, but for the acts and
9 omissions of Defendants Fizer, Morris, Curtis, Smith, and Does, would not have existed and to
10 which Christopher would not have been subjected.

11 405. The danger of said conditions was obvious and known by Defendants Fizer,
12 Morris, Curtis, Smith, and Does.

13 406. Defendants Fizer, Morris, Curtis, Smith, and Does had a duty and obligation to
14 protect Christopher, and Christopher relied on Defendants Fizer, Morris, Curtis, Smith, and Does
15 to protect him.

16 407. Yet, Defendants Fizer, Morris, Curtis, Smith, and Does did nothing to ameliorate
17 the danger to which Christopher was exposed or to otherwise protect him and keep him safe, as
18 set forth in substantial detail above.

19 408. In creating the dangerous conditions to which Christopher was exposed, and in
20 failing to take any steps to ameliorate the danger, or to otherwise protect Christopher, Defendants
21 Fizer, Morris, Curtis, Smith, and Does acted with deliberate indifference to Christopher's right
22 to maintain the integrity of his body, and other rights guaranteed to him by the United States
23 Constitution, including the Fourteenth Amendment.

24 409. As a direct and proximate result of Defendants Fizer, Morris, Curtis, Smith, and
25 Does deliberate indifference, Christopher sustained traumatic physical and emotional injuries
26 that he struggles with to this day, as set forth above in substantial detail above.

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1 410. Consequently, Defendants Fizer, Morris, Curtis, Smith, and Does violated the due
2 process rights guaranteed to Christopher by the Fourteenth Amendment of the United States
3 Constitution.

4 411. The acts and omissions of Defendants Fizer, Morris, Curtis, Smith, and Does were
5 of such a nature as to entitle Christopher to an award of exemplary and punitive damages to
6 punish the wrongful conduct alleged herein, and to deter such conduct in the future.

7 412. Further, pursuant to 42 U.S.C. § 1988, Christopher is entitled to an award of his
8 incurred attorneys' fees and costs.

9 **COUNT TWO**
10 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
11 **(David Holder Against Defendants Moody, John Doe Chief of Security, John Doe**
Shift Commander, Ramirez, Pizanno, and Doe Defendants)

12 413. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
13 preceding paragraphs of this Complaint as if fully set forth here.

14 414. At all relevant times, Defendants Moody, John Doe Chief of Security, John Doe
15 Shift Commander, Ramirez, Pizanno, and Does were acting under color of law.

16 415. The United States Constitution guarantees David the right to maintain the integrity
17 of his own body.

18 416. The Fourteenth Amendment to the United States Constitution precludes those
19 acting under color of law from depriving David of the rights guaranteed him by the United States
20 Constitution, including the right to maintain the integrity of his body without due process of law.

21 417. As set forth above, Defendants Moody, John Doe Chief of Security, John Doe Shift
22 Commander, Ramirez, Pizanno, and Does individually and collectively created obvious and well
23 known dangerous conditions that, but for the acts and omissions of Defendants Moody, John
24 Doe Chief of Security, John Doe Shift Commander, Ramirez, Pizanno, and Does, would not
25 have existed and to which David would not have been subjected.

26 418. The danger of said conditions was obvious and known by Defendants Moody, John
27 Doe Chief of Security, John Doe Shift Commander, Ramirez, Pizanno, and Does.
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1 419. Defendants Moody, John Doe Chief of Security, John Doe Shift Commander,
2 Ramirez, Pizanno, and Does had a duty and obligation to protect David, and David relied on
3 Defendants Moody, John Doe Chief of Security, John Doe Shift Commander, Ramirez, Pizanno,
4 and Does to protect him.

5 420. Yet, Defendants Moody, John Doe Chief of Security, John Doe Shift Commander,
6 Ramirez, Pizanno, and Does did nothing to ameliorate the danger to which David was exposed
7 or to otherwise protect him and keep him safe as set forth in substantial detail above.

8 421. In creating the dangerous conditions to which Plaintiffs were exposed, and in
9 failing to take any steps to ameliorate the danger or otherwise protect David, Defendants Moody,
10 John Doe Chief of Security, John Doe Shift Commander, Ramirez, Pizanno, and Does acted with
11 deliberate indifference to David's right to maintain the integrity of his body and other rights
12 guaranteed to him by the United States Constitution, including the Fourteenth Amendment.

13 422. As a direct and proximate result of Defendants Moody, John Doe Chief of
14 Security, John Doe Shift Commander, Ramirez, Pizanno, and Does' deliberate indifference,
15 David sustained traumatic physical and emotional injuries that he struggles with to this day, as
16 set forth above in substantial detail above.

17 423. Consequently, Defendants Moody, John Doe Chief of Security, John Doe Shift
18 Commander, Ramirez, Pizanno, and Does violated the due process rights guaranteed to David
19 by the Fourteenth Amendment of the United States Constitution.

20 424. The acts and omissions of Defendants Moody, John Doe Chief of Security, John
21 Doe Shift Commander, Ramirez, Pizanno, and Does were of such a nature as to entitle David to
22 an award of exemplary and punitive damages to punish the wrongful conduct alleged herein and
23 to deter such conduct in the future.

24 425. Further, pursuant to 42 U.S.C. § 1988, David is entitled to an award of his incurred
25 attorneys' fees and costs.

26 **COUNT THREE**
27 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
28 **(Desiree Knighton Against Defendants Moody, Hibbard, Lunka, and Doe Defendants)**

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2 426. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
3 preceding paragraphs of this Complaint as if fully set forth here.

4 427. At all relevant times, Defendants Moody, Hibbard, Lunka, and Doe Defendants
5 were acting under the color of law.

6 428. The United States Constitution guarantees Desiree the right to maintain the
7 integrity of her own body.

8 429. The Fourteenth Amendment to the United States Constitution precludes those
9 acting under the color of law from depriving Desiree of the rights guaranteed to her by the United
10 States Constitution, including the right to maintain the integrity of her body without due process
11 of law.

12 430. As set forth above, Defendants Moody, Hibbard, Lunka, and Doe Defendants
13 individually and collectively created obvious and well known dangerous conditions that, but for
14 the acts and omissions of Defendants Moody, Hibbard, Lunka, and Doe Defendants, would not
15 have existed and to which Desiree would not have been subjected.

16 431. The danger of said conditions was obvious and known by Defendants Moody,
17 Hibbard, Lunka, and Doe Defendants.

18 432. Defendants Moody, Hibbard, Lunka, and Doe Defendants had a duty and
19 obligation to protect Desiree, and Desiree relied on Defendants Moody, Hibbard, Lunka, and
20 Doe Defendants to protect her.

21 433. Yet, Defendants Moody, Hibbard, Lunka, and Doe Defendants did nothing to
22 ameliorate the danger to which Desiree was exposed or to otherwise protect her and keep her
23 safe, as set forth in substantial detail above.

24 434. In creating the dangerous conditions to which Desiree was exposed and in failing
25 to take any steps to ameliorate the danger or to otherwise protect Desiree, Defendants Moody,
26 Hibbard, Lunka, and Doe Defendants acted with deliberate indifference to Desiree's right to
27 maintain the integrity of her body and other rights guaranteed to her by the United States
28 Constitution, including the Fourteenth Amendment.

1 435. As a direct and proximate result of Defendants Moody, Hibbard, Lunka, and Doe
2 Defendants' deliberate indifference, Desiree sustained traumatic physical and emotional injuries
3 that she struggles with to this day, as set forth above in substantial detail above.

4 436. Consequently, Defendants Moody, Hibbard, Lunka, and Doe Defendants violated
5 the due process rights guaranteed to Desiree by the Fourteenth Amendment of the United States
6 Constitution.

7 437. The acts and omissions of Defendants Moody, Hibbard, Lunka, and Doe
8 Defendants were of such a nature as to entitle Desiree to an award of exemplary and punitive
9 damages to punish the wrongful conduct alleged herein and to deter such conduct in the future.

10 438. Further, pursuant to 42 U.S.C. § 1988, Desiree is entitled to an award of her
11 incurred attorneys' fees and costs.

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16 **COUNT FOUR**
17 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
18 **(Doug Schuster Against Defendants Moody and Doe Defendants)**

19 439. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
20 preceding paragraphs of this Complaint as if fully set forth here.

21 440. At all relevant times, Defendant Moody and Doe Defendants were acting under
22 the color of law.

23 441. The United States Constitution guarantees Doug the right to maintain the integrity
24 of his own body.

25 442. The Fourteenth Amendment to the United States Constitution precludes those
26 acting under the color of law from depriving Doug of the rights guaranteed to him by the United
27 States Constitution, including the right to maintain the integrity of his body without due process
28 of law.

1 443. As set forth above, Defendant Moody and Doe Defendants individually and
2 collectively created obvious and well known dangerous conditions that, but for the acts and
3 omissions of Defendant Moody and Doe Defendants, would not have existed and to which Doug
4 would not have been subjected.

5 444. The danger of said conditions was obvious and known by Defendant Moody and
6 Doe Defendants.

7 445. Defendant Moody and Doe Defendants had a duty and obligation to protect Doug,
8 and Doug relied on Defendant Moody and Doe Defendants to protect him.

9 446. Yet, Defendant Moody and Doe Defendants did nothing to ameliorate the danger
10 to which Doug was exposed or to otherwise protect him and keep him safe, as set forth in
11 substantial detail above.

12 447. In creating the dangerous conditions to which Doug was exposed, and in failing to
13 take any steps to ameliorate the danger or to otherwise protect Doug, Defendant Moody and Doe
14 Defendants acted with deliberate indifference to Doug's right to maintain the integrity of his
15 body and other rights guaranteed to him by the United States Constitution, including the
16 Fourteenth Amendment.

17 448. As a direct and proximate result of Defendant Moody and Doe Defendants'
18 deliberate indifference, Doug sustained traumatic physical and emotional injuries that he
19 struggles with to this day, as set forth above in substantial detail above.

20 449. Consequently, Defendant Moody and Doe Defendants violated the due process
21 rights guaranteed to Doug by the Fourteenth Amendment of the United States Constitution.

22 450. The acts and omissions of Defendant Moody and Doe Defendants were of such a
23 nature as to entitle Doug to an award of exemplary and punitive damages to punish the wrongful
24 conduct alleged herein and to deter such conduct in the future.

25 451. Further, pursuant to 42 U.S.C. § 1988, Doug is entitled to an award of his incurred
26 attorneys' fees and costs.

27 **COUNT FIVE**
28 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**

1 **(Tim Baca Against Defendants Schroeder, Hensley, Pacheco, and Doe Defendants)**

2 452. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
3 preceding paragraphs of this Complaint as if fully set forth here.

4 453. At all relevant times, Defendants Schroeder, Hensley, Pacheco, and Does were
5 acting under the color of law.

6 454. The United States Constitution guarantees Tim the right to maintain the integrity
7 of his own body.

8 455. The Fourteenth Amendment to the United States Constitution precludes those
9 acting under the color of law from depriving Tim of the rights guaranteed to him by the United
10 States Constitution, including the right to maintain the integrity of his body without due process
11 of law.

12 456. As set forth above, Defendants Schroeder, Hensley, Pacheco, and Does
13 individually and collectively created obvious and well known dangerous conditions that, but for
14 the acts and omissions of Defendants Schroeder, Hensley, Pacheco, and Does, would not have
15 existed and to which Tim would not have been subjected.

16 457. The danger of said conditions was obvious and known by Defendants Schroeder,
17 Hensley, Pacheco, and Does.

18 458. Defendants Schroeder, Hensley, Pacheco, and Does had a duty and obligation to
19 protect Tim, and Tim relied on Defendants Schroeder, Hensley, Pacheco, and Does to protect
20 him.

21 459. Yet, Defendants Schroeder, Hensley, Pacheco, and Does did nothing to ameliorate
22 the danger to which Tim was exposed or to otherwise protect him and keep him safe, as set forth
23 in substantial detail above.

24 460. In creating the dangerous conditions to which Tim was exposed, and in failing to
25 take any steps to ameliorate the danger or otherwise protect Tim, Defendants Schroeder,
26 Hensley, Pacheco, and Does acted with deliberate indifference to Tim's right to maintain the
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1 integrity of his body and other rights guaranteed to him by the United States Constitution,
2 including the Fourteenth Amendment.

3 461. As a direct and proximate result of Defendants Schroeder, Hensley, Pacheco, and
4 Does' deliberate indifference, Tim sustained traumatic physical and emotional injuries that he
5 struggles with to this day, as set forth above in substantial detail above.

6 462. Consequently, Defendants Schroeder, Hensley, Pacheco, and Does violated the
7 due process rights guaranteed to Tim by the Fourteenth Amendment of the United States
8 Constitution.

9 463. The acts and omissions of Defendants Schroeder, Hensley, Pacheco, and Does
10 were of such a nature as to entitle Tim to an award of exemplary and punitive damages to punish
11 the wrongful conduct alleged herein and to deter such conduct in the future.

12 464. Further, pursuant to 42 U.S.C. § 1988, Tim is entitled to an award of his incurred
13 attorneys' fees and costs.

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16 **COUNT SIX**
17 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
18 **(Armando Salazar Against Defendants Schroeder, Josefowicz, Stemple, Ritchie,**
19 **and Doe Defendants)**

20 465. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
21 preceding paragraphs of this Complaint as if fully set forth here.

22 466. At all relevant times, Defendants Schroeder, Josefowicz, Stemple, Ritchie, and
23 Does were acting under the color of law.

24 467. The United States Constitution guarantees Armando the right to maintain the
25 integrity of his own body.

26 468. The Fourteenth Amendment to the United States Constitution precludes those
27 acting under the color of law from depriving Armando of the rights guaranteed to him by the
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1 United States Constitution, including the right to maintain the integrity of his body without due
2 process of law.

3 469. As set forth above, Defendants Schroeder, Josefowicz, Stemple, Ritchie, and Does
4 individually and collectively created obvious and well known dangerous conditions that, but for
5 the acts and omissions of Defendants Schroeder, Josefowicz, Stemple, Ritchie, and Does, would
6 not have existed and to which Armando would not have been subjected.

7 470. The danger of said conditions was obvious and known by Defendants Schroeder,
8 Josefowicz, Stemple, Ritchie, and Does.

9 471. Defendants Schroeder, Josefowicz, Stemple, Ritchie, and Does had a duty and
10 obligation to protect Armando, and Armando relied on Defendants Schroeder, Josefowicz,
11 Stemple, Ritchie, and Does to protect him.

12 472. Yet, Defendants Schroeder, Josefowicz, Stemple, Ritchie, and Does did nothing to
13 ameliorate the danger to which Armando was exposed or to otherwise protect him and keep him
14 safe, as set forth in substantial detail above.

15 473. In creating the dangerous conditions to which Armando were exposed, and in
16 failing to take any steps to ameliorate the danger or otherwise protect Armando, Defendants
17 Schroeder, Josefowicz, Stemple, Ritchie, and Does acted with deliberate indifference to
18 Armando's right to maintain the integrity of his body and other rights guaranteed to him by the
19 United States Constitution, including the Fourteenth Amendment.

20 474. As a direct and proximate result of Defendants Schroeder, Josefowicz, Stemple,
21 Ritchie, and Does deliberate indifference, Armando sustained traumatic physical and emotional
22 injuries that he struggles with to this day, as set forth above in substantial detail above.

23 475. Consequently, Defendants Schroeder, Josefowicz, Stemple, Ritchie, and Does
24 violated the due process rights guaranteed to Armando by the Fourteenth Amendment of the
25 United States Constitution.

26 476. The acts and omissions of Defendants Schroeder, Josefowicz, Stemple, Ritchie,
27 and Does were of such a nature as to entitle Armando to an award of exemplary and punitive
28 damages to punish the wrongful conduct alleged herein and to deter such conduct in the future.

1 477. Further, pursuant to 42 U.S.C. § 1988, Armando is entitled to an award of his
2 incurred attorneys' fees and costs.

3 **COUNT SEVEN**
4 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
5 **(Susette Kohler Against Defendants Escapule, Sanders, Carol, Pyle, and Doe**
6 **Defendants)**

7 478. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
8 preceding paragraphs of this Complaint as if fully set forth here.

9 479. At all relevant times, Defendants Escapule, Sanders, Carol, Pyle, and Does were
10 acting under the color of law.

11 480. The United States Constitution guarantees Susette the right to maintain the
12 integrity of her own body.

13 481. The Fourteenth Amendment to the United States Constitution precludes those
14 acting under the color of law from depriving Susette of the rights guaranteed to her by the United
15 States Constitution, including the right to maintain the integrity of her body without due process
16 of law.

17 482. As set forth above, Defendants Escapule, Sanders, Carol, Pyle, and Does
18 individually and collectively created obvious and well known dangerous conditions that, but for
19 the acts and omissions of Defendants Escapule, Sanders, Carol, Pyle, and Does, would not have
20 existed and to which Susette would not have been subjected.

21 483. The danger of said conditions was obvious and known by Defendants Escapule,
22 Sanders, Carol, Pyle, and Does.

23 484. Defendants Escapule, Sanders, Carol, Pyle, and Does had a duty and obligation to
24 protect Susette, and Susette relied on Defendants Escapule, Sanders, Carol, Pyle, and Does to
25 protect her.

26 485. Yet, Defendants Escapule, Sanders, Carol, Pyle, and Does did nothing to
27 ameliorate the danger to which Susette was exposed or to otherwise protect her and keep her
28 safe, as set forth in substantial detail above.

1 486. In creating the dangerous conditions to which Susette was exposed, and in failing
2 to take any steps to ameliorate the danger or otherwise protect Susette, Defendants Escapule,
3 Sanders, Carol, Pyle, and Does acted with deliberate indifference to Susette's right to maintain
4 the integrity of her body and other rights guaranteed her by the United States Constitution,
5 including the Fourteenth Amendment.

6 487. As a direct and proximate result of Defendants Escapule, Sanders, Carol, Pyle, and
7 Does' deliberate indifference, Susette sustained traumatic physical and emotional injuries that
8 she struggles with to this day, as set forth above in substantial detail above.

9 488. Consequently, Defendants Escapule, Sanders, Carol, Pyle, and Does violated the
10 due process rights guaranteed to Susette by the Fourteenth Amendment of the United States
11 Constitution.

12 489. The acts and omissions of Defendants Escapule, Sanders, Carol, Pyle, and Does
13 were of such a nature as to entitle Susette to an award of exemplary and punitive damages to
14 punish the wrongful conduct alleged herein and to deter such conduct in the future.

15 490. Further, pursuant to 42 U.S.C. § 1988, Susette is entitled to an award of her
16 incurred attorneys' fees and costs.

17 **COUNT EIGHT**
18 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
19 **(Ricardo Acosta Against Defendants Ramos, McAdorey, and Doe Defendants)**

20 491. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
21 preceding paragraphs of this Complaint as if fully set forth here.

22 492. At all relevant times, Defendants Ramos, McAdorey, and Does were acting under
23 the color of law.

24 493. The United States Constitution guarantees Ricardo the right to maintain the
25 integrity of his own body.

26 494. The Fourteenth Amendment to the United States Constitution precludes those
27 acting under the color of law from depriving Plaintiff Ricardo of the rights guaranteed to him by
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1 the United States Constitution, including the right to maintain the integrity of his body without
2 due process of law.

3 495. As set forth above, Defendants Ramos, McAdorey, and Does individually and
4 collectively created obvious and well known dangerous conditions that, but for the acts and
5 omissions of Defendants Ramos, McAdorey, and Does, would not have existed and to which
6 Ricardo would not have been subjected.

7 496. The danger of said conditions was obvious and known by Defendants Ramos,
8 McAdorey, and Does.

9 497. Defendants Ramos, McAdorey, and Does had a duty and obligation to protect
10 Ricardo, and Ricardo relied on Defendants Ramos, McAdorey, and Does to protect him.

11 498. Yet, Defendants Ramos, McAdorey, and Does did nothing to ameliorate the
12 danger to which Ricardo was exposed or to otherwise protect him and keep him safe, as set forth
13 in substantial detail above.

14 499. In creating the dangerous conditions to which Ricardo was exposed, and in failing
15 to take any steps to ameliorate the danger or otherwise protect Ricardo, Defendants Ramos,
16 McAdorey, and Does acted with deliberate indifference to Ricardo's right to maintain the
17 integrity of his body and other rights guaranteed to him by the United States Constitution,
18 including the Fourteenth Amendment.

19 500. As a direct and proximate result of Defendants Ramos, McAdorey, and Does'
20 deliberate indifference, Ricardo sustained traumatic physical and emotional injuries that he
21 struggles with to this day, as set forth above in substantial detail above.

22 501. Consequently, Defendants Ramos, McAdorey, and Does violated the due process
23 rights guaranteed to Ricardo by the Fourteenth Amendment of the United States Constitution.

24 502. The acts and omissions of Defendants Ramos, McAdorey, and Does were of such
25 a nature as to entitle Ricardo to an award of exemplary and punitive damages to punish the
26 wrongful conduct alleged herein and to deter such conduct in the future.

27 503. Further, pursuant to 42 U.S.C. § 1988, Ricardo is entitled to an award of his
28 incurred attorneys' fees and costs.

1 **COUNT NINE**
2 **VIOLATION OF CIVIL RIGHTS – 42 U.S.C. §1983**
3 **(Eduardo Osuna Against Defendants Ramos, Pacheco, and Doe Defendants)**

4 504. Plaintiffs re-allege and incorporate by reference the allegations set forth in the
5 preceding paragraphs of this Complaint as if fully set forth here.

6 505. At all relevant times, Defendants Ramos, Pacheco, and Does were acting under the
7 color of law.

8 506. The United States Constitution guarantees Eduardo the right to maintain the
9 integrity of his own body.

10 507. The Fourteenth Amendment to the United States Constitution precludes those
11 acting under the color of law from depriving Eduardo of the rights guaranteed to him by the
12 United States Constitution, including the right to maintain the integrity of his body without due
13 process of law.

14 508. As set forth above, Defendants Ramos, Pacheco, and Does individually and
15 collectively created obvious and well known dangerous conditions that, but for the acts and
16 omissions of Defendants Ramos, Pacheco, and Does, would not have existed and to which
17 Eduardo would not have been subjected.

18 509. The danger of said conditions was obvious and known by Defendants Ramos,
19 Pacheco, and Does.

20 510. Defendants Ramos, Pacheco, and Does had a duty and obligation to protect
21 Eduardo, and Eduardo relied on Defendants Ramos, Pacheco, and Does to protect him.

22 511. Yet, Defendants Ramos, Pacheco, and Does did nothing to ameliorate the danger
23 to which Eduardo was exposed or to otherwise protect him and keep him safe, as set forth in
24 substantial detail above.

25 512. In creating the dangerous conditions to which Eduardo was exposed, and in failing
26 to take any steps to ameliorate the danger or otherwise protect Eduardo, Defendants Ramos,
27 Pacheco, and Does acted with deliberate indifference to Eduardo's right to maintain the integrity
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1 of his body and other rights guaranteed to him by the United States Constitution, including the
2 Fourteenth Amendment.

3 513. As a direct and proximate result of Defendants Ramos, Pacheco, and Does’
4 deliberate indifference, Eduardo sustained traumatic physical and emotional injuries that he
5 struggles with to this day, as set forth above in substantial detail above.

6 514. Consequently, Defendants Ramos, Pacheco, and Does violated the due process
7 rights guaranteed to Eduardo by the Fourteenth Amendment of the United States Constitution.

8 515. The acts and omissions of Defendants Ramos, Pacheco, and Does were of such a
9 nature as to entitle Eduardo to an award of exemplary and punitive damages to punish the
10 wrongful conduct alleged herein and to deter such conduct in the future.

11 516. Further, pursuant to 42 U.S.C. § 1988, Eduardo is entitled to an award of his
12 incurred attorneys’ fees and costs.

13 **JURY TRIAL DEMAND**

14 517. Plaintiffs hereby demand a jury trial in this matter as to all claims and against all
15 Defendants.

16 **PRAYER FOR RELIEF**

17 **WHEREFORE**, Plaintiffs requests that the Court enter judgment against the
18 Defendants and in favor of the Plaintiffs, as follows:

- 19 A. Preliminarily and permanently enjoin Defendants, their agents, employees, and
20 officials from subjecting Plaintiffs and other individuals similarly situated to
21 the unconstitutional conditions, acts, omissions, policies and practices set forth
22 above;
- 23 B. For compensatory, general and special damages in favor of each Plaintiff
24 individually and against each and every Defendant, jointly and severally, in an
25 amount to be proven at trial;
- 26 C. For punitive and exemplary damages against Defendants in an amount
27 appropriate to punish the wrongful conduct alleged herein and to deter such
28 conduct in the future.

- 1 D. For pre-judgment and post-judgment interest to the extent provided by law;
2 E. For Plaintiffs' incurred costs, including all incurred attorneys' fees and court
3 costs, pursuant to 42 U.S.C. § 1988 and as otherwise authorized by any other
4 statute or law;
5 F. That this Court retain jurisdiction of this case until Defendants have fully
6 complied with the orders of this Court and there is reasonable assurance that
7 Defendants will continue to comply in the future, absent continuing
8 jurisdiction; and
9 G. For such other relief as this Court may deem proper.

10
11 **RESPECTFULLY SUBMITTED** this 14th day of April 2017.

12
13 **BIHN & MCDANIEL, PLC**

14 *s/ Martin A. Bihn*

15 _____
16 Martin A. Bihn
17 2600 N. Central Avenue, Suite 1775
18 Phoenix, Arizona 85004
19 *Attorney for Plaintiffs*

20 **GOLDMAN & ZWILLINGER PLLC**

21 *s/ Scott H. Zwillinger*

22 _____
23 Scott H. Zwillinger
24 Scott A. Griffiths
25 17851 N 85th Street, Suite 175
26 Scottsdale, Arizona 85255
27 *Attorney for the Plaintiffs except Schuster*
28

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2017, I electronically transmitted this Second Amended Complaint to the Clerk’s office using the CM/ECF system for filing and transmittal of a Notice of Electronic filing to the following registrants:

Daniel P. Struck
Rachel Love
Nicholas D. Acedo
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s/ Mona Forouzandeh