

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2020 JAN 27 PM 4:52

JEFFREY P. COLWELL
CLERK

Civil Action No. 1:19-cv-02660-GPG
(To be supplied by the court)

BY _____ DEP. CLK

CHADWICK JORDAN

_____, Plaintiff

v.

LISA FORBES

DAVID STEWARD

KRISTIN KUSHMIDER

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

CHADWICK JORDAN
1135 N BROADWAY, APT 312B
DENVER, CO 80203

(Name and complete mailing address)

750-276-5377
princeofwadesboro@gmail.com
(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: LISA FORBES
1380 LAWRENCE STREET CENTER 1126
DENVER, CO 80217

(Name and complete mailing address)
303-315-6306
lisa.forbes@ucdenver.edu
(Telephone number and e-mail address if known)

Defendant 2: DAVID STEWARD
Tivoli Student Union, Suite 309
DENVER, CO 80217-3364

(Name and complete mailing address)
303-315-7311
david.steward@ucdenver.edu
(Telephone number and e-mail address if known)

Defendant 3: KRISTIN KUSHMIDER
Tivoli Student Union, Suite 309
DENVER, CO 80217

(Name and complete mailing address)
303-315-7310
kristin.kushmider@ucdenver.edu
(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check one)

 X Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

42 U.S.C. Section 1983. ~~Colorado Tort Claims Act.~~ U.S.C.A. Const. Amend. V, VI, XIV

 Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of _____.

If Defendant 1 is an individual, Defendant 1 is a citizen of _____.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of _____ (name of state or foreign nation).

Defendant 1 has its principal place of business in _____ (name of state or foreign nation).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE:

Deliberate Indifference

Supporting facts:

1. On Feb 29th ,2016, David Steward stated, the plaintiff escalated became angry and he had to end the meeting, during one of our meetings, and that the plaintiff asked to speak with his supervisor Kristen Kushmider, regarding his impartiality. See Pg. 41 of the Student Conduct Report.
2. On March 16, 2016, Pg. 51, of the Student Conduct Repoort in appeal 2015039201 to Kristen Kushmider, the plaintiff stated he would not have been accused of these charges by David if he were not black or African American. The plaintiff also reported David violated the fair credit reporting act, when for no reseapon looking into the plaintiffs background, when he appealed to Kristen. In this appeal she actually overturned Davids decisions and; or reduced the judgement for being too extreme. Yet she continued to let David initiate, investigate; or prosecute charges against the plaintiff, and then make judgements.
3. On April 8, 2016, Kristen Kushmider connects the plaintiff with the OMBUDS office, because he was concerned about David Steward not being impartial. Kristen also connected the plaintiff with the, learning resource center, and Office of Case Management because the plaintiff was concerned about David not being impartial. See Pg. 74, of the Student Conduct Report. Nevertheless Kristen continued to let David initiate, investigate; or prosecute charges against the plaintiff, and then make judgements.
4. On November 1, 2016 Will Dewese of the Office of Equity Contacted the plaintiff, about David Steward not being impartial, Will and the palintiff met regularly regarding David not being impartial. Mr. Dewese helped the plaintiff ~~include~~ implicate David Steward for not being impartial in student conduct appeal 2015039201, 201700601 and 2017094401, because he agreed with the plaintiff; infact Mr. Dewese made this statement, saying, "David Steward was not impartial, and that he would not of made the same decisions that David Steward made regarding due process, if he had not been promoted from Davids postion to his current position." Page 74 in the Student Conduct Report, also shows some of the conversations and meetings Omar Montgomery, of the office of Diversity and Inclusion, had regarding David Steward not being impartial. Kristen Kushmider was cc'd in on all of these communications and continued to let David initiate, investigate; or prosecute charges against the plaintiff, and then make judgements.
5. On Nov 9, 2016, The Plaintiff told Kristen Kushmider that David Steward and the writing center was conspiring to paint him in a bad light. Kristen Kushmider agreed, and took over mediation between the plaintiff and the writng center because David was not being impartial, See Student Conduct Report,

Pg. 81, and the allegations, initiated by David were then dropped by Kristen, only to disregard this harm.

6. On April 19th, 2017 Kristen Kushmider organized a meeting concerning the discrimination, Civil Rights, false reporting and the lack of impartiality by David Steward. All the professional heads concerning, HigherEd.gov, grievances, Equality and The Office of Civil Rights, at the campus were Present. See, Pg. 94, of the Student Conduct Report. David Steward not being impartial and the harm this caused to the plaintiffs Due Process rights were discussed during the meeting. Despite the obvious harm to the plaintiff Due process rights Kristen chose to disregard this harm and continue to let David initiate, investigate; or prosecute charges against the plaintiff, and then make a judgements.

7. Despite, knowing the plaintiffs concern for David Stewards lack of impartiality and Kristen Kushmider continuing to let him initiate, investigate; or prosecute charges against the plaintiff, and then make judgements. As remedy, Kristen often chose to reduce; or nullify Davids rulings-on a couple of occasions-for being too extreme. This was a casual connection to David not being impartial, creating a flawed outcome Kristin was aware of. Kristin even told the plaintiff after he spoke with her regarding David not being impartial, she would speak with David and for the plaintiff to avoid David. Kristen even went as far as setting a meeting between the plaintiff and David, so they could reconcile their differences over the plaintiffs concern of Davids lack of impartiality. Yet despite knowing Davids conduct would probably result in injury to the plaintiff, she remained indifferent, with a reckless disregard of the plaintiffs safety.

8. Kristen Kusmider, after being made aware by the plaintiff of David Stewards lack of impartiality in the University of Colorado Student Conduct cases 201700601 and 2017094401, disregarded this harm to the plaintiff causing her to contribute to erroneous outcomes because (1) there was facts sufficient to cast some articulable doubt on the accuracy of the outcome of the disciplinary proceedings' and (2) a particularized, causal connection between the flawed outcome and bias. The plaintiff made several complaints to Kristen she chose to disregard leading to erroneous outcomes. Due to all of the aforementioned and reasons above. There was an erroneous outcome in every single hearing, David initiated, investigated, prosecuted and judged. There was a casual connection between the flawed outcome and David not being impartial.

Prior to Caso No. 201700601 and 2017094401, Kristen new David and the plaintiff, (see Student Conduct Report, pg. 41), could not even finish a meeting together. In a prior appeal 2015039201 pg52 of the Student Conduct report, March 16, 2016, the plaintiff clearly stated that if his skin color would not have been black he would not have been accused by David in a appeal to Kristen. The Plaintiff also stated in this appeal to Kristen that David Steward violated the fair credit reporting act with his administrative hearing, and this was upheld in the appeal by Kristen. When the plaintiff talked to Kristen about David Steward not being impartial, specifically telling her the biased comments he made to the plaintiff ("You should of never been allowed in this school", "you get mad when you don't get what you want", "You have a hard time seeing other people's perspective"), Kristen said she will speak with David, and the plaintiff should try to speak with him also. Then she told the plaintiff to contact the Office of Civil Rights, Pg94, of the Student conduct report. She should not of continued to let David initiate, investigate; or prosecute charges against the plaintiff, and then make any judgements or decisions.

9. Kristen Kushmider: as the Dean of Students, of the University of Colorado Denver, should have known, from the plaintiffs years of interactions with David Steward, Director of Student Conduct and Community Standards of the University of Colorado-Denver, there was harm to the plaintiffs interest and rights to due process and a impartial adjudicator and these issues were sufficiently pervasive to effect the terms of the plaintiffs school enrollment. Kristen should of knew that the University of Colorado Denver had a compelling interest not to harm the plaintiffs rights and interest.

Kristen Kushmider had the authority to institute corrective measures and had actual notice, yet she chose to consciously disregard the plaintiff's safety. All of this occurred prior to any of the incidents in

this civil suit, and has persisted.

CLAIM TWO:

Substantive Due Process

Procedural Due Process

Supporting facts:

10. On the 7th day of August, 2017, During UCD Case No. 201700601, David Steward initiated, investigated or prosecuted the charges of Abusive Behavior, Interference, obstruction, or Disruption of University Activity, violating the UCD standards against the plaintiff without giving the plaintiff the right to cross-examine witnesses.

Aug 21st David Steward found the plaintiff guilty of Abusive Behavior, Interference, obstruction, or Disruption of University Activity, violating the UCD standards, and then upheld his suspension, and also ordered the plaintiff to four counseling sessions.

There were factual issues presented, and the plaintiff was not given the names of witnesses. When the plaintiff asked David Steward if he even talked to the accuser, David told the plaintiff, "now your trying to do my job". Cross examination, as requested by the plaintiff, was critical here, because there is only testimonial evidence, and because this case raised a credibility issue.

11. Sept 1st 2017, the Plaintiff appealed, Abusive Behavior, Interference, obstruction, or Disruption of University Activity- see Student Conduct Report, Pg. 51- on the grounds being that David Steward was not impartial, his allegations had no basis in fact; during this appeal the plaintiff specifically, stated David Steward has been biased and discriminatory, and racist. The plaintiff mentioned David called the plaintiff a "liar," and said he did not deserve to be at the University. In the appeal the plaintiff noted his biased comments towards the Marine Corps, telling the plaintiff he's not in the Marine Corps anymore. The plaintiff also mentioned his meetings with Will Dewese, of the Office of Diversity and Inclusion or title IX office, who said, David was biased and not impartial, and his allegations of a lack of impartiality he made to his supervisor Kristen Kushmider. Nevertheless the plaintiff was not given a impartial adjudicator. The plaintiff also appealed the fact he was not allowed to cross-examine his accusers and that he had no idea who they were. The appeal was unjustly denied.

Eventhough ~~the~~ David was aware of the issues raised in lines 1-8 of his conduct and the existing circumstances and conditions, ~~that~~ of his conduct would probably cause injury to the plaintiff. The risk of injury would have been resolved if the plaintiff was given the ordinary care of due process.

The appeal remained illusory, because the plaintiff was not allowed to record the hearings. The plaintiff was not allowed to cross-examine his accusers, who are anonymous (see the Student Conduct Report). The plaintiff was never given an idea of who; or what witness or accusers were involved. In fact, the plaintiff's accusers remain anonymous., even in the student conduct report the plaintiff received Sept. 6 2018, after multiple request.

The plaintiffs right to procedural due process was clearly established due to the seriousness of the allegations, a reasonable person in David Stewards position would have known that they were not impartial and they could not be impartial. David should have recused himself, especially since he initiated the charges, investigated; or prosecuted, and made the final judgment on these charges. **Res ipsa loquitur.**

12. On the 5th day of March, UCD Case No. 2017094401, David charged the plaintiff with threatening someone during a verbal altercation, and that he recently purchased an AR-15, or weapons possession, so he had to immediately suspend the plaintiff from school.

Then he added drug charges on the 25th day of June, ~~David Steward added Drugs, for unknown reasons.~~ On the 31st day of July, David found the plaintiff guilty of threats, based on a, supposed, "report," Drugs, based on a unadjudicated report (2018-9518073), then weapons possession based on a unadjudicated court indictment case No. 18CR01675, and then expelled the plaintiff, All without any Due Process, whatsoever.

13. On the 18th day of August, 2018, the plaintiff was careful to appeal Case No 2017094401, on the following grounds of not receiving ordinary due process, by David Steward:

- The plaintiff was not present during hearing
- There was no tape recordings; or transcript provided
- He was entitled to presumption of innocence
- David was not a impartial adjudicator
- Malicious prosecution David knowingly and reckless made false statements, and fabricated evidence.
- No Cross-examination, the plaintiff was not allowed to challenge; the credibility of the witnesses. There is a Critical right to cross-examination with testimonial evidence.
- The constitution required the plaintiff be provided the evidence against him. The plaintiff did not receive explanation; or any of evidence used against him. A contrived report ~~Evidence contained in the so-called report David used,~~ was used in his hearing to adjudicate the plaintiff. The plaintiff was not provided this evidence, if there was in fact any. This is a cognizable due process violation.
- There were factual issues disputed, therefore notice was required to include the names of witnesses and a list of the evidence that David intended to present. There was no names of witnesses or list of evidence. In fact, the plaintiff did not even attend the hearing which made witnesses and evidence more pertinent.
- The student must be permitted the assistance of a lawyer, at least in major disciplinary proceedings, such as this one.
- There is a right to cross-examine witnesses in the most serious of cases.
- The plaintiff was not permitted to tape record of hearing, when he did not receive summary of testimony, evidence, and decision.
- If David Steward was a fair-minded administrator, he would recused himself from the ability of one person; official, who initiates, investigates or prosecutes charges against a student and makes the decision to expell the student-expulsion (the capital offense in the academic world)- in order to avoid an unfair decision. **Res ipsa loquitur**
- The plaintiff was even denied a request in this appeal, to hold off hearings until these accusations were adjudicated in the District Court he claimed he relied on. The plaintiff mentioned his guilt was at issue. In fact this case was dismissed in District Court.
- The plaintiff did not receive a comprehensive list of witnesses or evidence. The plaintiff was not allowed to hear or observe any testimony.
- The Plaintiff had a right to written findings of facts
- There was not a reasonable ground for the expulsion, it shocks the conscious.
- The Plaintiff was required more than an informal interview with an administrative authority of college. Students accused of drug and firearm possession have a "compelling" interest in the outcome of the disciplinary hearing. "A finding of responsibility has had a substantial lasting impact on the plaintiff's personal life, educational and employment opportunities, and reputation in the community. Against the plaintiff's personal interest, a court must balance "additional procedures requested, any error-reducing the benefit those procedures might have, and the burden on the University of adding those additional procedures.

- This hearing was not done in good faith. This appeal was denied unjustly and without explanation as to why the plaintiff did not receive due process.

CLAIM THREE:

Breach of Confidence
Breach of Contract
Breach of Duty of care
Invasion of Privacy

Supporting facts:

14. In August, 2017, the plaintiff and Lisa Forbes sign a non-disclosure agreement.
15. The last time the plaintiff and Lisa Forbes met was on the 19th day of February, 2018. That Friday on the 2nd day of February, 2018, about five police show up at the plaintiff's apartment stating they were there for a welfare check, and they heard the plaintiff had \$80,000 and an AR-15, and they know he is an ex-marine. Then they asked to search the plaintiff's apartment. These are things, the plaintiff only told his psychotherapist-Lisa Forbes, in confidence.
16. The following Monday on the 5th day of March, 2018, David Steward asked the plaintiff to come to his office before he went to class. When the plaintiff arrived, David told the plaintiff he received a, "report," dated February 19th, 2018, that the plaintiff threatened someone during a verbal altercation, a few months ago off campus at his apartment complex, and that he recently purchased an AR-15, so he had to immediately suspend the plaintiff from school. The 19th day of February, 2018, was the last day the plaintiff met with Lisa Forbes and the only person the plaintiff told about an AR-15 was to his psycho therapist Lisa Forbes.
17. Lisa Forbes, under color of state and local law, while working as Assistant Clinical Professor, Counseling Program / Human Development and Family Relations Program at the University of Colorado Denver, Registered Psycho Therapist, NLC.001271, had a duty of care a legal obligation imposed on her; by C.R.S.A. § 13-90-107, which required adherence to a standard of reasonable care while performing her acts that could foreseeably harm the plaintiff, which she violated. Nevertheless, she acted in conscious disregard and with a reckless indifference to the consequences of exposing the plaintiff's treatment, which she knew under the circumstances and conditions would probably result in injury to the plaintiff. Lisa told numerous people of their trusted conversation, evidenced in the Colorado State District Court case no. 18CR01675, testimony and reports, which stated, Lisa told Brooke Farley, and the Auraria Campus police-David Steward. The testimony and reports also stated the detectives were conducting surveillance on the plaintiff because they heard from Lisa Forbes about him being in possession of an AR15 and other hand guns, before they set up a sting operation. Furthermore, this case was dismissed by the district court. Also all testimony during this case stated and reiterated the plaintiff never theartend anyone during his meetings with Lisa Forbes.

E. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

Special Damages- Lisa should have known while in her in her individual capacity the officials ~~police officers~~ would take her word as true and this would stigmatize the plaintiff. ~~search the plaintiff's property.~~ David and Kristin should have known their actions while in individual capacity would harm the plaintiff.

Future Damages- anxiety, depression relating thereto, as an element of recovery, ~~expert testimony~~ and future suffering. Legal fees

Permanent damages- The plaintiffs, quality of life will permanently be diminished, the plaintiffs earning potential is permanently diminished, and the plaintiff's reputation is permanently diminished, there is no remedy for any of these diminishments. The plaintiff has trust issues now.

Prospective damages- The Plaintiffs earning potential will be diminished. It will be difficult for the plaintiff to have a child because of his stigmatized reputation. The plaintiff will have a difficult time achieving his bachelors, if at all, especially since he's older and he lost his education benefits due to Lisa Forbes Breach of Confidentiality, and Davids denial of Due process. It will be difficult for the plaintiff to have an enjoyable life. ~~Since he~~ The plaintiff now has trust issues, depression and PTSD. It will be hard to maintain relationships.

Proximate damages- It was foreseeable, I would be kicked out of school. loose both of my jobs, and have ~~a~~ to dispute these allegations. It ~~was~~ would be foreseeable my reputation will be damaged; it ~~was~~ is foreseeable my career would be negatively impacted. It was foreseeable the plaintiff would not be able to trust anyone again, in order to get ~~fit~~ help.

Actual Damages- ~~My~~ The plaintiffs apartment was robbed due to this incident, he lost a lease on a new apt. ~~Host my lease on my apt, my~~ His new car was confiscated by police. ~~He also~~ I lost ~~my~~ his career. The plaintiffs ~~My~~ attorney fees.

Monetary Losses- ~~Host my~~ The plaintiff lost his job at the BA VA and DKS&H. The Plaintiff lost his ~~Host my~~ future earning potential as an accountant; reflecting that what ~~a~~ the plaintiff in fact lost was "a chance to compete ~~of~~ on fair footing, not the promotion itself." ~~can~~, According to the seventh Circuit, ~~be awarded as~~ this is actual damages under the loss-of -a-chance doctrine.

- The plaintiff request that he be given new hearings in cases, 201700601 and 2017094401. The plaintiff also request that he be reinstated as a student. The plaintiff request that his appeal be overturnd, given a new hearing; or reinstated as a student in student conduct case 2017094401.

Hedonic damage- The loss of life's pleasures. The plaintiff won't be able to trust anyone again in order to get help.

General Damages- for mental anguish and for physical pain and suffering. Loss reputation.

Punitive damages- Lisa, acted recklessly, when invading my privacy and so wantonly talking about my personal matters that were protected under the constitution, it is reprehensible to violate a confidentiality agreement because of political beliefs. Kristin and David also acted recklessly in denying the plaintiff due process rights.

Putative damages- Damages that are alleged; claimed but unproved damages.

Substantial damages- The plaintiff lost his lively hood and career.

Nominal damages- The plaintiff was forced to fight Lisa's allegations in the county over eight months of his life he will never get back, for Lisa's breach of confidentiality.

Irreparable damages- Damages for breaking the Hippocratic Oath, and the Plaintiff being resistant or stigmatized for the rest of his life when seeking treatment for his PTSD and traumatic brain injury incurred during Operation Iraq Freedom. The Plaintiff cannot trust anyone. The plaintiff was expelled because of Davids Due process law violations stigmatizing him at every university for his life.

Tort damages-Monetary compensation for tangible and Intangible harm to ~~persons~~ and his property as the result of this a tort.

Uncertain damages- Damages that are not clearly the result of a wrong. The rule against allowing recovery of uncertain damages refers to these damages, not damages that are uncertain only in amount.

Trimble Damages

Intentional Infliction of Emotional Distress-Expelling the plaintiff without due process, and by false reporting to denver police, leading to surveillance and false charges to be ~~brought false charges.~~ And by Breaching the Plaintiffs confidentiality by violating the terms of his non disclosure agreement, causing the plaintiff to be expelled.

Remand to the University for new hearings Using due process for Univ. of CO- Denver case No.'s 201700601 and 2017094401

Reinstatement of plaintiff as a student at the Univ. of CO-Denver

Trial by Jury

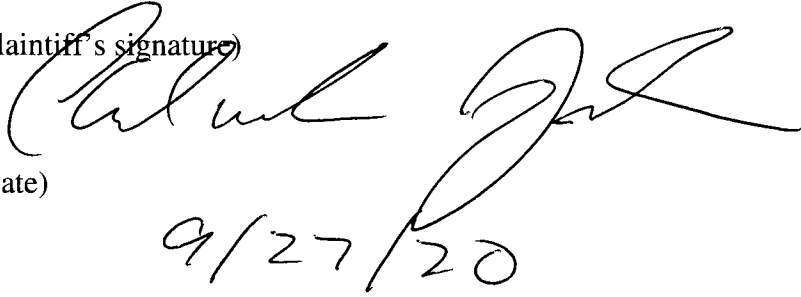
F. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

(Plaintiff's signature)

(Date)

The block contains a handwritten signature in cursive script, followed by the date "9/27/20" written in a similar cursive style.

(Form Revised December 2017)

**IN THE UNITED STATES DISTRICT COURT
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1380 LAWRENCE STREET CENTER 1126
DENVER, CO 80217

(Name and complete mailing address)

303-315-6306

lisa.forbes@ucdenver.edu

(Telephone number and e-mail address if known)

Defendant 2: DAVID STEWARD
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DENVER, CO 80217-3364

(Name and complete mailing address)

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Plaintiff is a citizen of the State of _____.

If Defendant 1 is an individual, Defendant 1 is a citizen of _____.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of _____ (name of state or foreign nation).

Defendant 1 has its principal place of business in _____ (name of state or foreign nation).

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3. On April 8, 2016, Kristen Kushmider connects the plaintiff with the OMBUDS office, because he was concerned about David Steward not being impartial. Kristen also connected the plaintiff with the, learning resource center, and Office of Case Management because the plaintiff was concerned about David not being impartial. See Pg. 74, of the Student Conduct Report. Nevertheless Kristen contined to let David initiate, investigate; or prosecute charges against the plaintiff, and then make judgements.
4. On November 1, 2016 Will Dewese of the Office of Equity Contacted the plaintiff, about David Steward not being impartial, Will and the palintiff met regularly regarding David not being impartial. Mr. Dewese helped the plaintiff implicate David Steward for not being impartial in student conduct appeal 2015039201, 201700601 and 2017094401, because he agreed with the plaintiff; infact Mr. Dewese made this statement, saying, "David Steward was not impartial, and that he would not of made the same decisions that David Steward made regarding due process, if he had not been promoted from Davids postion to his current position." Page 74 in the Student Conduct Report, also shows some of the conversations and meetings Omar Montgomery, of the office of Diversity and Inclusion, had regarding David Steward not being impartial. Kristen Kushmider was cc'd in on all of these communications and contined to let David initiate, investigate; or prosecute charges against the plaintiff, and then make judgements.
5. On Nov 9, 2016, The Plaintiff told Kristen Kushmider that David Steward and the writing center was conspiring to paint him in a bad light. Kristen Kushmider agreed, and took over mediation between the plaintiff and the writng center because David was not being impartial, See Student Conduct Report, Pg. 81, and the allegations, initiatd by David were then dropped by Kristen, only to disregard this harm.

6. On April 19th, 2017 Kristen Kushmider organized a meeting concerning the discrimination, Civil Rights, false reporting and the lack of impartiality by David Steward. All the professional heads concerning, HigherEd.gov, grievances, Equality and The Office of Civil Rights, at the campus were Present. See, Pg. 94, of the Student Conduct Report. David Steward not being impartial and the harm this caused to the plaintiffs Due Process rights were discussed during the meeting. Despite the obvious harm to the plaintiff Due process rights kristen chose to disregard this harm and continue to let David initiate, investigate; or prosecute charges against the plaintiff, and then make a judgements.

7. Despite, knowing the plaintiffs concern for David Stewards lack of impartiality and Kristen Kushmider continuing to let him initiate, investigate; or prosecute charges against the plaintiff, and then make judgements. As remedy, Kristen often chose to reduce; or nullify Davids rulings-on a couple of occasions-for being too extreme. This was a casual connection to David not being impartial, creating a flawed outcome Kristin was aware of. Kristin even told the plaintiff after he spoke with her regarding David not being impartial, she would speak with David and for the plaintiff to avoid David. Kristen even went as far as setting a meeting between the plaintiff and David, so they could reconcile their differences over the plaintiffs concern of Davids lack of impartiality. Yet despite knowing Davids conduct would probably result in injury to the plaintiff, she remained indifferent, with a reckless disregard of the plaintiffs safety.

8. Kristen Kusmider, after being made aware by the plaintiff of David Stewards lack of impartiality in the University of Colorado Student Conduct cases 201700601 and 2017094401, disregarded this harm to the plaintiff causing her to contribute to erroneous outcomes because (1) there was facts sufficient to cast some articulable doubt on the accuracy of the outcome of the disciplinary proceedings' and (2) a particularized, causal connection between the flawed outcome and bias. The plaintiff made several complaints to Kristen she chose to disregard leading to erroneous outcomes. Due to all of the aforementioned and reasons above. There was an erroneous outcome in every single hearing, David initiated, investigated, proscuted and judged. There was a casual connection between the flawed outcome and David not being impartial.

Prior to Caso No. 201700601 and 2017094401, Kristen new David and the plaintiff, (see Student Conduct Report, pg. 41), could not even finish a meeting together. In a prior appeal 2015039201 pg52 of the Student Conduct report, March 16. 2016, the plaintiff clearly stated that if his skin color would not have been black he would not have been accused by David in a appeal to Kristen. The Plaintiff also stated in this appeal to Kristen that David Steward violated the fair credit reporting act with his administrative hearing, and this was upheld in the appeal by Kristen. When the plaintiff talked to Kristen about David Steward not being impartial, specifically telling her the biased comments he made to the plaintiff ("You should of never been allowed in this school", "you get mad when you don't get what you want", "You have a hard time seeing other people's perspective"), Kristen said she will speak with David, and the plaintiff should try to speak with him also. Then she told the plaintiff to contact the Office of Civil Rights, Pg94, of the Student conduct report. She should not of continued to let David initiate, investigate; or prosecute charges against the plaintiff, and then make any judgements or decisions.

9. Kristen Kushmider: as the Dean of Students, of the University of Colorado Denver, should have known, from the plaintiffs years of interactions with David Steward, Director of Student Conduct and Community Standards of the University of Colorado-Denver, there was harm to the plaintiffs interest and rights to due process and a impartial adjudacator and these issues were sufficiently pervasive to effect the terms of the plaintiffs school enrollment. Kristen should of knew that the University of Colorado Denver had a compelling interest not to harm the plaintiffs rights and interest.

Kristen Kushmider had the authority to institute corrective measures and had actual notice, yet she chose to consciously disregard the plaintiff's safety. All of this occurred prior to any of the incidents in this civil suit, and has persisted.

CLAIM TWO:

Substantive Due Process
Procedural Due Process

Supporting facts:

10. On the 7th day of August, 2017, During UCD Case No. 201700601, David Steward initiated, investigated or prosecuted the charges of Abusive Behavior, Interference, obstruction, or Disruption of University Activity, violating the UCD standards against the plaintiff without giving the plaintiff the right to cross-examine witnesses.

Aug 21st David Steward found the plaintiff guilty of Abusive Behavior, Interference, obstruction, or Disruption of University Activity, violating the UCD standards, and then upheld his suspension, and also ordered the plaintiff to four counseling sessions.

There were factual issues presented, and the plaintiff was not given the names of witnesses. When the plaintiff asked David Steward if he even talked to the accuser, David told the plaintiff, "now your trying to do my job". Cross examination, as requested by the plaintiff, was critical here, because there is only testimonial evidence, and because this case raised a credibility issue.

11. Sept 1st 2017, the Plaintiff appealed, Abusive Behavior, Interference, obstruction, or Disruption of University Activity- see Student Conduct Report, Pg. 51- on the grounds being that David Steward was not impartial, his allegations had no basis in fact; during this appeal the plaintiff specifically, stated David Steward has been biased and discriminatory, and racist. The plaintiff mentioned David called the plaintiff a "liar," and said he did not deserve to be at the University. In the appeal the plaintiff noted his biased comments towards the Marine Corps, telling the plaintiff he's not in the Marine Corps anymore. The plaintiff also mentioned his meetings with Will Dewese, of the Office of Diversity and Inclusion or title IX office, who said, David was biased and not impartial, and his allegations of a lack of impartiality he made to his supervisor Kristen Kushmider. Nevertheless the plaintiff was not given a impartial adjudicator. The plaintiff also appealed the fact he was not allowed to cross-examine his accusers and that he had no idea who they were. The appeal was unjustly denied.

Even though David was aware of the issues raised in lines 1-8 of his conduct and the existing circumstances and conditions, of his conduct would probably cause injury to the plaintiff. The risk of injury would have been resolved if the plaintiff was given the ordinary care of due process. The appeal remained illusory, because the plaintiff was not allowed to record the hearings. The plaintiff was not allowed to cross-examine his accusers, who are anonymous (see the Student Conduct Report). The plaintiff was never given an idea of who; or what witness or accusers were involved. In fact, the plaintiff's accusers remain anonymous., even in the student conduct report the plaintiff received Sept. 6 2018, after multiple request.

The plaintiff's right to procedural due process was clearly established due to the seriousness of the allegations, a reasonable person in David Steward's position would have known that they were not impartial and they could not be impartial. David should have recused himself, especially since he initiated the charges, investigated; or prosecuted, and made the final judgment on these charges. **Res ipsa loquitur.**

12. On the 5th day of March, UCD Case No. 2017094401, David charged the plaintiff with threats during a verbal altercation, and for the purchase of a AR-15, or weapons possession, so he had to immediately suspend the plaintiff from school. Then he added drug charges on the 25th day of June. On the 31st day of July, David found the plaintiff guilty of threats, based on a, supposed, " report,"

Drugs, based on a unadjudicated report (2018-9518073), then weapons possession based on a unadjudicated court indictment case No. 18CR01675, and then expelled the plaintiff, All without any Due Process, whatsoever.

13. On the 18th day of August, 2018, the plaintiff was careful to appeal Case No 2017094401, on the following grounds of not receiving ordinary due process, by David Steward:

- The plaintiff was not present during hearing
- There was no tape recordings; or transcript provided
- He was entitled to presumption of innocence
- David was not a impartial adjudicator
- Malicious prosecution David knowingly and reckless made false statements, and fabricated evidence.
- No Cross-examination, the plaintiff was not allowed to challenge; the credibility of the witnesses. There is a Critical right to cross-examination with testimonial evidence.
- The constitution required the plaintiff be provided the evidence against him. The plaintiff did not receive explanation; or any of evidence used against him. A contrived report, was used in his hearing to adjudicate the plaintiff. The plaintiff was not provided this evidence, if there was in fact any. This is a cognizable due process violation.
- There were factual issues disputed, therefore notice was required to include the names of witnesses and a list of the evidence that David intended to present. There was no names of witnesses or list of evidence. In fact, the plaintiff did not even attend the hearing which made witnesses and evidence more pertinent.
- The student must be permitted the assistance of a lawyer, at least in major disciplinary proceedings, such as this one.
- There is a right to cross-examine witnesses in the most serious of cases.
- The plaintiff was not permitted to tape record of hearing, when he did not receive summary of testimony, evidence, and decision.
- If David Steward was a fair-minded administrator, he would recused himself from the ability of one person; official, who initiates, investigates or prosecutes charges against a student and makes the decision to expell the student-expulsion (the capital offense in the academic world)- in order to avoid an unfair decision. **Res ipsa loquitur**
- The plaintiff was even denied a request in this appeal, to hold off hearings until these accusations were adjudicated in the District Court he claimed he relied on. The plaintiff mentioned his guilt was at issue. In fact this case was dismissed in District Court.
- The plaintiff did not receive a comprehensive list of witnesses or evidence. The plaintiff was not allowed to hear or observe any testimony.
- The Plaintiff had a right to written findings of facts
- There was not a reasonable ground for the expulsion, it shocks the conscious.
- The Plaintiff was required more than an informal interview with an administrative authority of college. Students accused of drug and firearm possession have a "compelling" interest in the outcome of the disciplinary hearing. "A finding of responsibility has had a substantial lasting impact on the plaintiff's personal life, educational and employment opportunities, and reputation in the community. Against the plaintiff's personal interest, a court must balance "additional procedures requested, any error-reducing the benefit those procedures might have, and the burden on the University of adding those additional procedures.
- This hearing was not done in good faith. This appeal was denied unjustly and without explanation as to why the plaintiff did not receive due process.

CLAIM THREE:

Breach of Confidence
 Breach of Contract
 Breach of Duty of care
 Invasion of Privacy

Supporting facts:

14. In August, 2017, the plaintiff and Lisa Forbes sign a non-disclosure agreement.

15. The last time the plaintiff and Lisa Forbes met was on the 19th day of February, 2018. That Friday on the 2nd day of February, 2018, about five police show up at the plaintiff's apartment stating they were there for a welfare check, and they heard the plaintiff had \$80,000 and an AR-15, and they know he is an ex-marine. Then they asked to search the plaintiff's apartment. These are things, the plaintiff only told his psychotherapist-Lisa Forbes, in confidence.

16. The following Monday on the 5th day of March, 2018, David Steward asked the plaintiff to come to his office before he went to class. When the plaintiff arrived, David told the plaintiff he received a, "report," dated February 19th, 2018, that the plaintiff threatened someone during a verbal altercation, a few months ago off campus at his apartment complex, and that he recently purchased an AR-15, so he had to immediately suspend the plaintiff from school. The 19th day of February, 2018, was the last day the plaintiff met with Lisa Forbes and the only person the plaintiff told about an AR-15 was to his psycho therapist Lisa Forbes.

17. Lisa Forbes, under color of state and local law, while working as Assistant Clinical Professor, Counseling Program / Human Development and Family Relations Program at the University of Colorado Denver, Registered Psycho Therapist, NLC.001271, had a duty of care a legal obligation imposed on her; by C.R.S.A. § 13-90-107, which required adherence to a standard of reasonable care while performing her acts that could foreseeably harm the plaintiff, which she violated. Nevertheless, she acted in conscious disregard and with a reckless indifference to the consequences of exposing the plaintiff's treatment, which she knew under the circumstances and conditions would probably result in injury to the plaintiff. Lisa told numerous people of their trusted conversation, evidenced in the Colorado State District Court case no. 18CR01675, testimony and reports, which stated, Lisa told Brooke Farley, and the Auraria Campus police-David Steward. The testimony and reports also stated the detectives were conducting surveillance on the plaintiff because they heard from Lisa Forbes about him being in possession of an AR15 and other hand guns, before they set up a sting operation. Furthermore, this case was dismissed by the district court. Also all testimony during this case stated and reiterated the plaintiff never theartend anyone during his meetings with Lisa Forbes.

E. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

Special Damages- Lisa should have known while in her individual capacity the officials would take her word as true and this would stigmatize the plaintiff. David and Kristin should have known their actions while in individual capacity would harm the plaintiff.

Future Damages- anxiety, depression relating thereto, as an element of recovery, and future suffering. Legal fees

Permanent damages- The plaintiffs, quality of life will permanently be diminished, the plaintiffs earning potential is permanently diminished, and the plaintiff's reputation is permanently diminished, there is no remedy for any of these diminishments. The plaintiff has trust issues now.

Prospective damages- The Plaintiffs earning potential will be diminished. It will be difficult for the plaintiff to have a child because of his stigmatized reputation. The plaintiff will have a difficult time achieving his bachelors, if at all, especially since he's older and he lost his education benefits due to Lisa Forbes Breach of Confidentiality, and Davids denial of Due process. It will be difficult for the plaintiff to have an enjoyable life. The plaintiff now has trust issues, depression and PTSD. It will be hard to maintain relationships.

Proximate damages- It was foreseeable, I would be kicked out of school. lose both of my jobs, and have to dispute these allegations. It was foreseeable my reputation will be damaged; it was foreseeable my career would be negatively impacted. It was foreseeable the plaintiff would not be able to trust anyone again, in order to get help.

Actual Damages- The plaintiffs apartment was robbed due to this incident, he lost a lease on a new apt. His new car was confiscated by police. He also lost his career. The plaintiffs attorney fees.

Monetary Losses- The plaintiff lost his job at the VA and DKS&H. The Plaintiff lost his future earning potential as an accountant; reflecting that what the plaintiff in fact lost was "a chance to compete on fair footing, not the promotion itself." According to the seventh Circuit, this is actual damages under the loss-of-a-chance doctrine.

- The plaintiff request that he be given new hearings in cases, 201700601 and 2017094401. The plaintiff also request that he be reinstated as a student. The plaintiff request that his appeal be overturned, given a new hearing; or reinstated as a student in student conduct case 2017094401.

Hedonic damage- The loss of life's pleasures. The plaintiff won't be able to trust anyone again in order to get help.

General Damages- for mental anguish and for physical pain and suffering. Loss reputation.

Punitive damages- Lisa, acted recklessly, when invading my privacy and so wantonly talking about my personal matters that were protected under the constitution, it is reprehensible to violate a

confidentiality agreement because of political beliefs. Kristin and David also acted recklessly in denying the plaintiff due process rights.

Putative damages- Damages that are alleged; claimed but unproved damages.

Substantial damages- The plaintiff lost his livelihood and career.

Nominal damages- The plaintiff was forced to fight Lisa's allegations in the county over eight months of his life he will never get back, for Lisa's breach of confidentiality.

Irreparable damages- Damages for breaking the Hippocratic Oath, and the Plaintiff being resistant or stigmatized for the rest of his life when seeking treatment for his PTSD and traumatic brain injury incurred during Operation Iraq Freedom. The Plaintiff cannot trust anyone. The plaintiff was expelled because of David's due process law violations stigmatizing him at every university for his life.

Tort damages-Monetary compensation for tangible and intangible harm to the plaintiff and his property as the result of this a tort.

Uncertain damages- Damages that are not clearly the result of a wrong. The rule against allowing recovery of uncertain damages refers to these damages, not damages that are uncertain only in amount.

Trimble Damages

Intentional Infliction of Emotional Distress-Expelling the plaintiff without due process, and by false reporting to Denver police, leading to surveillance and false charges to be charges. And by Breaching the Plaintiff's confidentiality by violating the terms of his non disclosure agreement, causing the plaintiff to be expelled.

Remand to the University for new hearings Using due process for Univ. of CO- Denver case No.'s 201700601 and 2017094401

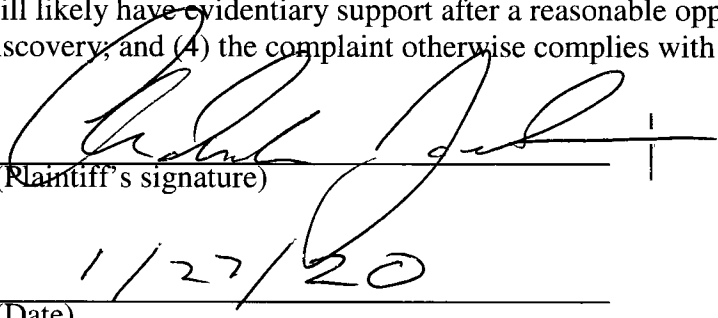
Reinstatement of plaintiff as a student at the Univ. of CO-Denver

Trial by Jury (ref. JDF 601)

F. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



(Plaintiff's signature)

1/27/20

(Date)

(Form Revised December 2017)