

UNITED STATES DISTRICT COURT-COLORADO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

2023 JUN 15 AM 11:39

JEFFREY P. COLWELL  
CLERK

Plaintiff SHAWN ALLEN

BY \_\_\_\_\_ DEP. CLK

23-CV-00699-RMR-SP

**Jury Trial requested: (please check one)**

    \* Yes     No

Jason MARCOTTE (owner of Administrator)

Summit Supportive Christina KAVEN (great caregiver)

Communities) Danyelle

MARTS (SSCs Executive

Director)

, Defendant(s).

Lindsay STRONG (Assistant

**AMENDED 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.*

SHAWN ALLEN

(Name and complete mailing address)

253\*289\*7990 1donovandoss@gmail.com

(STHC % SHAWN ALLEN P.O.BOX 8346 Denver, Colorado. 80201

**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: Jason MARCOTTE (Name and complete mailing address) 1720 Bellaire Denver penthouse suite Colo

imarcotte@summitsupportive.com

(Telephone number and e-mail address if known) Danyelle MARTS 1720 Bellaire Denver Colo

Defendant 2: 213\*312\*0804

(Name and complete mailing address) known)

856\*275\*9401 dmarts@summitsupportive.com

(Telephone number and e-mail address if known) Christina KAVEN ckaven@summitsupportive.com (Name and complete mailing address),

Lindsay STRONG lstrong@summitsupportive.com (Name and complete mailing address)

720\*312\*9035

720\*965\*6339

(Telephone number and e-mail address if

**C. JURISDICTION**

(Telephone number and e-mail address if known)

Defendant 3: Defendant 4:

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

*See introduction. ADA/RACIAL DISCRIMINATION/RETALIATION/EQUAL PROTECTION.*

\*

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.

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)

Colorado

Plaintiff is a citizen of the State of .

USA/Colorado

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).

Colorado

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.)*

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### Complaint and Jury Demand

Plaintiff, in pro se capacity, herenow petition this honorable court for redress of grievances and state the following:

#### 1) INTRODUCTION

1— This is a case where the plaintiff is African-American and disabled, and viciously mistreated on account of these facts. I am Shawn Allen and I am initiating this civil action and composed it to the best of my capabilities. I have used the correct court-approved forms. I have clearly stated specific violative acts by the defendants. My many claims are not frivolous and not malicious. All accounts are based upon factual events and I am truthful and candid throughout this comprehensive legal narrative which serve to outline the multiple occasions of civil rights deprivations. While living in a nursing home controlled by Summit Supportive Communities since October 2019 I have experienced



over 3 years of repeated acts of retaliation. And it is my fervent contention that these actions were indeed actuated by a racial animus. And the specific and detailed acts shall be effortlessly proven (with proper legal representation) and perhaps without

2— The core of this case and my complaint is racism. I am an African-American male in my 50s with disabilities. And while residing under Summit Supportive Communities I have indubitably gone backwards with regression. There have been white residents that will come out in the body of this narrative and that I, plaintiff Shawn Allen, have on two separate occasions suffered two separate assaults from two separate residents. This court will hear about Brian Rose, an unmanageable mentally unstable resident who harassed me constantly and used racial epithets towards me and freely used racially insensitive language about African Americans while speaking and telling jokes with other white staff that worked for Summit Supportive Communities—hereinafter referred to as (SSC)

3— As of April 28th 2023 I have been homeless due to the defendants finally getting me out of the nursing home. I experienced repeated acts of reprisals for nearly every single complaint I would make outside of the home. And for some that I made within SSC. I am the only black resident under SSC. While residing at Pemberly House(PH) there would be times where my cognitive therapist, David Bakulski, would send documentation to SSC pertaining to issues that would pertain to the welfare of me, as well as the mental health and psychological damage I was suffering. SSC received said documentations and deliberately ignored them. Three in total.

4— there would be times where SSC owner, Jason Marcotte himself, Danyelle Marts, and later Lindsay Strong would personally go to a particular resident and staff trying to glean information that they could use to go against me. To warrant a solid eviction. JM, DM, and LS never presented any factual allegations about me, but rather exaggerated claims of bad behavior from would actually be me verbalizing a grievance or via written words. SSC has two staff workers who are very familiar with me and have been around me for a long time. These are the true witnesses of my behavior. Christina Kaven is one of the two. Defendant Kaven may not be able to do the right thing and acknowledge that I have ALWAYS BEEN HELPFUL AND NEVER VIOLENT NOR PHYSICALLY AGGRESSIVE towards ANY SSC staff. Three and a half years, CK herself could potentially undermine the bogus claims about me "being a threat physically" is nothing more than fabrication and it's been utilized by both JM and DM and then later LS strongly jumped on board. And I don't think Christina Kaven wants to lie for these three. We definitely shall see.



5- These two defendants Jason Marcotte (sometimes here referred to as "JM" and his subordinate Lindsay Strong (sometimes referred to as "LS") are "the two" of the four defendants who have demonstrated "direct racial" hatred and discrimination against me and I fervently contend that JM and LS were actuated by a racial animus. And I want to be specific, as these federal court case claims shall be in existence for all Marcottes and Strong's, young and old, to always view and appreciate that both Jason Marcotte and Lindsay Strong are two white racist people. Not something easily designated but I am specifically charging these two white defendants as racist. And by the time we reach the trial verdict a plethora of pathetic racist related factors shall be forever sealed in American court history. Defendants malicious posture would oftentimes carry over to retaliation from JM, DM, and LS. They'll be examples of how other residents were illegally evicted. Practice and pattern of SSCs conduct. "If you file a complaint SSC shall respond accordingly and arbitrarily"

6- This Honorable court will hear of one resident, she had only lived here for a couple of weeks, and during the coronavirus peak, and as three different stimulus checks were being passed out, resident Shayla Brady never returned to the nursing home. I contend "SSC never reported this at risk adult missing." She was later found dead in another part of the state. Not in Highlands Ranch where she lived in a nursing home. Shayla Brady SSC cannot demonstrate that they reported her missing, and she was gone for weeks. It shows that there is a pattern and practice of disregard and under qualified SSC staff and the dire need for proper training in a general sense. And if you are black you are in big trouble. I'm living proof.

7- Ombudsman Caitlan Phillips had to step in and "train" defendants Marts and Strong in 2022 on how to properly manage a TBI home of 7 males. Around this same time Ombudsman Phillips told Danyelle Marts in front of me that they, SSC, has been treating Shawn differently than the other residents. SSCs "behavioral specialist" left SSC in the beginning of 2022. SSC has yet to replace this vitally important cog of the SSC wheel, if you will. Their vehicle doesn't run properly on account of such patent lacking. Residents with TBIs are prone to having a sundry of behavioral and cognitive problems. I have no problem admitting that I have had behavioral issues. Not many and a minor few while at PH. I concede this point, however, I also contend that all issues of my behavior were minimal and pales in comparison to the others that are similarly situated. Also SSC knows that my behavioral issues are once or twice a year.



8- And being African-American and disabled and having exercised a right I was repeatedly punished. I will easily demonstrate violations of my 1st and 14th amendments. And how I was denied equal treatment and was treated differently than other similarly situated residents in PH. Other white residents specifically. You will hear about how I, plaintiff Shawn Allen, was denied an ESA opportunities the entire 43 months I was residing at SSCs PH. Emotional Support Animal (ESA) document was known to SSC, as I spoke with the owner JM and defendant Marcotte read the ESA document, but Jason Marcotte-JM deliberately ignored it. Kept putting me on hold. Case by case basis" I was told that the ESA would be discussed "with the team" later Shawn, we will get back to you. But the white resident Jess EDDIE Snow was permitted to have his ESA and resident Jess Snow and I entered PH as it opened at the same time.

9- You'll hear about how I lodged several different complaints throughout my stay here at PH. I had been under constant threat of termination because of my race, disability, and having exercised a first amendment right, complaints. SSC turned a blind eye to many of my complaints about any inappropriate behavior that made me uncomfortable from either another staff or resident. This is a case with extreme merit, and multiple different claims and causes of actions that occurred over this horrific three year timeframe.

10-The court shall see that this is a civil rights action that is backed by officials of the Ombudsman office. More than one. Caitlin Phillips, Erin Isherman, and Sarah Murray. That my mistreatment by SSC was frowned upon by officials from the Colorado Department of Public Health and Environment—CDPHE. Also this civil rights complaint has been a concern to the Rocky Mountain Human Services-RMHS plays a reimbursement purpose with my Brain Injury Waiver-Medicaid. And we will have witness testament from Rocky Mountain Human Services. There will be presentation of Douglas County Sheriffs reports. Perhaps witness testament. Medical professionals in my circle from The Atlantis Community, Brain Injury Alliance of Colorado. Denver Health Medical Center. All Health. Mental Health Center of Denver. Well Power. My cognitive therapist. Several neighbors have already provided me with affidavit declarations and maybe a good character witness or two. Text, emails, audio/video recordings (I have a few big ones, nothing recorded with the defendants mind you so no video.) Then afterwards we will be able to see lies and deception that were employed by these four defendants.

11-The court shall see clearly the "difference in treatment" between me and 10 different white residence over these few years I lived at PH. But that number, ten, ain't accurate as it has to include"all of SSCs nursing home residents" not just the several non black



residents of Pemberly House. An investigation is "on going" on defendant Jason Marcottes brother. This chilling racist death threat allegedly from Michael Marcotte was in March of 2023. Very very recent and I endeavored to secure a restraining order against defendants brother. Throughout this case the court will be able to clearly see that I have lived in utter discomfort, and sometimes fear. I stayed in my room for the most part, time alone, no roommate. And was being treated like the enemy. The listing of the defendants are in the order of their respective constitutional rights violations, hence, Marcotte and the helm and the biggest bad actor and Christina Kaven who has the lowest level of rights deprivations against me. Primarily JM and his executive director Danyelle Marts. Strange to some but I don't think I dislike any of the defendants. Thought I saw Marts at the Parker Walmart and I was excited to see her and say hi. If I turned on the news and Jason Marcotte had been killed in an accident it would make me cry. I initially had a crush on Lindsay Strong and I harbor zero ill will towards the defendants.

12—your honor will be able to see that SSC in direct retaliation changed the “house rules” right after I made complaint to the Colorado Department of Public Health and Environment (hereinafter CDPHE) and others, your honor will see the “close proximity” of my free speech engagements and the arbitrary responses and reactions from SSC. This is a 42 U.S.C. sec 1983. And Americans with Disabilities Act. 42 Code US sec. 1986. And other statuses type of lawsuit. The court will be able to get some appreciation of the hostile and racially insensitive atmosphere at the Summit Supportive Communities Highlands Ranch home-PH, where I had been residing since 2019

13— SSC cannot demonstrate the plaintiff Shawn Allen having done any wrong other than their own self-serving statements. They can't get it from the Douglas County Ombudsman's office. They cannot get it from the Douglas County Sheriff's department. They cannot get it from any neighborhood people here in Highlands Ranch. This is a case where the court, judge and jury, will be able to see what true callous conduct these SSC defendants have acted out. We'll see how Lindsay Strong, angry that I filed a grievance with Danyelle Marts in January 2022, was undoubtedly actuated by a retaliatory animus entered into an illicit agreement with at least DM and CK to fabricate an incident against me. Nothing else worked to get me out of SSC. During the March 06 2023 evening phone conversation between defendants CK and LS, the supervisory staff Lindsay Strong instructs her emotionally charged subordinate Christina Kaven-CK to call the police...and say this. And as if premeditated, the very next day LS sent me an email with a termination document. Less than 20 hours later.

14— The court will be able to see how compelling the timing of the swift termination document being served upon me suggest premeditation and the two months timeframe



from the complaint I filed against defendant LS is too huge of a hurdle to leap for these defendants. CK retaliated right after I threatened to file a complaint about her using PH as if she lived there and brought her child daughter, whom of which I truly adore and "did not mind" coming by, and CKs daughter is not a small child but rather a teenager, but others I question, and I've seen strangers CK brought in the home previously. Not often and obviously I like me some Christina Kaven. And the Ombudsman over Pemberly House-PH is a key governmental official type of witness and everything that I say about this official shall be confirmed and backed up by the Ombudsman office. This honorable court well have an appreciation of the magnitude and paramountcy of these multiple claims of civil rights violations and concur with me, the plaintiff in this civil rights action, definitely has presented a most meritorious and trial worthy complaint. Albeit untutored in civil law, Pro Bono Program Counsel Motion granted, I have literally contacted every Pro Bono attorney on USDCs website all to no avail. With a traumatic brain injury and partial blindness and indigent and homeless I can but do my best in this action and shall. Denial of medically prescribed marijuana, although most of mine were edibles. This denial was in direct reprisal to the exposure of SSC staff not wearing CDPHE mandated mask and gloves while preparing meals and other work activities. So as punishment for the exercised right JM changed the original "Pemberly House Rules from permissible medical marijuana to no medical marijuana. January 2021, but...JM and DM processed in 6 white residents and allowed them all to smoke recreational marijuana. Ridiculous and I am going to augment this claim and the number 6, whopping enough, to three times this number of recreational marijuana white resident smokers.

15- On the days following March 06 2023 Danyelle Marts and Lindsay Strong came together with a good plan to get me evicted. Using CK to do so. Christina Kaven spoke to LS about a simple 45 second argument manipulatively knowing about LSs anger towards my having filed a complaint about her being a racist. These two SSC discussed getting me out the house, just two oddly fixed people being deceitful. LS then set forth upon a mission to manipulate and contort the facts so as to solidify an eviction.

16-SSC fired a female lesbian staff Roxanne, who had her wife working with her. Lourdes was an SSC staff for years and defendant Christina Kaven was sexually involved with her. Actually moving Lourdes into her place. Sexual relationships between SSC staff went on as if permissible. Defendant Marcotte himself married a Q-map entry level cook and cleaning female who worked for JM at his Parker home. This makes it only more easy to all agree upon the same thing. Loyalty. So potentially if someone filed a complaint against Erin in the early days before she was a Marcotte, and she was having a relationship they could've been in big trouble. This is what occurred on the night of March 6th 2022. EJ was inside PH because CK asked him to be here. And this creates an atmosphere of a circle of like minded individuals who are inclined to be deceitful. To be dishonest so to please the Women that brought you went to SSC. Your friend. On the evening of March 06th of 2022 CK asked her lgbtq friend "EJ" to come over to PH. No other purpose for entering PH simply because you are a staff. His work shift was over and EJ doesn't work in PH anyway. SSC felt any staff was free to go to any of the homes they have any hour of the day and be inside they're going through the refrigerator I guess. SSC definitely had an



“us against them” attitude.

17–SSC has 5 TBI nursing homes. Only 1 in Highlands Ranch. And this was outside of this individual’s work hours. SSCs former staff member Edward Watson aka EJ was rehired a mere month after quitting SSC and this former SSC staff definitely was not working at Pemberly House(PH). But this individual was a staff at PH prior to quitting in January 2022. Edward Watson was a former SSC staff worker who went by EJ.

18– EJ is transgender and was a great staff. No issues with EJ while a staff. But he quit. Then came to the house in February 2022 and left a “gift”with a staff member to give to me. EJ, while not working for SSC, had started sending me text messages that I felt were inappropriate and I texted EJ saying do not text this number again and I blocked EJs number.

19– On march 6, 2022, after Christina Kaven called me out to eat dinner, I came out of my room and saw EJ standing at the refrigerator with the door open. I paused, went back into my room and got my phone so I could send a text message to Danielle Marts. I was saying to Marts; “why is Christina bringing people into the home that don’t work and/or live here?”

20– And then went back out and got into an argument with defendant CK. I was telling her to “stop bringing people into this house that don’t work here.” “You’re starting to act like Lindsey Strong. And racist” CK was devastated by this verbalized accusation and turned malicious (that day, as I never had any problems with this defendant CK)

21– I was indignant, and I had recently blocked EJ from sending text messages onto my phone because I felt they were not appropriate. When in February EJ came to PH after he quit and gave SSC staff Anthony Purnell a gift to give to me. I didn’t understand. Nor did I ask for it. EJ never came into the home. To me it was FISHY???. But I didn’t know if I was correct in my thinking. Just a gift perhaps. So when defendant Christina Kaven called me out to eat and I seen EJ, yes I became indignant and got into a verbal dispute with CK.

22– CK argued back and was equally load. Lasted maybe a minute or so. Nobody mentioned anything to me that evening at approximately 630 when the argument occurred, nor afterwards, about me having used a homophobic slur towards EJ. Ombudsman Caitlan Phillips contacted me and informed me that SSC was accusing me of actually “pushing” CK, and that a resident, Michael S, actually had to get in between CK and myself.



23– Shortly thereafter the Ombudsman comes to Pemberly House. Caitlin Phillips gleaned the facts. Never did I put my hands on anyone. And defendant Kaven clearly knows that I don't call people homophobic slurs. Never happened and in unison these two defendants filed a false police report. That document report is available for the judge and jury.

24– But CK and Lindsey claimed that I pushed Christina Kaven. Marcotte and Marts all too eager to sign off on the fabrication. I filed a complaint with SSC for this false malicious reporting. After I got into this dispute with Christina Kaven-CK, she called defendant LS. And during this “post argument phone call” between defendants CK and LS, The two spoke about me in detail. It is this time frame, that both CK and LS conspired to come up with a failure proof reason for termination. Say Shawn pushed you.

25– Just two months before, in January of 2022, I had filed a complaint with defendant Danielle Marts. And brought in Caitlan Phillips who expressed that you have been treating Shawn differently from the other residents. At that time the only residence SSC was concerned about behavior wise was Vanessa M/Noah G/in Henry L and they know it. And Phillips knew it because she has to deal with these three residents behavior issues that are brought up. from an incident in April 2021 all the way until I filed a complaint on Lindsey Strong in January of the next year they had no issues reported on me. They might go fabricate some. In this grievance I was complaining about defendant Lindsey Strong going to SSC resident Vanessa Medina and asking her in privacy: “is it Shawn giving you the crystal meth?” Resident Medina got to using drugs and SSC maliciously and in a racist mindset Lindsey Strong jumped at the 3/06/2023 incident as an opportunity to get Shawn Allen out of PH.

26- At this point defendant LS had only been working for SSC for a very short amount of time. And demonstrated some creepy Karen type of racist stereotyping immediately. LS is a resident of Highlands Ranch and gave the beautiful city of Highlands Ranch a black eye when she expressed her racial animosity towards blacks. LS once said to me: "y'all black people are all the same" Waved me away with her hand and walked away. Referring to a filing complaint with the CDPHE.

27- Just like the termination document, LS is really quick with things. And within defendant Strong's first days employed by Jason Marcotte and asked a stupid racist motivated question to another resident. During this exact time, perhaps it was on the very same day, defendant Strong knocked on my bedroom door, told me to come out to the dining room area, where she grilled me and two other residents about Crystal meth being but not the other three. LS let residents Jess S/ Henry L/and Sam R stay in their respective rooms. I don't have a clue what meth looks like. Lindsey Strong spewed threats of termination and all the while stared at me. Must be the sole black guy. LS continued making threats, all the while LS was not even wearing a required mask over her face potentially spreading Covid-19.

28- Retaliation was these 2 defendants purpose of calling the police. And if CK told the deputies that I put my hands on her, then that would be filing a false police report. I have yet to peruse the police and view the deputies bodycam footage. CK was on the phone after talking to the deputies and brought the phone to the deputies and saying this is her supervisor LS.



29– Caitlan Phillips at the Douglas County Ombudsmans office came to PH and ascertained the facts from all of the residents. Caitlan Phillips spoke with each of the 7 residence at PH about what happened the night before. Not a single resident corroborated these two defendants claims. So in theory these defendants could have resumed their conspiracy beyond that night. It would make sense seeing as how both defendants Marts and Strong are pushing the narrative that I put my hands on CK and resident had to get in between the two of us. I’m the violent black man. An old time racist tactic. Black man is violent simply for the fact that he is black. 3 1/2 years there should’ve been some type of misdemeanor charge you would think. From this aggressive violent black man. SSC love ma it and have specifically said that you are a big black man and my complaints are truly the reason behind all these defendants and I am going to prove that fact through this litigation process.

30– But their lawyers never mentioned that in their response to DORA. Defendant Strong was not even at PH that evening. For over 15 minutes CK and LS discussed the argument, seeing how it alone could never warrant an eviction. Christina Kaven actually didn’t even call the police until nearly a half hour later. These two were on the phone. CK went outside and stayed speaking with LS.

31– So CK and LS discussed this simple 1 minute skirmish for over 15 minutes and came up with a “better story” about what “really” happened. CK and LS both alleged that resident Michael S had to get in between me and dependant CK. Ombudsman found this to be false as resident Michael S told Caitlin Phillips of the Ombudsmans office in March of 2022 that he “saw the whole thing” and heard everything and that I never put my hands on defendant CK, and that he did not have to get in between the two of us, CK and I, and that he never heard any homophobic slurs.

32– Caitlan Phillips also spoke with the rest of the house and no resident corroborated CK slanderous claims. Resident Henry L, was questioned by the Ombudsman Caitlin Phillips, and this resident told Phillips that “Christina told me a month ago that she was trying to get Shawn out of the house” This statement was gleaned by the Ombudsman during her investigation of the incident. This statement and the lack of corroborating witnesses in a house full of residents is compelling evidence when mixed in with the rest.

33– And I fervently contend that this is insurmountable proof and the defendants ought not be allowed to surpass their comeuppance, their well deserved culpability for this act of blatantly callous disregard for my life and my welfare, all on account of some bitter racist minded white women who lack fairness and love and respect for all people of all races and cultures.

34– The racist hatred of defendant LS was exacerbated when I lodged the complaint against Lindsey Strong. Strong had at first glance written me of as “something negative” simply because I am an African American. But the call from Strong’s former business’ Human Resources angered her so much. And I refused to speak with LS about the issue of her asking the resident if I was the one supplying the drugs to her. So we never spoke up to the point of March 6 and not afterwards.

35– We spoke during the video meeting on March 14, 2022. But the January 2022



grievance about LS and racial stereotyping...It was like gas on fire. LS was fuming mad about that fact that I contacted her former employment human resources so as to ascertain any similar like racist behavior recorded. And that HR ran right back to defendant strong and told LS I was asking about her. LS called the PH phone as soon as she found out what resident Vanessa Medina told me. I wouldn't speak with her. Strong was yelling at me over the phone and referring to resident Vanessa as "that stupid bitch is lying!" I hung up on LS.

36- This particular defendant-Strong-also threatened Vanessa, the resident that told me this, with termination and she ultimately was illegally evicted a month later. SSC retaliated on my friend and former house mate and Vanessa ended up homeless on the street. Struck by a vehicle and in the hospital.

37- SSC is not a professional company and they have demonstrated such and your honor well see as the CDPHE and the Ombudsman office and HCPF-that controls their grants and license-go after this company to close it down. Yes, from a January grievance to Strong's supervisor defendant Marts caused Lindsey Strong's racial discrimination to heat up. LS kept trying to lie to me saying that she never asked Vanessa Medina about me giving her the drugs. She did, and she lied to my face about it. Please do note that at this 3/14/2022 video meeting-to discuss my termination for pushing CK, and a disabled resident having to get physically involved, and for also calling EJ a "faggit"-would in fact be the very first time Lindsey Strong got to speak to me. Strong was visably upset and agitated during this video chat. It was a foregone conclusion to not allow me to beat this third termination document, as these two dependents, Martz and Strang already had their mind made up. But I cannot adequately link anybody else to this conspiracy. Other than EJ at the furthest stretch

38– I have a screenshot of defendant Lindsey Strongs Facebook post where she’s using a white supremacy hand sign, I’ll admit LS is younger in this posted picture and in another state. And in another more recent post this defendant has two small children, one female the other male, wrapped in confederate flags smiling, and defendant LS has 17 aryan brotherhood followers from Redding Penn. These are Strongs Facebook friends. All this posted on Lindsey Strongs social media and this all shall come out during discovery.

39– A mere two months later LS gets a distraught Christina Kaven on the phone, and therein begins their collusion to “get Shawn out of PH” just like the Ombudsman learned through her investigation of that night, and these two have reasons to fabricate the police complaint. Who knows what role their supervisors-defendants Jason Marcotte and Danielle Marts played. But with my own eyes and ears, and with the garage door wide open, I witnessed a lengthy conversation between the two after our argument and defendant CK stood out front of PH smoking a cigarette angry and speaking to Lindsey Strong.

40–During a March 14 2022 video meeting, with myself and Danielle Marts, Lindsey Strong, Caitlin Phillips, and my cognitive therapist David Bakulski, I was defending myself against these vicious lies. Meghan is a staff that was here as the police were leaving she came to work. Defendant CK never said that I called former staff EJ a “faggit” SSC staff Meghan and CK were here at PH for 3 hours in the front office with the door shut after the argument and after the police left yet for some CK never said to Meghan that I pushed her. No mention of resident Michael S haven’t get in between defendant CK and I. I did apologize to CK and via text to defendant Marts about arguing with CK about EJ when EJ was rehired. Then for defendant LS to serve the termination document that quick should be quite telling to the average intellectual. A termination document was sent to my gmail address within 17 hours. Record speed is most suggestive please view attachment 3) Your honor will notice the March 7th on Lindsey Strongs email. LS says “good afternoon!” Not evening. It was foolish to send that immediately and I contend a judge and jury will concur. This claim of conspiracy has been properly demonstrated.



## Retaliation

41– Majority of the times that I would make a complaint in house and out side of the company I would be retaliated upon. The threats of termination were plentiful and this shall be later demonstrated. The disregard of my legitimate complaints. These arbitrary responses towards myself for having formally filed a CDPHE complaint with Linda Buuck and these CDPHE officials came to PH and stayed all day asking questions and taking notes. This juncture in time is 2020/2021. Holiday season of 2020. In addition to filing a complaint to the health department, I also contacted Gavin Atwood the CEO president of the Brain Injury Alliance of Colorado-BIAC. Mr. Atwood ignored my complaint email and copied it to defendant JM.

42– Jason Marcotte came to the house and questioned me about both of those complaints I had submitted. And also asked me why I was telling resident Vanessa Medina that I was going to sue him. Defendant JM, after learning that I have filed the above mentioned complaints outside the house against the house. And that Douglas County Ombudsman Caitlan Phillips and my sister Roxanne Curry in Seattle during this same time frame, were both asking defendant Marcotte about “Shawn’s therapy dog.” And why I was denied but the white resident Jess S was permitted to have his ESA. An Emotional Support Animal was never an option for me and this is prior to my complaints. This is apart of my fourteenth amendment violation of equal protection. That claim will separately be a cause of action, however due to most of the other narratives and fear of redundancy it’ll be rather brief. So within the retaliation we’re gonna have to be able to see the cause of action for equal protection within.

43– Moving forward, I expressed my desire to have a therapy pet. I presented my ESA paperwork to JM early on. He kept putting me off and saw, knew, and permitted the white resident Jess S to have a pet but routinely denied me and acted as if my request was a bother to him. SSC knew that I could potentially suffer in many ways, but definitely emotionally. And with total disregard to my emotional support animal documentation. And the recommendation that I’ve had from mental health workers, and my neurologist said that he felt that an ESA would be good and may relieve stress and depression. Then once I made a complaints Jason Marcotte would swiftly retaliate. So my ESA was denied even further after I started complaining.

44– Shortly after learning of my complaints outside of PH, Jason Marcotte went to resident Vanessa Medina and asked her in privacy: “Is Shawn giving you any of his medical marijuana?” to which Medina replied “No. But he’s going to sue you!” This didn’t obviously go according to plan. Visibly angry JM personally grilled me about what Vanessa Medina told him: “Shawn is going to sue you.” And calling the health department and making a complaint email to Gavin Atwood of the Brain Injury Alliance of Colorado.

45– In furtherance of his ire defendant JM then changed the house rules to now read “no more medical marijuana” I never signed any such house rules form. When I entered this



nursing home-PH, I signed a form that "permitted medically prescribed" marijuana.

Jason Marcotte then contacted me and sent me a 30 day notice via email that SSC will no longer allow medical marijuana on the property and if caught in violation of this rule you will be terminated.

46- I contend that he allowed the white resident Brian Rose have and use and keep his medical marijuana for the 10 months he lived in this home. Brian Rose was even permitted to have staff drive him in the PH vehicle, that was the house car, to dispensaries to purchase medical marijuana. A SSC staff told me that JM figured that changing the medical marijuana would provoke me to move out. Denial of the therapy dog was now at this point in direct response to the complaints I was filing at this time. This ESA denial was damaging to me and was denied to me on account of my race and my disability (which SSC didn't even believe existed) and of course in retaliation for the complaint of Brian Rose afterwards. Defendant JM also spoke with my sister over the phone and asked her if I could move to Seattle and live with her.

47- Defendants Danielle Marts and Jason Marcotte were against me because of the past grievances outside Jason Marcottes business. JM actually put on a termination document claiming that I violated the "no medical marijuana" policy. At the same time JM was ordering me to keep my medical marijuana off the property. We negotiated that I could store it in the shed and I was ordered to use it off property.

48- Brian Rose in January 2021 had already left PH-illegally evicted after 10 hellish months-when the house rules were changed by JM in 2021. It was done shortly after Rose left. Again, Brian Rose he was never denied his medical marijuana. Even more, he was allowed to be transported into another city to purchase it. I have not been permitted that. This retaliatory action was arbitrary and done in punishment, and I made complaints about resident Rose in 2020 as this vexatious resident was residing in the home.

49- Jason Marcotte once told me that I should look for another place, in response to my verbal complaint about the extreme disruptions of resident Rose. @It's causing me discomfort and anxiety and migraines" I would often complain to JM about but defendant Jason Marcotte was disrespectful to my plight. Resident Brian Rose threatened to cut Jason's head off. JM was tolerant towards the unmanageability of his resident. Rose would yell at the staff all day and night and call the police. I could hear all of it day and night. I have hours of videotape evidence.

50- But at the time defendant Marcotte changed the PH rules Rose had left the previous month. So there was no person living in PH that even used marijuana. Brian Rose left early in January of 2021. Defendant JM Maliciously denied me my medically prescribed marijuana which I have for my glaucoma and migraine attacks as well as other medical



issues I suffer from. This in part, was racially motivated.

51– This denial on top of the denial of an ESA. As well as the distressing racially, insensitive aggressive behavior of out of control residents...I truly “needed” my medical marijuana and therapy pet more than ever, and the malicious denial of it but served to compound all the other issues within PH.

52– And my emotions continued to plummet during this timeframe. And because I was denied both the emotional support animal and my marijuana products my symptoms worsened. So rather than get better and progress forward, I was unnecessarily stalled residing in PH. And being accosted with daily stressors caused me to regress backwards on account of the hostile atmosphere of Pemberly House.

53– I oftentimes would need to immediately consume my medical marijuana as directed to do for certain medical problem. Like anxiety or insomnia or fear and worry, th medical marijuana was proscribed to me so as to assuage my symptoms attributed to my traumatic brain injury, but I would not use of it for fear of being terminated. If snowing or real late at night. Multiple times I did leave after eight at night up to the park in order to seek medical relief and use my vaporizer device. This was February 2021 when I was served an email with 30 day notice from defendant JM... so the defendant and owner of these 5 homes denied his one and only African-American residence his medical marijuana and “then” defendant Marcotte bizarrely turned around and brought in six different white males, all at different time frames, and allowed all of them to smoke recreational marijuana freely and without any fear or threat of termination. No SSC write ups exist for the white smoking recreational marijuana. (See arrangement #1)The very next month-3/2021-resident Brian K came to PH. A mere month after defendant JM changed the house rules on medical marijuana... restraining it...resident Brian K used recreational marijuana and has never been given a write up or threatened termination and was permitted to use it and keep it on the property.(Please view attachment #1) Marcotte showd much partiality towards his newest white resident Brian K. JM even permitted his disabled resident Brian K to operate the PH vehicle.

54– over the course of the next several months of 2021 into the year 2022 a total of six white residents came into the home. Brian K. Then Sam R. Then Noah G. And so on with another recreational marijuana smoker Michael S. Then Brian O and Henry L. In the backyard the neighbor can smell the marijuana smoke and hears two white residents, Brian O (who assaulted me in 2022) and Henry L (who has twice threatened to kill me) talking about me behind my back. The neighbor called the police and said they are using racist language and smoke excessive amounts of marijuana. (See attachment #1) And the N word was commonplace at PH.

55– SSC residents using racist language and the N-word in reference of me while I’m away from the home is a compelling piece of factual information and evidence of a racially hostile environment. A judge and jury could definitely hear and see all the facts and information of the retaliation cause of action and find in my favor. And of course had



I smoked my "medical" marijuana in the backyard I would have received a termination document. I have received 4 different termination documents all in reprisal.

56- The one and only black resident is denied his medical marijuana right after he makes complaints, but the white residents, who do not have medical purposes of smoking marijuana, were allowed to smoke recreationally on the property. Jason Marcotte and Danielle Marts allowed Brian K to operate the home vehicle. And he would drive white residence Noah G, and Sam R, and Henry L all the way from Highlands Ranch into Denver to make purchases from the marijuana dispensaries. Neighbor has small children in the backyard and they hear and see and smell it all. So neighbor called the police (view attachment #1)

57- During A March 14 2022 video meeting between me, defendants Marts and Strong, and the Ombudsman Caitlan Phillips was there as well as my cognitive therapist David Bakulski. During this video zoom Lindsey acknowledged that she was the one that directed Christina Kaven to call the police after they had a conversation about me over the phone. This was an act of retaliation as well as a conspiratorial act of false reporting. Retaliation for exercising my rights.

58- So many different acts of retaliation I can't even give it all right now, I will just give the full nuggets of reprisals. The rest can come out at trial. Like how I called the police when I was locked out of the house April 2021 and SSC staff Antoinette James later lied in the presence of defendant Marts and Karen during a house meeting we had at PH with the Ombudsman Phillips. SSC staff Antoinette James claimed that the police told her that my call was frivolous and that the Douglas County Sheriffs told her they "would arrest me if I ever exercised my right to called the police again." Attempting to silence a disabled resident in a nursing home with brain damage. I later secured the body cam footage and demonstrated to both defendants Marcotte and Marts that their house manager staff Ms. James was in fact lying about what the deputies told her. These two defendants viewed the police body cam footage and then told me to leave the house. I made a complaint a few weeks ago when an SSC staff lady refused to give me my medication. SSC staff was distracted by the Super Bowl. Migraine medication is at eight. And my bedroom door was open from 730 to 9 and the PH office is a mere stones toss away.

59- The very next day after filing said complaint to SSC administration, defendant Danielle Marts served me with a termination document be out by March 15 2023. And these different acts of retaliation were at times quite subtle and many times more direct and blatant. And were undeniably motivated by the fact that I am African-American, disabled m, and have exercised a first amendment right to free speech and more specifically, lodging legitimate complaints about the welfare of our health and safety during the coronavirus when staff were not wearing mass. And then all the homes SSC owns and runs had residence with COVID-19 that they got from the staff not wearing proper PPE. SSC would definitely try to cover up the fact that it's own staff were spreading Covid-19 amongst the residents in all of Jason Marcottes homes.



60- On Super Bowl Sunday 2023 an SSC staff worker, who blatantly refused to provide me with my migraine medication at scheduled medication time. Susan worked for SSC about 2 weeks at that point. Susan is a kind and friendly person. But on this particular day in question Susan was distracted and was really focused on the Super Bowl football game and Susan was talking about it on phone and with the residents. So this staff strangely did not bring me my medication during medication time, which is 7:30/8:30. Susan worked the entire Super Bowl Sunday. However, my bedroom door was open and I was reading from my tablet device (later stolen on the exact same date I'm told to get out, 3/15/23) I don't understand how a staff doesn't bring medication during the medicine pass out time 7:30-8:30. To a resident who is right next to the house office upstairs AND the bedroom door was left open. I fervently contend that my bedroom door was opened from 7-9 as is custom if I'm reading while ending the day and waiting for medication. Come 9 PM I realized the time, seeing I have missed medication and texted informal complaints about "missed medication" to both SSCs Broderick and Christina Kaven.

61- Said two informal complaint text would surely suffice to demonstrate the "closeness and proximity" of the protected activity and the arbitrary reactions...however, I lodged a formal grievance with SSC administration about having not received my medication and "within 18 hours" received a 4th and final eviction notice and it read be out by March 15th 2023. This was a document that SSC served upon me swiftly in direct response to my grievance on SSC staff Susan having never provided me with my medicine. I have a constitutional right under the First Amendment of the United States Constitution to express a complaint while residing in a nursing home, and I have done just that several times over the course of the years I resided under SSC and for doing so been repeatedly punished. Penalized for exercising said right.

62- The defense collectively felt emboldened to further violate my civil rights subsequent to the Colorado Civil Rights Commissions ridiculous dismissal of my complaints, 12/19/22, as insufficient. Not even true, it was a week before Christmas and the DORA/CCRC simply didn't even read the appeal complaint and attached documents. Brushed me off. It's the reality as said department rarely investigates cases. A few a year as I've come to understand it. Not possible to be "insufficient" when it was nearly as expressive as the complaint before this Honorable Court. With state officials statements. So the defendants were back to their old ways, and pressuring me with their "move out" aggression. Lindsay Strong and Danyelle Marts and Jason Marcotte. I'm deliberately leaving defendant CK out of this specific pressure because Christina has been my friend and I only felt mild pressure from her, because she, CK, was pressured herself to get me out by the others. Always wanted to know when I was moving. Defendant Marts expressed to me in February and again in March of SSCs attorneys preparing to go to court to get an order of eviction. Defendant Strong actually came to the house and served me with a legal eviction notice document signed by an SSC attorney. Harassment and retaliation is what it is termed. After awhile I just started providing updates and I was putting forth effort to find a different SLP, Supportive Living Program, TBI nursing home so as to relax their pressure.



63- On the 6th of March 2023 I received two calls from the defendants brother, allegedly, the guy told me to get the hell out of "my brother Jasons home" you squatter. And the second call was immediate after I hung up. I was told that I would be wise to "get out before I get arrested" this particular threat was quite terrifying and I was thinking of being possibly arrested and began to worry about my livelihood and well-being and safety and personal property should I in fact be arrested. Perhaps they planted something in my bedroom. I was fearful from this threat. Michael Marcotte saying that I would be "arrested" was confounding. And I was absolutely devastated by the death threat. The 3/08/23 "Michael Marcotte email" was way over the top and used the N word to describe me and then threats of lynching my black ass. Jason Marcotte snickered and smirked on April 12th 2023 at the Starbucks when I mentioned the brothers specific threats. Jason Marcotte smirked and laughed in reaction to my mentioning of his brothers racist statement. Law enforcement informed me they would investigate. I don't truly know who sent me the email and tried to get the investigation moving but it fizzled out. I did, however, petition the county court for an Order of Protection. This was a week prior to the "move out date" given via February 2023 SSC eviction document. Move out date of the 15th. Threats from Michael Marcotte on the 8th.

64- Then I called the police. Filed a police report of harassment and threats. Subsequently I had an appointment with the Adult Protective Services at the Douglas County Sheriff's Department. On the afternoon of "eviction date" March 15th-I have not moved out of the home as defendants eviction notice ordered-SSC staff Christina Kaven and Mona were working PH, and Broderick (an SSC administration staff) was at Pemberly House that day as well. The purpose of the Sheriff's departments Adult Protective Services meeting was so as to formally address the Michael Marcotte email and the retaliation eviction and my safety and well-being while under Summit Supportive Communities. Once I was finished with the police I called PH. There are 2 PH phones, one in office and another in the kitchen/dining room area, both just rang and rang, and no one picked up. At 5:27 I called PH phone and I got no answer.

65- So I texted Broderick as this is a newer SSC staff, #3 under Jason and Danyelle and not anyone who has been violative of my rights. Broderick responds and informed me that "staff are going to handle it" I had took a picture of the address nearby Sheriff's department and sent it to both Broderick and Christina Kaven. I had called CKs cell phone after I did not get through on PH phone. Two hours and 20 minutes later I realized that I was being misled and CK told me via text message that SSC staff was unable to locate the address I provided although it's across the street from the Sheriff's department were this very same staff recently dropped me off at. Defendants claim that they could not find the Target "with a picture of the address" AND it's the only Target in Highlands Ranch

66- I gave up, walked across the street to the Sheriff's department but they were closed at 7:30. So I started to walk back and I saw Lindsay Strongs vehicle. From a half a block away defendant Lindsay Strong was caught in the area. Strong was possibly a part in the plot and surveillance. But I am not sure if it was actually Strong and I concede to the fact



that blond hair and white female and a white SUV is the rare. I walked the four miles back to the home. I unlocked my bedroom door and after a few minutes I noticed that my tablet device was gone from the drawer I kept it in. I looked around, did not notice anything else missing or awry. Spoke to the staff and then called the police. Deputies came, learned that the spare key kept in the office safe was missing. This was on the night of March 15th 2023. The day eviction notice gives me to vacate the premises. I stored priceless information and evidence and federal case laws that were to be used to facilitate pro Se litigation. Pictures of racist white people who represent the National Alliance. Lindsay Strong had a social media profile that demonstrated true racist background, family and friends are in Lindsay Strong's posted pictures. Lots of anti Democratic party and anti Joe Biden. A monkey face Barak Obama and kids in confederate flags. "No Critical Race Theory" and lots of white baldheaded males who clearly represent black hatred and utter racism. Lindsay Strong would learn in February that I had discovered this about her Pennsylvania racist family and friends and conspired to prevent me from getting the images out. An investigation would find some. But I believe this "find" of LS's background would have been devastating and the electrical device that I had social media on and stored chronological notes and screenshot images to prove Lindsay Strong's past racist posture was thwarted and frustrated by this March 15th theft. Second bedroom key was not in SSC office safe.

67- Jason Marcotte learns of the reports of the racist calls and emails from Michael Marcotte and the newest police report of theft and the abandonment and then ordered the bathroom next to my bedroom dismantled for 16 days. March 22 2023-4 09 2023. Then JM learns on the 12th of April 2023 this Honorable Court has granted Pro Bono Program Counsel Motion. Jason Marcotte is a defendant for a month at this point and fully appreciates the essence of the lawsuit against him and his company. JM then contacts me via email requesting to get together soon so we could "catch up" and during this meeting JM focused primarily on getting me out of the house. JM specifically offered me a motel for a few weeks as settlement for the lawsuit. Literally contacted me and offered to get me a motel so as to settle the case.

68- On or about the 22nd of April 2023 I verbally requested to PH manager Christina Kaven, and "care provider extraordinaire" as she truly is, to please be sure to provide me with my medicines. This migraine medication is being used in conjunction with my Botox treatment by Dr, FLSara Fletcher my neurologist. If migraines persisted daily. If my "keep on person" medication could be available to help me then I was instructed to try to assuage the migraine pain via other means. On 4/27/2023 I took the last of my medication and the eviction process was completed on Sunday the 29th of April 2023. Although it was a two day process to move out .Put property in the storage facility SSC still failed to provide me with my migraine medication. They had several days to do so while I was still in house. So I didn't have any medication to assist with my migraines and I was at greater risk of a migraine attack without the proper medicine. This shall be confirmed by my neurologist. On May 03 2023 I went to the Stout Street Health Center and I was speaking with my assigned medical provider and I was complaining to him about my head hurting due to oncoming migraine and I went to the St. Francis Homeless Center to check if



medicine had been dropped off and I learned for the third day defendants failed to simply drop off medication at the address I provided defendants, and everyone, in late April/early May. Jason Marcotte personally learned about the failure of his staff giving me my migraine medication prior to the termination on April 28th.

69- I provided JM with my new address days prior to my May 03 2023 migraine attack that landed me in the emergency room at the hospital. 2323 Champa street "is" the address I provided defendants and the Homeless Center "does" accept all mail, packages, etc. I received multiple pieces of mail from this United States District Court at this address and other packages and mail. JM received this information from me and yet, still failed to provide me with my migraine medication. JM was informed by me that the medicine "could" be left at St. Francis Homeless Center which is why I provided defendants that address. This is the purpose of St. Francis Homeless Center. Showers, meals, seated naps, non of which I partook of. Basically just a place to collect mail. But days go by and NO medication was ever provided. The management of this homeless day center explained to me that they get medication and other types of mail every day and that my medicine "could" in fact be mailed to me there or personally dropped off. Three days in a row and I never got the medicine. I had stopped by St. Francis more than once, and called more than once, only to learn that the defendants never brought me my medication. Jason Marcotte actually refused to accept the fact that he could have simply dropped off the medicine as I suggested. JM seemed more interested in personally contacting me with the medicine yet still never did so and ought have never evicted me in reprisal from the very outset. Ought have never failed to provide me with my migraine medication upon discharge as Marcotte was clearly on notice that I was searching mightily (from December 2022 to April 28th 2023) for a nursing home to relocate to upon eviction and JM did not provide me with any assistance with the eviction move. No UHaul truck. No assistance with the storage facility location. Zero help with payment for storage unit. Jason Marcotte was only focused on getting me out of the home. Medication and homelessness was and is not JM's concern. Malice aforethought undoubtedly and what defense could possibly exist? And I have multiple air tight claims.

### **Harassment**

70- Defendant Marcotte use deception when he brought Brian Rose from a different assisted living facility into his home here in Highlands Ranch during the Coronavirus ear in Spring 2020. Pemberly House. In October 2019 me and resident Jess S were the first to here. I lived downstairs and he lived upstairs.

71- About six months later Brian Rose came to PH with another disabled resident Glen. Both white. Defendant Rose stole some property of mine so I contacted defendant JM and he came to the home and allowed me to move upstairs.

72- JM came to me this same day and asked me if I had any issues living with white people. I thought it was a rather strange question. For the next 10 months defendant Marcotte and Marts turned a blind eye to the unmanageability of resident Brian Rose. I



was upstairs and could still hear him yelling at the office at the staff all day and night.

73– This resident harassed me, and used the N-word freely and use the N-word against a staff named Brewster Dyke. Brian Rose banged on my outside window and yelled through my window on multiple occasions. Neighbors were terrified and police were here regularly. This went on for 10 months. I had yard debris in my meals that were left for me by this resident. And he caused me great distress anxiety and fear. Some of the symptoms that I have. Not always fearful.

74– My cognitive therapist submitted a welfare check concern letter about this resident and his erratic behavior. SSC received said document and ignored it. Like they have done most of the time. On December 18 of 2020 SSC staff worker Bailey Smith, a white female, was smoking from a vape pen device at approximately 10PM and had powdery white substance on a paper on the office desk.

75– On just her third day working for SSC new staff was behind the desk when I came to the office and asked for a PRN, a PRN is when you can go to medical staff and ask for a specific medication right there on the spot. Mine is for my migraines and I had something in the office that I was requesting from the staff.

76– I warned this staff of Brian Rose and how if he sees you vaping inside the house that he would call the police. I didn't notice the drugs on the table until later. She jumped up and started acting strange and weird and stormed out of the house. I dialed 911 I have secured the keys from her. Then she comes back to the door banging and ringing the doorbell excessively. 911 operator asked me if that her? I opened the door and she ran downstairs grabbed her property bag and left. She was so high she was leaving her suitcase on wheels in the staff bedroom downstairs.

77– We were abandoned December 18, 2020 by an SSC staff. I called the police and secure the staff office so that it was locked. I could not get a hold of anybody from SSC. Jason Marcotte did not answer any of my calls nor my text to him that night. Resident Brian Rose came up the stairs at approximately 1015 as the deputies were leaving out the front door. Rose saw them exiting PH.

78– I walked away and I went into my room. Rose could be heard speaking loudly and aggressively at the locked and closed office door thinking a staff was inside. A few minutes went by I could hear him shuffling around and stomping on these wooden floors upstairs. He began to mumble the yell out certain words every once in a while. Garage/laundry room door would slam. He was just running around the house acting crazy. Then he would stop at the office door and bang on it. And yell out a staff name. "Stop fucking ignoring me!"

79– When it sounded like he went downstairs I snuck out of my room and into the nearby laundry room to urinate in the urinal receptacle as was standard for backup purposes, just



dump it down the basin drain. While I'm in the laundry room I could hear resident Rose shuffling around items in the kitchen drawers. I flew into a panic as I was trying to focus on the situation and sending text messages and trying to contact my sister.

80- Sending messages to the wrong phone at times. Made a video and send it to my sister where I am in tears and total hysteria and freight. I had never been so scared in my life, and just talking about it right now is a traumatic event for me. Then Brian Rose tried the laundry room door. And there is no locks on this door but I had wedged a large fold up table up against the door as a barricade.

81- Resident Brian was able to open the door up about an inch or so. He pushed and pushed and pushed and then gave up and left. I snuck out the other door and into the garage. Brian Rose could be heard from the garage banging on doors and yelling angrily. Roses bizarre conduct forced me out of PH and into the cold fridged December night a week before Xmas ice and snow everywhere.

82- I walked a few blocks up the street from the house in a panicked state of total confusion and fear, and anxiously waiting for a staff to come by to replace Bailey Smith. But no one did show up, she must've not called anyone from SSC. Just abandoned us. I was barricaded in the laundry room between the two doors for a long time.

83- Resident Rose would not go downstairs for any significant time. It's well past 11 at this moment and we have been abandoned at this point past an hour. I could've had a stroke I was so terrified. My migraine attack was in full demand at this juncture. My optical nerve damaged vision did not help me navigate through the icy snow covered streets in my flip-flops and hoodie and pajama bottoms on.

84- After about 45 minutes in the freezing below zero temperatures. I walked back to the house but stayed in the middle of the street, as that's where there was the less amounts of snow and ice. Defendant Danielle Marts drove up behind me while I'm a block away from the house but walking back in the direction of PH. Marts stopped at the house, got out of the car and turned and watched me walking back to PH.

85- I was frozen stiff in my pajamas. I let her in through the side garage door and explained to her what happened hastily as I was discombobulated with both the staff and Brian Rose acting crazy. My phone was ringing it was my sister from out of state calling the house. She had got my messages and videos. Christina Kaven showed up a little after Marts. I pointed out some white powdery substance that Bailey Smith dropped while storming out of the office. And white powdery substance was on the desk next to her worksheet. Definitely seen it, as well as I pointed it out as these deputies as they were securing the office door per my request. Then they left.

86- Brian Rose caught the end and the deputies leaving. I went into my bedroom grabbed some gloves and sweater cap and left PH. I went to Red Tail Park and sat in the freezing



cold gazebo in a panic state all the way until 7 in the morning. SSC is the cause of the problems that evening. A policy and practice of hiring uneducated people. Ignoring legitimate complaints and failing to maintain a balanced and controlled nursing home.

87– Defendant Marts was working to try to get Brian out of the house and was having difficulties in the beginnings of said endeavor. So SSC did try to remove this unmanageable resident. But it took 7 whole months before SSC finally took action to do just that. To “try” move him. And during this lengthy timeframe I suffered emotional distress and fear. SSC ignored my therapists expressed concerns about resident Brian Rose and how his constant crazy behavior was effecting his patient Shawn Allen.

88– Resident Vanessa Medina in 2021 called both the Ombudsman and defendant Danielle Marts. She had got a complaint where she worked and figured it was me since I was mad at her for telling defendant Jason Marcotte that I was going to sue him when JM went to her ask her if I was giving her my medical marijuana, JM was looking for a weapon to use against me.

89– Having a brain damage, Vanessa took the video of a prop machine gun that I had shown her a video of props, not a real gun. Right after she gets a complaint on her at the store. It was a prop that was used during a play here at PH. She expressed this to defendant Marts who maliciously and unprofessionally instructed resident Vanessa to call the police. The deputies knocked on my door later, and when I opened it they had their guns out.

90– And this type of distress, especially in this age where we’ve seen some very dangerous members of law-enforcement, that was a traumatic event. Two deputies are in PH at my door in a “prepared to draw and fire stance” Nightmare of the incident. One nightmare was all. But Get chills every time I think about the police at the door like that. they thought I had a machine gun in a nursing home. Defendant Marts handled this situation poorly and unprofessionally. Marts could have called me.

91– But to dispatch the deputies to your nursing home on a frivolous and unfounded complaint was outrageous. This was harassment by SSC through the resident. These defendants need to better control their residence mental health and brain injury issues and act better.

92– Resident Henry Lutz is a white resident who has made two specific death threats towards me. Henry Lutz death threats shook me up very badly. We have knives in the kitchen and I don’t know what access to other weapons you might have. My cognitive therapist submitted a welfare check about this resident and SSC acknowledged the document and ignored it.

93– On two separate occasions is Resident Henry Lutz made specific death threats of stabbing me and SSC ignored these facts. Defendant CK heard both of the Democrats and



it was underreported. Only until Henry legs started making complaints outside the house and damaging the home property by breaking plates and punching a hole in the wall did SSC turn on him. He has been misbehaving the entire 14 months he has been at PH. He was cuddled and treated differently in the very beginning because he's white. Remember, he was allowed to smoke relational marijuana and get rides by another resident to go buy more. SSC may endeavor to use resident Henry Lutz to paint me in the negative.

### **Racial Discrimination**

94- It seemed that from the very outset defendant Marcotte suffered from a predisposition of racial bias. Bias against blacks. As I understand it JM has no African Americans in any of his 5 homes under SSC. In my first meeting with Marcotte in the fall of 2019 defendant JM asked me if I would like to move to the Littleton home and that company. I found it to be a rather peculiar question. There would be blacks who were under the employment of defendant FM but never had any personal involvement with the owner and JM did not do the actual interview and hiring process,

95- The work entails cleaning up, preparing meals, and passing out medication. No a coveted job by any means. So having blacks doing low level house work entry level type of job activities doesn't free the owner of racial discrimination and bias. Jason Marcotte as owner and dealing with other businesses did not have a clue who was hired. But the ultimate decisions for the administration position were JMs,

96- Several black staff over the years felt that the company and it's owner were racist. Many African American SSC staff would be abruptly fired, Dorothy was one of the staff that experienced racial discrimination in the workplace. Brewster Dyke was a black fired and multiple others. SSC routinely fired African American staff and many complained about their paychecks being short,

97- And this atmosphere of racial bias against African-Americans with carry over to other non black staff, SSC had a unwritten policy and a practiced custom for treating and managing the white residents of all 5 TBI SSC homes. A "vicarious racism" existed from the very beginning.

98- Lindsay Strong was motivated by a racial bias and that I was actually the only resident who had any realistic chance of getting on with life. And, of the other residents at any of the homes would actually go out. One or two at most. At PH I would be the only person that would go out and leave the city and do things on my own. Positive outings, gym, classes at MSU. Dental/medical appointments. dates. I've went on my own medical appointments. SSC never had to transport me to my appointments nor "hold the hand" as was the situation with the white residence, And I believe this provoked a "vicarious racism" sometimes SSCs white staff



behaved hostile against me the only black resident who is conducting and functioning at a higher cognitive skills than that of all of the white residents and SSC would see the difference in functionality and cognition. This superior appearance also provoked a racial animus that only led to racial discrimination and the furtherance of anti black sentiment. I suffered mightily from this denial of equal treatment Racial bias gave way to racial animus and discrimination against SSCs sole relatively higher functioning black resident. Seeing me always respectful and neat and clean and speaking well but served to further ignite their rage.

99- The court has an affidavit (attachment #1) and this document clearly demonstrates that this house of all white residents and one black resident had residents who freely and comfortably used racist language and specifically about me behind my back. This has been going on with residents Brian Rose, Henry Lutz, and Resident Brian O. This neighbors affidavit is duplicated by the other side neighbors as well as 4 others in the neighborhood. No Highlands Ranch "issues" in this cities stores, fitness centers, library, etc...yet I'm the aggressive violent dangerous african american. Racist posture and well documented. Professional testimony from psychology/psychiatry, and a sociologist out of UC BOULDER should be available to attest to white racist patterns of behavior and she should paint a perfect picture for the judge and jury of these defendants action and how they relate to racism mindsets.

100- And with each passing moment, week after week, month after month, and year after year... I would see how SSC would become more and more hostile towards me with regards to almost everything. Many times I would come home and there would be no lunch or dinner waiting for me. Nothing saved. Defendant Kaven never behaved in this creepy fashion. There would be times where staff would refuse to provide me my medication on purpose, There would be times that I would ask for a ride to the train station or the store or the gym and will be denied but the white residence were allowed. This is the equal protection is within these causes of action. My constitutional rights under the fourteenth amendment of the United States Constitution was repeatedly denied to me with the daily difference in the treatment of other residents of a different race and similarly situated.  
Equal Protection

101- In October 2019 me and a white male named Jess S, both of us into Pemberly House at the same time. Although I have an ESA documentation that was presented to the defendant Marcotte and Martz I was repeatedly denied my therapy pet. But the white resident, Jess EDDIE Snow, was allowed to have his dog. For the next two years he was still having his ESA as well. I was repeatedly denied all the way into the April 28th 2023 illegal eviction.



102- Treated differently from six different residence that came after I was prevented and restricted from having my medically prescribed marijuana, Most of it was vaporizer pen and edibles anyway. But the threat of having it and using it on the property leading to a termination deterred me, I oftentimes just did not use my medication as prescribed and as needed. But there were residence that continued to smoke recreational marijuana and never were terminated nor threatened with such. Also at all the other homes, which are 1000/o white, were unfairly allowed to smoke recreational marijuana with no write up reports against them.

103- And there has always been a clear difference in treatment and SSCs reactions with regards to write ups for behavioral issues. For example, Brian K is a white resident who set off the fire alarm three different times in bedroom six downstairs for smoking in his bedroom, reprimands from the fire marshal and everything, but the defendants never threatened him with termination and never wrote him up.

104- White resident Henry Lutz in anger throw a ceramic plate from the kitchen to the living room and it shattered on the wood floor near the fireplace. And this was "under reported", Henry Lutz made two separate death threats towards me, specifically with a knife and stabbing me, but was not reprimanded or threatened with termination, These four defendants actually tried to spin it around as if I were the "bad guy in dealing with resident Henry Lutz. Resident Henry Lutz in February of 2023 angrily punched a fist sized hole in the a PH wall. Were it me damaging property like Henry Lutz I would have been treated differently.

105- White resident Brian O assaulted me and I told the deputies I didn't want to press charges. Defendants did not reprimand this resident. Brian O later threatened Michael S "I kick your ass !" in the backyard and flipped over the cast-iron table breaking glass. Underreported by SSC defendants. Brian O also flipped over a 300 pound solid wood table we ate meals at. White resident Brian O called Christina Kaven a "stupid bitch" and he was treated differently than I.

106- In in another incident,2022, same Resident Brian O flipped over the 300 pound wooden dining room table that we all eat dinner at, Calling dependent Christina Kaven a bitch and made another violent threat. Underreported and definitely a difference in treatment. I contend that if I were doing any of these things they would've acted much harsher and already have in the past. Director at DORA stated that he seen examples of difference in treatment and the handling of behavioral situations.

107 - two days after SSC staff abandoned me and the other resident at the home and week before Christmas, December 18,,2020, and I was in a panicked state of mind and slept in a freezing cold park overnight, defendant Jason Marcotte, fearful of having again violated my rights and concerned only about himself and legal liabilities,



Marcotte maliciously dispatched the Douglas County crisis response team to PH claiming I was in a mental breakdown and flipping out in the house.

108- Crisis Response Team came and seen that I was nothing of any of that stuff. I had just come home from a nice walk and smoke at the park as previously ordered by Marcotte. I was minding my business when I was accosted with this malicious retaliatory attempt to have me illegally evicted through an M1 order. Or M1 hold. Marcotte lied and the reporting was fraudulent and the Crisis Response Team was mad about being manipulated by defendant Jason Marcotte. They found the report from JM to be frivolous.

109- During my birthdays and the Christmas seasons at SSC I would be ignored by the staff. I have been treated like a dog and I have been denied any and celebratory activities and gifts and cake and ice cream. This was regular. They would become silent when I'd walk in the living room or whatever.

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#### **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." ON APRIL 12TH 2023 PLAINTIFF SHAWN ALLEN AND DEFENDANT MARCOTTE MET AND DISCUSSED THIS CIVIL ACTION. IT WAS AGREED at said juncture THAT A SETTLEMENT IS NOT FEASIBLE. JM LIED CLAIMING TO NOT HAVE ANY FINANCIAL MEANS TO RESOLVE LAWSUIT. I WASN'T INCLINED IN SAID DIRECTION ANYHOW, AND I HAVE ZERO INTEREST IN ANY SETTLEMENT, NO MEDIATION PLEASE. I AM FOCUSED PRIMARILY ON JURY TRIAL PREPARATIONS.*

*"RELIEF?!? RIDICULOUS. AS I AM NEVER GOING TO BE ABLE TO FEEL I HAVE GOTTEN ANY RELIEF!" IN ANY EVENT, DAMAGES MAY BUT SERVE TO MERELY AMELIORATE THE THREE YEARS AND SEVEN MONTHS OF SUFFERING I ENDURED "UNDER THE WHIP" OF THESE 4 DEFENDANTS. COMPENSATORY DAMAGES TO BE SURE...AND THESE*



COMPENSATORY DAMAGES CAN BE LEFT UP TO THE COURT. SEEING THE VERY VERY UNLIKELINESS OF ANY REALISTIC SUFFICIENT DEFENSE TO DEFEAT MY CLAIMS, "GUILTY" IS INEVITABLE...AND WHAT AMERICAN JUDGE/JURY WOULD NOT FIND DEFENDANTS GUILTY IN LIGHT OF THESE FACTS. MAYBE DEFENSE CAN CHIP OFF A CLAIM OR EVEN A DEFENDANT, PLAINTIFF IS PRO SE, IT HAPPENS IN LAWSUITS. BUT DEFENDANTS HAVING AN OUTHRIGHT WIN? IN WHAT REALITY? JASON MARCOTTES COMPANY SHALLN'T ESCAPE CULPABILITY FOR THE GRAVAMEN OF THIS ACTION. SUBSEQUENT TO JURY TRIAL AND OBVIOUS GUILTY VERDICT I AM CERTAIN THIS HONORABLE JUDGE AND JURY WILL BE DISGUSTED, APPALLED, AND ABSOLUTELY HORRIFIED BY THE OBVIOUS RACIST TREATMENT I ENDURED.

EXEMPLARY DAMAGES ARE WARRANTED AS DAMAGES AS PUNISHMENT IN THIS ACTION. JASON MARCOTTE ORDERED THE BATHROOM NEXT TO MY BEDROOM DISMANTLED FOR 16 DAYS! FOUR DIFFERENT TERMINATION DOCUMENTS AND TWO VERBALIZED EVICTION THREATS OVER THE COURSE OF THREE AND A HALF YEARS. RACIST NAME CALLING/ DEATH THREATS/THEFTS AND ASSAULTS... THIS FROM THE WHITE RESIDENTS. APRIL 28TH TO PRESENT I HAVE BEEN HOMELESS. 42 DAYS (AND COUNTING) OF "NURSING HOME EVICTION CAUSED" HOMELESSNESS. DENIAL OF SERVICE ANIMAL/ESA. MUCH MUCH MORE, 12/18/2020 "OVERNIGHT IN THE FREEZING COLD" DUE TO SSC STAFF ABANDONING ME IN THE HOME "AFTER" I REQUESTED PRN FOR ONCOMING MIGRAINE ATTACK, AND AN UNMANAGEABLE MENTALLY UNSTABLE RESIDENTS DISRUPTIVE REACTION... YEAH, BAD. (AND DEFENDANTS OWN LAWYERS KNOW IT'S BAD FOR THEM) THESE MANY AND MULTIPLE UNLAWFUL ACTS WERE AND ARE UNIQUE IN ITS NATURE AND IT WAS ALL SIMPLY BECAUSE I FILED LEGITIMATE GRIEVANCES AND THE FACT THAT I AM AFRICAN AMERICAN AND DISABLE.

FOR THIS EVILNESS I AM SEEKING BOTH COMPENSATORY AS WELL AS EXEMPLARY/PUNITIVE DAMAGES AS PUNISHMENT IS JUSTIFIABLE

**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.

A handwritten signature in black ink, consisting of a large loop on the left and a long horizontal stroke extending to the right. To the right of the signature, the date "6/15/23" is written in a similar cursive style.




CERTIFICATION OF SERVICE

#23-cv-00699-RMR-SP

Plaintiff Allen serviced the attached Amended Complaint and Motion to Amend to the defense attorney Lauren Getsie via electronic device, email on this day, June 15th 2023. [lgetsie@tamlegal.com](mailto:lgetsie@tamlegal.com)

Shawn Allen



6/15/23