

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO**JEFFREY K. SCHEIDEGGER,***Plaintiff,*

v.

DOUGLAS COUNTY SHERIFF'S OFFICE

Uc Health

Dr. Alexander Quinones

Officer Shane Belsey

Officer Joshua Anderson

Officer Benjamin Espinoza

Officer Bradley Proulx

Officer Daniel Seaman

Officer Denis Novitskiy,

*Defendants.***CIVIL ACTION NO.:** 24cv 1169-STV**INTRODUCTION**

This is a civil rights action brought under 42 U.S.C. § 1983, seeking redress for violations of Plaintiff's rights under the *Fourth, Eighth, and Fourteenth Amendments* to the United States

Constitution, as well as violations of state law and the *Emergency Medical Treatment and Active Labor Act (EMTALA)*.

JURISDICTION AND VENUE

1. Jurisdiction: This Court has jurisdiction under *28 U.S.C. § 1331* (federal question), *28 U.S.C. § 1343* (civil rights), and supplemental jurisdiction over state law claims under *28 U.S.C. § 1367*.
2. Venue: Venue is proper in this district under *28 U.S.C. § 1391(b)* because the events occurred in Douglas County, Colorado. All parties are subject to the jurisdiction.

PARTIES

Plaintiff: Jeffrey K. Scheidegger, a resident of Highlands Ranch, Colorado.

Defendants:

1. Douglas County Sheriff's Office
2. Officer Denis Novitskiy
3. UC Health Highlands Ranch Hospital
4. Douglas County Jail
5. Unnamed Jail Nurse
6. Officer Levy Mitchell

7. Officer Daniel Seaman
8. Officer Shane Belsey
9. Officer Bradley Proulx
10. Officer Benjamin Espinoza
11. Officer Joshua Anderson
12. Dr. Alexander Quinones

Statement of Facts

1. On April 26, 2022, Plaintiff experienced a medical emergency at his residence, specifically a dislocated shoulder, requiring immediate medical attention.

2. Plaintiff's neighbor called 911, reporting the dislocated shoulder and emphasizing the urgency of the situation. The caller explicitly stated that she did not want the police involved, if possible, preferring only someone to come and check on the situation. Her concern was centered on Scheidegger's injury rather than any need for law enforcement intervention, which exists outside of police intervention.

3. The dispatch audio indicated Plaintiff was injured and was begging to “drive himself to the hospital”, and that Plaintiff had “dislocated his shoulder”.

4. Officers arrived at Scheidegger’s house shortly after the 911 call. Body cam footage showed a calm and quiet scene upon arrival, Scheidegger himself showed he was unarmed and told them of the situation as promptly as possible.

5. Scheidegger calmly and directly communicated with the officers and showed them his visibly dislocated shoulder, clearly indicating his need for medical assistance. He verbally explained that his shoulder was injured and required medical help.

6. Officers falsely claimed there was yelling upon arrival, unsupported by dispatch information or body cam footage.

7. Observing that the officers were not acknowledging his injury or providing medical help, Scheidegger decided to go back inside. He intended to get dressed before continuing what he

anticipated would be a lengthy conversation with the officers. His actions were not aggressive but motivated by his desire to seek help for his injury and prepare for further interaction. Scheidegger believed that the officers were not going to assist him because they ignored his dislocated shoulder and did not take any steps to address his medical condition. His decision to go inside was driven by the need to take care of himself in light of what appeared to be a lack of concern from the officers and Scheidegger was in mental distress from lack of access to medical help which was not properly de-escalated.

8. As Plaintiff was heading back inside, Officer Novitskiy crossed the threshold without consent, seizing and restraining Plaintiff despite his visibly dislocated shoulder and verbal protests. Plaintiff did not fight back and merely attempted to show officers his injury the consistent application of force was excessive.

9. Scheidegger specifically asked the officers if he was being detained, and they informed him that he was not. This exchange is crucial as it shows that Scheidegger was not attempting to evade or resist the police but was seeking help for his injury.

10. Plaintiff's father, present at the scene, repeatedly informed officers of Plaintiff's dislocated shoulder and urged caution. The witness can be heard on body cam footage reiterating and pleading with officers to "take it easy on him, he has a dislocated shoulder".

11. When Scheidegger, out of pain and fear, attempted to defend himself because he thought the police had intent to harm him by spitting at Novitskiy, the officer slammed him against the wall. Given Scheidegger's known medical condition and lack of aggressive behavior towards others, this use of force could be considered excessive. The officers' reports did not mention the father's pleas or Scheidegger's disclosure of his injury. Furthermore, Denis Novitskiy is seen on body cam footage slamming the plaintiff into the wall twice directly on his shoulder causing damage to his prior injury.

12. Plaintiff was arrested and taken to the hospital.

13. Omission of Father's Pleas. The police reports did not document Scheidegger's father's statements captured on body cam, where he reiterated that Scheidegger had a dislocated shoulder and pleaded with the officers that he had a "dislocated shoulder.".

14. Officer Novitskiy falsely claimed in his report that he had a prior encounter with Scheidegger, which was not supported by any evidence or documentation.

15. At the hospital, Scheidegger's dislocated shoulder was diagnosed, and weights were used to reduce the dislocation. He was sedated during the procedure.

16. The reduction of the shoulder was not formally documented in the hospital records, raising concerns about inadequate medical documentation. The attending physician is assumed to be responsible

17. The hospital performed X-rays after reducing Scheidegger's shoulder to confirm that the joint was correctly aligned. This is a standard procedure, but the timing of the X-rays does not negate the fact that Scheidegger's shoulder was dislocated before the reduction. Post procedure x-rays are typical. This was an attempt to undermine the Plaintiff's condition.

18. During his hospital stay, video footage shows Scheidegger's shoulder being reinjured while in hospital care, Scheidegger's shoulder dislocated again, indicating instability associated with a Hill-Sachs lesion. Once a shoulder is unstable the chances of dislocation can reach 100% according to medical experts given any amount of activity and enough time.

20. The shoulder was still visibly injured when Plaintiff left the hospital. Despite a nurse acknowledging the dislocation during the hospital stay, Scheidegger was discharged without appropriate treatment, potentially violating EMTALA. Patients must be properly stabilized and this did not happen as Plaintiff's blood pressure and pulse were telling of physiological distress and plaintiff had shoulder instability which later required surgery.

21. The hospital did not explicitly document the ongoing shoulder dislocation or the newly diagnosed Hill-Sachs lesion in the discharge instructions. A Hills-Sachs lesion is analogous to a fracture of the humeral head and drives further shoulder instability and need for follow up. This Hills-Sachs lesion contributed to multiple dislocations and was re-demonstrated on x-rays, the hospital should have disclosed this risk.

22. The discharge report, authored by Dr. Alexander Quinones, included misleading details such as "denied shoulder trauma"" Notably, this statement was presented in smaller text, raising questions about their authenticity and purpose. There was a false representation of Scheidegger saying that he could "Dislocate and relocate his shoulder at will", which is

dangerous to allege or confirm. The wording falsely minimized the severity of Scheidegger's condition and did not accurately reflect his medical situation.

23. The omission of critical medical details in the hospital report suggests a potential alignment between the hospital and law enforcement. Given that the police may have been concerned about liability for causing or exacerbating the injury, the hospital's decision to underreport Scheidegger's condition could imply an effort to avoid implicating the officers. The officers severely jeopardized the standard/duty of care of the hospital.

24. At Douglas County Jail during initial evaluation, Plaintiff complained about his arm and said that it had been reinjured and is dislocated. A nurse noted that Scheidegger's shoulder "looked weird," but no comprehensive evaluation or specialist referral occurred, despite clear signs of a serious injury and pleas. This was after Plaintiff was promised medical care as he had been in distress and requesting it upon transport to jail. No further evaluation was given and the evidence has been concealed by Douglas County Sherriff's Office.

25. Approximately seven hours after being taken into custody, Scheidegger was forced to self-reduce (treat) his shoulder due to the lack of adequate medical care, further worsening his condition, this was distressing for Plaintiff. This is dangerous and not medically advisable, the

sooner a medical professional can reduce a dislocation the better, prolonged dislocation makes reduction harder and risks more damage.

26. As a result, Plaintiff suffered severe physical and psychological harm, including multiple reinjuries, surgery, chronic pain, Permanent Injuries, PTSD, substantial medical treatment and related expenses, and loss of income.

Claims for Relief

Count I: Violation of Fourth Amendment – Unlawful Arrest (Against Officer Denis Novitskiy and Douglas County Sheriff's Office)

27. Plaintiff realleges and incorporates by reference the allegations set forth above.

28. Unlawful Entry Preceding Arrest:

Defendant Officer Novitskiy violated Plaintiff's Fourth Amendment rights by unlawfully entering Plaintiff's home without a warrant, consent, or exigent circumstances, which directly precipitated the unlawful arrest. Under *Colo. Rev. Stat. § 18-4-502*, trespass is defined as unauthorized entry onto another's property with intent to commit a crime. While this statute pertains to criminal trespass, it underscores Colorado's recognition of the sanctity of private dwellings against government intrusion absent legal justification. Officer Novitskiy's entry was unauthorized, as Plaintiff and his father explicitly pleaded with officers to focus on the medical emergency (a dislocated shoulder) and refrain from using force.

29. Absence of Exigent Circumstances:

No exigent circumstances justified the warrantless entry. The dispatch audio and witness testimony confirm the call was solely for a medical emergency, with no report of violence, threats, or criminal activity. Plaintiff and his father were calm and cooperative, negating any claim of urgency. In *Payton v. New York*, 445 U.S. 573 (1980), the Supreme Court held that warrantless home entries are

presumptively unreasonable absent exigent circumstances. Officer Novitskiy's entry violated this bedrock principle, rendering his subsequent actions—including the arrest—unconstitutional.

30. Unlawful Seizure/Arrest:

The arrest flowed directly from the unlawful entry. Officer Novitskiy lacked probable cause to arrest Plaintiff, who was unarmed, visibly injured, and seeking medical aid. The arrest violated the Fourth Amendment's prohibition against unreasonable seizures, as Plaintiff posed no threat and committed no crime. In *Welsh v. Wisconsin*, 466 U.S. 740 (1984), the Court emphasized that warrantless entries for minor offenses (or non-criminal matters, like medical emergencies) are rarely justified. The seizure here was unlawful from its inception.

- **Citations:**
- **Payton v. New York, 445 U.S. 573 (1980)**
- **Welsh v. Wisconsin, 466 U.S. 740 (1984)**
- **Colo. Rev. Stat. § 18-4-502**
- **City of Canton v. Harris, 489 U.S. 378 (1989)**

Count II: Violation of Fourth Amendment - Excessive Force (Against Officer Denis Novitskiy and Douglas County Sheriff's Office)

31. Plaintiff realleges and incorporates by reference the allegations set forth above.

32. Defendant Officer Denis Novitskiy violated Plaintiff's Fourth Amendment rights by:

a. Entering Plaintiff's home without a warrant, consent, or exigent circumstances, in violation of established legal standards. The call was clearly for a medical emergency, and the caller explicitly expressed a desire for non-involvement by police. The Supreme Court in *Payton v. New York** held that warrantless entry into a home is presumptively unreasonable under the Fourth Amendment, absent exigent circumstances or consent. Exigent circumstances typically involve situations where there is an immediate threat to life, a need to prevent the destruction of evidence, or a hot pursuit of a fleeing suspect, none of which were present in this case. The situation was a medical emergency, not a criminal matter, and did not justify a warrantless entry.

b. Using excessive force against Plaintiff, who was suffering from a medical emergency and posed no immediate threat. Plaintiff did not fight back and merely attempted to show officers his injury; the consistent application of force was excessive. This is at odds with the evidence of the nature of the incident and emergency services call

c. Officer Novitskiy intentionally inflicted harmful and offensive contact upon Plaintiff by forcibly restraining him and slamming him against a wall. These actions occurred despite Plaintiff posing no immediate threat and visibly exhibiting a dislocated shoulder, which should have signaled the need for restraint in the use of force. The force used lacked any legal justification under the circumstances and was executed without Plaintiff's consent. Under Colorado law, assault and battery are defined as intentional acts that cause harmful or offensive contact with another person without consent or legal justification.

33. The force used was objectively unreasonable given the circumstances.

34. As a direct and proximate result of these violations, Plaintiff suffered significant physical injuries and emotional distress.

The Fourth Amendment protects individuals from Excessive Force. *Graham v. Connor* established that claims of excessive force are analyzed under an 'objective reasonableness' standard, considering factors such as the severity of the crime, whether the suspect poses an immediate threat, and whether the suspect is resisting arrest. Given that Plaintiff was unarmed, posed no threat, and was seeking medical assistance that was clearly documented, witness testimony, the force used was unreasonable.

In *Champion v. Outlook Nashville, Inc.*, the court emphasized that officers should consider a suspect's vulnerability due to medical conditions before using force. Officer Novitskiy should have considered Plaintiff's vulnerability, particularly his dislocated shoulder, before deciding to use force. The failure to take Plaintiff's medical condition into account resulted in excessive and unreasonable force being applied.

In *Hope v. Pelzer*, the Supreme Court held that officials can be on notice that their conduct violates established law even in novel factual circumstances. This precedent supports the argument against qualified immunity for Officer Novitskiy, as the excessive force used was clearly established as unconstitutional given the Plaintiff's medical condition.

In *Buck v. City of Albuquerque*, the Tenth Circuit held that the use of disproportionate force to arrest an individual who has not committed a serious crime and who poses no threat to herself or others constitutes excessive force. This case further supports the claim that the force used against Plaintiff was excessive and unjustified.

In *Sheehan v. City and County of San Francisco*, the Ninth Circuit recognized that "the problems posed by, and thus the tactics to be employed against, an unarmed, emotionally distraught individual who is creating a disturbance or resisting arrest are ordinarily different from those involved in law enforcement efforts to subdue an armed and dangerous criminal who has recently committed a serious offense." This legal principle underscores the need for law enforcement to adapt their tactics to the specific circumstances, particularly when dealing with individuals in distress, as was the case with Plaintiff. Furthermore, Plaintiff was not being detained therefore not resisting arrest. He was clearly injured and in distress.

Qualified Immunity Barred:

The use of force against a non-threatening, injured individual in a medical emergency violates clearly established law. In *Champion v. Outlook Nashville, Inc.*, 380 F.3d 893 (6th Cir. 2004), the court held that officers must account for a suspect's medical vulnerability when using force.

Similarly, *Buck v. City of Albuquerque*, 549 F.3d 1269 (10th Cir. 2008) prohibits disproportionate

force against non-threatening individuals. Officer Novitskiy's actions were so egregious that no reasonable officer could believe they were lawful (*Hope v. Pelzer*, 536 U.S. 730 (2002)).

Additional Allegations:

35. Plaintiff further alleges that Defendant Officer Denis Novitskiy violated Colo. Rev. Stat. § 18-1-707(2)(c), which requires peace officers to ensure that assistance and medical aid are rendered to any injured or affected person as soon as practicable. Despite Plaintiff's visibly dislocated shoulder and repeated requests for medical assistance, Officer Novitskiy failed to provide or facilitate necessary aid. De-escalation tactics were not used and the situation was extremely exacerbated by police, Plaintiff was calm and even took the time to show he was in fact not carrying a weapon and was worried about his shoulder. The fact the other party involved (the father) corroborated this injury and it is present in the dispatch call is proof officers acting with indifference to the Plaintiff's injury.

36. Under Colo. Rev. Stat. § 18-8-803, excessive physical force is presumed when a peace officer continues to apply physical force, in excess of what is permitted by section Colo. Rev. Stat. 18-1-707, to a

person who has been rendered incapable of resisting arrest. Plaintiff had been rendered incapable of resisting due to his injury, yet Officer Novitskiy continued to apply excessive force without justification. Plaintiff and his father made multiple attempts to show and tell of the injury but it was ignored. Plaintiff was simply worried for his safety. Evidence supports that Plaintiff was injured the whole time and further injured by police.

These statutory violations support Plaintiff's claims of excessive force and unlawful conduct by Defendant Officer Novitskiy, contributing to the overall violation of Plaintiff's Fourth Amendment rights as previously alleged.

Citations: Payton v. New York, 445 U.S. 573 (1980)

Hope v. Pelzer, 536 U.S. 730, 739 (2002)

Champion v. Outlook Nashville, Inc., 380 F.3d 893 (6th Cir. 2004)

Colo. Rev. Stat. § 18-1-707(2)(c)

Colo. Rev. Stat. § 18-8-803

Buck v. City of Albuquerque, 549 F.3d 1269, 1289 (10th Cir. 2008)

Sheehan v. City and County of San Francisco, 743 F.3d 1211 (9th Cir. 2014)

Count III: Violation of Fourteenth Amendment - Due Process (Against Officer Denis Novitskiy and Douglas County Sherriff's Office)

37. Plaintiff realleges and incorporates by reference the allegations set forth above.

38. Defendants violated Plaintiff's Fourteenth Amendment rights by:

a. Conspiring to obstruct justice through the deliberate alteration and fabrication of police reports, thereby undermining the integrity of the legal process. This action directly contravenes the principles established in *Napue v. Illinois*, where the Supreme Court held that the use of false evidence by the state violates due process rights. The fabrication of reports in Plaintiff's case similarly undermines the fairness of the legal process and constitutes a due process violation. Novitskiy influenced other officers on the scene to submit false reports.

b. Engaging in conduct so egregious and outrageous that it shocks the conscience and violates fundamental standards of decency and fairness. This was a medical emergency that was grossly mishandled, causing significant distress and turmoil in Plaintiff's neighborhood and community. In *County of Sacramento v. Lewis*, the Supreme Court emphasized that conduct which "shocks the conscience" violates substantive due process rights. The Defendants' actions in mishandling the medical emergency meet this standard.

c. Unlawfully seizing Plaintiff without proper legal justification, thereby infringing upon his right to liberty. The unlawful seizure of Plaintiff, without probable cause or exigent circumstances,

violates the due process protections outlined in *Baker v. McCollan*, where the Supreme Court recognized that wrongful detention without due process constitutes a deprivation of liberty.

d. The officers' presence in the hospital severely jeopardized the standard/duty of care of the hospital and this stands in stark contrast to other visits to the ER the Plaintiff has experienced. This was a violation of his right to medical care and because of police actions Plaintiff was deprived of a proper process because key details were obscured purposefully causing Plaintiff turmoil. Plaintiff was discharged from the hospital early. Importantly Plaintiff did not receive care in jail for his injury nor was his injury reported formally.

39. These actions collectively deprived Plaintiff of his liberty interests without the due process of law guaranteed by the Fourteenth Amendment.

The Fourteenth Amendment ensures that no individual is deprived of life, liberty, or property without due process of law. The Defendants' actions, including the conspiracy to alter police reports and engage in conscience-shocking misconduct, constitute a clear violation of these constitutional protections, as they represent an arbitrary and unjust denial of Plaintiff's rights. The alteration of police reports and the mishandling of a medical emergency are actions that

undermine the integrity of the legal process and violate the fundamental fairness required by due process, as established in *Zahrey v. Coffey*, where the Second Circuit held that fabricating evidence resulting in the deprivation of liberty constitutes a due process violation. This behavior shocks the conscious satisfying the custom set in

Citations: *Napue v. Illinois*, 360 U.S. 264 (1959)

County of Sacramento v. Lewis, 523 U.S. 833 (1998)

Baker v. McCollan, 443 U.S. 137 (1979)

Zahrey v. Coffey, 221 F.3d 342 (2d Cir. 2000)

County of Sacramento v. Lewis, 523 U.S. 833 (1998)

Count IV: Violation of Eighth and Fourteenth Amendments - Deliberate Indifference to Medical Needs (Against Douglas County Jail and Unnamed Jail Nurse)

40. Plaintiff realleges and incorporates by reference the allegations set forth above

41. Defendants demonstrated deliberate indifference to Plaintiff's serious medical needs by:

a. Failing to provide adequate medical care for a visibly dislocated shoulder, which is a serious medical condition requiring immediate attention to prevent further injury and pain.

b. Ignoring Plaintiff's repeated pleas for medical attention, despite the obvious and urgent nature of his condition.

42. Plaintiff has requested information on the defendant and was blocked by the records department at the jail and he is suing as such because barring the application of rule of discovery plaintiff has missed the statute of limitations for the individual defendant. Plaintiff will be holding the jail as a whole accountable for lack of medical care as each employee is required to report an emergency showing a wide lack of training, this will be later reflected in the claim against the municipality for lack of training.

c. Failing to properly document and treat Plaintiff's injuries, including the dislocated shoulder and associated Hill-Sachs lesion, which are indicative of significant shoulder instability.

d. Deliberately failing to seek further evaluation or referral for the reported Hill-Sachs lesion, a condition that exacerbates shoulder instability and requires specialized medical intervention. As well as Plaintiff's visibly injured shoulder.

e. Violating the standard and duty of care expected of medical professionals by failing to address these serious medical needs.

43. The nurse's recognition that Plaintiff's shoulder "looked weird" demonstrates awareness of a serious medical need. Prison Officials including guard are required to respond to pleas for medical help, this did not happen and caused physical pain and much psychological distress to plaintiff who was deliberately held without medical treatment due to the defense's narrative of events. This was an excessive risk to the Plaintiff's Health, and was willful and wanton.

In *Estelle v. Gamble*, the Supreme Court held that deliberate indifference to serious medical needs of prisoners constitutes the "unnecessary and wanton infliction of pain," proscribed by the Eighth Amendment. This standard is applicable to pretrial detainees through the Fourteenth Amendment. The conduct of the jail staff, in ignoring Plaintiff's medical needs despite clear signs of distress, and the nurse's admission of an abnormal shoulder meets the threshold of deliberate indifference as established in *Farmer v. Brennan*, where the Court stated that a prison official cannot be found liable under the Eighth Amendment unless the official knows of and disregards an excessive risk to inmate health or safety.

In *City of Revere v. Massachusetts General Hospital*, the Supreme Court emphasized that the Due Process Clause of the Fourteenth Amendment requires the government to provide medical care to persons injured while being apprehended by the police. The government's failure, through the nurse, to provide necessary medical care for Plaintiff's injuries while in custody constitutes a violation of Plaintiff's Fourteenth Amendment rights.

In *Mata v. Saiz*, the Tenth Circuit emphasized that deliberate indifference involves a conscious disregard of a substantial risk of serious harm. The failure of the jail staff to address Plaintiff's medical needs, despite clear indications of distress and vulnerability, aligns with the principles established in *Mata*, where deliberate indifference to medical needs constitutes a violation of constitutional rights.

In *Jamal Hunter v. City and County of Denver*, the authorities were held accountable for deliberate indifference to an inmate's medical needs, resulting in a substantial financial settlement and legal consequences for the City. The *Hunter* case is directly relevant to Plaintiff's claim of deliberate indifference. It sets a precedent in Colorado for holding authorities accountable when they fail to provide necessary medical care, leading to significant harm. This case strengthens Plaintiff's argument that the jail nurse's actions, or lack thereof, constituted deliberate indifference, similar to the neglectful conduct found in *Hunter*.

In *Sealock v. Colorado*, the Tenth Circuit held that a medical need is sufficiently serious if it has been diagnosed by a physician as mandating treatment or is so obvious that even a lay person would easily recognize the necessity for a doctor's attention. This supports the argument that the Hill-Sachs lesion constitutes a serious medical need, which was ignored by the jail staff, thereby demonstrating deliberate indifference. The shoulder being visibly deformed could be

identified by a layperson, even so a layperson would identify pain and the inability to move an arm as a significant problem.

In *Colwell v. Bannister and McGuckin v. Smith*, the Ninth Circuit noted that the existence of an injury that a reasonable doctor or patient would find important and worthy of comment or treatment, the presence of a medical condition that significantly affects an individual's daily activities, or the existence of chronic and substantial pain, can establish a serious medical need. This principle supports the claim that Plaintiff's medical condition, including the Hill-Sachs lesion and dislocated shoulder, was significant and required proper medical attention, which was not provided. Given the nurses' comment, this is sufficient.

In *Clement v. Gomez*, the Ninth Circuit reiterated that a serious medical need is present when the failure to treat a prisoner's condition could result in further significant injury or the "unnecessary and wanton infliction of pain." This principle further underscores the seriousness of Plaintiff's medical condition and the need for appropriate medical care, which was not provided by the Jail Nurse. The damage to the shoulder caused further instability. These were significant injuries requiring an intensive surgery including bone grafting and incisions into muscles. The actions by defense were unnecessary, willful, and wanton.

Moreover, in *Bell v. Wolfish*, the Supreme Court addressed the conditions of confinement for pretrial detainees, emphasizing that the treatment of detainees must not amount to punishment. The conditions and lack of medical care provided to Plaintiff, a pretrial detainee, violated these principles by subjecting him to unnecessary suffering and neglect. Defendant actions amounted to a cruel and unusual punishment.

Citations: Estelle v. Gamble, 429 U.S. 97 (1976)

Farmer v. Brennan, 511 U.S. 825 (1994)

Mata v. Saiz, 427 F.3d 745 (10th Cir. 2005)

City of Revere v. Massachusetts General Hospital, 463 U.S. 239 (1983)

Jamal Hunter v. City and County of Denver (2016)

Sealock v. Colorado, 218 F.3d 1205, 1209 (10th Cir. 2000)

Bell v. Wolfish, 441 U.S. 520 (1979)

Colwell v. Bannister, 763 F.3d 1066 (9th Cir. 2014)

McGuckin v. Smith, 974 F.2d 1050 (9th Cir. 1992)

Clement v. Gomez, 298 F.3d 898, 904 (9th Cir. 2002)

Count V: Violation of EMTALA (Against UC Health Highlands Ranch Hospital)

44. Plaintiff realleges and incorporates by reference the allegations set forth above

45. EMTALA states: *In the case of a hospital that has a hospital emergency department, if any individual... comes to the emergency department and a request is made... for examination or treatment for a medical condition, the hospital must provide an appropriate medical screening examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department to determine if an emergency medical condition exists (5).* Plaintiff requested for his shoulder to be examined and treated after re-injury in the hospital this is a violation of EMTALA and there is video evidence to support this.

46. UC Health Highlands Ranch Hospital violated the Emergency Medical Treatment and Active Labor Act (EMTALA) by:

a. He was in shock and facing psychological distress and facing critical shoulder instability. This failure is similar to the violation found in *Baber v. Hospital Corp. of America*, where the court held that inadequate screening procedures constituted an EMTALA violation. The medical report says that Plaintiff was not distressed but his blood pressure and pulse were shown to be

much higher than other visits to the ER. He was being mistreated by police and required stabilization of his physiology and shoulder.

b. Failing to stabilize Plaintiff's emergency medical condition before discharge. Plaintiff had re-injured shoulder while in the hospital which is consistent with a Hill-Sachs lesion. This mirrors the situation in *Brooks v. Maryland General Hospital, Inc.*, where the hospital's failure to stabilize a patient's condition before discharge was deemed a violation of EMTALA. Plaintiff's shoulder was still dislocated upon discharge.

c. Plaintiff's pulse was 109, a high pulse of this nature can be dangerous and was much higher than vitals taken on other dates. This was a sign of physiological distress and plaintiff should have been stabilized for his shoulder dislocation and his physical and psychological distress. This is akin to the findings in *Correa v. Hospital San Francisco*, where the court found that failure to recognize and address vital signs indicating distress constituted a breach of EMTALA obligations.

c. Discharging Plaintiff with inappropriate discharge instructions and misleading medical advice: This is comparable to the case of *Repp v. Anadarko Municipal Hospital*, where the court found that providing misleading discharge instructions violated EMTALA. Hills-Sachs Lesion which takes months to heal in minor cases. Plaintiff experienced a major Hills-Sachs Lesion and required surgery. Plaintiff was not properly stabilized before hospital discharge.

47. These actions constitute a violation of statutory obligations under EMTALA.

EMTALA requires hospitals to provide an appropriate medical screening examination to determine whether an emergency medical condition exists and to stabilize the patient before discharge. The hospital's failure to adequately screen and stabilize Plaintiff, as well as the provision of misleading discharge instructions, constitutes a violation of EMTALA's requirements, as established in *Roberts v. Galen of Virginia, Inc.*, where the Supreme Court emphasized the obligation of hospitals to stabilize patients before discharge.

Citations: 42 U.S.C &1395

Roberts v. Galen of Virginia, Inc., 525 U.S. 249 (1999)

Baber v. Hospital Corp. of America, 977 F.2d 872 (4th Cir. 1992)

Brooks v. Maryland General Hospital, Inc., 996 F.2d 708 (4th Cir. 1993)

Correa v. Hospital San Francisco, 69 F.3d 1184 (1st Cir. 1995)

Repp v. Anadarko Municipal Hospital, 43 F.3d 519 (10th Cir. 1994)

Count VI: Medical Malpractice under Colorado Law (Against UC Health Highlands Ranch Hospital)

48. Plaintiff realleges and incorporates by reference the allegations set forth above.

49. Plaintiff has learned that Medical Witnesses will not even work with, or contact back pro se representatives, they only respond to lawyers. Similarly, the hospital only responds to lawyers. Plaintiff will contest that the fact they have abused this system to the point that it is inaccessible to pro se defendant or layperson is not proof that the claim has not merit and shall be allowed to proceed. This was designed to save hospital costs and protect the prices of healthcare not allow bad practices. Plaintiff is also claiming EMTALA which does not typically require a certificate of merit if allowed to proceed on that charge it may lessen the potential burden of the additional medical malpractice law. If the court finds this argument generally insufficient plaintiff will be willing to resubmit an Identical claim very soon without this medical malpractice charge. Plaintiff alleges that critical details show the egregiousness of the event and show elements of civil conspiracy.

50. Under Colorado law, *Colo. Rev. Stat. § 13-21-102.5* healthcare providers are required to exercise the degree of care, skill, and diligence that is exercised by prudent practitioners in the same class and in the same medical community.

51. Defendant breached this duty by:

- a. The hospital failed to properly document the reduction procedure of Plaintiff's dislocated shoulder, a critical aspect of medical care necessary for ensuring proper treatment and follow-up. Accurate documentation is essential for continuity of care and to prevent further injury.
- b. Providing misleading discharge instructions falsely stating that Plaintiff stated he could "dislocate and relocate his shoulder at will"; and making further misattributed statements such as Plaintiff "denied trauma to shoulder," which was in smaller text than the rest of the report, implying the report was altered. Furthermore, the Hills-Sach lesion was not mentioned in discharge instructions, which later required surgery. These actions misled the Plaintiff and potentially other healthcare providers about the severity of his condition. Plaintiff did not deny trauma to shoulder.
- c. The hospital failed to document the Hill-Sachs lesion formally and provide appropriate follow-up care instructions, which are essential for managing the condition and preventing further injury. This omission represents a significant deviation from the standard of care. This created a false narrative of events that harmed the Plaintiff.
- d. The hospital purported a post-procedure x-ray as a pre-procedure x-ray, concealing the actual injury. This misrepresentation could have led to inappropriate treatment decisions and further harm.
- e. The hospital report falsely claimed that Plaintiff was calm, despite vital signs indicating distress, with blood pressure at 142/111 and a pulse of 109, both indicative of physiological

distress. Accurate reporting of vital signs is crucial for assessing a patient's condition and determining appropriate care.

f. The failure to document procedures and disclose the Hill-Sachs lesion may also constitute a violation of informed consent. Medical professionals are required to keep accurate records and inform patients of material risks and necessary follow-up care.

f. This Hill-Sachs lesion did contribute to multiple dislocations and was re-demonstrated on x-rays, the hospital should have disclosed this risk, but they did not provide proper follow-up care or notify anyone of the non outwardly visible injury.

52. In *Bloskas v. Murray*, the Colorado Supreme Court held that a physician has a duty to disclose material risks and facts necessary for a patient to make an informed decision about their treatment. Defendant's failure to inform Plaintiff of his condition and necessary care, and not documenting procedure where plaintiff was sedated breached this duty. A Hill-Sachs lesion is a strong indication of shoulder instability and it needed to be treated, eventually this was solved through surgery.

The hospital's actions deviated from the standard of care expected of medical professionals, as established in *Greenberg v. Perkins*, where the court held that medical professionals are liable for negligence when their conduct falls below the standard of care and causes injury to the patient. The hospital's failure to meet the standard of care directly resulted in Plaintiff's

injuries. Furthermore, the decision to conceal the injury, conceal the procedure and alter/produce false medical reports was deliberate even.

Citations: *Bloskas v. Murray*, 646 P.2d 907 (Colo. 1982)

Greenberg v. Perkins, 845 P.2d 530 (Colo. 1993)

Colo. Rev. Stat. § 13-21-102.5

Additional Case Law:

In *Curry v. Mann*, the Colorado Court of Appeals held that a hospital can be held liable for the negligence of its staff, supporting Plaintiff's claim of vicarious liability against UC Health Highlands Ranch. If the hospital staff acted negligently, the hospital itself may be held accountable for the resulting harm to Plaintiff.

Curry v. Mann, 626 P.2d 740 (Colo. App. 1981)

In *Bloskas v. Murray*, the court emphasized the importance of informed consent, requiring physicians to disclose material risks and facts necessary for patients to make informed decisions

about their treatment. The hospital's failure to inform Plaintiff of his condition and necessary care breached this duty, as the undisclosed Hill-Sachs lesion indicated a significant risk of shoulder instability that required treatment. This omission aligns with the court's finding in *Bloskas* that such failures constitute a breach of duty.

Citations:*Bloskas v. Murray*, 646 P.2d 907 (Colo. 1982)

In *Greenberg v. Perkins*, the court held that medical professionals are liable for negligence when their conduct falls below the standard of care and causes injury to the patient. The hospital's failure to properly document the reduction procedure, provide accurate discharge instructions, and address the Hill-Sachs lesion deviated from the standard of care expected of medical professionals. These actions directly resulted in Plaintiff's injuries, as the lack of proper documentation and misleading instructions prevented appropriate follow-up care and management of the shoulder condition.

Citations:*Greenberg v. Perkins*, 845 P.2d 530 (Colo. 1993)

The hospital's actions, including the failure to document critical medical procedures and provide accurate medical information, constitute medical malpractice under Colorado law. The breaches of duty outlined in *Bloskas v. Murray* and *Greenberg v. Perkins* demonstrate that the

hospital's conduct fell below the accepted standard of care, directly causing harm to the Plaintiff. These violations support the claim of medical malpractice, as the hospital's negligence in handling the Plaintiff's medical condition resulted in further injury and inadequate treatment. The lack of follow-up, undocumented procedure and altered records fit this.

Citations: *Bloskas v. Murray*, 646 P.2d 907 (Colo. 1982)

***Greenberg v. Perkins*, 845 P.2d 530 (Colo. 1993)**

Count VII: Intentional Infliction of Emotional Distress under Colorado Law (Against Unnamed Jail Nurse, Officer Denis Novitskiy)

53. Plaintiff realleges and incorporates by reference the allegations set forth above

54. The behavior of the defendants shocks the conscience. This egregious behavior is disruptive and harmful. The Unnamed Jail Nurse's conduct was extreme and outrageous by intentionally disregarding Plaintiff's serious medical needs despite being aware of his visibly dislocated shoulder. Given medical training she likely knew the severity of this but did not act. This is also an injury that is related with joint instability which can easily create reinjury. Furthermore, even a layman could identify the look of a dislocated shoulder or the pain and inability to move the arm as a medical emergency.

55. Officer Novitskiy engaged in conduct that shocked the conscious and caused much dismay in the household of the Plaintiff, this gross mishandling of a medical emergency caused extreme mental and physical distress to the Plaintiff.

56. This conduct caused Plaintiff severe emotional distress.

In *Rugg v. McCarty*, the court established the elements of IIED in Colorado, which include extreme and outrageous conduct that intentionally or recklessly causes severe emotional distress. The nurse's failure to provide necessary medical care, despite acknowledging that Plaintiff's shoulder "looked weird," (being deliberate indifference and extremely egregious in that it caused the Plaintiff to suffer physical pain for multiple hours) meets this threshold, as clarified in *Culpepper v. Pearl Street Building, Inc.*. Furthermore, when Officer Novitskiy knowingly detained the Plaintiff without justification and slammed him into the wall twice on his clearly dislocated shoulder this was extreme and deliberate. The officer ignored the Plaintiff's Dad's pleas to stop detailing that the Plaintiff was injured.

Citations: *Rugg v. McCarty*, 476 P.2d 753 (Colo. 1970)

***Culpepper v. Pearl Street Building, Inc.*, 877 P.2d 877 (Colo. 1994)**

Count VII: Municipal Liability (Against Douglas County Police Department and Douglas County Jail)

57. Plaintiff realleges and incorporates by reference the allegations set forth above.

58. The records department at the jail has blocked the attempts at records retrieval, potentially jeopardizing Plaintiff's ability to seek justice. Plaintiff has had evidence for a long time, but even after multiple requests, key evidence was still withheld. Plaintiff will be requesting tolling of the statute of limitations through the rule of discovery. Plaintiff believes this was a deliberate attempt to obstruct justice.

59. The Douglas County Police Department and Douglas County Jail are liable under established legal principles for:

a. Failure to Train Staff in Medical Emergency Response: The Defendants failed to properly train officers and jail staff in recognizing and responding to medical emergencies. This includes the obligation to address clear pleas for medical assistance, as outlined in *Estelle v. Gamble*, where the Supreme Court held that deliberate indifference to serious medical needs constitutes a violation of the Eighth Amendment. The absence of proper training left employees unprepared to handle Plaintiff's visibly

dislocated shoulder and repeated requests for medical aid, exacerbating his suffering. In *City of Canton v. Harris*, the Supreme Court held that municipalities can be liable under § 1983 for inadequate training if the failure amounts to deliberate indifference. Here, the officers' and nurse's inability to properly address Plaintiff's condition reflects such deliberate indifference.

b. *Institutionalized Policy Failures*: The Defendants maintained policies, customs, or trends that prioritized expedience over individual care, thereby fostering an environment where constitutional violations were inevitable. This systemic failure is evidenced by prior incidents, including the settlement in *Christi Lundquist v. Douglas County Board of Directors*, where the department's lack of effective de-escalation techniques and medical response protocols contributed to harm. Such settlements indicate a pattern of negligence and disregard for proper crisis management. In *Monell v. Department of Social Services*, the Court established that a municipality can be held liable when its policies or customs are the moving force behind a constitutional violation. The documented history of similar incidents further illustrates a pervasive disregard for proper de-escalation and medical care.

c. *Deliberate Indifference to Constitutional Rights*: Both law enforcement and jail personnel exhibited deliberate indifference to the rights of individuals under their care, as demonstrated by their failure to address Plaintiff's serious medical needs. Despite

Plaintiff's obvious pain and distress, including a visibly dislocated shoulder and alarming vital signs, the staff's inaction reflects a willful disregard for their constitutional obligations. This indifference was not isolated but indicative of a broader custom within the department. The nurse at the jail either acted willfully and wantonly to deprive Plaintiff of his rights, or the municipality failed to provide adequate medical training, further underscoring systemic deficiencies.

60. These systemic failures were the proximate cause of the violations of Plaintiff's constitutional rights. The ongoing neglect of medical emergencies and improper handling of individuals in distress illustrate a pattern that directly led to Plaintiff's suffering. In *City of Canton v. Harris*, the Supreme Court emphasized that deliberate indifference in training or supervision, if it foreseeably results in the deprivation of constitutional rights, establishes municipal liability. The training deficiencies and policy failures within Douglas County demonstrate this standard.

61. Even if the Douglas County Jail's medical personnel acted under the assumption that their conduct aligned with standard protocols, this belief further underscores the municipality's failure to provide necessary training and supervision. *City of Canton v. Harris* also supports the notion that liability arises when the inadequate training is so egregious that it amounts to deliberate indifference toward individuals' constitutional rights.

62. Under *Monell v. Department of Social Services*, a local government can be sued under 42 U.S.C. § 1983 when the execution of its policies or customs inflicts constitutional injuries. The failure to train officers adequately and the pattern of misconduct were the moving force behind the violations of Plaintiff's rights. The consistent failure to address medical emergencies and the documented history of similar incidents demonstrate a deliberate indifference to the rights of individuals in custody.

63. The Douglas County Jail staff's failure to provide medical assistance, despite Plaintiff's visible signs of distress and repeated pleas for assistance, constitutes deliberate indifference to his serious medical needs. This violates the Eighth Amendment's prohibition against cruel and unusual punishment, as applied to pretrial detainees through the Fourteenth Amendment. In *Estelle v. Gamble*, the Supreme Court held that ignoring the serious medical needs of prisoners equates to the "unnecessary and wanton infliction of pain." The systemic failure of multiple staff members to respond underscores a pervasive custom of neglect and deliberate indifference.

64. These systemic failures were the direct and proximate cause of the violations of Plaintiff's constitutional rights. The settlement in *Christi Lundquist v. Douglas County Board of Directors* further demonstrates the department's ongoing failure

to adequately address crises involving individuals in physical or psychological distress, reinforcing the existence of harmful customs and policies. This shows a custom of failing to de-escalate, which is required from officers.

Citations:

- **Monell v. Department of Social Services, 436 U.S. 658 (1978)**
- **City of Canton v. Harris, 489 U.S. 378 (1989)**
- **Estelle v. Gamble, 429 U.S. 97 (1976)**
- **Christi Lundquist v. Douglas County Board of Directors (settlement case)**

Count IX: Civil Conspiracy to Violate Constitutional Rights and Obstruct Justice (Against Officers: Denis Novitskiy, Levy Mitchell, Daniel Seaman, Douglas County Sheriff's Office, UC Health Highlands Ranch Hospital, and Dr. Quinones)

65. Plaintiff realleges and incorporates by reference the allegations set forth above.

66. Agreement to Fabricate Evidence and Suppress Truth: Defendants conspired to fabricate evidence, suppress exculpatory information, and obstruct justice to shield law enforcement from liability and deprive Plaintiff of due process. This agreement is evidenced by:

- a. The presence of officers in the hospital during Plaintiff's treatment, which unlawfully influenced medical staff and compromised the standard of care.
- b. Synchronized falsification of police reports and medical records to create a false narrative minimizing Plaintiff's injuries and justifying excessive force.
- c. Systemic suppression of body cam footage, accurate medical assessments (e.g., Hill-Sachs lesion), and other exculpatory evidence, even after FOIA requests.

67. Fabricated Police Reports: Officers Novitskiy, Mitchell and Seaman created false reports, omitting Plaintiff's visible distress, dislocated shoulder, and pleas for medical aid. And adding false information such as there being a loud fight upon arrival. These reports falsely portrayed Plaintiff as combative to justify excessive force and unlawful seizure, violating due process under *Limone v. Condon*, 372

F.3d 39 (1st Cir. 2004) (fabricating evidence to frame an individual violates due process).

68. Coerced Medical Documentation:

- a. Dr. Quinones and UC Health Hospital, under pressure from law enforcement, produced fraudulent medical records stating Plaintiff could “dislocate and relocate his shoulder at will” and “denied trauma to shoulder”—claims directly contradicted by Plaintiff’s hypertensive blood pressure (142/111), pulse (109 bpm), and documented reinjury in custody.
 - b. The hospital’s failure to disclose the Hill-Sachs lesion and alteration of records (e.g., smaller font for critical disclaimers) reflect intentional falsification to align with law enforcement’s narrative, as prohibited by *18 U.S.C. § 1519* (obstruction via falsified records).
69. Suppression of Exculpatory Evidence:
- a. Defendants withheld body cam footage, accurate medical reports, and witness statements that would have corroborated Plaintiff’s injuries and disproved the false narratives. This violates *Brady v. Maryland, 373 U.S. 83 (1963)* (suppression of material evidence deprives due process).
 - b. The Sheriff’s Office’s refusal to comply with FOIA requests demonstrates a deliberate pattern of concealment.

70. Intent to Obstruct Justice:

c. Defendants' coordinated actions were designed to pervert judicial proceedings, as shown by:

- Police influencing medical staff to falsify records (*Zahrey v. Coffey*, 221 F.3d 342 (2d Cir. 2000)).
- Use of fabricated evidence in court to secure wrongful charges (*Napue v. Illinois*, 360 U.S. 264 (1959)).
- Violations of 18 U.S.C. § 1001 (false statements to federal entities) and Colo. Rev. Stat. § 13-20-602 (civil liability for fraud).

71. Proximate Harm:

a. The conspiracy directly caused Plaintiff's unjust detention, emotional trauma, and wrongful conviction. The suppression of evidence and fabrication of records deprived Plaintiff of a fair trial, rendering the legal process "so lacking in justification" as to violate due process (*Zahrey*, 221 F.3d at 349).

72. Municipal Liability Reinforcement:

b. The Douglas County Sheriff's Office and Hospital maintained policies/customs enabling this conspiracy, including:

- Failure to train officers and medical staff on ethical evidence handling (*City of Canton v. Harris*, 489 U.S. 378 (1989)).

- Deliberate indifference to constitutional rights through repeated misconduct (*Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978)).

Citations:

- **18 U.S.C. §§ 1001, 1519**
- **Brady v. Maryland, 373 U.S. 83 (1963)**
- **Limone v. Condon, 372 F.3d 39 (1st Cir. 2004)**
- **Napue v. Illinois, 360 U.S. 264 (1959)**
- **Zahrey v. Coffey, 221 F.3d 342 (2d Cir. 2000)**
- **Colo. Rev. Stat. § 13-20-602**

Count X: False Imprisonment (Against Officer Denis Novitskiy and Douglas County Sheriff's Office)

73. Plaintiff realleges and incorporates by reference the allegations set forth above.

74. Defendants Officer Denis Novitskiy and the Douglas County Sheriff's Office unlawfully restrained Plaintiff's freedom of movement without legal justification by detaining and arresting him after explicitly stating he was not being detained. This action aligns with the

definition of false imprisonment under Colorado law, which is defined as knowingly confining or detaining another without legal authority, as per *Colo. Rev. Stat. § 18-3-303*. Plaintiff was on his own property and was in need of medical help the false imprisonment confused the Plaintiff and he felt as if officers were here to harm him as they had ignored his injury.

75. Plaintiff inquired whether he was being detained and was assured he was not. Despite this assurance, Officer Novitskiy proceeded to physically restrain and arrest Plaintiff without probable cause, a warrant, or exigent circumstances to justify the detention. This lack of legal justification for the detention is consistent with the principles outlined in *Montoya v. City of Colorado Springs*, where the Colorado Court of Appeals held that false imprisonment occurs when an individual is unlawfully confined without legal authority or justification.

76. This unlawful restraint constitutes false imprisonment under Colorado law and a violation of Plaintiff's Fourth Amendment rights, which protect against unreasonable seizures. The restraint was neither privileged nor legally justified, as Plaintiff posed no immediate threat, and Defendants lacked any lawful basis for his detention or arrest. The U.S. Supreme Court in *Baker v. McCollan* recognized that wrongful detention without due process constitutes a significant deprivation of liberty in violation of the Fourteenth Amendment.

77. As a direct and proximate result of Defendants' actions, Plaintiff suffered significant harm, including:

Physical injuries, resulting from the excessive force applied during his wrongful detention.

Emotional distress, including anxiety, humiliation, and psychological trauma stemming from the unlawful arrest.

Violation of constitutional rights, specifically his Fourth Amendment right to be free from unlawful seizures and his Fourteenth Amendment right to due process.

Citations: Montoya v. City of Colorado Springs, 770 P.2d 1358 (Colo. App. 1989).

Baker v. Mcollan

Colo. Rev. Stat. § 18-3-303

Impact

The impact of the defendants' actions on the plaintiff has been catastrophic, causing severe and lasting harm to his physical and mental well-being. The plaintiff's quality of life has been severely diminished, and he has suffered significant losses in various aspects of his life.

Physical Impact:

1. Repeated Shoulder Dislocations and Emergency Care:
2. Following the initial injury, the plaintiff suffered five subsequent shoulder dislocations, each requiring emergency room visits. Treatment included sedation and the administration of anesthesia, leading to substantial medical expenses.

3. Permanent Shoulder Injury and Surgical Intervention:

The cumulative trauma necessitated major open surgery to repair the shoulder. Post-surgical recovery demanded an extensive rehabilitation period lasting one year, involving significant physical therapy and limited mobility.

4. Chronic Pain and Long-Term Discomfort:

The plaintiff experiences ongoing chronic pain and discomfort, significantly impairing their quality of life and daily functioning.

5. Acute Physical Illness Due to Stress:

The psychological and emotional toll of being compelled to return monthly to the jail and courthouse, locations directly associated with the traumatic events, caused the plaintiff to become physically ill.

6. Life-Threatening Renal Kidney Failure:

On the day preceding their sentencing, the plaintiff suffered from renal kidney failure—a life-threatening condition. This medical crisis was exacerbated by severe stress and inadequate nutrition due to the plaintiff's inability to eat during this period.

Psychological Impact

7. Severe Psychological Trauma and Self-Harm:

- The plaintiff experienced a severe mental breakdown while in handcuffs, during which they struck their head repeatedly, resulting in a permanent scar.
- In a subsequent episode due to the stress of events, the plaintiff accidentally severed tendons in their hand during a breakdown, leading to permanent disfigurement and permanent immobility.

8. Post-Traumatic Stress Disorder (PTSD):

- Diagnosed with PTSD, the plaintiff suffers from flashbacks, hypervigilance, and avoidance behaviors directly linked to the traumatic events.

9. Toxic Guilt and Relational Strain:

- The plaintiff harbors feelings of toxic guilt, believing their neighbor, who initiated the dispatch call, feels complicit in the plaintiff's visible suffering.

10. Panic Attacks and Anxiety:

- Frequent panic attacks and acute anxiety episodes, particularly at night, have necessitated the prescription of mental health medications.

11. Mental Health Hospitalization:

- The severity of psychological symptoms has led to hospitalization for mental health treatment.

12. Mistrust and Fear of Authority:

- Ongoing legal struggles and traumatic experiences have fostered profound mistrust and fear of authority figures and the justice system.

13. Social Isolation and Depression, Loss of Consortium:

- The plaintiff has become isolated from friends and family, experiencing a pervasive sense of alienation and depression, with a significant loss of enjoyment in life. His friends have treated him like he was insane and have abandoned him.

Financial Impact

14. Substantial Medical Expenses:

- The plaintiff has incurred substantial costs for surgeries, hospitalizations, and ongoing physical and psychological treatment. And transportation and time spent on treatment.

15. Loss of Income and Earning Capacity:

- The plaintiff's injuries and psychological condition have rendered them unable to work, resulting in a significant loss of income and diminished future earning capacity. Plaintiff has also lost his employment due to his criminal case which did not have all facts of the case, he was pressured into taking a plea deal from an impending felony charge that was later added on by the DA once DCSO knew that Plaintiff intended to raise the question in trial, but had intended to do so in criminal court.

16. Potential Loss of Future Employment Opportunities:

- The plaintiff's physical and psychological impairments may hinder their ability to secure employment in the future.

Social and Personal Impact

17. Daily Life Disruption:

- The plaintiff is unable to perform routine tasks and participate in hobbies, leading to a significant disruption in daily life and diminished quality of life.

18. Strain on Personal Relationships:

- The trauma and legal battles have caused a rift between the plaintiff and their support network, further exacerbating feelings of isolation and hopelessness.

Prayer and Request for Relief

WHEREFORE, the Plaintiff, Jeffrey K. Scheidegger, respectfully requests the following relief from this Honorable Court:

Compensatory Damages

Award compensatory damages in the sum of \$2,136,000 (\$534,000) with a 4x multiplier for pain and suffering) to cover medical expenses, lost wages, future income loss, mental, economic, legal suffering, surgery, and loss of consortium. The plaintiffs suffering has been great and have faced mental breakdowns related to this situation that have caused harm further.

Medical expenses are calculated using the total of all bills provided to the Plaintiff: \$434,000.

Estimated future medical bills: \$5,000.

Lost income (based on tax records): \$14,000.

Estimated future income loss: \$24,500

Expenses such as transportation: \$1500

Loss of consortium and reputation: \$35,000

Punitive Damages

While the Plaintiff Prefers Injunctive Relief, he recognizes the importance of punitive damages as a deterrent for future misconduct. Seeing as this matter happens in Colorado Plaintiff requests that it be considered that Punitive action be taken on the Officer through the program created by the Enhance Law Enforcement Act of Colorado, which allows for training and recertification aligning with Plaintiff's desire for education and injunctive relief. Plaintiff recognizes that people can change and make better decisions in the future and hopes for training, education, injunctive relief and justice.

Injunctive Relief

Plaintiff respectfully requests the Court to issue an injunction mandating:

The implementation of comprehensive training for the law enforcement and medical personnel of Douglas County Sheriff's Office, focusing on medical emergency recognition, de-escalation techniques specifically for people in crisis, and training on the insurance of prompt medical attention.

A review and subsequent revision of policies and practices concerning detainee care, aimed at upholding constitutional rights and preventing future rights violations. This includes recognizing and treating physical injuries with the urgency they require. Establish clear protocols that treat

physical emergencies as critical incidents requiring immediate and appropriate reporting to a medical professional so they can access the situation and aid law enforcement in safely providing treatment.

Declaratory Relief

Issue a declaratory judgment affirming that the actions of the defendant(s) in this case violated Plaintiffs rights as protected under the United States Constitution and laws, specifically, under 42 U.S.C. § 1983.

Costs of Suit

Award the costs associated with bringing this lawsuit, including but not limited to filing fees, court costs, and the expenses incurred in evidence collection and securing expert testimonies.

Other Relief

Grant such other and further relief as the Court may find just and proper to fully redress the injuries suffered by the Plaintiff and to advance the cause of justice. Plaintiff also requests any acknowledgement of wrongdoing be put forward to the court dictating his criminal case so that his ongoing legal case can be pt into correct light considering all evidence that was not seen by the Douglas County Courthouse.

Plaintiff hereby submits this request, aiming for a resolution that not only addresses the personal harm endured but also promotes systematic improvements for the broader community's safety and well-being

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