

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

2021 SEP 23 AM 11:20

JEFFREY P. COLWELL
CLERK

Civil Action No. _____
(To be supplied by the court)

BY _____ DEP. CLK

STEVEN REYCRAFT, Plaintiff

v.

ASHLEY WARDELL, Individual and Official Capacity
JEREMY DEWALL, Individual and Official Capacity
OFFICER PAUL VAN BEMDEN, Individual and Official Capacity
OFFICER LEO STRAND, Individual and Official Capacity
OFFICER D. JOHNSON, Individual and Official Capacity
SGT. COREY SEVENE, Individual and Official Capacity
MANITOU SPRINGS FIRE DEPARTMENT, an Agency
CITY OF MANITOU SPRINGS, Defendant(s).

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

COMPLAINT

NOTICE

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

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

A. PLAINTIFF INFORMATION

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

court may result in dismissal of your case.

STEVEN REYCRAFT, EL PASO COUNTY CRIMINAL JUSTICE CENTER

(Name and complete mailing address) 2739 E. LAS VEGAS ST.

719-437-0541 COLORADO SPRINGS CO 80906

(Telephone number and e-mail address)

1
stevenf reycraft@gmail.com

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:

Ashley Wardell, Paramedic
Manitou Springs Fire Dept., 400 Manitou Ave.,
Manitou Springs, CO 80829
719-685-1444

Defendant 2:

Jeremy Dewall, Medical Doctor
UC Health, 16222 W. Highway 24, Ste. 210,
Woodland Park, CO 80863
729-365-2960

Defendant 3:

Paul Van Bemden, Officer
Manitou Springs Police Department, 606 Manitou Ave.
Manitou Springs, CO 80829
719-685-5407

Defendant 4:

Leo Strand, Officer
Manitou Springs Police Department, 606 Manitou Ave.,
Manitou Springs, CO 80829
719-685-5407

Defendant 5:

D. Johnson, Officer
Manitou Springs Police Department, 606 Manitou Ave.,
Manitou Springs, CO 80829
719-685-5407

Defendant 6:

Corey Sevene, Sergeant
Manitou Springs Police Department, 606 Manitou Ave.,
Manitou Springs, CO 80829
719-685-5407

Defendant 7:

City of Manitou Springs
606 Manitou Avenue
Manitou Springs, CO 80829
719-685-5233

Defendant 8:

Manitou Springs Fire Department
400 Manitou Ave.,
Manitou Springs, CO 80829
719-685-1444

C. JURISDICTION

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

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.

This action arises under the Constitution and laws of the United States and is brought pursuant to Title 42 U.S.C. § 1983. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. This Court has jurisdiction over Plaintiff's claims for attorney fees and costs pursuant 42 U.S.C. § 1988.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b). All events alleged in this Complaint occurred within the State of Colorado.

At all times relevant, Steven Reycraft was a citizen and resident of the State of Colorado.

On information and believe, at all times relevant, Defendant Ashley Wardell ("Defendant Wardell") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Wardell was acting within the scope of his employment and under color of state law in his capacity as an employee of the Manitou Springs Fire Department.

On information and believe, at all times relevant, Defendant Jeremy Dewall ("Defendant Dewall") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Dewall was acting within the scope of his employment and under color of state law in his capacity as an employee of UC Health and the State of Colorado EMPAC.

On information and believe, at all times relevant, Defendant Paul Van Bemden

("Defendant Bemden") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Bemden was acting within the scope of his employment and under color of state law in his capacity as an employee of the Manitou Springs Police Department.

On information and believe, at all times relevant, Defendant Leo Strand ("Defendant Strand") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Strand was acting within the scope of his employment and under color of state law in his capacity as an employee of the Manitou Springs Police Department.

On information and believe, at all times relevant, Defendant D. Johnson ("Defendant Johnson") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Johnson was acting within the scope of his employment and under color of state law in his capacity as an employee of the Manitou Springs Police Department.

On information and believe, at all times relevant, Defendant Paul Corey Sevene ("Defendant Sevene") was a citizen and resident of the State of Colorado. At the time of the events forming the basis of this suit, Defendant Sevene was acting within the scope of his employment and under color of state law in his capacity as an employee of the Manitou Springs Police Department.

The City of Manitou Springs is a municipality. As alleged below, Manitou Springs Police Department has a custom, policy, and pattern of, through its officers, employing excessive force through among other things the unnecessary and excessive use of ketamine and the use of excessive physical force disproportionate to the totality of circumstances.

Manitou Springs Fire Department is a Colorado fire protection district serving Manitou Springs. As alleged below, Manitou Springs Fire Department has a custom, policy, and pattern of, through its officers, employing excessive force through among other things the unnecessary and excessive use of ketamine and the use of excessive physical force disproportionate to the totality of circumstances.

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

Plaintiff is a citizen of the State of _____.

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

If Defendant 1 is a corporation,

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

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

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

D. STATEMENT OF CLAIM(S)

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

GENERAL ALLEGATIONS:

On September 24, 2019 at approximately 1:20 PM at 351 Manitou Avenue, Officer Paul Van Bemden stopped Steven Reycraft when he had violated no traffic law.

Mr. Reycraft asked Officer Bemden to articulate his reasonable suspicion for the stop and to provide identification, but the Officer refused.

Mr. Reycraft explained that he would provide his own identification when the officers could explain what traffic law he had violated. Instead of explaining that, Officers Bemden, Strand, and Johnson roughly took him into custody causing extensive injury to Mr. Reycraft. They threw him to the ground and caused him to hit his head, caused a head laceration, dislocated his shoulder, and hurt his elbow. Mr. Reycraft is disabled, so this treatment was extremely injurious. It was excessive force.

Sgt. Sevene watched his officers behave in this manner and did not properly supervise.

Officers held Mr. Reycraft on the ground until paramedics arrived. Ashley Wardell of the Manitou Springs Fire Department arrived and told police that she was going to sedate Mr.

Reycraft, but said she would not give ketamine because it was not excited delirium.

Nevertheless, within the space of 17 minutes, Ms. Wardell administered two 2.5 MG shots of Midazolam (Versed) and one 300 MG shot of ketamine.

Although Mr. Reycraft was forcibly injected without his consent, police charged him with crimes for things he did after the drugs were administered.

Mr. Reycraft suffered extensive injuries, damages, and losses as a result of this denial of his right to medical consent and denial of his constitutional rights.

CLAIM ONE: _____

Supporting facts:

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983 – Fourth Amendment

Excessive Force

(Against Defendants City of Manitou Springs, Officer Bemden, Officer Strand, Officer Johnson, Sgt. Sevene)

Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

At all times relevant to the allegations in this Complaint, Defendants acted under color of state law and within the scope and official duties of their employment with the Arapahoe County Sheriff's Department.

Defendants are "persons" within the meaning of 42 U.S.C. § 1983.

The Fourth Amendment, as incorporated against the states through the Fourteenth Amendment, gives Plaintiff a clearly established constitutional right against unreasonable seizures through the use of excessive force.

Under the facts and the totality of circumstances as alleged in this Complaint, Defendants violated Plaintiff's clearly established constitutional rights.

Any reasonable law enforcement officer knew of should have known of these clearly established rights at the time of Plaintiff's arrest.

Defendants did not have a valid legal basis to seize Plaintiff in the manner and with the level of force under the circumstances present.

Defendants seized Plaintiff by means that were objectively unreasonable. Defendants used excessive force when they had no reasonable belief that Plaintiff was going to

commit a crime, possessed a weapon, or posed a threat to any officer or any other person.

Defendants' actions, as described herein, were objectively unreasonable in light of the facts and circumstances confronting them.

Any reasonable officer in their positions would have known that it was unreasonable to use the amount, type, and duration of force used – or to fail to intervene to attempt to prevent the use of such force – and that to do so (or to fail to intervene to prevent the use of such force) would violate Plaintiff's clearly established constitutional rights.

Defendants Bemden, Strand and Johnson are liable for their direct participation in the excessive force used against Plaintiff.

Defendants Bemden, Strand and Johnson a duty to protect Plaintiff from harm and unconstitutional treatment at the hands of Manitou Springs Police Department.

Defendants Bemden, Strand and Johnson knew or reasonably should have known that that their acts presented an excessive risk of harm to Plaintiff, and yet they failed to take reasonable steps to protect Plaintiff from their objectively unreasonable uses of force despite being in a position to do so.

Defendants' excessive force caused Plaintiff's injuries and damages.

The acts and omissions in which Defendants Bemden, Strand and Johnson engaged were because of and pursuant to the customs, practices, and/or training of Defendant City of Manitou Springs Police Department.

Defendant City of Manitou Springs Police Department has a custom, policy, and practice of, through its officers, employing excessive force through among other things the unnecessary and excessive use of ketamine and the use of excessive physical force that is objectively unreasonable in the totality of circumstances.

Defendant City of Manitou Springs was on notice of the unlawful custom, policy, and practice before Defendants Bemden, Strand and Johnson use of excess force against Plaintiff.

The need for additional and effective use of force policies, training, and/or supervision was clear and obvious to Defendant City of Manitou Springs. Defendant City of Manitou Springs' failure to create and implement effective use of force policies to train and supervise ACSD Deputies in the use of force exhibited deliberate indifference towards a substantial risk of harm to Plaintiff and others.

Defendant City of Manitou Springs Police Department's unlawful custom, policy, and practice caused Plaintiffs injuries and damages.

SECOND CLAIM FOR RELIEF

42 U.S.C. § 1983 – Fourth Amendment

Excessive Force

(Against Defendants Manitou Springs Fire Department [MSFD] and Paramedic Ashley Wardell)

Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

At all times relevant to the allegations in this Complaint, Defendants MSFD and Wardell acted under color of state law and within the scope and official duties of their employment with the MSFD.

Defendants are “persons” within the meaning of 42 U.S.C. § 1983.

The Fourth Amendment, as incorporated against the states through the Fourteenth Amendment, gives Plaintiff a clearly established constitutional right against unreasonable seizures through the use of excessive force.

Under the facts and the totality of circumstances as alleged in this Complaint, Defendants violated Plaintiff’s clearly established constitutional rights.

Any reasonable law enforcement officer knew or should have known of these clearly established rights at the time of Plaintiff’s arrest.

Defendants did not have a valid legal basis to seize Plaintiff in the manner and with the level of force under the circumstances present.

Defendants seized Plaintiff by means that were objectively unreasonable. Defendants used excessive force when they had no reasonable belief that Plaintiff was going to commit a crime, possessed a weapon, or posed a threat to any officer or any other person.

Defendants’ actions, as described herein, were objectively unreasonable in light of the facts and circumstances confronting them.

Any reasonable officer in their positions would have known that it was unreasonable to use the amount, type, and duration of force used – or to fail to intervene to attempt to prevent the use of such force – and that to do so (or to fail to intervene to prevent the use of such force) would violate Plaintiff’s clearly established constitutional rights.

Defendant Cloud is liable for his direct participation in administering excessive doses of Ketamine against Plaintiff’s will which constituted the use of force that was excessive and objectively unreasonable under the circumstances when Defendant Wardell had no reasonable belief that Plaintiff possessed a weapon or posed a threat to himself or any other person.

Defendants MSFD and Wardell had a duty to protect Plaintiff from harm and unconstitutional treatment at the hands of MSFD.

Defendants MSFD and Wardell knew or reasonably should have known that that Defendant Wardell's administration of excessive and objectively unreasonable doses of ketamine presented an excessive risk of harm to Plaintiff, and yet Defendant Wardell failed to take reasonable steps to protect Plaintiff from their objectively unreasonable uses of force despite being in a position to do so.

Defendants' excessive force caused Plaintiff's injuries and damages.

The acts and omissions in which Defendants MSFD and Wardell engaged were because of and pursuant to the customs, practices, and/or training of Defendant MSFD.

Defendant MSFD has a custom, policy, and practice of, through its officers, employing excessive force through among other things the unnecessary and excessive use of ketamine that is objectively unreasonable in the totality of circumstances.

Defendant MSFD was on notice of the unlawful custom, policy, and practice before Defendants Wardell's use of excess force against Plaintiff.

The need for additional and effective use of force policies, training, and/or supervision was clear and obvious to Defendant MSFD. Defendant MSFD failure to create and implement effective use of force policies to train and supervise paramedics in the use of force exhibited deliberate indifference towards a substantial risk of harm to Plaintiff and others.

Defendant MSFD unlawful custom, policy, and practice and Paramedic Wardell's injection caused Plaintiff's injuries and damages.

THIRD CLAIM FOR RELIEF

42 U.S.C. § 1983 – Fourteenth Amendment

Substantive Due Process – Deprivation of Liberty – Forcible Administration of Medication

(Against Defendants Manitou Springs Fire Department, Ashley Wardell, and Dewall)

Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

Plaintiff has a protected interest in making his own decision whether to accept or reject medical treatment and the injection of possibly dangerous drugs like ketamine under the Fourteenth Amendment.

Defendants Wardell violated Plaintiff's clearly established Fourteenth Amendment right to accept or reject medical treatment by injecting Plaintiff with two doses of Versed and one of Ketamine against his express will and without his consent.

No emergency or exigent circumstances justified Defendant Wardell's forcible administration of

Ketamine and Versed to Plaintiff. In fact, Paramedic Wardell stated that on camera.

There was no medical emergency that required the doses of Ketamine, and Defendant Wardell was aware of the lack of medical emergency when she administered the doses of Ketamine to Plaintiff.

At the time Defendant Wardell administered the excessive and objectively unreasonable doses of Ketamine to Plaintiff, Plaintiff did not pose a threat to Defendant Wardell or any other person.

Defendant Wardell was aware that Plaintiff did not consent to the administration of the Ketamine at the time Defendant Wardell administered the doses of Ketamine to Plaintiff.

Defendant Wardell was aware that no legitimate medical, law enforcement, or safety need to inject Plaintiff with Ketamine, and yet Defendant Wardell injected Plaintiff with two excessive and objectively unreasonable doses of Ketamine against his wishes.

Defendant Wardell acted intentionally, willfully, and wantonly.

Defendant Wardell acted with reckless or callous disregard of, or indifference to, the rights and safety of Plaintiff.

Defendant Wardell's conduct in forcibly injecting excessive and objectively unreasonable doses of Ketamine against Plaintiff's express wishes shocks the conscience.

Defendant Wardell's conduct caused Plaintiff's injuries and damages.

Defendant Wardell's administration of Ketamine to Plaintiff was because of and pursuant to the customs, practices, and/or training of Defendant MSFD.

Defendant MSFD has a custom, policy, and practice of, through its officers, employing excessive force through among other things the unnecessary and excessive use of ketamine that is objectively unreasonable in the totality of circumstances.

Defendant MSFD was on notice of the unlawful custom, policy, and practice before Defendants Wardell's use of excess force against Plaintiff.

The need for additional and effective use of force policies, training, and/or supervision was clear and obvious to Defendant MSFD. Defendant MSFD's failure to create and implement effective use of force policies to train and supervise paramedics in the use of force exhibited deliberate indifference towards a substantial risk of harm to Plaintiff and others.

Defendant MSFD unlawful custom, policy, and practice caused Plaintiff's injuries and damages.

FOURTH CLAIM FOR RELIEF
42 U.S.C. § 1983 – FOURTEENTH AMENDMENT
Failure to Ensure Basic Safety and Provide Adequate Medical Care and Treatment
(Against Defendants City of Manitou Springs, Manitou Springs Fire Department,
Paramedic Ashley Wardell, and Jeremy Dewall)

Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

At all times relevant to the allegations in this Complaint, MSFD Defendants acted (or failed to act) under color of state law and within the course and scope of their employment. This included Paramedic Wardell and Dr. Jeremy Dewall.

At the time of MSFD contact with Plaintiff, Plaintiff was in the custody of City of Manitou Springs officers on behalf of the City of Manitou Springs.

Because Plaintiff was in custody of MSFD, and officers had restrained Plaintiff's freedom to act on his own behalf at the time of MSFD Defendants' contact with him, MSFD Defendants had a constitutional duty to protect Plaintiff, to provide him adequate aid, and to provide for his safety and general well-being, including his basic needs to be kept reasonably safe and receive adequate medical care, and his right to refuse medical care.

Plaintiff had a clearly established due process right under the Fourteenth Amendment to be kept reasonably safe and to receive adequate medical care while in the custody of MSFD.

Under the Fourteenth Amendment, Plaintiff was protected from conduct that was not rationally related to a legitimate nonpunitive governmental purpose or actions that appear excessive in relation to that purpose.

Each MSFD Defendant and Defendant Dr. Dewall knew or should have known of these clearly established rights at the time of their contact with Plaintiff.

Under the application of the specific facts and totality of circumstances as described fully herein, MSFD Defendants, Defendant Dr. Dewall violated Mr. Plaintiff's clearly established constitutional rights.

At most, an objective reasonableness standard applies to Plaintiff's claims against the MSFD Defendants. He had not been arraigned for any criminal offense and was not in MSFD custody because of an adjudication of guilt within a criminal context. However, for the reasons amply

described above and herein, MSFD Defendants also had the subjective mental state of deliberate indifference to Plaintiff serious and obvious medical needs.¹ Plaintiff should have obviously received reasonable and adequate medical care and treatment during his contact with MSFD Defendants.

MSFD Defendants failed to follow protocols in even a cursory way, by for instance, taking Plaintiff's temperature, blood pressure, or pulse prior to administering ketamine – all of which would have indicated he was not in “excited delirium”. As Plaintiff was seated and restrained, this would have been easy to do. They failed to even touch his skin to determine temperature.

Rather than provide adequate medical care, MSFD Defendants compromised Plaintiff's basic safety by injecting Plaintiff with an overdose of a drug that MSFD Defendants knew or should have known put him at substantial risk of suffering serious harm, complication, and intubation – requiring the need for hospital care.

MSFD regularly administers more than 3 milliliters when giving ketamine (or mixes with other sedatives), this is a deliberately indifferent policy, custom, practice, and/or failures to consider safety of patients. Dr. Dewall not be permitting this and should be overseeing this practice.

MSFD Defendants then failed to immediately monitor Plaintiff and provide needed medical assistance after the injection of the ketamine, despite knowing or constructively knowing that their failure to do so exacerbated the risk of his suffering serious harm and despite the obvious lack of need for the injection.

MSFD Defendants' conduct was objectively unreasonable. Dr. Dewall's was also objectively unreasonable in failing to adequately supervise.

MSFD Defendants' special relationship with Plaintiff—in that he was in Defendants' legal custody and detention against his will at the time of their tortious acts, and unable to provide for his own serious medical needs—triggered an affirmative duty on their part to protect Plaintiff from harm; MSFD Defendants' actions or inactions violated their duty in substantially departing from the accepted duty to provide reasonable care under all the circumstances and created the conditions that caused Plaintiff's severe pain and suffering and injuries, damages, and losses.

MSFD Defendants' actions and inactions also constituted deliberate indifference to Plaintiff's obvious and serious medical needs. A reasonable official in the circumstances would have

¹ Alternatively, a professional judgment standard applies because Defendants had taken Plaintiff into their custody by professional judgment, practice, or standards, and from the restraining of him against his will and therefore had a special relationship with Plaintiff. This special relationship included a duty to provide adequate medical care to Plaintiff, and the legal basis upon which their conduct is judged, a professional judgment standard, is a more lenient standard for plaintiffs than deliberate indifference. See *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982); *Yvonne L. v. New Mexico Dep't of Human Services*, 959 F.2d 883, 894 (10th Cir. 1992); *T.M. ex rel. Cox v. Carson*, 93 F. Supp. 2d 1179, 1192 (D. Wyo. 2000).

appreciated the high degree of risk involved in MSFD Defendants' actions and inactions—making the consequences of the MSFD Defendants' conduct obvious.

At all times relevant to the allegations in this Complaint, each MSFD Defendant and Dr. Dewall knew of and disregarded the excessive risks associated with their treatment of Plaintiff.

With deliberate indifference to Plaintiff's constitutional right to be kept reasonably safe and his right to receive adequate medical care for his known serious medical needs, as provided by the Due Process Clause of the Fourteenth Amendment to the United States Constitution, MSFD Defendants, Ashley Wardell, and Dr. Dewall knowingly failed to adequately and timely examine, treat, monitor, supervise, and/or obtain medical care for Plaintiff's obvious medical needs, or to intervene to ameliorate the other Defendants' deliberate indifference to the obvious serious medical needs of Plaintiff (despite having the duty, requisite knowledge, and opportunity to intervene). They did so despite their knowledge of Plaintiff's serious medical needs, thereby placing him at risk of serious physical harm, including death. Therefore, the MSFD Defendants knew or were aware that Plaintiff faced a substantial risk of harm and disregarded this excessive risk by injecting him with an overdose of ketamine and then failing to take measures to reduce the risks caused by such action.

By committing these actions and inactions, MSFD Defendants caused Plaintiff's damages.

Defendants City of Manitou Springs and Dr. Dewall are liable for MSFD's deliberately indifferent policies, practices, customs, widespread usages, and failures to adequately train and supervise their employees and contractors regarding, among other things, when to reasonably administer ketamine to a patient, the dosage to administer, and procedures surrounding the use of ketamine.

Defendants City of Manitou Springs and Dr. Dewall are directly liable for their own deliberately indifferent policies, customs, and practices that were moving forces in Plaintiff's constitutional injury, as well as their deliberately indifferent training and supervision of MSFD paramedics, and their own roles in setting policy or providing training to MSFD paramedics regarding ketamine.

Defendant City of Manitou Springs police department is also liable under the nondelegable duty doctrine for the deliberately indifferent policies, customs, practices, training and supervision of any private company with which it contracted to provide policies and training regarding ketamine.

As described in detail above, Defendants City of Manitou Springs and Dr. Dewall's deliberately indifferent policies, customs, practices, and/or failures to adequately train and/or supervise were moving forces in the violation of Plaintiff's constitutional rights.

Defendants City of Manitou Springs, MSFD, and Dr. Dewall were on notice that its deliberate indifference would result in serious injury and death.

Defendants City of Manitou Springs, MSFD, and Dr. Dewall failures in training and supervision were so obvious that the failure to provide the same was deliberately indifferent to the rights of the relevant public and a moving force in the complained of injuries and damages to Plaintiff.

Defendants City of Manitou Springs, MSFD, and Dr. Dewall ratification of the conduct by MSFD Defendants that was a substantial contributing factor or caused the injuries and damages to Plaintiff evidences that such conduct was engaged in pursuant to policy, custom, and practice of MSFD; had it been outside of policy, disciplinary or remedial action would have been taken.

Therefore, Defendants City Manitou Springs, MSFD, and Dr. Dewall set in motion a series of events that they knew would cause an individual in a similar situation as Plaintiff to be deprived of his constitutional right to adequate medical care. But for the above acts or omissions of City of Manitou Springs, Plaintiff would not have been subjected to a violation of his constitutional rights, and such a deprivation was a natural and foreseeable consequence of Defendants City of Manitou Springs, MSFD, and Dr. Dewall acts and omissions.

Defendant's City of Manitou Springs, MSFD, and Dr. Dewall policies, practices, habits, customs, widespread usages, and/or lack of adequate training and supervision that resulted in the failure to provide proper medical care to Plaintiff were not rationally related to a legitimate nonpunitive governmental purpose, or were excessive in relation to that purpose.

The herein described acts or omissions of each WMFR Defendant, Defendant City of Manitou Springs, MSFD, and Dr. Dewall were a moving force and legal and proximate cause of, and/or substantial contributing factor to, the violation of Plaintiff's constitutional right to receive adequate medical care.

The herein described acts or omissions of these Defendants were a moving force and a legal, direct, and proximate cause of Plaintiff's injuries, damages and losses, including but not limited to Plaintiff's physical and mental pain, pain and suffering, the loss of Plaintiff's constitutional rights, loss of enjoyment of life, and other compensatory and special damages including but not limited to Plaintiff's medical bills, permanent disfigurement, and lost earnings and earnings capacity.

The herein described acts and inactions were taken by Manitou Springs, MSFD, and Dr. Dewall in reckless and callous indifference to Plaintiff's federally protected rights and these Defendants engaged in these actions and omissions maliciously, intentionally, willfully and/or wantonly, demonstrating deliberate indifference to, and a reckless disregard for, Plaintiff's constitutionally protected rights, entitling him to punitive damages.

The intentional actions or inactions of each Defendant as described herein intentionally deprived Plaintiff of due process and of rights, privileges, liberties, and immunities secured by the Constitution of the United States of America and caused other damages.

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."

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants as follows:

- a. Awarding Plaintiff past and future economic damages for lost wages, medical expenses, and other out-of-pocket expenses in amounts to be established at trial;
- b. Awarding Plaintiff compensatory and consequential damages for emotional distress, and other pain and suffering in an amount to be established at trial;
- c. Punitive damages in the maximum amount permitted by law;
- d. Awarding the Plaintiff statutory and reasonable attorney fees, litigation expenses, and costs incurred in this action;
- e. Awarding the Plaintiff prejudgment interest; and
- f. Awarding the Plaintiff any additional and further relief that the court finds equitable, appropriate, or just.

PLAINTIFF REQUESTS A JURY ON ALL ISSUES SO TRIABLE

F. PLAINTIFF'S SIGNATURE

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

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

Stuart R. Reynolds
(Plaintiff's signature)

9/21/21
(Date)

CIVIL COVER SHEET

JS 44 (Rev. 12/11) District of Colorado Form

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
STEVEN REYCRRAFT

(b) County of Residence of First Listed Plaintiff El Paso
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
PRO SE, Steven Reycraft

DEFENDANTS

Ashley Wardell, Jeremy Dewall, Paul Van Bemden, Leo Strand, D. Johnson, Corey Sevene, Manitou Springs Fire Department, City of Manitou Springs/Police Department

County of Residence of First Listed Defendant El Paso
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DWI/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities Employment <input type="checkbox"/> 446 Amer w/Disabilities Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42:1983cv Civil Rights Act - Civil Action for Deprivation of Rights

Brief description of cause: AP Docket

Use of excessive force and involuntary injection of a Schedule III Controlled Substance and other sedative

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint

JURY DEMAND: Yes No

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/21/21

Steven Reycraft

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____