

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

Civil Action No.:

GRANT BLOOMQUIST,

Plaintiff,

v.

JEREMY SHELDON, in his individual and official capacities;
JOHN IRELAND, in his individual and official capacities;
NATHAN JOHNSON, in his individual and official capacities;
FELIX JULIANO, in his individual and official capacities;
JORDAN LEFFLER, in his individual and official capacities;
RAFAEL CHANZA, in his individual and official capacities;
DAVID ROSENHOFF, in his individual and official capacities;
JIM JEFFCOAT, in his individual and official capacities; and,
JOHN GARZA individually and in their official capacities,

Defendants.

PLAINTIFF’S COMPLAINT AND JURY DEMAND

Plaintiff, Grant Bloomquist, by and through counsel, David Lane and Amy Kapoor of KILLMER, LANE & NEWMAN, LLP, respectfully alleges for his Complaint and Jury Demand as follows:

I. INTRODUCTION

1. This action arises out of the Colorado Springs Police Department (CSPD) Officers Jeremy Sheldon, John Ireland, Nathan Johnson, Felix Juliano, Jordan Leffler, Rafael Chanza, David Rosenhoff, Jim Jeffcoat, and John Garza’s false arrest/unlawful seizure of and excessive force against Plaintiff Grant Bloomquist.

2. In addition, Mr. Bloomquist was denied his rights under the Fourth Amendment to the United States Constitution when Sergeant Rafael Chanza ordered CSPD Officers

Sheldon, Ireland and Johnson to illegally arrest Mr. Bloomquist in retaliation for his protected speech, despite the fact that Mr. Bloomquist had committed no crime giving rise to probable cause to believe that he had violated any law. Defendants further violated Mr. Bloomquist's Fourth and Fourteenth Amendment rights when they recklessly, knowingly, intentionally, willfully, and wantonly sought his arrest and instituted legal process against him by acting with knowledge that Mr. Bloomquist had committed no violation of law.

3. On July 4, 2013, Mr. Bloomquist exited Cowboys Nightclub and witnessed two CSPD officers, Defendant Nathan Johnson and Defendant Jordan Leffler, brutally beating a twenty-one year old African-American male, Brian Greenley. Rather than ignore the blatant police violence occurring in front of him, Mr. Bloomquist chose to verbally protest on behalf of Mr. Greenley; he approached the scene and asked the two officers to get off the young man.

4. In response to Mr. Bloomquist's protest, Defendants Sheldon, Ireland, and Johnson violated Mr. Bloomquist's clearly established rights under the Fourth and Fourteenth Amendments to the United States Constitution by arresting Mr. Bloomquist without a warrant, probable cause, or any other legally valid basis, and subjecting Mr. Bloomquist to excessive force during and after his meritless arrest.

5. During Mr. Bloomquist's illegal arrest and unnecessarily brutal treatment, Defendants Juliano, Leffler, Chanza, Rosenhoff, Jeffcoat and Garza, acting under color of state law, all failed to restrain their fellow officers.

II. JURISDICTION AND VENUE

6. This action arises under the Constitution and laws of the United States and the State of Colorado, and is brought pursuant to Title 42 U.S.C. § 1983.

7. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331.

8. Jurisdiction supporting Plaintiff's claim for attorneys' fees and costs is conferred by 42 U.S.C. § 1988.

9. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado, and all of the parties were residents of the State at the time of the events giving rise to this litigation.

III. PARTIES

Plaintiff

10. Plaintiff, Grant Bloomquist, is a citizen of the United States and was at all times relevant hereto a resident of and domiciled in the State of Colorado.

Defendants

11. At all times relevant to this Complaint, Defendant CSPD Officer Jeremy Sheldon, Officer Ireland, Officer Nathan Johnson, Officer Felix Juliano, Officer Jordan Leffler, Sergeant Rafael Chanza, Officer David Rosenhoff, Officer Jim Jeffcoat and Officer John Garza were citizens of the United States, residents of and domiciled in the State of Colorado and were acting under color of state law.

IV. FACTUAL ALLEGATIONS

12. At approximately 12:50 am on Thursday, July 4, 2013, Grant Bloomquist exited Cowboy's Nightclub located at 25 North Tejon Street in Colorado Springs, Colorado.

13. Mr. Bloomquist was accompanied by five of his friends: Mallory Gerken, Chris Puerta, Danielle Diers, Brittany Brungart, and Trevor Cornelius.

14. Upon exiting the nightclub, Mr. Bloomquist observed Defendant Johnson and Defendant Leffler brutally punching and kicking Brian Greenley, a 21 year old African American male.

15. Although Mr. Bloomquist approached the altercation, at no time did he make physical contact with any CSPD officer.

16. Maintaining a distance of several feet, Mr. Bloomquist asked CSPD Police Officers Leffler and Johnson to get off of Mr. Greenley.

17. Within a matter of moments and without and provocation, Defendant Sheldon “ran up and performed a fist strike to Mr. Bloomquist’s face, striking him in the nose area.”

18. Defendant Sheldon then “immediately grabbed Mr. Bloomquist by the back of his shirt with [his] left hand and the top his head with [his] right hand and then quickly escorted [Bloomquist] to the ground.”

19. Due to Defendant Sheldon’s excessively forceful actions, Mr. Bloomquist fell backwards, hit his head on the asphalt, and was knocked unconscious.

20. While Mr. Bloomquist was unconscious and convulsing on the ground, Defendant Sheldon flipped him over onto his stomach– placing one of his knees onto Mr. Bloomquist’s head.

21. Despite the fact that Mr. Bloomquist was completely subdued, unconscious face-forward on the ground, Defendant Ireland and Johnson rushed over and “quickly jumped on top” of him in order to handcuff Mr. Bloomquist.

22. Upon information and belief, CSPD used three officers– Defendants Sheldon, Ireland, and Johnson– to falsely and illegally arrest a semi-conscious man.

23. Defendants Sheldon, Ireland and Johnson had no valid basis to arrest or use any degree of force on Mr. Bloomquist, including but not limited to an arrest warrant, probable cause, or even reasonable suspicion.

24. Once handcuffed, Mr. Bloomquist was harshly jerked to his feet by Defendants Ireland, Sheldon, and Johnson.

25. During the altercation, Mr. Bloomquist was able to observe several other CSPD officers brandishing guns and tasers while screaming at the gathered crowd of forty or fifty people to put away their phones and disperse from the scene.

26. Defendants Ireland and Sheldon then harshly escorted Mr. Bloomquist to a police vehicle where they proceeded to “deliver[] several knee strikes” to Mr. Bloomquist’s groin area— ostensibly to silence his cries of “Police Brutality” and force him to enter the police vehicle.¹

27. Throughout the course of Mr. Bloomquist’s illegal arrest and excessively brutal treatment, Defendants Juliano, Leffler, Rosenhoff, Jeffcoat and Ganza failed to restrain their fellow officers.

28. Mr. Bloomquist was left to sit bleeding and crying in the back of the police car until CSPD unreasonably decided that his injuries appeared to be superficial and refused to transport Mr. Bloomquist to the hospital.

29. Upon information and belief, Mr. Bloomquist suffered a concussion as a result of the brutality he experienced at the hands of CSPD.

30. Defendant Juliano took multiple digital photographs of Mr. Bloomquist’s face, noting that both his nose and mouth had sustained injuries that caused profuse bleeding.

¹ See Defendant Sheldon’s Officer Statement, pg. 5.

31. Defendant Sergeant Chanza wrongfully instructed that Mr. Bloomquist be taken to the Police Operation Center for booking.

32. Defendants Ireland and Juliano drove Mr. Bloomquist to the police station where he was served with a summons and released into the custody of his friends.

33. CSPD charged Mr. Bloomquist with Obstructing a Police Officer after falsely claiming that Mr. Bloomquist had “straddl[ed]” Officer Johnson’s back and attempted to remove Officer Johnson from Mr. Greenley.

34. At approximately 1:50 a.m. Defendants Leffler, Johnson, and Chanza held a “debriefing” in order to corroborate their version of events before filling out their official statements about the events of the evening.

35. At approximately 3:30 a.m. on July, 4, 2013 Mr. Bloomquist called 911 in order to report being illegally assaulted by CSPD police.

36. In response to Mr. Bloomquist’s 911 call, a sergeant from the Colorado Springs Police Department, Gold Hill Division came to Mr. Bloomquist’s home to take his complaint.

37. The responding sergeant told Mr. Bloomquist that he had seen video footage of the altercation and that he was deeply concerned about the events of the prior evening. He then apologized to Mr. Bloomquist on behalf of the department.

38. At Mr. Bloomquist’s plea hearing, the District Attorney denied Mr. Bloomquist’s request for a dismissal due to false, harmful and contradictory police statements. The DA offered Mr. Bloomquist sixty days in jail as a first offender with a single misdemeanor charge.

39. Fortunately, the previously mentioned video of the incident was exposed. It clearly shows that Mr. Bloomquist never physically contacted any officer before being attacked by Officer Sheldon.

40. Nevertheless, the District Attorney steadfastly refused to drop CSPD's charges against Mr. Bloomquist.

41. Despite the DA obstinately refusing to drop the false, trumped-up charges, Mr. Bloomquist was found not-guilty at trial.

42. As a result of Defendants Colorado Springs Police Department's and its officers' blatantly illegal actions, Mr. Bloomquist has suffered damages.

STATEMENT OF CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF 42 U.S.C. § 1983 – Fourth Amendment Violation – Unlawful Seizure / False Arrest (Against All Defendants)

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

44. Defendants Sheldon, Ireland, Johnson, Juliano, Leffler, Chanza, Rosenhoff, Jeffcoat and Garza were all acting under color of state law in their actions and inactions that occurred at all times relevant to this action.

45. At no relevant time did any of the Defendants have probable cause or reasonable suspicion, or any other legally valid basis, to believe that Mr. Bloomquist had committed or was committing any violation of the law prior to seizing and continuing to illegally restrain his person.

46. At no relevant time did any of the Defendants have a reasonable basis for believing that Mr. Bloomquist was a danger to himself or others.

47. At no relevant time did any of the Defendants have a warrant authorizing any seizure of Mr. Bloomquist's person.

48. During the seizure at issue, Defendants Sheldon, Ireland, and Johnson forcibly and intentionally restrained Mr. Bloomquist against his will, despite lacking any legally valid basis for his actions.

49. Defendants' actions were objectively unreasonable in light of the circumstances confronting them, and violated clearly established law of which reasonable officials in their positions would have known.

50. Defendants engaged in their respective actions and inactions intentionally, willfully and wantonly.

51. Mr. Bloomquist has been and continues to be damaged by the Defendants' unreasonable seizure of him, including but not limited to severe mental and emotional distress.

52. The acts and omissions of each Defendant described herein were the legal and proximate cause of Mr. Bloomquist's damages.

SECOND CLAIM FOR RELIEF
U.S.C. § 1983 – Fourth Amendment Violation –
Excessive Force
(Against All Sheldon, Ireland, and Johnson)

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

54. Defendants were acting under color of state law in their actions and inactions that occurred at all times relevant to this action.

55. At the time when Mr. Bloomquist was unlawfully apprehended and excessively tightly handcuffed by Defendants Sheldon, Ireland, and Johnson, Mr. Bloomquist had a

clearly established constitutional right to be secure in his person from unreasonable seizure through excessive force.

56. Any reasonable law enforcement officer knew or should have known of this clearly established right.

57. Defendants Sheldon, Ireland, and Johnson engaged in use of force that was objectively unreasonable in light of the facts and circumstances confronting him, violating Mr. Bloomquist's Fourth Amendment rights.

58. Defendants Sheldon, Ireland, and Johnson's actions, as described above, were motivated by intent to harm Plaintiff.

59. Defendants Sheldon, Ireland, and Johnson's respective actions and inactions, as described herein, were undertaken intentionally, maliciously, willfully, wantonly, and/or in reckless disregard of Plaintiff's federally protected rights.

60. The acts and omissions of each Defendant described herein, were the legal and proximate cause of Mr. Bloomquist's damages.

THIRD CLAIM FOR RELIEF
U.S.C. § 1983 – Fourth Amendment Violation –
Failure to Intervene to Prevent Violation of Civil Rights
(Against Defendants Juliano, Leffler, Rosenhoff, Jeffcoat and Ganza)

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

62. Defendants were acting under color of state law in their actions and inactions that occurred at all times relevant to this action.

63. At all times relevant herein and during all acts, conducts, failures and omissions relevant to Plaintiff's mistreatment, Defendants Juliano, Leffler, Rosenhoff, Jeffcoat and

Ganza were present at said times and places as alleged and were charged with the Constitutional duties of the protection of Plaintiff and his rights, and each were charged with the duty to not knowingly, nor with wanton disregard, allow, permit, or fail to intervene in the wrongful and illegal acts of the other Defendant CSPD officers at the scene and thereafter when they know or should have known of criminal efforts by said Defendant CSPD officers to cover up the use of excessive force by Defendants Sheldon, Ireland, and Johnson.

64. On said dates, times, and locations as alleged above, each said Defendant herein was in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted use of force toward Plaintiff.

65. On said dates, times, and locations as alleged above, in deliberate indifference to the life, rights, safety and welfare of Plaintiff, each Defendant intentionally and with deliberate indifference to the civil rights of Plaintiff, refrained from intervening in the acts leading to the use of excessive force, and thereafter refrained from intervening so that Plaintiff would not be so subjected.

66. As a result thereof, Plaintiff, as alleged, was unjustifiably, purposely, recklessly and wantonly, and with deliberate indifference, exposed to the injuries, damages, and harm by said Defendants as alleged in the Second Cause of Action in violation of Mr. Bloomquist's Fourth Amendment rights.

67. The acts and omissions of each Defendant described herein were the legal and proximate cause of Mr. Bloomquist's damages.

FOURTH CLAIM FOR RELIEF
U.S.C. § 1983 – Retaliation for Free Speech
(1st Amendment Violation)

(Against All Defendants)

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

69. Mr. Bloomquist was speaking on a matter of public concern and the Defendants stopped his speech based upon the content of his message, in violation of the First Amendment of the United States Constitution.

70. Because the Defendants disapproved of his message, they unlawfully arrested him in violation of the First Amendment to the United States Constitution, and in retaliation for the content of the message he was attempting to deliver regarding the Defendants' use of excessive force against Mr. Greeley.

71. All defendants were acting under color of State law when they unlawfully retaliated against Mr. Bloomquist for the message he was attempting to deliver to Defendants.

FIFTH CLAIM FOR RELIEF
U.S.C. § 1983 – Malicious Prosecution
(4th Amendment and 14th Amendment Procedural Due Process Violations)
(Against All Defendants)

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

73. Defendants, acting without probable cause, procured groundless charges against Plaintiff through fabrication of inculpatory evidence and false, distorted, perjured testimony presented to prosecutors in order to maliciously bring about Plaintiff's criminal prosecution.

74. Defendant Officers, acting knowingly, maliciously, willfully and wantonly, and

evinced a complete and utter disregard for the truth, participated in the institution of legal proceedings against Plaintiff, including promoting the continued criminal prosecution of Plaintiff with knowledge that there were no reasonable grounds to believe that Plaintiff had committed any crime whatsoever and without sharing that knowledge with the prosecutor.

75. Defendant Officers acted knowingly, maliciously, willfully and wantonly by accusing Plaintiff of unlawful behavior prior to, and during their unlawful arrest, by means of excessive force in an effort to cover their own unlawful behavior during the course of Mr. Bloomquist's arrest.

76. Without any legal basis to do so, Defendant Officers participated in the malicious prosecution of Plaintiff with respect to their alleged behavior during the unlawful arrests by giving the prosecutor false information regarding the behavior of Plaintiff during his arrest by excessive means.

77. Defendant Officers were motivated by an improper purpose to punish Plaintiff in an effort to divert attention from their own misconduct and to insulate themselves from civil liability.

78. Defendant Officers' conduct violated clearly established rights belonging to Plaintiff of which a reasonable person in their positions knew or should have known.

79. As a direct result of Defendant Officers' unlawful action as described above, Plaintiff suffered actual physical, emotional, and economic injuries in an amount to be proven at trial.

SIXTH CLAIM FOR RELIEF
42 U.S.C. § 1983 — Vindictive Prosecution
(4th Amendment and 14th Amendment Procedural Due Process Violations)
(Against All Defendants)

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

81. The decision to participate in the criminal prosecution of Plaintiff had the purpose and effect of harassing him for the personal motive of obtaining convictions against him in the hope of insulating themselves from scrutiny and potential civil liability for having violated Plaintiff's constitutional rights as described herein.

82. Defendant Officers made or caused to be made the decision to target Plaintiff for criminal charges and/or prosecution.

83. The vindictive prosecution of Plaintiff was without legal justification.

84. Defendant Officers engaged in the conduct described by this Complaint willfully and maliciously and in reckless disregard of Plaintiff's constitutional rights.

85. As a direct result of Defendant Officers' unlawful conduct as described above, Plaintiff suffered actual physical, emotional, and economic injuries in an amount to be proven at trial.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants, and award him all relief as allowed by law and equity, including, but not limited to the following:

- a. Declaratory relief and injunctive relief, as appropriate;
- b. Actual economic damages as established at trial;
- c. Compensatory damages, including, but not limited to those for past and future pecuniary and non-pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, medical bills, and other non-pecuniary losses;

- d. Punitive damages for all claims as allowed by law in an amount to be determined at trial;
- e. Issuance of an Order mandating appropriate equitable relief, including but not limited to:
 - i. Issuance of a formal written apology from each Defendant to Plaintiff;
 - ii. The imposition of policy changes designed to avoid future similar misconduct by Defendants Sheldon, Ireland, Johnson, Juliano, Leffler, Chanza, Rosenhoff, Jeffcoat, and Garza and other CSPD officers;
 - iii. An explicit prohibition against any retaliation against Plaintiff; and
 - iv. Imposition of disciplinary action against appropriate employees of the institutional Defendant;
- f. Pre-judgment and post-judgment interest at the highest lawful rate;
- g. Attorneys' fees and costs; and
- h. Such further relief as justice requires.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

DATED this 1 day of July, 2015.

KILLMER, LANE & NEWMAN, LLP

s/ David Lane

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