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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 CELIA A. ALVAREZ,

No.:

12 Plaintiff,

13 v.

**COMPLAINT**

14 MARICOPA COUNTY, a political  
15 subdivision of the State of Arizona;  
16 MARICOPA COUNTY SHERIFF’S  
17 OFFICE; JOSEPH M. ARPAIO in his  
18 capacity as Sheriff of Maricopa County;  
19 JOSEPH M. ARPAIO and AVA ARPAIO,  
20 husband and wife; JOHN DOE  
21 DEPUTIES I-X; JANE DOE DEPUTIES  
22 I-X; JOHN DOE SUPERVISORS I-X;  
23 JANE DOE SUPERVISORS I-X; JOHN  
24 DOE PHYSICIANS I-X; JANE DOE  
25 PHYSICIANS I-X; BLACK  
26 CORPORATIONS I-X; WHITE  
27 PARTNERSHIPS I-X,

28 Defendants.

Plaintiff Celia A. Alvarez (“Ms. Alvarez” or “Plaintiff”) alleges for her Complaint against Defendants as follows:

...

...

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**PARTIES, JURISDICTION AND VENUE**

1  
2 1. Plaintiff brings this action pursuant to 42 U.S.C. § 1983; the Fourth, Eighth,  
3 and Fourteenth Amendments of the United States Constitution; and pendent state common  
4 law and statutory laws.  
5

6 2. Plaintiff has satisfied the provisions of A.R.S. § 12-821.01.

7 3. This Court has jurisdiction of Plaintiff’s federal law claims pursuant to 28  
8 U.S.C. § 1331 and 42 U.S.C. § 1988. Additionally, this Court has jurisdiction over  
9 Plaintiff’s state and federal claims pursuant to Article 6, Section 14 of the Arizona  
10 Constitution.  
11

12 4. Venue is proper in this Court pursuant to A.R.S. § 12-401. Plaintiff reserves  
13 the right, however, to change venue pursuant to A.R.S. § 12-406 and/or other applicable  
14 laws.  
15

16 5. Plaintiff is and was at all relevant times a resident of Maricopa County,  
17 Arizona.  
18

19 6. Defendants Maricopa County and Maricopa County Sheriff’s Office  
20 (“MCSO”) are political subdivisions and/or administrative agencies of the State of Arizona  
21 and/or corporate entities formed and designated as such pursuant to A.R.S. § 11-101 *et seq.*  
22 and, as such, are subject to civil suits and may be held independently liable for the  
23 wrongful conduct of their officers, employees, agents, districts and divisions/sub-divisions,  
24 including, without limitation, Defendant Maricopa County Sheriff, Joseph M. Arpaio,  
25 (“Arpaio”), and the deputies and employees of Maricopa County and/or MCSO.  
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1           7.       At all relevant times hereto, Arpaio was the duly elected Maricopa County  
2 Sherriff and head of MCSO, with ultimate authority and supervisory responsibility for  
3 MCSO operations, including, without limitation, the use of force on individuals under the  
4 care, custody and control of MCSO, and the provision of adequate medical assistance and  
5 care to individuals in the custody, care, and control of MCSO. In such capacity, Arpaio  
6 was an officer, agent and/or employee of Maricopa County, with the authority and  
7 responsibility to establish and enforce policies, practices, customs, procedures, protocols  
8 and or training for MCSO’s deputies, employees and agents. Arpaio’s acts and/or  
9 omissions constitute actions of Maricopa County and/or MCSO. Maricopa County and/or  
10 MCSO are vicariously and directly liable for Arpaio’s wrongful conduct, as alleged herein.  
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12

13           8.       Arpaio is named in both his official capacity on behalf of Maricopa County  
14 and/or MCSO, and in his individual capacity, having acted for and on behalf of Maricopa  
15 County, MCSO and the marital community consisting of Arpaio and his wife, Defendant  
16 Ava Arpaio.  
17

18           9.       At all times material hereto, Defendants John Doe Deputies I-X; Jane Doe  
19 Deputies I-X; John Doe Supervisors I-X; Jane Doe Supervisors I-X (collectively referred  
20 to herein as “Deputies”), were officers, agents and/or employees of Maricopa County,  
21 MCSO, and/or Arpaio, and were acting within the course and scope of their employment  
22 by Maricopa County and/or MCSO and under color of law. These Deputies engaged in  
23 wrongful conduct that allowed, caused and/or contributed to Plaintiff’s damages. Their  
24 actions constitute actions of Maricopa County, MCSO and/or Arpaio. Maricopa County,  
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1 MCSO and/or Arpaio are vicariously and directly liable for their wrongful conduct, as  
2 alleged herein.

3           10. John Doe Physicians I-X; Jane Doe Physicians I-X; Black Corporations I-X,  
4 and White Partnerships I-X (collectively referred to herein as “Physicians”), were medical  
5 providers and/or physicians acting as officers, agents and/or employees of Maricopa  
6 County, MCSO, Arpaio, and/or their respective private employers, Black Corporations I-X  
7 and/or White Partnerships I-X, and were acting within the course and scope of their  
8 employment by Maricopa County, MCSO and/or Arpaio and under color of law. These  
9 Physicians engaged in wrongful conduct that allowed, caused and/or contributed to  
10 Plaintiff’s damages. These actions constitute actions of Maricopa County, MCSO and/or  
11 Arpaio. Maricopa County, MCSO and/or Arpaio are vicariously liable for their wrongful  
12 conduct, as alleged herein.  
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16           11. Maricopa County, MCSO and all of their subdivisions and their agents and  
17 employees specifically named herein or named as John or Jane Does or Black  
18 Corporations or White Partnerships are collectively referred to herein as “Maricopa  
19 County” or “Defendants.”  
20

21           12. The true names, capacities, and relationships, whether individual, corporate,  
22 partnership or otherwise of all John and Jane Doe Defendants, Black Corporations and/or  
23 White Partnerships, are unknown at the time of the filing of this Complaint, and are being  
24 designated pursuant to Rule 10(f), Arizona Rules of Civil Procedure, and applicable  
25 federal and state law. Plaintiff further alleges that all of the fictitiously named Defendants  
26 were jointly responsible for the actions, events, and circumstances underlying this lawsuit,  
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1 and they proximately caused the damages stated in this Complaint. Plaintiff will amend  
2 this Complaint to name the unidentified individuals once they have learned, through  
3 discovery, the identities and acts, omissions, roles and/or responsibilities of such  
4 Defendants sufficient for Plaintiff to discover the claims against them.  
5

6 **GENERAL ALLEGATIONS**

7 13. Plaintiff reasserts and incorporates all of the allegations contained in  
8 paragraphs 1 through 12 above as if fully set forth herein.  
9

10 14. On or about February 11, 2009, Plaintiff Ms. Alvarez was working for  
11 Handyman Maintenance Inc. (“HMI”) pursuant to a contract between HMI and the  
12 Maricopa County Board of Supervisors, when armed MCSO deputies wearing black ski  
13 masks carried out a “crime sweep” ambush upon Ms. Alvarez and other HMI employees.  
14

15 15. Fearing for her safety, Ms. Alvarez attempted to hide; however, Ms. Alvarez  
16 was quickly discovered by two Deputies who seized Ms. Alvarez from the floor, lifted her  
17 off her feet, and slammed her face into a wall, causing severe injuries to Ms. Alvarez’s  
18 head, face, jaw, and teeth.  
19

20 16. Ms. Alvarez is approximately 5 feet tall. She was not carrying a weapon and  
21 posed no physical threat whatsoever to the much larger and stronger Deputies who  
22 outnumbered her.  
23

24 17. There was no probable cause to stop, seize, search or brutally assault Ms.  
25 Alvarez.  
26  
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1           18. After interrogating Ms. Alvarez and placing her in a line with many other  
2 HMI employees, one of the Deputies, completely unprovoked, violently struck Ms.  
3 Alvarez on the arm.

4  
5           19. As Ms. Alvarez was being transported to a Maricopa County detention  
6 center, the physical pain from the injuries to her face became unbearable.

7           20. After arriving at the detention center, Defendants conducted an unnecessarily  
8 invasive and embarrassing strip search of Ms. Alvarez in the presence of several Deputies.

9  
10           21. As her mistreatment continued, Ms. Alvarez requested medical attention  
11 from one of the Defendant Deputies. The Deputy denied Ms. Alvarez's request and  
12 informed Ms. Alvarez that her first opportunity for medical care would not occur for at  
13 least two weeks.

14  
15           22. Ms. Alvarez again advised the Deputy that she was in need of immediate  
16 medical attention and, once again, the Deputy refused to assist her.

17           23. Defendants ultimately detained Ms. Alvarez for more than two months  
18 without providing any necessary medical care to treat Ms. Alvarez's injuries. In fact, Ms.  
19 Alvarez was not seen by any Physicians for the first two weeks of her detention and, after  
20 this first visit, Ms. Alvarez was not seen again for nearly two months. Moreover, both of  
21 the Physicians who saw Ms. Alvarez failed to provide necessary care for injuries that were  
22 obvious, or should have been obvious, to both Physicians.

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24  
25           24. As a result of Defendants' indifference to Ms. Alvarez's medical condition,  
26 and the delay in treatment, Ms. Alvarez's injuries were exacerbated and made permanent.

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1 Since being released, Ms. Alvarez’s doctors have been unable to repair her condition even  
2 through surgery.

3 25. Ms. Alvarez’s embarrassment and injuries were the result of racial profiling,  
4 callous indifference, recklessness, and negligence arising out of a pattern of dangerous  
5 customs, policies, practices, instructions, and widespread unaccountability instituted and  
6 upheld by Arpiao, MCSO and Maricopa County.  
7

8 **COUNT ONE**  
9 **(Negligence—All Defendants)**

10 26. Plaintiff reasserts and incorporates all of the allegations contained in  
11 paragraphs 1 through 25 above as if fully set forth herein.  
12

13 27. Defendants have a statutory and common law duty to assure the safety and  
14 well being of persons in their care and custody—a duty that includes, without limitation,  
15 using only necessary and reasonable force and providing proper, appropriate and timely  
16 medical care.  
17

18 28. Defendants breached their duties to Ms. Alvarez, as alleged herein, by,  
19 among other things and without limitation:

- 20 a. Conducting an illegal search, seizure, and brutal assault against Ms.  
21 Alvarez without probable cause.  
22  
23 b. Subjecting Plaintiff to excessive force by slamming her face into a wall;  
24  
25 c. Subjecting Plaintiff to excessive force by striking her in the arm with the  
26 metal portion of clipboard; and  
27  
28 d. Failing to provide proper medical care or attention to Plaintiff, despite her  
repeated requests.

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29. Maricopa County and Arpaio are legally responsible for the screening, hiring, training, retaining and supervision of all employees and agents who have responsibility for the processing, handling, and management of detainees in the care, custody, and control of MCSO. This responsibility includes, without limitation, making certain that such employees and agents satisfy all federal, state and applicable standards of care. It also includes, without limitation, ensuring that MCSO’s policies, procedures, practices, protocols, customs, and training satisfy all federal, state and applicable standards of care. It also includes, without limitation, responding to known problems and/or improper customs, policies, practices, procedures, training and/or conditions. Maricopa County and Arpaio were negligent in performing these duties and responsibilities and have repeatedly failed to respond to other known violations affecting other individuals.

30. The responsibility for overseeing the operations of MCSO lies with Arpaio. Arpaio is MCSO’s policy maker with respect to MCSO’s officers, employees and agents. In that official capacity, Arpaio breached his duties to Plaintiff, as alleged herein, by, among other things and without limitation:

- a. Instituting, implementing, utilizing, upholding and/or permitting to exist unreasonably dangerous policies, practices, procedures, protocols, customs and training, or lack thereof, with respect to, among other things and without limitation, the use of force, the proper monitoring, observation and assessment of the medical conditions and needs of individuals in the care, custody and control of MCSO; and



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38. A reasonable person under the same circumstances would have determined that Plaintiff was inappropriately subjected to the force that was used upon her; that the force used on Plaintiff was unreasonable and unjustified by the circumstances; and that Plaintiff was in need of medical treatment.

39. At all relevant times, Arpaio and the other Defendants named herein were acting under the color of law and within the course and scope of their employment.

40. Defendants, directly and through their employees and agents, were reckless and/or grossly negligent in the handling, treatment and care of Ms. Alvarez.

41. Defendants were reckless and/or grossly negligent in their failure to provide proper and immediate medical care to Ms. Alvarez and in their use of excessive force on Plaintiff.

42. Defendants breached their duties owed to Ms. Alvarez.

43. The actions and/or omissions of Defendants created an unreasonable and reckless risk of bodily harm to Plaintiff.

44. The actions and/or omissions of Defendants created the high probability that substantial harm would result, which it did.

45. Defendants’ breaches of their duties constitute gross negligence, which was the proximate cause of Plaintiff’s damages.

**COUNT THREE**  
**(Violation of 42 U.S.C. § 1983: Unconstitutional Policies,  
Customs and Failure to Train—All Defendants)**

46. Plaintiff reasserts and incorporates all of the allegations contained in paragraphs 1 through 45 above as if fully set forth herein.

1           47. Arpaio is a policy maker of Maricopa County and MCSO. In his official  
2 capacity, Arpaio has the authority and responsibility to establish policy for MCSO's  
3 deputies, to oversee operations of MCSO and the services provided by them, to evaluate,  
4 certify and maintain MCSO's compliance with applicable standards, and is ultimately  
5 responsible for everything that happens in MCSO. Arpaio has parallel duties in his  
6 individual capacity. His actions are the actions of Maricopa County.  
7

8           48. At all times material hereto, Arpaio and the Deputies, Physicians, and other  
9 Defendants were acting under the color of law and within the course and scope of their  
10 employment.  
11

12           49. Arpaio is named in his official capacity, as well as his individual capacity  
13 acting for and on behalf of the marital community consisting of Arpaio and Ava Arpaio,  
14 pursuant to 42 U.S.C § 1983 for his conduct as alleged herein.  
15

16           50. Maricopa County and Arpaio have oversight and supervisory responsibility  
17 over MCSO's deputies, employees and agents with respect to MSCO matters. They are  
18 entities and/or political subdivisions directly liable under 42 U.S.C. § 1985.  
19

20           51. Upon information and belief, Maricopa County and Arpaio have long been  
21 on notice and had knowledge of the dangerous and unconstitutional actions, customs,  
22 conditions, and culture that led to Plaintiff's injuries.  
23

24           52. Upon information and belief, Maricopa County and Arpaio were deliberately  
25 and callously indifferent in training and/or failing to adequately train MCSO deputies,  
26 employees and agents in, among other things, the appropriate, lawful and constitutional  
27 policies, procedures, practices, protocols and customs for the provisions of medical care,  
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use of force and the assessment, processing, evaluation, handling and management of individuals in their care, custody and control.

53. Upon information and belief, Maricopa County and Arpaio were deliberately and callously indifferent to the care and safety of individuals, through fostering, encouraging and knowingly instituting and/or upholding formal and informal MCSO policies or customs condoning racial profiling, unlawful searches and seizures, excessive use of force, and indifference to the medical care of its detainees, such as what happened to Ms. Alvarez.

54. Upon information and belief, Maricopa County and Arpaio knew or should have known that unconstitutional policies, procedures, practices, protocols, customs and training, or lack thereof, existed within MCSO, and they either encouraged these violations, knowingly failed to address them, or ratified them by inaction and/or failed to establish and implement appropriate policies, procedures, practices, protocols, customs, and training for providing medical care, use of force, racial profiling, and the assessment, processing, evaluation, handling, and management of individuals in their care, custody and control in a manner that conformed to federal, state and applicable standards.

55. Upon information and belief, despite their knowledge and notice, Maricopa County and Arpaio permitted and/or ratified the implementation of inappropriate, unconstitutional, de facto policies which authorized, approved, condoned and failed to provide appropriate medical evaluation and care to individuals, failed to provide appropriate standards for the use of force, failed to provide appropriate medical assessment

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1 requirements, and failed to adequately train and supervise MCSO personnel in these and  
2 other areas, without limitation.

3  
4 56. Maricopa County’s and Arpaio’s deliberate, reckless and callous indifference  
5 in failing to train in these areas, among others without limitation, and the instituting,  
6 upholding, condoning and/or ratifying of such policies, practices, procedures, protocols  
7 and customs as described herein caused, substantially contributed to and/or was the  
8 moving force behind the racial profiling, unlawful search and seizure, excessive use of  
9 force, and failure or refusal to provide Plaintiff with necessary medical care.

10  
11 57. The wrongful conduct of Defendants as described herein constitutes  
12 violations of 42 U.S.C. § 1983, in that with deliberate and callous indifference and/or  
13 excessive force, they deprived Plaintiff of her due process rights, privileges and immunities  
14 secured to her by the Constitution of the United States, including, among others and  
15 without limitation, equal protection under the law; the right to adequate and appropriate  
16 medical care, assessment and monitoring while in the custody and control of law  
17 enforcement; and the right to be free from unreasonable searches and seizures and  
18 excessive use of force, as guaranteed by the Fourth, Eighth, and Fourteenth Amendments  
19 of the United States Constitution.  
20

21  
22 58. Defendants further violated Ms. Alvarez’s constitutional right to equal  
23 protection under the law by instituting and/or upholding policies and practices of racial  
24 profiling.  
25

26 59. The actions and/or omissions of the Defendants have been the direct and  
27 proximate cause of damages to Plaintiff in an amount to be proven at trial.  
28

1 60. Upon information and belief, the actions and omissions of Defendants  
2 described in this Complaint are typical of a pattern of malicious and reckless disregard for  
3 the constitutional rights of others. Accordingly, Plaintiff asks that the jury assess punitive  
4 damages against each Defendant in an amount that will punish and deter Defendants and  
5 others from acting in a similar manner in the future.  
6

7 **COUNT FOUR**  
8 **(Violation of 42 U.S.C. § 1983: Deliberate Indifference**  
9 **to Medical Needs and Excessive Force—All Defendants)**

10 61. Plaintiff reasserts and incorporates all of the allegations contained in  
11 paragraphs 1 through 60 above as if fully set forth herein.

12 62. At all times material hereto, Defendants were acting under color of law and  
13 within the course and scope of their employment.  
14

15 63. Each of the Defendants demonstrated deliberate indifference to the  
16 unreasonable search and seizure, unnecessary force, and deprivation of medical care to  
17 treat Ms. Alvarez for the injuries Defendants caused through their use of unnecessary  
18 force.  
19

20 64. The wrongful conduct of Defendants described above proximately caused,  
21 substantially contributed to, and/or was the moving force behind Plaintiff's damages.

22 65. The wrongful conduct of Defendants described above constitutes violations  
23 of 42 U.S.C. § 1983, which protects Plaintiff's rights, privileges, immunities, and equal  
24 protection secured to her by the Fourth Amendment, Eight Amendment and Fourteenth  
25 Amendment to the Constitution of the United States.  
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66. The wrongful conduct of Defendants as described herein constitutes indifference to Plaintiff’s medical needs and thus violates her rights under the Fourth, Eighth, and/or Fourteenth Amendment of the United States Constitution, in that she was deprived of her rights, privileges and immunities guaranteed to all individuals within the United States; was deprived of her liberty without due process of law; was subjected to unlawful and improper punishment; was denied equal protection from racial profiling; and was denied proper medical treatment.

67. The actions and/or omissions of the Defendants have been the direct and proximate cause of damages to Plaintiff in an amount to be proven at trial.

68. Upon information and belief, the actions and omissions of Defendants described in this Complaint are typical of a pattern of malicious and reckless disregard for the constitutional rights of others. Accordingly, punitive damages should be assessed against each Defendant in an amount to be determined by a jury that will punish and deter Defendants and others from acting in a similar manner in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully demands judgment against Defendants as follows:

- (a) For general damages in an amount to be proven at trial;
- (b) For punitive damages in an amount deemed just and reasonable against the individual Defendants;
- (c) For costs and attorneys’ fees against all Defendants pursuant to 42 U.S.C. § 1988;

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- (d) For taxable costs incurred by Plaintiff, as defined by statute; and
- (e) For such other and further relief as this Court deems just and appropriate.

DATED this 11th day of February, 2010.

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By: /s/ N. Patrick Hall  
 Steven E. Harrison, Esq.  
 N. Patrick Hall, Esq.  
*Attorneys for Plaintiff*

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