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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

WILLIAM R. JESSOP,	:	
	:	
Plaintiff,	:	COMPLAINT
	:	
v.	:	(Jury Demanded)
	:	
TOWN OF COLORADO CITY, ARIZONA,	:	
CITY OF HILDALE, UTAH, and DOES 1 –	:	
20	:	
	:	
Defendants.	:	
	:	

Plaintiff William R. Jessop (“Jessop”), by and through his counsel of record, alleges as claims for relief against defendants the Town of Colorado City, Arizona (“Colorado City”) and the City of Hildale, Utah (“Hildale”) as follows:

INTRODUCTION

This is a civil rights action brought by Jessop pursuant to 42 U.S.C. §§ 1981–83. Jessop brings this action to seek remedy for discriminatory actions taken by Colorado City, Hildale, and their police and Marshals. From at least 2010, and continuing through the present, Jessop has been targeted by the cities of Colorado City and Hildale, through the Marshal’s Office, and has been harassed, threatened, and deprived of his property. As the direct result of discriminatory conduct and interference by Colorado City and Hildale, Jessop has suffered substantial losses related to his business, and was prevented from operating his business. Jessop was targeted because he left and was no longer a member of the fundamentalist Church of Jesus Christ of Latter Day Saints (“FLDS”). The cities of Colorado City and Hildale, through their law enforcement agencies, acted in a discriminatory manner and with the intent of depriving Jessop of his property because he was not a member of the FLDS church

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 42 U.S.C. § 3613(a); 28 U.S.C. §§ 1331, 1343(a)(4), and 1367(a).
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

3. Plaintiff William Jessop is an individual residing in Hildale, Utah.
4. Defendant Town of Colorado City is a municipality of the State of Arizona.
5. Defendant City of Hildale is a municipality of the State of Utah.
6. The Marshal’s Office, which acts on behalf of Colorado City and Hildale, is a subdivision of the municipal governments of each.

7. Defendants John and/or Jane Does 1–20 are persons or entities who, upon information and belief, caused or contributed to the actionable conduct plead herein, or conspired with other persons to take the actions complained of and who are liable for the relief demanded, but whose identities are not known at this time. Jessop reserves the right to amend this complaint to add the true names of these defendants when they are discovered.

GENERAL ALLEGATIONS

8. Defendants have engaged in a pattern and practice of illegal discrimination against individuals and entities not associated with the FLDS church.

9. The cities' public officials, and the Marshal's Office have acted in concert to deny police protection and to injure and otherwise discriminate against individuals and entities not associated with the FLDS church or its leadership.

10. Over the last few decades, Colorado City and Hildale have operated as agents of the FLDS church in violation of the Establishment Clause of the First Amendment to the United States Constitution.

11. Officials of the Marshal's office have, by operating at the direction and for the benefit of the FLDS church, abdicated their official duties to protect the rights of all citizens equally and to administer governmental functions consistent with the Establishment Clause of the United States Constitution.

12. As established in other litigation, the Marshal's Office has served as an enforcement arm for the FLDS church.

13. The Marshal's Office assisted the FLDS church in the surveillance and investigation of non-FLDS and former FLDS members.

14. The conduct of the Marshal's Office was directed at such individuals because of their religion or non-belief in the FLDS religion.

15. The pattern of conduct by the Marshal's Office has included the provision of information by the Marshal's Office directly to FLDS security personnel.

16. The actions and omissions of the Marshal's Office constitute a pattern or practice of discriminatory policing against non-FLDS individuals on the basis of religion.

17. After his departure from the FLDS church, the Marshal's Office engaged in a campaign to coerce, intimidate, and threaten Jessop.

18. Acting at the direction of FLDS officials, on multiple occasions the Marshal's Office threatened to arrest Jessop, attempted to confiscate and did confiscate his property, and aided in the concealment of Jessop's property stolen by the FLDS church.

19. Colorado City and Hildale permitted and facilitated the FLDS church in directing and unlawfully influencing the conduct of the Marshal's Office directly resulting in discriminatory conduct directed at Jessop in violation of the First, Fourth, and Fourteenth Amendments and Title III of the Civil Rights Act of 1964.

20. This conduct, engaged in on a continuous and ongoing basis from at least 2010, caused and facilitated the destruction of Jessop's business R&W Excavating, Inc. ("R&W") and inflicted other serious injury to Jessop and his property.

21. The discriminatory conduct of Colorado City and Hildale was continuous from 2010 and culminated in a raid coordinated among leaders of the FLDS church and the Marshal's Office on or about February 23, 2013.

22. Property belonging to Jessop was hidden at the office of Eco Alliance ("Eco").

23. Jessop learned that the first and second counselors of the FLDS church were at Eco attempting to acquire and move the stolen property.

24. At or about the same time, Jessop learned that his stolen property had also been hidden at Mountain View School and at the house of Naomi Steed in Colorado City.

25. When Jessop learned that the FLDS church was in the process of moving property stolen from him he attempted to prevent it.

26. During the course of the day and the following day at least the following officers of the Marshal's Office were involved in both obstructing Jessop's efforts to recover his stolen property and in assisting the FLDS church in concealing the same: Hyrum Roundy, Sam Johnson, Jerry Darter, and Curtis Cook.

27. The Marshal's Office was directed in these efforts by the FLDS church and Helaman Barlow.

28. Helaman Barlow, recognized by both Colorado City and Hildale as the "chief of police," assisted the unlawful behavior of the Marshals and obstructed outside law enforcement agencies in their attempts to assist Jessop.

29. The FLDS church, along with Colorado City and Hildale, received additional aid and assistance in their unlawful conduct from, among others: Anthis Barlow, a member of the Colorado City city council; Kimball Barlow; and Philip Barlow, who was and continues to be the mayor of Hildale.

30. Members of the Marshal's Office also engaged in the following illegal and discriminatory conduct: they threatened to arrest Jessop on multiple occasions without basis; they stole a vehicle from the Jessop residence; they threatened his wife; they issued a false

citation charging Jessop with possession of stolen property which was eventually dismissed; and they altered official documents to cover-up their misdeeds.

31. The alteration and destruction of official documents was done at the direction of the Marshal's Office and with the assistance of Colorado City city manager David Darger.

32. Mr. Darger was also a part-time employee of Hildale.

33. Among the many items stolen from Jessop and R&W were business computers, records and files.

34. Without these items Jessop has been unable to restart the R&W business, and this business has been, as a result, permanently and irreparably damaged.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
(Unlawful Discrimination Under 42 U.S.C. § 1981)

35. Jessop realleges and reasserts the foregoing allegations, which are incorporated herein by reference.

36. The acts of Colorado City and Hildale constitute a continuing violation of the Constitutional and statutory rights of Jessop.

37. All acts alleged herein were performed by individuals acting under color of State and/or local law.

38. Through the actions alleged, Colorado City and Hildale have continuously denied Jessop the right to essential police protection and instead Jessop has been targeted by the Marshal's Office because of his religion in violation of 42 U.S.C. § 1981.

39. By the actions described above, Colorado City and Hildale have engaged in, and continue to engage in, a policy, pattern and practice of discrimination against non-FLDS persons based on religion in violation of 42 U.S.C. § 1981.

40. Colorado City and Hildale have intentionally, knowingly, and continuously engaged in the policies, patterns, and practices described above with the intent of denying equal access to police protection.

41. As a result of these and other actions of Defendants, Jessop has suffered and continues to suffer damages as described, in part, above.

SECOND CAUSE OF ACTION
(Unlawful Discrimination Under 42 U.S.C. § 1982)

42. Jessop realleges and reasserts the foregoing allegations, which are incorporated herein by reference.

43. By the actions described above, Colorado City and Hildale have continually denied Jessop the same right to police protection and to the secure enjoyment of his property as enjoyed by FLDS member citizens of the United States in violation of 42 U.S.C. § 1982.

44. By the actions described above, Colorado City and Hildale have engaged in, and continue to engage in, a policy, pattern, and practice of discrimination against Jessop due to his personal religious beliefs in violation of 42 U.S.C. § 1982.

45. Colorado City and Hildale, through their agents at the Marshal's Office, have intentionally, knowingly, and continuously engaged in the practices described above with the intent of denying to Jessop the safe enjoyment of his person and property and denying him the protection afforded to members of the FLDS church.

46. As a result of these and other actions of Defendants, Jessop has suffered and continues to suffer damages as described, in part, above.

THIRD CAUSE OF ACTION
(Unlawful Discrimination Under 42 U.S.C. § 1983)

47. Jessop incorporates the preceding allegations as though fully set forth herein.

48. The above conduct of Colorado City and Hildale, through the Marshal's Office, has been taken under color of state and local law.

49. By the actions described above, Colorado City and Hildale have deprived, and continue to deprive, Jessop of the rights, privileges, and immunities secured by the United States Constitution and other laws.

50. By the actions described above, Colorado City and Hildale have engaged in, and continue to engage in, a policy, pattern, and practice of discrimination against non-FLDS affiliated residents, including Jessop, due to his lack of religious affiliation with the FLDS church.

51. Colorado City and Hildale have intentionally, knowingly, and continuously engaged in the practices described above with the intent of denying Jessop the equal protection of the laws and equal security in his person and property.

52. As a result of these and other actions of Defendants, Jessop has suffered and continues to suffer damages as described, in part, above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, William R. Jessop, hereby requests the Court provide the following relief:

1. Judgment on behalf of Jessop finding that Colorado City and Hildale violated the Constitutional and statutory rights of Jessop as described above;
2. Award Jessop compensatory damages for monetary losses, pain and suffering, humiliation and loss of enjoyment of his property;
3. Award Jessop his reasonable attorney's fees and costs, pursuant to 42 U.S.C. § 1988;
4. Grant such other and further relief as this Court may deem just and proper in the public interest.

JURY DEMAND

Plaintiff hereby requests a jury on all claims and issues raised in this matter which may be tried before a jury.

DATED this 27th day of January, 2017.

DEISS LAW, P.C.

/s/ Andrew G. Deiss _____
Andrew G. Deiss
Attorney for Plaintiff

WES FELIX LAW, P.C.

/s/ Wes Felix _____
Wes Felix
Attorney for Plaintiff