

John Mejia (Bar No. 13965)  
Leah Farrell (Bar No. 13696)  
ACLU OF UTAH FOUNDATION, INC.  
355 North 300 West  
Salt Lake City, UT 84103  
Telephone: (801) 521-9862  
Email: [jmejia@acluutah.org](mailto:jmejia@acluutah.org)  
Email: [lfarrell@acluutah.org](mailto:lfarrell@acluutah.org)  
Email: [aclu@acluutah.org](mailto:aclu@acluutah.org)

Anupam Sharma\*  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10th Fl  
Palo Alto, California 94306  
Telephone: (650) 632-4700  
Email: [asharma@cov.com](mailto:asharma@cov.com)

Joshua Gonzalez\*  
Diane Ramirez\*  
COVINGTON & BURLING LLP  
415 Mission Street, Suite 5400  
San Francisco, California 94105-2533  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091  
Email: [jgonzalez@cov.com](mailto:jgonzalez@cov.com)  
Email: [dramirez@cov.com](mailto:dramirez@cov.com)

S. Starling Marshall\*  
CROWELL & MORING LLP  
590 Madison Avenue, 20th Floor  
New York, NY 10022-2544  
Telephone: (212) 895-4263  
Email: [smarshall@crowell.com](mailto:smarshall@crowell.com)

*Attorneys for Plaintiffs*

*\*Pro hac vice application forthcoming*

---

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

MUNIR YAÑEZ MARQUEZ and MARIA CONCEPCIÓN GARCIA SANCHEZ individually and on behalf of their minor children A.M.Y.G. and C.A.Y.G., GILBERTO NOÉ YAÑEZ GARCIA, and ENRIQUE MOISES YAÑEZ GARCIA,

Plaintiffs,

v.

ANDREW BURDINE,  
CHARLES CHAPPELL,  
AIMEE GRIFFITHS,  
NATHAN GRIFFITHS,  
THOMAS JINDRA,  
TYLER LLOYD,  
JAMES R. ROBERTS III,  
ANNETTE SALGADO,  
GREG SMITH,  
DEON WALSER,  
TROY YATES,  
JOHN DOES 1-12, Utah Adult Probation and Parole Officers,  
MIKE HADDON, in his official capacity as the Executive Director of the Utah Department of Corrections, and  
DAN BLANCHARD, in his official capacity as Director of Utah Adult Probation and Parole,

Defendants.

---

Civil Case No.:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiffs Munir Yañez Marquez, Maria Concepción Garcia Sanchez, Gilberto Noé Yañez Garcia, Enrique Moises Yañez Garcia, A.M.Y.G (a minor, age 16), and C.A.Y.G (a minor, age 13), (collectively the “Plaintiffs”), by and through counsel, hereby complain against Defendants, and state and allege as follows:

### **COMPLAINT**

1. Plaintiffs bring this civil rights action to hold Defendants to account for multiple violations of their constitutional rights, including their rights under the Fourth Amendment of the United States Constitution, and seek a just remedy for those violations.

2. On August 20, 2018, Defendants violently and unlawfully raided and searched the Plaintiffs’ home without a warrant.

3. Defendants’ purported purpose for being at Plaintiffs’ home was to arrest José Yañez, Munir’s adult son, for violating his probation in a non-violent crime he had entered a plea deal to several years before. Although officers had arrested José once while he was visiting Plaintiffs’ home the year before, José did not live at Plaintiffs’ home on August 20, 2018, and had not lived there since the Summer of 2017.

4. Defendants were aware that José was not living with Plaintiffs on August 20, 2018. In the months prior to that date, some Defendants had already visited Plaintiffs' home at least twice to look for José, and Plaintiffs had explained that José did not live there.

5. During the August 20, 2018 incident, Defendants broke down the doors of Plaintiffs' home with a battering ram and entered using a riot shield and armed with assault weapons.

6. Defendants used a riot shield to tackle Maria against a sewing machine, touched her inappropriately, then threw her onto the couch, handcuffed her, and forced her outside her home. Defendants Chappell, N. Griffiths, Yates, and John Does 1-3 tackled Munir, pinned him to the ground, flipped him on his back, and repeatedly used a Taser on him for about 45 seconds. Defendants N. Griffiths, Walser and John Does 4-5 handcuffed Gilberto, then forced him outside his home. One or more of the Defendants pointed automatic weapons at Enrique's head and handcuffed him, despite Plaintiffs telling his assailants that he was a minor. (He was 17 at the time.)

7. The other minor children, A.M.Y.G. and C.A.Y.G., watched in horror and disbelief as law enforcement officers attacked their parents and older brothers in these ways, as Defendants detained A.M.Y.G. and C.A.Y.G.

8. After forcing the adult Plaintiffs outside, Defendants N. Griffiths, Jindra and John Does 6-7 commanded minors A.M.Y.G. and C.A.Y.G. to jump out through the dining room window. Following instructions, Plaintiffs A.M.Y.G. and C.A.Y.G. exited the home through the window. Defendants Salgado, A. Griffiths, and John Does 8-9 then detained them on the sidewalk for two and a half hours. Plaintiffs A.M.Y.G. and C.A.Y.G. were barefoot for the entire two and a half hours.

9. At no time during Defendants' violent intrusion into the Plaintiffs' home did any Plaintiff, but particularly the three minors, pose any threat to Defendants.

10. Once the Plaintiffs were outside, Defendants Roberts and John Does 8-12 conducted an unlawful, destructive search of the family home, causing extensive damage. During the search, one or more Defendants found and stole approximately \$7,000 in cash from Plaintiffs' home.

11. Defendants A. Griffiths, N. Griffiths, Salgado, and Smith, and any other responsible supervisors, authorized and directed this unlawful search and seizure.

12. Defendants violated Plaintiffs' clearly-established constitutional rights by forcibly entering and searching their home, applying excessive force against

them, and unreasonably detaining them without having reasonable suspicion to believe any Plaintiff had committed any crime.

13. Plaintiffs live with the physical and psychological effects of Defendants' unconscionable and violent actions to this day, and will have to deal with the trauma inflicted by Defendants for the rest of their lives.

14. Plaintiffs seek declaratory judgment, injunctive relief, compensatory and punitive damages, an award of attorney's fees and costs, and such relief as this court deems equitable and just.

### **JURISDICTION AND VENUE**

15. The court has personal jurisdiction over Defendants because Defendants' acts and omissions giving rise to this lawsuit took place in Salt Lake City, Utah.

16. This action arises under 42 U.S.C. § 1983. Jurisdiction is based on 23 U.S.C. §§ 1331 and 1343.

17. Plaintiffs' claims for declaratory relief are authorized by 28 U.S.C. §§ 2201 and 2202.

18. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1391(e)(1) because a substantial part of the events giving rise to this claim occurred in the district and because Plaintiffs reside in the district.

### **PARTIES**

19. Plaintiff Munir Yañez Marquez is presently 57 years old and a resident of Utah. Plaintiff Maria Concepción Garcia Sanchez is presently 53 years old and a resident of Utah. Plaintiff Gilberto Noé Yañez Garcia is presently 29 years old and a resident of Utah. Plaintiff Enrique Moises Yañez Garcia is presently 18 years old and a resident of Utah. Plaintiff A.M.Y.G is presently 16 years old and is a resident of Utah. Plaintiff C.A.Y.G is presently 13 years old and is a resident of Utah.

20. Defendant Charles Chappell is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Chappell participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

21. Defendant Aimee Griffiths is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and

seizures of Plaintiffs at their home on August 20, 2018. Officer Griffiths participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

22. Defendant Nathan Griffiths is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Griffiths participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

23. Defendant Thomas Jindra is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Jindra participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

24. Defendant Tyler Lloyd is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Lloyd participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.



25. Defendant James R. Roberts III is a Utah Department of Corrections Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Roberts participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

26. Defendant Annette Salgado is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Salgado participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

27. Defendant Deon Walser is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Walser participated in and is directly responsible and liable for acts and resulting damages alleged in this complaint.

28. Defendant Troy Yates is a Utah Adult Probation & Parole (“AP&P”) Officer who personally participated in the unconstitutional search and seizures of Plaintiffs at their home on August 20, 2018. Officer Yates participated in and is

directly responsible and liable for acts and resulting damages alleged in this complaint.

29. The Doe Defendants are AP&P Officers who personally participated in the unconstitutional search and seizure of Plaintiffs at their home on August 20, 2018. Plaintiffs are unaware of the true names of the Doe Defendants, and therefore sue those Defendants by fictitious names. The Doe Defendants are directly responsible and liable for the acts and resulting damages alleged in this complaint. Plaintiffs will amend this complaint to allege the Doe Defendants' true names when they have been ascertained.

30. Defendant Mike Haddon is an adult resident of the State of Utah. He is the appointed Executive Director of the Utah Department of Corrections (the "Department"). The Department oversees the Utah State Prison and Adult Probation & Parole functions. Director Haddon is ultimately responsible for the policies and practices of AP&P agents. He is sued in his official capacity for declaratory judgment and injunctive relief.

31. Defendant Dan Blanchard is an adult resident of the State of Utah. He is the Director of Utah Adult Probation and Parole and oversees the actions of the AP&P's Fugitive Apprehension Task Force. He is sued in his official capacity for declaratory judgment and injunctive relief.

## **STATEMENT OF FACTS**

### Defendants' Searches of the Plaintiffs' Home Prior to August 20, 2018

32. On at least two separate occasions prior to August 20, 2018, Defendants arrived at the Plaintiffs' home in search of José Yañez.

33. On the first occasion, in the Spring of 2018, two AP&P officers, one of whom Maria recalls was Officer Chappell, arrived at the Plaintiffs' home in search of José. Those AP&P officers stated that they were seeking to arrest José. Maria and Gilberto told the officers that José did not live in their home and requested to see a warrant. The officers did not produce or show a warrant, but Plaintiffs nevertheless allowed them to enter the home. The two officers conducted an extensive search of the home that included searching inside drawers, closets and beds, breaking down the door to the attic, and causing extensive damage to the home.

34. The two AP&P officers threatened Plaintiffs Maria and Gilberto, telling them they would lose their home if they did not provide them with José's location. The officers also threatened to arrest Gilberto, despite not having any reason to do so. Maria and Gilberto told the officers that they did not know where José was.

35. Following a June 2018 proceeding to forfeit a bond against José, AP&P returned to Plaintiffs' home for a second time to search for José. On this occasion, an AP&P officer, whom several Plaintiffs believe was Officer Chappell, accompanied by a representative from a bail bonds company, arrived at Plaintiffs' home in search of José. Maria once again told the AP&P agent, as well as the bail bonds company representative, that José did not live at their home. Officer Chappell insisted that as a Latina mother, she would and should know where all of her children are at all times. The agent and the bail bonds company representative left the home without further attempts to enter or conduct a search.

Defendants' Unlawful Entry into the Plaintiffs' Home on August 20, 2018

36. Finally, on August 20, 2018, for the third time in a course of a few months, AP&P agents, including Officer Chappell, once again arrived at the Plaintiffs' home in search of José. At the time, José had not lived at the Plaintiffs' home since the Summer of 2017.

37. Plaintiffs Munir, Maria, and Gilberto were in the dining room having dinner when the first Defendants arrived. Officer Chappell initiated a conversation with Plaintiff Munir through the open dining room window.

38. At the time the Defendants arrived, Enrique was upstairs. C.A.Y.G. and A.M.Y.G. were in A.M.Y.G.'s room. Defendants began to shine a light and bang on A.M.Y.G.'s room window. Enrique heard and then came downstairs.

39. The adult Plaintiffs refused to grant Defendants permission to enter into their home. In response, Officer Chappell began to loudly escalate the situation by yelling and arguing. The minor plaintiffs went to the kitchen when they heard the arguing.

40. Upon information and belief, the Defendants were accompanied by one or more representatives of a bail bond company.

41. Plaintiffs repeatedly requested that Defendants produce an arrest or search warrant, and stated that they would allow them to enter if they produced a document providing judicial authorization for the entry. Defendants did not produce or show Plaintiffs any warrant. Absent a warrant, Plaintiffs decided not to grant Defendants permission to enter the home, and told Defendants they could not enter.

42. While an arrest warrant was issued for José, that warrant did not expressly authorize Defendants to enter Plaintiffs' home in search of José.

43. Upon information and belief, Defendants intentionally did not bring a paper copy of the arrest warrant to Plaintiffs' home, as Defendants knew that the

warrant did not list Plaintiffs' home address and instead listed another address unknown to Plaintiffs.

44. Instead of showing a warrant in response to Plaintiffs' requests, Officer Chappell appeared to show Defendants the front page of AP&P's internal file on José.

45. After Plaintiffs repeatedly asked for a warrant to search their home, Defendants stated that they had a warrant to search the home, and promised to produce it. They failed to produce any warrant, and did not provide any explanation for why they had falsely claimed to have a warrant on hand.

46. Officer Chappell repeatedly insisted that a car parked near Plaintiffs' home belonged to José, which, upon information and belief, Officer Chappell, as well as other AP&P Officers, knew was not true. The car belonged to Gilberto, and was registered in his and Maria's name. Defendants showed Plaintiffs a printout of a social media post that showed José in the same photograph as the car, but that photograph had been taken the previous year, and was irrelevant to José's whereabouts at that time.

47. Plaintiffs repeatedly and honestly explained that José did not live in their home and was also not present in their home at that time.

48. In response, Officer Chappell made repeated threats to break down the door and demanded that Plaintiffs open the door.

49. Officer Chappell further repeatedly claimed that AP&P had authority to enter Plaintiffs' home at will because he claimed that AP&P records listed José's address as Plaintiffs' residence. Officer Chappell, as well as other Defendants, however, knew that José was not residing at Plaintiffs' home.

50. Officer Chappell further screamed at Maria that as a Latina mother, he knew that she must know where her son is at all times.

51. The AP&P officers present at Plaintiffs' home on August 20, 2018, were aware that José did not reside at Plaintiffs' home at that time despite Officer Chappell's assertions otherwise. AP&P's own court filings in José's criminal case stated that José had moved out of his parents' house during or before the Summer of 2017.

52. Approximately eighteen officers, including Defendants N. Griffiths, Jindra, Lloyd, Roberts, Salgado, Smith, Walser, and Yates, and John Does 1-12, gathered at the main door of the Plaintiffs' home as Plaintiffs and Defendant Officer Chappell continued to talk through the open dining room window. Some of the officers wore bullet proof vests and/or military-style helmets and gear and made threatening motions towards the family with their gear.

53. At a minimum, Defendants could clearly see that Munir, Maria, and Gilberto were no threat to the officers, as each of them were visible from the windows and had been speaking to Officer Chappell and others for some time. As Officer Chappell and other Defendants knew from their prior permitted search of the home, Plaintiffs had no weapons in the home.

54. None of Enrique, A.M.Y.G. or C.A.Y.G. posed any threat to officer safety at that time either, which was obvious solely from looking at them.

55. Despite not facing any threat at all from this family, or being faced with any exigent circumstances, the Defendants decided to force open the door with a battering ram and rush into the home, bearing a riot shield.

56. As detailed below, Defendants proceeded to attack each of the family members in a manner not remotely warranted by the circumstances.

Defendants' Unlawful Seizure and Use of Excessive Force on Plaintiff Munir

57. After Defendants broke down his door with a battering ram, Munir did not take any action to resist. Munir told the entering Defendants, who were wielding a riot shield, that they had no reason to be afraid and could come further into the home. Nonetheless, Defendants stormed into Plaintiffs' home.

58. Immediately after entering and not giving Munir any opportunity to react in any way, a group of five Defendants, including Officer Yates, immediately



tackled Plaintiff Munir to the floor. The group of five Defendants fully restrained him. Several Defendants, including Officer Yates, held down his arms and legs while another Defendant put his foot on Munir's neck to fully immobilize him. Defendants then proceeded to flip Plaintiff Munir over, so that he was face down on the ground.

59. Once Munir was face down, Officer Chappell screamed that he was about to apply the Taser to Munir. Officer Chappell then proceeded to unnecessarily apply his electroshock weapon to Plaintiff Munir multiple times. Officer Chappell used a Taser on Plaintiff Munir's back for approximately 45 seconds, causing burns and other injuries, and causing Plaintiff Munir to scream out in pain.

60. Officer Chappell's application of the Taser to Munir was wholly unnecessary and sadistic. Even if Munir had continued to move, and even if that movement was voluntary, his movements posed no threat to the multiple officers who were literally on top of him.

61. Officer Chappell shocked Munir with his electroshock weapon solely for the purpose of causing him pain as punishment for not immediately granting Defendants permission to enter his home. Officer Chappell put Munir's life and physical safety at substantial risk in doing so.

62. While he was being subjected to the Taser, Munir screamed in extreme pain and distress, sounding like he was losing his life.

63. All Plaintiffs, including Munir's children A.M.Y.G. and C.A.Y.G., witnessed the Taser attack, hearing and seeing the effects of their husband or father being subjected to extreme physical abuse and mental distress in their own living room.

64. After burning him with the Taser, Defendants, including Officer N. Griffiths, handcuffed Munir and removed him from the home. Defendants kept him pinned face down in the grass in his own front lawn, in front of his family and neighbors, for approximately two and a half hours while the search of the home was conducted. Plaintiffs themselves had to call for medical help to assist their battered and traumatized family members, as Defendants did not do so. Defendants did not provide any medical attention to Munir during this time.

65. While Defendants were detaining Munir on the ground outside his home, an agent of the United States Immigration and Customs Enforcement took a record of Munir's fingerprints forcibly and against Munir's will.

66. After he was finally allowed off the ground, some of the Defendants, including Officer Andrew Burdine, put Munir into a car and drove him to the Salt Lake County Jail.

67. During the drive, the Defendants who were in the car mocked Munir and told him he would be deported, saying something to the effect of “You’re going to be in Mexico tomorrow.”

68. Munir was forced to wait for many hours in the booking area of the jail. Once he was finally processed by the booking personnel of the jail the next day, he was told that he was going to be released on his own recognizance.

69. None of the Defendants told Munir the purported charges upon which they transported him for pre-trial detention at the jail. Regardless of the purported basis for his arrest, however, no state, county, or local prosecutor has ever pressed any charge against Munir related to any of his behavior on August 20, 2018.

#### Defendants’ Unlawful Seizure and Use of Excessive Force on Plaintiff Maria

70. Upon rushing in to her home, two Defendants aggressively shoved Maria to the ground using a riot shield. When those Defendants attacked Maria, she was not acting in a manner in any way threatening to them.

71. In a humiliating and harmful fashion, one of those Defendants grabbed Maria on her crotch, then lifted Maria by the front of her shirt and threw her onto the sewing machine. The two Defendants then forcibly twisted her arms behind her back, handcuffed her, and removed her from the home, only eventually removing the handcuffs.

72. One or more of Maria's minor children saw her treated in this degrading, sexually violent, and shocking fashion in their own home.

73. Defendants kept Maria detained outside the home for approximately two and a half hours, despite having no reasonable suspicion that she had committed any crime.

Defendants' Unlawful Seizure and Use of Excessive Force on Plaintiff Gilberto

74. Upon rushing into Plaintiffs' home, two Defendants moved towards Gilberto with weapons drawn and trained on him. Gilberto had nothing in his hands except his cell phone, a fact which Defendants knew because he had been conversing with them through the window. Gilberto was not acting in any manner that was a threat to the safety of the officers who were rushing towards him. Nonetheless, several Defendants, including Officers Chappell and Walser, pinned Gilberto against a couch, forcibly twisted his arms behind his back, and handcuffed him.

75. Those Defendants then forced Gilberto out of his house. Once outside, a different Defendant pinned Plaintiff Gilberto to the ground. Defendants kept Gilberto on the ground for two and a half hours.

76. Defendants questioned Gilberto despite lacking any reasonable suspicion that he had committed a crime.

77. Defendants also repeatedly failed to state a reason for detaining Plaintiff Gilberto.

78. During their time inside Plaintiffs' home, Maria became aware that Defendants had placed a knife on the couch next to Gilberto's cell phone, near where Gilberto had been pinned.

79. Maria made this discovery because, during the two and a half hours that she was detained outside her house, Defendants at one point did not react as Maria walked into her home. When she entered, she was shocked to see Officer Chappell and other Defendants gathered around the couch looking at a kitchen knife that she had seen in her kitchen before the Defendants had come in.

80. Maria immediately expressed shock and chastised those Defendants for planting evidence against her family, which they falsely denied by claiming that Gilberto had been holding it.

81. After two and a half hours, some of the Defendants, including Officer Andrew Burdine, drove Gilberto to the Salt Lake County Jail.

82. Gilberto was forced to wait for many hours in the booking area of the jail. Once he was finally processed by the booking personnel of the jail the next day, he was told that he was going to be released on his own recognizance.

83. None of the Defendants told Gilberto the purported charges upon which they transported him for pre-trial detention at the jail. Regardless of the purported basis for his arrest, however, no state, county, or local prosecutor has ever pressed any charge against Gilberto related to any of his behavior on August 20, 2018. Specifically, Gilberto was never charged with any behavior involving supposedly wielding a kitchen knife against his armor-clad, assault weapon-wielding assailants.

Defendants' Unlawful Seizure and Use of Excessive Force on Plaintiff Enrique

84. As Defendants entered the home, three Defendants pointed assault rifles at Enrique's head, despite the fact that Enrique did not pose a threat to the safety of them or any other officer. Enrique froze in fear at the sight of the weapons.

85. One Defendant ordered Enrique to sit down on the kitchen floor and not move. A second Defendant handcuffed Enrique, despite the fact that he posed no threat to Defendants, and despite the fact that he was a minor.

86. Enrique witnessed his father Munir being tased by other Defendants. While Munir was being shocked, Enrique heard his father scream in agony. Enrique also witnessed other Defendants tackle his mother, forcibly twist her arms behind her back, handcuff her, and lead her outside the home.

87. Defendants then forced Enrique outside and detained him on the sidewalk near his siblings. During the time he was detained, Enrique suffered a panic attack. Defendants did not remove Enrique's handcuffs until A.M.Y.G. told Defendants that he was a minor.

88. Enrique was detained outside the home for two and a half hours.

Defendants' Unlawful Seizure and Use of Excessive Force on Plaintiff A.M.Y.G.

89. Upon entering the home, several Defendants moved towards Plaintiff A.M.Y.G., a minor, bearing drawn weapons. A.M.Y.G. backed up into the kitchen area. Defendants, including Officer N. Griffiths, then directed A.M.Y.G. to jump out the dining room window, approximately four feet high, to their front yard where two more Defendants were waiting to continue to detain them.

90. A.M.Y.G. witnessed their father Munir being tased by other Defendants. While Munir was being shocked, Plaintiff A.M.Y.G. heard their father scream in agony. A.M.Y.G. also witnessed other Defendants tackle their mother, grab her in a degrading fashion, forcibly twist her arms behind her back, handcuff her, and lead her outside the home.

91. Defendants, including Officers A. Griffiths and Salgado, then detained A.M.Y.G. on the sidewalk, barefoot, for approximately two and a half hours. One or more Defendants, including Officer Salgado, repeatedly asked her

questions about José. One of the Defendants told the children that if they did not follow orders, they would call Child Protective Services and the children would be taken from their family.

Defendants' Unlawful Seizure and Use of Excessive Force on Plaintiff C.A.Y.G.

92. Upon entering the home, several Defendants moved towards Plaintiff C.A.Y.G., a minor, bearing drawn weapons. C.A.Y.G. backed up into the dining room area. Defendants, including Officer N. Griffiths, then directed C.A.Y.G. to jump out the dining room window, approximately four feet high, to their front yard where two more Defendants were waiting to continue to detain them.

93. C.A.Y.G. witnessed their father Munir being tased by other Defendants. While Munir was being shocked, Plaintiff C.A.Y.G. heard their father scream in agony. C.A.Y.G. also witnessed other Defendants tackle their mother, forcibly twist her arms behind her back, handcuff her, and lead her outside the home.

94. Defendants, including Officers A. Griffiths and Salgado, then detained C.A.Y.G. on the sidewalk, barefoot, for approximately two and a half hours. One of the Defendants told the children that if they did not follow orders, they would call Child Protective Services and the children would be taken from their family.



Defendants' Unlawful Search of the Plaintiffs' Home

95. After all Plaintiffs had been detained and removed from their home, Defendants, including Officer Roberts, proceeded to conduct a destructive search of the home.

96. Despite purportedly being present at the home to search for José, Defendants opened and emptied drawers, undid the beds, and tossed clothing and paperwork around the rooms.

97. Defendants also broke down the doors to the bathrooms and the attic, and pulled insulation out of the attic walls, littering it all over the house.

98. Defendants searched every cabinet, closet, and drawer of Plaintiffs' home.

99. One or more Defendants also stole \$7,000 in cash from Plaintiffs, which they found inside the pockets of a coat that was hung in a closet. Plaintiffs were saving the stolen money for A.M.Y.G's traditional fifteenth birthday party. The money has not been returned to Plaintiffs.

100. Plaintiffs are aware of another case in which a law enforcement team that included AP&P officers allegedly took money from a family who was the target of a military-style raid.

AP&P's Fugitive Apprehension Team

101. Upon information and belief, AP&P has five “Fugitive Apprehension” or “Fugitive Recovery” teams across the state tasked with finding and arresting parole violators. AP&P officers are assigned to recovery teams for up to 18 months at a time. The same AP&P officers work with the U.S. Marshals Service’s Violent Fugitive Apprehension Strike Team (“VFAST”), a multi-agency task force led by the U.S. Marshals Service but comprised of AP&P and various police departments across the state of Utah. AP&P has assigned at least one full-time agent to VFAST beginning at the latest in February 2016.

102. AP&P agents assigned to a Fugitive Apprehension Team and/or VFAST are trained for tactical, military-style operations and high-risk situations. These agents and others on their teams are indiscriminately utilizing such training even in low-risk situations, such as entry into family homes involving children, the elderly, and other vulnerable populations.

103. Upon information and belief, some or all of Defendant agents are a combination of AP&P agents on the Fugitive Apprehension Team and/or agents assigned to VFAST. These agents are among those responsible for the unlawful search, seizure, and use of excessive force against Plaintiffs.

104. As a result of AP&P Fugitive Apprehension and VFAST training, Defendants utilized high-risk tactical operations to enter, search, and seize Plaintiffs, despite the fact that Plaintiffs posed no threat to Defendants. Defendants used battering rams, riot shields, SWAT-style gear, and assault weapons against Plaintiffs despite the fact that Plaintiffs were unarmed and included three minors.

105. Defendants' actions on August 20, 2018 are part of a pattern, practice, and/or custom of AP&P involving the systemic use of violent, military-style tactics in situations in which such tactics are not reasonably necessary given the circumstances.

106. On August 20, 2018, after illegally detaining Plaintiffs and having no probable cause to continue to detain them, one or more Defendants called members of VFAST and Immigration and Customs Enforcement agents to come to Plaintiffs' home to investigate Plaintiffs, inviting an improper fishing expedition that likely unnecessarily prolonged Plaintiffs' unlawful detention.

107. Moreover, upon information and belief, the actions of the AP&P agents on August 20, 2018 are part of a pattern, practice, and/or custom of deploying excessive force against family members of fugitives under AP&P's supervision in retaliation for family members not providing information to help AP&P apprehend those fugitives.

108. Even after it became clear to Defendants that José was not in the home, Defendants threatened to return to the home if they could not locate José on the day of the raid.

109. On information and belief, the events of August 20, 2018 are the result of a pattern and practice of AP&P allowing bail bond company agents to co-opt AP&P tactical teams in an effort to conduct violent raids on residences in search of fugitives who are close to defaulting on bonds and costing the bail bond companies money.

110. In particular, at the time of the events of August 20, 2018, José had defaulted or was soon to default on his bond. Given that the AP&P had previously appeared at Plaintiffs' home in search of José with a bond company agent at a time previously when José was close to defaulting his bond, this belief is well founded.

## **LEGAL CLAIMS**

### **Allegations Applying to Counts I-XV (42 U.S.C. Section 1983 Claims)**

111. Plaintiffs hereby incorporate the allegations above as if fully made herein.

112. Plaintiffs seek an award of compensatory and punitive damages and declaratory relief against defendants, individually, as listed in Counts I through XV

below pursuant to 42 U.S.C. § 1983, as a result of their actions which deprived Plaintiffs of their Constitutional rights.

113. In performing the acts alleged in this Complaint, Defendants, individually and/or while acting in concert with one another, did act under color of state law to deprive Plaintiffs of their clearly-established rights guaranteed by the United States Constitution, including but not limited to:

- a) The right to be free from unreasonable searches and seizures;
- b) The right to be free from the use of excessive force;
- c) The right to due process of law;
- d) The right to equal protection of the law.

114. Said rights are guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution.

115. No Defendant ever showed Plaintiffs a warrant of any kind and on information and belief, the reason they did not show a warrant is because Defendants had not obtained a warrant that allowed them to enter Plaintiffs' home in search of José. Even if Defendants had a warrant that allowed them to do so, however, the manner in which they executed that warrant was unlawful and unreasonable and violated Plaintiffs' Fourth Amendment rights.

116. As a result of Defendants' actions, all Plaintiffs suffered hardship, including but not limited to humiliation, emotional distress, loss of liberty, loss of income, monetary damages, and violations of their constitutional rights.

117. Defendants' violation of all Plaintiffs' Fourth and Fourteenth Amendment rights was intentional, malicious, oppressive, egregious, and/or done with a conscious or reckless disregard for Plaintiffs' clearly-established constitutional rights. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against Defendants in amounts to be determined according to proof.

**Count I: Unreasonable Search and Seizure - Unlawful and Unreasonable**

**Entry and Search of the Plaintiffs' Home (Against All Defendants)**

118. Plaintiffs hereby incorporate the allegations above as if fully made herein.

119. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 entered the Plaintiffs' home on August 20, 2018 without consent, a warrant, or any circumstances that justified a warrantless entry and search. Upon entry, they found the Plaintiffs inside, including three minors.

120. Despite having no grounds to conduct a warrantless entry and search, Defendants entered the home and conducted an extensive and destructive search that included opening drawers, unmaking beds, and throwing belongings to the ground.

121. Defendants broke down the attic door and pulled insulation out of the attic walls, littering it all over the house.

122. Defendants searched in every cabinet, drawer, and closet, despite the fact that Defendants were looking for an individual.

123. This destructive search caused monetary damages, as well as causing extreme anxiety and trauma to the Plaintiffs.

124. Defendants searched the Plaintiffs' home for approximately two and a half hours.

125. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

126. Defendants violated Plaintiffs' Fourth Amendment right to be free from unreasonable searches.

127. As a result of this conduct, Defendants are liable for Plaintiffs' injuries.

**Count II: Unreasonable Search and Seizure - Unlawful Seizure of Plaintiff**

**Munir (Against All Defendants)**

128. Plaintiffs hereby incorporate the allegations above as if fully made herein.

129. A group of five Defendants, including Officers Chappell, N. Griffiths, and Yates, tackled Plaintiff Munir to the floor and restrained him forcefully, including one Defendant who put his foot on Plaintiff Munir's neck to fully immobilize him. Defendants detained Plaintiff Munir outside the home on the grass, handcuffed and pinned down, for two and a half hours.

130. Defendant John Doe 12 recorded Munir's fingerprints while Munir was detained on the grass outside his home.

131. Defendants intentionally used physical force and show of authority to restrain Plaintiff Munir's movement.

132. Defendants had no reasonable basis to suspect Plaintiff Munir had violated any laws when they seized him.

133. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

134. Defendants violated Plaintiff Munir's Fourth Amendment right to be free from unreasonable seizures.



135. As a result of this conduct, Defendants are liable for Plaintiff Munir's injuries.

**Count III: Unreasonable Search and Seizure - Unlawful Seizure of Plaintiff**

**Maria (Against All Defendants)**

136. Plaintiffs hereby incorporate the allegations above as if fully made herein.

137. Two Defendants, including Officer Yates, moved towards Plaintiff Maria and pushed her to the ground using a riot shield, where at least one Defendant touched her inappropriately, lifted her by her shirt, threw her onto the sofa, forced her arms behind her back, and handcuffed her.

138. Defendants intentionally used physical force and show of authority to restrain Plaintiff Maria's movement.

139. Defendants had no reasonable basis to suspect Plaintiff Maria had violated any laws when they seized her.

140. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

141. Defendants violated Plaintiff Maria's Fourth Amendment right to be free from unreasonable seizures.

142. As a result of this conduct, Defendants are liable for Plaintiff Maria's injuries.

**Count IV: Unreasonable Search and Seizure - Unlawful Seizure of Plaintiff**

**Gilberto (Against All Defendants)**

143. Plaintiffs hereby incorporate the allegations above as if fully made herein.

144. At least two Defendants, including Officers Chappell and Walser, moved towards Plaintiff Gilberto with weapons drawn, pinned Plaintiff Gilberto against a couch, forcible twisted his arms behind his back, and handcuffed him. Defendants detained Plaintiff Gilberto outdoors, handcuffed and pinned to the ground, for two and a half hours.

145. Defendants intentionally used physical force and show of authority to restrain Plaintiff Gilberto's movements.

146. Defendants had no reasonable basis to suspect Gilberto had violated any laws when they seized him.

147. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

148. Defendants violated Plaintiff Gilberto's Fourth Amendment right to be free from unreasonable seizures.

149. As a result of this conduct, Defendants are liable for Plaintiff Gilberto's injuries.

**Count V: Unreasonable Search and Seizure - Unlawful Seizure of**

**Plaintiff Enrique**

**(Against All Defendants)**

150. Plaintiffs hereby incorporate the allegations above as if fully made herein.

151. One Defendant moved towards Plaintiff Enrique pointing an assault rifle. A second Defendant handcuffed Plaintiff Enrique, despite the fact that he was a minor. The second Defendant ordered Plaintiff Enrique to sit down and not move. Defendants then detained Plaintiff Enrique outdoors with his siblings for two and a half hours.

152. Defendants intentionally used physical force and show of authority to restrain Plaintiff Enrique's movements.

153. Defendants had no reasonable basis to suspect Plaintiff Enrique had violated any laws when they seized him.

154. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

155. Defendants violated Plaintiff Enrique's Fourth Amendment right to be free from unreasonable seizures.

156. As a result of this conduct, Defendants are liable for Plaintiff Enrique's injuries.

**Count VI: Unreasonable Search and Seizure - Unlawful Seizure of Plaintiff**

**A.M.Y.G. (Against All Defendants)**

157. Plaintiffs hereby incorporate the allegations above as if fully made herein.

158. Several Defendants, including Officer Jindra, moved towards Plaintiff A.M.Y.G. bearing weapons. Defendants then commanded A.M.Y.G. to jump out the kitchen window, approximately four feet, to the front yard where two more Defendants were waiting to detain them. Defendants then detained A.M.Y.G. outdoors for two and a half hours.

159. Defendants intentionally used physical force and show of authority to restrain the movements of Plaintiff A.M.Y.G.

160. Defendants had no reasonable basis to suspect Plaintiff A.M.Y.G. had violated any laws when they seized them.

161. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

162. Defendants violated Plaintiff A.M.Y.G.'s Fourth Amendment right to be free from unreasonable seizures.

163. Defendants are liable for the injuries of Plaintiff A.M.Y.G.

**Count VII: Unreasonable Search and Seizure - Unlawful Seizure of Plaintiff**

**C.A.Y.G. (Against All Defendants)**

164. Plaintiffs hereby incorporate the allegations above as if fully made herein.

165. Several Defendants moved towards Plaintiff C.A.Y.G bearing weapons. Defendants then directed C.A.Y.G. to jump out the kitchen window, approximately four feet, to the front yard where two more Defendants were waiting to detain them. Defendants then detained C.A.Y.G. outdoors for two and a half hours.

166. Defendants intentionally used physical force and show of authority to restrain the movements of Plaintiff C.A.Y.G.

167. Defendants had no reasonable basis to suspect Plaintiff C.A.Y.G. had violated any laws when they seized them.

168. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

169. Defendants violated Plaintiff C.A.Y.G.'s Fourth Amendment right to be free from unreasonable seizures.

170. Defendants are liable for the injuries of Plaintiff C.A.Y.G.

**Count VIII: Unreasonable Search and Seizure - Use of Excessive Force in Seizure of Plaintiff Munir (Against All Defendants)**

171. Plaintiffs hereby incorporate the allegations above as if fully made herein.

172. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered the Plaintiffs' home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Plaintiffs and detained them outside for two and a half hours.

173. Defendants' use of guns, riot shield, and battering ram to enter Munir's home and seize him and his family, separate them, force them to exit the

home, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiffs posed no threat to the Defendants, made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.

174. Defendant Officer Chappell's use of a Taser on Plaintiff Munir was an excessive use of force, especially given that Plaintiff Munir posed no threat and was not attempting to escape or resisting. At the time he was tased, a group of five Defendants had already restrained him, flipped him over so he was face down, and were holding him down by the arms and legs. One Defendant had his foot on Plaintiff Munir's neck, immobilizing him. Despite the fact that he was restrained and immobilized, Officer Chappell used a Taser on his back for approximately 45 seconds.

175. Munir continues to suffer physical and psychological pain from these actions.

176. Defendants' use of force to restrict Plaintiff Munir's movement with handcuffs while pinning him on the grass outdoors was also an excessive use of force. Plaintiff Munir did not pose a threat to Defendants.

177. Defendants violated Plaintiff Munir's Fourth Amendment right to be free from excessive force.

178. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

**Count IX: Unreasonable Search and Seizure - Use of Excessive Force in  
Seizure of Plaintiff Maria (Against All Defendants)**

179. Plaintiffs hereby incorporate the allegations above as if fully made herein.

180. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered Maria's home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Maria and her family and detained them outside their home for two and a half hours.

181. Defendants' use of guns, riot shield, and battering ram to enter the home and seize Maria, separate her and her family, force them to exit the home, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiffs posed no threat to the Defendants, made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.



182. Defendants' use of a riot shield to tackle and push down Plaintiff Maria was an excessive use of force, especially given that Plaintiff Maria posed no threat and was not attempting to escape or resisting. Certain Defendants' improper touching of Maria was unnecessary and degrading. Defendants' use of handcuffs on Plaintiff Maria was an excessive use of force given that she posed no threat to Defendants.

183. Defendants violated Plaintiff Maria's Fourth Amendment right to be free from excessive force.

184. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

**Count X: Unreasonable Search and Seizure - Use of Excessive Force in Seizure of Plaintiff Gilberto (Against All Defendants)**

185. Plaintiffs hereby incorporate the allegations above as if fully made herein.

186. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered the Plaintiffs' home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the

ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Plaintiffs and detained them outside for two and a half hours.

187. Defendants' use of guns, riot shield, and battering ram to enter Gilberto's home and seize him and his family, separate them, force them to exit the home, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiffs posed no threat to the Defendants, made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.

188. Defendants showed force to restrict Plaintiff Gilberto's movement and questioned him with no reasonable suspicion that he had committed a crime. Defendants placed handcuffs on Plaintiff Gilberto using unreasonable force in doing so, and pinned him on the grass in his front yard. At no time did Plaintiff Gilberto resist or pose a threat to any Defendant.

189. Defendants violated Plaintiff Gilberto's Fourth Amendment right to be free from excessive force.

190. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

**Count XI: Unreasonable Search and Seizure - Use of Excessive Force in**

**Seizure of Plaintiff Enrique (Against All Defendants)**

191. Plaintiffs hereby incorporate the allegations above as if fully made herein.

192. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered the Plaintiffs' home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Plaintiffs and detained them outside for two and a half hours.

193. Defendants' use of guns, riot shield, and battering ram to enter Enrique's home and seize Plaintiffs, separate him and his family, force them to exit the home, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiffs posed no threat to the Defendants, made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.

194. Defendants' use of handcuffs on Plaintiff Enrique, a minor, was an excessive use of force, especially given that Plaintiff Enrique posed no threat and was not attempting to escape or resisting. Plaintiff Enrique became paralyzed with fear when Defendants approached him pointing an assault weapon, and pointing the weapon at his head was excessive under the circumstances.

195. Defendants violated Plaintiff Enrique's Fourth Amendment right to be free from excessive force.

196. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

**Count XII: Unreasonable Search and Seizure - Use of Excessive Force in Seizure of Plaintiff A.M.Y.G. (Against All Defendants)**

197. Plaintiffs hereby incorporate the allegations above as if fully made herein.

198. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered the Plaintiffs' home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Plaintiffs and detained them outside for two and a half hours.

199. Defendants' use of guns, riot shield, and battering ram to enter the home and seize A.M.Y.G., separate them and their family, force them to exit the home barefoot, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiff was a child, posed no threat to the Defendants,

made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.

200. Defendants' seizure of Plaintiff A.M.Y.G., while the minor was barefoot, for two and a half hours was an excessive use of force, especially given that the search Defendants conducted was lengthy, destructive, and included searching in drawers, cabinets, and other places where an individual could not possibly be hiding.

201. Forcing Plaintiff A.M.Y.G. to jump out of the window was excessive under the circumstances, given that there was no danger to Plaintiff or any Defendants for A.M.Y.G. to simply walk out the door.

202. Defendants violated Plaintiff A.M.Y.G.'s Fourth Amendment right to be free from excessive force.

203. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

204. As a result of this conduct, Defendants are liable for Plaintiff A.M.Y.G.'s injuries.

**Count XIII: Unreasonable Search and Seizure - Use of Excessive Force in  
Seizure of Plaintiff C.A.Y.G. (Against All Defendants)**

205. Plaintiffs hereby incorporate the allegations above as if fully made herein.

206. Defendants Chappell, N. Griffiths, Jindra, Lloyd, Roberts, Smith, Walser, and Yates, and John Does 1-12 unlawfully entered the Plaintiffs' home on August 20, 2018 bearing a riot shield, shouting at the Plaintiffs to get on the ground, and pointing guns at Plaintiffs, including the minors. Defendants seized Plaintiffs and detained them outside for two and a half hours.

207. Defendants' use of guns, riot shield, and battering ram to enter the home and seize C.A.Y.G., separate them and their family, force them to exit the home barefoot, and detain them for two and a half hours was an excessive use of force, especially given that Plaintiff was a child, posed no threat to the Defendants, made no attempt to escape, and the alleged subject of the Defendants' efforts was wanted for a non-violent crime.

208. Defendants' seizure of Plaintiff C.A.Y.G., while the minor was barefoot, for two and a half hours was an excessive use of force, especially given that the search Defendants conducted was lengthy, destructive, and included

searching in drawers, cabinets, and other places where an individual could not possibly be hiding.

209. Forcing Plaintiff C.A.Y.G. to jump out of the window was excessive under the circumstances, given that there was no danger to Plaintiff or any Defendants for C.A.Y.G. to simply walk out the door.

210. Defendants violated Plaintiff C.A.Y.G.'s Fourth Amendment right to be free from excessive force.

211. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

212. As a result of this conduct, Defendants are liable for Plaintiff C.A.Y.G.'s injuries.

**Count XIV: Unlawful Seizure of Property (Against All Defendants)**

213. Plaintiffs hereby incorporate the allegations above as if fully made herein.

214. Defendants entered the Plaintiffs' home on August 20, 2018 without consent, a warrant, or circumstances that justified a warrantless search.

215. Defendants conducted an extensive and destructive search that included opening drawers and cabinets, unmaking beds, and throwing belongings on the ground.

216. One or more of the Defendants took \$7,000 in cash belonging to Plaintiffs from the home, which they found in the pocket of a coat hanging in a closet, without giving Plaintiffs any paperwork to indicate that the property was being removed as evidence.

217. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

218. Defendants violated the Plaintiffs' Fourth Amendment right to be free from unlawful seizures.

219. As a result of this conduct, Defendants are liable for the Plaintiffs' injuries.

**Count XV: Conspiracy to Violate Constitutional Rights (Against All Defendants)**

220. 42 U.S.C. § 1985(3) provides that if two or more persons conspire for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities



under the laws, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

221. Plaintiffs hereby incorporate the allegations above as if fully made herein.

222. Defendants, who upon information and belief, are members AP&P's Fugitive Apprehension Task Force, acted jointly in concert, as co-conspirators, to conduct the unreasonable and unlawful searches and seizures described above, and to do so using excessive force.

223. Defendant Officer Chappell evinced animus towards Plaintiffs because of their ethnicity, and national origin. Defendant Officer Chappell taunted Plaintiff Maria, telling her she should know, as a Latina mother, where all her children are. Other Defendants also taunted Plaintiff Munir as they drove him to jail, telling him he would be deported and would "be in Mexico tomorrow," and thus targeted him for derision because of his ethnicity and national origin.

224. In doing so, Defendants, as co-conspirators, conspired to accomplish an unlawful purpose by unlawful means, with the purpose of intimidation and illegally obtaining evidence by depriving Plaintiffs of their Fourth Amendment

rights to be free from unreasonable searches and seizures, and from excessive force.

225. In furtherance of their conspiracy, each of the Defendants, as co-conspirators, committed overt acts and were otherwise willful participants in joint activity.

226. The misconduct was objectively unreasonable and was undertaken intentionally, with malice, and with reckless indifference to the rights of others, and in total disregard for Plaintiffs' clearly-established constitutional rights.

227. Defendants' conspiracy was a proximate cause of the injury to the Plaintiffs and caused the deprivation of Plaintiffs' constitutionally protected rights under the Fourth and Fourteenth Amendments of the United States Constitution.

228. As a result of Defendants' misconduct and in furtherance of their conspiracy, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, physical and emotional pain and suffering, economic damages, and other grievous and continuing injuries and damages.

**Count XVI: Negligence (Against All Defendants)**

229. Plaintiffs hereby incorporate the allegations above as if fully made herein.

230. Plaintiffs are informed and believe and thereon allege that Defendants owed Plaintiffs a duty to use due care at or about the times of the aforementioned incidents. The Defendants owed a duty to act only with reasonable suspicion and probable cause and to use reasonable force, if any use of force was necessary.

231. In doing the aforementioned acts and/or omissions, Plaintiff are informed and believe and thereon allege that said Defendants and/or each of them, individually and/or while acting in concert with one another, negligently breached said duty to use due care, resulting in the injuries and damages to the Plaintiff as alleged herein.

232. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

233. As a result of the negligence of Defendants, Plaintiffs suffered the damages and injuries as alleged in this Complaint.

**Count XVII: False Arrest/False Imprisonment of Plaintiffs Munir and  
Gilberto (Against All Defendants)**

234. Plaintiffs hereby incorporate the allegations above as if fully made herein.

235. Plaintiffs are informed and believe and thereon allege that Defendants caused Plaintiffs Munir and Gilberto to be arrested and/or imprisoned against their will without warrant and without reasonable suspicion or probable cause to believe that either of them had committed any crimes. To date, no charges have been filed against Plaintiff Munir or Plaintiff Gilberto.

236. As a result of the false arrest and/or false imprisonment by said Defendants, and/or each of them, Plaintiffs suffered the damages and injuries as alleged heretofore in this Complaint.

237. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

238. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants, as alleged herein, was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against Defendants in amounts to be determined according to proof.

**Count XVIII: Aggravated Assault of Plaintiff Munir (Against All Defendants)**

239. Plaintiffs hereby incorporate the allegations above as if fully made herein.

240. In doing the acts alleged in this Complaint, Defendants, including Officers Chappell, N. Griffiths, and Yates, acted with the intent to forcefully restrain Plaintiff Munir and cause him bodily harm. Despite the fact that he was already restrained, not resisting, and completely immobilized, Defendant Officer Chappell intentionally and unnecessarily tased Plaintiff Munir for approximately 45 seconds.

241. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

242. As a result of the aggravated assault by Defendants, Plaintiff Munir suffered the damages and injuries as alleged heretofore in this Complaint.

243. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against said Defendants and/or each of them, in amounts to be determined according to proof.

**Count XIX: Assault of Plaintiff Munir (Against All Defendants)**

244. Plaintiffs hereby incorporate the allegations above as if fully made herein.

245. In doing the acts alleged in this Complaint, Defendants forcefully restrained Plaintiff Munir and caused him bodily harm. Despite the fact that he was already restrained, not resisting, and completely immobilized, Agent Chappell intentionally and unnecessarily tased Plaintiff Munir for approximately 45 seconds. Defendants, including Officers Chappell, N. Griffiths, and Yates, then proceeded to handcuff Plaintiff Munir and detain him outdoors, pinned down on the grass, for two and a half hours.

246. Defendants' actions were the result of an unlawful application of force.

247. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

248. As a result of the assault by Defendants, Plaintiff Munir suffered the damages and injuries as alleged heretofore in this Complaint.

249. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against said Defendants and/or each of them, in amounts to be determined according to proof.

**Count XX: Assault of Plaintiff Maria (Against All Defendants)**

250. Plaintiffs hereby incorporate the allegations above as if fully made herein.

251. In doing the acts alleged in this Complaint, Defendants, including Officer Yates, assaulted Maria by tackling her with a riot shield and forcibly handcuffing her in front of her children.

252. Defendants' actions were the result of an unlawful application of force.

253. As a result of the assault by Defendants, Plaintiffs suffered the damages and injuries as alleged heretofore in this Complaint.

254. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

255. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against said Defendants and/or each of them, in amounts to be determined according to proof.

**Count XXI: Assault of Plaintiff Gilberto (Against All Defendants)**

256. Plaintiffs hereby incorporate the allegations above as if fully made herein.

257. In doing the acts alleged in this Complaint, Defendants, including Officers Chappell and Wolser, assaulted Gilberto by handcuffing him and detaining him outdoors, and pinning him on the ground for over two hours.

258. Defendants actions were the result of an unlawful application of force.

259. The Defendants were acting in accordance with AP&P pattern, practice, and/or custom in carrying out these acts.

260. As a result of the assault by Defendants, Plaintiffs suffered the damages and injuries as alleged heretofore in this Complaint.

261. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against said Defendants and/or each of them, in amounts to be determined according to proof.

**Count XXII: Intentional Infliction of Emotional Distress (Against All Defendants)**

262. Plaintiffs hereby incorporate the allegations above as if fully made herein.



263. In doing the acts alleged in this Complaint, Defendants acted with the intention of causing, or reckless disregard of the probability of causing, Plaintiffs' severe and extreme emotional distress by forcibly entering their home bearing a riot shield and pointing weapons, including pointing weapons at the minors, and yelling at Plaintiffs to get on the ground.

264. Defendants caused Plaintiff Munir severe and extreme emotional distress by using a Taser on him despite the fact that he was restrained and not resisting. Defendants also caused Plaintiff Munir severe and extreme emotional distress by arresting him without a warrant or any reasonable basis to do so.

265. Defendants caused Plaintiff Maria severe and extreme emotional distress by tackling her with a riot shield and forcibly handcuffing her in front of her children, separating her from her children, and arresting her husband and one of her sons without a warrant or any reasonable basis to do so.

266. Defendants caused Plaintiff Gilberto severe and extreme emotional distress by handcuffing him and detaining him outdoors, pinning him on the ground for over two hours, questioning him without any reasonable suspicion that he had committed a crime, and arresting him without a warrant or any reasonable basis to do so.

267. Defendants caused Plaintiff Enrique severe and extreme emotional distress by pointing an assault weapon at him despite the fact that he was a minor and was not attempting to flee or resist. Plaintiff Enrique was frozen in fear at the sight of the weapon and suffered a panic attack after witnessing Defendants tackle his mother with a riot shield and tase his father.

268. Defendants caused Plaintiffs A.M.Y.G and C.A.Y.G severe and extreme emotional distress by separating them from the rest of the family, instructing them to jump out a kitchen window, and telling them they would be taken by Child Protective Services if they did not follow orders.

269. As a result of the intentional infliction of emotional distress by said Defendants, Plaintiffs suffered the damages and injuries as alleged heretofore in this Complaint.

270. Plaintiffs are informed and believe and thereon allege that the conduct of Defendants was intentional, malicious, and/or oppressive. As a result, Plaintiffs are entitled to an award of punitive and exemplary damages against Defendants and/or each of them, in amounts to be determined according to proof.

**Count XXIII: Violation of State Constitutional Right Forbidding**

**Unreasonable Searches (Against All Defendants)**

271. Plaintiffs hereby incorporate the allegations above as if fully made herein.

272. In doing the acts alleged in this Complaint, Defendants, acting under color and authority of law, deprived Plaintiffs of their right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, in violation of Article I, Section 14 of the Utah Constitution.

273. Plaintiffs are entitled to damages, against all Defendants not named in their official capacities, caused by these violations.

**Count XXIV: Violation of State Constitutional Right Forbidding Cruel Punishments (Against All Defendants)**

274. Plaintiffs hereby incorporate the allegations above as if fully made herein.

275. In doing the acts alleged in this Complaint, Defendants, acting under color and authority of law, deprived Plaintiffs of their right to not be subjected to cruel and unusual punishments and for persons arrested to not be treated with unnecessary rigor, in violation of Article I, Section 9 of the Utah Constitution.

276. Plaintiffs are entitled to damages, against all Defendants not named in their official capacities, caused by these violations.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs request that the Court enter a judgment against Defendants and award the following:

- A. A declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 that Defendants' search, seizure, and use of excessive force against Plaintiffs was a clear violation of Plaintiffs' Fourth Amendment rights;
- B. Issue an order enjoining Defendants from continuing to violate Plaintiffs' Constitutional rights by falsely claiming they have authority to enter Plaintiffs' home;
- C. A declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 that Defendants' policy and practice of indiscriminately utilizing AP&P agents assigned to a Fugitive Apprehension Team and/or VFAST, in low-risk situations, such as entry into family homes involving children, the elderly, and other vulnerable populations, in order to intimidate said families into cooperating with the AP&P is a retaliatory and unconstitutional practice;
- D. Issue an order enjoining Defendants from continuing to violate Plaintiffs' Constitutional rights by perpetuating the policy and practice

of using AP&P agents assigned to the Fugitive Apprehension Team to intimidate Plaintiffs and violate their Constitutional rights;

- E. Award Plaintiffs compensatory damages in an amount to be proven at trial;
- F. Hold Defendants jointly and severally liable for compensatory damages in an amount to be proven at trial;
- G. Award Plaintiffs punitive damages against each Defendant in an amount to be proven at trial;
- H. Award Plaintiffs the cost of this action and reasonable attorney fees;
- I. Award such other relief as the court deems just and proper.

**COMPLIANCE WITH NOTICE OF CLAIM REQUIREMENT**

Prior to commencing this litigation, Plaintiffs presented a timely Notice of Claims to Defendants by and through their legal representatives pursuant to Utah Code Section 63G-7-401. Said Claim was rejected and this Complaint is filed more than 60 days after the Notice of Claim was filed.

**JURY DEMAND**

Plaintiffs demand trial by jury on all issues as to which a jury is available.

Dated: January 29, 2020

Respectfully submitted,

s/ John Mejia

John Mejia (Bar No. 13965)

Leah Farrell (Bar No. 13696)

ACLU OF UTAH FOUNDATION, INC.

Anupam Sharma\*

Joshua Gonzalez\*

Diane Ramirez\*

COVINGTON & BURLING LLP

S. Starling Marshall\*

CROWELL & MORING LLP

Attorneys for Plaintiffs

*\*Pro hac vice application forthcoming*