

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JESUS LIRA, BEN GARCIA, GRACIELA
MARTINEZ, STEPHEN CULLER, CYNTHIA
ARCHER, FREDERICK GARCIA and DOUGLAS
BEIDLER, on their own behalf and on behalf of a
class of similarly situated persons,

Plaintiffs,

vs.

DONA ANA COUNTY BOARD OF
COMMISSIONERS; Dona Ana County
Detention Center administrator CHRISTOPHER
BARELA, in his individual and official capacities;
former Dona Ana County Detention Center
administrator DAVID WOOLEY, in his
individual and official capacities; former
Dona Ana County Detention Center
administrator ALFONSO SOLIZ, in his
individual and official capacities, and former
Dona Ana County Detention Center acting
administrator CHERYL ROACH, in her
individual and official capacities.

Defendants.

**CLASS ACTION COMPLAINT FOR DAMAGES
FOR VIOLATIONS OF CIVIL AND CONSTITUTIONAL
RIGHTS AND FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Jesus Lira, Ben Garcia, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia and Douglas Beidler, by and through below-signed counsel, bring this Class Action Complaint for Damages for Violations of Civil and Constitutional Rights and for Declaratory and Injunctive Relief against Defendants Dona Ana County Board of Commissioners, Dona Ana County Detention Center (hereinafter "DACDC") administrator Christopher Barela, former DACDC administrators David Wooley and Alfonso Soliz, and former acting administrator Cheryl Roach (hereinafter "Defendants"). Plaintiffs allege against Defendants upon knowledge as to themselves and all matters

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NEW MEXICO

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No. CIV-06-_____

JURY TRIAL REQUESTED
Lourdes A. Martinez

William P. Lynch

of public record, and upon information and belief as to all other matters, as follows:

I.
JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 (a)(3) and (4). The Court has jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

II.
PARTIES

3. Plaintiff Jesus Lira (“Lira”) is a resident of Las Cruces, New Mexico. Lira brings this action on his own behalf and on behalf of a class of similarly situated persons.
4. Plaintiff Ben Garcia (“Garcia”) is a resident of Phoenix, Arizona. He brings this action on his own behalf and on behalf of a class of similarly situated persons.
5. Plaintiff Graciela Martinez (“Martinez”) is a resident of Las Cruces, New Mexico. She brings this action on her own behalf and on behalf of a class of similarly situated persons.
6. Plaintiff Stephen Culler (“Culler”) is a resident of Las Cruces, New Mexico. He brings this action on his own behalf and on behalf of a class of similarly situated persons.
7. Plaintiff Cynthia Archer (“Archer”) is a resident of Las Cruces, New Mexico. She brings this action on her own behalf and on behalf of a class of similarly situated persons.
8. Plaintiff Frederick Garcia (“Frederick”) is a resident of Las Cruces, New Mexico. He brings this action on his own behalf and on behalf of a class of similarly situated persons.
9. Plaintiff Douglas Beidler (“Beidler”) is a resident of Las Cruces, New Mexico. He brings this action on his own behalf and on behalf of a class of similarly situated persons.
10. Defendant Dona Ana County Board of Commissioners (“Dona Ana County”) is a

political subdivision of the State of New Mexico. Pursuant to § 4-46-1 NMSA 1978, all suits or proceedings against a county are to be brought in the name of the board of county commissioners of that county. At all times material hereto, Dona Ana County was a governmental entity and local public body as those terms are defined in the New Mexico Tort Claims Act, §§ 41-4-3(B) and (C) NMSA 1978, as amended. At all times material hereto, Dona Ana County was the employer and supervisor of the individually named Defendants. Pursuant to §§ 4-44-19, 33-3-3 through 8, and 33-3-13 NMSA 1978, Dona Ana County had a statutory obligation to provide for the confinement of prisoners incarcerated under the county's jurisdiction. Dona Ana County had a statutory obligation to appropriate funds and otherwise provide the necessary funding to maintain and operate a facility for the incarceration of prisoners under the jurisdiction of the county.

11. Defendant Christopher Barela ("Barela"), upon information and belief, is now and at all time material hereto has been a resident of Dona Ana County, New Mexico. Since approximately December 11, 2005, Barela has been the DACDC administrator, having been duly appointed to the position by the Dona Ana County Board of Commissioners. Between February 11, 2004, and August 23, 2004, and between August 23, 2005, and December 11, 2005, Barela was one of two acting DACDC administrators, having been duly appointed by said county commissioners. In addition, at all times material hereto, Barela was a law enforcement officer and public employee as those terms are defined in the New Mexico Tort Claims Act, §§ 41-4-3(D) and (F) NMSA 1978, as amended, and was acting within the scope of his duties as well as under color of law. He is sued both personally and in his official capacity. The allegations herein which pertain to Barela relate to the period during which he was an acting DACDC administrator or the permanent DACDC administrator.

12. Defendant David Wooley ("Wooley"), upon information and belief, is now and at all

times material hereto has been a resident of Dona Ana County, New Mexico. From August 23, 2004, to August 22, 2005, Wooley was the DACDC administrator, having been duly appointed to the position by the Dona Ana County Board of Commissioners. During the period Wooley was DACDC administrator, he was a law enforcement officer and public employee as those terms are defined in the New Mexico Tort Claims Act, §§ 41-4-3(D) and (F) NMSA 1978, as amended, and was acting within the scope of his duties as well as under color of law. He is sued both personally and in his official capacity. The allegations herein which pertain to Wooley relate to the period during which he was DACDC administrator.

13. Defendant Alfonso Soliz (“Soliz”), upon information and belief, is now and at all time material hereto has been a resident of Dona Ana County, New Mexico. Between 2000 and February 10, 2004, Soliz was the DACDC administrator, having been duly appointed to the position by the Dona Ana County Board of Commissioners. During the period Soliz was DACDC administrator, he was a law enforcement officer and public employee as those terms are defined in the New Mexico Tort Claims Act, §§ 41-4-3(D) and (F) NMSA 1978, as amended, and was acting within the scope of his duties as well as under color of law. He is sued both personally and in his official capacity. The allegations herein which pertain to Soliz relate to the period during which he was DACDC administrator.

14. Defendant Cheryl Roach (“Roach”), upon information and belief, is now and at all time material hereto has been a resident of Dona Ana County, New Mexico. Between February 11, 2004, and August 23, 2004, and between August 23, 2005 and December 11, 2005, Roach was one of two acting DACDC administrators, having been duly appointed by said county commissioners. In addition, at all times material hereto, Roach was a law enforcement officer and public employee as those terms

are defined in the New Mexico Tort Claims Act, §§ 41-4-3(D) and (F) NMSA 1978, as amended, and was acting within the scope of her duties as well as under color of law. She is sued both personally and in her official capacity. The allegations herein which pertain to Roach relate to the period during which she was an acting DACDC administrator.

15. Defendants Dona Ana County, Barela, Wooley, Soliz and Roach were responsible for the screening, hiring, training, monitoring, supervision and disciplining of subordinate employees of DACDC, and were the authorities empowering DACDC employees to incarcerate prisoners under the jurisdiction of Dona Ana County. Defendants Dona Ana County, Barela, Wooley, Soliz and Roach were directly responsible for the policy-making activities and the supervision of subordinate officers of DACDC.

16. Defendants Dona Ana County, Barela, Wooley, Soliz and Roach through their officials, agents, servants, and employees, were involved in and responsible for all the acts hereinafter alleged. At all times material hereto, Defendants Dona Ana County, Barela, Wooley, Soliz and Roach, individually and/or acting through their agents, officers and employees, acted in concert with one another and pursuant to a common plan and objective, and each of the Defendants is responsible for the acts and omissions of the other Defendants, and their agents, officers and employees, as co-conspirators, under the doctrine of *respondeat superior*, and under other doctrines of vicarious liability.

III. **CLAIMS OF THE NAMED PLAINTIFFS**

17. Paragraphs 1 through 16 above are incorporated herein by reference as if fully set forth in this paragraph.

Jesus Lira

18. Jesus Lira is 18 years old. He lives in Las Cruces, New Mexico. Lira attends Mayfield High School and maintains a grade point average above 3.0. Prior to January 1, 2006, he had never been arrested in his life.

19. On January 1, 2006, Lira was arrested for driving while intoxicated and was taken to the DACDC to be booked. Lira was taken to a room and ordered to disrobe. He removed his clothes and stood in the middle of the room in his underwear and socks. A DACDC officer instructed him to "take it all off." Thinking the detention officer meant his socks, he complied. The officer then informed him that he also meant his underwear, and Lira complied by removing his underwear.

20. The detention officer instructed the now naked Lira to bend over and grab his ankles. Lira did so and had to remain in this position for some time. The officer visually examined his genital and anal area from behind. Nothing was found.

Ben Garcia

21. Ben Garcia is 22 years old. He currently lives in Phoenix, Arizona, but was a student at New Mexico State University at the time of this incident. Prior to the events described below, he had never been arrested in his life.

22. On August 3, 2003, Garcia was arrested for driving while intoxicated and taken to the DACDC for booking.

23. Garcia was then taken into a room by a detention officer and told to take off all his clothing. He complied with the officer's orders. While completely naked, the detention officer visually examined him. Nothing was found.

Graciela Martinez

24. Graciela Martinez is 26 years old. **She lives** in La Mesa, New Mexico and is the mother of two young children.

25. On March 22, 2004, Martinez was **stopped** by a law enforcement officer as she was driving to El Paso, Texas, to pick up a friend from the airport. She was arrested for some outstanding traffic tickets.

26. Martinez was taken to the DACDC for booking. She was then taken into a room by a detention officer and told to remove all her clothes. **Martinez** complied and removed all her clothing.

27. Once completely naked, Martinez was **ordered** by the officer to squat and cough while the officer visually examined her. She complied. **Nothing** was found.

Stephen Culler

28. Stephen Culler is 22 years old. **He lives** in Las Cruces, New Mexico and attends New Mexico State University. Prior to the events **described** below, he had never been arrested in his life.

29. On July 18, 2003, Culler was **arrested** for driving while intoxicated. He was taken to the DACDC for booking. He was then taken by a **detention** officer into a room near the booking area and instructed to take off all his clothes. **He** complied. **His** naked body was visually examined by the officer. **Nothing** was found.

Cynthia Archer

30. Cynthia Archer is 28 years old. **She** lives in El Paso, Texas and attends college at Careers Center of El Paso.

31. On May 28, 2004, Archer was **arrested** for driving while intoxicated. She was taken into custody and transported to the DACDC for **booking**.

32. Archer was then taken by a **detention officer** into a room and instructed to take off all

her clothing. Archer questioned why she would **have to take off** her clothes. The detention officer responded by stating that she had to **search Archer**. Archer then asked if they did this to everyone. The detention officer answered that they had to **do this** to everyone. After taking everything off except for her bra, Archer was ordered to **bend over and remain** in that position. While she was bent over, the officer visually inspected her **genital and anal areas** from behind. Nothing was found.

33. The detention officer then **ordered Archer** to take off her bra. Archer explained to the officer that she did not want to take it off and **felt there** was no reason to do so. The officer again ordered her to take it off. Again Archer **expressed her desire** to leave it on. The officer eventually made Archer pull the bra away from her **breasts and visually** inspected them. Nothing was found.

Frederick Garcia

34. Frederick Garcia is 40 years old. **He lives** in Las Cruces and is a lifelong resident of New Mexico.

35. On December 29, 2004, **Frederick was arrested** for driving while intoxicated. He was taken into custody and transported to the DACDC for booking.

36. At the DACDC, Frederick was **taken by a** detention officer into a room and ordered to take off all his clothing. Frederick complied.

37. While Frederick was **naked, the officer** visually examined him and ordered him to squat and cough. Again he complied. Nothing was found.

Douglas Beidler

38. Douglas Beidler is 26 years old and **is a resident** of Las Cruces, New Mexico. He has a Bachelor of Nursing degree from the New Mexico State University.

39. On July 6, 2004, Beidler was **arrested for driving** while intoxicated. He was taken into

custody and transported to the DACDC for booking. At the DACDC, he was taken by a detention officer into a room and ordered to take off all his clothes. He complied.

40. After Beidler removed all his clothing, he was instructed to bend over and grab his ankles. Beidler did so and had to remain in this position for some time. The officer visually examined his genital and anal areas from behind. Nothing was found.

Allegations Common to All Named Plaintiffs

41. Defendants and their employees, agents and representatives had no valid reason for conducting strip searches of the named Plaintiffs. Nothing in the named Plaintiffs' histories, nor the circumstances of their arrests, gave Defendants reasonable suspicion that a strip search of the named Plaintiffs would result in the discovery of contraband or weapons. Rather, the strip searches of the named Plaintiffs were undertaken pursuant to a blanket and indiscriminate policy of strip searching detainees processed at the DACDC, in violation of well-settled constitutional law and standards of correctional practice.

42. Plaintiffs were shocked, repulsed, humiliated, ashamed and distraught at being subjected to these degrading and dehumanizing invasions of their privacy.

IV. CLASS ACTION ALLEGATIONS

43. Paragraphs 1 through 42, above, are incorporated herein by reference as if fully set forth in this paragraph.

44. The strip searches to which Plaintiffs were subjected were performed pursuant to the policies, practices and customs of Defendants of conducting strip searches of incoming detainees. The searches complained of herein were performed without regard to the nature of the alleged offenses for

which Plaintiffs had been arrested, and without Defendants or their employees, agents and representatives having a reasonable belief that the Plaintiffs so searched possessed weapons or contraband, or that there existed facts supporting a reasonable belief that the searches would produce contraband or weapons.

45. This civil action is brought by Plaintiffs on their own behalf and on behalf of a class of similarly situated persons, pursuant to Fed. R. Civ. P. 23. The class for which Plaintiffs seeks certification is defined as follows: all persons who, in the period from March 3, 2003, to the present and continuing until this matter is adjudicated and the practices complained of herein cease, were arrested and subjected to a strip search and/or body cavity search at the Dona Ana County Detention Facility pursuant to a policy or practice of conducting strip searches on pre-arraignment arrestees without individualized reasonable suspicion that the search would lead to the discovery of contraband or weapons.

46. Plaintiffs are members of the class they seek to represent, and have standing to bring this action because they were arrested and subjected to a strip search and/or visual body search at the DACDC in the absence of a reasonable suspicion that the search would be productive of contraband or weapons, as set forth in more detail above.

47. Pursuant to Fed. R. Civ. P. 23, Plaintiffs, individually and on behalf of the members of the class, seek such relief as is just and equitable, including but not limited to: (i) Complete disclosure of all information within the possession, custody or control of Defendants concerning, relating to or involving the searches complained of herein;

(ii) Judicial declaration that the searches complained of herein are unlawful;

(iii) Issuance of a permanent injunction prohibiting Defendants from engaging in the searches

complained of herein; and

(iv) Judgment for compensatory and punitive damages to the fullest extent allowable by law from Defendants in favor of Plaintiffs and the members of the class for personal and economic injury, and deprivation of statutory and/or common law rights resulting from Defendants' practices.

48. Plaintiffs are unable to state precisely the size of the class. On information and belief, Plaintiffs allege that there often are more than ten persons per day who are arrested, booked into the DACDC and subjected to the searches complained of herein as a result of Defendants' policies, practices, and customs related to said searches. Thus, the class is sufficiently numerous that joinder of all members herein is impracticable. The exact number of class members will be ascertained through appropriate discovery, from records maintained by Defendants and their agents.

49. Questions of law and fact are common to the claims of Plaintiffs and the members of the class, including but not limited to (1) whether DACDC officers routinely subject persons arrested to strip searches and/or body cavity searches; (2) whether persons are subjected to strip searches and/or body cavity searches in the absence of any reasonable suspicion, based on specific and articulable facts, to believe any particular detainee has concealed drugs, weapons, and or contraband; (3) whether the strip searches are conducted in an area of privacy so that the searches cannot be observed by persons not participating in the searches; (4) whether DACDC officers may lawfully perform strip searches and/or body cavity searches without reasonable suspicion, based on specific and articulable facts, to believe any particular detainee has concealed drugs, weapons or contraband; (5) whether strip searches and/or body cavity searches may lawfully be conducted in areas where the search can be observed by people not participating in the search; and (6) whether or not Defendants' strip search policy and procedure is in accordance with the State and Federal Constitutions.

50. Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

51. There is a well-defined community of interest amongst members of the class. The claims of the named Plaintiffs are typical of the claims of the members of the class. The factual bases of Defendants' misconduct are common to all class members and represent a common policy and practice of blanket strip searches of detainees without reasonable suspicion. Moreover, Plaintiffs' claims are based on the same legal theories as those of the class members.

52. The named Plaintiffs will fairly and adequately protect the interests of the class. Plaintiffs are committed to prosecuting this action, and they have retained competent counsel experienced in civil litigation of this nature. Moreover, the interests of Plaintiffs are coincident with, and not antagonistic to, those of the other members of the class.

53. The common questions of law and fact herein predominate over questions affecting any individual class member, and class action treatment provides a superior method for the fair and efficient adjudication of the controversy.

54. At all times relevant to the acts alleged herein, and as to every cause of action asserted, Defendants acted fraudulently, oppressively, maliciously, and in knowing and conscious disregard of Plaintiffs' rights and the rights of class members, as outlined herein.

V.
FIRST CAUSE OF ACTION
(Civil Rights Violations Under 42 U.S.C. § 1983)

55. Plaintiffs incorporate by reference into their first cause of action the allegations of paragraphs 1 through 54 above, as fully as if realleged and set forth herein.

56. The above-described acts and omissions of Defendants were unreasonable, shocking to the conscience, and were committed intentionally, maliciously, willfully and/or with reckless or deliberate indifference, and in violation of the following clearly established constitutional rights of which a reasonable person would have been aware:

- (a) Plaintiffs' and class members' **Fourth Amendment** rights to be free from unreasonable searches and seizures; and
- (b) Plaintiffs' and class members' **Eighth Amendment** rights to be free from cruel and unusual punishment and/or **Fourteenth Amendment** rights to substantive and procedural due process, and to privacy.

57. The above-described acts and omissions of Defendants were motivated by evil motive and intent, and involved recklessness and callous indifference to Plaintiffs' and class members' federally protected rights, justifying an award of punitive damages.

58. Prior to the acts and omissions alleged herein, Defendants failed to properly create, adopt, inculcate and ensure compliance with appropriate policies and procedures for corrections officers and supervisory personnel employed by them; failed to properly train, monitor, supervise and discipline corrections officers and supervisory personnel employed by them, and failed to otherwise institute and ensure compliance with adequate procedures and policies that would protect the rights of Plaintiffs and class members. These acts and omissions were direct and proximate causes of the injuries complained of by Plaintiffs herein, as set forth below.

59. Defendants Dona Ana County, **Barela**, **Wooley**, **Soliz** and/or **Roach** maintained a custom or policy which permitted or condoned the foregoing violations of Plaintiffs' and class members' constitutional rights.

60. The acts and omissions of the **Defendants** as set forth above were undertaken under color of state law and operated to deprive Plaintiffs and the members of the class of their federal rights. Defendants Barela, Wooley, Soliz and Roach are liable in their individual and official capacities for damages proximately caused by these acts and omissions. Plaintiffs are also entitled to injunctive relief against the Defendants, including a permanent injunction prohibiting Defendants from engaging in the unlawful practices and procedures complained of herein.

61. As a direct and proximate cause of Defendants' violations of their constitutional rights, Plaintiffs and members of the class suffered damages as set forth below.

VI.
SECOND CAUSE OF ACTION
(Claims Arising Under the New Mexico Tort Claims Act)

62. Plaintiffs incorporate by reference into their second cause of action the allegations of paragraphs 1 through 61 above, as fully as if realleged and set forth herein.

63. The conduct of Defendants, described above, resulted in personal injury and bodily injury to Plaintiffs and members of the class resulting from assault, battery, false imprisonment, and/or deprivation of rights, privileges or immunity secured by the Constitution and laws of the United States and New Mexico.

64. Defendants Barela, Wooley, Soliz and Roach, as supervisors of DACDC officers, had the duty in any activity actually undertaken by them to exercise for the safety of others that care ordinarily exercised by a reasonable, prudent and qualified law enforcement supervisor in light of the nature of what was being done. In addition, Defendants Barela, Wooley, Soliz and Roach had a duty to properly screen, hire, train, monitor, supervise and/or discipline employees of DACDC. Defendants Barela, Wooley, Soliz and Roach knew or reasonably should have known of the information described

above.

65. Defendants Barela, Wooley, Soliz and Roach breached the foregoing duties by failing to properly screen, hire, train, monitor, supervise and/or discipline employees of DACDC, and by failing to adopt and ensure compliance with appropriate policies, procedures and protocols, by failing to implement appropriate supplemental training, by failing to appropriately discipline subordinate officers, and by failing to take other appropriate and usual supervisory actions to correct the problems and to prevent the harm which resulted to Plaintiffs and members of the class as a result of the misconduct of Defendants, described above.

66. Dona Ana County is the governmental entity which had immediate supervisory responsibility over the actions of employees of the DACDC, including but not limited to Defendants Barela, Wooley, Soliz and Roach. Therefore, Dona Ana County is jointly and severally liable for all injuries and damages caused by the negligence of any of its officials or employees under the doctrine of vicarious liability.

67. The conduct of Defendants was a direct and proximate cause of the injuries and damages to Plaintiffs and members of the class as set forth below.

68. All of the acts or omissions which constitute the basis for liability herein come within the scope of the waivers of immunity contained within the New Mexico Tort Claims Act.

69. To the extent required, Plaintiffs have given written notice of the claims contained herein in compliance with the New Mexico Tort Claims Act, §41-4-16(A)-(C) NMSA 1978, as amended.

70. As a direct and proximate cause of Defendants' conduct, Plaintiffs and members of the class suffered damages as set forth below.

VII.
THIRD CAUSE OF ACTION
(Declaratory and Injunctive Relief)

71. Plaintiffs incorporate by reference into their fourth cause of action the allegations of paragraphs 1 through 70 above, as fully as if **reallged** and set forth herein.

72. Plaintiffs, on behalf of themselves and the members of the class, seek a judgment declaring that Defendants must cease the activities described herein and enjoining Defendants from any further strip searches without individualized **reasonable suspicion**.

73. The constitutional violations **alleged herein** arise from official policies and practices sanctioned by Defendants. The harm which the Plaintiffs and the members of the class have sustained are directly traceable to these officially sanctioned **policies** and procedures.

74. Plaintiffs and members of the class **do not** have a plain, adequate, speedy, or complete remedy at law to address the wrongs **alleged** in this Complaint, and they will suffer irreparable injury as a result of Defendants' misconduct unless **injunctive** and declaratory relief is granted. Plaintiffs and members of the class are in real and immediate **danger** of sustaining future, direct injury as a result of Defendants' official policies and practices that **are ongoing** at the time of this suit.

75. No cognizable burden will be **placed on Defendants** by requiring that no strip searches be undertaken without individualized **reasonable suspicion**. The public interest would be greatly enhanced by enforcement of policies and practices **which** adhere to the requirements of the state and federal Constitutions. Absent **injunctive relief**, there is no guarantee that the Defendants will cease their illegal policies and practices as **alleged herein**.

76. By reason of the foregoing, **Plaintiffs** and members of the class are entitled to declaratory and injunctive relief as set forth above.

VIII.
DAMAGES

77. Paragraphs 1 through 76, above, are incorporated herein by reference as if fully set forth in this paragraph.

78. As a direct and proximate result of the wrongful and unlawful actions of Defendants, described above, Plaintiffs and the members of the class were injured and have suffered and continue to suffer damages, including but not limited to distress, anguish, suffering, humiliation, deprivation of constitutional rights, and other incidental, consequential, and special damages.

79. Defendants' acts and omissions, as set forth herein, were malicious, reckless, wanton, oppressive, and/or fraudulent, justifying an award of punitive damages against the individually named Defendants in their personal capacities, for the purpose of punishment and to deter others from the commission of like offenses.

WHEREFORE, Plaintiffs, on behalf of themselves, and on behalf of the members of the class represented herein, respectfully pray for and demand judgment against the Defendants as follows:

- (a) For judgment against Defendants for compensatory damages, special damages, consequential damages and incidental damages under any or all of the causes of action, in an amount to be determined at the trial of this cause;
- (b) For judgment declaring the rights of the parties;
- (c) For injunctive relief;
- (d) For reasonable attorneys' fees and costs incurred herein;
- (e) For pre-judgment and post-judgment interest in amounts to be determined according to law;

- (f) For an award of punitive and exemplary damages, in an amount to be determined at the trial of this cause; and
- (g) For such other and further relief as the Court deems just and proper.

JURY TRIAL REQUEST

COME NOW Plaintiffs, by and through their counsel, below-listed, on their own behalf and on behalf of a class of similarly situated persons, and hereby demand trial by jury pursuant to the terms and conditions of Fed.R.Civ.P. 38 in regard to all issues in the above-referenced cause.

Respectfully submitted,

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