

DISTRICT COURT, COUNTY OF CROWLEY, STATE OF COLORADO

Court Address: Sixteenth Judicial District Court
Crowley County Courthouse
110 E. 6th Street, Room 303
Ordway, Colorado 81063
Telephone 719-267-4468

▲ COURT USE ONLY ▲

Plaintiff(s): JASON M. ABRAHAMSON, JARED ADAM, WILLIAM ALBILLAR, HOWARD ALLEY, JR., RUDY ALVERADO, LONNIE L. ANDERSON, JUSTIN ANDREAE, JOHN C. ARMINTROUT, CHAD BALL, ADOLFO R. BARRERA, MICHAEL BASBAGILL, FELIPE BLAN, JOE BLAND, ANDRES BOCANEGRA, TERRY BORROWDALE, JOSH BOYCE, ROBERT BOYER, CHAD BREMER, EDWARD LAVON BROWN, STEVE CARTER, MICHAEL CHAVEZ, CARLOS CID, MICHAEL CLARKE, ARTURO PENA CUEVAS, GARY DAVIS, SYLVESTER DAVIS, WENDELL DEGREE, CHRIS DELGADO, RYAN DELMASTRO, SCOTT DOTY, STEVEN DRIVER, JR., KEVIN DRUM, DENNIS DUNCAN, LARRY ECHE, VINCENT A. ESPALIN, ISAAC ESPINOZA, FRANCO FERNANDO, ROBERT I. FOSTER, GARY M. FROSTMAN, MARK GARCIA, LEVIE GEORGE, JEFF GERRARD, GERARD GLEIFORST, LARRY GLOVER, KENNETH GRIFFIN, KEVIN GUSTAFSON, JOSEPH GUTIERREZ, JAIME R. GUZMAN, STEVE HADEN, JUSTIN HALL, ROY R. HANTHORN, JOHN HARVEY, ALBERT HAYES, GLEN R. HERNET, JOSE THOMAS HERRERA, FERMIN R. HINOJOS, JR., LAWRENCE HOWARD, DARELL HOWZE, DALE HUNT, WILLIAM F. JARRED, DEWARREN JOHNSON, DEVON P. JONES, NIGUEL JONES, WILLIAM T. JUARBE, CHRISTOPHER KAHRING, DAN KATHOL, TIMOTHY A. KIMLER, CHARLES KIRKMAN, DANNY KNIGHT, TRAMAINÉ LAMPKIN, DANIEL LARSON, RONALD LAW, BRENT LEGG, CHAD A. LEHMAN, ISAAC L'ESPERANCE, NELSON L'ESPERANCE, CHARLES LOFTUS, WARREN E. LOVATO, JEFFERY LOVEALL, CHARLES T. MARSHALL, DENNY J. MARTINEZ, EDWARD P. MARTINEZ, STEVEN MATT, RICHARD MCCHESENEY,

Case Number:
Div:

JEFF MCCOOK, BARRINGTON N. MCINTOSH, JAMES MCPHERSON, FILIPPO A. MICELI, LONNIE MORISCH, FREDERICK J. MORRIS, WILLIAM MORRIS, MATT L. MURDOCK, THOMAS NICHOL, ROSS NUANES, FANOALII OTO, SCOTT PADILLA, DAVID PEKKALA, DONALD J. PERKINS, STEVE PICKETT, MITCH PINO, RON L. RAILE, JIMMY L. RAMSEYER, KYLE W. RAWLINGS, BO REDHAWK, KENNETH C. REED, DENNIS ROHRBACH, TOMMY J. ROMERO, LARRY D. RONNE-STOMBAUGH, RICHARD RONQUILLO, FABRIZIO ROSERO, KENNETH SCHWARTZ, HECTOR SOLGADO, MARK SERRATORE, CLIFFORD D. SHORT, JAY SILVA, FORREST SIMS, BRIAN SKINNER, HERBERT SMITH, TRAVIS SMITH, CHARLES J. SMYTHE, III, CURTIS SOLOMON, KARVELAS STEVENS, JAMES STEWART, DAVID SUDDARTH, SHAWN SWENSON, ANTHONY L. TANNAHILL, RICHARD TEMPLETON, JASON TONTEGODE, ROBERT TOULOUSE, BRIAN TOWNE, ROCKY TRUJILLO, LARRY R. TURNER, FABIAN VALDEZ, HILARIO A. VASQUEZ, BENJAMIN M. VELARDE, ROBERT VEST, ANTONIO VILLARREAL, HARMINDER VIRK, MICHAEL P. WAINSCOTT, LUCAS BRANDON WALTERS, JAY WARD, JAMES WAYNE, GARY WESCOTT, THOMAS WEST, GREGORY WHITE, RICKY WILLIAMS, RUDOLPH WILLIAMS, JEREMY M. WILLISON, TY WILSHUSEN, CORY P. WINSTON, ARNOLD WYRICK, CARL F. YENS.

Defendant(s): CORRECTIONS CORPORATION OF AMERICA, a Tennessee corporation; BRENT CROUSE, Warden, Crowley County Correctional Facility (CCCF); BILL BRIDGES, Associate Warden, CCCF; MICHAEL MILLER, Associate Warden, CCCF; and RICHARD SELMAN, Chief of Security, CCCF.

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COMPLAINT FOR DAMAGES AND JURY DEMAND

COME NOW the above-named Plaintiffs, by and through their attorneys, William A. Trine and Deborah L. Taussig of Trine & Metcalf, P.C., and allege and complain as follows:

PRELIMINARY ALLEGATIONS

1. At all times material hereto, the Defendant, Corrections Corporation of America (hereinafter “CCA”), was and is a Tennessee corporation in the business of owning and operating private prisons, for profit, in the United States, including four private prisons in the State of Colorado. In July, 2004, CCA owned and operated the Crowley County Correctional Facility (hereinafter “CCCF”) located in Crowley County, Colorado.

2. In order to increase its profits from housing prisoners, CCA has a national policy and practice of cutting costs by building prisons in remote rural areas to take advantage of cheap non-union labor, then understaffing and providing inadequate training to its guards. It also increases profits by accepting inmates from other states in order to keep its prisons filled. At all times material hereto, CCA’s national policies, practices and procedures were utilized in its operation of CCCF.

3. At all times material hereto, the individually named Defendants were employees and/or agents of CCA acting under the direction and control of CCA and acting within the course and scope of their employment and/or agency. All tortious conduct of individual Defendants hereinafter alleged is imputed to CCA as a matter of law.

4. At all times material hereto, and on July 20 and 21, 2004, the Plaintiffs were inmates incarcerated at CCCF, a designated Level III or medium custody security facility with an offender capacity of 1,144 disbursed through six cell houses. Cellhouse 5 construction was incomplete at the time of the riot.

5. Each of the Plaintiffs seeks damages for physical and mental injuries sustained as the result of a riot which occurred at CCCF on July 20 and 21, 2004. Plaintiffs’ claims are based on State common law torts. Plaintiffs’ claims are not based upon prison conditions under any statute or constitutional provision.

6. None of the Plaintiffs were actively involved in the riot, which was the result of Defendants’ negligence and the conduct of other inmates.

7. The below-named Plaintiffs are not presently incarcerated at CCCF:

Jason M. Abrahamson, Jared Adam, William A. Albillar, Rudy Alvarado, Lonnie Lee Anderson, Justin Andreae, John C. Armintrout, Chad Ball, Adolfo Rojas Barrera, Michael Basbagill, Joe Bland, Andrew Bocanegra, Terry Borrowdale, Josh Boyce, Chad Bremer, Edward Lavon Brown, Steve Carter, Carlos Cid, Michael Clarke, Arturo Pena Cuevas, Gary Davis, Wendell Degree, Chris Delgado, Ryan Delmastro, Scott L. Doty, Kevin Drum, Dennis Duncan, Larry Eche, Vincent Espalin, Robert I. Foster, Gary M. Frostman, Levie George, Jeff Gerrard, Gerard Gleiforst, Larry Glover, Kenneth Griffin, Kevin Gustafson, Joseph Gutierrez, Jaime R. Guzman, Roy R. Hanthorn, John Harvey, Albert Hayes, Glenn R. Hernet, Jose Thomas Herrera, Dale Hunt, William F. Jarrad, DeWarren Johnson, Niguel Jones, William Juarbe, Christopher J. Kahring, Charles Kirkman, Danny Knight, Tramaine Lampkin, Daniel Larson, Ronald Law, Chad A. Lehman, Isaac L'Esperance, Charles M. Loftus, Jeffery Loveall, Denny James Martinez, Edward P. Martinez, Steven Matt, Richard McChesney, Barrington N. McIntosh, Lonnie Morisch, Frederick James Morris, William Morris, Matt L. Murdock, Thomas Nickol, Ross Nuanes, Fanoalii Oto, David Pekkala, Donald Jay Perkins, Steve Pickett, Ron L. Raile, Jim Ramseyer, Kyle W. Rawlings, Bo Redhawk, Tommy J. Romero, Larry Ronne-Stombaugh, Richard Ronquillo, Fabrizio Rosero, Kenneth Schwartz, Mark Serratore, Clifford Short, Forrest Sims, Brian Skinner, Travis Smith, Charles J. Smythe, III, Hector Solgado, Curtis Solomon, Karvelas Stevens, James M. Stewart, Shawn Swenson, Anthony L. Tannahill, Richard Templeton, Jason Tontegode, Robert Toulouse, Rocky Trujillo, Larry R. Turner, Fabian Valdez, Hilario A. Vasquez, Benjamin M. Velarde, Antonio Villarreal, Harminder Virk, Jay Ward, James Wayne, Gary Wescott, Thomas West, Gregory White, Rudolph Williams, Ty Wilshusen, Cory P. Winston and Arnold Wyrick.

GENERAL ALLEGATIONS

8. On July 20, 2004, at approximately 7:00 p.m., inmates at CCCF were released to the recreation yards and at approximately 7:05 p.m., a group of inmates in the West Recreation Yard requested to speak to the Warden about complaints and grievances that the inmates had, and the Shift Commander, Captain Garcia, accompanied by other correctional officers (hereinafter "CO's"), denied the request and immediately retreated from the yard. The Shift Commander then directed that a public address system announcement be made ordering all inmates in the yard to return to their living units. The inmates who had requested to speak to the Warden became hostile and refused to return to their living units. An order was then given for the living units to lock their doors and for the prison staff to prepare to evacuate their posts.

9. CCCF did not have an adequate number of staff on duty and the staff present was not adequately trained to dispel a disturbance. Therefore, no effort was made by Captain Garcia and the CO's to control the disturbance, and, instead, Captain Garcia ordered the staff to prepare for an emergency evacuation.

10. The unruly group of inmates in the West Yard, upon observing the CO's evacuate the yards, began using free weights and exercise equipment to break windows in Housing Units 1 and 2.

11. Plaintiffs who were in the West Yard when the disturbance occurred attempted to comply with the public address system announcement to return to their living units, but the CO in the control room did not initially open the entrance to the Housing Units. The rioters broke into Housing Units 1 and 2, the CO's fled and abandoned the Housing Units, and the rioters, knowing that all of the CO's had fled, began engaging in more flagrant, violent misconduct. Fires were started in the Units and at the doors to the Units, the management offices were broken into, rioting inmates rifled through case management records and files looking for information on other inmates considered to be police informants (snitches) and sex offenders, who were then targeted for assault.

12. Plaintiffs who were in the West Yard when the riot began and who were housed in Unit 6 were never allowed into their unit, and they were trapped in the West Yard throughout the riot. While trapped in the West Yard, they were forced to inhale tear gas and smoke, and they were shot or shot at by guards even though they were obviously not participating in the riot by sitting, lying prone and/or holding their hands in the air.

13. Plaintiffs who were able to escape the West Yard and return to their Units were forced to breathe the smoke created by fires because it filled the Units and the cells through the ventilation system and flowed under the cell doors. The rioters broke water pipes, sinks and toilets, along with damage to water lines and sprinkler systems, causing cells to flood with water contaminated by feces, blood and broken glass. Plaintiffs who had locked down in their cells had both water and smoke flowing into their cells under the cell doors. These Plaintiffs were in fear for their lives, knowing that the guards had fled leaving them to the mercy of the rioters, and knowing that fires were filling their cells with toxic smoke, and that their lives were in danger from fire, smoke inhalation and rioting inmates. Many of these Plaintiffs wrapped their faces with wet towels, attempting to protect themselves from toxic smoke inhalation. Many of these Plaintiffs also stuffed clothing or towels in the crack under their cell doors to reduce smoke inhalation. When the SORT team entered, they injected tear gas into the ventilation system, forcing Plaintiffs who were in their cells to breathe and become covered with the toxic chemical for an extended period of time within an enclosed space from which no escape was possible.

14. When the riot began in the East Yard, Plaintiffs became trapped in the East Yard units, which were also flooding with water contaminated by feces, blood and broken glass. These Plaintiffs were also in fear for their lives, knowing that the guards had fled leaving them to the mercy of the rioters, and knowing that fires were filling their cells with toxic smoke, and that their lives were in danger from fire, smoke inhalation and rioting inmates. Plaintiffs in the East Yard units were also exposed to tear gas within their cells and units within an enclosed space for an extended period of time with no escape possible.

15. Plaintiffs who were initially locked down in their cells when the riot started, but who asked other inmates to open their cell doors so that they could escape the fires and smoke, observed CO's using live ammunition, buckshot, birdseed, and rubber pellets to shoot inmates leaving the units. These Plaintiffs had the choice of remaining in burning buildings, suffering smoke inhalation or possible assault by rioters, or leaving the building and being shot. Most of them therefore stayed in the housing units.

16. Some Plaintiffs were locked in their cells, the library, or the medical unit throughout the riot. Plaintiffs locked in the library protected the librarian who was locked in with them. When the SORT teams finally came in, they brutalized these Plaintiffs in basically the same manner as other Plaintiffs who were forced to escape their cells or units in order to breathe or who were locked out of their unit and trapped in the West Yard.

17. Upon fleeing the recreation yards and Housing Units, the prison CO's requested assistance from the CCCF Special Operations Response Teams ("SORT"), and from the Colorado Department of Corrections ("DOC"), SORT and Emergency Response Teams ("ERT"), from the Colorado State Patrol, the Crowley County, Otero County and Pueblo Sheriff's Offices, and SORT team members from the Kit Carson and Bent County private prisons, which are also operated by CCA.

18. The rioting continued unabated and spread to the East Recreation Yard and other Units. By 9:00 p.m., seven CCCF SORT members arrived and Unit 6, A Pod, was locked down and CCCF Chief Selman gave the order to fire rubber bullets and birdshot at inmates.

19. In the next few hours, as CCCF SORT teams and SORT teams borrowed from other facilities took control of the prison, Plaintiffs who had been trapped in the Recreation Yard and who did not participate in the riot were ordered to lie facedown on the ground, were ordered not to speak or move under threat of being shot, and their arms were pulled to their backs where they were handcuffed at the wrists by plastic ratcheted tie cuffs that were pulled so tight that the cuffs cut into the skin and caused inmates' hands to become numb. The inmates were then further punished by SORT team members, many dressed in black with black masks and no nametags, who pulled inmates by the arms and cuffs to their feet. If an inmate complained of pain from the tight cuffs, the cuffs, which had ratchets, would be used to pull the inmate to his feet, causing further cuff tightening.

20. After being cuffed, the inmates were walked to sections of the Yard being used to round up inmates where they were thrown to the ground and ordered not to move under threat of being shot.

21. Before SORT teams removed inmates from their cells in buildings filled with smoke, they shot teargas and sometimes pepper spray into the building and pods. As

pepper spray and teargas entered the exhaust system of Units, inmates trapped in their cells suffered from both smoke inhalation and the teargas and pepper spray.

22. When SORT teams entered cells on the floors that were flooded, inmates, including the Plaintiffs who were in those cells, were ordered to lie facedown in the water containing feces, blood, and broken glass, under threat or being shot if they refused to do so. The inmates, including Plaintiffs, were then dragged from their cells by their ankles through the contaminated water and glass. When removed from the cell, a SORT team member would place a knee on the inmate's neck while other SORT team members violently pulled the inmate's arms behind his back and placed ratcheted plastic tie cuffs on the inmate's wrists. The inmate was then walked by lifting the arms in the air behind the inmate's back, causing great pain to the wrists and shoulders, and was deposited outside the building where other inmates from inside the building were being placed.

23. All of the Plaintiffs, as well as other inmates, were handcuffed and treated as above-described and placed in the Yard where they remained throughout the night and morning of the following day, July 21, 2004.

24. Those inmates who were dragged from their cells by their ankles through water were forced to lie facedown on the ground, in the dirt, which became mud. Being drug through water or being soaked by the sprinkler system intensified the effects of tear gas and/or pepper spray. Plaintiffs were not allowed to remove the tear gas and/or pepper spray from their skin, eyes, mouth and clothing.

25. Throughout the night and early morning, the Plaintiffs and other inmates complained to CO's of wrist and shoulder pain, numbness of hands, and bleeding or swollen wrists and hands, asking that the handcuffs be loosened and all such requests were denied, often with the statement that, "this is what you deserve for rioting."

26. All of the inmates, including the Plaintiffs, began requesting water as they became thirsty and as the sun came up and it became hot the following day, and all such requests were denied until late morning, July 21, 2004. SORT team members drank water in front of the thirsty inmates, laughing.

27. As it became necessary for each of the Plaintiffs to urinate or defecate, requests to stand up to go urinate or use a restroom were denied and most of the Plaintiffs were forced to urinate in their clothing while cramped close together in the yard and some had to defecate in their pants. When asked to use the restroom, SORT team members or CO's told them to "pee in your pants," indicating this was further punishment for the riot.

28. During the morning of July 21, 2004, the handcuffs were removed from the backs of many Plaintiffs and new cuffs placed on their wrists in front so that they could eat bologna sandwiches provided during the day. Some Plaintiffs either did not get the handcuffs removed from their backs to their fronts so that they could eat, or were not given food when other Plaintiffs were fed.

29. By the late afternoon of July 21, 2004, the Plaintiffs were placed in cells in other pods that had not been damaged by the riot, but which were already occupied by inmates. Some were placed in cells in a building still under construction, which had no mattresses or bedding, and some were returned to cells still containing smoke and the remnants of gas or pepper spray, but with no mattresses or bedding. All mattresses and bedding were removed from Plaintiffs' cells before they returned.

30. As further punishment, Plaintiffs were not provided clean clothing or a change in clothing and were not allowed to take showers. All of the Plaintiffs and other inmates were placed in "lockdown" and could not leave their cells. Box lunch bologna sandwiches were kicked into their cells daily and their diet consisted of bologna sandwiches for the first month following the riot.

31. After the first three days, CO's began taking Plaintiffs and other inmates to showers where all shower curtains had been removed and they were forced to strip down, often in front of female CO's, and were paraded naked into the showers. This activity was often videotaped. Some Plaintiffs did not receive a shower until the fourth or fifth day following the riot, and some had to wait seven or ten days. With all personal property removed from cells, none of the Plaintiffs had clothing they could change into and remove their filthy clothing containing urine and tear gas.

32. All of the Plaintiffs, together with other inmates, were in lockdown for at least thirty days after the riot with no hot meals, no special dietary food for those with medical conditions which required special diets, with no access to telephones, no visitors permitted, and no access to the legal system. Plaintiffs who received medications were denied their prescription medications, and most Plaintiffs were denied medical care for their injuries.

FIRST CLAIM FOR RELIEF
(Common Law Negligence in Causing Riot)

33. CCA, through its officers, agents and employees, was negligent, which negligence was a substantial cause of the riot which occurred on July 20, 2004, and which negligence consisted, *inter alia*, in the following:

a. Inequality of Treatment

(1) During the days prior to the riot, 198 inmates from the State of Washington were moved to CCCF. They, along with 116 inmates from Wyoming and 807 Colorado inmates, brought the facility's total population to 1,130. CCA knew or reasonably should have known that accepting large numbers of inmates from Washington would result in resentment and anger over the inequities arising from disparate treatment that each group of inmates received.

(2) CCA knew before receiving inmates from Washington and Wyoming that the amount of inmate wages paid by each state per month for similar inmate work assignments is different, ranging from \$60 paid to Washington and Wyoming inmates while Colorado pays \$18.60 per month.

(3) CCA knew that, in separating Washington inmates from their families in Washington who could no longer visit, that the lack of visitation and connection with family would result in severe distress, depression and anxiety among many Washington inmates, and would result in unrest that could lead to or contribute to a disturbance.

(4) CCA did not provide inmates with supplies and items necessary for hygiene, and CCA was aware of inmate complaints of not earning enough money to purchase needed items from the canteen.

b. Food Service.

(1) CCA failed to be responsible for ensuring that the food served adhered to CDOC mandated menu items in violation of C.R.S. § 17-1-202(1)(f), which violation constitutes negligence *per se*.

(2) Inmates' complaints about food quality and quantity were ignored by CCA, as were inmate complaints of treatment disparity between Colorado inmates and Washington inmates regarding food portions.

(3) Inmate complaints of improper preparation of medical and religious diets by the food service staff were ignored by CCA.

c. Misuse of Force.

(1) CCA staff improperly used excessive force on inmates prior to the riot, which angered many inmates who became aware of the use of excessive force.

(2) CCA negligently trained and monitored its employees, which resulted in employees' use of excessive and improper force.

d. Failure to Address Inmate Grievances and Issues.

(1) On July 20, 2004, some inmates in the West Recreation Yard requested to speak to the warden about their grievances and complaints, which request was denied by CCA's shift commander.

e. CCA Ignored Prior Warnings of Potential Riot.

(1) CCA was warned by members of its staff and by some inmates that inmates were unhappy and could riot if the issues and grievances were not addressed. CCA negligently ignored these warnings and took no remedial action.

f. Knowledge of Prior Riot.

(1) CCA knew or reasonably should have known of a prior riot at CCCF in 1999, resulting from a massive move of Washington inmates from Washington to CCCF, yet CCA negligently permitted another mass removal of Washington prisoners to CCCF in early July 2004, which again resulted in a riot created by the conditions heretofore set forth.

g. Failure to Provide Services and Programs

(1) CCA failed to be responsible for providing licensed medical and psychological services, education and work programs at least equal to those provided at comparable state correctional facilities, which violation constitutes negligence *per se* under C.R.S. § 17-1-202(1)(f) and C.R.S. § 25-3-101.

h. Failure To Provide Or Follow Adequate Security Measures.

(1) CCA failed to limit incarceration of inmates to those classified as medium custody and below, and then failed to provide or consistently follow adequate security measures.

i. Lengthy Count Times

(1) CCA failed to adequately staff the prison and properly train prison staff, which resulted in lengthy and inaccurate body counts of inmates several times a day while inmates were in lockdown for body counts. The delayed body counts, while in lockdown, deprived inmates of time scheduled for programs and recreation. The problem was aggravated upon arrival of large numbers of Washington inmates.

34. Although Plaintiffs did not participate in the riot, CCA's negligence, which was a cause of the riot, resulted in Plaintiffs being physically and mentally abused as set forth in Paragraphs 12 through 32 of this Complaint. As a result, each of the Plaintiffs was injured and damaged in the following particulars:

a. Forced to breathe smoke, toxic substances, and/or tear gas that was launched into an enclosed environment or from which there was no escape, causing burning skin and eyes, choking, vomiting, headaches,

dizziness, asthma attacks, and/or temporary or chronic breathing and eyesight problems. Those injured include but are not limited to the following:

Jason M. Abrahamson, Jared Adam, William Albillar, Rudy Alvarado, Lonnie L. Anderson, Justin Andreae, John Armintrout, Chad Ball, Michael Basbagill, Joe Bland, Andres Bocanegra, Terry Borrowdale, Josh Boyce, Robert Boyer, Chad Bremer, Edward Lavon Brown, Steve Carter, Michael Chavez, Carlos Cid, Michael Clarke, Arturo Pena Cuevas, Gary Davis, Chris Delgado, Ryan Delmastro, Steven Driver, Jr., Kevin Drum, Dennis Duncan, Larry Eche, Vincent A. Espalin, Isaac Espinoza, Franco Fernando, Robert I. Foster, Gary Frostman, Mark A. Garcia, Levie George, Jeff Gerrard, Larry Glover, Kenneth Griffin, Kevin Gustafson, Joseph Gutierrez, Jaime R. Guzman, Steve Haden, Justin Donald Hall, Roy R. Hanthorn, Albert Hayes, Jose Herrera, Fermin R. Hinojos, Jr., Lawrence Howard, Darrell Howze, William F. Jarrad, Dewarren Johnson, Devon P. Jones, Niguel Jones, William T. Juarbe, Dan Kathol, Timothy A. Kimler, Charles Kirkman, Danny Knight, Tramaine Lampkin, Daniel Larson, Ronald Law, Isaac L'Esperance, Nelson L'Esperance, Charles M. Loftus, Warren E. Lovato, Charles T. Marshall, Denny James Martinez, Edward P. Martinez, Steven Matt, Richard McChesney, Jeff McCook, Barrington N. McIntosh, James McPherson, Filipino A. Miceli, Lonnie Morisch, Frederick J. Morris, William Morris, Matt Murdock, Thomas Nichol, Ross Nuanes, Fanoalii Oto, Scott Padilla, David Pekkala, Donald J. Perkins, Steve Pickett, Mitch Pino, Ron L. Raile, Kyle W. Rawlings, Bo Redhawk, Kenneth C. Reed, Tommy J. Romero, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Fabrizio Rosero, Kenneth Schwartz, Mark Serratore, Clifford D. Short, Jay Silva, Forrest Sims, Brian Skinner, Herbert Smith, Travis Smith, Charles J. Smythe, III, Hector Solgado, Curtis Solomon, Karvelas Stevens, James Stewart, Shawn Swensen, Anthony L. Tannahill, Richard Templeton, Robert Toulouse, Brian Towne, Rocky Trujillo, Jr., Larry R. Turner, Fabian Valdez, Hilario Vasquez, Benjamin M. Velarde, Robert Vest, Harminder S. Virk, Michael P. Wainscott, Lucas Walters, Jay Ward, James Wayne, Gary Wescott, Thomas West, Gregory White, Ricky Williams, Rudolph Williams, Jeremy M. Willison, Ty Wilshusen, Cory P. Winston, Arnold Wyrick, and Carl F. Yens.

b. Forced to lie in or crawl through water filled with urine, feces, and/or debris such as glass; and/or were drug through the water facedown by the ankles or by the handcuffs. Those injured include but are not limited to the following:

Jared Adam, William Albillar, Michael Basbagill, Steve Carter, Michael Chavez, Carlos Cid, Arturo Pena Cuevas, Wendell Degree, Ryan Delmastro, Larry Eche, Isaac Espinoza, Mark A. Garcia, Gerard Gleiforst, Kevin Gustafson, Steve Haden, Justin Donald Hall, Dewarren Johnson,

Charles Kirkman, Danny Knight, Chad A. Lehman, Nelson L'Esperance, Warren E. Lovato, Charles T. Marshall, Denny James Martinez, Jeff McCook, Barrington N. McIntosh, Lonnie Morisch, William Morris, Thomas Nichol, Ross Nuanes, Kenneth C. Reed, Fabrizio Rosero, Kenneth Schwartz, Clifford D. Short, Jay Silva, Hector Solgado, Karvelas Stevens, James Stewart, Shawn Swensen, Anthony L. Tannahill, Jason Tontegode, Benjamin M. Velarde, Robert Vest, Harminder S. Virk, Michael P. Wainscott, James Wayne, Gregory White, and Carl F. Yens.

c. Thrown down by the SORT team; or thrown against a wall, kicked, stepped on or kneed in the head, neck and/or back injuring the head, neck or back and/or causing the face to be held under sewer water when not resisting. Those injured include but are not limited to the following:

Jason M. Abrahamson, Jared Adam, Howard Alley, Jr., Justin Andreae, Joe Bland, Andres Bocanegra, Robert Boyer, Michael Clarke, Arturo Pena Cuevas, Chris Delgado, Steven Driver, Jr., Kevin Drum, Dennis Duncan, Franco Fernando, Levie George, Jeff Gerrard, Justin Donald Hall, Roy R. Hanthorn, Glen Hernet, Jose Herrera, Fermin R. Hinojos, Jr., Lawrence Howard, Charles Kirkman, Danny Knight, Tramaine Lampkin, Chad A. Lehman, Nelson L'Esperance (stomped his hand when reached for glasses that fell off while being drug by ankles), Charles M. Loftus, Jeffery Loveall, Denny James Martinez, Jeff McCook, James McPherson, Frederick J. Morris, William Morris, Matt Murdock, Thomas Nichol, Ross Nuanes, Fanoalii Oto, Steve Pickett, Mitch Pino, Kyle W. Rawlings, Bo Redhawk, Richard Ray Ronquillo, Fabrizio Rosero, Kenneth Schwartz, Mark Serratore, Forrest Sims, Anthony L. Tannahill, Jason Tontegode, Brian Towne, Benjamin M. Velarde, Robert Vest, Michael P. Wainscott, Lucas Walters, Jay Ward, Ricky Williams, Rudolph Williams, Jeremy M. Willison, Arnold Wyrick, and Carl F. Yens.

d. Forced by the SORT team to walk barefoot or crawl over glass causing glass to become embedded in or cutting the body. Those injured include but are not limited to the following:

Charles M. Loftus, Warren E. Lovato, Jeffery Loveall, Travis Smith, Karvelas Stevens, and Carl F. Yens.

e. Pain and/or nerve damage to the wrists, hands, thumbs and/or fingers, and unbearable shoulder pain from being handcuffed for hours by crossing the hands behind the back rather than aligning thumbs and/or by tightening the handcuffs too tight. All Plaintiffs suffered this injury except:

Roy R. Hanthorn and Tommy J. Romero.

f. Wrists lacerated from handcuffs being placed too tight and/or from efforts to remove these handcuffs. Those injured include but are not limited to the following:

Jason M. Abrahamson, Jared Adam, Justin Andreae, Adolfo R. Barrera, Andres Bocanegra, Chad Bremer, Steven Driver, Jr., Kevin Drum, Vincent A. Espalin, Isaac Espinoza, Jeff Gerrard, Larry Glover, Joseph Gutierrez, Dewarren Johnson, William T. Juarbe, Danny Knight, Chad A. Lehman, Edward P. Martinez, Richard McChersney, Barrington N. McIntosh, Lonnie Morisch, Frederick J. Morris, William Morris, Steve Pickett, Ron L. Raile, Dennis Rohrbach, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Kenneth Schwartz, Clifford D. Short, Brian Skinner, Brian Towne, Michael P. Wainscott, Lucas Walters, Thomas West, Jeremy M. Willison, and Cory P. Winston.

g. Shoulders injured including torn rotator cuffs, loss of strength and range of motion, popping noises and/or popping out of joint from being thrown down on a shoulder; drug down stairs on the shoulders; and/or arms wrenched up behind the back when being handcuffed and not resisting. Those injured include but are not limited to the following:

Rudy Alvarado, Filipe Blan, Josh Boyce, Edward Lavon Brown, Arturo Pena Cuevas, Gary Davis, Dennis Duncan, Vincent A. Espalin, Isaac Espinoza, Gary Frostman, Mark A. Garcia, Gerard Gleiforst, Kenneth Griffin, Jaime R. Guzman, Justin Donald Hall, Glen Hernet, Jose Herrera, Fermin R. Hinojos, Jr., Dale Hunt, Niguel Jones, Charles Kirkman, Ronald Law, Chad A. Lehman, Nelson L'Esperance, Warren E. Lovato, Denny James Martinez, Frederick J. Morris, William Morris, Matt Murdock, Thomas Nichol, Mitch Pino, Kyle W. Rawlings, Dennis Rohrbach, Kenneth Schwartz, Mark Serratore, Forrest Sims, Brian Skinner, Travis Smith, Curtis Solomon, James Stewart, Shawn Swensen, Richard Templeton, Robert Toulouse, Brian Towne, Rocky Trujillo, Jr., Hilario Vasquez, Michael P. Wainscott, Jay Ward, Gary Wescott, and Thomas West.

h. Wrists, shoulders and/or backs injured from being yanked up and/or forced to walk or fall with arms pushed up high behind the back. Those injured include but are not limited to the following:

Rudy Alvarado, Lonnie L. Anderson, John Armintrout, Chad Ball, Arturo Pena Cuevas, Chris Delgado, Mark A. Garcia, Justin Donald Hall, Glen Hernet, William F. Jarrad, Tramaine Lampkin, Brent Legg, Chad A. Lehman, Nelson L'Esperance, Charles M. Loftus, Jeffery Loveall, Charles T. Marshall, William Morris, Scott Padilla, Larry D. Ronne-Strombaugh, Forrest Sims, Shawn Swensen, Anthony L. Tannahill, Jason Tontegode,

Robert Toulouse, Brian Towne, Hilario Vasquez, and Michael P. Wainscott.

i. Injured after having been handcuffed from being thrown down on the face, kicked, beaten, hogtied, handcuffs further tightened, and/or forced to kneel for hours. Those injured include but are not limited to the following:

Michael Basbagill, Josh Boyce, Edward Lavon Brown, Steve Carter, Michael Chavez, Carlos Cid, Larry Eche, Franco Fernando, Mark A. Garcia, Gerard Gleiforst, Kevin Gustafson, Steve Haden, Dale Hunt, William F. Jarrad, Charles Kirkman, Daniel Larson, Brent Legg, Chad A. Lehman, Nelson L'Esperance, Charles M. Loftus, Warren E. Lovato, Richard McChesney, William Morris, Thomas Nichol, Donald J. Perkins, Mitch Pino, Jimmy L. Ramseyer, Bo Redhawk, Larry D. Ronne-Strombaugh, Fabrizio Rosero, Mark Serratore, Clifford D. Short, Jay Silva, Forrest Sims, Brian Skinner, Herbert Smith, James Stewart, Shawn Swensen, Anthony L. Tannahill, Richard Templeton, Jason Tontegode, Antonio Villarreal, Michael P. Wainscott, Ricky Williams, and Carl F. Yens.

j. Mentally abused while handcuffed with threats of being shot, kicked, stomped, tear gassed, hogtied or otherwise beaten for asking for help. Those injured include but are not limited to the following:

Filipe Blan, Joe Bland, Andres Bocanegra, Chris Delgado, Steve Haden, John Harvey, Dale Hunt, William T. Juarbe, Ronald Law, Brent Legg, Chad A. Lehman, Nelson L'Esperance, Charles M. Loftus, Jeffery Loveall, James McPherson, William Morris, Kyle W. Rawlings, Bo Redhawk, Kenneth C. Reed, Clifford D. Short, Brian Skinner, Curtis Solomon, Karvelas Stevens, Benjamin M. Velarde, Michael P. Wainscott, Lucas Walters, and Jay Ward.

k. Skin, eye and nostril injuries and difficulty breathing due to being maced, pepper sprayed or tear gassed while complying with orders to be handcuffed or while handcuffed and requesting help of some kind. Those injured include but are not limited to the following:

Chad Ball, Terry Borrowdale, Chad Bremer, Michael Chavez, Chris Delgado, Scott L. Doty, Kevin Gustafson, Jose Herrera, Niguel Jones, Timothy A. Kimler, Tramaine Lampkin, Charles M. Loftus, Mitch Pino, Gary Wescott, Ty Wilshusen and Arnold Wyrick.

l. Aggravation of pre-existing health conditions. Those injured include but are not limited to the following:

William Albillar, Howard Alley, Jr., Lonnie L. Anderson, John Armintrout, Josh Boyce, Edward Lavon Brown, Steve Carter, Michael Clarke, Arturo Pena Cuevas, Steven Driver, Jr., Dennis Duncan, Vincent A. Espalin, Franco Fernando, Mark A. Garcia, Levie George, Gerard Gleiforst, Larry Glover, Kenneth Griffin, Joseph Gutierrez, Steve Haden, Albert Hayes, Jose Herrera, Fermin R. Hinojos, Jr., Darrell Howze, Dale Hunt, Dewarren Johnson, Devon P. Jones, Dan Kathol, Timothy A. Kimler, Charles Kirkman, Danny Knight, Daniel Larson, Brent Legg, Chad A. Lehman, Nelson L'Esperance, Warren E. Lovato, Charles T. Marshall, Jeff McCook, Barrington N. McIntosh, James McPherson, Filipino A. Miceli, Lonnie Morisch, Donald J. Perkins, Mitch Pino, Ron L. Raile, Kyle W. Rawlings, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Mark Serratore, Clifford D. Short, Forrest Sims, Herbert Smith, David Suddarth, Richard Templeton, Jason Tontegode, Rocky Trujillo, Jr., Hilario Vasquez, Benjamin M. Velarde, Harminder S. Virk, Lucas Walters, James Wayne, Thomas West, Ricky Williams, Jeremy M. Willison, and Carl F. Yens.

m. Injuries from being shot with rubber or metal bullets or pellets while lying prone, sitting passively waiting to be cuffed, or/or while hands were raised to show not rioting. The following Plaintiffs were shot and denied medical treatment or subjected to painful treatment for removal of buckshot:

Andres Bocanegra, Chad Bremer, Scott L. Doty, Robert I. Foster, Levie George, John Harvey, Jose Herrera, Tramaine Lampkin, Charles M. Loftus, Ron L. Raile, Bo Redhawk, Fabrizio Rosero and Forrest Sims.

n. Denied medical treatment for riot related injuries including asthma attacks. Those injured include but are not limited to the following:

Jason M. Abrahamson, Rudy Alvarado, Lonnie L. Anderson, John Armintrout, Michael Basbagill, Filipe Blan, Andres Bocanegra, Terry Borrowdale, Robert Boyer, Chad Bremer, Edward Lavon Brown, Steve Carter, Michael Chavez, Carlos Cid, Arturo Pena Cuevas, Gary Davis, Ryan Delmastro, Scott L. Doty, Steven Driver, Jr., Kevin Drum, Vincent A. Espalin, Isaac Espinoza, Franco Fernando, Robert I. Foster, Mark A. Garcia, Levie George, Larry Glover, Kevin Gustafson, Jaime R. Guzman, Roy R. Hanthorn, Jose Herrera, Fermin R. Hinojos, Jr., Darrell Howze, Dale Hunt, William F. Jarrad, Dewarren Johnson, Devon P. Jones, Christopher Kahring, Timothy A. Kimler, Charles Kirkman, Danny Knight, Tramaine Lampkin, Daniel Larson, Ronald Law, Brent Legg, Chad A. Lehman, Nelson L'Esperance, Charles T. Marshall, Denny James Martinez, Steven Matt, Richard McChersney, Jeff McCook, James McPherson, Filipino A. Miceli, Lonnie Morisch, Frederick J. Morris, Thomas Nichol, Ross Nuanes, Donald J. Perkins, Steve Pickett, Mitch Pino, Ron L. Raile, Kyle W. Rawlings, Kenneth C. Reed, Dennis

Rohrbach, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Fabrizio Rosero, Mark Serratore, Clifford D. Short, Jay Silva, Travis Smith, Charles J. Smythe, III, Curtis Solomon, Karvelas Stevens, Shawn Swensen, Anthony L. Tannahill, Richard Templeton, Robert Toulouse, Brian Towne, Rocky Trujillo, Jr., Larry R. Turner, Fabian Valdez, Hilario Vasquez, Benjamin M. Velarde, Antonio Villarreal, Lucas Walters, James Wayne, Gary Wescott, Gregory White, Ricky Williams, Rudolph Williams, Jeremy M. Willison, Ty Wilshusen, and Carl F. Yens.

o. Suffered pain and injury when denied water to drink and/or to remove teargas or pepper spray. Those injured include but are not limited to the following:

Rudy Alvarado, Jared Adam, William Albillar, John Armintrout, Chad Ball, Adolfo R. Barrera, Michael Basbagill, Filipe Blan, Joe Bland, Andres Bocanegra, Terry Borrowdale, Josh Boyce, Robert Boyer, Chad Bremer, Edward Lavon Brown, Steve Carter, Michael Chavez, Carlos Cid, Arturo Pena Cuevas, Gary Davis, Ryan Delmastro, Scott L. Doty, Steven Driver, Jr., Kevin Drum, Vincent A. Espalin, Isaac Espinoza, Franco Fernando, Robert I. Foster, Gary Frostman, Mark A. Garcia, Jeff Gerrard, Gerard Gleiforst, Larry Glover, Kenneth Griffin, Kevin Gustafson, Joseph Gutierrez, Jaime R. Guzman, Steve Haden, Glen Hernet, Jose Herrera, Fermin R. Hinojos, Jr., Lawrence Howard, Dale Hunt, William F. Jarrad, Dewarren Johnson, Niguel Jones, William T. Juarbe, Christopher Kahring, Timothy A. Kimler, Charles Kirkman, Danny Knight, Tramaine Lampkin, Daniel Larson, Ronald Law, Brent Legg, Chad A. Lehman, Isaac L'Esperance, Nelson L'Esperance, Warren E. Lovato, Jeffery Loveall, Charles T. Marshall, Denny James Martinez, Edward P. Martinez, Richard McChesney, Jeff McCook, Barrington N. McIntosh, James McPherson, Filipino A. Miceli, Lonnie Morisch, William Morris, Matt Murdock, Thomas Nichol, Ross Nuanes, Fanoalii Oto, David Pekkala, Donald J. Perkins, Steve Pickett, Mitch Pino, Ron L. Raile, Bo Redhawk, Kenneth C. Reed, Dennis Rohrbach, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Fabrizio Rosero, Kenneth Schwartz, Mark Serratore, Clifford D. Short, Jay Silva, Brian Skinner, Herbert Smith, Travis Smith, Charles J. Smythe, III, Curtis Solomon, Karvelas Stevens, James Stewart, David Suddarth, Shawn Swensen, Anthony L. Tannahill, Richard Templeton, Jason Tontegode, Robert Toulouse, Brian Towne, Rocky Trujillo, Jr., Larry R. Turner, Fabian Valdez, Hilario Vasquez, Benjamin M. Velarde, Robert Vest, Antonio Villarreal, Michael P. Wainscott, Lucas Walters, Jay Ward, James Wayne, Gary Wescott, Thomas West, Rudolph Williams, Ty Wilshusen, Cory P. Winston, Arnold Wyrick and Carl F. Yens.

p. Denied access to a restroom. The following inmates were forced to hold their urine and/or feces for hours while in agony:

Jason M. Abrahamson, Jared Adam, William Albillar, Adolfo R. Barrera,

Terry Borrowdale, Chad Bremer, Gary Davis, Chris Delgado, Dennis Duncan, Franco Fernando, Gary Frostman, William F. Jarrad, Devon P. Jones, Christopher Kahring, Ronald Law, Brent Legg, Warren E. Lovato, Edward P. Martinez, William Morris, Fanoalii Oto, Jimmy L. Ramseyer, Kyle W. Rawlings, Kenneth Schwartz, Curtis Solomon, David Suddarth, Richard Templeton, Jason Tontegode, Rocky Trujillo, Jr., Hilario Vasquez, Robert Vest, Jay Ward, Gary Wescott, Rudolph Williams and Ty Wilshusen.

q. After holding their urine and/or feces for hours in agony, the following Plaintiffs suffered pain and humiliation when they were forced to urinate and/or defecate in their clothing and then wear that clothing for up to one week; or were forced to urinate in the open in front of females causing humiliation and disgrace:

Howard Alley, Jr., Rudy Alvarado, Justin Andreae, John Armintrout, Chad Ball, Michael Basbagill, Filipe Blan, Joe Bland, Andres Bocanegra, Josh Boyce, Robert Boyer, Edward Lavon Brown, Steve Carter, Michael Chavez, Carlos Cid, Arturo Pena Cuevas, Sylvester Davis, Wendell Degree, Ryan Delmastro, Steven Driver, Jr., Kevin Drum, Vincent A. Espalin, Isaac Espinoza, Robert I. Foster, Mark A. Garcia, Levie George, Jeff Gerrard, Gerard Gleiforst, Kevin Gustafson, Joseph Gutierrez, Jaime R. Guzman, Steve Haden, Justin Donald Hall, Roy R. Hanthorn (made to change clothes in front of women), John Harvey, Jose Herrera, Fermin R. Hinojos, Jr., Lawrence Howard, Dale Hunt, Dewarren Johnson, Niguel Jones, William T. Juarbe, Dan Kathol, Timothy A. Kimler, Charles Kirkman, Danny Knight, Tramaine Lampkin, Chad A. Lehman, Isaac L'Esperance, Nelson L'Esperance, Charles M. Loftus, Jeffery Loveall, Charles T. Marshall, Denny James Martinez, Richard McChesney, Jeff McCook, Barrington N. McIntosh, James McPherson, Filipino A. Miceli, Lonnie Morisch, Matt Murdock, Ross Nuanes, Steve Pickett, Mitch Pino, Ron L. Raile, Bo Redhawk, Kenneth C. Reed, Dennis Rohrbach, Larry D. Ronne-Strombaugh, Richard Ray Ronquillo, Fabrizio Rosero, Mark Serratore, Clifford D. Short, Jay Silva, Forrest Sims, Brian Skinner, Herbert Smith, Travis Smith, Charles J. Smythe, III, Hector Solgado, Karvelas Stevens, James Stewart, Shawn Swensen, Anthony L. Tannahill, Robert Toulouse, Larry R. Turner, Fabian Valdez, Benjamin M. Velarde, Antonio Villarreal, Harminder S. Virk, Michael P. Wainscott, Lucas Walters, James Wayne, Thomas West, Gregory White, Jeremy M. Willison, Cory P. Winston, Arnold Wyrick, and Carl F. Yens.

q. Suffered physical and mental injury when denied showers to counteract the effects of tear gas, pepper spray and/or urine for three to seventeen days. Those injured include but are not limited to the following:

Josh Boyce, Steve Carter, Wendell Degree, Ryan Delmastro, Steven Driver, Jr., Kevin Drum, Robert I. Foster, Mark A. Garcia, Gerard

Gleiforst, Kevin Gustafson, Albert Hayes, Dewarren Johnson, Dan Kathol, Charles Kirkman, Chad A. Lehman, Isaac L'Esperance, Nelson L'Esperance, Denny James Martinez, Edward P. Martinez, Jeff McCook, Fanoalii Oto, Scott Padilla, Mitch Pino, Kenneth C. Reed, Dennis Rohrbach, Tommy J. Romero, Richard Ray Ronquillo, Kenneth Schwartz, Mark Serratore, James Stewart, Shawn Swensen, Rocky Trujillo, Jr., Larry R. Turner, Robert Vest, Michael P. Wainscott, James Wayne, Jeremy M. Willison, Ty Wilshusen and Arnold Wyrick.

r. Suffered humiliation when forced to shower without shower curtains while being videotaped and/or in front of females. Those injured include but are not limited to the following:

Michael Basbagill, Steve Carter, Michael Clarke, Wendell Degree, Kevin Drum, Gerard Gleiforst, Steve Haden, Justin Donald Hall, Albert Hayes, Darrell Howze, Dewarren Johnson, Christopher Kahring, Timothy A. Kimler, Edward P. Martinez, Jeff McCook, Steve Pickett, Tommy J. Romero, Kenneth Schwartz, Karvelas Stevens, James Stewart, Rocky Trujillo, Jr., Michael P. Wainscott, Jay Ward, Ricky Williams, and Cory P. Winston.

s. Suffered injury or pain from the denial of prescribed medications, diets and/or treatment for such illnesses as skin cancer, diabetes, heart disease, blood pressure, seizures, chronic migraines, gout, an eye prosthesis, and psychiatric illnesses. Those injured include but are not limited to the following:

William Albillar, Lonnie L. Anderson, Franco Fernando, Gary Frostman, Gerard Gleiforst, Steve Haden, Fermin R. Hinojos, Jr., Dale Hunt, Dan Kathol, Brent Legg, Nelson L'Esperance, Lonnie Morisch, Mitch Pino, Mark Serratore, Forrest Sims, Travis Smith, Charles J. Smythe, III, Benjamin M. Velarde, Thomas West and Carl F. Yens.

t. Suffered pain when denied food for thirteen hours or longer. Those injured include but are not limited to the following:

Joe Bland, Edward Lavon Brown, Albert Hayes, Darrell Howze, Dale Hunt, Danny Knight, Brent Legg, Mitch Pino, Dennis Rohrbach, Tommy J. Romero, Travis Smith (handcuffs so tight he couldn't eat), David Suddarth, Richard Templeton (acid reflux), Brian Towne, Larry R. Turner and Harminder S. Virk.

u. Suffered additional unique injuries from the riot including broken bones from being cuffed or being beaten after being cuffed, head injuries, serious eye injuries, or wounds requiring stitches for which medical

attention was denied. Those injured include but are not limited to the following:

Lonnie Lee Anderson, Terry Borrowdale, Roy R. Hanthorn, Christopher J. Kahring, Tommy J. Romero, Jay Silva, Travis Smith, Brian Towne, and Jay Ward.

v. Physical and mental injury from being locked down for months without exercise; denied access to legal materials and the courts; denied mattresses and/or bedding; denied toilet paper; denied personal property and/or compensation; denied hygiene supplies; forced to shower in the middle of the night in freezing cold or extremely hot water; denied air by shutting off the ventilation system for eight hours at a time; and/or denied a proper diet for months.

w. Physical pain, discomfort, depression, extreme mental anguish, fear of serious bodily injury or death, humiliation and embarrassment, stress and post-traumatic stress disorders, and anxiety disorders.

SECOND CLAIM FOR RELIEF
(Common Law Negligence in Not Controlling Disturbance)

35. CCA, through its officers, agents and employees, and the above-captioned individual Defendants, were negligent in failing to control and curtail the disturbance before it became a riot, which negligence consisted, *inter alia*, of the following:

a. CCA negligently failed to develop and implement a proper plan specifying the procedures to be followed when a disturbance occurs, which could threaten facility security.

b. CCA failed to properly train its CO employees and security personnel on the control of an inmate disturbance before the disturbance becomes a riot, and failed to properly train its employees and personnel on the procedures to be used to control a riot without the use of excessive force.

c. It was CCA's practice to hire inexperienced staff and pay low wages, which resulted in high employee turnover. As a result, CCA did not have an adequate number of trained CO's, ERT's, and SORT's on duty or available to dispel the disturbance before it degenerated into a riot.

d. The individual Defendant-employees of CCA negligently failed to respond to the disturbance as quickly and effectively as possible to prevent the disturbance from developing into a riot.

e. CCA negligently failed to guard and monitor the weight exercise equipment and secure the equipment so that it could not be used for destructive purposes in a riot.

f. CCA violated its contract with the Colorado Department of Corrections (“CDOC”) in failing to develop an emergency plan consistent with CDOC Administrative Regulation 300-30RD, which violation constitutes negligence *per se*.

g. The negligence of CCA’s officers, agents and employees as heretofore set forth is imputed to CCA as a matter of law.

THIRD CLAIM FOR RELIEF
(Negligence in Quelling The Riot)

36. CCA’s agents and employees shot Plaintiffs who it knew or should have known were not participating in the riot because they were lying prone, sitting or walking with their hands up, and used tear gas when Plaintiffs were unable to disperse because they were lying prone at gunpoint waiting to be cuffed or were in their cells.

37. CCA negligently allowed Plaintiffs to be injured by CCA’s agents and employees as described in Paragraph 34 of this Complaint.

THIRD CLAIM FOR RELIEF
(Outrageous Conduct)

38. The conduct of CCA’s agents and employees as described in Paragraphs 12 through 34 of this Complaint constitutes the tort of extreme and outrageous conduct, which caused each of the Plaintiffs to suffer severe emotional distress.

39. The outrageous conduct of CCA’s agents and employees is imputed to CCA as a matter of law.

40. As a result of the outrageous conduct, each of the Plaintiffs was also injured and damaged as described in Paragraph 34 of this Complaint.

41. The outrageous conduct by CCA’s agents and employees constitute willful and wanton conduct giving rise to punitive damages.

FOURTH CLAIM FOR RELIEF
(Civil Conspiracy)

42. The individual Defendants and other agents and employees of CCA, together with unnamed members of CDOC’s SORT and ERT teams, agreed, by words or conduct, to punish the Plaintiffs by use of excessive and unlawful force.

43. The excessive and unlawful force is described in Paragraphs 19 through 25 of this Complaint.

44. The excessive and unlawful force was utilized for the unlawful purpose of punishing the Plaintiffs who did not participate in the riot.

45. The conduct described in Paragraphs 19 through 32 of this Complaint constitutes a civil conspiracy and the conduct of all persons who participated in the conspiracy is imputed one to the other, giving rise to joint liability.

WHEREFORE, each of the Plaintiffs prays that judgment be entered against the Defendants, jointly and severally, for compensatory damages in an amount to be determined by a jury for all injuries and damages sustained as heretofore set forth, for all of the costs incurred by Plaintiffs in this litigation, for pre-judgment interest as allowed by law, and for such and further relief as the Court may deem appropriate.

DATED this _____ day of February, 2006.

TRINE & METCALF, P.C.

William A. Trine, #577
Deborah A. Taussig, #33156
1435 Arapahoe Avenue
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303-442-0173

**PLAINTIFFS DEMAND A TRIAL BY JURY OF ALL CLAIMS MADE BY THE
PLAINTIFFS IN THIS ACTION.**

Plaintiffs:

Mr. Jason M. Abrahamson, #851297
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Kit Carson Correctional Center
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40 Honor Farm Road
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Mr. Justin Andreae, #121748
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