



DATE: September 21, 2015

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Grant Bloomquist v. Jeremy Sheldon, John Ireland, Nathan Johnson, Felix Juliano, Jordan Leffler, Rafael Chanza, David Rosenhoff, Jim Jeffcoat, and John Garza; Case No. 15-cv-01398-RPM-NYW*

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the Officers involved, and the recommendation of the Civil Action Investigation Committee.

NATURE OF THE CASE

Plaintiff, Grant Bloomquist, has brought this action in the United States District Court for the District of Colorado alleging that the named officers falsely arrested him, used excessive force, violated his free speech rights and maliciously prosecuted him.

Plaintiff alleges, in his complaint, that on July 4, 2013, at about 12:50 a.m., he exited Cowboy's nightclub. At this time he witnessed two officers engaged in a physical altercation with a man. Plaintiff alleges that he approached the altercation, and without making any physical contact, and maintaining a distance of several feet, asked the officers to get off the man. Plaintiff then alleges that he was struck in the face by another officer. Plaintiff then alleges that he was taken into custody and falsely arrested.

Plaintiff is seeking an unspecified amount of money for his claimed damages to include emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, medical bills, other non-pecuniary losses, punitive damages, interest, and fees and costs. Plaintiff is also seeking injunctive relief to include an apology from each Defendant, policy changes, a prohibition against retaliating against Plaintiff and disciplinary action against Defendants.

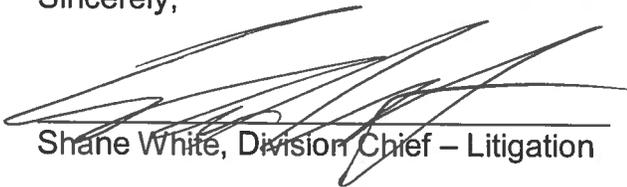
According to the reports, and an interview with Plaintiff just hours after the incident, several patrons from Cowboy's nightclub were removed from Cowboys. Upon leaving the premises, the patrons and others continued to cause problems on Tejon Street. While the Officers attempted to control the situation, which involved numerous people and was dangerous, Plaintiff approached the situation involving the aforementioned

man. Plaintiff did not ask the Officers to get off the man. Plaintiff said nothing. Rather, Plaintiff inserted himself into the situation, went over the back of an Officer, grabbed the man and began pulling the man away from the Officers. While Plaintiff denied having contact with the Officers, he admitted to saying nothing and grabbing and pulling the man away. Plaintiff was then subdued, taken into custody, and charged with obstructing a peace officer.

RECOMMENDATION

The Civil Action Investigation Committee met on September 15, 2015, and has recommended that the City represent the Officers as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right to not pay any award of punitive damages.

Sincerely,



Shane White, Division Chief – Litigation