



DATE: November 23, 2021
TO: City Council
FROM: City Attorney's Office
SUBJECT: *Edward Billings v. City of Colorado Springs, et al.*,
Case No. 21-cv-02084-DDD-KMT

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the involved officer.

NATURE OF THE CASE

Plaintiff, Edward Billings, filed an action in the District Court for the District of Colorado against Lieutenant Michael Lux, the City of Colorado Springs ("City"), the El Paso County Sheriff's Office ("EPSO") and unknown officers from the Colorado Springs Police Department ("CSPD") and EPSO asserting claims for violation of his First Amendment rights, First Amendment Retaliation, and Excessive Force against all defendants, and a claim for unlawful policies, practices and customs, training and supervision against the City and EPSO. Plaintiff asserts state law claims for assault and/or battery, and intentional infliction of emotional distress against the unknown officers.

Plaintiff claims that while he was lawfully protesting at a political rally at the World Arena on March 12, 2020, he was thrown to the ground and forcibly held there by unknown officers from either CSPD or EPSO. After his arrest, Plaintiff claims he was transported to jail by Lt. Lux and other law enforcement officers.

Plaintiff seeks compensatory damages, economic damages, and punitive damages, and pre- and post-judgment interest and costs.

RECOMMENDATION

City Council should approve City representation for Lt. Lux as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. Lt. Lux was acting in the course and scope of his employment, and in good faith during the incident. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.