

1 CAL J. POTTER, III, ESQ.
2 Nevada Bar No. 1988
3 JOHN C. FUNK, ESQ.
4 Nevada Bar No. 9255
5 POTTER LAW OFFICES
6 1125 Shadow Lane
7 Las Vegas, Nevada 89102
8 (702) 385-1954
9 *Attorneys for Plaintiff*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**



13 KRISTINA WILDEVELD-CONEH,
14 *Plaintiff,*

Case No.:

15 v.

16 LAS VEGAS METROPOLITAN POLICE
17 DEPARTMENT, a Political Subdivision
18 of the STATE OF NEVADA; Police Officer
19 RICHARD DEAN GOSLAR, individually
20 and as a police officer employed by the
21 LAS VEGAS METROPOLITAN POLICE
22 DEPARTMENT; POLICE OFFICERS
23 JOHN DOES I-XX; and JOHN DOES
24 I-XX, inclusive,

COMPLAINT
(Jury Demanded)

25 *Defendants.*

26 _____ /
27 COMES NOW, Plaintiff, **KRISTINA WILDEVELD-CONEH**, by and through her
28 attorneys of record, CAL J. POTTER, III, ESQ. and JOHN C. FUNK, ESQ. of the POTTER LAW
OFFICES, and for her causes of action against the Defendants, and each of them, jointly and
severally, assert and allege as follows:

///

1 **JURISDICTION**

2 1. This action is brought pursuant to 42 U. S. C. §1983. Jurisdiction is based upon 28
3 U.S.C. §1331 and §1343 (1), (3), (4) and aforementioned statutory provision. Plaintiff further
4 invokes the pendent jurisdiction of this Court to hear and decide claims arising under state law.
5

6 **INTRODUCTION / RESPONDEAT SUPERIOR**

7 2. The Defendant LVMPD is liable for the tortious acts of Defendant OFFICER
8 GOSLAR and OFFICERS DOES under the theory of Respondeat Superior.
9

10 **PARTIES**

11 3. Plaintiff, KRISTINA WILDEVELD-CONEH, is and was at all times relevant to this
12 complaint, a citizen of the United States of America, and a resident of the State of Nevada.

13 4. Defendant, LAS VEGAS METROPOLITAN POLICE DEPARTMENT (hereinafter
14 referred to as "LVMPD"), is a political entity formed and operated pursuant to the Nevada Revised
15 Statutes and at all times relevant herein, employed the Defendant OFFICER RICHARD DEAN
16 GOSLAR and POLICE OFFICERS JOHN DOES I-XX.
17

18 5. Defendant OFFICER RICHARD DEAN GOSLAR is and was at all times relevant
19 to this complaint, a United States citizen, and a resident of the State of Nevada. He is sued in both
20 his capacity as a police officer and in his individual capacity.

21 6. At all times relevant herein, and in all actions described herein, Defendant OFFICER
22 RICHARD DEAN GOSLAR was acting under the color of law and under color of authority as a
23 police officer of the LVMPD.
24

25 7. That the true names and capacities, whether individual, corporate, associate,
26 partnership or otherwise were the agents of one another of Defendants herein designated as
27 OFFICER DOES I-XX inclusive, are unknown to Plaintiff who, therefore sues said Defendants by
28

1 such fictitious names. Plaintiff alleges that each named Defendant and each Defendant designated
2 as OFFICERS DOE and JOHN DOE is negligently, willfully, maliciously, contractually,
3 vicariously, or otherwise legally responsible for the events and happenings herein referred to and
4 likewise proximately caused injury and damages to Plaintiff. Plaintiff will ask leave of this Court
5 to insert the true names and capacities of such defendants when the same have been ascertained, as
6 will further ask leave to join said Defendants in these proceedings.
7

8 **FIRST CAUSE OF ACTION**
9 **(Violation of Civil Rights**
10 **by Officer Goslar)**

11 8. On or about October 13, 2008, Plaintiff, KRISTINA WILDEVELD-CONEH, was
12 on her way to Court. At said time OFFICER RICHARD DEAN GOSLAR was on duty and had just
13 left the Regional Justice Center at approximately 3:00 p.m. OFFICER GOSLAR was on his
14 motorcycle traveling easterly on Clark and Third Street where there is a four-way stop sign. During
15 the time in question, the O.J. Simpson case was being tried at the Regional Justice Center.
16 OFFICER GOSLAR believed that the Plaintiff was going to make a u-turn in the business district.
17 The Defendant Officer stopped the Plaintiff before she made the turn. The Defendant Officer
18 confronted the Plaintiff and physically grabbed the Plaintiff injuring her shoulder.
19

20 9. OFFICER GOSLAR issued the Plaintiff a citation knowing full well that she had not
21 committed a traffic offense and made the Plaintiff to go to trial on a matter because he did not like
22 her attitude. Ultimately the citation was dismissed in the Plaintiff's favor.
23

24 10. The Defendant Officer injured the Plaintiff's shoulder requiring medical treatment
25 in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).
26

27 11. The Plaintiff had not physically resisted or assaulted the Defendant in any way, and
28 the force used against her was unnecessary, unreasonable and excessive.

1 12. The Defendant Officer then cited Plaintiff.

2 13. At no time during the events described above, was the Plaintiff intoxicated,
3 incapacitated or a threat to the safety of herself or others, or disorderly. She had not committed any
4 criminal offense or traffic infraction. She was on her way to Court, where she was representing a
5 client as a duly licensed attorney in the State of Nevada.
6

7 14. The Defendant police officer had no reasonable basis for the use of physical force
8 on the Plaintiff, no probable cause for the citing of the Plaintiff and was outside of his jurisdictional
9 boundaries and had no legal cause or excuse to seize the person of the Plaintiff.
10

11 15. As a direct and proximate result of the said acts of the Defendant Officer, the
12 Plaintiff suffered the following injuries.

13 a. Violation of her constitutional rights under the Fourth and Fourteenth
14 Amendments of the United States Constitution to be free from an unreasonable search and seizure
15 of her person;

16 b. Loss of physical liberty;

17 c. Physical pain and suffering and emotional trauma and suffering, requiring the
18 expenditure of money for treatment and the loss of wages and/or finances all to her damages in an
19 amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).
20

21 16. The action of the Defendant Officer violated the following clearly established and
22 well settled federal constitutional rights of Plaintiff.

23 a. Freedom from the unreasonable seizure of her person; and

24 b. Freedom from the use of excessive, unreasonable and unjustified force against
25 her person.
26

27 17. That the acts, conduct and behavior of Defendant OFFICER GOSLAR as an
28

1 individual was performed knowingly, intentionally, oppressively and maliciously by reason of
2 which Plaintiff is entitled to punitive damages in a sum in excess of TEN THOUSAND DOLLARS
3 (\$10,000.00)
4

5 **SECOND CAUSE OF ACTION**
6 **(Monell Claim)**

7 18. The Plaintiff reaffirms, re-alleges and incorporates herein by reference, the
8 allegations contained in Paragraphs 1 through 17 of this Complaint as though fully set forth herein.

9 19. The actions of Defendant GOSLAR was taken pursuant to a de facto policy of
10 Defendant LVMPD which is implemented by police officers of the said Department to summarily
11 punish persons in an unlawful manner without corroborating information and without rightful
12 authority of law and by the use of excessive force when citizens do not readily respond to their
13 commands; reasonable or unreasonable.
14

15 20. The existence of this de facto police described above has been known to supervisory
16 and policy-making officers and officials of Defendant LVMPD for a substantial period of time.

17 21. Despite their knowledge of LVMPD's illegal policy and practices, LVMPD's
18 supervisory officers and policy making officers and officials, as a matter of policy, have not taken
19 steps to determine the said practices, have not disciplined or otherwise properly supervised the
20 individual officer who engaged in the said practices described in paragraph 8 above.
21

22 22. That by reason of the aforesaid actions, the Plaintiff was cited, detained and tried for
23 illegal attempted u-turn. As a result, she sustained severe emotional, psychological and physical
24 injuries, mental pain and suffering and emotional distress, all of which said conditions maybe
25 permanent or disabling in nature.
26

27 23. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff
28

1 experienced damages and is entitled to compensation for her pain and suffering, lost earnings, lost
2 earning capacity, medical expenses, and other related costs including but not limited to attorney
3 fees, in excess of TEN THOUSAND DOLLARS (\$10,000.00).
4

5 24. These acts and others committed by the Defendants deprived Plaintiff of rights
6 secured to her and by the Fourth and Fourteenth Amendments to the United States constitution and
7 were committed by the Defendants knowingly, willfully, and maliciously with the intent to harm,
8 injure, vex, harass, and oppress the Plaintiff. As a result, Plaintiff seeks punitive and exemplary
9 damages from the Defendant in his individual capacity in an amount in excess of TEN
10 THOUSAND DOLLARS (\$10,000.00).
11

12 **THIRD CAUSE OF ACTION**
13 **(Battery)**

14 25. The Plaintiff reaffirms, re-alleges and incorporates herein by reference, the
15 allegations contained in Paragraphs 1 through 24 of this Complaint as though fully set forth herein.

16 26. At all times material and relevant herein, Defendant OFFICER GOSLAR was a
17 sworn officer of Defendant LVMPD.

18 27. The aforementioned actions of Defendant against Plaintiff was unreasonable and
19 without justification or excuse and constituted battery.
20

21 28. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff
22 experienced damages and is entitled to compensation for her pain and suffering, lost earnings, lost
23 earning capacity, medical expenses, and other related costs including but not limited to attorney
24 fees, in excess of TEN THOUSAND DOLLARS (\$10,000.00).
25

26 29. That the acts, conduct and behavior of Defendant OFFICER GOSLAR as an
27 individual was performed knowingly, intentionally, oppressively and maliciously by reason of
28

1 which Plaintiff is entitled to punitive damages in a sum in excess of TEN THOUSAND DOLLARS
2 (\$10,000.00).

3
4 **FOURTH CAUSE OF ACTION**
5 **(Intentional Infliction of Emotional Distress**
6 **Malicious Prosecution)**

7 30. The Plaintiff reaffirms, re-alleges and incorporates herein by reference, the
8 allegations contained in Paragraphs 1 through 29 of this Complaint as though fully set forth herein.

9 31. At all times material and relevant herein, Defendant OFFICER GOSLAR was acting
10 within the scope and his authority as an agent and officer of Defendant LVMPD.

11 32. By his acts and omissions, Defendant OFFICER GOSLAR intentionally inflicted
12 emotional distress on Plaintiff, including maliciously prosecuting Plaintiff. These acts and
13 omissions, which were calculated to unlawfully have the Plaintiff cited, included by were not
14 limited to the following:

15 a. The act performed by Defendant OFFICER GOSLAR and JOHN DOES of filling
16 out a false citation. As a result, Plaintiff was deprived of her liberty, and was subject to scorn,
17 ridicule, and humiliation by those knowing of her respective citation. Said charges were resolved
18 in favor of the Plaintiff.

19 33. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff
20 experienced damages and is entitled to compensation for her pain and suffering, lost earnings,
21 medical expenses, and other related costs including but not limited to attorney fees in excess of
22 TEN THOUSAND DOLLARS (\$10,000.00).

23 34. The conduct of Defendant OFFICER GOSLAR individually as herein alleged was
24 willful, intentional, oppressive, fraudulent, malicious and done in a wanton and reckless disregard
25 of Plaintiff's rights and thereby warrant the imposition of punitive damages in excess of TEN
26
27
28

1 THOUSAND DOLLARS (\$10,000.00).

2 **FIFTH CAUSE OF ACTION**
3 **(Negligence)**

4 35. The Plaintiff reaffirms, re-alleges and incorporates herein by reference, the
5 allegations contained in Paragraphs 1 through 34 of this Complaint as though fully set forth herein.

6 36. The LVMPD has a duty to protect civilians.

7 37. That Defendant LVMPD breached this duty by:

8 a. tolerating the practice or policy of its officers' use of excessive force against citizens
9 as manifested by its failure to discipline police officers who use excessive force;
10

11 b. covering up incidents in which excessive force is used unnecessarily;

12 c. failing to properly screen applicants who apply to become police officers in the
13 department; and
14

15 d. failing to provide adequate training of its police officers.

16 38. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff
17 experienced damages and is entitled to compensation for her pain and suffering, lost earnings,
18 medical expenses, and other related costs including but not limited to attorneys fees in excess of
19 TEN THOUSAND DOLLARS (\$10,000.00).
20

21 WHEREFORE, Plaintiff, KRISTINA WILDEVELD-CONEH, demands judgment in her
22 favor against the Defendants and each of them: (a) for compensatory, general and special damages,
23 as set-forth above, in an amount in excess of \$1,000,000.00; (b) against Defendant OFFICER
24 RICHARD DEAN GOSLAR as an individual for punitive damages in an amount in excess of
25


26 ///

27 ///

1 \$75,000.00; and (c) together with the costs and disbursements of this action and such other
2 attorney's fees pursuant to 42 U.S.C. § 1988, and further relief as justice requires.

3 Dated this 21st day of June, 2010.

POTTER LAW OFFICES

4
5
6 By 
7 CAL J. POTTER, III, ESQ.
8 Nevada Bar No. 1988
9 1125 Shadow Lane
10 Las Vegas, Nevada 89102
11 Telephone: (702) 385-1954
12 *Attorneys for Plaintiff*
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

KRISTINA WILDEVELD-CONEH,

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Cal J. Potter, III, Esq., Potter Law Offices, 1125 Shadow Lane
Las Vegas, NV 89102 (702) 385-1954

DEFENDANTS

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS---Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input checked="" type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

Malicious Prosecution, Excessive Force, Police Misconduct

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
- DEMANDS
- CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

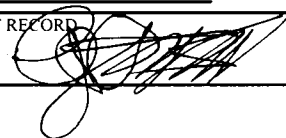
JUDGE _____

DOCKET NUMBER _____

DATE

6-21-10

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____