

1 STEPHEN P. STUBBS, Esq.  
Nevada Bar No. 10449  
2 TAX LAW SOLUTIONS, LLC  
883 Nevada Way, Suite 3B  
3 Boulder City, Nevada 89005  
Telephone: (702) 493-1040  
4 Facsimile: (702) 293-3289  
*Attorneys for Plaintiffs*

5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 SOUTHERN NEVADA CONFEDERATION OF  
8 CLUBS, INC., a Domestic Corporation; ROGER  
ALLEN ESPINOZA; ANGEL AGUILAR;  
9 DANIELLE AGUILAR; HENRY LIMON; JOE  
PHILLIPS; ERIK LUNDON; ANTHONY  
10 MARTINEZ; RICHARD JIMENEZ; KIM  
JIMENEZ; GARY JIMENEZ; MONICA  
11 JIMENEZ; DAN KELSEY; STANLEY  
MACHATEO; DENNIS MOREY; HARRY  
12 GARCIA; LEO GEORGE; DESMOND R.  
PERKINS; SCOTT ERECSO; ROBERT RIOS;  
13 RENE RUIZ; ALEX ARZOLA; KIMBERLY  
ARZOLA; LONNY GALLEGOS; JOSE  
14 GONZALES; RAMONE RIVERA; ANTHONY  
D. MCCALL; SHANE KRUCHTEN; NORMAN  
15 LUCERO; ANTHONY ROJAS; RAFAEL  
RODRIGUEZ; RALPH FORD; BELIA FORD;  
16 GEORGE DOMINGUEZ; LOUS VICTOR  
CASTILLO; AUSTIN SMITH; BRIAN  
17 WILLETT; ANTONIO SALAZAR; TOPHAT;  
MICHAEL MONTOYA; MICHELLE  
18 MONTOYA; JOE VEGA; CARLOS  
MERCADO; MANUEL COTA; LEVON  
19 GABRIELIAN; NICK SIMONIANI; JERRY  
CURIEL; NICK OHANISIAN; ANDRE  
20 HAROUTONIAN; THOMAS G. HARDIN;  
ALEJANDRO VARGAS; KEVIN THOMAS;  
21 JANELLE LONG; BERNARDINO GARCIA;  
DAVID FORD; PHILLIP GRIFFIN; ZANE  
22 HUCKINS; JERMEY DELORETTO; PAULA  
SANTILLAN; JOSEPH OROSCO; RICHARD  
23 COTA; RICK GUTIERREZ; JOESPH R.  
GALLEGOS; MARAINO GARCIA; DAVE  
24 SILVA; SERGIO PEREZ; TOM GARCIA;  
RICHARD CARRINGTON; MIGUEL  
25 HERNANDEZ; JERRY HEINZ; JASON  
BELTRAN; MIKE RODRIGUEZ; DENNIS  
26 COREY; JOSEPH PITKA; SHAWN CHASTEN;  
RICHARD ALEXANDER TAMBE; ESTELLA  
27 BONET; EDWARD BRYANT GIBSON;  
STUART CANTARA,  
28

CASE NO.:

CIVIL RIGHTS COMPLAINT PURSUANT TO  
42 U.S.C. § 1983

1 Plaintiffs,

2 vs.

3 LAS VEGAS METROPOLITAN POLICE  
4 DEPARTMENT, a Political Subdivision of the  
5 STATE OF NEVADA; SHERIFF DOUGLAS  
6 GILLESPIE; OFFICER ROBERT WILLS;  
7 OFFICER R. LOPEZ; OFFICER DAVE  
8 HUNKINS; OFFICER JOE GAGLIARDI;  
9 OFFICER WOOSNAM; OFFICER WILLIAM  
10 SCHOEN; OFFICER DAVID LEWIS; OFFICER  
11 CHRIS TOMAINO; OFFICER J. MCEWEN;  
12 OFFICER A. SCHAEFER; OFFICER  
13 JACKSON; OFFICER D. SCHWARTZ;  
14 OFFICER J. ADKISSON; OFFICER  
15 WOLFENBARGER; NORTH LAS VEGAS  
16 POLICE DEPARTMENT, a Political Subdivision  
17 of the STATE OF NEVADA; CHIEF OF  
18 POLICE JOSEPH CHRONISTER; DOES 1  
19 through 10; and ROES 11 through 20 inclusive,

20 Defendants.

21 JURISDICTION

22 1. Plaintiffs bring this action against Defendants to redress the deprivation of rights,  
23 privileges and immunities secured to them by the First, Fourth and Fourteenth Amendments to the  
24 United States Constitution, the Civil Rights Act of 1871, 42 U.S.C. § 1983.

25 2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and  
26 1343(a)(1)(3)(4) as well as 42 U.S.C. § 1983.

27 3. Plaintiffs also invoke the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. §  
28 136, to consider claims arising under state law for state Tort Claims.

VENUE

4. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
were set forth herein.

5. Venue is proper in the District of Nevada pursuant to 28 U.S.C. § 1391 because one or  
more Defendants is a political subdivision of the State of Nevada in the District of Nevada and the  
events giving rise to the claim occurred in this District. 28 U.S.C. § 1391(a)(1) and (b)(2).

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PARTIES

1  
2 6. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
3 were set forth herein.

4 7. Upon information and belief, the above-captioned individual Plaintiffs are and were at all  
5 times herein mentioned residents of the County of Clark, State of Nevada.

6 8. Defendant, Las Vegas METROPOLITAN POLICE DEPARTMENT (“LVMPD”), is a  
7 municipal corporation that is a political subdivision of the State of Nevada. At all relevant times  
8 herein, Defendant, LVMPD was the employer of Defendants, OFFICER ROBERT WILLS, OFFICER  
9 R. LOPEZ, OFFICER DAVE HUNKINS, OFFICER JOE GAGLIARDI, OFFICER WOOSNAM,  
10 OFFICER DAVID LEWIS, OFFICER CHRIS TOMAINO, OFFICER J. MCEWEN, OFFICER A.  
11 SCHAEFER, OFFICER JACKSON, OFFICER WILLIAM SCHOEN, OFFICER D. SCHWARTZ,  
12 OFFICER J. ADKISSON, and OFFICER WOLFENBARGER, DOES 1 through 10 (collectively,  
13 “LVMPD OFFICERS”) and Defendant, SHERIFF DOUGLAS GILLESPIE (“SHERIFF  
14 GILLESPIE”).

15 9. Defendants, LVMPD OFFICERS, are and were at all times relevant to the allegations  
16 contained in this Complaint duly appointed police officers with the LVMPD and were acting within the  
17 nature and scope of Defendants, LVMPD OFFICERS’ duties. Defendant, LVMPD OFFICERS, are  
18 sued individually and in their official capacities as police officers employed by the LVMPD. SHERIFF  
19 GILLESPIE is the final policy maker for the LVMPD and condoned and approved the acts of LVMPD  
20 OFFICERS.

21 10. At all times relevant hereto and in all their actions described herein, all LVMPD  
22 OFFICERS Defendants acted under color of law, of a statute, ordinance, regulation, custom, or usage,  
23 and all defendants acted pursuant to their respective authorities as police officers of LVMPD.  
24 Defendants, at all material times were agents, servants, employees, partners, joint ventures, co-  
25 conspirators and/or alter ego of all other Defendants and were acting in the course and scope of their  
26 employment with LVMPD.

27 11. Defendant, NORTH LAS VEGAS POLICE DEPARTMENT (“NLVPD”), is a municipal  
28 corporation that is a political subdivision of the State of Nevada and at all relevant times herein,

1 employed the North Las Vegas police officers and/or DOES Officers (collectively, “NLVPD  
2 OFFICERS”) and CHIEF OF POLICE JOSEPH CHRONISTER (“CHIEF CHRONISTER”).

3 12. Upon information and belief, Defendants, NLVPD OFFICERS, are and were at all times  
4 relevant to the allegations contained in this Complaint duly appointed police officers with the NLVPD  
5 and were acting within the nature and scope of Defendants, NLVPD OFFICERS’ duties. Defendant,  
6 NLVPD OFFICERS, are sued individually and in their official capacities as police officers employed  
7 by the LVMPD. CHIEF CHRONISTER is the final policy maker for the NLVPD and condoned and  
8 approved the acts of NLVPD OFFICERS.

9 13. At all times relevant hereto and in all their actions described herein, all NLVPD  
10 OFFICER Defendants acted under color of law, of a statute, ordinance, regulation, custom, or usage,  
11 and all defendants acted pursuant to their respective authorities as police officers of NLVPD.  
12 Defendants, at all material times were agents, servants, employees, partners, joint ventures, co-  
13 conspirators and/or alter ego of all other Defendants and were acting in the course and scope of their  
14 employment with NLVPD.

15 14. The true names of DOES 1 through 10 and ROES CORPORATIONS 11 through 20,  
16 their citizenship and capacities, whether individual, corporate, associate, partnership or otherwise, are  
17 unknown to Plaintiffs who therefore sue these Defendants by such fictitious names. Plaintiffs are  
18 informed and believe, and therefore allege, that each of the Defendants, designated as DOES 1 through  
19 10 and ROES CORPORATIONS 11 through 20, are or may be, legally responsible for the events  
20 referred to in this action, and caused damages to Plaintiffs, as herein alleged, and Plaintiffs will ask  
21 leave of this Court to amend the Complaint to insert the true names and capacities of such Defendants,  
22 when the same have been ascertained, and to join them in this action, together with the proper charges  
23 and allegations.

24 15. Plaintiffs are further informed and believe on that basis, and therefore allege, that certain  
25 witnesses are known to Plaintiffs as witnesses. However, Plaintiffs do not yet realize the culpability of  
26 those witnesses at this time. However, once Plaintiffs have determined the true culpability of the  
27 DOES/ROES Defendants, they will amend this Complaint to set forth the actual culpability and to  
28 substitute the witness for a DOES/ROES Defendant.

FACTS

1  
2 16. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
3 were set forth herein.

4 Mongols Incident #1:

5 17. In or about June 2010, the Mongols Motorcycle Club (“Mongols MC”) planned to hold a  
6 custom car and bike reunion for its Las Vegas chapter (the “Event”).

7 18. Toward that end, on or about June 11, 2010, Roger A. Espinoza, a member of the  
8 Mongols MC, entered into an agreement with the Alexis Park Resort Las Vegas on behalf of the Club  
9 to hold 160 rooms each day for the period July 23, 2010 through July 25, 2010, the dates planned for  
10 the event.

11 19. The parties duly signed the agreement, and Mr. Espinoza paid the \$50,000 deposit on  
12 behalf of the Mongols MC via credit card, as required by the Alexis Park Resort Las Vegas.

13 20. On or about June 24, 2010, Mr. Espinoza received a letter from the Alexis Park Resort  
14 Las Vegas indicating that the resort was canceling all reservations and returning the deposited funds.

15 21. The resort went on to explain that it was canceling the Event because Officers of the Las  
16 Vegas Metropolitan Police Department informed the resort that if the Event proceeded as planned,  
17 LVMPD would be blockading the property and that all individuals and vehicles entering or leaving the  
18 property would be searched.

19 Mongols Incident #2:

20 22. The Mongols Motorcycle Club (“Mongols MC”) planned to hold an event at the  
21 Mountain Springs Bar, in Las Vegas, Nevada, on October 1, 2011.

22 23. The Las Vegas Metropolitan Police Department learned of the event at the Mountain  
23 Springs Bar, following which OFFICER William Schoen of the Special Investigations Section sent an  
24 e-mail to Augie Bustos, dated September 29, 2011, threatening his liquor license for hosting the  
25 Mongols MC if the event went forward.

26 24. Augie Bustos thereafter cancelled the October 1, 2011 event, and continued to receive  
27 threats from the Las Vegas Metropolitan Police Department in connection with hosting the Mongols  
28 MC and its members.

1 Vagos Incident:

2 25. The Vagos Motorcycle Club (“Vagos MC”) planned to hold an event at the Scoundrels  
3 Pub in Las Vegas, Nevada, on June 18, 2011.

4 26. The Las Vegas Metropolitan Police Department learned of the event, following which  
5 OFFICER Robert Willis of the Special Investigations Section sent a letter dated June 16, 2011, to the  
6 Scoundrels Pub threatening its liquor license for hosting the Vagos MC if the event went forward, and  
7 asserting that the club and its members were involved in trafficking and narcotics use, firearms  
8 trafficking, and felonious assaults and batteries.

9 27. The Scoundrels Pub continued to receive threats from the Las Vegas Metropolitan Police  
10 Department in connection with hosting the Vagos MC and its members.

11 Stray Cats Incident:

12 28. On or about January 12, 2012, members of the Stray Cats Motorcycle Club (“Stray Cats  
13 MC”) met at 2270 Losee Road, Space A, North Las Vegas, Nevada, to hear a lecture and discuss  
14 Constitutional rights, United States history, and recent alleged harassment of different motorcycle clubs  
15 by law enforcement.

16 29. Attorney Stephen P. Stubbs, who gave the lecture, eventually excused himself from the  
17 meeting to go home, at which time the group was still discussing the subjects of the meeting.

18 30. Approximately 40 minutes after Attorney Stubbs left, Defendant the North Las Vegas  
19 Police Department arrived on the scene for the express purpose of “clearing” the members from the  
20 premises.

21 31. Plaintiff Richard Tambe, a member of the Stray Cats MC, noticed approximately a dozen  
22 police officers and multiple police cars arrive on the scene.

23 32. Plaintiff Tambe was subsequently patted down extensively and surrounded by at least  
24 four police officers.

25 33. Plaintiff indicated he did not know what this was about, and after several moments,  
26 asserted his right to an attorney, following which he was shown a taser.

27 34. Plaintiff Tambe was not allowed to consult an attorney and the questioning proceeded.

28 ///

1 35. In the meantime, Defendant the North Las Vegas Police Department forced the other  
2 attendees of the lecture to leave the scene, threatening to ticket and tow their motorcycles if they failed  
3 to do so.

4 36. When Attorney Stubbs returned to the scene, several officers prevented him from  
5 speaking with Plaintiff Tambe, and threatened to arrest him if he failed to obey their commands and  
6 stand a long distance away from Mr. Tambe.

7 37. Attorney Stubbs informed the officers that Mr. Tambe has a Constitutional right to  
8 counsel, following which a female officer told Attorney Stubbs, "there is no right to counsel on the  
9 streets of North Las Vegas, only in a court room."

10 38. After the gathering was broken up, Plaintiff Tambe was given two citations and told,  
11 "you are not having your food drive on Saturday."

12 39. The officers then left the scene without speaking with Attorney Stubbs or providing any  
13 explanation whatsoever.

14 Joseph Pitka Incident:

15 40. On or about February 10, 2011, Plaintiff, Joseph Pitka ("Pitka") was arrested by officers  
16 of the Las Vegas Metropolitan Police Department during a traffic stop following a meeting of the COC.

17 41. Following his arrest, Plaintiff Pitka's personal and employment information were taken at  
18 the time of booking by Officers Dave Hunkins and Joe Gagliardi, among others.

19 42. Approximately six weeks later, on or about March 31, 2011, Defendant Officers Hunkins  
20 and Gagliardi went to Plaintiff Pitka's place of employment, MedicWest Ambulance, where Pitka  
21 worked as a paramedic since 1999, and spoke to his supervisor, Bert Ober.

22 43. In the weeks since Plaintiff Pitka's arrest, Defendant Gagliardi and others made  
23 numerous attempts to discuss Plaintiff Pitka with his employer.

24 44. Officers Hunkins and Gagliardi stated to Mr. Ober that Plaintiff Pitka had been observed  
25 associating with what they termed a "criminal" motorcycle club known as the Bandidos, which the FBI  
26 and other law enforcement organizations link to stabbings, shootings, and other criminal activity.

27 45. Officers Hunkins and Gagliardi went on to infer that the Bandidos were interested in  
28 Plaintiff Pitka because of his access to controlled substances.

1 46. Plaintiff Pitka was ultimately terminated by MedicWest Ambulance several months later,  
2 in or about November 2011, after 12 years of service.

3 47. Plaintiff's efforts to obtain subsequent employment have been without success because  
4 Defendant the Las Vegas Metropolitan Police Department has contacted potential employers to inform  
5 them that Plaintiff Pitka is allegedly under investigation for his association or membership in an alleged  
6 criminal organization.

7 Bandidos Incident:

8 48. On or about September 11, 2011, Plaintiff Stuart Cantara of the Bandidos MC was  
9 attending a September 11 memorial motorcycle club event in Las Vegas, Nevada.

10 49. Officer Jackson and Detective Woosnam of Defendant the Las Vegas Metropolitan  
11 Police Department appeared at the event in search of Plaintiff Cantara.

12 50. Officer Jackson and Detective Woosnam claimed they ran Plaintiff Cantara's motorcycle  
13 license plate and found that there was a warrant for his arrest.

14 51. In fact, Plaintiff Cantara traveled to the event by car and had had the warrant quashed  
15 well before the September 11 event.

16 52. Plaintiff Cantara was ultimately arrested by Officer Jackson and Detective Woosnam and  
17 booked on the allegedly outstanding arrest warrant.

18 53. Defendants Officer Jackson, Detective Woosnam and the Las Vegas Metropolitan Police  
19 Department therefore violated Plaintiff Cantara's First Amendment right to liberty by enforcing a  
20 warrant they knew to be false, invalid or that did not exist.

21 FIRST CLAIM FOR RELIEF

22 (Violation of Constitutional Rights - Custom Car and Bike Reunion Event as Against  
23 LVMPD and DOE Officers)

24 54. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
25 were set forth herein.

26 55. A contract existed between the Mongols MC and the Alexis Park Resort Las Vegas in  
27 which the Club had reserved 160 rooms for its members for a Custom Car and Bike Reunion event  
28 planned for July 23 - July 25, 2010, as described above.



1 56. On or about June 24, 2010, Mr. Espinoza received a letter from the Alexis Park Resort  
2 Las Vegas indicating that the resort was canceling all reservations and returning the deposited funds.

3 57. The resort went on to explain that it was canceling the Event because Officers of the Las  
4 Vegas Metropolitan Police Department informed the resort that if the Event proceeded as planned,  
5 LVMPD would be blockading the property and that all individuals and vehicles entering or leaving the  
6 property would be searched.

7 58. The action of the Las Vegas Metropolitan Police Department and DOE Officers, as  
8 described above, constitutes a violation of Plaintiffs' freedoms of association and assembly, contrary to  
9 the First Amendment of the United States Constitution.

10 59. DOE Officer's actions on behalf of the Las Vegas Metropolitan Police Department in  
11 preventing Plaintiffs' from associating and assembling are longstanding practice or custom constituting  
12 standard operating procedure, and a de facto policy of the Las Metropolitan Police Department.

13 60. Plaintiffs were willfully, maliciously, and intentionally prevented from associating and/or  
14 assembling without justification or compelling state interest as a result of their status as a motorcycle  
15 club or motorcycle club member.

16 61. Defendants' actions were committed with actual malice toward Plaintiffs and with willful  
17 and wanton disregard to and deliberate indifference for their constitutional and statutory rights.

18 62. Defendants' intentional actions in preventing Plaintiffs' from holding the Event violated  
19 their guaranteed First Amendment rights of association and assembly.

20 63. As a direct and proximate result of the acts and omissions of the Las Vegas Metropolitan  
21 Police Department and DOE Officers, Plaintiffs were deprived of their First Amendment rights of  
22 association and assembly.

23 64. Defendants' actions, as described above, were done with actual malice toward Plaintiffs  
24 and with willful and wanton indifference to and deliberate disregard for their constitutional rights.  
25 Plaintiffs are thus entitled to exemplary damages against the individual DOE officers in their individual  
26 capacities.

27 65. Plaintiffs are entitled to compensatory and exemplary damages resulting from the  
28 violation of the aforementioned rights under 42 U.S.C. § 1983.

1 66. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
2 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees  
3 pursuant to 41 U.S.C. § 1988.

4 67. That as a direct result of the acts and omissions of the Defendants, and each of them,  
5 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

6 SECOND CLAIM FOR RELIEF

7  
8 (Violation of Constitutional Rights - Supervisory - Custom Car and Bike Reunion Event as  
Against LVMPD and DOE Officers)

9 68. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
10 were set forth herein.

11 69. Sheriff Douglas Gillespie is the final policy maker, directly liable for the acts of DOE  
12 Officers for failing to enforce the rights provided under the United States Constitution, the laws of the  
13 State of Nevada, and the regulations of the Las Vegas Metropolitan Police Department pertaining to an  
14 individual's freedom of association and assembly.

15 70. The Defendant has the duty and responsibility to implement and enforce the guidelines,  
16 procedures, and regulations of the Las Vegas Metropolitan Police Department and to train and  
17 supervise the conduct of its employees to ensure they are properly trained.

18 71. The Defendant Sheriff's failure to enforce the rights provided under the United States  
19 Constitution, the laws of the State of Nevada, and the regulations of Las Vegas Metropolitan Police  
20 Department encouraged and caused constitutional violations by DOE Officers.

21 72. Plaintiffs are thus entitled to compensatory damages, general and special, resulting from  
22 the violation of the aforementioned constitutional rights under 42 U.S.C. § 1983.

23 73. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
24 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees as  
25 part of their costs pursuant to 41 U.S.C. § 1988.

26 74. That as a direct result of the acts and omissions of the Defendants, and each of them,  
27 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

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1 THIRD CLAIM FOR RELIEF

2 (Intentional Interference With Contractual Relations and/or Prospective Economic  
3 Advantage - Custom Car and Bike Reunion Event as Against LVMPD and DOE Officers)

4 75. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
5 were set forth herein.

6 76. A contract existed between Plaintiffs Espinoza and the Mongols MC, and the Alexis  
7 Park Resort Las Vegas, to hold 160 rooms each day for the period July 23, 2010 through July 25, 2010,  
8 for purposes of a custom car and bike reunion.

9 77. Defendants the Las Vegas Metropolitan Police Department and DOE Officers knew of  
10 the planned Event and contract between the parties, and thereafter intentionally interfered with such  
11 relationship in order to prevent the reunion from taking place, as described above.

12 78. To wit, Defendants the Las Vegas Metropolitan Police Department and DOE Officers  
13 contacted the Alexis Park Resort Las Vegas and informed the resort that if the Event proceeded as  
14 planned, they would be blockading the property and that all individuals and vehicles entering or leaving  
15 the property would be searched.

16 79. As a result of Defendants' actions, the Alexis Park Resort Las Vegas cancelled the  
17 contract, preventing the Event from taking place as planned, for which Defendants' have no privilege or  
18 justification.

19 80. By reason of Defendants' actions, Plaintiffs have been damaged in an amount in excess  
20 of \$75,000 and required to retain the services of an attorney to bring this action, and are therefore  
21 entitled to reasonable attorney's fees and costs therefor.

22 FOURTH CLAIM FOR RELIEF

23 (Violation of Constitutional Rights - Vagos MC Event  
24 as Against LVMPD, Officer Robert Wills, and DOE Officers)

25 81. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
26 were set forth herein.

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1 82. An agreement existed between the Vagos MC and the Scoundrels Pub in which the  
2 Vagos MC had reserved the pub for an event scheduled to take place on June 18, 2012, as described  
3 above.

4 83. On or about June 16, 2011, the Soundrels Pub received a letter from OFFICER Robert  
5 Willis of the Special Investigations Section of the Las Vegas Metropolitan Police Department  
6 threatening the pub's liquor license for hosting the Vagos MC if the event went forward, and asserting  
7 that the club and its members were involved in trafficking and narcotics use, firearms trafficking, and  
8 felonious assaults and batteries.

9 84. The Scoundrels Pub thereafter cancelled the June 18, 2011, event, and continued to  
10 receive threats from the Las Vegas Metropolitan Police Department in connection with hosting the the  
11 Vagos MC and its members.

12 85. The action of the Las Vegas Metropolitan Police Department, Officer Willis and DOE  
13 Officers, as described above, constitutes a violation of Plaintiffs' freedoms of association and assembly,  
14 contrary to the First Amendment of the United States Constitution.

15 86. Officer Willis and DOE Officer's actions on behalf of the Las Vegas Metropolitan Police  
16 Department in preventing Plaintiffs' from associating and assembling are longstanding practice or  
17 custom constituting standard operating procedure, and a de facto policy of the Las Metropolitan Police  
18 Department.

19 87. Plaintiffs were willfully, maliciously, and intentionally prevented from associating and/or  
20 assembling without justification or compelling state interest as a result of their status as a motorcycle  
21 club or motorcycle club member.

22 88. Defendants' actions were committed with actual malice toward Plaintiffs and with willful  
23 and wanton disregard to and deliberate indifference for their constitutional and statutory rights.

24 89. Defendants' intentional actions in preventing Plaintiffs' from holding the Event violated  
25 their guaranteed First Amendment rights of association and assembly.

26 90. As a direct and proximate result of the acts and omissions of the Las Vegas Metropolitan  
27 Police Department and DOE Officers, Plaintiffs were deprived of their First Amendment rights of  
28 association and assembly.

1 91. Defendants' actions, as described above, were done with actual malice toward Plaintiffs  
2 and with willful and wanton indifference to and deliberate disregard for their constitutional rights.  
3 Plaintiffs are thus entitled to exemplary damages against Officer Willis and the individual DOE officers  
4 in their individual capacities.

5 92. Plaintiffs are entitled to compensatory and exemplary damages resulting from the  
6 violation of the aforementioned rights under 42 U.S.C. § 1983.

7 93. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
8 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees  
9 pursuant to 41 U.S.C. § 1988.

10 94. That as a direct result of the acts and omissions of the Defendants, and each of them,  
11 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

12 FIFTH CLAIM FOR RELIEF

13  
14 (Violation of Constitutional Rights - Supervisory - Vagos MC Event  
as Against LVMPD and DOE Officers)

15 95. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
16 were set forth herein.

17 96. Sheriff Douglas Gillespie is the final policy maker, directly liable for the acts of DOE  
18 Officers for failing to enforce the rights provided under the United States Constitution, the laws of the  
19 State of Nevada, and the regulations of the Las Vegas Metropolitan Police Department pertaining to an  
20 individual's freedom of association and assembly.

21 97. The Defendant has the duty and responsibility to implement and enforce the guidelines,  
22 procedures, and regulations of the Las Vegas Metropolitan Police Department and to train and  
23 supervise the conduct of its employees to ensure they are properly trained.

24 98. The Defendant Sheriff's failure to enforce the rights provided under the United States  
25 Constitution, the laws of the State of Nevada, and the regulations of Las Vegas Metropolitan Police  
26 Department encouraged and caused constitutional violations by DOE Officers.

27 99. Plaintiffs are thus entitled to compensatory damages, general and special, resulting from  
28 the violation of the aforementioned constitutional rights under 42 U.S.C. § 1983.

1 100. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
2 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees as  
3 part of their costs pursuant to 41 U.S.C. § 1988.

4 101. That as a direct result of the acts and omissions of the Defendants, and each of them,  
5 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

6 SIXTH CLAIM FOR RELIEF

7 (Intentional Interference With Contractual Relations and/or Prospective Economic  
8 Advantage - Vagos MC Event as Against LVMPD, Officer Robert Wills, and DOE  
Officers)

9 102. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
10 were set forth herein.

11 103. A contract existed between Plaintiff Vagos MC and the Scoundrels Pub to hold an  
12 event on June 18, 2011.

13 104. Defendants the Las Vegas Metropolitan Police Department, Officer Willis and DOE  
14 Officers knew of the planned event and contract between the parties, and thereafter intentionally  
15 interfered with such relationship in order to prevent the event from taking place, as described above.

16 105. To wit, Defendants Officer Willis, the Las Vegas Metropolitan Police Department and  
17 DOE Officers contacted the Scoundrels Pub by letter dated June 16, 2011, and informed the pub that if  
18 the event proceeded as planned, the pub's liquor license would be in jeopardy.

19 106. As a result of Defendants' actions, the Scoundrels Pub thereafter cancelled the June 18,  
20 2011, event, and continued to receive threats from the Las Vegas Metropolitan Police Department in  
21 connection with hosting the Vagos MC and its members, for which Defendants' have no privilege or  
22 justification.

23 107. By reason of Defendants' actions, Plaintiffs have been damaged in an amount in excess  
24 of \$75,000 and required to retain the services of an attorney to bring this action, and are therefore  
25 entitled to reasonable attorney's fees and costs therefor.

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SEVENTH CLAIM FOR RELIEF

(Violation of Constitutional Rights - Stray Cats MC Event  
as Against NLVPD and DOE Officers)

108. Plaintiffs repeat and re-allege each and every statement set forth above as though each were set forth herein.

109. On or about January 12, 2012, members of the Stray Cats MC met at 2270 Losee Road, Space A, North Las Vegas, Nevada, to hear a lecture and discuss Constitutional rights, United States history, and recent alleged harassment of different motorcycle clubs by law enforcement, as discussed in detail above.

110. Approximately 40 minutes after Attorney Stubbs left, officers of Defendant the North Las Vegas Police Department arrived on the scene in force for the express purpose of “clearing” the members from the premises.

111. The gathering was broken up by Defendants with threats of traffic citations and towing of the members’ vehicles.

112. Plaintiff Tambe, who was patted down extensively and surrounded by at least four police officers, immediately requested to speak to his attorney, but was prevented by the officers who continued their questioning and showed him a taser.

113. Plaintiff Tambe was not allowed to consult an attorney even after Attorney Stubbs returned to the gathering and attempted to intervene.

114. The action of Defendant the North Las Vegas Police Department and DOE Officers, as described above, constitutes a violation of Plaintiffs’ freedoms of association and assembly, and Plaintiff Tambe’s right to counsel, contrary to the First and Fifth Amendments of the United States Constitution, respectively.

115. DOE Officer’s actions on behalf of the North Las Vegas Police Department in preventing Plaintiffs from associating and assembling, and Mr. Tambe from consulting with counsel, are longstanding practice or custom constituting standard operating procedure, and a de facto policy of the North Las Vegas Police Department.

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1 116. Plaintiffs were willfully, maliciously, and intentionally prevented from associating and/or  
2 assembling without justification or compelling state interest as a result of their status as a motorcycle  
3 club or motorcycle club member.

4 117. Defendants' actions were committed with actual malice toward Plaintiffs and with willful  
5 and wanton disregard to and deliberate indifference for their constitutional and statutory rights.

6 118. Defendants' intentional actions in preventing Plaintiffs' from holding the event and from  
7 consulting with counsel violated their guaranteed First Amendment right of association and assembly,  
8 and Fifth Amendment right to counsel.

9 119. As a direct and proximate result of the acts and omissions of the North Las Vegas Police  
10 Department and DOE Officers, Plaintiffs were deprived of their First Amendment rights of association  
11 and assembly, and Fifth Amendment right to counsel.

12 120. Defendants' actions, as described above, were done with actual malice toward Plaintiffs  
13 and with willful and wanton indifference to and deliberate disregard for their constitutional rights.  
14 Plaintiffs are thus entitled to exemplary damages against the individual DOE officers in their individual  
15 capacities.

16 121. Plaintiffs are entitled to compensatory and exemplary damages resulting from the  
17 violation of the aforementioned rights under 42 U.S.C. § 1983.

18 122. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
19 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees  
20 pursuant to 41 U.S.C. § 1988.

21 123. That as a direct result of the acts and omissions of the Defendants, and each of them,  
22 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

23 EIGHTH CLAIM FOR RELIEF

24 (Violation of Constitutional Rights - Supervisory - Stray Cats MC Event  
25 as Against NLVPD and DOE Officers)

26 124. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
27 were set forth herein.

28 125. Chief of Police Joseph Chronister is the final policy maker, directly liable for the acts of  
DOE Officers of the North Las Vegas Police Department for failing to enforce the rights provided



1 under the United States Constitution, the laws of the State of Nevada, and the regulations of the North  
2 Las Vegas Police Department pertaining to an individual's freedom of association and assembly, and  
3 right to counsel.

4 126. Defendant Chief Chronister has the duty and responsibility to implement and enforce the  
5 guidelines, procedures, and regulations of the North Las Vegas Police Department and to train and  
6 supervise the conduct of its employees to ensure they are properly trained.

7 127. Defendant Chief Chronister's failure to enforce the rights provided under the United  
8 States Constitution, the laws of the State of Nevada, and the regulations of North Las Vegas Police  
9 Department encouraged and caused constitutional violations by DOE Officers.

10 128. Plaintiffs are thus entitled to compensatory damages, general and special, resulting from  
11 the violation of the aforementioned constitutional rights under 42 U.S.C. § 1983.

12 129. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
13 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees as  
14 part of their costs pursuant to 41 U.S.C. § 1988.

15 130. That as a direct result of the acts and omissions of the Defendants, and each of them,  
16 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

17 NINTH CLAIM FOR RELIEF

18 (Intentional Interference With Contractual Relations and/or Prospective Economic  
19 Advantage - MedicWest Ambulance Termination as Against NLVPD and DOE Officers)

20 131. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
21 were set forth herein.

22 132. An employment agreement existed between Plaintiff Joseph Pitka and MedicWest  
23 Ambulance, where Plaintiff worked as a paramedic from 1999 to 2011.

24 133. Defendants the Las Vegas Metropolitan Police Department and Officers Dave Hunkins  
25 and Joe Gagliardi knew of the employment relationship between the parties, and thereafter intentionally  
26 interfered with such relationship in order to have Plaintiff Pitka terminated, as described above.

27 134. To wit, Defendants the Las Vegas Metropolitan Police Department and Officers Dave  
28 Hunkins and Joe Gagliardi contacted Plaintiff Pitka's place of employment, MedicWest Ambulance,

1 and ultimately went in person to speak with Plaintiff's supervisor Bert Ober, wherein they asserted that  
2 Plaintiff was associating with a criminal organization and inferred that Plaintiff would likely exploit his  
3 access to controlled substances for criminal purposes.

4 135. As a result of Defendants' actions, MedicWest Ambulance terminated Plaintiff Pitka's  
5 employment, for which Defendants' have no privilege or justification.

6 136. By reason of Defendants' actions, Plaintiff has been damaged in an amount in excess of  
7 \$75,000 and required to retain the services of an attorney to bring this action, and is therefore entitled to  
8 reasonable attorney's fees and costs therefor.

9 TENTH CLAIM FOR RELIEF

10 (Defamation as Against LVMPD, Officer Dave Hunkins,  
11 Officer Joe Gagliardi, and DOE Officers)

12 137. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
13 were set forth herein.

14 138. The statements made by Defendant Officers Dave Hunkins and Joe Gagliardi to Bert  
15 Ober of MedicWest Ambulance, and others, as described above, were false and defamatory concerning  
16 Plaintiff Pitka.

17 139. The statements, as described above, were an unprivileged and published to third persons,  
18 including Bert Ober.

19 140. Defendants were at least negligent in making the statements they made.

20 141. By reason of Defendants' actions, Plaintiff Pitka has been damaged in an amount in  
21 excess of \$75,000 and required to retain the services of an attorney to bring this action, and is therefore  
22 entitled to reasonable attorney's fees and costs therefor.

23 ELEVENTH CLAIM FOR RELIEF

24 (Violation of Constitutional Rights - 9/11 Arrest of Plaintiff Cantara  
as Against LVMPD, Officer Jackson, Detective Woosnam and DOE Officers)

25 142. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
26 were set forth herein.

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1 143. The actions of police Officer Jackson and Detective Woosnam in arresting Plaintiff  
2 Cantara, as described above, constitute deprivation of liberty without due process of law in violation of  
3 the Fourth and Fourteenth Amendments to the United States Constitution.

4 144. Defendants Officer Jackson and Detective Woosnam were complicit in the constitutional  
5 violations of Plaintiff Cantara by violating the constitutional rights of Plaintiff through the use of  
6 unlawful detention even though Plaintiff had not committed a crime nor was there a valid warrant for  
7 his arrest because Defendant the Las Vegas Metropolitan Police Department maintains a de facto policy  
8 to obtain and or arrest members of motorcycle clubs even though a crime has not occurred, and without  
9 a valid warrant.

10 145. Plaintiff Cantara was willfully, maliciously, and intentionally imprisoned without  
11 justification, reasonable suspicion, probable cause, or a valid warrant solely because of his status as a  
12 motorcycle club member.

13 146. Defendants Officer Jackson and Detective Woosnam's actions were committed with  
14 actual malice toward Plaintiff and with willful and wanton disregard to and deliberate indifference for  
15 his constitutional and statutory rights.

16 147. The intentional use of an unlawful detention of Plaintiff by Defendants Officer Jackson  
17 and Detective Woosnam and as authorized by Defendants violated the following rights of Plaintiff as  
18 guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution: Freedom from  
19 the deprivation of life or liberty without due process of law in violation of the Fourth Amendment.

20 148. As a direct and proximate result of the acts and omissions of Defendants Officer Jackson  
21 and Detective Woosnam, Plaintiff was deprived of his physical liberty.

22 149. The handcuffing and unlawful detention of Plaintiff by Defendants Officer Jackson and  
23 Detective Woosnam when Defendant officers knew Plaintiff had committed no crime and where no  
24 valid warrant existed was done with actual malice toward Plaintiff and with willful and wanton  
25 indifference to and deliberate disregard for the constitutional rights of Plaintiff. Plaintiff is thus entitled  
26 to exemplary damages against the individual defendants in their individual capacity.

27 150. Plaintiff is entitled to compensatory and exemplary damages resulting from the violation  
28 of the aforementioned rights under 42 U.S.C. § 1983.

1 151. Plaintiff has been forced to pursue this action in search of justice and to enforce the  
2 provisions of 42 U.S.C. § 1983 and is therefore entitled to be awarded reasonable attorney's fees  
3 pursuant to 41 U.S.C. § 1988.

4 152. That as a direct result of the acts and omissions of the Defendants, and each of them,  
5 Plaintiff was damaged in an amount in excess of SEVENTY FIVE THOUSAND DOLLARS  
6 (\$75,000.00).

7 TWELFTH CLAIM FOR RELIEF

8 (Violation of Constitutional Rights - Mongols MC Event  
9 as Against LVMPD, Officer Schoen, and DOE Officers)

10 153. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
11 were set forth herein.

12 154. An agreement existed between the Mongols MC and Augie Bustos in which the Mongols  
13 MC had reserved the Mountain Springs Bar for an event scheduled to take place on October 1, 2011, as  
14 described above.

15 155. The Las Vegas Metropolitan Police Department learned of the event at the Mountain  
16 Springs Bar, following which OFFICER William Schoen of the Special Investigations Section sent an  
17 e-mail to Augie Bustos, dated September 29, 2011, threatening his liquor license for hosting the  
18 Mongols MC if the event went forward.

19 156. Augie Bustos thereafter cancelled the October 1, 2011 event, and continued to receive  
20 threats from the Las Vegas Metropolitan Police Department in connection with hosting the Mongols  
21 MC and its members.

22 157. The action of the Las Vegas Metropolitan Police Department, Officer Schoen and DOE  
23 Officers, as described above, constitutes a violation of Plaintiffs' freedoms of association and assembly,  
24 contrary to the First Amendment of the United States Constitution.

25 158. Officer Schoen and DOE Officer's actions on behalf of the Las Vegas Metropolitan  
26 Police Department in preventing Plaintiffs' from associating and assembling are longstanding practice  
27 or custom constituting standard operating procedure, and a de facto policy of the Las Metropolitan  
28 Police Department.

1 159. Plaintiffs were willfully, maliciously, and intentionally prevented from associating and/or  
2 assembling without justification or compelling state interest as a result of their status as a motorcycle  
3 club or motorcycle club member.

4 160. Defendants' actions were committed with actual malice toward Plaintiffs and with willful  
5 and wanton disregard to and deliberate indifference for their constitutional and statutory rights.

6 161. Defendants' intentional actions in preventing Plaintiffs' from holding the Event violated  
7 their guaranteed First Amendment rights of association and assembly.

8 162. As a direct and proximate result of the acts and omissions of the Las Vegas Metropolitan  
9 Police Department and DOE Officers, Plaintiffs were deprived of their First Amendment rights of  
10 association and assembly.

11 163. Defendants' actions, as described above, were done with actual malice toward Plaintiffs  
12 and with willful and wanton indifference to and deliberate disregard for their constitutional rights.  
13 Plaintiffs are thus entitled to exemplary damages against Officer Schoen and the individual DOE  
14 officers in their individual capacities.

15 164. Plaintiffs are entitled to compensatory and exemplary damages resulting from the  
16 violation of the aforementioned rights under 42 U.S.C. § 1983.

17 165. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
18 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees  
19 pursuant to 41 U.S.C. § 1988.

20 166. That as a direct result of the acts and omissions of the Defendants, and each of them,  
21 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

22 THIRTEENTH CLAIM FOR RELIEF

23 (Violation of Constitutional Rights - Supervisory – Mongols MC Event  
24 as Against LVMPD, Officer Schoen, and DOE Officers)

25 167. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
26 were set forth herein.

27 168. Sheriff Douglas Gillespie is the final policy maker, directly liable for the acts of DOE  
28 Officers for failing to enforce the rights provided under the United States Constitution, the laws of the

1 State of Nevada, and the regulations of the Las Vegas Metropolitan Police Department pertaining to an  
2 individual's freedom of association and assembly.

3 169. The Defendant has the duty and responsibility to implement and enforce the guidelines,  
4 procedures, and regulations of the Las Vegas Metropolitan Police Department and to train and  
5 supervise the conduct of its employees to ensure they are properly trained.

6 170. The Defendant Sheriff's failure to enforce the rights provided under the United States  
7 Constitution, the laws of the State of Nevada, and the regulations of Las Vegas Metropolitan Police  
8 Department encouraged and caused constitutional violations by DOE Officers.

9 171. Plaintiffs are thus entitled to compensatory damages, general and special, resulting from  
10 the violation of the aforementioned constitutional rights under 42 U.S.C. § 1983.

11 172. Plaintiffs have been forced to pursue this action in search of justice and to enforce the  
12 provisions of 42 U.S.C. § 1983 and are therefore entitled to be awarded reasonable attorney's fees as  
13 part of their costs pursuant to 41 U.S.C. § 1988.

14 173. That as a direct result of the acts and omissions of the Defendants, and each of them,  
15 Plaintiffs have been damaged in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

16 FOURTEENTH CLAIM FOR RELIEF

17 (Intentional Interference With Contractual Relations and/or Prospective Economic  
18 Advantage - Mongols MC Event as Against LVMPD and DOE Officers)

19 174. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
20 were set forth herein.

21 175. A contract existed between Plaintiff Mongols MC and Augie Bustos to hold an event  
22 on October 1, 2011.

23 176. Defendants the Las Vegas Metropolitan Police Department, Officer Schoen, and DOE  
24 Officers knew of the planned event and contract between the parties, and thereafter intentionally  
25 interfered with such relationship in order to prevent the event from taking place, as described above.

26 177. To wit, Defendants Officer Schoen, the Las Vegas Metropolitan Police Department and  
27 DOE Officers contacted Augie Bustos by e-mail on September 29, 2011, and informed him that if the  
28 event proceeded as planned, Augie Bustos' liquor license would be in jeopardy.

1 178. As a result of Defendants' actions, Augie Bustos thereafter cancelled the October 1,  
2 2011, event, and continued to receive threats from the Las Vegas Metropolitan Police Department in  
3 connection with hosting the Mongols MC and its members, for which Defendants' have no privilege or  
4 justification.

5 179. By reason of Defendants' actions, Plaintiffs have been damaged in an amount in excess  
6 of \$75,000 and required to retain the services of an attorney to bring this action, and are therefore  
7 entitled to reasonable attorney's fees and costs therefor.

8 FIFTEENTH CLAIM FOR RELIEF

9 (False Arrest / False Imprisonment of Plaintiff Cantara as Against LVMPD, Officer  
10 Jackson, Detective Wooman, Officer Darren Walker, Officer J. Quintana, Officer G. Brown, and  
DOE Officers)

11 180. Plaintiffs repeat and re-allege each and every statement set forth above as though each  
12 were set forth herein.

13 181. Defendants' conduct, as described above, of detaining and arresting Plaintiffs without  
14 legal probable cause constitutes false arrest and false imprisonment.

15 182. As a direct and proximate result of Defendants' conduct, Plaintiffs have incurred special  
16 and general damages in an amount to be shown at the time of trial.

17 183. Defendants' conduct was committed intentionally, maliciously, and with conscious  
18 disregard to the safety of Plaintiff warranting the imposition of punitive damages.

19 184. That as a direct result of the acts and omissions of the Defendants, and each of them,  
20 Plaintiffs were caused to suffer damages in excess of SEVENTY FIVE THOUSAND DOLLARS  
21 (\$75,000.00).

22 PRAYER

23 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- 24 1. For damages in a sum in excess of \$75,000;  
25 2. For punitive and exemplary damages in a sum in excess of \$75,000;  
26 3. For a reasonable sum as attorneys' fees, costs of suit and interest; and

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1 4. For such other and further relief as the Court deems just and proper.

2 Dated this 25<sup>th</sup> day of June, 2012.

3 TAX LAW SOLUTIONS, LLC

4 *Stephen P. Stubbs*

5 \_\_\_\_\_  
6 Stephen P. Stubbs, Esq.  
7 *Attorney for Plaintiffs*