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7 UNITES STATES DISTRICT COURT  
8 DISTRICT OF NEVADA  
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10 ADAM GREENE, individually; BRITTANY  
11 GREENE, individually,

12 Plaintiffs,

13 vs.

14 CITY OF HENDERSON POLICE  
DEPARTMENT, a political entity; NEVADA  
15 HIGHWAY PATROL, a division of the Nevada  
Office of Public Safety; and DOE OFFICERS I  
16 through III, inclusive,

17 Defendants.

Case No:

**COMPLAINT AND JURY DEMAND**

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LAS VEGAS, NV 89145

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19 Plaintiffs ADAM GREENE and BRITTANY GREENE (collectively "Plaintiffs"), by  
20 and through their attorneys of record, the law firm of Hutchison & Steffen, LLC, allege and  
21 complain against Defendants and each of them jointly and severally, as follows:

22 I.

23 **JURISDICTIONAL STATEMENT**

24 1. This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon  
25 28 U.S.C. § 1331 and § 1343(3) and (4) and the aforementioned statutory provision. Plaintiffs  
26 further invoke this Court's pendent jurisdiction to hear and decide claims arising under state  
27 law.

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**II.**

**PARTIES**

2. Plaintiff Adam Greene is and was at all times relevant to this Complaint a citizen of the United States of America and a resident of the State of Nevada.

3. Plaintiff Brittany Greene is and was at all times relevant to this Complaint a citizen of the United States of America and a resident of the State of Nevada.

4. Defendant Henderson Police Department (“HPD”) is a political entity formed and operated pursuant to the Nevada Revised Statutes and at all times relevant herein, employed Defendant Officer DOES I through X.

5. The Nevada Highway Patrol is a division of the Nevada Office of Public Safety (“NHP”), a political entity formed and operated pursuant to the Nevada Revised Statutes and all times relevant herein, employed Defendant DOE OFFICERS I through III.

6. At all times relevant herein, and in all actions described herein, Defendant DOE OFFICERS I through III were acting under the color of law and under color of authority as police officers of the HPD or NHP.

7. The true names and capacities, whether individual, corporate, associate, partnership or otherwise were the agents of one another of Defendants herein designated as DOE OFFICERS I through III inclusive (“Doe Officers”), are unknown to Plaintiffs, who, therefore sue said Defendants by such fictitious names. Plaintiffs allege that each named defendant and defendant designated as Doe Officers negligently, willfully, maliciously, contractually, vicariously, or otherwise are legally responsible for the events and happenings herein referred to and likewise proximately caused injury and damages to Plaintiffs. Plaintiffs ask leave of this Court to insert the true names and capacities of such defendants when the same have been ascertained, and will further ask leave to join such Defendants in this action. Request is made that any amendment to this Complaint to add DOE defendants relate back to the date of filing of this Complaint. Defendants HPD and NHP and Defendant DOE OFFICERS I-III are referred to herein collectively as “Defendants.”

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**III.**  
**FIRST CLAIM FOR RELIEF**  
**(Violation of Civil Rights)**

8. During the early morning hours of October 29, 2010, Adam Greene left his home in Southwest Las Vegas to travel to work in Henderson, Nevada.

9. Without recollection or forewarning, Adam's blood sugar fell and gradually slipped towards or into Insulin shock.

10. Adam stopped his vehicle for a red light at the intersection of Lake Mead Parkway and Boulder Highway.

11. Immediately after Adam stopped his vehicle, an officer approached Adam's vehicle with his gun drawn and kicked the window of his vehicle. Adam was unresponsive to the officer's drawn weapon, commands and kick to the window of the vehicle because of the Insulin shock.

12. While the officer yelling at Adam maintained his gun pointed at Adam, another officer approached Adam's vehicle and opened the door.

13. Without provocation, Adam was violently pulled from his vehicle and immediately swarmed by multiple officers who forced him face down on the pavement.

14. As Adam lay face down on the street, no less than five officers restrained Adam's arms, legs, and body, rendering him completely defenseless.

15. In a completely defenseless position and posing no threat or harm to the officers, DOE OFFICER I kicked Adam in the face and head multiple times.

16. Simultaneously, DOE OFFICERS II and III struck Adam's right side and mid-section multiple times with their knees.

17. Video footage obtained from the dash cam of the officers' cruisers confirms that Adam never resisted and remained completely unresponsive as multiple officers assaulted him, using excessive and disturbing physical force against him.

18. After Adam was assaulted, the officers searched Adam, handcuffed him, and placed him in front of an officer's cruiser as other officers searched his vehicle.

1           19.     After having assaulted Adam, one or more of the officers realized that Adam  
2 was likely in state of diabetic shock

3           20.     Even though the officers recognized that Adam was in a state of diabetic shock  
4 and that he was in pain from the assault, they required Adam to stand in front of a patrol car in  
5 hand cuffs for an extended period of time and then had him blow into a device despite having  
6 just been kicked in the head and struck with knees to his ribs and mid-section.

7           21.     Henderson Fire Department’s Emergency Medical Services arrived at the scene  
8 sometime later and treated Adam for low blood sugar.

9           22.     After being treated, the officers released Adam without citation.

10          23.     One officer apologized to Adam for “beating him up.”

11          24.     After being released by the officers, Adam quickly realized that the injuries he  
12 suffered from the assault were extremely painful and required medical attention.

13          25.     Adam proceeded to drive to the Emergency Room at Southern Hills Hospital.

14          26.     Upon examination at the Emergency Room, Adam was found to have suffered  
15 multiple injuries including fractured ribs, abrasions on his hands, and contusions on his neck,  
16 face, and scalp.

17          27.     Adam experienced excruciating pain that continued after he returned home from  
18 the Emergency Room. He was unable to find any relief from the incredible pain he experienced  
19 simply from breathing, standing up, sitting down, and lying down. He discovered a large,  
20 painful lump on his back. His ribs were very painful and made getting around extremely  
21 difficult. He was unable to sleep through the night for some time because of the severity of the  
22 pain. His right eye continued to swell and was discolored. His face was covered with multiple  
23 bruises and abrasions.

24          28.     Adam was emotionally distraught after the incident and continues to suffer  
25 emotional injuries from the incident. He continues to feel extreme worry and apprehension  
26 over the incident, and feels extreme anxiety in the presence of police officers.

27          29.     As a direct and proximate result of the said acts of the Doe Officers described  
28 herein, Adam has suffered the following injuries.

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- 1 a. Violation of his constitutional rights under the Fourth and Fourteenth
- 2 Amendments of the United States Constitution to be free from an unreasonable
- 3 search and seizure of his person;
- 4 b. Loss of physical liberty;
- 5 c. Physical pain and suffering and emotional trauma and suffering,
- 6 requiring the expenditure of money for treatment and loss of wages; and
- 7 d. Loss of consortium.

8 30. The action of the Defendants described herein violated clearly established and  
9 well settled federal constitutional rights of Adam to be free from the use of excessive,  
10 unreasonable, and unjustified force against his person.

11 31. As a result of the actions of the Defendants, Adam sustained severe emotional,  
12 psychological, and physical injuries, mental pain and suffering and emotional distress, all of  
13 which said conditions maybe permanent or disabling in nature. Adam's wife, Brittany Greene  
14 has suffered from the loss of consortium due to the injuries suffered by her husband.

15 32. As a direct and proximate result of the actions of the Defendants, and each of  
16 them, Plaintiffs experienced damages and are entitled to compensation for their pain and  
17 suffering, lost earnings, lost earning capacity, medical expenses, and other related costs,  
18 including attorney fees, in an amount to be determined at trial.

19 31. These acts and others committed by the Defendants deprived Adam of rights  
20 secured to him by the Fourth and Fourteenth Amendments to the United States Constitution and  
21 were committed by each of the them knowingly, willfully, and maliciously with the intent to  
22 harm, injure, vex, harass, and oppress Adam. As a result, Plaintiffs seek punitive and  
23 exemplary damages from Defendants, and each of them individually.

24 **IV.**

25 **SECOND CLAIM FOR RELIEF**

26 **(Battery against all Defendants)**

27 32. Plaintiffs reallege the factual allegations in each and every one of the preceding  
28 paragraphs and incorporate them by reference.

1 33. At all times relevant herein, Defendant Doe Officers were sworn officers of  
2 Defendants HPD and NHP.

3 34. The aforementioned actions of Defendants against Adam were unreasonable and  
4 without justification or excuse and constituted battery.

5 35. As a direct and proximate result of Defendants' unlawful conduct, and each of  
6 them, Adam experienced damages and is entitled to compensation for his pain and suffering,  
7 lost earnings, lost earning capacity, medical expenses, and other related costs, including  
8 attorney fees, in an amount to be determined at trial.

9 V.

10 **THIRD CLAIM FOR RELIEF**

11 **(Intentional infliction of emotional distress)**

12 36. Plaintiffs reallege the factual allegations in each and every one of the preceding  
13 paragraphs and incorporate them by reference.

14 37. At all times relevant herein, Defendant DOE OFFICERS were acting within the  
15 scope and their authority as agents and officers of Defendants HPD and NHP.

16 38. At all times relevant herein, Defendant DOE OFFICERS were acting in concert  
17 with one another.

18 39. Defendant DOE OFFICERS' acts and omissions described herein were so  
19 extreme or outrageous, and were performed with either the intention of, or reckless disregard  
20 for, causing emotional distress to Adam.

21 40. As a direct and proximate result of Defendants' unlawful conduct, Adam  
22 suffered severe or extreme emotional distress, causing him damages, which entitle him to  
23 compensation for his pain and suffering, lost earnings, lost earning capacity, medical expenses  
24 and other related costs, including attorney fees, in an amount to be determined at trial.

25 41. The conduct of the Defendants and each of them individually and in concert with  
26 one another as herein alleged was willful, intentional, oppressive, malicious and done in a  
27 wanton and reckless disregard of Plaintiff's rights and thereby warrant the imposition of  
28 punitive damages.

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**VI.**

**FOURTH CLAIM FOR RELIEF**

**(Respondeat superior)**

42. Plaintiffs reallege the factual allegations in each and every one of the preceding paragraphs and incorporate them by reference.

43. At all times relevant herein, Defendant DOE OFFICERS were acting within the scope of their authority as agents and officers of Defendants HPD and NHP.

44. Defendants HPD and NHP are liable for the tortious acts of Defendant DOE OFFICERS under the theory of respondeat superior.

45. As a direct and proximate result of Defendants' unlawful conduct, Adam experienced damages and is entitled to compensation for his pain and suffering, lost earnings, lost earning capacity, medical expenses, and other related costs including attorneys fees, in an amount to be considered at trial.

**VII.**

**FIFTH CLAIM FOR RELIEF**

**(Negligence)**

46. Plaintiffs reallege the factual allegations in each and every one of the preceding paragraphs and incorporate them by reference.

47. The HPD and NHP have a duty to protect civilians.

48. HPD and NHP breached this duty by:

- a. tolerating or fostering the practice or policy of its officers' use of excessive force against citizens;
- b. failing to properly screen applicants who apply to become police officers in the department; and
- c. failing to provide adequate training of police officers.

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1 49. As a direct and proximate result of Defendants' unlawful conduct, Adam  
2 experienced damages and is entitled to compensation for his pain and suffering, lost earnings,  
3 medical expenses, and other related costs including attorneys fees, in an amount to be  
4 determined at trial.

5 IX.

6 SIXTH CLAIM FOR RELIEF

7 (Loss of consortium)

8 50. Plaintiffs reallege the factual allegations in each and every one of the preceding  
9 paragraphs and incorporate them by reference.

10 51. At all times mentioned herein, Plaintiff Brittany Greene was and is the lawful  
11 wife of Adam.

12 52. As a direct and proximate result of the actions and omissions of the Defendants,  
13 Brittany Greene has suffered the loss of the services, companionship, society and consortium of  
14 her husband, Adam, causing her damages in an amount to be considered at trial.

15 53. It has been necessary for Brittany Greene to obtain services of an attorney to  
16 prosecute this action and she is entitled to an award of attorneys fees and costs of suit incurred  
17 herein.

18 WHEREFORE, Plaintiffs, and each of them, expressly reserving the right to amend this  
19 Complaint at the time of trial to include all items of damage not yet ascertainable, respectfully  
20 pray that this Court enter judgment against the Defendants, and each of them, jointly and  
21 severally, as follows:

- 22 1. For general damages sustained by Plaintiffs;
- 23 2. For special damages sustained by Plaintiffs;
- 24 3. For an award of exemplary and punitive damages;
- 25 4. For reasonable attorney's fees and costs of suit incurred herein; and

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