

District Court, Larimer County, Colorado 201 LaPorte Avenue Fort Collins, CO 80521 (970) 494-3500	
Plaintiffs: TAMMY FISHER Defendants: BRIAN KOOPMAN, Detective in the Loveland, Colorado Police Department, in his official and individual capacity; LUKE HECKER, Chief of Loveland Police Department, in his official and individual capacity; <u>CITY OF LOVELAND, Colorado, a municipality.</u>	Court Use Only
Randall R. Meyers, #009854 425 W. Mulberry, Suite 201 Fort Collins, CO 80521 Telephone (970) 472-0140 Fax (970) 484-0927 E-Mail randy.meyers@att.net Attorney for the Plaintiff	Case No: Courtroom
<u>AMENDED COMPLAINT AND JURY DEMAND</u>	

COMES NOW Plaintiff Tammy Fisher, by and through her attorney Randall R. Meyers, and respectfully alleges as follows:

INTRODUCTION

1. This complaint arises out of actions taken by Loveland police detective Brian Koopman and other members of the Loveland, Colorado Police Department including its Chief of Police, Luke Hecker, during a police investigation of Lisa and Stanley Romanek for allegations of child pornography.

2. The investigation ~~ensnared~~snared Plaintiff Tammy Fisher when suspect Lisa Romanek stated that she had been warned by Tammy Fisher about the investigation and the planned execution of a search warrant on the Romanek home.

3. Plaintiff Fisher was a former police officer with the Loveland Police Department and, although not employed in that capacity at the time of the investigation and search, the allegations by Lisa Romanek, were that Plaintiff also warned the Romaneks a year prior when Plaintiff was so employed. This is according to Defendant Koopman's report.

4. Detective Koopman combined his investigation into the Romaneks with his investigation and attempt to also charge Plaintiff with crimes associated with the Romanek investigation.

5. In so doing, Defendant Koopman engaged in shoddy and substandard police work to create a case against the Plaintiff by using false and misleading information and attempting to have the district attorney file felony charges against the Plaintiff as an accessory to child pornography.

6. This is an action for damages against Defendants Koopman, ~~and Hecker~~ and the City of Loveland for violating Plaintiff Tammy Fisher's rights under the Fourth and Fourteenth Amendment of the United States Constitution-as well as several state tort violations. Plaintiff alleges that Defendants violated her Constitutional rights when, knowingly and with deliberate indifference to those Constitutional rights, they initiated, or acquiesced in, an invalid criminal investigation against Plaintiff without probable cause and with false statements in an affidavit, and unlawfully and maliciously attempted prosecution of her. Defendants' conduct violated Plaintiffs' Constitutional right to be free from malicious prosecution, ~~and~~ her right to due

process, and other rights established by Colorado state law. Plaintiff also alleges that Defendant Luke Hecker and the City of Loveland specifically failed to adequately train and supervise ~~his~~ their deputies, officers and detectives, and those acting under their direction and control. This failure resulted in the constitutional and legal deprivations suffered by Plaintiff. Defendants' unlawful conduct caused pain and suffering to Plaintiff and her family. Defendants' conduct under color of state law proximately caused the deprivation of Plaintiffs' federally protected rights.

7. Plaintiff more specifically alleges that Defendant Luke Hecker and the City of Loveland failed to adequately train and supervise Defendants Koopman, Hecker, and those acting under ~~his~~ their direction and control, collectively, which failure resulted in the acts alleged which caused the suffering by Plaintiff. Defendant Hecker knew or should have known of Koopman's illegal and unprofessional conduct and was negligent in hiring him, retaining him, and in supervising him. Defendant City of Loveland knew or should have known of Koopman's and Hecker's illegal and unprofessional conduct and was negligent in hiring them, retaining them, and in supervising them.

JURISDICTION AND VENUE

8. This action arises under the Constitution and laws of the United States and Colorado, including Article III, Section 1 of the United States Constitution and 42 U.S.C. §1983. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331, 1343 and 2201. Jurisdiction supporting Plaintiffs' claim for attorney fees and costs is conferred by 42 U.S.C. § 1988.

9. Venue is proper in the Larimer County District Court. All of the events alleged herein occurred within Larimer County, Colorado, and all of the parties are residents of Larimer County. At all pertinent times mentioned herein, Defendants Brian Koopman and Luke Hecker were employed in Larimer County, Colorado, were acting in the course of their employment, and were acting under color of state law. The City of Loveland is a municipality with its boundaries wholly within Larimer County, Colorado.

PARTIES

10. At all pertinent times mentioned herein, Plaintiff Tammy Fisher was a citizen of the United States of America and a resident of Larimer County, Colorado.

11. At all pertinent times mentioned herein, Defendant Brian Koopman was a citizen of the United States and resident of the State of Colorado, and was employed as a Detective with the Loveland, Colorado Police Department, was performing the traditional governmental function of law enforcement, and was acting within the scope of his duties and employment, under color and authority of state law, and in his official capacity as Detective. Koopman is sued in his official and individual capacity.

12. Defendant Luke Hecker is a citizen of the United States and a resident of the State of Colorado and was, at all times relevant to the subject matter of this litigation, the Chief of Police of Loveland, Colorado and has acted under color of state law in his capacity as Chief of Police for the City of Loveland. As Chief, he was responsible for the training and supervision of department personnel, was the city official possessing final policymaking authority with respect

to the training and supervising of its detectives and officers, provided overall management and accountability for the department and those acting under his direction and control, and was an agent for the City of Loveland. Hecker is sued in his official and individual capacity.

13. At all pertinent times mentioned herein, ~~both of the Defendants~~ Koopman and Hecker are being sued in both their individual and official capacities as they were acting within the scope of their official duties and employment and under color of state law.

14. Defendant City of Loveland is a Colorado municipality and is responsible for the supervision, training, official policies, customs, and actual practices of its agents and the police department through its Chief of Police, Defendant Luke Hecker.

FACTUAL BACKGROUND

~~4415.~~ Plaintiff Tammy Fisher was employed with the City of Loveland, Colorado since 1997, first as a community service officer until 2000 after which she became a police officer. She retired from her position in October 2012 after 15 years of service. Plaintiff is and was at all times pertinent to this case married to Jeff Fisher, a Sergeant with the Loveland Police Department. The Loveland Police Department's Chief is and was at all times pertinent to this case, Defendant Luke Hecker.

~~1516.~~ In April 2013 the Loveland Police Department executed a search warrant at the home of Stan and Lisa Romanek for the crime of Sexual Exploitation of a Child (child pornography). ~~Preceeding~~ Preceding the execution of this warrant, in March 2013, Tammy Fisher had become acquaintances with suspect Lisa Romanek after being introduced by a mutual friend who was a 10 year volunteer at the Loveland Police Department. Subsequent to the

introduction, and during the course of her employment, Plaintiff responded to the Romanek's home on one occasion on a harassment call. This call was unrelated to the search warrant and other Loveland Police officers had also responded to the Romanek home on similar calls.

1617. In early April 2013, Plaintiff sought to introduce her husband, Sergeant Jeff Fisher, to the Romanek's since Plaintiff felt her husband would find Stan Romanek's work on extraterrestrials interesting. This introduction resulted in a single dinner engagement between the Romanek and Fisher families on April 2, 2013.

1718. During the execution of the search warrant of the Romanek home, suspect Lisa Romanek commented to Loveland police officer Paul Arreola, and other law enforcement present, that the Romaneks were friends with Loveland police Sergeant Jeff Fisher and his wife Tammy Fisher and that Tammy Fisher had warned her of the child pornography investigation and the impending search. More specifically, Defendant Brian Koopman, a detective who was part of the Romanek investigation, stated to Plaintiff that suspect Lisa Romanek advised police that Plaintiff warned Lisa Romanek of the current investigation and search, but that Plaintiff also advised Lisa Romanek a year ago of the investigation while Plaintiff was still a member of the Loveland Police Department.

1819. Defendant Koopman's comments came during an unannounced and unsolicited "visit" by Koopman at the Fisher home when only Plaintiff was present. Presumably, the "visit" was initiated by Koopman to advise Plaintiff of the statements made by suspect Lisa Romanek and to solicit Plaintiff's assistance in making a pretext phone call to the Romanek's to aid in the investigation.

1920. During the investigation into Plaintiff Fisher by Koopman, an internal police

department investigation was also launched against Sergeant Jeff Fisher based on his alleged acquaintance with the Romaneks. Plaintiff's alleged comments to the Romaneks about the investigation, and the fact that, during the investigation, it was discovered that suspect Stan Romanek's computer had files erased by a hard drive cleaner called C Cleaner. Loveland Police Sergeant Scott Highland, who was the lead investigator on the Romanek investigation, had also installed on the Fisher computer, two years prior to this investigation, the same C Cleaner program. C Cleaner is a free computer download and can be accessed and downloaded via the internet. The internal investigation was closed with no negative action taken against Sergeant Fisher other than being denied a promised promotion to a lieutenant's position within the Loveland Police Department.

2021. Pursuant to his investigation into both Plaintiff Fisher and Lisa and Stan Romanek, Defendant Koopman submitted sworn affidavits for both the arrest of Mr. Romanek and search of his residence. Relying on the false statements in his Affidavit and the unsupported assumptions made in regard to Plaintiff Tammy Fisher, Defendant Koopman also submitted to the Larimer County District Attorney a request to file a charge of Second Degree Official Misconduct against Tammy Fisher. A request the district attorney eventually declined.

2122. Defendant Hecker and the City of Loveland failed to adequately train and/or supervise department subordinates to: (a) conduct proper investigatory procedures; (d) properly prepare affidavits for arrest/search warrants; (e) properly conduct a search pursuant to a warrant; (f) prevent perjury; (g) prevent malicious prosecution.

2223. In light of the duties and responsibilities of Defendant Hecker, and the City of Loveland, who exercises control over his-their respective Department personnel charged with

investigating and pursuing criminal activity, the need for scrutiny and specialized training and supervision regarding the above detailed problems was so obvious and the inadequacy of the training and supervision provided was so likely to result in the violation of constitutional and other legal rights, such as those described herein, that Defendant Hecker's failure to train and supervise amounted to deliberate indifference to the constitutional and legal rights of the public, including Tammy Fisher, with whom the Department comes in contact.

2324. Defendant Hecker, the policymaker of the law enforcement department, had either no policies governing, or long-standing department wide customs, policies and/or actual practices that allowed: (a) improper preparation of an affidavit for a warrant; (b) perjury; (c) malicious prosecution; (d) improperly pursuing an arrest/charges prior to determining the legitimate existence of probable cause.

25. In light of the duties and responsibilities of Defendant City of Loveland, who exercises control over the police department personnel charged with investigating and pursuing criminal activity, the need for scrutiny and specialized training and supervision regarding the above detailed problems was so obvious and the inadequacy of the training and supervision provided was so likely to result in the violation of legal rights, such as those described herein, that Defendant City of Loveland's failure to train and supervise amounted to deliberate indifference to the legal rights to the public, including Tammy Fisher, with whom the defendant comes in contact.

26. Defendant City of Loveland, the policymaker of the law enforcement department, had either no policy governing, or long-standing department wide customs, policies and/or actual practices that allowed: (a) improper preparation of an affidavit for a warrant; (b) perjury (c)

malicious prosecution; (d) improperly pursuing arrest/charges prior to determining the legitimate existence of probable cause.

2427. These customs, policies, and/or actual practices (including any lack thereof) consciously approved by Defendant Hecker and the City of Loveland, as the policymaker ~~of~~ for the respective law enforcement departments, represent a deliberate choice to follow a course of action made from among various alternatives, and were a moving force behind the ~~constitutional~~ and tort violations at issue, as detailed below.

2528. Defendant Brian Koopman, Luke Hecker and the City of Loveland are ~~is~~ no strangers to similar allegations as made by this Plaintiff in that ~~he~~ Koopman is currently a defendant in another civil rights action in a ~~federal district court~~ U.S. District Court case for the District of Colorado (09CV2802).

Defendant Koopman is also currently under an active investigation by the Weld County District Attorney for alleged Perjury, and other possible criminal offenses, all of which are alleged to have occurred in the course of his employment. All such new allegations bear striking similarity to the conduct herein.

2629. In the course of the litigation of ~~federal~~ U.S. District Court ~~case~~ Case 09CV2802, Defendant Hecker is on record as commending Defendant Koopman's work product as "good police work". Subsequently, during the course of this investigation, Hecker again reaffirmed his support for Koopman and his confidence in Koopman's work. This reaffirmation came despite the similarity of the allegations made in each investigation and the apparent need for training and supervision of Koopman. To Plaintiff's knowledge, Defendant Koopman has not been placed on leave but continues to actively engage in police work. Other officers with the Loveland Police

Department under similar circumstances have been placed on leave. Koopman's work status is well within the knowledge and approval of Defendants Hecker and the City of Loveland.

2730. Defendant Koopman has also confided in another Loveland police employee, of rank within the police department, that Plaintiff would not be arrested but that "he [Koopman], Daniel MacDonald, and Cliff [Larimer County District Attorney's Office] had to be creative to come up with something", exhibiting both a conscious guilty knowledge of the nature of his conduct but, also, a conspiratorial aspect to it.

2831. Defendant Koopman also advised this same police official that Plaintiff would probably lose her job and that he [Koopman] had asked MacDonald [Larimer County District Attorney's Office] for a favor in "no-filing" the case for him, exhibiting a conscious guilty knowledge of the nature of his conduct.

2932. The police official also stated that all detectives who work with Defendant Koopman know that he works a case to come up with the outcome he wants. This trait is similar to those traits Koopman employed in Case No. 09CV2802.

3033. Another police official who has worked closely with Defendant Koopman in the past has stated that Koopman was dishonest and that the particular police official would not sign anything that Defendant Koopman worked on because the official did not trust him.

FIRST CLAIM FOR RELIEF

(42 U.S.C. § 1983 Fourth and Fourteenth Amendment Violation – Malicious Prosecution)
(~~Plaintiff Fisher against all Defendants in their capacities as identified in the caption~~ Against All Defendants in Their Capacities as Identified in the Caption)

3134. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

3235. At all times relevant to the allegations in this Complaint, Defendants acted under

color of state law in their actions and inactions which occurred at all times relevant to this action.

3336. Defendants are persons under 42 U.S.C. § 1983.

3437. Plaintiff had a constitutionally protected right to be secure in her person against malicious prosecution.

3538. Defendants maliciously, recklessly, knowingly, intentionally, willfully, wantonly, and with deliberate indifference pursued a malicious prosecution against Plaintiff, acting without knowledge that there was any substantial probability that Plaintiff had committed any criminal activity.

3639. Defendants Koopman, Hecker, and the City of Loveland acted maliciously, recklessly, knowingly, intentionally, willfully and wantonly by preparing or endorsing, or allowing to be prepared or endorsed, an affidavit and police report containing false statements in support of ~~his~~ the malicious prosecution of Plaintiff, thereby misleading a judicial officer into issuing ~~an a~~ arrest/search warrant for Plaintiff without as to Romanek which lacked probable cause, as to any offense committed by Plaintiff. Defendant Koopman also misled, or attempted to mislead, the district attorney in the presentation of charges against Plaintiff.

3740. The actions of Defendants as described herein, while acting under color of state law, intentionally deprived Plaintiff of the securities, rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, including her right to freedom from ~~malicious prosecution~~ prosecution and illegal search as guaranteed by the Fourth Amendment due process clause of the and Fourteenth Amendment to the Constitution of the United States of America, in that ~~Ms. Fisher~~ Plaintiff was unlawfully and maliciously prosecuted by Defendants without probable cause to believe she had committed any offense.

3841. Defendants maliciously, intentionally, knowingly, and recklessly pursued a

malicious prosecution against Plaintiff without any reasonable justification or probable cause.

42. Those facts which constitute Defendants' malicious actions, inactions, and intent to commit malicious prosecution are as follows:

a. The affidavit for search warrant prepared by Koopman contained information about "corroborating evidence" of alleged text messaging between suspect Lisa Romanek and Plaintiff. This information was from the alleged suspect's phone and no evidence existed to support it. While there did exist evidence that one or more text were sent between the two, there was no "corroborating evidence" as to the context of those text. Koopman had access to the suspect's phone and was aware that the texts exchanged were innocent in nature and did not contain any information as represented in the affidavit for a search warrant.

b. Certain statement made in the affidavit for search warrant were false and this fact was known to Koopman and other Defendants prior to the search. Defendants maliciously ignored the best evidence in existence, intentionally pursuing a malicious course of action to achieve a result completely contrary to that evidence.

c. Defendants maliciously and intentionally failed to reference the true nature of the text exchange in the affidavit for search, precisely because it showed none of the allegations in the affidavit.

3943. As described above, Defendant Hecker and City of Loveland failed to adequately train and/or supervise his subordinates to prevent the acts described herein. This failure inevitably led to the malicious prosecution and investigation of Plaintiff without probable cause. In light of the duties and responsibilities of Hecker and City of Loveland to train, supervise, and exercise control over Koopman, and the need for scrutiny and specialized training and

supervision regarding preventing the acts described herein so as to ensure that Plaintiff and others were not subject to malicious prosecution without probable cause, the inadequacy of the training and supervision provided was so obvious and so likely to result in the violation of constitutional and other rights, as well as the prior notice of such deficiency, that the failure of Defendants Hecker and City of Loveland to train and supervise amounts to deliberate indifference to the constitutional and legal rights of persons, including Tammy Fisher. The charges brought against Plaintiff terminated in favor of Plaintiff by their dismissal.

4044. Defendant Hecker had long-standing, department-wide customs, policies and/or actual practices that allowed the acts described herein to occur. Defendant Hecker and his employer, the City of Loveland, conscientiously, knowingly, and intentionally disregarded the illegal, lawless propensity of Defendant Koopman in the performance of his duties. Defendant Koopman is the Defendant in another federal Section 1983 action wherein he is alleged to have engaged in similar lawless behavior as a sworn officer with the Loveland Police Department. Defendant Hecker affirmatively endorsed Koopman's activities in the prior 1983 action and did so in this case as well. There was no probable cause to support the original investigation of Plaintiff, nor the search or failed prosecution. The affidavit prepared and submitted by Koopman contained knowingly false and misleading information.

4145. The customs, policies, and/or actual practices described herein that allowed the unconstitutional malicious prosecution of Ms. Fisher were consciously approved by Defendants Hecker and City of Loveland, and represent a deliberate choice to follow a course of action made from among various alternatives, and were the moving force behind the constitutional violations at issue.

Defendants, as set forth herein, acted with malice in that Defendant Koopman possessed knowledge and information that:

a. the information obtained by Koopman and used as the basis for the search warrant was false.

b. during the search itself evidence was obtained by Koopman to show the previous claims to be false and that probable cause was nonexistent.

c. Koopman admitted that probable cause was nonexistent.

4246. The acts or omissions of each Defendant, including the policies, customs, and actual practices described above, were the legal and proximate cause of Ms. Fisher's unconstitutional malicious prosecution, causing her injuries alleged herein.

Plaintiff has sustained damages as a result of Defendants' actions and inactions.

SECOND CLAIM FOR RELIEF

(42 U.S.C. §1983 Fourth and Fourteenth Amendment Violation - Failure to Train and Supervise)
(Plaintiff against Defendant Hecker, ~~in his capacities as identified in the caption~~ City of Loveland)

4347. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

4448. Defendants Hecker and City of Loveland ~~was/were~~, at all times relevant herein, the policymakers for the Loveland Police Department whose edicts or acts may fairly be said to represent the official policy of the Loveland Police Department, and, in that capacity, ~~he~~ they established policies, procedures, customs, and/or practices for the Department.

4549. Defendants Hecker and City of Loveland developed and maintained policies, procedures, customs, and/or practices exhibiting or resulting in a deliberate indifference to the

constitutional rights of persons in the City of Loveland and Larimer County, which proximately caused the violation of Plaintiff's constitutional rights as set forth herein.

4650. Defendants Hecker and City of Loveland maintains policies, procedures, customs, and/or practices that tacitly or explicitly authorize: (1) affidavits that contain perjured testimony; (2) unsupervised conduct of his subordinates; (3) intentional, willful, wanton, and deliberately indifferent pursuit of malicious prosecution against Plaintiffs.

4751. The inadequate training and supervision provided by Defendant Hecker and City of Loveland resulted from a conscious or deliberate choice to follow a course of action from among various alternatives available to the Defendants.

4852. In light of the duties and responsibilities of any officers or detectives that would participate in the investigative process, including individuals acting under the control of the Defendant's law enforcement department, the need for specialized training and supervision is so obvious, and the inadequacy of training and/or supervision is so likely to result in the violation of constitutional rights such as those described herein, that the Defendants named herein in this Second Claim for Relief ~~is~~ are liable for ~~his~~ their failure to so train and appropriately supervise such officers and others.

4953. Defendant Hecker and City of Loveland ~~is~~ are explicitly familiar with the methods of investigation employed by Defendant Koopman in that ~~he~~ they ~~is~~ are his Chief and supervisor, respectively. Defendants Hecker and the City of Loveland ~~is~~ are explicitly aware of the prior allegation of civil rights violations against Koopman, which included, as here, creating false and misleading affidavits and subsequently pursuing criminal charges based on false and fabricated facts.

~~50~~54. As a direct and proximate cause and consequence of the unconstitutional policies, procedures, customs, and/or practices described above, Plaintiff suffered injuries, damages, and losses as set forth herein.

THIRD CLAIM FOR RELIEF
(Malicious Prosecution – All Defendants ~~Koopman~~)

~~51~~55. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~52~~56. Defendants ~~Koopman~~ caused a criminal proceeding and investigation to be initiated against the Plaintiff by utilizing false and otherwise fictitious information and sub-standard law enforcement techniques and;

~~53~~57. Defendant Defendants ~~Koopman~~ did not have probable cause for causing the proceeding to be filed; this action was brought vindictively and for the ulterior motive of advancing Defendant Koopman's standing with his superiors and the Loveland Police Department and for other ulterior motives such as harassing and defaming Plaintiff.

~~54~~58. Defendants ~~Koopman~~ ~~was~~ were motivated by malice and without any cause to believe that any crime had been committed by Plaintiff and his conduct, being willful, wanton and malicious, warrants punitive damages. Koopman's conduct is both willful and wanton in that he knew no probable cause existed to investigate or charge Plaintiff, he used false information and/or was otherwise reckless in the process of investigation, he knew his behavior would have negative consequences on Plaintiff as evidenced by his later comments to a colleague that he (Koopman) did not believe Plaintiff committed the alleged offense(s), that he

(Koopman) was aware or believed that Plaintiff would lose her job over the allegations, and that he and officials of the district attorney's office had to be creative with the charging process, all facts which show a conscientiousness of guilt over his conduct.

~~5559~~. The illegal proceeding was the proximate cause of damage to the Plaintiff; that as a result of the malicious prosecution, Plaintiff was obligated to defend herself and to expend money and time in her defense, all in an amount to be proven at trial; that Plaintiff lost time in the ordinary pursuits in her life and home, and that the quality of her life was diminished by the conduct of Defendant, all to her damage as will be shown at trial.

~~5660~~. The nature and extent of that damage are special damages as may be shown and for general compensatory damages as may be fixed by a jury, punitive damages as may be assessed by a jury, and for costs and attorney fees as incurred.

FOURTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress -- ~~All Defendants Koopman~~)

~~5761~~. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~5862~~. Defendants ~~Koopman~~ intentionally and deliberately inflicted emotional distress on Plaintiff by defaming her to many people, including but not limited to the following: Plaintiff's friends and family, present and former colleagues of hers with the Loveland Police Department (where she had worked for 15 years), and former colleagues at the Larimer County District Attorney's Office, some of whom she had a working relationship with during her years as a police officer.

~~5963~~. This conduct was intentional and/or reckless by virtue of the initiation of a

baseless criminal charge against a well-respected former police officer;

6064. This conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community;

6165. This conduct caused the Plaintiff emotional distress so severe that no reasonable person should be expected to endure it;

6266. This conduct was a proximate cause of damage to the Plaintiff and willful and wanton behavior by Defendants ~~Koopman~~ in that ~~he~~ they knew no probable cause existed to investigate or charge Plaintiff, he used false information and/or was otherwise reckless in the process of investigation, he knew his behavior would have negative consequences on Plaintiff as evidenced by his later comments to a colleague that he (Koopman) did not believe Plaintiff committed the alleged offense(s), that he (Koopman) was aware or believed that Plaintiff would lose her job over the allegations, and that he and officials of the district attorney's office had to be creative with the charging process, all facts which show a conscientiousness of guilt over his conduct.

6367. As a result of the extreme and outrageous conduct Plaintiff has suffered and will continue to suffer mental pain and anguish, emotional trauma, embarrassment, and humiliation.

FIFTH CLAIM FOR RELIEF

(Tortious Interference with a Business Relationship – All Defendants ~~Koopman~~)

6468. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

6569. At the time of this false criminal investigation, Plaintiff was employed by the

Larimer County criminal justice system as a Bond Commissioner, and as such there existed a professional business relationship, not necessarily evidenced by an enforceable contract under which Plaintiff had legal rights;

~~66~~70. Defendants knew the valid business relationship existed;

~~67~~71. Defendants interfered with the valid business relationship by making a false and baseless claim of criminal activity by Plaintiff;

~~68~~72. The interference was intentional, willful, and wanton in that he knew no probable cause existed to investigate or charge Plaintiff, ~~he~~they used false information and/or was otherwise reckless in the process of investigation, ~~he~~they knew ~~his~~Koopmans' behavior would have negative consequences on Plaintiff as evidenced by his later comments to a colleague that he (Koopman) did not believe Plaintiff committed the alleged offense(s), that he (Koopman) was aware or believed that Plaintiff would lose her job over the allegations, and that he and officials of the district attorney's office had to be creative with the charging process, all facts which show a conscientiousness of guilt over his conduct;

~~69~~73. The interference was unjustified;

~~70~~74. The interference was proximate cause of damage to the Plaintiff;

~~71~~75. As a direct consequence of the obviously malicious, defamatory, and embarrassing accusation, Plaintiff was placed on leave from her employment pending her employer's internal investigation causing her various consequences to be shown at trial.

SIXTH CLAIM FOR RELIEF
(Abuse of Process – All Defendants~~Koopman~~)

~~72~~76. Plaintiff incorporates by this reference all other paragraphs of this Complaint and

Jury Demand as if those allegations were set out explicitly herein.

~~7377.~~ Defendants ~~has~~have abused the process of this court in a wrongful manner that is not proper in the regular conduct of such proceedings to accomplish a purpose for which said proceedings were not designed, specifically the harassment, embarrassment, and assassination of Plaintiff's reputation and the personal satisfaction and professional advancement of Defendant Koopman.

~~7478.~~ Defendants intentionally used this legal procedure to act with an ulterior motive to attack Plaintiff's reputation and suppress her constitutional rights by committing willful acts of intimidation and submission of false reports and affidavits not authorized by the process of litigation and not proper in the regular conduct of litigation;

~~7579.~~ Plaintiff has suffered damage and loss and harm, including but not limited to her reputation, emotional tranquility, and privacy, that Defendant's conduct was willful and wanton as defined by Colorado law in that ~~he~~they knew no probable cause existed to investigate or charge Plaintiff, ~~he~~they used false information and/or ~~was~~were otherwise reckless in the process of investigation, ~~he~~Koopman knew his behavior would have negative consequences on Plaintiff as evidenced by his later comments to a colleague that he (Koopman) did not believe Plaintiff committed the alleged offense(s), that he (Koopman) was aware or believed that Plaintiff would lose her job over the allegations, and that he and officials of the district attorney's office had to be creative with the charging process, all facts which show a conscientiousness of guilt over his conduct.

SEVENTH CLAIM FOR RELIEF
(Defamation per se – ~~All Defendants~~Koopman)

~~76~~80. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~77~~81. Defendants made one or more statements to others or allowed same to be made, which includeding friends and former co-workers at the Loveland Police Department, the Larimer District Attorney and staff, and Plaintiff's employer and professional colleagues that Plaintiff had ~~committed~~committed one or more criminal acts, both felony, misdemeanor, and petty offense against the peace and dignity of the people of the State of Colorado;

~~78~~82. That these people reasonably understood that the statements were about the Plaintiff;

~~79~~83. That these people reasonably understood the statements to mean that the Plaintiff had committed a crime(s);

~~80~~84. Defendants failed to use reasonable and prudent care to determine the truth or falsity of the statements and ~~his~~their conduct was willful and wanton in that ~~he~~they knew no probable cause existed to investigate or charge Plaintiff, ~~he~~Koopman used false information and/or was otherwise reckless in the process of investigation, he knew his behavior would have negative consequences on Plaintiff as evidenced by his later comments to a colleague that he (Koopman) did not believe Plaintiff committed the alleged offense(s), that he (Koopman) was aware or believed that Plaintiff would lose her job over the allegations, and that he and officials of the district attorney's office had to be creative with the charging process, all facts which show a conscientiousness of guilt over his conduct;

~~81~~85. As a result of the above described defamation, Plaintiff has suffered harm to her

personal and occupational reputation, humiliation, extreme emotional distress, and mental suffering.

EIGHTH CLAIM FOR RELIEF
(Negligent Hiring – Defendant Hecker and City of Loveland)

§286. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

§387. As the Chief of Police for the Loveland Police Department, it was Defendant Hecker's obligation and duty to hire, retain, supervise, and ultimately discharge his employees, including Defendant Koopman. Hecker was well aware at the time of this incident of Koopman's propensity to fabricate and falsify official documents, to seek criminal charges without probable cause, and otherwise conduct his investigations to achieve the results he desired. Hecker was aware by virtue of citizen complaints regarding Koopman, as well as a federal civil rights complaint previously filed against Koopman for similar conduct. Hecker knew or should have known of Koopman's reputation within the department as the supervisor of the police department.

§488. Hecker hired Defendant Koopman as a police official with the police department and was responsible for all promotions since his hire date.

§589. Hecker had a duty of reasonable care owed to Plaintiff and all other members of the public to hire a competent, honest, and qualified employee.

§690. Hecker breached his duty of reasonable care by hiring Koopman who was incompetent, dishonest, and unqualified for the position for which he was hired.

§791. Hecker's failure to use reasonable care was a proximate cause of the injuries,

damages, and losses suffered by Plaintiff.

8892. As the direct and proximate result of Defendant Hecker's negligent hiring, Plaintiff suffered the injuries described above resulting in economic and non-economic losses.

93. As the ultimate supervisor of the Loveland Police Department, it was Defendant City of Loveland's obligation and duty to hire, retain, supervise, and ultimately discharge their employees, including Defendants, Koopman and Hecker. The City of Loveland was well aware at the time of this incident of Koopman's propensity to fabricate and falsify official documents, to seek criminal charges without probable cause, and otherwise conduct his investigations to achieve the results he desired. The City of Loveland was aware by virtue of citizen complaints regarding Koopman, as well as a federal civil rights complaint previously filed against Koopman for similar conduct. The City of Loveland knew or should have known of Koopman's reputation within the department as having ultimate supervisory control of the police department.

94. The City of Loveland hired Defendant Hecker as its police chief for the police department and was responsible for all promotions/actions since his hire date.

95. The City of Loveland had a duty of reasonable care owed to Plaintiff and all other members of the public to hire competent, honest, and qualified employees.

96. The City of Loveland breached this duty of reasonable care by hiring Koopman and Hecker who were incompetent, dishonest, and unqualified for the position for which they were hired.

97. The City of Loveland failure to use reasonable care was a proximate cause of the injuries, damages, and losses suffered by Plaintiff.

98. As the direct and proximate result of Defendant City of Loveland's negligent

hiring, Plaintiff suffered the injuries described above resulting in economic and non-economic losses.

NINTH CLAIM FOR RELIEF
(Negligent Supervision – Defendant Hecker and City of Loveland)

~~8999~~. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~90100~~. Hecker had a duty to supervise Koopman in the performance of his duties. Specifically, Hecker had a duty to Plaintiff and others to ensure the safety of Plaintiff against the conduct of Koopman as described above.

101. The City of Loveland had a duty to supervise Koopman and Hecker in the performance of their duties. Specifically, the City of Loveland had a duty to Plaintiff and others to ensure the safety of Plaintiff against the conduct of Koopman and Hecker as described above.

~~91.102~~ Loveland and Hecker breached his their respective duty of supervision over both Defendant Koopman and Hecker to Plaintiff by not supervising him each adequately.

~~92103~~. As a direct and proximate result of his breach of its supervisory duty to Plaintiff, Plaintiff suffered the injuries as described above.

TENTH CLAIM FOR RELIEF
(Negligent Retention – Defendant Hecker and City of Loveland)

~~93104~~. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

94105. Defendant Hecker knew or should have known of Koopman's propensities because of his reputation with his fellow employees and Hecker knew or should have known of the previous litigation against Koopman in federal court for the identical behavior of Koopman as alleged herein.

95106. Hecker had a duty to retain only competent, qualified, and trained employees.

96107. Hecker breached his duty of retention to Plaintiff by retaining Koopman in his employ.

108. As a direct and proximate result of the breach of his duty of retention to Plaintiff, Plaintiff suffered the injuries as described herein.

109. Defendants Loveland knew or should have known of Koopman's and Hecker's propensities because of the previous litigation against Koopman in federal court for the identical behavior as alleged herein.

110. Loveland had a duty to retain only competent, qualified, and trained employees.

111. Loveland breached this duty of retention to Plaintiff by retaining Koopman and Hecker in their employ.

~~97.~~ ~~As a direct and proximate result of the breach of his duty of retention to Plaintiff, Plaintiff suffered the injuries as described above.~~

~~98112.~~ Hecker's actions and omissions were willful and wanton behavior, with complete and gross disregard for Plaintiff's safety and well-being. Loveland's actions and omissions were willful and wanton behavior, with complete and gross disregard for Plaintiff's safety and well-being.

~~99113.~~ As a direct and proximate result of the breach of ~~his~~ Loveland's retention duty to

Plaintiff, Plaintiff suffered damages as may be described ~~below~~herein.

ELEVENTH CLAIM FOR RELIEF
(Respondent Superior – Defendant Hecker and City of Loveland)

~~400~~114. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~401~~115. At all times mentioned herein, Defendants Koopman and Hecker ~~was~~ an~~were~~ employees of the Loveland Police Department.

~~402~~116. At all times mentioned herein, Defendant Hecker was the Chief of Police of the Loveland Police Department with supervisory control over his subordinates, including Koopman.

~~403~~117. At all times mentioned herein, Defendants Hecker and City of Loveland ~~were~~ was the decision or policy maker for the Loveland Police Department.

~~404~~118. At all times mentioned herein, Defendant ~~Hecker~~ Loveland ~~had a right and a supervisory duty to control over it's subordinates~~ the manner of work performed by Defendant including Koopman and Hecker.

~~405~~119. Defendant Hecker is responsible for the actions and omissions of Defendant Koopman.

~~406~~120. Koopman's actions and omissions (implied to Hecker) and Koopman's and Hecker's actions and omissions (implied to Loveland) caused Plaintiff to suffer the injuries as described above.

121. Defendants Loveland and Hecker are responsible for the actions and omissions of Defendants Koopman and Hecker.

~~107~~122. As a direct and proximate result of the aforementioned acts and omissions (implied to Hecker and Loveland), Plaintiff suffered damages as may be described in the Prayer below.

TWELVTH CLAIM FOR RELIEF
(Vicarious Liability – Agency – Defendant Hecker and City of Loveland)

~~108~~123. Plaintiff incorporates by this reference all other paragraphs of this Complaint and Jury Demand as if those allegations were set out explicitly herein.

~~109~~124. At all times mentioned herein, Defendant Koopman was an employee of the Loveland Police Department.

~~110~~125. At all times mentioned herein, Defendant Hecker was the Chief of Police of the Loveland Police Department with supervisory control over his subordinates, including Koopman and as such it was his supervisory duty to monitor Koopman's conduct.

~~111~~126. At all times mentioned herein, Defendants Koopman and Hecker were ~~was~~ entrusted by the State of Colorado, the Loveland Police Department, and Defendant ~~Hecker~~ Loveland with law enforcement duties and responsibilities.

~~112~~127. ~~At all times mentioned herein, Defendant Hecker had a right and a duty to control the manner of work performed by Defendant Koopman~~ At all times mentioned herein, Defendants Koopman and Hecker were employees of the Loveland Police Department.

~~113~~128. At all times mentioned herein, Defendant Hecker—Loveland had supervisory control over its subordinates, including Koopman and Hecker and as such it was their supervisory duty to monitor Koopman's and Hecker's conduct. is responsible for the actions and omissions of Defendant Koopman.

~~114129.~~ At all times mentioned herein, Defendants Hecker put and Koopman in a position that enabled him, while acting within the scope of his duties and with the authority granted to him, to engage in conduct so reprehensible and egregious to Plaintiff that caused her to suffer the injuries as described above.

130. At all times mentioned herein, Defendant Loveland had a right and duty to control the manner of work performed by Defendants Koopman and Hecker.

131. Defendant Hecker is responsible for the actions and omissions of Defendant Koopman.

132. Defendant Loveland is responsible for the actions and omissions of Defendants Koopman and Hecker.

133. Defendant Hecker put Koopman in a position that enabled him, while acting within the scope of his duties and with the authority granted to him, to engage in conduct so reprehensible and egregious to Plaintiff that caused her to suffer the injuries as described above.

134. Defendant Loveland put Hecker and Koopman in a position that enabled them, while acting within the scope of his duties and with the authority granted to them, to engage in conduct so reprehensible and egregious to Plaintiff that caused her to suffer the injuries as described above.

~~115135.~~ As a direct and proximate result of the aforementioned acts and omissions, Plaintiff suffered damages as may be described in the Prayer below.

RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For compensatory and consequential damages for actual damages suffered, including but not limited to loss of income, past and future pecuniary and non-pecuniary losses, emotional distress, suffering, loss of reputation, humiliation, public ridicule and scorn, inconvenience, mental anguish, loss of economic opportunity, and loss of enjoyment of life, in an amount to be determined at trial;
2. For all economic losses on all claims allowed by law;
3. For punitive damages on all claims allowed by law and in an amount to be determined at trial;
4. For attorneys' fees, pursuant to 42 U.S.C. § 1988 and as may be permitted under Colorado law;
5. For costs of suit incurred herein as allowed by federal and state law;
6. Pre- and post-judgment interest at the lawful rate; and
7. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, by and through her attorney, and hereby demands a trial by jury on all issues so triable in the above-captioned matter.

Respectfully submitted this ___ day of ~~January~~ May, 2015.

A duly signed original is on file at the office of

Randall R. Meyers

/s/ Randall R. Meyers
Randall R. Meyers, #009854
425 W. Mulberry, Suite 201
Fort Collins, CO 80521
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Plaintiff's address:

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