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13 Department, Sheriff Joseph Lombardo, Andrew Bauman, Matthew  
14 Kravetz, Supreet Kaur, David Jeong, and Theron Young

15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 CONNIE SEMPER<sup>1</sup>, an individual; ASHLEY  
18 MEDLOCK, an individual; LONICIA BOWIE,  
19 an individual; MICHAEL GREEN, an  
20 individual; CLINTON REECE, an individual;  
21 COREY JOHNSON, an individual; DEMARLO  
22 RILEY, an individual; CORY BASS, an  
23 individual; CARLOS BASS, an individual;  
24 BREANNA NELLUMS, an individual; and  
25 ANTONIO WILLIAMS, an individual,

26 Plaintiffs,

27 vs.

28 LAS VEGAS METROPOLITAN POLICE  
1 DEPARTMENT, in its official capacity;  
2 ANDREW BAUMAN, individually and in his  
3 capacity as a Las Vegas Metropolitan Police  
4 Department Officer; DAVID JEONG,  
5 individually and in his capacity as a Las Vegas  
6 Metropolitan Police Department Officer;  
7 SUPREET KAUR, individually and in his  
8 capacity as a Las Vegas Metropolitan Police  
9 Department Officer; MATTHEW KRAVETZ,  
10 individually and in his capacity as a Las Vegas  
11 Metropolitan Police Department Officer; and  
12 THERON YOUNG, individually and in his  
13 capacity as a Las Vegas Metropolitan Police  
14 Department Officer,

15 Defendants.

16 Case Number:  
17 2:20-cv-01875-JCM-EJY

18 **LVMPD DEFENDANTS' ANSWER TO**  
19 **PLAINTIFFS' SECOND AMENDED**  
20 **COMPLAINT FOR DECLARATORY**  
21 **RELIEF, INJUNCTIVE RELIEF, AND**  
22 **DAMAGES PURSUANT TO 42 U.S.C. §**  
23 **1983 AND NEVADA STATE LAW**

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1 Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order  
2 date January 13, 2022, as she is the executrix of his estate.

**LVMPD DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED  
COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, AND  
DAMAGES PURSUANT TO 42 U.S.C. § 1983 AND NEVADA STATE LAW**

Defendants, the Las Vegas Metropolitan Police Department (the “Department” or “LVMPD”), Sheriff Joseph Lombardo (“Lombardo”), Andrew Bauman (“Bauman”), Matthew Kravetz (“Kravetz”), Supreet Kaur (“Kaur”), David Jeong (“Jeong”), and Theron Young (“Young”), collectively (“LVMPD Defendants”), by and through their attorneys of record, the law firm of Marquis Aurbach, hereby answers Plaintiffs’ Second Amended Complaint [ECF No. 89] as follows:

## I. INTRODUCTION

In answering Paragraph 1 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

## II. JURISDICTION AND VENUE

1. In answering Paragraphs 1 through 4 of Plaintiffs' Second Amended Complaint, LVMPD Defendants admit the allegations contained therein.

### III. PARTIES

## A. REPRESENTED PLAINTIFFS

2. In answering Paragraphs 5 through 11 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

## B. UNREPRESENTED PLAINTIFFS

3. In answering Paragraphs 12 through 15 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

## C DEFENDANTS

4. In answering Paragraph 16 of Plaintiffs' Second Amended Complaint, LVMPD admits that it is a political subdivision of the State of Nevada and denies remaining allegations therein

1       5.     In answering Paragraph 17 of Plaintiffs' Second Amended Complaint, LVMPD  
2 Defendants admit that Defendant is a police officer with LVMPD but denies the remaining  
3 allegations contained therein.

4           6.        In answering Paragraph 18 of Plaintiffs' Second Amended Complaint, LVMPD  
5 Defendants admit that Defendant is a police officer with LVMPD but denies the remaining  
6 allegations contained therein.

7. In answering Paragraph 19 of Plaintiffs' Second Amended Complaint, LVMPD  
8 Defendants admit that Defendant is a police officer with LVMPD but denies the remaining  
9 allegations contained therein.

10       8.     In answering Paragraph 20 of Plaintiffs' Second Amended Complaint, LVMPD  
11 Defendants admit that Defendant is a police officer with LVMPD but denies the remaining  
12 allegations contained therein.

13           9.        In answering Paragraph 21 of Plaintiffs' Second Amended Complaint, LVMPD  
14      Defendants admit that Defendant is a police officer with LVMPD but denies the remaining  
15      allegations contained therein.

16       10.     In answering Paragraph 22 of Plaintiffs' Second Amended Complaint, LVMPD  
17     Defendants admit the allegations contained therein.

#### IV. FACTUAL ALLEGATIONS

(As to all Represented Plaintiffs unless otherwise noted)

20        11.    In answering Paragraph 23 of Plaintiffs' Second Amended Complaint, LVMPD  
21    Defendants admit the allegations contained therein.

**D. August 18, 2018, Birthday Party at Rio Hotel and Casino**

23           12. In answering Paragraphs 24 through 25 of Plaintiffs' Second Amended  
24 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained therein, and therefore, deny the same.

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1                   1.        Represented Plaintiffs' Relationship to Cory Bass

2                   13.      In answering Paragraphs 26 through 32 of Plaintiffs' Second Amended  
3 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained therein, and therefore, deny the same.

5                   2.        Room 2037 at the Rio Hotel and Casino

6                   14.      In answering Paragraphs 33 through 35 of Plaintiffs' Second Amended  
7 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained therein, and therefore, deny the same.

9                   3.        Actions and Policy of Rio Security

10                  15.      In answering Paragraphs 36 through 44 of Plaintiffs' Second Amended  
11 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained therein, and therefore, deny the same.

13                  **E. Defendants' Actions on August 19, 2018**

14                  1.        LVMPD engages in social media surveillance

15                  16.      In answering Paragraphs 45, 53 and 56 of Plaintiffs' Second Amended Complaint,  
16 LVMPD Defendants admit the allegations contained therein.

17                  17.      In answering Paragraphs 46 through 52, 54, 55, and 57 through 61 of Plaintiffs'  
18 Second Amended Complaint, LVMPD Defendants are without knowledge or information  
19 sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny  
20 the same.

21                  2.        LVMPD Arrives at the Rio Hotel and Casino

22                  18.      In answering Paragraphs 62 through 66 and 68 through 70 of Plaintiffs' Second  
23 Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to  
24 form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

25                  19.      In answering Paragraph 67 of Plaintiffs' Second Amended Complaint, LVMPD  
26 Defendants deny the allegations contained therein.

27                  ...

28                  ...

1                   3.        Rio Security engages with Guests

2                   20.      In answering Paragraphs 71 through 84 of Plaintiffs' Second Amended  
3 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained therein, and therefore, deny the same.

5                   4.        LVMPD enters room 2037

6                   21.      In answering Paragraphs 85 through 100, 102 and 103 of Plaintiffs' Second  
7 Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to  
8 form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

9                   22.      In answering Paragraphs 101, 104 and 105 of Plaintiffs' Second Amended  
10 Complaint, LVMPD Defendants deny the allegations contained therein.

11                  5.        Facts specific to Phillip Semper

12                  23.      In answering Paragraphs 106 through 110 of Plaintiffs' Second Amended  
13 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
14 as to the truth of the allegations contained therein, and therefore, deny the same.

15                  6.        Facts specific to Ashley Medlock

16                  24.      In answering Paragraphs 111 through 115 of Plaintiffs' Second Amended  
17 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained therein, and therefore, deny the same.

19                  7.        Facts specific to Lonica Bowie

20                  25.      In answering Paragraphs 116 through 120 of Plaintiffs' Second Amended  
21 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained therein, and therefore, deny the same.

23                  8.        Facts specific to Michael Green

24                  26.      In answering Paragraphs 121 through 125 of Plaintiffs' Second Amended  
25 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained therein, and therefore, deny the same.

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## 9. Facts specific to Clinton Reece

27. In answering Paragraphs 126 through 129 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

10. Facts specific to Corey Johnson

28. In answering Paragraphs 130 through 133 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

## 11. Facts specific to Demarlo Riley

29. In answering Paragraphs 134 through 139 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

12. Facts specific to multiple Represented Plaintiffs

30. In answering Paragraphs 140 through 152 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

## **F. Consequences of August 19, 2018, Incident**

13. Charges filed against Semper and Johnson are dismissed due to unconstitutional search and seizure

31. In answering Paragraphs 153 through 176 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

14. Represented Plaintiffs designated as “gang members” or “gang affiliates”  
by Defendant L VMPD and the designation is disclosed to media

32. In answering Paragraphs 177 through 181 and 183 through 185 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same.

1           33. In answering Paragraphs 182, 186 and 187 of Plaintiffs' Second Amended  
2 Complaint, LVMPD Defendants deny the allegations contained therein.

3           15. Plaintiffs' Emotional Distress

4           34. In answering Paragraphs 188 through 195 of Plaintiffs' Second Amended  
5 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained therein, and therefore, deny the same.

7           **G. Defendant LVMPD's Policies and Practices**

8           1. "Party Crashers" or Unified Problem Abatement Concept Protocol

9           35. In answering Paragraphs 196 and 201 through 214 of Plaintiffs' Second Amended  
10 Complaint, LVMPD Defendants deny the allegations contained therein.

11           36. In answering Paragraphs 197 through 200 of Plaintiffs' Second Amended  
12 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained therein, and therefore, deny the same.

14           2. Policies, or Lack Thereof, Related to Assisting Hotel Security

15           37. In answering Paragraphs 215 through 221 of Plaintiffs' Second Amended  
16 Complaint, LVMPD Defendants are without knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained therein, and therefore, deny the same.

18           3. LVMPD Gang-Related Policies and Practices

19           38. In answering Paragraphs 222 through 226, 228, 229, 232 through 272, 274  
20 through 365 of Plaintiffs' Second Amended Complaint, LVMPD Defendants are without  
21 knowledge or information sufficient to form a belief as to the truth of the allegations contained  
22 therein, and therefore, deny the same.

23           39. In answering Paragraphs 227, 230, 231 and 273 of Plaintiffs' Second Amended  
24 Complaint, LVMPD Defendants deny the allegations contained therein.

25           ...

26           ...

27           ...

28           ...

IV.

## CAUSES OF ACTION

## A. FIRST CAUSE OF ACTION

**VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 28 C.F.R §§ 42.101**

**et seq. AND 42 U.S.C. § 1983**

**(All Represented Plaintiffs and All Defendants)**

40. In answering Paragraphs 366 through 378 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **B. SECOND CAUSE OF ACTION**

## **VIOLATION OF PROCEDURAL DUE PROCESS PURSUANT TO THE**

## **FOURTEENTH AMENDMENT THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs, Save Semper and All Defendants)**

41. In answering Paragraphs 379 through 415 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

### **C. THIRD CAUSE OF ACTION**

**VIOLATION OF RIGHT TO ASSOCIATION AND EXPRESSION – DIRECT  
PROHIBITION – PURSUANT TO THE FIRST AMENDMENT THROUGH 42 U.S.C. §**

1983

**(All Represented Plaintiffs, Save Semper and All Defendants)**

42. In answering Paragraphs 416 through 445 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

#### **D. FOURTH CAUSE OF ACTION**

**VIOLATION OF RIGHT TO ASSOCIATION AND EXPRESSION – CHILLING  
EFFECT – PURSUANT TO THE FIRST AMENDMENT THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs, Save Semper and All Defendants)**

43. In answering Paragraphs 446 through 468 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

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## **E. FIFTH CAUSE OF ACTION**

**UNREASONABLE SEARCH AND SEIZURE PURSUANT TO THE FOURTH AND  
FOURTEENTH AMENDMENTS THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs and All Defendants, Save LVMPD)**

44. In answering Paragraphs 469 through 471 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **F. SIXTH CAUSE OF ACTION**

**UNREASONABLE SEARCH AND SEIZURE PURSUANT TO THE FOURTH AND  
FOURTEENTH AMENDMENTS THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs and Defendant LVMPD)**

45. In answering Paragraphs 472 through 481 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **G. SEVENTH CAUSE OF ACTION**

**UNLAWFUL DETENTION PURSUANT TO THE FOURTH AND FOURTEENTH  
AMENDMENTS THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs and All Defendants, Save LVMPD)**

46. In answering Paragraphs 482 through 484 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **H. EIGHTH CAUSE OF ACTION**

**UNLAWFUL DETENTION PURSUANT TO THE FOURTH AND FOURTEENTH  
AMENDMENTS THROUGH 42 U.S.C. § 1983**

**(All Represented Plaintiffs and Defendant LVMPD)**

47. In answering Paragraphs 485 through 494 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

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## **I. NINTH CAUSE OF ACTION**

**CIVIL CONSPIRACY TO VIOLATE PLAINTIFFS' CIVIL RIGHTS UNDER 42 U.S.C. §**

## 1983 – UNLAWFUL ARREST AND UNREASONABLE SEARCH AND SEIZURE

**(All Represented Plaintiffs and All Defendants)**

48. In answering Paragraphs 495 through 500 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **J. TENTH CAUSE OF ACTION**

**CIVIL CONSPIRACY TO VIOLATE PLAINTIFFS' CIVIL RIGHTS UNDER 42 U.S.C. §**

## 1983 – EQUAL PROTECTION

**(All Represented Plaintiffs and All Defendants)**

49. In answering Paragraphs 501 through 504 of Plaintiffs' Second Amended Complaint, LVMPD Defendants deny the allegations contained therein.

## **AFFIRMATIVE DEFENSES**

1. Plaintiffs' suit fails to state a claim for relief as he failed to allege a violation of a right, privilege, or immunity secured by the United States Constitution or by the laws of the United States.

2. The LVMPD Defendants did not enact or promulgate any policy, statute, ordinance or custom, policy or procedure which denied or abridged any of the Plaintiffs' constitutional rights.

3. The damage sustained by the Plaintiff, if any, were caused by the acts of third persons who were not agents, servants, or employees of Defendant LVMPD and who were not acting on behalf of Defendant LVMPD in any manner or form, and, as such, Defendant LVMPD is not liable in any manner to the Plaintiff.

4. The complained of acts of the LVMPD Defendants were justified and privileged under the circumstances.

5. At all times mentioned in Plaintiffs' Second Amended Complaint, the LVMPD Defendants acted in good faith belief that their actions were legally justifiable.

1       6.     Plaintiffs' Second Amended Complaint concerns a discretionary function of the  
 2 LVMPD Defendants for which these Defendants are immune.

3       7.     The Plaintiffs' claims of constitutional violations are unsupported in both fact and  
 4 law, as Plaintiff has not alleged a sufficient basis from which a constitutional interest might arise  
 5 in conjunction with the alleged actions.

6       8.     To the extent Plaintiffs' causes of actions against the LVMPD Defendants sound  
 7 in negligence, no recovery can be predicated upon 42 USCA § 1983.

8       9.     Any injuries allegedly sustained by Plaintiff were the result of his own negligence  
 9 and/or actions.

10      10.    The Plaintiff lacks standing to pursue any claims.

11      11.    The LVMPD Defendants are protected by the doctrine of qualified immunity.

12      12.    The actions of the LVMPD Defendants if found to be unconstitutional, do not rise  
 13 to the level of "shocks the conscience."

14      13.    Plaintiff cannot recover punitive or exemplary damages because Plaintiff has  
 15 failed to plead and cannot establish facts sufficient to support allegations of malice, oppression  
 16 or fraud. Plaintiff is not entitled to recover punitive or exemplary damages herein under any of  
 17 the claims of relief alleged against the LVMPD Defendants' supervisors, directors or managing  
 18 agents committed the alleged malicious, fraudulent or oppressive acts, authorized to ratify such  
 19 wrongful conduct or had advanced knowledge of the unfitness of any employee(s) who allegedly  
 20 committed the acts and did not employ such person(s) with conscience disregard for the higher  
 21 safety of others.

22      14.    The claims and each of them are barred by Plaintiffs' failure to plead those claims  
 23 with particularity.

24      15.    The claims, and each of them, are barred by the applicable statute of limitation.

25      16.    Plaintiffs consented to LVMPD Defendants' search of his person and/or premises.

26      17.    Plaintiffs consented to the conduct and/or actions complained of.

27      18.    LVMPD Defendants' conduct were supported by probable cause.

28      19.    LVMPD Defendants' conduct were supported by reasonable suspicion.

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1 20. LVMPD Defendants did not act with malice.

2 21. Plaintiffs have suffered no damages, and therefore, is not entitled to relief.

3 22. Plaintiffs have suffered no harm as a result of LVMPD Defendants' conduct.

4 23. Pursuant to FRCP 11, as amended, all possible affirmative defenses may not have

5 been alleged herein, in so far as sufficient facts were not available after a reasonable inquiry

6 upon the filing of LVMPD Defendants Answer to Plaintiffs' Second Amended Complaint;

7 therefore, LVMPD Defendants reserve the right to amend its answer to allege additional

8 affirmative defenses if subsequent investigations so warrant.

## PRAYER FOR RELIEF

10 WHEREFORE, LVMPD Defendants pray for judgment against Plaintiffs as follows:

11       1. That Plaintiffs take nothing by way of their Second Amended Complaint and that  
12 the same be dismissed with prejudice;

13           2. For an award of reasonable attorney fees and costs of suit; and

14           3. For any further relief as the Court deems to be just and proper.

15 || Dated this 19th day of July, 2023.

## MARQUIS AURBACH

By: /s/ Jackie V. Nichols  
Craig R. Anderson, Esq.  
Nevada Bar No. 6882  
Jackie V. Nichols, Esq.  
Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Defendants Las Vegas  
Metropolitan Police Department, Sheriff Joseph  
Lombardo, Andrew Bauman, Matthew Kravetz,  
Supreet Kaur, David Jeong, and Theron Young

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **LVMPD DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, AND DAMAGES PURSUANT TO 42 U.S.C. § 1983 AND NEVADA STATE LAW** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 19th day of July, 2023.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

N/A

/s/ Krista Busch  
An employee of Marquis Aurbach

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