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CASE NO: A-20-819732-C
Department 13

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

PHILLIP SEMPER, an individual; COREY
JOHNSON, an individual; ASHLEY
MEDLOCK, an individual; CORY BASS, an
individual; MICHAEL GREEN, an
individual; DEMARLO RILEY, an
individual; BREANNA NELLUMS, an
individual; CLINTON REECE, an individual;
ANTONIO WILLIAMS, an individual;
LONICIA BOWIE, an individual; and
CARLOS BASS, an individual,

Plaintiff(s),

CASE NO.

DEPT. NO.

**COMPLAINT FOR DECLARATORY
RELIEF, INJUNCTIVE RELIEF, AND
DAMAGES PURSUANT TO 42 U.S.C.
§ 1983 AND NEVADA STATE LAW**

(Trial By Jury Demanded)

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-vs-

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, in its official capacity; SHERIFF JOSEPH LOMBARDO, individually and in his official capacity as Sheriff of the Las Vegas Metropolitan Police Department; ANDREW BAUMAN, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; MATTHEW KRAVETZ, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; SUPREET KAUR, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; DAVID JEONG, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; THERON YOUNG, individually and in his capacity as a Las Vegas Metropolitan Police Department Officer; CAESARS ENTERTAINMENT CORPORATION D/B/A RIO ALL-SUITES HOTEL; JOHN CARLISLE, individually and in his capacity as an employee of the Rio Hotel & Casino; DOE LVMPD GANG TASK FORCE OFFICERS 1-10; DOE LVMPD OFFICERS 1-10; DOE LVMPD SUPERVISORS 1-5; DOE RIO EMPLOYEES 1-10,

Defendant(s).

1 COMES NOW Plaintiffs, PHILLIP SEMPER, COREY JOHNSON, ASHLEY MEDLOCK,
2 CORY BASS, MICHAEL GREEN, DEMARLO RILEY, BREANNA NELLUMS, CLINTON
3 REECE, ANTONIO WILLIAMS, LONICIA BOWIE, and CARLOS BASS by and through the
4 undersigned attorneys, and for their causes of action against each of the defendants, allege as
5 follows:

6 **I.**

7 **JURISDICTION AND VENUE**

8 1. This Court has jurisdiction over this matter pursuant to Nev. Const. art. VI, § 6, as this
9 Court has original jurisdiction in all cases not assigned to the justices' courts.

10 2. Venue is proper in the Eighth Judicial District Court, Clark County, Nevada because the
11 events giving rise to these claims occurred in Clark County, Nevada.

12 **II.**

13 **PARTIES**

14 **A. PLAINTIFFS**

15 3. Plaintiff PHILLIP SEMPER ("SEMPER") is and was at all times relevant to this Complaint
16 a citizen of the United States of America and a resident of Clark County in the State of Nevada.

17 4. Plaintiff COREY JOHNSON ("JOHNSON") is and was at all times relevant to this
18 Complaint a citizen of the United States of America and a resident of Clark County in the State of
19 Nevada.

20 5. Plaintiff ASHLEY MEDLOCK ("MEDLOCK") is and was at all times relevant to this
21 Complaint a citizen of the United States of America and a resident of Clark County in the State of
22 Nevada.

23 6. Plaintiff CORY BASS ("CORY BASS") is and was at all times relevant to this Complaint
24 a citizen of the United States of America and a resident of Clark County in the State of Nevada.

25 7. Plaintiff MICHAEL GREEN ("GREEN") is and was at all times relevant to this Complaint
26 a citizen of the United States of America and a resident of Clark County in the State of Nevada.

27 8. Plaintiff DEMARLO RILEY ("RILEY") is and was at all times relevant to this Complaint

1 a citizen of the United States of America and a resident of Clark County in the State of Nevada.

2 9. Plaintiff BREANNA NELLUMS (“NELLUMS”) is and was at all times relevant to this
3 Complaint a citizen of the United States of America and a resident of Clark County in the State of
4 Nevada.

5 10. Plaintiff CLINTON REECE (“REECE”) is and was at all times relevant to this Complaint
6 a citizen of the United States of America and a resident of Clark County in the State of Nevada.

7 11. Plaintiff ANTONIO WILLIAMS (“WILLIAMS”) is presently a resident of Volusia
8 County, Florida and is was at all times relevant to this Complaint a citizen of the United States of
9 America and a resident of Clark County in the State of Nevada.

10 12. LONICIA BOWIE (“BOWIE”) is and was at all times relevant to this Complaint a citizen
11 of the United States of America and a resident of Clark County in the State of Nevada.

12 13. CARLOS BASS (“CARLOS BASS”) is and was at all times relevant to this Complaint a
13 citizen of the United States of America and a resident of Clark County in the State of Nevada.

14 **B. DEFENDANTS**

15 14. All defendants named herein, upon information and belief, are and were at all times
16 relevant hereto citizens of the United States and citizens and residents of the State of Nevada.

17 15. Defendant LAS VEGAS METROPOLITAN POLICE DEPARTMENT (“LVMPD”) is a
18 legal entity for the purposes of 42 U.S.C. § 1983. Defendant LVMPD is responsible for the hiring,
19 control, and supervision of all its police officers and agents, as well as for the implementation and
20 maintenance of official and unofficial policies and practices pertaining to the day-to-day
21 functioning of its officers and agents. LVMPD is and was at all times relevant hereto the employer
22 of Defendants ANDREW BAUMAN, MATTHEW KRAVETZ, SUPREET KAUR, DAVID
23 JEONG, THERON YOUNG, DOE LVMPD GANG TASK FORCE OFFICERS 1-10, DOE
24 LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5.

25 16. Defendant SHERIFF JOSEPH LOMBARDO (“LOMBARDO”) is the Sheriff of the Las
26 Vegas Metropolitan Police Department. He is sued in his individual capacity as to Plaintiffs’
27 claims arising under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or

1 employee of the State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’
2 state law claims.

3 17. Defendant ANDREW BAUMAN (“BAUMAN”) was at all times relevant hereto a law
4 enforcement officer with LVMPD, P# 9982. He is sued in his individual capacity as to Plaintiffs’
5 claims arising under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or
6 employee of the State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’
7 state law claims.

8 18. Defendant MATTHEW KRAVETZ (“KRAVETZ”) was at all times relevant hereto a law
9 enforcement officer with LVMPD, P# 15346. He is sued in his individual capacity as to Plaintiffs’
10 claims arising under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or
11 employee of the State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’
12 state law claims.

13 19. Defendant SUPREET KAUR (“KAUR”) was at all times relevant hereto a law
14 enforcement officer with LVMPD, P# 16227. He is sued in his individual capacity as to Plaintiffs’
15 claims arising under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or
16 employee of the State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’
17 state law claims.

18 20. Defendant DAVID JEONG (“JEONG”) was at all times relevant hereto a law enforcement
19 officer with LVMPD, P# 14997. He is sued in his individual capacity as to Plaintiffs’ claims arising
20 under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or employee of the
21 State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’ state law claims.

22 21. Defendant THERON YOUNG (“YOUNG”) was at all times relevant hereto a law
23 enforcement officer with LVMPD, P# 15103. He is sued in his individual capacity as to Plaintiffs’
24 claims arising under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or
25 employee of the State of Nevada or any of its agencies or political subdivisions as to Plaintiffs’
26 state law claims.

27 22. Defendant CAESARS ENTERTAINMENT CORPORATION D/B/A RIO ALL-

1 SUITES HOTEL (“RIO”) is a Nevada corporation, duly organized under the laws of the State
2 of Nevada and authorized to conduct business in the State of Nevada. RIO is responsible for
3 the hiring, control, and supervision of all its security officers and agents, as well as for the
4 implementation and maintenance of official and unofficial policies pertaining to the day to day
5 functioning of its security officers and agents.

6 23. Defendant JOHN CARLISLE (“CARLISLE”) was at all times relevant hereto an employee
7 and security officer with RIO. He is sued in his individual capacity as to Plaintiffs’ claims arising
8 under 28 U.S.C. § 1983 and is sued in his individual capacity and as an officer or employee of the
9 RIO as to Plaintiffs’ state law claims.

10 24. Defendants DOE LVMPD GANG TASK FORCE OFFICERS 1-10, whose identities are
11 currently unknown, were at all times relevant hereto law enforcement officers employed by
12 LVMPD. They are sued in their individual capacities as to Plaintiffs’ claims arising under 28
13 U.S.C. § 1983 and are sued in their individual capacities and as officers or employees of the State
14 of Nevada or any of its agencies or political subdivisions as to Plaintiffs’ state law claims.

15 25. Defendants DOE LVMPD OFFICERS 1-10, whose identities are currently unknown, were
16 at all times relevant hereto law enforcement officers employed by LVMPD. They are sued in their
17 individual capacities as to Plaintiffs’ claims arising under 28 U.S.C. § 1983 and are sued in their
18 individual capacities and as officers or employees of the State of Nevada or any of its agencies or
19 political subdivisions as to Plaintiffs’ state law claims.

20 26. Defendants DOE LVMPD SUPERVISORS 1-5, whose identities are currently unknown,
21 were at all times relevant hereto law enforcement officers employed by LVMPD. They are sued
22 in their individual capacities as to Plaintiffs’ claims arising under 28 U.S.C. § 1983 and are sued
23 in their individual capacities and as officers or employees of the State of Nevada or any of its
24 agencies or political subdivisions as to Plaintiffs’ state law claims.

25 27. Defendant DOE RIO EMPLOYEES 1-10 were at all times relevant hereto employees and
26 security officers with RIO. They are sued in their individual capacity as to Plaintiffs’ claims arising
27 under 28 U.S.C. § 1983 and are sued in their individual capacity and as officers or employees of

1 the Rio as to Plaintiffs' state law claims.

2 28. At all times relevant hereto, and in all actions described herein, defendant LVMPD officers,
3 BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD GANG TASK FORCE
4 OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5
5 were acting under color of their authority as law enforcement officers at the LVMPD.

6 29. That the true names and capacities, whether individual or otherwise, of the defendants
7 herein designated as DOE LVMPD GANG TASK FORCE OFFICERS 1-10, DOE LVMPD
8 OFFICERS 1-10, DOE LVMPD SUPERVISORS 1-5, and DOE RIO EMPLOYEES 1-10 are
9 unknown to Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs allege
10 that each named defendant herein designated as DOE is negligently, willfully, or otherwise legally
11 responsible for the events and happenings herein referred to, and proximately cause injury and
12 damages thereby to Plaintiffs, as herein alleged. Plaintiffs will ask leave of the court to substitute
13 these Defendants when the true names and capacities of such defendants have been ascertained.

14 30. Plaintiffs are informed and believe and, based upon such information and belief, allege that
15 each of the defendants herein designated as DOE LVMPD GANG TASK FORCE OFFICERS 1-
16 10, DOE LVMPD OFFICERS 1-10, DOE LVMPD SUPERVISORS 1-5, and DOE RIO
17 EMPLOYEES 1-10, inclusive, is, in some manner, negligently, willfully, or otherwise
18 responsible for the events, happenings, occurrences, and injuries sustained by Plaintiffs as alleged
19 herein pursuant to NRCP 10(d) and Nurenberger Hercules-Werke GMBH v. Virotek, 107 Nev.
20 873, 822 P.2d 1100 (1991), the identity of defendants designated as JOHN DOES 1-60 are
21 unknown at the present time; however, it is alleged and believed these Defendants were involved
22 in the initiation, approval, support, or execution of the wrongful acts upon which this litigation is
23 premised.

24 **III.**

25 **GENERAL ALLEGATIONS**

26 31. On or about August 19, 2018, Plaintiffs were guests in a hotel room at the RIO, reserved
27 by CORY BASS and CARLOS BASS.

1 32. CORY BASS and CARLOS BASS invited guests, including each Plaintiff, to the room for
2 a birthday celebration.

3 33. Every guest that attended the birthday party was African American.

4 34. The room, room 2037, was a large suite which comfortably fits many people. There were
5 thirty-four (34) people in the room when RIO security and LVMPD arrived.

6 35. Prior to reserving the room, CORY BASS and CARLOS BASS called the RIO to inform
7 the RIO that they would have guests in the hotel room for the celebration.

8 36. Room 2037 has a sound system in the room by which guests can amplify music.

9 37. RIO security has a policy for addressing noise complaints. According to this policy, upon
10 receiving a complaint, RIO security will visit the room and speak to the registered guest(s).
11 Security will give the guest(s) a warning. If another complaint is received, RIO security will again
12 visit the room and ask any guests who are not registered to the room to leave. If a third complaint
13 is received, RIO security will evict everyone from the room.

14 38. RIO security alleged to have received a noise complaint regarding room 2037 at some point
15 after 2:00 AM.

16 39. RIO security staff indicated that the noise complaint was made by another guest who was
17 staying on the same floor as room 2037.

18 40. RIO security staff said that the guest reported hearing loud music and smelling marijuana
19 smoke coming from room 2037.

20 41. RIO security staff indicated that the guest who reported the noise complaint was not in his
21 room at the time he contacted RIO security. The guest allegedly called security from the casino
22 floor.

23 42. In response to the alleged noise complaint, RIO security staff, including CARLISLE, did
24 not send a security officer to room 2037 to give the guests a first warning, as was indicated by RIO
25 security policy.

26 43. RIO security staff did not issue any warnings to the guests about their noise level by any
27 means. RIO staff never indicated to any guest that they would be asked to leave the premises if

1 they did not reduce the level of noise.

2 44. RIO security staff did not contact LVMPD in relation to the noise complaint.

3 45. At approximately 2:10 a.m., LVMPD officers BAUMAN, KRAVETZ, KAUR, JEONG,
4 and YOUNG arrived at the RIO and spoke with security staff.

5 46. BAUMAN, KRAVETZ, KAUR, JEONG, and YOUNG were operating as marked patrol
6 units and received information from one or more DOE LVMPD GANG TASK FORCE
7 OFFICERS 1-10 that a “gang party” was occurring at the RIO.

8 47. Upon information and belief, DOE LVMPD GANG TASK FORCE OFFICERS 1-10
9 obtained the information about the “gang party” from ongoing investigations into individuals,
10 including one or more Plaintiffs, as part of LVMPD’s Gang Crimes Section.

11 48. Upon information and belief, investigations by the Gang Crimes Section and DOE LVMPD
12 GANG TASK FORCE OFFICERS 1-10 include ongoing and invasive monitoring of individuals’
13 activities, including via social media.

14 49. Upon information and belief, DOE LVMPD GANG TASK FORCE OFFICERS 1-10
15 informed BAUMAN, KRAVETZ, KAUR, JEONG, and YOUNG that three (3) alleged gang
16 members were at the RIO that evening: CORY BASS and two (2) other men.

17 50. Upon information and belief, BAUMAN, KRAVETZ, KAUR, JEONG, and YOUNG did
18 not independently verify the information from DOE LVMPD GANG TASK FORCE OFFICERS
19 1-10 prior to arriving at the RIO.

20 51. Upon information and belief, none of DOE LVMPD GANG TASK FORCE OFFICERS
21 1-10, BAUMAN, KRAVETZ, KAUR, JEONG, or YOUNG had evidence that any criminal
22 activity was or would be happening at the party at the RIO.

23 52. Upon arrival at the RIO, BAUMAN informed RIO security officer CARLISLE and/or his
24 subordinates, DOE RIO EMPLOYEES 1-10, that LVMPD had reason to believe there was a “gang
25 party” taking place on the premises.

26 53. DOE LVMPD GANG TASK FORCE OFFICERS 1-10, BAUMAN, KRAVETZ, KAUR,
27 and JEONG did not know in which room the alleged “gang party” was taking place.

1 54. Upon information and belief, BAUMAN showed RIO security officer CARLISLE and/or
2 DOE RIO EMPLOYEES 1-10 the names and/or a photograph of one or more of the alleged gang
3 members who were allegedly on the premises.

4 55. RIO security agreed to assist the LVMPD officers.

5 56. CARLISLE indicated that he believed the party was in room 2037, based on the alleged
6 guest complaint of noise and the smell of marijuana coming from that room.

7 57. Upon information and belief, LVMPD officers never produced and RIO security never
8 asked to see a warrant of any kind.

9 58. Upon information and belief, BAUMAN developed a plan to approach room 2037, which
10 he shared with RIO security, including CARLISLE and one or more DOE RIO EMPLOYEES 1-
11 10, in the RIO security office prior to going up to the room.

12 59. RIO security officer CARLISLE and DOE RIO EMPLOYEES 1-10 took BAUMAN,
13 KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD OFFICERS 1-10, who had since
14 arrived at the RIO, to room 2037.

15 60. Once at the door of room 2037, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and
16 DOE LVMPD OFFICERS 1-10 took a tactical position, lining up along the walls on either side
17 of the door. BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD OFFICERS
18 1-10 were obscured from the view of the person who would answer the door.

19 61. No music is audible on the body-worn camera footage of LVMPD officers standing right
20 next to the door.

21 62. RIO security officer CARLISLE knocked on the door, surrounded by DOE RIO
22 EMPLOYEES 1-10.

23 63. CORY BASS opened the door right away.

24 64. With the door open, still no music is audible on the body-worn camera footage of LVMPD
25 officers standing right next to the door.

26 65. CARLISLE said “we had some noise complaints, we’re going to be asking you to shut the
27 party down and everybody leave.”

1 66. CORY BASS explained that this was the first they had heard of a noise complaint. CORY
2 BASS said that he would turn the music down if it was a problem.

3 67. CARLISLE said that everyone would have to leave. He did not explain why the guests
4 were not receiving a warning. He did not mention anything about smoking marijuana in the room.

5 68. CORY BASS and CARLOS BASS explained that they knew the RIO policy was to offer
6 warnings before evicting guests for a noise complaint.

7 69. CORY BASS and CARLOS BASS indicated that they disagreed with the decision but were
8 not combative or belligerent.

9 70. After about one (1) minute of interaction between CORY BASS, CARLOS BASS, and
10 CARLISLE, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD OFFICERS
11 1-10 began to appear within view of the door.

12 71. Upon information and belief, BAUMAN stepped into the room immediately and
13 announced: "Metro Police, come on out."

14 72. None of the guests, registered to the room or otherwise, gave consent for LVMPD officers
15 to enter the hotel room.

16 73. Some of BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD
17 OFFICERS 1-10, forcefully grabbed and immediately detained CORY BASS and CARLOS
18 BASS.

19 74. A Defendant officer handcuffed and frisked CORY BASS for weapons. He was not
20 carrying a firearm or any other weapon.

21 75. A Defendant officer handcuffed and frisked CARLOS BASS for weapons. He was not
22 carrying a firearm or any other weapon.

23 76. BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and/or DOE LVMPD OFFICERS 1-
24 10 ordered every guest to line up along the walls of the suite's foyer.

25 77. The guests complied. No guest reached for a firearm or made a furtive movement.

26 78. As the guests stood in line waiting to leave the room, more LVMPD officers arrived on the
27 scene.

1 79. Multiple guests can be heard on the LVMPD officers' body camera footage asking if they
2 were free to leave the room.

3 80. BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD OFFICERS 1-10
4 indicated that guests would be subject to a pat down before they were allowed to leave the room.

5 81. Guests were escorted out of the hotel room and into the hallway one-by-one, where each
6 guest was subject to a search by one or more of BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG
7 and DOE LVMPD OFFICERS 1-10.

8 82. According to the RIO's incident report, there were thirty-four (34) guests in the room.

9 83. BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG and DOE LVMPD OFFICERS 1-10
10 ran identification checks on each of the thirty-four (34) people inside the room.

11 84. Plaintiff SEMPER was brought out of the room. BAUMAN handcuffed him. As he was
12 detained, Plaintiff SEMPER informed BAUMAN that he had a firearm on him. BAUMAN frisked
13 him for weapons and found the firearm.

14 85. Plaintiff JOHNSON was brought out of the room. KRAVETZ officer handcuffed him.
15 KRAVETZ frisked him for weapons. He was carrying a firearm.

16 86. Plaintiff MEDLOCK was brought out of the room. One of BAUMAN, KRAVETZ,
17 KAUR, JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 handcuffed her. A Defendant
18 officer frisked her for weapons. She was not carrying a firearm or any other weapon.

19 87. Plaintiff GREEN was brought out of the room. One of BAUMAN, KRAVETZ, KAUR,
20 JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed him. A Defendant
21 officer frisked him for weapons. He was not carrying a firearm or any other weapon.

22 88. Plaintiff RILEY was brought out of the room. One of BAUMAN, KRAVETZ, KAUR,
23 JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed him. A Defendant
24 officer frisked him for weapons. He was not carrying a firearm or any other weapon.

25 89. Plaintiff NELLUMS was brought out of the room. One of BAUMAN, KRAVETZ, KAUR,
26 JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed her. A Defendant
27 officer frisked her for weapons. She was not carrying a firearm or any other weapon.

1 90. Plaintiff REECE was brought out of the room. One of BAUMAN, KRAVETZ, KAUR,
2 JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed him. A Defendant
3 officer frisked him for weapons. He was not carrying a firearm or any other weapon.

4 91. Plaintiff WILLIAMS was brought out of the room. One of BAUMAN, KRAVETZ,
5 KAUR, JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed him. A
6 Defendant officer frisked him for weapons. He was not carrying a firearm or any other weapon.

7 92. Plaintiff BOWIE was brought out of the room. One of BAUMAN, KRAVETZ, KAUR,
8 JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed her. A Defendant
9 officer frisked her for weapons. She was not carrying a firearm or any other weapon.

10 93. Plaintiff CARLOS BASS was brought out of the room. One of BAUMAN, KRAVETZ,
11 KAUR, JEONG, YOUNG, or DOE LVMPD OFFICERS 1-10 officer handcuffed him. A
12 Defendant officer frisked him for weapons. He was not carrying a firearm or any other weapon.

13 94. In total, all thirty-four (34) guests were handcuffed. Guests were forced to sit handcuffed
14 on the floor in the hall outside of room 2037 for up to six (6) hours.

15 95. Plaintiffs SEMPER, JOHNSON, MEDLOCK, GREEN, NELLUMS, REECE,
16 WILLIAMS, and BOWIE were arrested and transported to jail.

17 96. Plaintiffs SEMPER and JOHNSON were charged criminally for Carrying Concealed
18 Firearm or Other Deadly Weapon under NRS 202.350(1)(d)(3).

19 97. Plaintiffs MEDLOCK, GREEN, NELLUMS, WILLIAMS, and BOWIE were arrested for
20 outstanding traffic warrants.

21 98. Of the three men that LVMPD detectives claimed would be at the party and carrying
22 firearms, only one, CORY BASS, was among the thirty-four (34) guests detained. CORY BASS
23 was not armed. CORY BASS had no outstanding warrants and was not arrested or transported to
24 jail. The other two men were not present during this incident.

25 99. Defendant SEMPER's criminal case, Case No. 18F15424X, was heard in Las Vegas Justice
26 Court, Department 12.

27 100. Defendant SEMPER filed a motion to suppress evidence on the basis that the firearm found

1 on his person, the sole evidence giving rise to his charge of Carrying Concealed Firearm or Other
2 Deadly Weapon, was found as a result of an unconstitutional search.

3 101. At an evidentiary hearing on June 28, 2019 before the Honorable Diana Sullivan, Justice
4 of the Peace, the court granted SEMPER's motion to suppress and the case against him was
5 dismissed. Ex. 1.

6 102. The court found that LVMPD's warrantless entry into room 2037 was unlawful.

7 103. The court found that there was "no reasonable suspicion of a crime afoot by any one person
8 and certainly not by each and every one of the guests." Ex.1 5:24-6:2.

9 104. The court found that there was "no specific or credible evidence of any specific criminal
10 gang activity." Ex. 1 8:17-18.

11 105. Some LVMPD officers testified that there was marijuana smoke in the room and that was
12 the criminal activity which LVMPD was investigating. While the court agreed that smoking
13 marijuana in a public place is a criminal activity punishable by a misdemeanor, the court
14 acknowledged that smoking marijuana in a private place is not a crime. Ex. 1. 9:4-13.

15 106. The court found that a hotel room is a private place: "as a matter of law [] the public is not
16 invited or permitted into a rented hotel room without permission of the guest." Ex. 1 10:2-4.

17 107. The court found that, while smoking marijuana may be a violation of hotel policy, smoking
18 marijuana in a private suite is not a crime and is not a basis for reasonable suspicion.

19 108. No guest was cited or arrested for smoking marijuana in the hotel room.

20 109. The court noted that "everyone in the entire suite was systematically... and
21 indiscriminately detained by law enforcement." Ex. 1 10:17-20.

22 110. The court noted the inconsistency "that the officers contend that they were there to help
23 evict people, and in fact can be heard on the body cam video yelling, [']everyone has to leave and
24 your party's over,['] but yet they were not letting people leave." Ex. 1 14:1-6.

25 111. As to LVMPD's assertion that each pat-down was an allowable weapons frisk, the court
26 noted that "a weapons frisk is only allowable [] when there is a proper detention of an individual
27 pursuant to [NRS] 171.123." Ex. 1 15:13-16.

1 112. Plaintiff JOHNSON’s criminal case (Justice Court Dept. 9, Case No. 18F15425X) was
2 dismissed shortly after Plaintiff SEMPER’s evidentiary hearing for identical reasons.

3 113. While handcuffed in the hallway for multiple hours, Plaintiffs were not given access to
4 food, water, or a restroom facility.

5 114. Plaintiffs were all traumatized by the incident and have suffered extreme emotional
6 distress.

7 115. Upon information and belief, LVMPD has a training protocol known officially as the
8 “party crashers” protocol.

9 116. Upon information and belief, every LVMPD officer, including all of those present for the
10 events giving rise to this Complaint, has been or will be trained in this “party crashers” protocol.

11 117. Upon information and belief, DOE LVMPD SUPERVISORS 1-5 created and/or
12 maintained this protocol, which has been in use for over ten (10) years.

13 118. Upon information and belief, officers are trained to enact this protocol when breaking up
14 parties in residential areas.

15 119. Upon information and belief, the protocol involves entering the premises where a party is
16 taking place and corralling as many people into a controlled space as possible. The protocol then
17 requires officers to administer pat-downs and run record checks on every person who has been
18 corralled and is being held in the space.

19 120. Upon information and belief, officers are trained to administer pat-downs and record
20 checks indiscriminately, regardless of whether there is reasonable suspicion that any one individual
21 has engaged, is engaging, or will engage in criminal activity.

22 121. BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, and DOE LVMPD OFFICERS 1-
23 10 engaged in the “party crashers” protocol on the night of the events giving rise to this Complaint.

24 122. Upon information and belief, another party, on the same floor just down the hall and
25 attended predominately by white guests, was not interrupted by LVMPD officers.

26 123. After the events giving rise to this Complaint, LVMPD broadcast to the public on social
27 media that it had “broke up a large gang party” where “over a dozen documented gang members

1 were arrested....”¹

2 124. News coverage of the arrests also indicated that the Plaintiffs and other guests were arrested
3 at a “gang party.”² Some coverage included booking photos of one or more Plaintiffs. Plaintiffs’
4 friends, family, and employers saw these reports.

5 125. No person at the party, a birthday celebration, was arrested for criminal gang activity.

6 **IV.**

7 **CAUSES OF ACTION**

8 **FIRST CAUSE OF ACTION**

9 **VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT of 1964, 28 C.F.R. §§ 42.101 et**
10 **seq. AND 42 U.S.C. § 1983**

11 **(Against LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE**
12 **LVMPD GANG TASK FORCE OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and**
13 **DOE LVMPD SUPERVISORS 1-5)**

14 126. Plaintiffs hereby incorporate paragraphs 1-125 as though fully set forth herein.

15 127. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, provides: [n]o person in the
16 United States shall, on the ground of race, color, or national origin, be excluded from participation
17 in, be denied the benefits of, or be subjected discrimination under any program or activity receiving
18 federal financial assistance.

19 128. Federal regulations implementing Title VI of the Civil Rights Act of 1964 prohibit
20 federally funded programs or activities from having a racially discriminatory impact or effect. The
21 regulations provide that no program receiving financial assistance through the United States
22 Department of Justice shall: utilize criteria or methods of administration which have the effect of

23 _____
24 ¹ LVMPD Convention Center Area Command (@LVMPDCCAC), Twitter (Aug. 19, 2018,
11:04 AM), <https://twitter.com/LVMPDCCAC/status/1031240416119599110>.

25 ² E.g., Katherine Jarvis, Nine identified after gang party arrests at Rio Las Vegas hotel-casino,
26 KTNV Las Vegas (Aug. 19, 2018, 11:30 PM), [https://www.ktnv.com/news/gang-members-](https://www.ktnv.com/news/gang-members-arrested-at-local-casino)
27 arrested-at-local-casino; Phillip Moyer, Police break up ‘large gang party’ at Rio Hotel and
Casino, (Aug. 19, 2018) [https://news3lv.com/news/local/police-break-up-large-gang-party-at-rio-](https://news3lv.com/news/local/police-break-up-large-gang-party-at-rio-hotel-and-casino)
hotel-and-casino.

1 subjecting individuals to discrimination because of their race, color, or national origin, or have the
2 effect of defeating or substantially impairing accomplishment of the objectives of the program as
3 respects individuals of a particular race, color, or national origin. 28 C.F.R. § 42.104(b)(2).

4 129. Defendant LVMPD receives federal financial assistance from the United States
5 Department of Justice and, thus, is bound to abide by the terms of Title VI and its implementing
6 regulations, including 28 C.F.R. §§ 42.101 et seq.

7 130. The surveillance methods employed by Defendant LVMPD's Gang Crimes Section have a
8 discriminatory impact on people of color residing in Clark County, Nevada, including Plaintiffs,
9 as described herein, and thereby violate 28 C.F.R. §§ 42.101 et seq. and Title VI. This violation is
10 actionable under 42 U.S.C. § 1983.

11 131. Through their acts and omissions as alleged in this Complaint, namely their implementation
12 of the "party crashers" protocol against a party attended by African Americans but not against
13 parties attended predominately by white individuals, Defendants LVMPD, LOMBARDO,
14 BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD GANG TASK FORCE
15 OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5
16 violated Plaintiffs' rights secured by Title VI and its implementing regulations.

17 132. As a direct and proximate result of Defendants' violations of Title VI and its implementing
18 regulations, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an
19 amount subject to proof, and Plaintiffs are entitled to: injunctive and declaratory relief against
20 Defendants LVMPD and LOMBARDO, as well as their employees and agents. In the absence of
21 judicial intervention, Plaintiffs will continue to be subjected to Defendants' practice of race-based
22 discrimination.

23 **SECOND CAUSE OF ACTION**

24 **VIOLATION OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF**

25 **THE UNITED STATES UNDER 42 U.S.C. § 1983**

26 **(RIGHT TO EQUAL PROTECTION OF THE LAWS)**

1 **(Against BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD GANG TASK**
2 **FORCE OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and DOE LVMPD**
3 **SUPERVISORS 1-5)**

4 133. Plaintiffs hereby incorporate paragraphs 1-132 as though fully set forth herein.

5 134. Defendants LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG,
6 DOE LVMPD GANG TASK FORCE OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and
7 DOE LVMPD SUPERVISORS 1-5 acted under color of law and violated Plaintiffs' right to
8 equal protection of the law as guaranteed by the Fourteenth Amendment of the U.S. Constitution.

9 135. Acting in concert with one another, Defendants have engaged in a continuing pattern and
10 practice of intentional race discrimination in gang monitoring efforts carried out in various
11 divisions of the LVMPD, including the Gang Crimes Section. In so doing, Defendants have caused
12 Plaintiffs to suffer deprivation, on account of their race and/or national origin, of their fundamental
13 rights to liberty and to be free from unlawful searches, detentions, and seizures.

14 136. Defendants acting under color of law, institute, authorize, tolerate, ratify, and acquiesce in
15 policies, practices, and customs of detention, searches and seizures which involve intentional race
16 discrimination in the provision of law enforcement services. Defendants so engaged in intentional
17 race discrimination when they asserted, without evidence, that a party attended exclusively by
18 African Americans was a "gang party" and, despite no evidence of criminal activity, handcuffed,
19 searched, and ran a warrant check on every guest, including Plaintiffs.

20 137. As a direct and proximate result of Defendants' violations of the Fourth Amendment,
21 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
22 proof, and Plaintiffs are entitled to: injunctive and declaratory relief, as well as their employees
23 and agents; attorney's fees and costs from Defendants, and monetary, compensatory, and punitive
24 damages from Defendants.

25 **THIRD CAUSE OF ACTION**

26 **VIOLATION OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF**
27 **THE UNITED STATES UNDER 42 U.S.C. § 1983**

1 LVMPD and LOMBARDO have failed to do that with regards to Defendant officers' racially
2 discriminatory execution of frisks, searches, seizures, and detention and LVMPD and
3 LOMBARDO's failure resulted in the violation of Plaintiff's constitutional rights.

4 144. As a direct and proximate result of Defendants' violations of the Fourth Amendment,
5 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
6 proof, and Plaintiffs are entitled to: injunctive and declaratory relief against Defendants LVMPD
7 and LOMBARDO, as well as their employees and agents; attorney's fees and costs from
8 Defendants, and monetary, compensatory, and punitive damages from Defendants.

9 **FOURTH CAUSE OF ACTION**

10 **VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE**
11 **CONSTITUTION OF THE UNITED STATES UNDER 42 U.S.C. § 1983**
12 **(RIGHT TO BE FREE FROM UNREASONABLE SEARCH AND SEIZURE)**

13 **(Against BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD OFFICERS 1-**
14 **10, and DOE LVMPD SUPERVISORS 1-5)**

15 145. Plaintiffs hereby incorporate paragraphs 1-144 as though fully set forth herein.

16 146. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD
17 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 acted under color of law and violated
18 Plaintiffs' rights to be free from unreasonable searches and seizures as guaranteed by the Fourth
19 and Fourteenth Amendments of the U.S. Constitution.

20 147. Defendants had no legal basis for handcuffing, detaining, frisking, or patting down each
21 Plaintiff. There was no reasonable suspicion that any individual Plaintiff, let alone every Plaintiff
22 and guest in room 2037, had engaged in, was engaging in, or would imminently engage in any
23 criminal activity.

24 148. As a direct and proximate result of Defendants' violations of the Fourth Amendment,
25 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
26 proof, and Plaintiffs are entitled to: injunctive and declaratory relief, as well as their employees
27 and agents; attorney's fees and costs from Defendants, and monetary, compensatory, and punitive

1 damages from Defendants.

2 **FIFTH CAUSE OF ACTION**

3 **VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE**
4 **CONSTITUTION OF THE UNITED STATES UNDER 42 U.S.C. § 1983**
5 **(RIGHT TO BE FREE FROM UNREASONABLE SEARCH AND SEIZURE)**

6 **(Against LVMPD and LOMBARDO)**

7 149. Plaintiffs hereby incorporate paragraphs 1-148 as though fully set forth herein.

8 150. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD
9 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 acted under color of law and violated
10 Plaintiffs' rights to be free from unreasonable searches and seizures as guaranteed by the Fourth
11 and Fourteenth Amendments of the U.S. Constitution.

12 151. Defendants had no legal basis for handcuffing, detaining, frisking, or patting down each
13 Plaintiff. There was no reasonable suspicion that any individual Plaintiff, let alone every Plaintiff
14 and guest in room 2037, had engaged in, was engaging in, or would imminently engage in any
15 criminal activity.

16 152. Defendants LVMPD and LOMBARDO are liable because at all relevant times they were
17 responsible for making and enforcing policies with respect to the Defendant officers' execution of
18 frisks, searches, and seizures and ensuring that such searches and seizures are conducted within
19 the parameters of the law, and Defendants LVMPD and LOMBARDO failed to do so. Specifically,
20 Defendants LVMPD and LOMBARDO maintained a policy of responding to parties by searching
21 and detaining every person on the premises regardless of the existence of individualized probable
22 cause or reasonable suspicion.

23 153. Alternatively, where an official policy does not exist, Defendants LVMPD and
24 LOMBARDO retain a duty to prevent the adoption and prohibit the use of de facto policies and
25 procedures or customs when the policy, procedure, or custom in practice would or does amount to
26 deliberate indifference to the rights of persons with whom the police come into contact. Defendants
27 LVMPD and LOMBARDO have failed to make such corrections with regards to the "party

1 crashers” protocol and Defendant officers’ execution of frisks, searches, and seizures and LVMPD
2 and LOMBARDO’s failure resulted in the violation of Plaintiff’s constitutional rights.

3 154. As a direct and proximate result of Defendants’ violations of the Fourth Amendment,
4 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
5 proof, and Plaintiffs are entitled to: injunctive and declaratory relief, as well as their employees
6 and agents; attorney’s fees and costs from Defendants, and monetary, compensatory, and punitive
7 damages from Defendants.

8 **SIXTH CAUSE OF ACTION**

9 **VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE**

10 **CONSTITUTION OF THE UNITED STATES UNDER 42 U.S.C. § 1983**

11 **(RIGHT TO BE FREE FROM UNLAWFUL DETENTION)**

12 **(Against BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD OFFICERS 1-**
13 **10, and DOE LVMPD SUPERVISORS 1-5)**

14 155. Plaintiffs hereby incorporate paragraphs 1-154 as though fully set forth herein.

15 156. Defendants LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE
16 LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 acted under color of law
17 and violated Plaintiffs’ rights to be free from unlawful detention as guaranteed by the Fourth and
18 Fourteenth Amendments of the U.S. Constitution. Defendant officers seized and subsequently
19 detained Plaintiffs for several hours.

20 157. Defendants’ actions in detaining Plaintiffs were unreasonable and violated their rights to
21 be free from unlawful detention as guaranteed by the Fourth and Fourteenth Amendments of the
22 U.S. Constitution.

23 158. As a direct and proximate result of Defendants’ violations of the Fourth Amendment,
24 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
25 proof, and Plaintiffs are entitled to: injunctive and declaratory relief, as well as their employees
26 and agents; attorney’s fees and costs from Defendants, and monetary, compensatory, and punitive
27 damages from Defendants.

1 **SEVENTH CAUSE OF ACTION**

2 **VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE**
3 **CONSTITUTION OF THE UNITED STATES UNDER 42 U.S.C. § 1983**

4 **(RIGHT TO BE FREE FROM UNLAWFUL DETENTION)**

5 **(Against LVMPD and LOMBARDO)**

6 159. Plaintiffs hereby incorporate paragraphs 1-158 as though fully set forth herein.

7 160. Defendants LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE
8 LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 acted under color of law
9 and violated Plaintiffs’ rights to be free from unlawful detention as guaranteed by the Fourth and
10 Fourteenth Amendments of the U.S. Constitution. Defendant officers seized and subsequently
11 detained Plaintiffs for several hours.

12 161. Defendants’ actions in detaining Plaintiffs were unreasonable and violated their rights to
13 be free from unlawful detention as guaranteed by the Fourth and Fourteenth Amendments of the
14 U.S. Constitution.

15 162. Defendants LVMPD and LOMBARDO are liable because at all relevant times they were
16 responsible for making and enforcing policies with respect to the Defendant officers’ execution of
17 detention and ensuring that such detention is conducted within the parameters of the law, and
18 Defendants LVMPD and LOMBARDO failed to do so. Specifically, Defendants LVMPD and
19 LOMBARDO maintained a policy of responding to parties by searching and detaining every
20 person on the premises regardless of the existence of individualized probable cause or reasonable
21 suspicion.

22 163. Alternatively, where an official policy does not exist, Defendants LVMPD and
23 LOMBARDO retain a duty to prevent the adoption and prohibit the use of de facto policies and
24 procedures or customs when the policy, procedure, or custom in practice would or does amount to
25 deliberate indifference to the rights of persons with whom the police come into contact. Defendants
26 LVMPD and LOMBARDO have failed to make such corrections with regards to the “party
27 crashers” protocol and Defendant officers’ execution of detentions and LVMPD and

1 LOMBARDO's failure resulted in the violation of Plaintiff's constitutional rights.

2 164. As a direct and proximate result of Defendants' violations of the Fourth Amendment,
3 Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount subject to
4 proof, and Plaintiffs are entitled to: injunctive and declaratory relief against Defendants LVMPD
5 and LOMBARDO, as well as their employees and agents; attorney's fees and costs from
6 Defendants, and monetary, compensatory, and punitive damages from Defendants.

7 **EIGHTH CAUSE OF ACTION**

8 **CIVIL CONSPIRACY TO VIOLATE PLAINTIFFS' CIVIL RIGHTS**

9 **UNDER 42 U.S.C. § 1983**

10 **(Against All Defendants)**

11 165. Plaintiffs hereby incorporate paragraphs 1-164 as though fully set forth herein.

12 166. Defendants acted under color of law, and Defendants engaged in a civil conspiracy to
13 violate Plaintiffs' civil rights to be free from unlawful arrest and unreasonable search and seizure
14 as guaranteed by the Fourth and Fourteenth Amendments of the U.S. Constitution.

15 167. Defendants LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG,
16 DOE LVMPD OFFICERS 1-10, DOE LVMPD SUPERVISORS 1-5, CARLISLE, and DOE
17 RIO EMPLOYEES 1-10 combined, conspired, confederated, and agreed together and with each
18 other to knowingly and willfully engage in the acts described hereto to cause harm to Plaintiffs.

19 168. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD
20 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 worked in concert to unlawfully
21 detain, handcuff, search, and arrest Plaintiffs. Upon information and belief, these Defendants
22 created a system by which multiple officers aided in each step of the process of removing a Plaintiff
23 from room 2037, handcuffing him/her, searching his/her person, and forcing him/her to remain
24 seated on the floor of the Rio hallway for hours.

25 169. Upon information and belief, Defendant CARLISLE and DOE RIO EMPLOYEES 1-10,
26 without requesting a warrant or independently verifying the alleged noise complaint, brought the
27 Defendant officers to room 2037 and invited them to assist in the eviction of Plaintiffs and other

1 guests from the room. CARLISLE and BAUMAN, along with others, created this plan in the Rio
2 security office prior to engaging with the Plaintiffs and reiterated the plan in the elevator ride up
3 to room 2037.

4 170. Defendants LVMPD and LOMBARDO are liable because they have instituted and/or
5 maintained policies, practices, or customs that permit the unlawful search and seizure of hotel
6 guests, including those at the RIO, and that require or permit their officers to respond in same.
7 Furthermore, Defendants LVMPD and LOMBARDO at all relevant times were responsible for
8 making and enforcing policies with respect to the Defendant officers' execution of frisks, searches,
9 and seizures and ensuring that such searches and seizures are conducted within the parameters of
10 the law.

11 171. Defendant RIO is liable because it has instituted and/or maintained policies, practices, or
12 customs that permit the unlawful search and seizure of hotel guests, with cooperation and
13 coordination from LVMPD.

14 172. As a direct and proximate result of Defendants' civil conspiracy to violate Plaintiffs' civil
15 rights, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount
16 subject to proof, and Plaintiffs are entitled to: injunctive and declaratory relief against Defendants
17 LVMPD and RIO, as well as their employees and agents; attorney's fees and costs from
18 Defendants, and monetary, compensatory, and punitive damages from Defendants.

19 **NINTH CAUSE OF ACTION**

20 **CIVIL CONSPIRACY TO VIOLATE PLAINTIFFS' CIVIL RIGHTS**

21 **UNDER 42 U.S.C. § 1985(3)**

22 **(Against All Defendants)**

23 173. Plaintiffs hereby incorporate paragraphs 1-172 as though fully set forth herein.

24 174. Defendants LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG,
25 DOE LVMPD OFFICERS 1-10, DOE LVMPD SUPERVISORS 1-5, CARLISLE, and DOE
26 RIO EMPLOYEES 1-10 acted under color of law and combined, conspired, confederated, and
27 agreed together and with each other to knowingly and willfully deprive Plaintiffs' of equal

1 protection under the law.

2 175. Defendants engaged in intentional race discrimination when they asserted, without
3 evidence, that a party attended exclusively by African Americans was a “gang party” and agreed
4 together to evict, handcuff, search, and run a warrants check on every guest, including Plaintiffs,
5 despite having no evidence of a threat of ongoing or imminent criminal activity.

6 176. Defendants’ actions were motivated by invidiously discriminatory animus and denied
7 Plaintiffs of their right to equal protection of the laws, as well as their rights to be free from
8 unlawful detention and unreasonable search and seizure.

9 177. As a direct and proximate result of Defendants’ civil conspiracy to violate Plaintiffs’ civil
10 rights, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount
11 subject to proof, and Plaintiffs are entitled to: injunctive and declaratory relief against Defendants
12 LVMPD and RIO, as well as their employees and agents; attorney’s fees and costs from
13 Defendants, and monetary, compensatory, and punitive damages from Defendants.

14 **TENTH CAUSE OF ACTION**

15 **CIVIL CONSPIRACY UNDER NEVADA LAW**

16 **(Against All Defendants)**

17 178. Plaintiffs hereby incorporate paragraphs 1-177 as though fully set forth herein.

18 179. Defendants LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG,
19 DOE LVMPD OFFICERS 1-10, DOE LVMPD SUPERVISORS 1-5, CARLISLE, and DOE
20 RIO EMPLOYEES 1-10 combined, conspired, confederated, and agreed together and with each
21 other to knowingly and willfully violate Plaintiffs’ civil rights under the U.S. Constitution,
22 intentionally and negligently inflict emotional distress on Plaintiffs, and falsely imprison Plaintiffs.

23 180. Defendants LVMPD and LOMBARDO are liable because they have instituted and/or
24 maintained policies, practices, or customs that permit the unlawful search and seizure of hotel
25 guests, including those at the RIO, and that require or permit their officers to respond in same.
26 Furthermore, Defendants LVMPD and LOMBARDO at all relevant times were responsible for
27 making and enforcing policies with respect to the Defendant officers’ execution of frisks, searches,

1 and seizures and ensuring that such searches and seizures are conducted within the parameters of
2 the law.

3 181. Defendant RIO is liable because it has instituted and/or maintained policies, practices, or
4 customs that permit the unlawful search, seizure, and prolonged detention of hotel guests, with
5 cooperation and coordination from LVMPD.

6 182. As a direct and proximate result of Defendants' civil conspiracy to violate Plaintiffs' civil
7 rights, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount
8 subject to proof, and Plaintiffs are entitled to: injunctive and declaratory relief against Defendants
9 LVMPD and RIO, as well as their employees and agents; attorney's fees and costs from
10 Defendants, and monetary, compensatory, and punitive damages from Defendants.

11 **ELEVENTH CAUSE OF ACTION**

12 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS UNDER N.R.S. 41.130**

13 **(Against LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, DOE LVMPD**
14 **OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5)**

15 183. Plaintiffs hereby incorporate paragraphs 1-182 as though fully set forth herein.

16 184. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD
17 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 intentionally caused Plaintiffs to
18 suffer severe emotional distress by their extreme and outrageous conduct of searching and
19 detaining Plaintiffs without warrant, probable cause, or reasonable suspicion, and forcing them to
20 sit handcuffed for up to six hours with no access to food, water, or restroom facilities.

21 185. As a result of Defendants' acts, Plaintiff RILEY experienced for months the physical and
22 emotional symptoms of anxiety any time he entered a casino or hotel. On at least one occasion,
23 RILEY experienced the physical and emotional symptoms of a period of intense mental distress
24 when he thought that he may again be subjected to such treatment by police.

25 186. As a result of Defendants' acts, Plaintiff NELLUMS experiences the physical and
26 emotional symptoms of anxiety at the thought of attending large events, or in other instances where
27 she fears she may again be subjected to such treatment by police.

1 187. As a result of Defendants' acts, Plaintiff BOWIE experiences the physical and emotional
2 symptoms of anxiety when she is in the presence of law enforcement, or in other instances where
3 she fears she may again be subjected to such treatment by police. BOWIE experienced a panic
4 attack, with physical symptoms including hyperventilation, increased heart rate, and shaking,
5 while she was transported from the Rio to the Clark County Detention Center.

6 188. As a result of Defendants' acts, Plaintiff CARLOS BASS experiences the physical and
7 emotional symptoms of anxiety when he thinks about the events giving rise to this complaint,
8 including the physical and emotional pain of being forced to sit in tight handcuffs and hold his
9 urine for as many as six hours.

10 189. Defendants LVMPD and LOMBARDO are liable because Defendant LVMPD officers
11 were at all relevant times in the employ of LVMPD and under the supervisory authority of
12 LOMBARDO, and LVMPD and LOMBARDO are responsible for Defendant officers' conduct.
13 Defendant officers were not acting independently, committed the wrongful acts during the course
14 of their official duties as LVMPD officers, and such actions were reasonably foreseeable where
15 LVMPD and LOMBARDO maintained a policy of responding to parties by searching and
16 detaining every person on the premises regardless of the existence of individualized probable
17 cause or reasonable suspicion.

18 190. As a direct and proximate result of Defendants' infliction of emotional distress upon
19 Plaintiffs, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an
20 amount subject to proof and, pursuant to N.R.S. 41.130, Plaintiffs are entitled to compensatory
21 damages from Defendants; and attorney's fees and costs from Defendants.

22 **TWELFTH CAUSE OF ACTION**

23 **NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS UNDER N.R.S. 41.130**

24 **(Against LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE**

25 **LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5)**

26 191. Plaintiffs hereby incorporate paragraphs 1-190 as though fully set forth herein.

27 192. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD

1 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 owed Plaintiffs a duty not to
2 unlawfully detain, search, and seize Plaintiffs' persons, and breached same.

3 193. Defendants' breach of this duty inflicted severe emotional distress upon Plaintiffs.

4 194. Defendants LVMPD and LOMBARDO are liable because Defendant LVMPD officers
5 were at all relevant times in the employ of LVMPD and under the supervisory authority of
6 LOMBARDO, and LVMPD and LOMBARDO are responsible for Defendant officers' conduct.
7 Defendant officers were not acting independently, committed the wrongful acts during the course
8 of their official duties as LVMPD officers, and such actions were reasonably foreseeable where
9 LVMPD and LOMBARDO maintained a policy of responding to parties by searching and
10 detaining every person on the premises regardless of the existence of individualized probable
11 cause or reasonable suspicion.

12 195. As a direct and proximate result of Defendants' infliction of emotional distress upon
13 Plaintiffs, Plaintiffs have suffered, are suffering, and will continue to suffer damages in an amount
14 subject to proof and, pursuant to N.R.S. 41.130, Plaintiffs are entitled to compensatory damages
15 from Defendants; and attorney's fees and costs from Defendants.

16 **THIRTEENTH CAUSE OF ACTION**

17 **FALSE IMPRISONMENT UNDER N.R.S. 41.130**

18 **(Against LVMPD, LOMBARDO, BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE**
19 **LVMPD OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5)**

20 196. Plaintiffs hereby incorporate paragraphs 1-195 as though fully set forth herein.

21 197. Defendants BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD
22 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 each intended to and confined
23 Plaintiffs within the Rio Hotel, their actions resulted in Plaintiffs being so detained, and Plaintiffs
24 were all aware of and harmed by the confinement.

25 198. Defendants LVMPD and LOMBARDO are liable because Defendant LVMPD officers
26 were at all relevant times in the employ of LVMPD and under the supervisory authority of
27 LOMBARDO, and LVMPD and LOMBARDO are responsible for Defendant officers' conduct.

1 Defendant officers were not acting independently, committed the wrongful acts during the course
2 of their official duties as LVMPD officers, and such actions were reasonably foreseeable where
3 LVMPD and LOMBARDO maintained a policy of responding to parties by searching and
4 detaining every person on the premises regardless of the existence of individualized probable cause
5 or reasonable suspicion.

6 199. As a direct and proximate result of Defendants' false imprisonment of Plaintiffs, Plaintiffs
7 have suffered, are suffering, and will continue to suffer damages in an amount subject to proof
8 and, pursuant to N.R.S. 41.140, Plaintiffs are entitled to actual and foreseeable monetary damages
9 from Defendants; and attorney's fees and costs from these Defendants.

10 **FOURTEENTH CAUSE OF ACTION**

11 **NEGLIGENT TRAINING, SUPERVISION, AND RETENTION UNDER N.R.S. 41.130**

12 **(Against LVMPD)**

13 200. Plaintiffs hereby incorporate paragraphs 1-199 as though fully set forth herein.

14 201. Defendants LVMPD owed Plaintiffs a duty to use reasonable care in the training,
15 supervision, and retention of its employees to make sure that the employees are fit for their
16 positions by implementing policies and procedures designed to prevent wrongful acts by its
17 employees, such as those committed by Defendant officers against Plaintiffs, and breached the
18 same.

19 202. Defendant LVMPD's breach of this duty caused Plaintiffs to suffer severe emotional
20 distress.

21 203. Defendant LVMPD is liable because Defendants BAUMAN, KRAVETZ, KAUR,
22 JEONG, YOUNG, DOE LVMPD GANG TASK FORCE OFFICERS 1-10, DOE LVMPD
23 OFFICERS 1-10, and DOE LVMPD SUPERVISORS 1-5 were at all relevant times in the
24 employ of LVMPD and LVMPD is responsible for these Defendants' conduct. These
25 Defendants were not acting independently, committed the wrongful acts during the course of
26 their official duties as police officers, and such actions were reasonably foreseeable
27 considering the nature and scope of their employment as police officers where LVMPD has

1 maintained a policy of engaging in the discriminatory provision of law enforcement services and
2 responding to parties by searching and detaining every person on the premises regardless of the
3 existence of individualized probable cause or reasonable suspicion.

4 204. As a direct and proximate result of Defendants' negligent training, supervision, and
5 retention of the Defendant police officers, Plaintiffs have suffered, are suffering, and will continue
6 to suffer damages in an amount subject to proof and, pursuant to N.R.S. 41.130, Plaintiffs are
7 entitled to compensatory damages from Defendant LVMPD; and attorney's fees and costs from
8 this Defendant.

9 **V.**

10 **PRAYER FOR RELIEF**

11 WHEREFORE Plaintiffs seek judgment as follows:

- 12 a. A declaration that Defendant LVMPD's, Defendant LOMBARDO's, Defendant
13 BAUMAN's, Defendant KRAVETZ's, Defendant KAUR's, Defendant JEONG's,
14 Defendant YOUNG's, Defendant DOE LVMPD OFFICERS 1-10's, and Defendant
15 DOE LVMPD SUPERVISORS 1-5's acts of indiscriminately detaining, handcuffing,
16 searching, and arresting Plaintiffs without probable cause or reasonable suspicion
17 violated Plaintiffs' rights to be free from unreasonable searches and seizures and from
18 unlawful detentions as guaranteed by the Fourth and Fourteenth Amendments of the
19 U.S. Constitution;
- 20 b. A permanent injunction (a) prohibiting Defendants LVMPD, LOMBARDO,
21 BAUMAN, KRAVETZ, KAUR, JEONG, YOUNG, DOE LVMPD GANG TASK
22 FORCE OFFICERS 1-10, DOE LVMPD OFFICERS 1-10, and DOE LVMPD
23 SUPERVISORS 1-5 from engaging in unlawful searches and seizures based on race
24 or ethnicity; and (b) ordering Defendants LVMPD and LOMBARDO to establish
25 effective preventative mechanisms to ensure that discriminatory searches and seizures
26 do not continue in the future, including, but not limited to the following:
- 27 (i) To cease and desist from all pretextual searches and seizures;

- (ii) To cease and desist from all searches and seizures without probable cause of criminal activity;
- (iii) To establish a procedure to enable each person involved in a search and seizure the right to file a grievance to contest illegal acts and acts motivated by bias;
- (iv) To establish clear and consistent discipline in the event a grievance is sustained;
- (v) To appoint an independent auditor who will review the records of officers quarterly to determine that there is compliance with these reforms;
- (vi) To establish an early warning system which will collect information such as citizen complaints against an officer and other information regarding misconduct and will alert the officer's supervisor when a set number of incidents are recorded;
- (vii) To establish a mechanism for internal discipline of officers who are found to have engaged in racial profiling and pretextual stops and questioning; and
- (viii) To require that all officers participate in regular and recurring training to assure that the officers do not act due to bias based on race or ethnicity.

c. A declaration that Defendant LVMPD's policy regarding breaking up parties, known as the "party crashers" protocol, in which LVMPD officers indiscriminately detain, handcuff, search, and arrest individuals without probable cause or reasonable suspicion is unlawful;

d. A permanent injunction prohibiting Defendant LVMPD from utilizing the "party crashers" protocol;

e. A permanent injunction prohibiting Defendants RIO, CARLISLE, and DOE RIO EMPLOYEES 1-10 from committing acts that:

- (i) Put hotel guests' health, privacy, and safety at risk; and
- (ii) Grant, without a valid warrant, law enforcement access to hotel rooms

1 or any other area where a guest has an expectation of privacy.

2 f. Damages and punitive damages to be determined at the time of trial;

3 g. An award of attorney's fees and expenses pursuant to 42 U.S.C. § 1988(b).

4 h. Any further relief the Court deems appropriate.

5 **VII.**

6 **DEMAND FOR JURY TRIAL**

7 Plaintiffs hereby demand a jury trial on all causes of action.

8
9 RESPECTFULLY SUBMITTED 17th of August, 2020.

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