

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;	
	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
COMPLAINT AND JURY DEMAND	

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 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 for violating Plaintiff Tammy Fisher's rights under the 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 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 right to due process. Plaintiff also alleges that Defendant Luke Hecker

specifically failed to adequately train and supervise his 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 failed to adequately train and supervise Defendant Koopman and those acting under his direction and control, 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.

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.

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 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.

FACTUAL BACKGROUND

14. 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.

15. 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 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Defendant Hecker 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.

22. In light of the duties and responsibilities of Defendant Hecker, who exercises control over his 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.

23. 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.

24. These customs, policies, and/or actual practices (including any lack thereof) consciously approved by Defendant Hecker, as the policymaker of the respective law enforcement department, 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.

25. Defendant Brian Koopman is no stranger to similar allegations as made by this Plaintiff in that he is currently a defendant in another civil rights action in a federal district court case for the District of Colorado (09CV2802).

26. In the course of the litigation of federal 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.

27. 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.

28. 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.

29. The police official 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.

30. 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 Fourteenth Amendment Violation – Malicious Prosecution)
(Plaintiff Fisher against all Defendants in their capacities as identified in the caption)

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

32. 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.

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

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

35. Defendants 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.

36. Defendant Koopman acted recklessly, knowingly, intentionally, willfully and wantonly by preparing or endorsing an affidavit and police report containing false statements in support of his malicious prosecution of Plaintiff, thereby misleading a judicial officer into issuing an arrest/search warrant as to Romanek which lacked probable cause as to any offense committed by Plaintiff. Defendant Koopman also mislead, or attempted to mislead, the district attorney in the presentation of charges against Plaintiff.

37. 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 as guaranteed by the due process clause of the Fourteenth Amendment to the Constitution of the United States of America, in that Ms. Fisher was unlawfully and maliciously prosecuted by Defendants without probable cause to believe she had committed any offense.

38. Defendants intentionally, knowingly, and recklessly pursued a malicious prosecution against Plaintiff without any reasonable justification or probable cause.

39. As described above, Defendant Hecker 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 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 Defendant Hecker to train and supervise amounts to deliberate indifference to the constitutional and legal rights of persons, including Tammy Fisher.

40. 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.

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

42. 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.

SECOND CLAIM FOR RELIEF

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

43. Plaintiff incorporates by this reference all other paragraphs of this Complaint and

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

44. Defendant Hecker was, at all times relevant herein, the policymaker 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 established policies, procedures, customs, and/or practices for the Department.

45. Defendant Hecker 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.

46. Defendant Hecker 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.

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

48. 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 Defendant named herein in this Second Claim for Relief is liable for his failure to so train and appropriately supervise such

officers and others.

49. Defendant Hecker is explicitly familiar with the methods of investigation employed by Defendant Koopman in that he is his Chief and supervisor. Defendant Hecker is 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. 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 – Defendant Koopman)

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

52. Defendant 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. Defendant 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. Defendant Koopman was 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.

55. 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.

56. 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 – Defendant Koopman)

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

58. Defendant 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.

59. This conduct was intentional and/or reckless by virtue of the initiation of a baseless criminal charge against a well-respected former police officer;

60. 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;

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

62. This conduct was a proximate cause of damage to the Plaintiff and willful and wanton behavior by Defendant Koopman 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.

63. 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 – Defendant Koopman)

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

65. 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. Defendant knew the valid business relationship existed;

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

68. The interference was intentional, 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;

69. The interference was unjustified;

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

71. 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 – Defendant Koopman)

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

73. Defendant has 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.

74. Defendant 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;

75. 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 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.

SEVENTH CLAIM FOR RELIEF
(Defamation per se – Defendant Koopman)

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

77. Defendant made one or more statements to others, including 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 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. That these people reasonably understood that the statements were about the Plaintiff;

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

80. Defendant failed to use reasonable and prudent care to determine the truth or falsity of the statements and his conduct was 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;

81. 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)

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

83. 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.

84. Hecker hired Defendant Koopman as a police official with the police department

and was responsible for all promotions since his hire date.

85. 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.

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

87. Hecker's failure to use reasonable care was a proximate cause of the injuries, damages, and losses suffered by Plaintiff.

88. 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.

NINTH CLAIM FOR RELIEF
(Negligent Supervision – Defendant Hecker)

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

90. 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.

91. Hecker breached his duty of supervision over Defendant Koopman to Plaintiff by not supervising him adequately.

92. 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)

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

94. 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.

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

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

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

99. As a direct and proximate result of the breach of his retention duty to Plaintiff, Plaintiff suffered damages as may be described below.

ELEVENTH CLAIM FOR RELIEF
(Respondent Superior – Defendant Hecker)

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

101. At all times mentioned herein, Defendant Koopman was an employee of the

Loveland Police Department.

102. 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.

103. At all times mentioned herein, Defendant Hecker was the decision or policy maker for the Loveland Police Department.

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

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

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

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

TWELVTH CLAIM FOR RELIEF
(Vicarious Liability – Agency – Defendant Hecker)

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

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

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

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

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

114. 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.

115. 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, 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
(970) 472-0140

Plaintiff's address:

1518 Wetland Street, Loveland, CO 80538