

to do his job correctly, leaving the rapist free to rape again, which he did to H.P.

2. The Eastland P.D. had both policy and procedure on how to process sexual abuse cases. However, Saylor did not follow either because he was never trained about how to execute them, a failure on the part of Chief Myrick and the City of Eastland. To make a bad situation worse, he was never properly supervised either, a further failure on the part of Chief Myrick and the City of Eastland. Most importantly, perhaps, and certainly most egregious, the City of Eastland failed to have a Quality Assurance policy and procedure in place to assure that sexual assault cases, and the policies and procedures related to sexual assault cases, were duly adhered to.
3. For the issues noted above and the reasons more fully enumerated below, [REDACTED], a/n/f of H.P., brings forth this complaint for claims related to the *Due Process Clause* of the 14th Amendment to the United States Constitution, the *Equal Protection Clause* also of the 14th Amendment, both pursuant to the Civil Rights Acts, 42 U.S.C. § 1983 and Title IX of the Education Amendments of 1972, passed through Congress as Public Law No. 92-318, 86 Stat. 235 (June 23, 1972) and codified at 20 U.S.C. sections 1681 through 1688.

II. JURISDICTION

4. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C.A. §1331 and §1343 because the matters in controversy arise under the laws and rules of the United States as noted above.

III. VENUE

5. Under 28 U.S.C. §1391, venue is proper before this Court because the events and omissions giving rise to the Plaintiffs' claims occurred in the Northern District of Texas, Abilene Division.

IV. PARTIES

6. H.P.¹, a citizen of the State of Texas, resided with her guardian, [REDACTED], during the time of the incidents giving rise to this Complaint.
7. [REDACTED], likewise a citizen of the State of Texas, brings forward this complaint accordingly, not only as next friend, but in her own Individual Capacity for out-of-pocket expenses incurred as a result of Defendant's actions and inactions.
8. Defendant, the City of Eastland, is organized under the laws of the State of Texas and, at all relevant times relative to this proceeding, was responsible for the implementation of relevant federal laws and the rules promulgated thereunder, as well as other statutory and constitutional mandates, including, but not limited to, the care, management and control of the Eastland Police Department and all related business within its jurisdiction, so that citizens, like H.P., are treated commensurate with the law. They may be served by and through their City Secretary, at City Hall, 113 E. Commerce Street, Eastland, Texas 76448.
9. Defendant Billy R. Myrick is the Former Chief of Police for the City of Eastland Police Department. He may be served personally or, in the alternative, he may be served by and through the City Secretary, at City Hall, 113 E. Commerce Street, Eastland, Texas 76448.
10. Defendant Sergeant Frank Saylor is a Police Officer with the City of Eastland Police Department. He may be served personally or, in the alternative, he may be served by and through the City Manager, the City Secretary, at City Hall, 113 E. Commerce Street, Eastland, Texas 76448.

¹. H.P. is a minor having been born in 2003. As a victim of sexual assault, her initials are used throughout the complaint in order to protect her privacy per Federal Rules of Civ. Procedure 5.2.

V. STATEMENT OF FACTS

A. DEPARTMENT OF JUSTICE LAW ENFORCEMENT RESPONSE TO CHILD ABUSE

11. The United States Department of Justice (“US DOJ”), Office Of Juvenile Justice, has promulgated a number of documents regarding the *Law Enforcement Response To Child Abuse*. (1997). It underscores, among many issues, the duty of law enforcement officials across the country to have a consistent approach to addressing the problem of child abuse. The DOJ produced this *Guide* to help those in law enforcement understand the importance of developing policies and procedures so that the various professionals involved in such investigations could work together in a cohesive manner.
12. First and foremost, it noted that the unique characteristics of child abuse make these cases different from other types of injury cases so that they require additional training for relevant law enforcement personnel.
13. The DOJ also wrote about the importance of a *Multi-disciplinary Approach* and the roles that law enforcement, as well as the roles the medical community, schools, social workers, prosecutors, and courts have in the process.
14. For law enforcement itself, there is the necessity of developing relevant protocols, procedures and practices which, once again, first require specific training. One part of that training is to assure the correct administrative protocols are developed. The second, yet again, is to assure that the police officer is given necessary training. By working together, the Police Department can avoid failing to respond correctly to a complaint, which otherwise could result in a case being dismissed from court or, in some cases, innocent people being falsely accused or, in other cases, the failure to fully investigate a complaint at all, thereby

allowing perpetrators to continue in their abusive ways.

15. The Police Department must have an intake/referral process in place that addresses, among other considerations, referring to local medical professionals for necessary testing, referring to the local Child Protective Services and/or “Child’s Advocacy Center” to help arrange for interviews, securing and preserving evidence, taking pictures or videos as available, and also preserving the crime scene.
16. There also must be a policy and procedure in place to assure all necessary follow-up inquiries are adhered to. Importantly, the family of the child, not just the child, should be provided linkages to community support services.

B. ABOUT THE CITY OF EASTLAND POLICE DEPARTMENT

17. The Eastland Police Department employs nine full-time certified Police Officers that work around the clock to protect the citizens of Eastland, Texas.
18. Their motto is “Honored to Serve, Dedicated to Protect”.
19. In order to live up to this motto, the Eastland Police Department has various policies and procedures to address community concerns, including criminal investigations.
20. The Eastland Police Department also uses a service called CopSync. CopSync is a service provided by the company Kologik. The service gives police officer access and the ability to share data. According to their website, “with a single click, you can source real-time information essential to your job effectiveness and personal safety”.²
21. CopSync gives the Eastland Police Department the ability to collaborate with other law enforcement agencies in and around Eastland County, a further assurance that Eastland PD

². <http://www.kologik.com/products/copsync-mobile>

Officers can meet the needs of the Eastland, Texas community.

C. CLAYTON LEE FOUGHT SEXUALLY ASSAULTED TWO CHILDREN

22. In 2010, Clayton Lee Fought sexually assaulted two sisters, then five (5) and seven (7). Their initials are J.D. and K.D.³ (herein referred to as the “Sisters”).
23. Their father reported the abuse to the Eastland Police Department on June 17, 2013 at approximately 6:15 p.m. Sergeant Saylor took the information required and initiated an investigation. At approximately 6:30 p.m., he logged in a case number: 13-0251, initially entitled “Indecency with a Child.”
24. The next time the report was accessed was 10:04 p.m. on June 17, 2013, and logged out at 10:59 p.m. The report was accessed again that same day from 11:06 p.m. to 11:15 p.m. Up and until July 1, 2013, the report was accessed sporadically, which shows that Sergeant Saylor was working on the report.
25. An interview was set for June 26, 2013, at the Harmony Home Children’s Advocacy Center in Odessa, Texas. Sergeant Saylor drove to that interview in Odessa where he would witness the interviews of the Sisters as they were conducted by Rebecca O’Rear, who worked for the Center.
26. After the interviews, Sergeant Saylor was given at least one DVD, which contained the forensic interviews of the children.
27. Saylor also took a witness statement from the Sisters’ father.
28. Saylor returned to Eastland that same day.
29. When he returned to the Eastland P.D., Saylor should have handled the forensic DVD(s)

³. The Sisters are both minors and victims of sexual assault. Their initials are used in order to protect their privacy.

as evidence and secured them in a locker, but he did not. Saylor put this statement in a folder and placed it on his desk in Eastland. It was not recovered until an investigation by Chief Myrick turned it up in 2014.

30. As a result, the original DVD for case #13-0251 was misplaced.

31. In his report, Sergeant Saylor wrote that a witness statement would be taken from the father of the Sisters. However, Saylor also misplaced this statement.

32. Saylor never questioned Fought.

33. Because Sergeant Saylor failed to take proper care of material evidence in the Sisters' case, Clayton Fought remained free to rape another child.

D. CLAYTON FOUGHT, SEXUALLY ASSAULTED AND ATTEMPTED TO KILL H.P.

34. On Sunday afternoon, January 5, 2014, Clayton Lee Fought was spending the night at the home of his friend, H.P.'s father.

35. Fought took her father's truck and drove H.P. to a wooded area by Lake Cisco.

36. Once they got out of the truck, Fought put his hands around her neck and told her he was going to rape her.

37. He attempted to make her smoke marijuana by blowing marijuana smoke into her mouth.

38. Fought told H.P. to pull her pants down. She said "no."

39. Fought forcefully pulled her pants down and put his finger in her "private" parts.

40. He savagely and viciously raped her.

41. H.P. reported Fought put his "thing" into her butt and stopped only after he "peed" in her butt.

42. While raping her, he was also punching her with his fist.

43. He put his "private" into her mouth and "peed."

44. He bit her on the right shoulder.
45. Fought then attempted to kill her.
46. He beat H.P. in the face with his fists and a rock.
47. He also stabbed her in the leg.
48. First, he attempted to break her neck.
49. Then he choked her and slit her throat.
50. Fought left her for dead by the lake.
51. H.P. was barely alive when she was found.
52. She was taken to the Intensive Care Unit of the local hospital.
53. She spent nearly a week in the hospital with the following injuries:
 - a. Sexual assault with nonspecific superficial anal tear;
 - b. Traumatic intercranial subarachnoid hemorrhage;
 - c. Stab injury to neck;
 - d. Closed head injury;
 - e. Right cerebral hemisphere subarachnoid hemorrhage;
 - f. Right lateral ventricles with intraventricular hemorrhage;
 - g. Cerebral edema;
 - h. Concussion with loss of consciousness;
 - i. Neck tenderness;
 - j. Cervicalgia;
 - k. Significant brain injury including subdural Hematoma to the right tentorium;
 - l. Right parietal scalp extracranial soft tissue hematoma;
 - m. Human bite marks to right shoulder;

- n. Neck abrasions;
- o. Numerous contusions and abrasions to trunk, extremities, scalp, ears, shoulders, back, buttocks, hips and thighs;
- p. Scalp swelling on right occipital region;
- q. Head pain;
- r. Upper back pain; and
- s. Post-Traumatic Stress Disorder.

E. H.P. WAS RELEASED FROM THE HOSPITAL

- 54. Approximately ten days after Fought's attack on H.P., she was released from the hospital. A Texas Ranger, Shane Morrow, interviewed her.
- 55. Her left eye was still swollen when she went in for the interview.
- 56. Within two weeks of this attack, she began weekly counseling sessions, which she continues.
- 57. She still suffers from short term memory, inattention, headaches, and post-traumatic stress disorder.
- 58. H.P. has harmed herself.
- 59. H.P. has never fully recovered from this attack. It is possible that she never will.

F. CLAYTON FOUGHT WAS ARRESTED

- 60. Fought was arrested in 2014 for his crimes against H.P.
- 61. He later admitted to the attack.
- 62. He was charged with aggravated kidnaping, aggravated sexual assault of a child, and attempted capital murder.
- 63. After all this was put on the news, the Sister's parents came forward and told the local press about how Fought had abused their children in 2010. This information spurred an internal

investigation.

G. THE INVESTIGATION OF THE J.D. AND K.D.'S CASE

64. On or about January 6, 2014, the failures of Saylor and the Police Department in regard to the Sisters' case were brought to the attention of Billy R. Myrick, Chief of Police in Eastland. Chief Myrick made an inquiry to his administrative assistant, Roma Holley, as to whether the Sisters' case had been completed and sent to the District Attorney for prosecution.

65. Holley said that it had not.

66. Holley also informed Chief Myrick that she printed and filed the case in the department records.

67. Holley retrieved the file for Chief Myrick, who noted the file was incomplete, as there were no witness statements which should have been in the file.

68. Chief Myrick called Sergeant Saylor into his office and asked him about the status of the investigation.

69. Sergeant Saylor responded that he had done his part and turned the investigation over to another officer, Sergeant Ray Darden, for follow up.

70. Chief Myrick asked Sergeant Saylor about the DVD, which was missing. Saylor answered the same way.

71. When asked about the missing witness statement, Sergeant Saylor admitted that he did not remember whether he had taken the witness statement or not. He added that if he did, it would be in the pile on his desk.

72. Chief Myrick dismissed Sergeant Saylor with explicit verbal instruction to return to his office, conduct a thorough check of the area for both the DVD, as well as any witness

statements he may have taken from the father of J.D. and K.D. or others. He also stated that the matter had to be cleared up immediately.

73. Chief Myrick gave Sergeant Saylor a direct order to go contact the Harmony Home Children's Advocacy Center ("CAC") in Odessa to see if they might still have a copy of the interview and DVD.
74. Sergeant Saylor responded that CAC does not keep copies of the DVDs made.
75. Later, Sergeant Saylor told the Chief that he had found the witness statement in a folder on his desk. He had taken the statement on June 26, 2013, from the Sisters' father in Odessa.
76. On Tuesday, January 7, 2014, Ron Duncan, the City [of Eastland] Manager, directed Chief Myrick to conduct an internal investigation into the improper handling of the first criminal investigation against Fought concerning the Sisters' family.
77. During the course of this investigation, Chief Myrick discovered all of the information mentioned in the first two sections of this Statement of Facts.
78. Also on that day, Chief Myrick was informed by Ms. Holley that the mother of J.D. and K.D. had called the department the previous day and asked to talk with Sergeant Saylor.
79. Saylor took the call with the Sisters' mother.
80. In an audio recording from the department's internal security system, Sergeant Saylor can clearly be heard having this conversation and stating that the case had been turned over to "Ray," a reference to Sergeant Ray Darden. He also stated that the "DVD" was somewhere on his desk.
81. A few days later, on or about the 8th, Chief Myrick had not heard back from Sergeant Saylor about the DVD, so he, himself, called Rebecca O'Rear, the interviewer who had conducted the forensic interviews of the J.D. and K.D. He found out that they could, in fact,

get another copy of the DVD, that Sergeant Saylor had not called as he was instructed to do, and that he had lied to the Chief when stating the CAC did not keep copies of the interview.

82. On the next day, Chief Myrick summoned Sergeant Saylor.
83. The interview started at approximately 7:05 a.m. and was recorded. Corporal Dan Wilson attended so there be a non-involved, non-biased witness to the proceedings.
84. Chief Myrick read Sergeant Saylor the Eastland P.D. Administrative/Investigative Warning followed by a Letter of Complaint. After reading each form, Chief Myrick asked Sergeant Saylor if he understood. Saylor said that he understood. He signed each document, and Cpl. Wilson signed as a witness to each reading.
85. During the interview, Saylor kept referencing a departmental policy which supposedly directed that the detective handle all sexual assault investigations. When asked, Saylor said that he had never seen this policy in writing.
86. Chief Myrick asked Saylor when the last time was that he had contact with members of the Sisters' family. Saylor said it was 3-4 months ago. This response was also untruthful. There is evidence that Saylor spoke with Sisters' family on January 6, 2014.
87. Saylor was then asked whether he had told J.D. and K.D.'s family that Sergeant Ray Darden left the case laying on his desk untouched for some eight months. Sergeant Saylor said no. This statement was likewise untruthful. There is evidence that Saylor directed the Sisters' family to Sergeant Ray in his conversation with them on January 6, 2014.
88. Saylor was then asked if he had made any type of unsubstantial allegations about another member of this department mishandling their case or related evidence as he had done here. Sergeant Saylor responded, "The only time they asked, I saw [the Sisters' father] one time,

and he wanted to know what was going on with the case and I told him to call the police department and talk to Ray Darden. Whether or not he ever did, I don't know." Chief Myrick further believes this response to be untruthful.

89. Chief Myrick had his own conversation with the family of J.D. and K.D. on January 13, 2014, and discovered and confirmed that Sergeant Saylor spoke to the Sisters' parents on January 6, 2014.

90. While returning from an out of town trip that same day, January 13, 2014, Chief Myrick instructed Holley to look in Saylor's office to see if she could find the missing DVD or case file anywhere.

91. Holley found a working file of J.D. and K.D.'s case which contained a copy of the offense report, the original statement from the Sisters' father and Saylor's investigative notes.

92. On Wednesday, January 15, 2014, Chief Myrick conducted an interview with Sergeant Ray Darden wherein he asked him very specific questions about his knowledge of the case. Sergeant Darden replied, both verbally and in writing, that he had never been involved with the case and that Saylor had not told him anything.

93. On January 17, 2014, the DVDs which contained the interviews of the Sisters at Harmony Home, which Sergeant Saylor did not appropriately handle as evidence, were found on Sergeant Saylor's desk, mixed in a pile of unrelated paperwork.

94. It is obvious that J.D. and K.D.'s case was never passed on to Ray Darden, as Saylor repeated continually.

H. RESULTS OF THE INTERNAL INVESTIGATION

95. The conclusion of this investigation was and is that J.D. and K.D.'s sexual abuse case was mishandled by the Eastland Police Department in the person of Sergeant Saylor which

allowed Fought to remain free and sexually assault H.P. and otherwise physically injure H.P. within an inch of her life.

96. Specifically, Saylor failed to follow already existing policy regarding the investigation of cases.
97. Moreover Saylor failed to follow already existing policies and procedures regarding the handling of evidence.
98. In addition, the Eastland Defendant failed to correctly supervise Saylor in regard to both.
99. Further, the Eastland Department failed to follow current policies and procedures, already in place, called CopSync, to track the progress of an investigation.
100. Moreover, the Eastland Department failed to apply any policies and procedures in place to track the progress of a child abuse investigation.
101. Last, the Eastland Department failed to implement and/or devise and/or employ any policies and procedures in place to track evidence in a child abuse case, including and especially the video interview conducted by the Children's Advocacy Center.

I. POST-SCRIPT

102. At the May 2015 trial of these cases, Fought was sentenced to 60 years incarceration for crimes against H.P., and also another 20 years incarceration for each of the other two sexual assaults of J.D. and K.D.
103. The Eastland Police Department fired the two employees involved for their negligence after the fact, but this does not excuse the negligence of the Department or of the City.
104. The City of Eastland has failed to provide H.P. and post-incident services to address her post-traumatic stress disorder.
105. The City of Eastland has failed to provide [REDACTED] reimbursement for any out-of-pocket

expenses incurred.

VI. STATE ACTION

106. Plaintiffs incorporate by reference all the above-related paragraphs, as well as those below, with the same force and effect as if herein set forth.
107. The Eastland Defendants, in any Official and Individual Capacities and in all matters, were acting under color of state law when they subjected H.P. to the wrongs and injuries set forth herein.

VII. UNCONSTITUTIONAL POLICIES, PROCEDURES, PRACTICES & CUSTOMS

108. Plaintiffs incorporate by reference all the above related paragraphs, as well as those below, with the same force and effect as if herein set forth.
109. Plaintiff contends that the City of Eastland had actual policies and procedures in place regarding the investigation of sexual abuses cases of children, but that Saylor failed and refused to follow them. In fact, Sergeant Saylor was reportedly their most experienced investigator. His failures, in light of his position, evidences and creates an inference that the City of Eastland and its Police Department did not properly train staff.
110. Moreover, Saylor's failures also evidence and infer that he was not correctly supervised by the City of Eastland nor its Police Department.
111. Such failures, individually and collectively, rise to the level of deliberate indifference and thus constitute a violation of the *Due Process Clause* of the Fourteenth Amendment of the Constitution of the United States, for which H.P. seeks recovery pursuant to 42 U.S.C. § 1983.
112. In addition, and in the alternative to the above, the City of Eastland failed to have available policies and procedures in place to track the investigatory process and progress of child

abuse and child sexual assault cases, which also rises to the level of deliberate indifference and constitutes a violation of the *Due Process Clause* of the Fourteenth Amendment of the Constitution of the United States, for which H.P. seeks recovery pursuant to 42 U.S.C. § 1983.

113. Moreover, these failures also evidence and create inferences that Police Department Staff were not correctly supervised by the City of Eastland, which also rises to the level of deliberate indifference and constitutes a violation of the *Due Process Clause* of the Fourteenth Amendment of the Constitution of the United States, for which H.P. seeks recovery pursuant to 42 U.S.C. § 1983.

VIII. CLAIMS PURSUANT TO THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION

114. Plaintiffs incorporate by reference all the above related paragraphs, as well as those below, with the same force and effect as if herein set forth.
115. Plaintiffs bring a 14th Amendment *Due Process Claim* against Billy R. Myrick, Chief of the Eastland Police Department for supervisory liability.
116. Additionally, Plaintiffs bring a 14th Amendment *Equal Protection Claim* against Billy R. Myrick, Chief of the Eastland Police Department and Sergeant Frank Saylor.
117. The acts and omissions of the Eastland Police department singularly discriminated against H.P., when treating her in a disparate manner as compared to other citizens similarly situated, thereby violating her rights pursuant to the *Due Process Clause* and *Equal Protection Clause* of the Fourteenth Amendment, for which H.P. seeks recovery pursuant to 42 U.S.C. §1983 and §1988.
118. The City of Eastland is responsible for the violations of H.P.'s 14th Amendment rights by

Myrick and Saylor according to the theory of *Respondeat Superior*.

IX. TITLE IX OF THE EDUCATIONS AMENDMENTS OF 1972

119. Title IX of the Education Amendments of 1972 (Title IX), 86 Stat. 373, as amended, 20 U.S.C. § 1681 *et seq.*, (“Title IX”) specifically notes that a public entity may be liable under Title IX for discrimination based upon gender or gender stereotypes.
120. Title IX is a portion of the United States Education Amendments of 1972, Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. sections 1681 through 1688, which was co-authored and introduced by Senator Birch Bayh and later renamed the Patsy Mink Equal Opportunity in Education Act in 2002, after its House co-author and sponsor. It states (in part) that:
- “No person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”
121. It is uncontroverted that the City of Eastland, including the Police Department, receive federal funding.
122. As such, the City of Eastland, including the Police Department, has to follow the requisites of Title IX.
123. One such requisite is to have policies and procedures in place to assure that children who have been victims of sexual assault have their cases commensurate with their unique and individualized needs. The City of Eastland has no such policies in place.
124. Additionally, the City violated the requisites of Title IX by failing to provide any compensatory and remedial services to H.P. as required under Title IX jurisprudence.
125. The City of Eastland is responsible for the violations of H.P.’s Title IX rights according to the theory of *Respondeat Superior*.

X. RATIFICATION

126. Plaintiffs incorporate by reference all the above-related paragraphs, as well as those below, with the same force and effect as if herein set forth.
127. The City of Eastland ratified the acts, omissions, and customs of Police Department personnel and staff.
128. The Eastland Police Department ratified the acts, omissions, and customs of their personnel and staff.
129. As a result the Eastland Defendants are responsible for the acts and omissions of staff who were otherwise responsible for the safety of H.P.
130. By extension, the City of Eastland is responsible for the acts and omissions by members of the Eastland Police Department pursuant to the theory of *Respondeat Superior*.

XI. PROXIMATE CAUSE

131. Plaintiffs incorporate by reference all the above related paragraphs, as well as those below, with the same force and effect as if herein set forth.
132. Each and every, all and singular of the foregoing acts and omissions on the part of the Eastland Defendants, taken separately and/or collectively, jointly and severally, whether in any official or individual capacity, constitute a direct and proximate cause of the injuries and damages set forth herein.

XII. DAMAGES

133. Plaintiffs incorporate by reference all the above-related paragraphs with the same force and effect as if herein set forth.
134. As a direct and proximate result of all the Defendants' conduct, H.P. and her guardian have suffered injuries and damages for which she is entitled to recover within the jurisdictional

limits of this court, including but not limited to:

- a. Equal opportunity to receive services from the City;
 - b. Mental anguish in the past;
 - c. Mental anguish in the future;
 - d. Costs related to past, current and future mental health costs;
 - e. Physical injuries in the past;
 - f. Physical injuries in the future;
 - g. Costs related to past, current and future medical costs;
 - h. Deprivation of educational opportunities;
135. Various out-of-pocket expenses incurred by her guardian but for the acts and omissions of the Eastland Defendants.

XIII. PUNITIVE DAMAGES

136. Plaintiffs incorporate by reference all the above-related paragraphs, as well as those below, with the same force and effect as if herein set forth.
137. Plaintiffs reasonably believe the acts and omissions of Defendant Eastland Police Department satisfy criteria for violations of civil rights and discrimination because the facts of the case regarding both Fought and Saylor shock the conscience—are in fact unconscionable—and thus satisfy criteria for punitive damages, as contemplated by Section 1983.

XIV. ATTORNEY FEES

138. Plaintiffs incorporate by reference all the above related paragraphs as if fully set forth herein.
139. It was necessary for Plaintiffs to retain the undersigned attorneys to file this lawsuit. Upon judgment, Plaintiffs are entitled to an award of attorney fees and costs pursuant under 42

U.S.C. § 1983, 1988(b) and 42 U.S.C. § 2000d et seq.

XV. DEMAND FOR JURY TRIAL

140. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a jury trial for all issues in this matter.

XVI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray for judgment against all Defendants, jointly and severally, in the manner and particulars noted above, and in an amount sufficient to fully compensate them for the elements of damages enumerated above, judgment for damages, recovery of attorneys' fees and costs for the preparation and trial of this cause of action, and for its appeal if required, pursuant to 42 U.S.C. § 1983 and 1988 and 42 U.S.C. § 2000d et seq.; together with pre- and post-judgment interest, and court costs expended herein, as well as the equitable issues noted above, and for such other relief as this Court in equity, deems just and proper and for such other relief as the Court deems just and proper in law or in equity.

Respectfully submitted,

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