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ISB # 4999

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

NATALIE JEAN REIGHARD,

Plaintiff,

v.

CHIEF WAYNE LONGO, CITY OF
COEUR D' ALENE, COEUR D' ALENE
POLICE DEPARTMENT, OFFICER
JARED RENEAU, OFFICER BRIAN
BRUMBAUGH, OFFICER JEFF
WALTHER, JOHN DOES 1-10, JANE
DOES 1-10.

Defendants.

CIVIL ACTION NO. 2:09-cv-350

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

(THE PLAINTIFF DEMANDS A TRIAL BY JURY)

COMPLAINT

Plaintiff NATALIE JEAN REIGHARD, by counsel, brings this action to obtain redress for the deprivation and conspiracy to deprive Plaintiff of her federally protected rights as hereafter alleged, and for intentional infliction of emotional distress, and for defamation.

JURISDICTION

1. This Court has subject matter jurisdiction pursuant to (a) 28 U.S.C. @ 1331, because the case arises under the Constitution and laws of the United States; (b) 28 U.S.C. @ 1343, because this action seeks redress and damages for violation of 42 U.S.C. @@ 1983 and 1985 and, in particular, the due process and equal protection provisions of the United States Constitution, including the rights protected in the Fifth and Fourteenth Amendments thereof;

VENUE

2. Venue is appropriate in this judicial district under 28 U.S.C. @ 1391(b), because Defendants reside here, and a substantial part of the events giving rise to this Complaint occurred here.

THE PARTIES

3. Plaintiff NATALIE JEAN REIGHARD (hereafter "REIGHARD") is single woman and a citizen of the United States and the State of Idaho.

4. The Defendant, CITY OF COEUR D'ALENE, is a political subdivision of the State of Idaho and is the entity responsible for the oversight and funding of the COEUR D'ALENE CITY POLICE DEPARTMENT. At all relevant times herein, this Defendant was acting "under Color of State Law.";

5. The Defendant, the COEUR D' ALENE POLICE DEPARTMENT, is a political entity or subdivision organized to provide security and safety to and for the citizens of Coeur d' Alene, Idaho. At all relevant times herein, this Defendant was acting "under Color of State Law.";

6. The Defendant, Chief of Police WAYNE LONGO, is and was employed by the Coeur d'Alene City Police Department, of Kootenai County, State of Idaho. At all times material hereto was the duly appointed as the Chief of Police of the Coeur d' Alene, Police Department, vested with the responsibility and authority to hire, train, supervise, set policies and procedures, enforce the policies and procedures adopted or otherwise implemented and to provide protection to the citizens of City of Coeur d' Alene, Idaho, to include the Plaintiff,

7. The Defendants, OFFICER JARED RENEAU, OFFICER BRIAN BRUMBAUGH, OFFICER JEFF WALTHER, were and are employed by the Coeur d'Alene City Police Department, of Kootenai County, State of Idaho. At all times material hereto, these Defendants were duly-sworn Peace Officers of the State of Idaho, vested with the responsibility to enforce the laws of the State of Idaho, the Constitution of the United States of America, the policies and procedures adopted or otherwise implemented and to provide protection and to serve the citizens of City of Coeur d' Alene, Idaho, to include

the Plaintiff, NATALIE JEAN REIGHARD. These Defendants are sued in their official and individual capacities. At all relevant times herein, these Defendants were acting "Under Color of State Law."

8. The Defendants, JOHN DOES 1-10, JANE DOES 1-10, upon information and belief were and are employed by the Coeur d'Alene City Police Department, of Kootenai County, State of Idaho. At all times material hereto, these Defendants were duly-sworn Peace Officers of the State of Idaho and/or other governmental employees vested with the responsibility to enforce the laws of the State of Idaho, the Constitution of the United States of America, the policies and procedures adopted or otherwise implemented and to provide protection and to serve the citizens of City of Coeur d' Alene, Idaho, to include the Plaintiff, NATALIE JEAN REIGHARD. These Defendants are sued in their official and individual capacities. At all relevant times herein, these Defendants were acting "Under Color of State Law." Upon the close of discovery of this case, Plaintiff will be moving for Leave of Court to Amend this Complaint to include those Defendants found in Discovery.

9. The Plaintiff hereby incorporates by reference and re-alleges the information set forth in paragraphs 1-9.

FACTS

10. On or about August 6 and August 7 2008, REIGHARD was stopped in a traffic stop by members of the Coeur d'Alene Police Department Officer, which resulted in

REIGHARD being arrested by Defendants OFFICER JARED RENEAU and/or OFFICER BRIAN BRUMBAUGH and/or OFFICER JEFF WALTHER and/or JOHN DOES 1-10 and/or JANE DOES 1-10.

11. Before REIGHARD was arrested and sexually and physically assaulted, Defendant OFFICER JARED RENEAU and/or OFFICER BRIAN BRUMBAUGH and/or OFFICER JEFF WALTHER had a lewd discussion regarding REIGHARD's sexual activity and made some lewd and derogatory remarks regarding alleged interactions between REIGHARD and her automobile's passenger. One Officer described the interaction to the effect that the passenger was "getting his finger dirty."

12. After REIGHARD was arrested and handcuffed, she was moved to the back of the Police Car where Defendant Officer JARED RENEAU proceeded to do a pat-down search during which time he repeatedly and unlawfully touched and sexually-assaulted REIGHARD by touching her breasts and vagina. REIGHARD reached up underneath REIGHARD's dress and again touched REIGHARD's vagina.

13. REIGHARD exclaimed, "What are you doing?" and attempted to escape from Defendant Officer JARED RENEAU's physical proximity by walking away from him. Defendant Officer JARED RENEAU threatened and again assaulted REIGHARD and attempted to justify his sexual assault, knowing full well that his actions were illegal.

14. Defendants' actions and omissions above stated caused REIGHARD embarrassment, humiliation, fear, emotional distress, horror, grief, shame, and loss of reputation.

COUNT I

DEPRIVATION OF CONSTITUTIONAL RIGHTS AND PRIVILEGES

(42 U.S.C. @ 1983)

15. Plaintiff incorporates by reference paragraphs 1 through 14.

16. Plaintiff is entitled to the equal protection of the laws under the Fourteenth Amendment of the United States Constitution, and due process of law under the Fifth and Fourteenth Amendments of the United States Constitution.

17. Defendants, acting under color of state law, discriminated against Plaintiff because of her gender by sexually harassing and assaulting her on or about August 6 and 7, 2008, and thereafter, and this deprived Jones of her right to equal protection of the law.

18. Plaintiff, as a citizen of the State of Idaho, was entitled to due process protection of freedom from arbitrary action which jeopardized her property interest in her bodily and sexual integrity, her right to privacy and her right to be free of violations of her rights under the Fourteenth Amendment of the United States Constitution, including her rights to Procedural and Substantive Due Process. Plaintiff should not have been subjected arbitrarily to the fear of illegitimate threats and sexual abuse as a condition of being

arrested. Defendants' actions deprived Plaintiff of her due process liberty, privacy and property interests guaranteed to her by the Constitution of the United States.

19. Plaintiff also was entitled to a due process liberty interest in her reputation as a citizen of the State of Idaho. Defendants' actions and statements deprived REIGHARD of these rights.

20. Plaintiff, for a brief period of time, was held against her will and sexually-assaulted by the oppressive atmosphere of intimidation caused by the presence of Defendant Coeur d'Alene Police Officers. Not only was she subjected to unwelcome sexual assault and battery, but also was personally restrained and imprisoned by the seizing of her person, against her will, by Defendants.

21. The above-described actions of Defendants were undertaken when they were acting under the color of state law, as sworn Police Officers of the State of Idaho, and said actions deprived Plaintiff of federal equal protection and due process rights guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution, and made actionable by 42 U.S.C. § 1983 (The Civil Rights Act).

COUNT II

CONSPIRACY TO DEPRIVING PERSONS OF EQUAL PROTECTION OF THE LAWS

(42 U.S.C. @ 1985)

22. Plaintiff incorporates by reference paragraphs 1 through 21.

23. Defendants conspired among themselves, and perhaps with others currently unknown to this Plaintiff, to deprive Plaintiff of equal protection of the laws and of equal privileges and immunities under the laws, as further set forth in Count I above.

24. The conspirators committed some acts in furtherance of the conspiracy, as is more fully set forth in Count I.

25. As a result of the conspiracy, Plaintiff was injured by Defendants in her person and property and deprived of having and exercising her rights and privileges as a citizen of the United States, as is more fully set forth in Count I.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests the following relief:

a. Count I, judgment against Defendants for compensatory damages of in the amount of at least \$100,000 (one hundred thousand dollars); punitive damages for Defendants' willful, outrageous and malicious conduct, of at least \$100,000.00; the costs of her suit

and attorneys' fees; nominal damages, and such other and further relief as the Court may deem proper.

b. Count II, judgment against Defendants jointly and severally for compensatory damages of at least \$100,000.00; punitive damages for Defendant's willful, outrageous and malicious conduct, of at least \$100,000.00; the costs of her suit and attorney's fees; nominal damages, and such other and further relief as the Court may deem proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on each of the counts.

Respectfully submitted, this the ____ day of _____, 2009.

BY: /s/ Larry D. Purviance

LARRY D. PURVIANCE (IDAHO BAR #4999)

BY: /s/ Natalie Jean Reighard

NATALIE JEAN REIGHARD