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7

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 MARIAM BLUE, individually, and as Special
Administrator of the Estate of STEPHEN
11 BURRELL; LISA L. CARROLL on behalf of
her wards SMB, and SFB, individually,
12

13 Plaintiffs,

14 vs.

15 CITY OF LAS VEGAS; WELLPATH, LLC
F/K/A CORRECT CARE SOLUTIONS, LLC;
LIEUTENANT DANIELLE DAVIS;
16 LIEUTENANT MATTHEW TRIPLETT;
OFFICER RICHARD DORADO; OFFICER
17 D'ANGELO CHAPARRO-WILSON;
OFFICER MAURICE WASHINGTON;
18 SERGEANT MARCOS PARKER;
SERGEANT CHARLES SMITH; SERGEANT
19 JOHN WEDIG; SERGEANT J. SCHROYER;
SERGEANT L. HOLMES; OFFICER A.
20 ELIASON; OFFICER TRAVIS RAZ;
OFFICER DAMON MILLETT; SERGEANT
21 BLEDSOE; SHAWN MAPLETON;
MICHAEL POPOV; VIRGILIO PADILLA;
22 FRANCIS BODDIE-SMALL;
EBONYMICHELLE D. GARNER; DEE
23 MORGAN, aka Vicky Morgan; REGINA
ELIZONDO; DOCTOR BENET; DOCTOR
24 STILL; JAMES TENNEY; NICOLE ASHLEY
THOMSON; MICHELLE FERNANDEZ;
25 LOVELLA A. PONGAN; ASHLEY NICOLE
PHILLIPS; DOES 1-35, inclusive,
26

27 Defendants.

CASE NO. 2:21-cv-0372-RFB-DJA

28 **CITY DEFENDANTS' ANSWER TO FIRST
AMENDED COMPLAINT FOR DAMAGES**

Defendants CITY OF LAS VEGAS, LIEUTENANT DANIELLE DAVIS, OFFICER RICHARD DORADO, OFFICER D'ANGELO CHAPARRO-WILSON, OFFICER MAURICE WASHINGTON, SERGEANT MARCOS PARKER, SERGEANT CHARLES SMITH, SERGEANT JOHN WEDIG, LIEUTENANT MATTHEW TRIPLETT, SERGEANT J[EFFREY] SCHROYER, SERGEANT L[ESLIE] HOLMES, SERGEANT [JAMES] BLEDSOE, OFFICER [RYAN] ELIASON, OFFICER TRAVIS RAZ, OFFICER DAMON MILLETT ("Answering City Defendants"), through their attorneys, BRYAN K. SCOTT, City Attorney, by JOHN A. CURTAS, Deputy City Attorney, answer Plaintiffs' First Amended Complaint for Damages on file herein as follows:

1. Answering City Defendants are without sufficient knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 230, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 243, 244, 245, 246, 247, 248, and 249 of Plaintiffs' First Amended Complaint for Damages, and therefore deny them in their entirety.

2. Answering City Defendants deny the allegations contained in Paragraphs 11 and 20 of Plaintiffs' First Amended Complaint for Damages.

3. Answering City Defendants admit the allegations contained in Paragraph 18 and 19 of Plaintiffs' First Amended Complaint for Damages.

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1 4. Answering Paragraphs 160, 174, 183, 191, 199, 206, 218, 225, 232, and 242 of
2 Plaintiffs' First Amended Complaint for Damages, Defendant CITY OF LAS VEGAS repeats
3 and realleges its responses to Paragraphs 1 through 249, inclusive, as though fully set forth
4 herein.

5 5. As to any allegations not specifically answered above or inadvertently omitted,
6 Answering City Defendants deny them in their entirety.

7 **AFFIRMATIVE DEFENSES**

8 **FIRST AFFIRMATIVE DEFENSE**

9 Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted.

10 **SECOND AFFIRMATIVE DEFENSE**

11 The City of Las Vegas is a political subdivision of the State of Nevada and no award can
12 be made against it as a political subdivision of the State of Nevada in excess of the applicable
13 statutory amount at the time of the alleged incident.

14 **THIRD AFFIRMATIVE DEFENSE**

15 Defendant City claims all immunities, defenses, exemptions and limitations on liability
16 given to political subdivisions of the State of Nevada, including without limitation, NRS 41.0305
17 to 41.039, inclusive.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 The City is not subject to suit upon the facts and conclusions as stated in Plaintiffs'
20 Amended Complaint by reason of the sovereign immunity of the City of Las Vegas as a political
21 subdivision of the State of Nevada.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 The damages, if any, suffered by the Plaintiffs were caused in whole or in part or were
24 contributed to by the actions of Plaintiffs.

25 **SIXTH AFFIRMATIVE DEFENSE**

26 The damages sustained by Plaintiffs, if any, were caused by the acts of their persons who
27 are not agents, servants or employees of the City and who were not acting on behalf of the City
28 in any manner or form.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' Amended Complaint and each cause of action therein is barred by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' Amended Complaint and each cause of action therein is barred by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' Amended Complaint and each cause of action therein is barred by the doctrine of estoppel.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs and those legally responsible for them at the time of the alleged incident were cognizant of all facts, circumstances and conditions which existed at all relevant times mentioned in the Amended Complaint and accordingly consented to, permitted, acquiesced, encouraged and/or voluntarily assumed the risk and responsibility therefrom and intended thereto.

ELEVENTH AFFIRMATIVE DEFENSE

Pursuant to N.R.C.P. 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of City Defendants' answer, therefore, these answering Defendants reserve the right to amend their Answer to allege additional affirmative defenses if subsequent investigation so warrants.

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WHEREFORE, Answering City Defendants request that Plaintiffs take nothing by way of their First Amended Complaint for Damages on file herein and that Answering City Defendants be awarded their costs and reasonable attorney's fees.

DATED this 10 day of November, 2021.

BRYAN K. SCOTT
City Attorney

By:


JOHN A. CURTAS
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495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2021, I served a true and correct copy of the foregoing CITY DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT FOR DAMAGES through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully prepaid) upon the following:

Peter Goldstein, Esq.
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F/K/A CORRECT CARE SOLUTIONS, ET AL.

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Las Vegas, NV 89101
Attorneys for Defendant MICHAEL POPOV,
D.O.


AN EMPLOYEE OF THE CITY OF LAS VEGAS