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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

14 KEVIN HINTON

15 Plaintiffs,

16 vs.

17 SPOKANE COUNTY SHERIFF'S
18 OFFICE; SPOKANE COUNTY; CITY
19 OF SPOKANE VALLEY POLICE
20 DEPARTMENT; CITY OF
21 SPOKANE VALLEY; SERGEANT
CLAY HILTON, in his official and
personal capacity; JOHN NOWELS, in
his official and personal capacity;
DAVE ELLIS, in his official and
personal capacity, AMERICAN
MEDICAL RESPONSE
AMBULANCE SERVICE, INC., A
FOREIGN CORPORATION

22 Defendants.
23
24
25
26

NO.

COMPLAINT

COMPLAINT - 1



1604 West Dean
Spokane, Washington 99201
(509) 838 - 9111

COMES NOW Plaintiff, Kevin Hinton, by way of Complaint against the Defendants named herein, complains and alleges the following.

INTRODUCTION

This civil action arises from a violation of Plaintiff Kevin Hinton's (hereinafter, Mr. Hinton) civil rights during an incident on August 15, 2023, in the City of Spokane Valley, Washington. The City of Spokane Valley, while maintaining an independent municipal police department in name, has contracted with the Spokane County Sheriff's Office to provide police services. As a result, the City of Spokane Valley Police Department is staffed by deputies from the Spokane County Sheriff's Office, including its Chief of Police, Dave Ellis, who also serves as an undersheriff for the Spokane County Sheriff's Office.

Municipalities that establish a police department have non-delegable and constitutional duties which they are legally required to fulfill because they are essential to the public welfare and safety. Law enforcement is a core governmental function. While the City of Spokane Valley may contract with another entity to perform certain aspects of law enforcement, the City remains ultimately responsible for ensuring these duties are properly performed. Including, that Spokane Valley Police Officers are properly trained, supervised, retained, terminated and/or disciplined. This principle is rooted in the idea that certain public functions, especially those related to safety, health, and welfare, must remain under the direct control and responsibility of the government to ensure accountability and adherence to legal and constitutional standards. These duties do



1 not evaporate because it is financially advantageous for a municipality to contract
2 law enforcement duties to another agency.

3 The City of Spokane Valley incorporated in 2003. Shortly thereafter, the
4 City of Spokane Valley Police Department was created. For what appears to be
5 cost-saving measures, the City of Spokane Valley, continued to contract with the
6 Spokane County Sheriff's Department to provide County Deputies to work as
7 Spokane Valley Police Officers. However, a concerted effort was made to give the
8 impression, the Spokane Valley Police Department, was a separate and distinct
9 policing force.

10 To that end, the City of Spokane Valley maintains all the insignia of a
11 separate police department. Specifically, the City of Spokane Valley demanded
12 that the contract with the Spokane County Sheriff's Department, include the use
13 of distinct, City of Spokane Valley Police Department patrol vehicles, uniforms
14 and patches. Despite the visual trappings, intended to give the appearance of
15 maintaining their own police department, the City of Spokane Valley Police
16 Department has failed to implement any independent policies or procedures to
17 ensure that Spokane Valley Police Officers are properly trained, supervised,
18 retained, terminated and/or disciplined. Nor, has the Spokane Valley Police
19 Department implemented policies or procedures ensuring that these duties are
20 being properly performed by the Spokane County Sheriff's Department. This
21 includes any independent investigation, or review of their police officer's
22 excessive use of force on the public. Instead they have surrogated the Spokane
23 County Sheriff's Department in the oversight of these core governmental
24 functions. The City of Spokane Valley has attempted to contract these non-

1 delegable responsibilities to the Spokane County Sheriff's Office; violating their
2 constitutional duty to maintain direct control and responsibility of the Spokane
3 Valley Police Department to ensure accountability and adherence to legal and
4 constitutional standards.

5 This contractual amalgamation has resulted in systemic failures by both
6 Spokane County, and the City of Spokane Valley, to protect their citizens'
7 constitutional rights. Separately, Plaintiff alleges the Spokane County Sheriff's
8 Office's procedures are cavalier, superficial, and perfunctory as evidenced by the
9 formal approval of the excessive and violent use of force deployed against Mr.
10 Hinton.

11 On August 15, 2023, Defendant Sergeant Clay Hilton (hereinafter, Sgt.
12 Hilton), a Spokane County Sheriff's Deputy operating as a Spokane Valley Police
13 officer, unlawfully detained and arrested Mr. Hinton without reasonable suspicion
14 or probable cause. During this encounter, Sgt. Hilton used violent, excessive force,
15 causing serious and permanent injuries to Mr. Hinton. Despite video evidence of
16 the violent and excessive force, the Spokane County Sheriff's Department formally
17 approved Sgt. Hilton's use of force. However, this was not the first time Sgt.
18 Hilton's use of force had been called into question.

19 On May 11th, 2023, three months before this incident, Washington State
20 Court of Appeals, Judge George Fearing, penned a concurring/dissenting in part
21 opinion in State v. Vaile, No. 37943-4-III. In that opinion, Judge Fearing argued,
22 among other things, that the response by the Spokane County Sheriff Department
23 was "overkill." Judge Fearing noted that "[d]espite Vaile never engaging in
24 violent behavior, officers reflectively adjudged Vaile as jeopardizing not only their

1 physical safety, but the security of the crowd.” Judge Fearing highlighted the
2 conflicting testimony of the deputies, that they claimed that Vaile formed a
3 clenched fist, yet no bystander corroborated this claim. Judge Fearing also noted
4 that during an arrest inconsistent commands can be given and when there is a
5 failure to comply with the inconsistent commands “those officers impose further
6 violence.” Most telling, Judge Fearing noted, “[n]o officer testified to why they
7 needed to manhandle Vaile other than his insistence on telling his story rather than
8 sitting down and his continuing to walk towards the officers” leading to Judge
9 Fearing’s conclusion that “[t]he Spokane County Sheriff Deputies’ attack on
10 Darnai Vaile is too often standard police procedure.”

11 Sgt. Hilton was one of those responding officers/deputies in State v. Vaile.
12 Following, his written opinion, Judge Fearing penned an open letter to the
13 community, in which he wrote, “Deputy Clay Hilton’s conduct since the issuance
14 of the decision...suggest that he works as a law enforcement officer not to serve
15 others and benefit the Spokane community, but to intimidate and dominate.”
16 Specifically, Judge Fearing had “concern about his anger, inability to reflect on his
17 behavior, and instance on retaliation.” Due to Judge Fearing’s “lack of confidence
18 in his credibility” and as a precaution, he recused himself from Deputy Hilton
19 cases.

20 The Spokane County Sheriff’s Department was put on notice as to the
21 questionable use of excessive force by Sgt. Hilton in at least May of 2023. Instead
22 of listening to those concerns, they rubberstamped the use of excessive force, and
23 like Judge Fearing warned... “[t]he Spokane County Sheriff Deputies’ attack
24 became standard police practice.” Additionally, the City of Spokane Valley failed

1 to conduct its own review or exercise any supervision over the matter. The City of
2 Spokane Valley failed to take any disciplinary action.

3 Over one year has elapsed since Sgt. Clay Hilton's violent assault of Mr.
4 Hinton. Although the criminal charges filed against Mr. Hinton were dismissed,
5 no meaningful action has been taken by either the Spokane Valley Police
6 Department or Spokane County Sheriff's Department against Sgt. Hilton or to
7 ensure this type of unlawful and unacceptable conduct does not occur in the future.
8 Spokane Valley Police Department has made no operational changes to their mode
9 of business and the Spokane County Sheriff's Department continues in the practice
10 of rubberstamping their review of use of force by law enforcement officers;
11 leaving the public vulnerable to continued violations of their constitutional rights.

12 The present suit is brought to enforce and protect the constitutional rights of
13 Mr. Hinton, the public and to ensure that such flagrant abuse of power never
14 occurs again. The lawful purpose of law enforcement is to **"serve others and**
15 **benefit the Spokane Community, [not] to intimidate and dominate."**

16 The policies, customs, and practices maintained by Defendants, Spokane
17 County Sherriff John Nowels, The Spokane County Sheriff's Office, Spokane
18 County, Spokane County Undersheriff/Spokane Valley Police Chief Dave Ellis,
19 The City of Spokane Valley Police Department, and The City of Spokane Valley
20 were the direct cause and moving force behind the violation of Plaintiff's rights
21 under the United States Constitution, the Washington State Constitution, and
22 common law. The Defendants' actions and omissions reflect a deliberate
23 indifference to the constitutional protections owed to the Plaintiff as well as the
24 public.

25 COMPLAINT - 6



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JURISDICTION AND VENUE

1. This Court has jurisdiction over the federal civil rights violations in this matter under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3)-(4) and supplemental jurisdiction to hear the common law and state law claims under 28 U.S.C. § 1367.
2. A Notice of Claim was presented to Defendant Spokane County pursuant to the Revised Code of Washington 4.96.020 on October 6, 2024.
3. A Notice of Claim was presented to Defendant City of Spokane Valley pursuant to the Revised Code of Washington 4.96.020 on June 11, 2024.
4. Plaintiff's claims are predicated upon the Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, which authorizes action to redress deprivations under color of state law of rights, privileges, and immunities secured to the Plaintiff by the Constitution of the United States, as well as the laws of the State of Washington.
5. Plaintiff's claim for attorney's fees, costs, and expert fees is predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to the prevailing party for claims arising under 42 U.S.C. § 1983.
6. Venue is proper in this Court under 28 U.S.C. § 1391(b) because at least one of the Defendants resides within the Eastern District for the State of Washington and the events giving rise to this cause of action occurred within the jurisdiction of the U.S. Court for the Eastern District of Washington.

1 7. All relevant acts or omissions constituting a basis for this cause of action
2 occurred within the jurisdiction of the U.S. Court for the Eastern District
3 of Washington.

4
5 **PARTIES**

6 8. Mr. Hinton is a single individual residing within the Eastern District of
7 the State of Washington.

8 9. Spokane County Sheriff's Office is a law enforcement agency serving
9 Spokane County, Washington.

10 10. Spokane County is a municipal corporation. It is responsible for the
11 policies and procedures of the Spokane County Sheriff's Office and the
12 police officers it employs.

13 11. The City of Spokane Valley is a municipal corporation responsible for
14 the policies and procedures of the Spokane Valley Police Department.

15 12. The City of Spokane Valley Police Department is a law enforcement
16 agency responsible for serving the City of Spokane Valley.

17 13. Sgt. Hilton is a duly sworn and licensed law enforcement officer for the
18 Spokane County Sheriff's Department and the City of Spokane Valley
19 Police Department, acting under color of law and within the scope of his
20 employment.

21 14. Sheriff John Nowels is the elected Sheriff and is responsible for the
22 implementation of policies and procedures of the Spokane County
23 Sheriff's Department.

1 15. Undersheriff/City of Spokane Valley Police Chief Dave Ellis is
2 employed with the Spokane County Sheriff's Office and is Chief of
3 Police of the City of Spokane Valley, and is responsible for the
4 implementation of policies and procedures of the Spokane Valley Police
5 Department.

6 16. American Medical Response Ambulance Service, Inc. (hereinafter
7 "AMR") is a foreign corporation, licensed to practice business in the state
8 of Washington and contracted to provide emergency medical services
9 and pre-hospital healthcare in Spokane County.

10 **FACTS**

11 17. On August 15, 2023, Mr. Hinton was driving from Oregon toward his
12 home in Colfax, Washington, after visiting family, including his newest
13 granddaughter.

14 18. Due to the long drive, Mr. Hinton became concerned about his state of
15 exhaustion.

16 19. To avoid becoming a danger to himself, or others, Mr. Hinton legally
17 parked his vehicle outside a fence bordering Terrace View Park in a
18 marked parking area.

19 20. Terrace View Park is located in the City of Spokane Valley, Washington.

20 21. Mr. Hinton turned his vehicle off, reclined his driver's side seat, and
21 began watching a video on his cellular phone to relax and get some rest.

22 22. At approximately 11:45 p.m., Sgt. Hilton approached Mr. Hinton's
23 vehicle.

1 23.Mr. Hinton can be heard on Sgt. Hilton's body camera video asking Sgt.
2 Hilton, "How are you doing?"

3 24.Almost immediately, Sgt. Hilton tells Mr. Hinton, "It is a crime to be in
4 the park after hours and this is considered a park."

5 25.Mr. Hinton responded by saying, "Alright, I will go find another place to
6 go watch a movie" communicating his consent to comply.

7 26.Sgt. Hilton is factually inaccurate. It is not a crime to be in Terrace View
8 Park, at any time of the day, or night, and the location where Mr. Hinton
9 was parked is not part of any park within the meaning of the Spokane
10 Valley Code.

11 27.Sgt. Hilton knew, or should have known, the location in question was not
12 part of the Terrace View Park; he lived across the street and was fully
13 aware that a designated parking lot for Terrace View Park existed on the
14 opposite side of the park.

15 28.Instead of allowing Mr. Hinton to simply leave the area, Sgt. Hilton
16 extended the contact by demanding Mr. Hinton's identification.

17 29.As Mr. Hinton attempts to gather himself and prepares to locate to
18 another area, he was informed by Sgt. Hilton he could not shut the door
19 to his vehicle, and at least twice, that he was not "free to leave."

20 30.When Mr. Hinton asks Sgt. Hilton why he is behaving in this manner,
21 Sgt. Hilton responds, "Because you are being rude."

22 31.Sgt. Hilton excuses his conduct by again telling Mr. Hinton, "...you are
23 in a park after hours and you are committing crime."

1 32.Mr. Hinton states that it is not a crime but a civil offense and Sgt. Hilton
2 states, “do you want to bet” and “it’s not.” [a civil offense]

3 33.As the contact continues Sgt. Hilton continues to tell Mr. Hinton that he
4 is not free to leave, and that he cannot shut the door to his vehicle.

5 34.Sgt. Hilton continues to demand Mr. Hinton’s identification and name.

6 35.At approximately, 23:49 Sgt. Hilton calls for additional units and can be
7 seen putting on black gloves.

8 36.As Mr. Hinton is putting on his shoes, Sgt. Hilton states, “what you
9 puttin [sic] your shoes on for, you aren’t goin [sic] anywhere.”

10 37.Sgt. Hilton informs Mr. Hinton, “...you’re probably gonna [sic] end up
11 goin [sic] to jail.”

12 38. Sgt. Hilton commands Mr. Hinton to exit his vehicle and “stand up for
13 me” to which Mr. Hinton fully complies.

14 39.Sgt. Hilton tells Mr. Hinton to “turn around and face the car” and
15 immediately reaches out and puts hands-on Mr. Hinton.

16 40.Without giving Mr. Hinton an opportunity to comply, Sgt. Hilton begins
17 to exert physical control over Mr. Hinton by reaching out and grabbing
18 him.

19 41.Sgt. Hilton then warns Mr. Hinton of his intentions, “You are going to
20 get hurt if you don’t do exactly what I am telling you.”

21 42.Sgt. Hilton places his hands on Mr. Hinton’s body forcing Mr. Hinton
22 backward into the driver’s side seat while also instructing Mr. Hinton to
23 “get on the ground.”

1 43. As Mr. Hinton falls backward into the driver's side seat of his vehicle,
2 Sgt. Hilton is physically controlling Mr. Hinton's movements; Sgt. Hilton
3 has forced Mr. Hinton into the driver's seat while simultaneously
4 ordering Mr. Hinton to "get on the ground."

5 44. Sgt. Hilton then advises Mr. Hinton that he is under arrest.

6 45. As Mr. Hinton struggles to regain his balance, Sgt. Hilton strikes him, at
7 least once, with a gloved, closed fist and then violently drags Mr. Hinton,
8 by his legs, out onto the ground.

9 46. At this time, Mr. Hinton has suffered a violent assault and is sitting on
10 the ground.

11 47. Sgt. Hilton is standing over the top of Mr. Hilton, grabbing him by the
12 shirt collar.

13 48. Mr. Hinton is not resisting, he is sitting upright where Sgt. Hilton has
14 dragged him.

15 49. Mr. Hinton's left hand is resting on the ground and appears to be wiping
16 his face with his right hand.

17 50. Sgt. Hilton reaches down and grabs Mr. Hinton's left wrist and again
18 states, "you are under arrest."

19 51. Sgt. Hilton then simultaneously demands, "Get on the ground" while
20 striking Mr. Hinton in the face multiple times with a black, gloved,
21 closed fist.

22 52. Mr. Hinton is already on the ground, which Sgt. Hilton knows because
23 that is where Sgt. Hilton violently dragged Mr. Hinton.

1 53.Sgt. Hilton continues to demand Mr. Hinton “get on the ground”

2 continuing the assault by grabbing Mr. Hinton’s shirt before delivering
3 the first knee strike to Mr. Hinton’s rib cage/side area.

4 54.Mr. Hinton instinctively tries to get away from the increasing violence of
5 Sgt. Hilton’s assault.

6 55.Sgt. Hilton continues to deliver violent and powerful knee strikes to Mr.
7 Hilton’s rib cage area.

8 56.After deploying multiple violent strikes to the face and body of Mr.
9 Hinton, Sgt. Hilton orders Mr. Hinton to give him his hands.

10 57.Although badly injured, Mr. Hinton attempts to provide Sgt. Hilton with
11 his hands by extending them out in front of his person.

12 58.Despite Mr. Hinton clearly presenting his hands out in front of him, Sgt.
13 Hilton continues to punch Mr. Hinton directly in the face and/or body.

14 59.Any time Mr. Hinton instinctively tried to protect his face, Sgt. Hilton
15 can be heard demanding “give me your hands” while continuing to
16 violently punch Mr. Hinton directly in the face and/or body.

17 60.Only after other law enforcement officers arrived on the scene, did Sgt.
18 Hilton command Mr. Hinton “on your stomach.” Mr. Hinton
19 immediately complied.

20 61.As Mr. Hinton is being placed in handcuffs, Sgt. Hilton says, “What part
21 of that did you not understand?”

22 62.While seriously injured and bleeding from the face, Mr. Hinton cries out
23 to the other law enforcement officers “he hit me so many times.”

24 63.While crying, Mr. Hinton asks Sgt. Hilton “why did you hit me?”

1 64.Sgt. Hilton responds, "Because you weren't listening."

2 65.Mr. Hinton then tells multiple officers on scene, several times that he
3 can't breathe.

4 66.After other law enforcement officers arrive on scene, they collectively
5 turn off their body camera audio recording.

6 67.During this time, one or more of the deputies, including Sgt. Hilton are
7 seen laughing, joking, and mocking Mr. Hinton over his injuries.

8 68.Following this incident, Sgt. Hilton filed a police report documenting the
9 alleged criminal allegations against Mr. Hinton.

10 69.This police report was signed by Sgt. Hilton under penalty of perjury.

11 70.The police report filed by Sgt. Hilton contains multiple material
12 inaccuracies and false allegations which were known to be false when
13 filed by Sgt. Hilton.

14 71.Mr. Hinton was medically evaluated by AMR personnel at the location of
15 the assault by Sgt. Hilton.

16 72.The evaluation conducted by AMR personnel was completed at the
17 direction of law enforcement and in their presence.

18 73.AMR has a contractual obligation to provide emergency medical services
19 and transportation within Spokane County and the City of Spokane
20 Valley.

21 74.At the time of the evaluation, Mr. Hinton was suffering from fractures of
22 ribs five through twelve (5-12), with comminuted fractures of ribs eight,
23 ten, eleven & twelve (8, 10, 11, 12), displaced fractures of ribs nine and
24

1 ten (9 & 10), a collapsed lung (pneumothorax) and multiple lacerations
2 and contusions requiring sutures and medical care.

3 75. During the evaluation, Mr. Hinton was displaying symptoms including
4 shortness of breath, chest pain, rapid breathing, shoulder pain, difficulty
5 breathing, elevated blood pressure, and hypoxemia.

6 76. Mr. Hinton informed responding medical personnel from AMR about the
7 assault by Sgt. Hilton.

8 77. Law enforcement officers from the City of Spokane Valley, who were
9 present at the scene, could be seen and heard showing signs of
10 amusement over Mr. Hinton's injuries and pleas for help.

11 78. The conduct of law enforcement officers in response to Mr. Hinton's
12 serious physical injury created an environment of intimidation and
13 coercion where emergency medical staff were unable or unwilling to
14 perform an adequate evaluation of Mr. Hinton.

15 79. AMR personnel evaluated Mr. Hinton and determined Mr. Hinton was
16 medically cleared, releasing him to law enforcement, to be transported
17 and booked into the Spokane County Jail.

18 80. Mr. Hinton was placed under arrest and transported to the Spokane
19 County Jail by Spokane County Deputy/Spokane Valley Police Officer
20 D. Davis.

21 81. Spokane County Jail staff refused to book Mr. Hinton due to the severity
22 of his injuries.

1 82.Mr. Hinton was then transported by Spokane County Deputy/Spokane
2 Valley Police Officer D. Davis to the emergency room at Deaconess
3 Hospital where he was evaluated by medical staff.

4 83.During this time, Mr. Hinton was severely injured but remained docile
5 and cooperative.

6 84.Despite Mr. Hinton's cooperative, non-threatening demeanor, and his
7 open and obvious external injuries which required emergency medical
8 attention. Spokane County Deputy/Spokane Valley Police Officer D.
9 Davis refused to remove Mr. Hinton's handcuffs during his medical
10 evaluation and treatment.

11 85.Mr. Hinton remained in significant pain for hours due to the refusal to
12 remove his handcuffs.

13 86.Spokane County Deputy/Spokane Valley Police Officer D. Davis refused
14 to remove Mr. Hinton's handcuffs until he was informed that Mr. Hinton
15 would be admitted to the hospital.

16 87.After learning Mr. Hinton would be admitted to Deaconess Hospital, due
17 to the severity of his injuries, the decision to book Mr. Hinton into jail
18 was changed to issuing Mr. Hinton a criminal citation and releasing him
19 with a future court date.

20 88.Entities having the lawful power and authority to arrest and book an
21 individual into jail are responsible for providing and paying for all
22 reasonable and necessary medical treatment required by the incarcerated
23 individual, including but not limited to medical costs and treatment of
24 injuries unlawfully caused by an arresting officer.

1 89. Spokane County and the City of Spokane Valley, by and through their
2 officers and agents, have a history of releasing the criminally accused
3 from custody when the accused is incurring, or is set to incur significant
4 medical treatment and cost.

5 90. Spokane County Sheriff's Department has a policy of reviewing all
6 incidents involving an officer's use of force to determine whether the use
7 of force is appropriate under the circumstances.

8 91. This use of force report is colloquially referred to by Spokane County
9 Sheriff Officers as a "Blue Team" report.

10 92. "Blue Team Reports" are reviewed by a supervising officer specifically
11 trained to determine whether an officer's use of force is appropriate under
12 the circumstances.

13 93. A "Blue Team" report was generated as a result of the assault by Sgt.
14 Hilton on Mr. Hinton.

15 94. Sgt. Hilton's supervising officer, Spokane County Sheriff Sergeant,
16 Richard Gere, approved the use of force implemented by Sgt. Hilton
17 against Mr. Hinton.

18 95. The City of Spokane Valley incorporated in approximately 2003.

19 96. Shortly after incorporating the City of Spokane Valley created the
20 Spokane Valley Police Department which uses distinct City of Spokane
21 Valley Police Department patrol vehicles, distinct uniforms and patches.

22 97. The City of Spokane Valley Police Department contracts with the
23 Spokane County Sheriff Department to provide their police officers.

1 98. The City of Spokane Valley Police Department has taken considerable
2 measures to give the appearance of a police force which is independent
3 from the Spokane County Sheriff's Office.

4 99. The City of Spokane Valley Police Department has failed to implement
5 any independent policies or procedures to ensure that Spokane Valley
6 Police Officers are properly trained, supervised, retained, terminate
7 and/or disciplined.

8 100. The Spokane Valley Police Department has failed to implement
9 policies or procedures ensuring that the duties to train, supervise, retain,
10 terminate or discipline are being properly performed by the Spokane
11 County Sheriff's Department.

12 101. This includes any independent investigation, or review of Spokane
13 Valley Police Officer's excessive use of force on the public.

14 102. Even though, Sgt. Hilton was working as a Spokane Valley Police
15 Department Officer on the date in question. No review of Sgt. Hilton's
16 violent and excessive use of force was undertaken by the City of Spokane
17 Valley Police Department.

18 103. No review of the policies, practices, or procedures used by the
19 Spokane County Sheriff's Department's to determine that Sgt. Hilton's
20 use of excessive and violent force was appropriate was undertaken by the
21 City of Spokane Valley Police Department.

22 104. No review of Spokane County Sheriff Sergeant, Richard Gere, and his
23 approval of the excessive and violent use of force by Sgt. Hilton against
24

1 Mr. Hinton was undertaken by the City of Spokane Valley Police
2 Department.

3
4 **FIRST CAUSE OF ACTION –LACK OF REASONABLE SUSPICION TO**
5 **INITIATE A SEIZURE**

6 105. The Plaintiff re-alleges Paragraphs 1 through 104 as if separately set
7 forth.

8 106. Sgt. Hilton lacked reasonable suspicion to seize Mr. Hinton.

9 107. Mr. Hinton was not committing a crime at the time he was seized by
10 Sgt. Hilton.

11 108. Mr. Hinton was not even committing a civil infraction at the time he
12 was seized by Sgt. Hilton.

13 109. Sgt. Hilton knew, or should have known, the presence of Mr. Hinton in
14 the location where he seized him did not constitute a violation of the
15 municipal code for the City of Spokane Valley, Washington.

16 110. The acts of Sgt. Hilton violated Mr. Hinton's right to be free from an
17 unreasonable seizure in violation of the Fourth Amendment, enforceable
18 through 42 U.S.C. § 1983.

19 **SECOND CAUSE OF ACTION – ARREST WITHOUT PROBABLE CAUSE**

20 111. The Plaintiff re-alleges paragraphs 1 through 111 as if separately set
21 forth.

22 112. Sgt. Hilton lacked probable cause to arrest Mr. Hinton
23
24

1 113. Mr. Hinton was not committing a crime at the time he was placed under
2 custodial arrest by Sgt. Hilton.

3 114. Sgt. Hilton did not possess the knowledge of any facts leading a
4 reasonable office to conclude there was a basis for making a lawful arrest.

5 115. Sgt. Hilton knew, or should have known, the presence of Mr. Hinton in
6 the location he arrested him did not constitute a crime.

7 116. The acts of Sgt. Hilton violated Mr. Hinton's right to be free from an
8 unreasonable seizure in violation of the Fourth Amendment, enforceable
9 through 42 U.S.C. § 1983.

10
11 **THIRD CAUSE OF ACTION – UNREASONABLE SEIZURE – EXCESSIVE**
12 **FORCE**

13 117. The Plaintiff re-alleges Paragraphs 1 through 116 as if separately set
14 forth.

15 118. Sgt. Hilton used objectively unreasonable and excessive force in his
16 detention and arrest of Mr. Hinton.

17 119. The acts of Sgt. Hilton violated Mr. Hinton's right to be free from
18 unreasonable seizures in violation of the Fourth Amendment, enforceable
19 through 42 U.S.C. § 1983.

20
21 **FOURTH CAUSE OF ACTION – DELIBERATE INDIFFERENCE TO**
22 **SERIOUS MEDICAL NEED – SERGEANT HILTON**

23 120. The Plaintiff re-alleges Paragraphs 1 through 119 as if separately set
24 forth.

1 121. Sgt. Hilton knew he delivered several violent strikes to Mr. Hinton.

2 122. Those strikes were with a closed, gloved, fists to Mr. Hinton's face and
3 head; violent knee strikes to Mr. Hinton's rib cage, chest and abdominal
4 areas, and said strikes were made with such force that a reasonable person
5 in the same or similar circumstances would understand and appreciate the
6 substantial risk of serious injury.

7 123. As a result of inflicting multiple violent strikes upon Mr. Hinton's face
8 and body, Sgt. Hilton observed Mr. Hinton to exhibit symptoms consistent
9 with a serious injury.

10 124. It would have been obvious to a lay person and was or should have been
11 obvious to Sgt. Hilton that Mr. Hinton's injuries required prompt medical
12 attention from a qualified physician.

13 125. The combination of being the perpetrator of the violent assault upon Mr.
14 Hinton, with the knowledge of the substantial force used to perpetrate the
15 assault, coupled with Mr. Hinton's presentation of symptoms following the
16 assault, provided Sgt. Hilton with the knowledge Mr. Hinton had a serious
17 medical need and required appropriate medical attention from a qualified
18 physician.

19 126. Despite this knowledge, Sgt. Hilton directed Mr. Hinton to be
20 transported to the Spokane County Jail where he was to be booked.

21 127. At the Spokane County Jail, Mr. Hinton's injuries were so obvious and
22 substantial the Spokane County Jail staff refused to admit him into their
23 facility.

1 128. Mr. Hinton was transported to Deaconess Medical Center where he was
2 admitted due to his serious injuries.

3 129. Sgt. Hilton's acts and omissions were deliberately indifferent to Mr.
4 Hinton's serious medical needs, thereby depriving him of due process
5 under the Fourteenth Amendment.

6
7 **FIFTH CAUSE OF ACTION – DELIBERATE INDIFFERENCE – AMR**

8 130. The Plaintiff re-alleges Paragraphs 1 through 129 as if separately set
9 forth.

10 131. AMR responded to the location of the encounter between Sgt. Hilton
11 and Mr. Hinton.

12 132. Emergency medical responders from AMR evaluated Mr. Hinton and
13 based on his presentation of symptoms, knew or should have known of Mr.
14 Hinton's serious injuries and medical need for the attention of a qualified
15 physician.

16 133. Despite said knowledge, AMR medically cleared Mr. Hinton for
17 booking into the Spokane County Jail.

18 134. AMR performed said medical evaluation at the direction of and on
19 behalf of the City of Spokane Valley and Spokane County.

20 135. AMR's agents were influenced to medically clear Mr. Hinton for
21 booking into the Spokane County Jail by the actions and influence of Sgt.
22 Hilton and/or the responding members of the City of Spokane Valley
23 Police Department.

**SIXTH CAUSE OF ACTION – MUNICIPAL LIABILITY – SPOKANE
COUNTY**

136. The Plaintiff re-alleges Paragraphs 1 through 135 as if separately set forth.

137. Spokane County, at all relevant times, has maintained a policy, custom, or practice that has been the cause and the moving force behind the violation of citizens' Constitutional Rights. Specifically, this policy, custom or practice involves:

- a. The use of objectively unreasonable and excessive force on detainees and arrestees.
- b. Disorderly conduct arrests without probable cause, often only because the arrestee was protesting police conduct.
- c. Overcharging arrestees with resisting arrest, disorderly conduct and assault on a police officer when the arrestee is simply being uncooperative.
- d. The arrestees receiving serious injuries but the officers not being injured during such encounters.
- e. The Spokane County Sheriff's Office not sustaining citizen complaints if it is the word of the complainant against a police officer and only sustaining a complaint if the citizen has corroboration from another person, if at all.
- f. The Spokane County Sheriff's Office failing to investigate allegations of excessive force and approving the use of force despite

clear and obvious evidence the force used was inappropriate and in violation of the arrestee's civil rights.

- g. The Spokane County Sheriff's Office failing to discipline officers who have used excessive force.
- h. The Spokane County Sheriff's Office failing to supervise its officers and their use of force.
- i. The Spokane County Sheriff's Office failing to conduct appropriate and meaningful investigation into use of force allegations and rubber stamping their approval of an officer's use of force despite clear evidence to the contrary.
- j. The Spokane County Sheriff's Office failing to discipline its deputies for improper use of force.
- k. The Spokane County Sheriff's Office failing to properly train officers.
- l. Failing to implement the duties associated with RCW 10.39.190.
- m. Failing to discipline officers who do not abide by RCW 10.39.190 and its requirements.
- n. The elected Sheriff, as well as his immediate subordinates, engaging in a campaign of misinformation where the public is led to believe "problem deputies" are being disciplined and discharged from service while simultaneously failing to follow proper disciplinary protocol so that deputies are allowed to keep their position in the Sheriff's office due to administrative failures.

1 o. The elected Sheriff, as well as his immediate subordinates, engaging
2 in a campaign of misinformation where the public is led to believe
3 “problem deputies” are being disciplined and discharged from
4 service while simultaneously negotiating for the deputies stipulated
5 return to service.

6 138. The above-described policies, customs or practices were the direct,
7 proximate cause of Sgt. Hilton violating Mr. Hinton’s Fourth and
8 Fourteenth Amendment rights, enforceable through 42 U.S.C. § 1983.

9 139. Spokane County was acting as an agent of Spokane Valley for the
10 purpose of law enforcement services.

11 140. Spokane County Sheriff’s Office deliberate indifference towards
12 whether its officers are refraining from using excessive force and
13 disciplined for their failures or beach of this duty.

14 141. Spokane County Sheriff’s Office deliberate indifference to the rights,
15 health and safety of its citizens.

16 142. Spokane County Sheriff’s Office deliberate indifference to whether its
17 deputies are conducting themselves in a manner which is lawful.

18 143. As a result of the above described policy, custom or practice, Mr.
19 Hinton suffered damages.

20 **SEVENTH CAUSE OF ACTION – MUNICIPAL LIABILITY – CITY OF**
21 **SPOKANE VALLEY**

22 144. The Plaintiff re-alleges Paragraphs 1 through 143 as if separately set
23 forth.

1 145. The City of Spokane Valley at all relevant times has maintained a
2 policy, custom, or practice that has been the cause, and/or moving force,
3 behind the violation of citizens' rights. Specifically, this policy, custom or
4 practice involves:

- 5 a. The use of objectively unreasonable and excessive force on
6 detainees and arrestees.
- 7 b. Disorderly conduct arrests without probable cause, often only
8 because the arrestee was protesting police conduct.
- 9 c. Overcharging arrestees with resisting arrest, disorderly conduct and
10 assault on a police officer when they are simply being
11 uncooperative.
- 12 d. The arrestees receiving serious injuries but the officers not being
13 injured during such encounters.
- 14 e. The City of Spokane Valley's Police Department failing to
15 investigate allegations of excessive force.
- 16 f. The City of Spokane Valley's Police Department delegation to
17 Spokane County Sheriff's office of a non-delegable duty; a duty to
18 establish safeguards to ensure the safety of the public and to
19 investigate its officer's use of force against citizens.
- 20 g. The City of Spokane Valley's Police Department delegating a non-
21 delegable duty; a duty to properly train its officers.
- 22 h. The City of Spokane Valley's Police Departments delegating a non-
23 delegable duty; a duty to supervise its officers.

- i. The City of Spokane Valley's Police Departments delegating a non-delegable duty; a duty to properly retain, terminate and/or discipline its officers.
- j. The City of Spokane Valley Police Department's failure to institute any policy or procedures to ensure that its law enforcement officers are refraining from using excessive force and disciplined for their failure or breaches of this duty.
- k. The City of Spokane Valley Police Departments failure to institute any policy or procedures to ensure its law enforcement officers are abiding by RCW 10.39.190.
- l. The City of Spokane Valley's failure to discipline officers who have used excessive force.
- m. The City of Spokane Valley's deliberate indifference towards whether its officers are refraining from using excessive force and disciplined for their failures or breaches of this duty.
- n. The City of Spokane Valley's deliberate indifference to the rights, health and safety of its citizens.
- o. The City of Spokane Valley's deliberate indifference to whether its officers are conducting themselves in a manner which is lawful.
- p. The City of Spokane Valley's failure to implement policies or procedures ensuring that these duties are being properly performed by the Spokane County Sheriff's Department.
- q. The City of Spokane Valley's failure to review the policies, practices, or procedures used by the Spokane County Sheriff's

Department's review of the use of excessive and violent force by
Spokane Valley Police Officers

r. The City of Spokane Valley's failure to review Spokane County
Sheriff Sergeant, Richard Gere, and his approval of the excessive
and violent use of force by Sgt. Hilton.

146. The above-described policy, custom or practice was the direct,
proximate cause of Sgt. Hilton violating Mr. Hinton's Fourth and
Fourteenth Amendment rights, enforceable through 42 U.S.C. § 1983.

147. As a result of the above described policy, custom or practice, Mr.
Hinton suffered damages.

148. The City of Spokane Valley is liable for the actions of Sgt. Hilton under
a theory of vicarious liability as he was acting on behalf of the City while
employed with Spokane County.

149. The City of Spokane Valley is liable for the actions of Sgt. Hilton under
a theory of agency.

EIGHTH CAUSE OF ACTION – COMMON LAW – FALSE ARREST

150. The Plaintiff re-alleges Paragraphs 1 through 149 as if separately set
forth.

151. Sgt. Hilton detained Mr. Hinton without reasonable suspicion or
probable cause.

152. Sgt. Hilton unlawfully restrained Mr. Hinton without legal authority.

153. The aforesaid acts of Mr. Hilton were taken within the scope of his employment with Spokane Valley Police Department and Spokane County Sheriff's Office.

154. The unlawful acts of Sgt. Hilton were the direct, proximate cause of Mr. Hinton's injuries.

NINTH CAUSE OF ACTION – COMMON LAW – ASSAULT AND BATTERY

155. The Plaintiff re-alleges Paragraphs 1 through 154 as if separately set forth.

156. By his words and acts Sgt. Hilton threatened to inflict bodily harm upon Mr. Hinton.

157. By using excessive and unreasonable force, Sgt. Hilton caused harmful or offensive bodily contact with Mr. Hinton.

158. The aforesaid acts were unprivileged.

159. The aforesaid acts of Sgt. Hilton were performed within the scope of his employment with Spokane County and the City of Spokane Valley.

160. The alleged acts of Sgt. Hilton were the direct, proximate cause of Mr. Hinton's injuries.

TENTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

161. The Plaintiff re-alleges Paragraphs 1 through 160 as if separately set forth.

1 162. Without warning, necessity or lawful justification, Sgt. Hilton
2 intentionally or recklessly committed the common law tort of assault and
3 battery.

4 163. Following his assault and battery of Mr. Hinton, Sgt. Hilton engaged in
5 conduct that was designed to intimidate and embarrass Mr. Hinton, to wit:
6 making loud jokes and mocking Mr. Hinton's injuries with and in the
7 presence of other officers.

8 164. The conduct of Sgt. Hilton was extreme and outrageous and was
9 intended to cause and did cause Mr. Hinton severe emotional distress.

10 165. The acts and omission of Sgt. Hilton were performed within the scope
11 of his employment by Spokane County and the City of Spokane Valley.

12
13 **ELEVENTH CAUSE OF ACTION – MALICIOUS PROSECUTION**

14 166. The Plaintiff re-alleges Paragraphs 1 through 165 as if separately set
15 forth.

16 167. Sgt. Hilton initiated charges of "In a Spokane Valley Park after Hours,"
17 "Obstructing a Law Enforcement Officer" and "Resisting Arrest" with
18 malice and without probable cause.

19 168. Sgt. Hilton attempted to amend the citation he issued when he realized
20 he inappropriately and inaccurately applied the law.

21 169. Sgt. Hilton attempted to conceal his error and mistake of law by using
22 criminal charging codes he knew, or should have known, were outside the
23 jurisdictional limits of the City of Spokane Valley.

1 170. Sgt. Hilton initiated the charges knowing he lacked facts sufficient to
2 establish probable cause or a reasonable belief that Mr. Hinton committed
3 the crimes with which he was charged.

4 171. Sgt. Hilton initiated the charges against Mr. Hinton in an attempt to
5 conceal Sgt. Hilton's violent, unlawful and excessive use of force.

6 172. Sgt. Hilton initiated the charges against Mr. Hinton because Mr. Hinton
7 "didn't listen" to him.

8 173. Sgt. Hilton initiated the charges against Mr. Hinton in retaliation
9 because Mr. Hinton correctly asserted his legal right to be present at the
10 location where the incident occurred.

11 174. By doing so, Mr. Hinton committed what is often referred to as
12 "contempt of cop," a term used to describe situations where law
13 enforcement officers retaliate against individuals who challenge their
14 authority or assert their legal rights.

15 175. The charges filed by Sgt. Hilton were dismissed on motion of the State
16 of Washington, Deputy Prosecuting Attorney for Spokane County on
17 September 29, 2023.

18 176. The basis for the motion was "interest of justice" and "prosecutor
19 discretion."

20 177. The acts of Sgt. Hilton were performed within the scope of his
21 employment with Spokane County and the City of Spokane Valley.

22 //

23 //

24 //

TWELFTH CAUSE OF ACTION – MEDICAL NEGLIGENCE - AMR

178. The Plaintiff re-alleges Paragraphs 1 through 177 as if separately set forth.

179. On or about August 15, 2023, AMR, as emergency medical services professionals, undertook the responsibility to diagnose and treat Mr. Hinton's medical conditions, thereby establishing a physician-patient relationship and creating a duty to exercise the standard of care required of a reasonably prudent emergency medical services professional under the same or similar circumstances.

180. AMR breached this duty by failing to conduct a thorough examination, failing to order appropriate diagnostic tests, and failing to refer Mr. Hinton to appropriate medical care, despite the severity and persistence of his symptoms.

181. AMR overlooked, ignored or were unable to meet the standard of care due to the environment created by law enforcement and failed to take precautions and measures allowing for an evaluation to be conducted which met the standard of care.

182. As a direct and proximate cause of Defendant AMR's failure to meet the standard of care, Mr. Hinton's continued to suffer without proper and timely medical care; his condition worsened causing him significant pain and suffering.

183. The acts and omissions of AMR as described herein constitute negligence under Washington State Law.

184. Mr. Hinton has suffered and will continue to suffer damages as a result of AMR's negligent acts and omissions.

THIRTEENTH CAUSE OF ACTION – NEGLIGENCE

185. The Plaintiff re-alleges Paragraphs 1 through 184 as if separately set forth.

186. Under Washington State law, Sgt. Hilton had a duty to serve as a law enforcement officer in a reasonably prudent manner.

187. Under Washington State law, Sgt. Hilton had a duty to implement the use of force in a reasonably prudent manner.

188. Sgt. Hilton breached these duties when he violently assaulted Mr. Hinton.

189. As a proximate cause of Sergeant Hilton's breach, Mr. Hinton suffered damages.

190. Under Washington State law, the Spokane County Sheriff's Office had a duty to properly train, supervise, discipline, retain and terminate law enforcement officers.

191. The Spokane county Sheriff's Office breached these duties when they failed to properly train, supervise, discipline, retain and or terminate Sgt. Hilton.

192. As a proximate cause of the Spokane County Sheriff's Office breach, Mr. Hinton suffered damages.

1 193. Under Washington State law, The City of Spokane Valley Police
2 Department had a duty to properly train, supervise, discipline, retain and
3 terminate law enforcement officers.

4 194. The City of Spokane Valley Police Department breached these duties
5 when they failed to properly train, supervise, discipline, retain and
6 terminate law enforcement officers.

7 195. The City of Spokane Valley Police Department breached these duties
8 when they failed to engage in any oversight of the Spokane County
9 Sherriff's Office policies and process for properly training, supervising,
10 disciplining, retaining and terminating law enforcement officers.

11 196. As a proximate cause of the breaches by the City of Spokane Valley
12 Police Department, Mr. Hinton suffered damages.

13 **VICARIOUS LIABILITY**

14 197. The Plaintiff re-alleges Paragraphs 1 through 196 as if separately set
15 forth.

16 198. At the time of the negligence alleged herein, Defendant Sgt. Hilton was
17 acting in the scope of his duties as an employee of Spokane County.

18 199. At the time of the negligence alleged herein, Defendant Sgt. Hilton was
19 acting in the scope of his duties as a law enforcement officer for the City of
20 Spokane Valley.

21 200. At the time of the negligence alleged herein, Defendant Sgt. Hilton was
22 acting on behalf of, and as an agent for, the City of Spokane Valley while
23 employed with Spokane County.

1 201. The City of Spokane Valley is liable for the actions of Sgt. Hilton under
2 a theory of agency.

3
4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for the following relief:

6 202. For an award of economic and noneconomic damages in an amount to
7 be proved at trial;

8 203. For an award of punitive damages against each of the individual
9 defendants in an amount to be determined at trial;

10 204. For reasonable costs and attorney fees incurred in bringing the present
11 action;

12 205. For such other legal and equitable relief as the court deems appropriate
13 and just.

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25 COMPLAINT - 35



26 1604 West Dean
Spokane, Washington 99201
(509) 838 - 9111

JURY DEMAND

206. Plaintiff hereby demands a jury trial on all issues triable by jury.

DATED this 20th day of August, 2024.

/s/ Joshua P. Maurer, WSBA # 39353

MAURER LAW, PLLC
Attorney for Plaintiff
1604 West Dean Avenue
Spokane, Washington 99201
Tel: 509.838.9111
Fax: 509.7475692
Email: josh@jamaurerlaw.com

/s/ Timothy Note. WSBA #:34929

Attorney for Plaintiff
901 N. Adams Street
Spokane, Washington 99201
Tel.: 509.328.8800
Fax: 509.328.8811
Email: tim@noteandkidd.com



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

KEVIN HINTON

Plaintiff(s)

v.

SPOKANE COUNTY SHERIFF'S OFFICE; SPOKANE
COUNTY; CITY OF SPOKANE VALLEY POLICE
DEPARTMENT; CITY OF SPOKANE VALLEY;
SERGEANT CLAY HILTON, Et. Alia

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* American Medical Response Ambulance Service, Inc
4400 Highway 121 Ste 700
Lewsville, TX 75056-4952

Registered Agent
300 Deschutes Way SW Stwe 208 MC-CSC1
Tumwater, WA 985601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Maurer Law Office
1604 West Dean
Spokane, WA 99201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date

SEAN F. McAVOY, Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* American Medical Response Ambulance Service, Inc.
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

 Date

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* City of Spokane Valley
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

 Date

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Eastern District of Washington

KEVIN HINTON

Plaintiff(s)

V.

SPOKANE COUNTY SHERIFF'S OFFICE; SPOKANE
COUNTY; CITY OF SPOKANE VALLEY POLICE
DEPARTMENT; CITY OF SPOKANE VALLEY;
SERGEANT CLAY HILTON, Et. Alia

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Clay Hilton
31 Patriel Dr.
Newport, WA 99156

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Maurer Law Office
1604 West Dean
Spokane, WA 99201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date _____

SEAN F. McAVOY, Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Clay Hilton
 was received by me on *(date)* _____.

- ☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or
- ☐ I returned the summons unexecuted because _____; or
- ☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

 Date

 Server's signature

 Printed name and title

 Server's address

Additional information regarding attempted service, etc:

SEAN F. McAVOY, Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Spokane County / Spokane County Sheriff's Office
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date_____
*Server's signature*_____
*Printed name and title*_____
Server's address

Additional information regarding attempted service, etc:

Eastern District of Washington

KEVIN HINTON

Plaintiff(s)

V.

SPOKANE COUNTY SHERIFF'S OFFICE; SPOKANE
COUNTY; CITY OF SPOKANE VALLEY POLICE
DEPARTMENT; CITY OF SPOKANE VALLEY;
SERGEANT CLAY HILTON, Et. Alia

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Dave Ellis
10210 East Sprague Ave
Spokane Valley, WA 99206

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Maurer Law Office
1604 West Dean
Spokane, WA 99201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date _____

SEAN F. McAVOY, Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Dave Ellis
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

 Date

 Server's signature

 Printed name and title

 Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* John Nowels
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date_____
Server's signature_____
Printed name and title_____
Server's address

Additional information regarding attempted service, etc: