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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELE SANTOPIETRO, an Individual,
Plaintiff,

v.

LAS VEGAS POLICE DEPARTMENT
OFFICERS C. HOWELL (BADGE 9034),
AND CRAWFORD (BADGE 10050),

Defendants.

CASE NO.

COMPLAINT AND JURY DEMAND

**(VIOLATION OF CIVIL RIGHTS
UNDER 42 U.S.C. § 1983)**

This is a complaint about an actress and performer who was peaceably exercising her First Amendment rights on Las Vegas' famous Strip, entertaining passers by, when she was treated brutally by Officers Howell and Crawford, violating her person, her First Amendment rights, and her dignity. Plaintiff Michele Santopietro, by and through her undersigned counsel, and for her complaint in the above-captioned action, alleges as follows:

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THE PARTIES, JURISDICTION, AND VENUE

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2 1. At all relevant times, Plaintiff Michele Santopietro was a California resident. Ms.
3 Santopietro is an actress and performer, and has appeared in many television shows including
4 Sex and the City, Days of Our Lives, and The Sopranos, in which she portrayed JoJo Palmice.
5 She has portrayed law officers on television's Law & Order, and has appeared in films, including
6 The Donner Party, Two Family House, And She Was, and Love is a Four Letter Word. Ms.
7 Santopietro is a graduate of New York University's prestigious Tisch School of the Arts, and 22-
8 year veteran of the entertainment industry, belonging to three different unions of performing
9 artists. She has made her living consistently and exclusively through performances in film,
10 television, theater, voice-overs, on-camera commercials, and network promotional voice-work
11 (which she has done for the Discovery Channel, and the Animal Planet Network), video games,
12 and audiobook recordings. Defendants Officers C. Howell and Crawford of the Las Vegas
13 Metropolitan Police Department ("LVMPD") are vested with authority to enforce both Nevada
14 statutory law and Clark County Codes. Ms. Santopietro sues the officers in their individual
15 capacities.

16 2. Ms. Santopietro expects to identify other defendants during litigation and reserves
17 the right to amend this Complaint under Fed. R. Civ. P. 15(a) as new claims and defendants are
18 identified.

19 3. This Court has original subject matter jurisdiction over the federal constitutional
20 violation alleged in this Complaint pursuant to the provisions of 42 U.S.C. § 1983 and 28 U.S.C.
21 §§ 1331 and 1343. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction
22 over Ms. Santopietro's state law claims. This Court has jurisdiction to issue injunctive and
23 declaratory relief pursuant to 28 U.S.C. § 2201 and 42 U.S.C. § 1983.

24 4. Venue is proper in the District Court of Nevada pursuant to 28 U.S.C. § 1391. All
25 defendants reside in Nevada, and all actions pertinent to this Complaint occurred in Clark
26 County, Nevada.

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STANDING

5. Ms. Santopietro is directly affected by Defendants' application of Clark County Code 6.56.030 (doing business without a license) because this law has been applied against her, and she has knowledge of its application against other street performers.

6. She also has standing for a separate reason: her knowledge of the application of this law against others has had a chilling effect on her First Amendment activities. The enforcement, or credible fear of enforcement, of this law against Ms. Santopietro, as well as the deterring effect of potential future enforcement against her, is a violation and/or has caused a violation of Ms. Santopietro's rights under the U.S. and Nevada Constitutions. Therefore, the requirements for Article III standing have been met.

GENERAL ALLEGATIONS

7. The portion of Las Vegas Boulevard South between Russell Road and Sahara Avenue is commonly referred to as "the Strip." This area is just over three and a half miles long and is located within the unincorporated parts of Clark County. Many of the largest hotel and casino properties in the world are located on the Strip and millions of visitors visit the Strip each year, for pleasure and entertainment. The Strip, and entertainment on it, are an important part of the culture and life of Las Vegas.

8. The Clark County Code applies to all areas of unincorporated Clark County, Nevada.

9. LVMPD is a law enforcement agency with jurisdiction over the unincorporated parts of Clark County and is tasked with enforcing the Clark County Code, as well as Nevada statutory law.

10. The LVMPD knows that business licensing codes do not apply to street performers.

11. On or around February 3, 2010, LVMPD entered into an Interim Stipulated Memorandum of Understanding ("Interim MOU") with two Plaintiffs represented by the American Civil Liberties Union of Nevada ("Nevada ACLU"). *See Banasik v. Clark County*, Case No. 2:09-cv-1242, ECF No. 45. Pursuant to the Interim MOU, LVMPD agreed to define

“street performer” as “a member of the general public *who engages in performing any art* or the playing of any musical instrument, singing or vocalizing, with or without musical accompaniment, and whose performance is not an official part of a sponsored event.” *Id.* at ¶ I.2 (emphasis added).

12. The Interim MOU also states that “[t]he entirety of Chapter 6 of the Clark County Code, the business licensing codes, as written, is inapplicable to the act of street performing.” *Id.* at ¶ I.6. In the Interim MOU, LVMPD explicitly agreed to:

not issue a citation, or effect an arrest of, a person solely based upon the person(s) being a “street performer” or engaged in “street performing” (as defined in Sec. I, ¶ 2 of this Agreement) or to otherwise criminalize “street performing,” including issuing citations and/or arresting persons for the following codes and/or statutes solely for engaging in street performing and/or being street performers:

g. Clark County Code Chapter 6 (business licenses)

Id. at ¶ II.4. The Interim MOU further clarifies that “for example, street performers cannot be required to obtain a business license to perform in public spaces, even if people give them unsolicited tips.” *Id.* at ¶ II.5.

13. Ms. Santopietro sometimes visits the Strip in Halloween costumes, entertaining Las Vegas visitors. If someone requests to take a photo with her, she agrees to do so, and does not insist on a tip. She has never approached anyone to solicit a tip, nor has she ever demanded any type of compensation, monetary or otherwise.

14. On May 28, 2011, Ms. Santopietro was in Las Vegas with a friend. Both were dressed in Halloween costumes depicting police officers. Defendants Officer Howell and Officer Crawford, dressed in street clothes and without identifying themselves as police officers, approached Ms. Santopietro and her friend. Officer Howell asked how much it would cost to take a picture with Ms. Santopietro and her friend. Ms. Santopietro indicated that it did not have a cost, but that she would accept a tip. Officer Howell stated that he would tip and posed for a picture. Officer Crawford took the photo.

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1 15. After the photo, the officers walked away. Ms. Santopietro's friend politely
2 reminded the officers, "Oh, don't forget the tip – you said you would tip."

3 16. Ms. Santopietro did not say anything at this point, and did not request a tip or
4 remind Officer Howell of the tip he said he would give.

5 17. Officer Howell stated, "I'm not giving you a tip." Ms. Santopietro's friend then
6 stated, "But you said that you would tip."

7 18. At that point, Officers Howell and Crawford surrounded Ms. Santopietro's friend,
8 with a third, unidentified male officer joining them. Ms. Santopietro approached her friend to
9 determine what was going on.

10 19. Officer Crawford turned to Ms. Santopietro and asked, "And what are you going to
11 do to my camera if I don't give you a tip?"

12 20. Officer Crawford aggressively jabbed the camera at Ms. Santopietro's face and
13 nose.

14 21. Ms. Santopietro responded, "I'm not going to do anything to your camera. I'm not
15 going to touch you. What exactly are you trying to get me to say?"

16 22. At that point, Defendants identified themselves as police officers and accused Ms.
17 Santopietro and her friend of doing business without a license.

18 23. The identified male officer handcuffed Ms. Santopietro and her friend.

19 24. Officers Howell and Crawford knew that the LVMPD would not charge street
20 performers for doing business without a license.

21 25. Officers Howell and Crawford reasonably should have known that the LVMPD
22 should not charge street performers for doing business without a license.

23 26. Defendants arrested Ms. Santopietro and filed a Declaration of Arrest citing Ms.
24 Santopietro under Clark County Code 06.56.030 (doing business without a license).

25 27. Defendants left Ms. Santopietro handcuffed for approximately 16 hours and held
26 her in custody for approximately 17.5 hours.

27 28. Her detention resulted in bruises perpetrated by Defendants and other persons in
28 detention.

1 29. Defendants also pushed and pulled Ms. Santopietro up and down repeatedly during
2 her arrest, despite her informing the officers that she had back and knee injuries. By doing so,
3 Defendants aggravated Ms. Santopietro's lower back and knee injuries.

4 30. One or more of Defendants wrenched her back, shoulders, knees, hands, and neck
5 which a subsequent doctor's examination determined caused serious damage and bruising.

6 31. On that day, dozens of other costumed performers portrayed different characters
7 on the Strip.

8 32. None were arrested, upon information and belief.

9 33. On June 14, 2011, the State of Nevada charged Ms. Santopietro with violation of
10 Clark County Code 06.56.030, doing business without a license, as defined by Clark County
11 Code 06.04.010.

12 34. When Ms. Santopietro appeared for her trial, the court informed her that the State
13 had dismissed the charges.

14 35. Since these events, Ms. Santopietro has suffered from nightmares, night terrors,
15 severe anxiety, and extreme fear of police officers.

16 36. She has been unable to return to Las Vegas to visit friends and family.

17 37. Her reputation as an actress has been harmed by this incident.

18 38. Ms. Santopietro pursued charges against Defendants through internal affairs but to
19 no avail.

20 39. Defendants used clearly inapplicable laws to harass and intimidate Ms. Santopietro
21 and exclude her from performing on public sidewalks along the Strip.

22 40. Defendants' enforcement of Clark County Code 06.56.030 (doing business without
23 a license) along with the other relevant portions of Clark County Code Title 6 (Business
24 Licenses) constitutes an impermissible regulatory scheme that infringes on Ms. Santopietro's
25 exercise of free speech.

26 41. These laws are not only unconstitutional as applied to Ms. Santopietro, but are
27 inapplicable to Ms. Santopietro's activities on the Strip.
28

1 42. Defendants intended to chill Ms. Santopietro's speech activities by threatening her
2 with prosecution under Clark County Code Title 6.

3 43. Defendants arrested Ms. Santopietro under these laws, and held her and/or caused
4 her to be held in jail.

5 44. The State of Nevada later dropped the charges, further showing Defendants'
6 intention to chill Ms. Santopietro's right to free speech.

7 45. Defendants' citation of Ms. Santopietro under Clark County Code 06.56.030
8 (doing business without a license) is not only inapplicable to Ms. Santopietro's activities on the
9 Strip, it also infringes on her right of free expression because Clark County offers no license for
10 such activity.

11 46. Even if Clark County created such a license, the licensing scheme under Clark
12 County Code Title 6 is unconstitutional as applied to Ms. Santopietro because the licensing
13 scheme is a prior restraint on speech and gives nearly unfettered discretion to Clark County
14 Business License Department to allow or disallow expression.

15 47. The application of Clark County Code Title 6 against Ms. Santopietro also
16 amounts to a violation of her substantive and procedural due process rights.

17 48. The application of Clark County Code Title 6 against Ms. Santopietro violates her
18 right to equal protection under the law.

19 49. Other speakers, such as hand-billers and protesters, are allowed to exercise their
20 free speech rights on the Strip without fear of harassment, citation, or arrest.

21 50. Furthermore, it is clear that Defendants take issue with the fact that Ms.
22 Santopietro receives tips for her performances and is differentiating and applying different
23 standards to protected speech based on whether that speech is for-profit or non-profit, which is
24 unconstitutional.

25 51. Defendants knew, or should have known, that the LVMPD, as part of the Interim
26 MOU, agreed in a court of law to not enforce Title 6 of the Clark County Code against street
27 performers such as Ms. Santopietro.

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FIRST CAUSE OF ACTION
Violation of the First Amendment to the
United States Constitution under 42 U.S.C. § 1983
(Free Speech)

52. Ms. Santopietro realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as set forth fully herein.

53. Ms. Santopietro alleges that Defendants subjected her to deprivation of her First Amendment rights to freedom of speech and expression under the color of Clark County Code 6.56.030 (doing business without a license) and the applicable business license requirements of Title 6 of the Clark County Code.

54. Officers Howell and Crawford were persons who under the color of law subjected or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to relief.

55. Officers Howell and Crawford behaved in a willful and wanton manner in knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

SECOND CAUSE OF ACTION
Violation of the First Amendment to the
United States Constitution
(Free Speech)

56. Ms. Santopietro realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as set forth fully herein.

57. Ms. Santopietro alleges that Defendants enforced Clark County Code 6.56.030 (doing business without a license) and the applicable business license requirements of Title 6 of the Clark County Code against Plaintiff by singling her out for the communicative manner of her attire, namely a police costume, in violation of her First Amendment rights to freedom of speech and expression.

58. Officers Howell and Crawford were persons who under the color of law subjected or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are

1 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
2 relief.

3 59. Officers Howell and Crawford behaved in a willful and wanton manner in
4 knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no
5 legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

6 **THIRD CAUSE OF ACTION**
7 **Violation of Nevada Constitution, Article 1, Section 9**
8 **(Free Speech)**

9 60. Ms. Santopietro realleges and incorporates by reference each and every allegation
10 contained in the preceding paragraphs as set forth fully herein.

11 61. Ms. Santopietro alleges that Defendants' enforcement of Clark County Code
12 6.56.030 (doing business without a license) and the applicable business license requirements of
13 Title 6 of the Clark County Code are unconstitutional as applied to her in violation of her rights
14 to freedom of speech and expression under article 1, section 9 of the Nevada Constitution.

15 62. Ms. Santopietro alleges that Defendants enforced Clark County Code 6.56.030
16 (doing business without a license) and the applicable business license requirements of Title 6 of
17 the Clark County Code against Plaintiff by singling her out for the communicative manner of her
18 attire, namely a police costume, in violation of her rights to freedom of speech and expression
19 under article 1, section 9 of the Nevada Constitution.

20 63. Officers Howell and Crawford were persons who under the color of law subjected
21 or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are
22 liable. Ms. Santopietro has been injured by these constitutional violations and she is entitled to
23 relief.

24 64. Officers Howell and Crawford behaved in a willful and wanton manner in
25 knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no
26 legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

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FOURTH CAUSE OF ACTION
Violation of the Fourth Amendment to the
United States Constitution
(Unreasonable Search and Seizure)

65. Ms. Santopietro realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as set forth fully herein.

66. Ms. Santopietro alleges that Defendants arrested her without a valid arrest warrant or probable cause in violation of her Fourth Amendment rights against unreasonable search and seizure.

67. Officers Howell and Crawford were persons who under the color of law subjected or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to relief.

68. Officers Howell and Crawford behaved in a willful and wanton manner in knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

FIFTH CAUSE OF ACTION
Violation of Nevada Constitution, Article 1, Section 18
(Unreasonable Search and Seizure)

69. Ms. Santopietro realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as set forth fully herein.

70. Ms. Santopietro alleges that Defendants arrested her without a valid arrest warrant or probable cause in violation of her rights against unreasonable search and seizure under article 1, section 18 of the Nevada Constitution.

71. Officers Howell and Crawford were persons who under the color of law subjected or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to relief.

1 72. Officers Howell and Crawford behaved in a willful and wanton manner in
2 knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no
3 legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

4 **SIXTH CAUSE OF ACTION**
5 **Violation of the Fourteenth Amendment to the**
6 **United States Constitution under 42 U.S.C. § 1983**
7 **(Substantive Due Process)**

8 73. Ms. Santopietro realleges and incorporates by reference each and every allegation
9 contained in the preceding paragraphs as set forth fully herein.

10 74. Ms. Santopietro alleges that Defendants subjected her to violation of her
11 Fourteenth Amendment rights to due process of law under the color of Clark County Code
12 6.56.030 (doing business without a license) and the applicable business license requirements of
13 Title 6 of the Clark County Code.

14 75. Officers Howell and Crawford were persons who under the color of law subjected
15 or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are
16 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
17 relief.

18 76. Officers Howell and Crawford behaved in a willful and wanton manner in
19 knowingly violating Ms. Santopietro's constitutional rights, and in roughing her up for no
20 legitimate reason, thus injuring her. She is entitled to punitive damages for their behavior.

21 **SEVENTH CAUSE OF ACTION**
22 **Violation of Nevada Constitution, Article 1, Section 8**
23 **(Substantive Due Process)**

24 77. Ms. Santopietro realleges and incorporates by reference each and every allegation
25 contained in the preceding paragraphs as set forth fully herein.

26 78. Ms. Santopietro alleges that Defendants' enforcement of Clark County Code
27 6.56.030 (doing business without a license) and the applicable business license requirements of
28 Title 6 of the Clark County Code are unconstitutional as applied to her in violation of her rights
to due process of law under article 1, section 8 of the Nevada Constitution.

1 79. Officers Howell and Crawford were persons who under the color of law subjected
2 or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are
3 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
4 relief.

5 **EIGHTH CAUSE OF ACTION**
6 **Violation of the Fourteenth Amendment to the**
7 **United States Constitution under 42 U.S.C. § 1983**
8 **(Procedural Due Process)**

9 80. Ms. Santopietro realleges and incorporates by reference each and every allegation
10 contained in the preceding paragraphs as set forth fully herein.

11 81. Ms. Santopietro alleges that Defendants subjected her to deprivation of her
12 Fourteenth Amendment rights to due process under the color of Clark County Code 6.56.030
13 (doing business without a license) and the applicable business license requirements of Title 6 of
14 the Clark County Code.

15 82. Officers Howell and Crawford were persons who under the color of law subjected
16 or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are
17 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
18 relief.

19 **NINTH CAUSE OF ACTION**
20 **Violation of Nevada Constitution, Article 1, Section 8**
21 **(Procedural Due Process)**

22 83. Ms. Santopietro realleges and incorporates by reference each and every allegation
23 contained in the preceding paragraphs as set forth fully herein.

24 84. Ms. Santopietro alleges that Defendants' enforcement of Clark County Code
25 6.56.030 (doing business without a license) and the applicable business license requirements of
26 Title 6 of the Clark County Code are unconstitutional as applied to her in violation of her rights
27 to due process of law under article 1, section 8 of the Nevada Constitution.

28 85. Officers Howell and Crawford were persons who under the color of law subjected
or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are

1 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
2 relief.

3 **TENTH CAUSE OF ACTION**
4 **Violation of the Fourteenth Amendment to the**
5 **United States Constitution under 42 U.S.C. § 1983**
6 **(Equal Protection)**

7 86. Ms. Santopietro realleges and incorporates by reference each and every allegation
8 contained in the preceding paragraphs as set forth fully herein.

9 87. Ms. Santopietro alleges that Defendants subjected her to deprivation of her
10 Fourteenth Amendment rights to equal protection under the color of Clark County Code
11 6.56.030 (doing business without a license) and the applicable business license requirements of
12 Title 6 of the Clark County Code.

13 88. Defendants, as agents of the government, harassed Plaintiff as a street performer
14 and violated Plaintiff's rights to Equal Protection of the law because Defendants treated street
15 performers different than other speakers who do not accept tips, such as hand-billers and
16 protesters, who were allowed to exercise their free speech rights on the Strip without fear of
17 harassment, citation, or arrest.

18 89. Officers Howell and Crawford were persons who under the color of law subjected
19 or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are
20 liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to
21 relief.

22 **ELEVENTH CAUSE OF ACTION**
23 **Violation of Nevada Constitution, Article 1, Section 1**
24 **(Equal Protection)**

25 90. Ms. Santopietro realleges and incorporates by reference each and every allegation
26 contained in the preceding paragraphs as set forth fully herein.

27 91. Ms. Santopietro alleges that Defendants' enforcement of Clark County Code
28 6.56.030 (doing business without a license) and the applicable business license requirements of
Title 6 of the Clark County Code are unconstitutional as applied to her in violation of rights to
equal protection under article 1, section 1 of the Nevada Constitution.

92. Defendants, as agents of the government, harassed Plaintiff as a street performer and violated Plaintiff's rights to Equal Protection of the law because Defendants treated street performers different than other speakers who do not accept tips, such as hand-billers and protesters, who were allowed to exercise their free speech rights on the Strip without fear of harassment, citation, or arrest.

93. Officers Howell and Crawford were persons who under the color of law subjected or caused Ms. Santopietro to be subject to this deprivation of her rights, for which they are liable. Ms. Santopietro has been injured by this constitutional violation and she is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment as follows:

(a) A declaration that, as applied to Plaintiff, Clark County Code 6.56.030 (doing business without a license) and the relevant business license requirements of Clark County Code Title 6 violate the First and Fourteenth Amendments of the U.S. Constitution and Article 1, Sections 1, 8, and 9 of the Nevada Constitution;

(b) A declaration that Defendants violated Plaintiff's Fourth Amendment rights under the U.S. Constitution and Article 1, Section 18 of the Nevada Constitution;

(c) A preliminary and permanent injunction enjoining Defendants from enforcing the above challenged laws against street performers in conformance with the Interim MOU;

(d) A preliminary and permanent injunction enjoining Defendants from interfering with Plaintiff's right to lawfully engage in constitutionally-protected expression and activity within the unincorporated part of Clark County, specifically on the sidewalks of the Las Vegas Strip;

(e) Damages in an amount to be determined at trial;

(f) An award of attorney's fees and expenses under 42 U.S.C. § 1988; and

(g) Any further relief the Court deems appropriate.

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1 **DEMAND FOR JURY TRIAL**

2 Plaintiff demands a trial by jury on all causes of action.

3 Dated September 19, 2012

4 SNELL & WILMER L.L.P.

5
6 By: 

7 Holly E. Cheong, Esq.
8 Nevada Bar No. 11936
9 3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169

10 Andrew J. Jacobs, Esq.
11 *(Pro Hac Vice pending, above counsel*
12 *will comply with LR 1A 10-2 within 45 days)*
13 SNELL & WILMER L.L.P.
14 One South Church Avenue, Suite 1500

15 *Attorneys for Plaintiff*

Snell & Wilmer

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(702)784-5200

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MICHELE SANTOPIETRO, an Individual

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

LAS VEGAS POLICE DEPARTMENT OFFICERS C. HOWELL (BADGE 9034), AND CRAWFORD (BADGE 10050)

County of Residence of First Listed Defendant Clark County, Nevada
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)

Holly E. Cheong, Esq. (Nevada Bar No. 11936)

Snell & Wilmer L.L.P.

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Telephone: 702.784.5200

Facsimile: 702.784.5252

Attorneys (if known)

II. BASIS OF JURISDICTION (Place an "x" in one box only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question U.S. Government Not a Party
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "x" in one box for plaintiff and one box for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "x" in one box only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck. <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts on Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. § 1983 Violation of Civil Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)
None

JUDGE

DOCKET NUMBER

DATE

September 19, 2012

SIGNATURE OF ATTORNEY OF RECORD

/s/ Holly E. Cheong

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS-44 Reverse (Rev. 12/96)

15842007_1.DOC

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.