

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2020 JAN 15 PM 4:53

JEFFREY P. COLWELL
CLERK

BY _____ DEP. CLK

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

Civil Action No. 19-cv-03534-GPG
(To be supplied by the court)

Halina C. Morley, Plaintiff

v.

Weld County, CO, et al.

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Halina C. Morley; 200 N. 35th Ave. #145, Greeley, CO 80634-1177

(Name and complete mailing address)

(970) 451-2640; paintmecowgirl@hotmail.com

(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: WELD COUNTY, CO; Weld County, P.O.Box 758, Greeley, CO 80631

(Name and complete mailing address)

(970) 400-4000

(Telephone number and e-mail address if known)

Defendant 2: WELD COUNTY, CO DHS; 315 N. 11th Ave., Greeley, CO 80631

(Name and complete mailing address)

(970) 352-1551

(Telephone number and e-mail address if known)

Defendant 3: ELIZABETH BOAZ; 315 N. 11th Ave., Greeley, CO 80631

(Name and complete mailing address)

(970) 352-1551

(Telephone number and e-mail address if known)

Defendant 4: Staci DeVore; (970) 352-1551

(Name and complete mailing address)

(970) 352-1551

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check one)

Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

Please see attached

Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of _____.

If Defendant 1 is an individual, Defendant 1 is a citizen of _____.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of _____ (name of state or foreign nation).

Defendant 1 has its principal place of business in _____ (name of state or foreign nation).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: Please see attached

Supporting facts:

CLAIM TWO: Please see attached

Supporting facts:

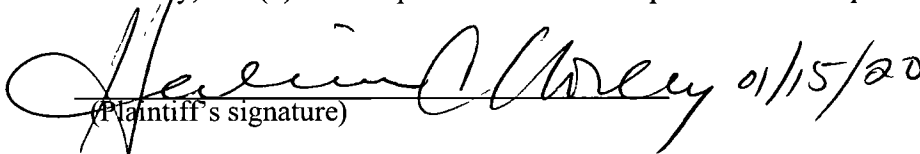
E. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

F. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



(Plaintiff's signature)

January 15, 2020

(Date)

(Revised December 2017)

B. DEFENDANT(S) INFORMATION.

DEFENDANT 5: ROBYN OVERMYER

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 6: HEATHER WALKER

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 7 JAMIE ULRICH

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 8: JUDY GRIEGO

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 9: ANDREW CORDOVA

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 10: TOMAS RODRIQUEZ

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 11: KYLE RAGLAND

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 12: GABRIELLE ARREOLA

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 13: KEITH WAWRZYNIAK

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 14: JILL BECK

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 15: JOHN DOUGLAS HAINLEY

c/o WELD COUNTY, CO DHS

315 N. 11th Ave., Greeley, CO 80631

(970) 352-1551

DEFENDANT 16: ERIN CLARK

c/o Weld County, CO Court

901 9th Ave., Greeley, CO 80631

(970) 475-2400

DEFENDANT 17: TROY HAUS

c/o Weld County, CO Court

901 9th Ave., Greeley, CO 80631

(970) 475-2400

DEFENDANT 18: ELIZABETH STROBEL

2026 26TH AVE GREELEY, CO 80634

DEFENDANT 19: RYAN KAMADA

409 Whitney HBR, Windsor, CO 80550

DEFENDANT 20: JULIE GARDNER

c/o INSPIRED PATHWAY COUNSELING SERVICES LLC

1228 8th St., Greeley, CO 80631

(970) 356-8482

DEFENDANT 21: BARRY LINDSTROM

c/o Pathways Family Wellness

3211 W. 20th St. Suite D, Greeley, CO 80634

DEFENDANT 22: CITY OF GREELEY, CO

1000 10TH ST., Greeley, CO 80631

(970) 350-9757

DEFENDANT 23: GREELEY POLICE DEPARTMENT

2875 W. 10th St., Greeley, CO 80634

(970) 350-9605

DEFENDANT 24: JOHN BARBER

c/o Greeley Police Department, Badge # 226

2875 W. 10th St., Greeley, CO 80634

(970) 350-9605

DEFENDANT 25: PATRICIA MOELLMER

3219 39th Ave., Evans, CO 80620

DEFENDANT 26: LUTHERAN FAMILY SERVICES

800 8th Ave., Greeley, CO 80631

(970)356-6751

DEFENDANT 27: TAMMY FISCHER

c/o Lutheran Family Services

800 8th Ave., Greeley, CO 80631

(970)356-6751; tammyfischer@lfsrm.org

DEFENDANT 28: AMBER ONTIVEROS

c/o Lutheran Family Services

800 8th Ave., Greeley, CO 80631

(970)356-6751; amberontiveros@lfsrm.org

c/o AMC FRIENDLY VILLAGE LLC
200 N. 35th Ave., Greeley, CO 80634

DEFENDANT 30: BEN TORRES

c/o AMC FRIENDLY VILLAGE LLC
200 N. 35th Ave., Greeley, CO 80634

DEFENDANT 31: WELD COUNTY ATTORNEY'S OFFICE

1150 O ST. Greeley, CO 80631
(970) 400-4000

DEFENDANT 32: LINDA GOFF

c/o Weld County Attorney's Office
1150 O ST. Greeley, CO 80631
(970) 400-4000

DEFENDANT 33: ASHLEY HUGHES

c/o Weld County Attorney's Office
1150 O ST. Greeley, CO 80631
(970) 400-4000

DEFENDANT 34: ROBERT WIEST

801 8th St., Greeley, CO 80631
(970) 888-3777

DEFENDANT 35: KATHRYN GOLDSTEIN

c/o Martin and Reed, LLC
800 N. 8th Ave. #202, Greeley, CO 80631
(970) 573-7749

DEFENDANT 36: LISA WEIBEL

800 N 8th Ave #217, Greeley, CO 80631
(970) 978-4985

DEFENDANT 37: NORTH RANGE BEHAVIORAL SERVICES

1300 N. 17th Ave., Greeley, CO 80631
(970) 347-2120

DEFENDANT 38: LUCERO CASTRO-FREDERICK

c/o North Range Behavioral Health
2350 W. 3rd St. Rd., Greeley, CO 80631
(970) 371-2120

DEFENDANT 39: AMBER SCHLÉDEWITZ

c/o North Range Behavioral Health
1300 N. 17th Ave., Greeley, CO 80631
(970) 347-2120

DEFENDANT 40: NORTH COLORADO HEALTH ALLIANCE

2930 11TH Ave., Evans, CO 80620
(970) 350-4673

DEFENDANT 41: CYNTHIA (CINDY) SCHMIDT

c/o North Colorado Health Alliance
2930 11TH Ave., Evans, CO 80620
(970) 350-4673

DEFENDANT 42: MANDY HARTSHORN

c/o North Colorado Health Alliance
2930 11TH Ave., Evans, CO 80620
(970) 350-4673

DEFENDANT 43: JOANNA CRAVEN MARTINSON

c/o North Colorado Health Alliance
2930 11TH Ave., Evans, CO 80620
(970) 350-4673

DEFENDANT 44: GRIFFITH CENTERS FOR CHILDREN

710 11TH Ave. Unit # L-46, Greeley, CO 80631
(970) 888-3550

DEFENDANT 45: CAMMY (WASHINGTON) JELINEK

c/o Griffith Centers For Children
710 11TH Ave. Unit # L-46, Greeley, CO 80631
(970) 888-3550

DEFENDANT 46: JOHN DOES 1-100

DEFENDANT 47: JANE DOES 1-100

C. JURISDICTION

Federal question pursuant to 28 U.S.C. 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

Violations of Constitutional rights under U.S.C. 1983, to include, but not be limited to, unwarranted seizure; breach of duties imposed under special relationship; Monell-related claims; withholding of and deception in the presentation of evidence; failure to provide dependent minor continued safety and security and even minimally adequate care; breach of mandatory duties; failure to preserve parental rights and protections in the care and control of the minor child; failure to notify petitioning parent of (non)emergency-related court appearances; failure to provide due process to petitioning parent.

D. STATEMENT OF CLAIMS.

On, or around, November 8, 2017, the Weld County, CO Department of Human Services, herein after referred to as "Department", received a report of suspected child abuse or neglect regarding a minor child, herein after referred to as "W.B.", who at that time, was a male, two year old biological child of Plaintiff, Halina C. Morley, herein after referred to as "Plaintiff". W.B. resided solely with Plaintiff in their shared home in in the city of Greeley, in Weld County, Colorado.

Upon the Department's team meeting that on or around that day regarding this referral, the referral was deemed a "red" priority, with the lowest priority status, requiring contact with the family within 5 days. There were no allegations of imminent danger to the life, health, or welfare of the child. The referral was assigned to Defendant Elizabeth Boaz, hereinafter referred to as "Boaz", who was employed as an intake caseworker with the Department's Child Welfare Division, tasked with investigations of allegation of suspected abuse or neglect of minor children residing in Weld County, CO.

On November 14, 2017, Plaintiff received a telephone call from a number that Plaintiff did not recognize while out shopping with W.B. The call was automatically, and legally, recorded by the Plaintiff's telephone, and the caller identified herself as Boaz, from the Weld County Department of Human Services. Boaz failed to, and did not inform Plaintiff she was calling from the Child Welfare Division, nor that a complaint regarding an allegation of neglectful childcare of W.B. had been called in to the state of Colorado's Child Welfare/Abuse hotline. Boaz asked Plaintiff if she was available to speak at that time, and Plaintiff advised she was unable to do so as Plaintiff was currently shopping, in addition to personal knowledge and experience that Plaintiff had that Walmart has(d) inconsistent cell phone reception and routinely 'dropped calls' when Plaintiff attempted to use her phone service while shopping there. Defendant Boaz stated she would attempt contact again the following day, but did not say what this was regarding.

On the afternoon of November 15, 2017, Boaz again called Plaintiff, who was unavailable at that time due to an emergency doctor's appointment that had just been scheduled for a significant and potentially limb-threatening leg injury Plaintiff had just received emergency medical treatment for less than 48 hours prior. Plaintiff had the volume to her cellphone turned off during this medical appointment and missed the call from Boaz. Boaz left a recorded voicemail on Plaintiff's phone, again stating her name and that she was from the Weld County Department of Human Services. Boaz again failed to disclose that she was an employee of the Department's Child Welfare Division, or that she was attempting contact on the report of an allegation of suspected child abuse or neglect involving W.B. or the Plaintiff. Plaintiff did not listen to this voicemail until that night, well after the close of business hours.

On the evening of Wednesday, November 22, 2017, the day prior to Thanksgiving, Plaintiff's mother, herein after referred to as "L.B.", arrived in Colorado from her home in California. The purpose of her then-current presence in Colorado was to: 1.) spend the Thanksgiving holiday with Plaintiff and W.B.; 2.) celebrate W.B.'s upcoming 3rd birthday with Plaintiff and W.B.; 3.) spend the Christmas, 2017, and New Year's 2017/2018, holidays with Plaintiff and W.B.; 4.) during the time frame between the previously mentioned events, to help prepare the Plaintiff's and W.B.'s home to be placed for sale on the real estate market, and to pack up and store, in Plaintiff's garage, the belongings that Plaintiff and W.B. intended to move with them to CA. Plaintiff had been granted sole physical and decision-making rights

concerning W.B., in addition the legal authority to relocate with W.B. to California, on June 23, 2017. (Weld County, Colorado case #16DR942); and, 5.) Plaintiff and W.B. were also to accompany L.B., in their own vehicle, on L.B.'s drive back to California, with Plaintiff to care for and assist in the post-operative care for a surgery L.B. was scheduled to have in early January, 2018, in California. Plaintiff and W.B. intended to remain in California for the necessary duration of L.B.'s recovery as well as to celebrate Plaintiff's birthday with family in California, then return to Colorado until their home was under a sales contract. Once that occurred, Plaintiff intended to leave the state of Colorado permanently with W.B. for their relocation to California as authorized by the court's order.

Due to L.B.'s diagnosed cat allergies, L.B. was unable to stay in Plaintiff's home, so before leaving California for Colorado, L.B. made arrangements for a short-term rental of a room, in exchange for rent monies, in the home of Scott and Patricia Moellmer, Patricia Moellmer hereinafter referred to as "Moellmer". However, the room was not ready at the time of L.B.'s arrival in Colorado, so she stayed in a local area hotel while the room was supposed to be completed with the installation of new carpeting and cleaning. Moellmer was a casual acquaintance from the church Plaintiff (and W.B. since discharge from the hospital after birth) had attended for approximately 7+ years, and who had babysat W.B. for 1-2 hours per time on approximately 4-5 occasions, beginning in approximately early-September, 2017.

On the afternoon of November 28, 2017, Plaintiff had another follow-up/rehabilitative appointment for her leg injury and missed several phone calls due to her phone volume being temporarily silenced. Upon arriving home, Plaintiff listened to her recorded voicemails while in her driveway. One voicemail was from Boaz, who directly threatened to remove Plaintiff's child (referring to W.B.) from her care if she did not produce him to Boaz that day. At this same time, Plaintiff also observed her mother on the telephone while raking leaves in the Plaintiff's yard. Plaintiff observed L.B. on this phone call for approximately 15 minutes, but was not aware to whom L.B. was engaged in conversation with. At the end of their phone conversation, L.B. informed Plaintiff that the call she had observed L.B. on was with Boaz, and that she had been speaking with Boaz regarding (her) report of suspected child abuse or neglect. L.B. further informed Plaintiff that she had repeatedly informed Boaz that Plaintiff had just arrived home with W.B. from her doctor's appointment and would be available now to meet with Boaz, but that Boaz had repeatedly declined the offer to come speak with Plaintiff. L.B. also proffered to Plaintiff a business card from Boaz that she had discovered on Plaintiff's porch when she had arrived at Plaintiff's home that afternoon during Plaintiff's doctor's appointment. L.B. requested that Plaintiff immediately contact Boaz, which Plaintiff agreed to do

E. REQUEST FOR RELIEF.

1. For general damages in an amount in accordance with proof, within jurisdictional limits of the court, and;
2. For special damages in an amount in accordance with proof, within the jurisdictional limits of the court, and;
3. For punitive damages as against WELD COUNTY, CO, et al., and;
4. For any and all costs of suit incurred herein, including attorney's fees pursuant to 42 U.S.C. section 1988, and;
5. For such other and further damages as provided by law, or such further relief that the court may deem just and proper.