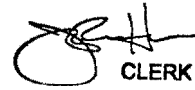


FILED

JUL 16 2012


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

VERNON R. TRAVERSIE, an enrolled
member of the Cheyenne River Sioux Tribe and
citizen of South Dakota,

Plaintiff,

v.

RAPID CITY REGIONAL HOSPITAL INC.;
REGIONAL HEALTH INC.; REGIONAL
HEALTH PHYSICIANS INC.; TRS SURG
ASSIST, INC.; RAPID CITY REGIONAL
HOSPITAL BOARD OF DIRECTORS; JOHN
AND JANE DOE NOS. 1-100,

Defendants.

NO. 12-5048

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Vernon R. Traversie, an enrolled member of the Cheyenne River Sioux Tribe, a citizen of South Dakota, and an American Indian minority, by and through undersigned counsel, brings this Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof states the following:

I. INTRODUCTION

1. This is an action for money damages pursuant to various provisions of the federal Civil Rights Act and state common law against Rapid City Regional Hospital; Regional Health Inc.; Regional Health Physicians Inc.; Trs Surg Assist, Inc.; and Rapid City Regional Hospital Board of Directors ("institutional Defendants"). This is also an action for money

1 damages pursuant to various provisions of the federal Civil Rights Act and state common law
2 against John and Jane Doe Nos. 1-100 ("individual Defendants").¹

3 II. PARTIES

4 2. Plaintiff Vernon R. Traversie is an enrolled member of the Cheyenne River
5 Sioux Tribe, a citizen of the State of South Dakota and the United States, and an American
6 Indian minority who has suffered severe physical and emotional trauma as a result of acts and
7 omissions that took place while he was under the care and supervision of Defendants.

8 3. Rapid City Regional Hospital ("RCRH") is a hospital that advertises itself as the
9 Rapid City "region's leading medical center." Plaintiff suffered severe physical and emotional
10 trauma as a result of acts and omissions that took place while he was under the care and
11 supervision of the Rapid City Regional Hospital.

12 4. Regional Health Inc. and/or Regional Health Physicians Inc. acting through
13 Regional Heart Doctors is a heart and vascular care center which advertises itself as "the
14 largest group of heart care experts in the region," and consisting "of board certified
15 cardiologists and cardiovascular surgeons, plus highly skilled support staff." Plaintiff suffered
16 severe physical and emotional trauma as a result of acts and omissions that took place while he
17 was under the care and supervision of Regional Heart Doctors.

18 5. Trs Surg Assist, Inc., is a business that provides services related to surgery. Trs
19 Surg Assist, Inc., was providing services to Rapid City Regional Hospital and other named
20 Defendants at all times alleged herein. Plaintiff suffered severe physical and mental trauma as
21 a result of acts and omissions that took place while he was under the care and supervision of
22 Trs Surg Assist, Inc.

23 6. The Rapid City Regional Hospital Board of Directors is the Board of Directors
24 responsible for supervising the acts and omissions of the Rapid City Regional Hospital.
25 Plaintiff suffered severe physical and mental trauma as a result of acts and omissions that took
place while the Rapid City Regional Hospital Board of Directors was responsible for

¹ Institutional Defendants and individual Defendants are collectively referred to as "Defendants."

1 supervising the acts and omissions of the Rapid City Regional Hospital, its employees, its
2 agents, and its successors in office.

3 7. John and Jane Doe Nos. 1-100 are unknown agents, medical providers, and/or
4 employees of the above-named Defendants. When their identities are known Plaintiff shall
5 move to amend this Complaint and fully identify them. All claims made against the named
6 defendants are asserted equally against each unknown defendant John and Jane Doe.

7 **III. JURISDICTION**

8 8. The District Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331
9 and the claims arising under federal law asserted herein.

10 9. This District Court also has jurisdiction over this action pursuant to 28 U.S.C. §
11 1367 and the nonfederal claims asserted herein.

12 10. Venue is appropriate under 28 U.S.C § 1391(b) because a substantial part of the
13 events and omissions giving rise to Plaintiff's claims occurred in this judicial district.

14 **IV. FACTS**

15 11. Mr. Traversie was born June 12, 1943. He is an enrolled member of the
16 Cheyenne River Sioux Tribe and a racial minority. Mr. Traversie is legally blind and sees
17 different shades of darkness only.

18 12. For much of his life, Mr. Traversie worked as a laborer in and around Eagle
19 Butte, South Dakota. Then, in the late 1980s, he went back to school, earned a degree in social
20 services, and began working as an EMT. In the process he maintained a 4.0 grade point
21 average.

22 13. Mr. Traversie has had two back surgeries, a gall bladder surgery, three heart
23 attack hospitalizations, a pacemaker surgery, and hernia repairs. In short, Mr. Traversie has
24 had several surgeries. He often tapes his toes to prevent diabetic sores. He has never had a
25 tape allergy or a scarring condition – or any complication related to any type of medical tape.
His medical records indicate the same.

1 14. Prior to the incidents described below, which occurred on or about September 7,
2 2011, Mr. Traversie exhibited a zest for life; he was as active as possible given his
3 debilitations. He is now, however, reluctant to leave the house.

4 15. The racial nature of the assault on Mr. Traversie's person has cut him deeper
5 than any physical attack could. Although Mr. Traversie has felt the sting of racism throughout
6 his life in South Dakota, this event has singularly scarred and injured his psyche and his spirit
7 as a Native American. He now suffers nightmares and frequent anxiety and panic attacks.

8 16. On or about August 13, 2011, Mr. Traversie began having shortness of breath
9 and chest pain. On Monday, August 22, Mr. Traversie took the Indian Health Service ("IHS")
10 van to Rapid City, South Dakota for an appointment at The Heart Doctors. He had a heart
11 attack in The Heart Doctors office. Mr. Traversie was admitted to RCRH that afternoon.
12 Emergency heart surgery was scheduled for the next day, but was postponed several times. The
13 reasons for these delays – despite his suffering a heart attack the previous day and RCRH and
14 other Defendants having acute knowledge of Mr. Traversie's medical history – is unknown to
15 Mr. Traversie. Eventually, on Friday, August 26, 2011, Dr. Orecchia, assisted by Tina Salley,
16 performed coronary bypass surgery.

17 17. From his medical records, Mr. Traversie's recovery might appear to have been
18 relatively uncomplicated. However, his recovery was in fact marked by several disconcerting
19 events.

20 18. On at least one occasion between August 26 and September 8, 2011, Mr.
21 Traversie was verbally abused by a nurse named "George." Sometime during the night, Mr.
22 Traversie awoke in the most pain he had ever felt. He asked the male nurse, identified only as
23 "George," for more medication. George refused. Mr. Traversie asked a female nurse for
24 medication; she found George watching TV. George returned to Mr. Traversie's room, and
25 threatened him by saying "You fucking son of a bitch, I am going to teach you a lesson if you
don't shut your mouth." Mr. Traversie reported the event to a nurse supervisor, who told Mr.

1 Traversie she would “take care of it.”

2 19. Sometime on September 7 or 8, 2011, a female employee of one of the named
3 Defendants entered Mr. Traversie’s room, asked his name and date of birth. She asked Mr.
4 Traversie whether he wanted her to call him Mr. Traversie or Vern. She told him that her
5 conscience would not let her be and that “they did something to you here”; that she
6 disapproved of what had happened; and that as soon as Mr. Traversie got home he needed to
7 have his abdomen photographed. She described herself as a professional at the hospital, and
8 said she could not come forward for fear of losing her job and endangering herself. She made
9 him promise to have photos of his abdomen and back taken.

10 20. When Mr. Traversie returned home, his regular home health nurse and other
11 witnesses were shocked by what they saw – they called tribal police and took him to the IHS
12 clinic where his primary care physician recognized three letters “K” and other “scratches” all
13 over his abdomen. “KKK is a violent, criminal, and racist organization” *Young v.*
14 *Hamilton*, No. 91-0419, 1992 WL 540816, at *2 n.1 (W.D. Ky. Aug. 18, 1992) (quotation
15 omitted).

16 21. The next day, still in shock from the discoveries made by his home health nurse
17 and other witnesses, Mr. Traversie was dizzy and an ambulance was called. When the IHS
18 ambulance arrived, the responding technician reported that Mr. Traversie “HAS ALL KINDS
19 OF CUTS, ABRASIONS, AND CONTUSIONS ALL OVER HIS CHEST AND BACK” and
20 “THAT IT LOOKS LIKE SOMEONE CARVED THEIR INITIALS INTO HIS SIDE OF HIS
21 CHEST” (emphasis in original).

22 22. Once at the emergency room, Mr. Traversie’s physician observed “scars to
23 abdomen [on left] side which appears to be a letter K. . . . on back there are two incision
24 marks going up and down[.]”

25 23. To this day, Mr. Traversie bears three “K” scars on his abdomen. He has two
long scars running down his back. To this day, no explanation has been given to Mr. Traversie

1 as to how those scars, carvings, and/or burnings and related injuries – all of which were
2 medically unnecessary – got there.

3 24. The inconsistency in RCRH's own medical records between "sores," "wounds,"
4 "tape tears," "lesions," "bruises," and "scabbed areas," and the records' alternating between
5 such reports and **reports of no injuries whatsoever**, reflect the manner of care that Mr.
6 Traversie received. Such inconsistency and gaps undercut the ability to rely on the
7 Defendants' medical records at all. Indeed, the fact alone that Mr. Traversie was sent home
8 with three Ks on his abdomen, and no explanation, is shocking. Perhaps those charged with his
9 discharge assumed a blind person would never see his scars to notice them. Defendants failed
10 Mr. Traversie at every step while he was in their care.

11 25. Immediately after discovering the injuries sustained, Mr. Traversie made a
12 complaint to the RCRH regarding the acts and omissions that lead to his injuries. Not until
13 March 20, 2012, however, was that complaint forwarded to the U.S. Department of Health and
14 Human Services, Office of Civil Rights ("OCR").

15 26. On May 15, 2012, OCR notified Mr. Traversie that it had "determined that it
16 will accept investigation of [his] claim of verbal abuse by staff and refusal to provide pain
17 medication." *Id.* Further, OCR determined that the three "K" markings appearing on Mr.
18 Traversie's abdomen warranted referral to the U.S. Department of Justice ("DOJ") and the
19 Rapid City Office of FBI. *Id.*

20 27. The OCR, DOJ, and FBI investigations are ongoing at this time.

21 **V. FIRST CAUSE OF ACTION**
22 **(Violation of the Civil Rights Act, 18 U.S.C. §§ 1895, 1981; 42 U.S.C. § 2000d)**

23 28. Plaintiff hereby incorporates and alleges by reference Paragraphs 1-27.

24 29. On or about September 7, 2011, when Plaintiff underwent an open heart surgery
25 at the hands of Defendants, Defendants injured, carved, burned, and/or cared for Plaintiff's
abdomen in such a manner that scars resembling three letters "K" were permanently placed on
Plaintiff's abdomen for no medically necessary purpose or reason, and in the process injured,

1 carved, burned, and/or cared for other portions of Plaintiff's body to cause injury, specifically
2 his abdomen and back. The treatment of Plaintiff in such a manner that scars resembling three
3 letters "K" were positioned on Plaintiff's abdomen for no medically necessary purpose or
4 reason constituted despicable conduct on the part of Defendants, and each of them, with a
5 willful and conscious disregard for Plaintiff's safety and wellbeing. Allowing Plaintiff, a blind
6 man, to go home without making him aware that any abrasions were present on his abdomen at
7 all – let alone that those abrasions would result in scars resembling three letters "K" –
8 constituted further despicable conduct on the part of Defendants, and each of them, with a
9 willful and conscious disregard for Plaintiff's safety and wellbeing.

10 30. Title 42 U.S.C. § 1981 proscribes discriminatory interference with the
11 enjoyment of contracts where a plaintiff can establish that he received services in a markedly
12 hostile manner and in a manner that a reasonable person would find objectively discriminatory.

13 31. The aforementioned examinations, diagnosis, prescriptions of medicine and
14 drugs, surgery, and the handling and control of the care and treatment of Plaintiff, an enrolled
15 member of a Native American tribe and a racial minority, by Defendants, and each of them,
16 were directly discriminatory and/or were so profoundly contrary to the manifest financial
17 interests of Defendants; so far outside of widely-accepted business norms; and so arbitrary on
18 their face, that the conduct could not have arisen were it not for a discriminatory purpose.

19 32. Title 42 U.S.C. § 1985 provides relief where there exists a conspiracy between
20 two or more persons, motivated by a race-based individually discriminatory animus, to deprive
21 a Plaintiff of the equal enjoyment of the rights secured by the law to all, and which results in
22 injury to the Plaintiff as a consequence of an overt act committed by the Defendant in
23 connection with the conspiracy.

24 33. Plaintiff is informed and believes and thereon alleges that at all times mentioned
25 herein, that Defendants, inclusive, each and every of them, motivated by a race-based
individually discriminatory animus, have conspired to undertake in unlawful conduct

1 including, but not limited to, injuring, carving, burning, and/or caring for Plaintiff's abdomen
2 in such a manner that scars resembling three letters "K" were positioned on Plaintiff's
3 abdomen for no medically necessary purpose or reason, and in the process injured, carved,
4 burned, and/or negligently cared for other portions of Plaintiff's body, specifically his abdomen
5 and back.

6 34. Plaintiff is informed and believes and thereon alleges that at all times mentioned
7 herein, that Defendants, inclusive, each and every of them, motivated by a race-based
8 individually discriminatory animus, have conspired to systematically frustrate Plaintiff's
9 constitutionally-protected right to receive examinations, diagnosis, prescriptions of medicine
10 and drugs, surgery, care, and treatment without being directly discriminated against and/or
11 receiving these services in such a manner so profoundly contrary to the manifest financial
12 interests of Defendants; so far outside of widely-accepted business norms; and so arbitrary on
13 their face, that the conduct could not have arisen were it not for a discriminatory purpose.

14 35. The individual Defendants, inclusive, each and every of them, took affirmative
15 steps towards the conspiracies by committing the aforementioned examinations, diagnosis,
16 prescriptions of medicine and drugs, surgery, and the handling and control of the care and
17 treatment of Plaintiff. The institutional Defendants, inclusive, each and every of them, took
18 affirmative steps towards the conspiracy by failing and refusing to properly train and supervise
19 and/or negligently hiring the individual Defendants.

20 36. Title 42 U.S.C. § 2000d allows for relief where a plaintiff has suffered an injury
21 on the basis of his race, color, or national origin and that the organization that he claims caused
22 that injury receives federal funds.

23 37. Plaintiff is informed and believes and thereon alleges that at all times mentioned
24 herein, that Defendants, inclusive, each and every of them, motivated by a race, color, and
25 national origin-based individually discriminatory animus, injured, carved, burned, and/or cared
for Plaintiff's abdomen in such a manner that scars resembling three letters "K" were

1 positioned on Plaintiff's abdomen for no medically necessary purpose or reason, and in the
2 process injured, carved, burned, and/or negligently cared for other portions of Plaintiff's body,
3 specifically his abdomen and back.

4 38. At all times mentioned herein, institutional Defendants have received federal
5 funds, including IHS' Contract Health Service ("CHS") funding. CHS pays for health care
6 services for Indian beneficiaries where, as here, the IHS direct care facility could not provide
7 the required emergency or specialty services. Although 42 U.S.C. § 2000d does not require
8 Plaintiff to assert that he was an intended beneficiary of the federally funded program at the
9 pleading stage, Plaintiff does herein alleges that, at minimum, his surgery was paid by CHS.

10 **VI. SECOND CAUSE OF ACTION**
11 **(Negligence and Medical Negligence)**

12 39. Plaintiff hereby incorporates and alleges by reference Paragraphs 1-38.

13 40. Plaintiff is informed and believes and thereon alleges that at all times mentioned
14 herein, that Defendants, inclusive, each and every of them, were and now are health
15 maintenance organizations, physicals, medical corporations, surgery center surgeons, surgical
16 nurses and technicians, office personnel, and physical therapists, licensed by the State of South
17 Dakota to practice their specialty in the State of South Dakota with offices located in Rapid
18 City, South Dakota, and each of them held him or herself out to the public, including to
19 Plaintiff, to possess that degree of skill, ability, and learning common to practitioners in that
20 community.

21 41. Plaintiff is informed and believes and thereon alleges that at all times mentioned
22 herein, that Defendants, inclusive, each and every of them, were and now are health
23 maintenance organizations, physicals, medical corporations, surgery center surgeons, surgical
24 nurses and technicians, office personnel, and physical therapists, licensed by the State of South
25 Dakota to practice their specialty in the State of South Dakota with offices located in Rapid
City, South Dakota, to which members of the public were and are invited, including Plaintiff.

42. On or about September 7, 2011, Plaintiff engaged the services of the Defendants

1 for compensation, and each of them, to examine, diagnose, prescribe medicines for, perform
2 surgery on, treat, handle, control, care for, and seek competent consultant advice for the care,
3 treatment and diagnosis of a medical problem involving Plaintiff's wellbeing, and to perform
4 the necessary tests, therapy, and surgery for the treatment of said problem, if it was required.

5 43. On or about September 7, 2011, Defendants, inclusive, and each of them,
6 undertook to handle and control the care and treatment of Plaintiff, and to seek whatever
7 consultant advice was reasonably necessary for the treatment or surgery of Plaintiff.

8 44. In the aforementioned examinations, diagnosis, prescriptions of medicine and
9 drugs, surgery, and the handling and control of the care and treatment of Plaintiff by
10 Defendants, and each of them, negligently and tortuously failed to possess or exercise that
11 degree of knowledge or skill that would ordinarily be possessed and exercised by physicians,
12 surgeons, hospitals, nurses, surgical technicians, attendants, medical clinics, and the like,
13 engaged in said professions in the same locality as Defendants, and each of them, in that the
14 Defendants negligently and unlawfully failed to properly and correctly diagnose, render care
15 and treatment, to perform proper surgery on, and prescribe and administer medicine and drugs
16 for the condition of Plaintiff.

17 45. Specifically, on or about September 7, 2011, when Plaintiff underwent an open
18 heart surgery at the hands of Defendants, Defendants injured, carved, burned, and/or
19 negligently cared for Plaintiff's abdomen in such a manner that scars resembling three letters
20 "K" were positioned on Plaintiff's abdomen for no medically necessary purpose or reason, and
21 in the process injured, carved, burned, and/or negligently cared for other portions of Plaintiff's
22 body, specifically his abdomen and back. The willful treatment of Plaintiff in such a manner
23 that scars resembling three letters "K" were positioned on Plaintiff's abdomen for no medically
24 necessary purpose or reason constituted despicable conduct on the part of Defendants, and each
25 of them, with a willful and conscious disregard for Plaintiff's safety and wellbeing. Allowing
Plaintiff, a blind man, to go home without being made aware that any abrasions were present

1 on his abdomen at all – let alone that those abrasions would result in scars resembling three
2 letters “K” – constituted further despicable conduct on the part of Defendants, and each of
3 them, with a willful and conscious disregard for Plaintiff’s safety and wellbeing. Compelling
4 Plaintiff, a blind man, to believe that three letters “K” are now positioned on Plaintiff’s
5 abdomen, and that such acts were done by Defendants for no medically necessary purpose or
6 reason, but instead were racially motivated, constituted despicable conduct on the part of
7 Defendants, and each of them, with a willful and conscious disregard for Plaintiff’s safety and
8 wellbeing.

9 46. The instrumentality that inflicted the injuries upon Plaintiff was necessarily
10 under the full management and control of Defendants. Indeed, at most times relevant Plaintiff
11 was either unconscious or heavily sedated and in the complete management and control of
12 Plaintiff. According to common knowledge and experience, the type of injuries inflicted on
13 Plaintiff does not happen if those having management or control had not been negligent.
14 Certainly, a person does not normally leave the hospital from an open heart surgery: (a) with
15 three letters “K” positioned on his abdomen for no medically necessary purpose; (b) to go
16 home without being made aware that any abrasions were present on his abdomen at all – let
17 alone that those abrasions would result in scars resembling three letters “K”; or (c) believing,
18 as a blind man, that three letters “K” are now positioned on his abdomen unless there is some
19 negligence on the part of the person or entity who had the patient in their exclusive control.

20 47. As a direct and proximate cause of the acts and omissions of Defendants, and
21 each of them, Plaintiff sustained serious and severe personal injuries and pain, mental and
22 emotional anxiety, and scarring, and that said injuries have caused, and will continue to cause,
23 Plaintiff to sustain pain, physical disability, disfigurement, mental and emotional anxiety and
24 disruption of the nervous system, all to his general damages according to proof at the time of
25 trial.

48. As a further direct and proximate result of the acts and omissions of Defendants,

1 and each of them, Plaintiff was compelled to and did employ the services of physicians,
2 surgeons, nurses, and the like to handle and care for Plaintiff's treatment, and did incur
3 medical, professional, and incidental expenses; Plaintiff is informed and believes and based
4 upon such information and belief alleges that he will necessarily and by reason of his injuries
5 incur additional like expenses for an infinite period of time in the future; that Plaintiff will ask
6 for leave of Court to amend this allegation once said amounts have been ascertained.

7 49. As a further direct and proximate result of the acts and omissions of Defendants,
8 and each of them, Plaintiff has sustained and will in the future sustain loss of earnings, and loss
9 of earning capacity, in an amount not presently ascertainable to Plaintiff, who will seek leave
10 of Court to amend this complaint to allege the amount of said losses when the same have been
11 ascertained.

12 **VII. THIRD CAUSE OF ACTION**
13 **(Battery)**

14 50. Plaintiff hereby incorporates and alleges by reference Paragraphs 1-49.

15 51. It is extremely dangerous and a gross violation of the standards and protocols of
16 surgery, care, and medical treatment related to surgery to injure, carve, burn, and/or care for
17 Plaintiff's abdomen in such a manner that scars resembling three letters "K" are positioned on
18 Plaintiff's abdomen for no medically necessary purpose or reason, and in the process to injure
19 other portions of Plaintiff's body.

20 52. In consenting to permit Defendants to perform the open heart surgery and
21 related care, it was understood by Plaintiff that Defendants would employ the basic and well
22 known protocols relating to patient care and that they would not place him in unnecessary
23 danger. At no time did Defendants inform, advise, warn, or otherwise seek permission from
24 and/or make Defendant knowledgeable about their intent to care for Defendant in such an
25 unnecessary and dangerous manner as to injure, carve, burn, and/or care for Plaintiff's
abdomen in such a way that scars resembling three letters "K" are positioned on Plaintiff's

1 abdomen for no medically necessary purpose or reason, and in the process to injure other
2 portions of Plaintiff's body. Had they done so, Plaintiff would not have consented to have the
3 procedure performed.

4 53. On or about September 7, 2011, when Plaintiff underwent an open heart surgery
5 at the hands of Defendants, Defendants injured, carved, burned, and/or cared for Plaintiff's
6 abdomen in such a manner that scars resembling three letters "K" were positioned on
7 Plaintiff's abdomen for no medically necessary purpose or reason, and in the process injured,
8 carved, burned, and/or cared for other portions of Plaintiff's body in such a way to cause
9 permanent harm, specifically his abdomen and back. The willful treatment of Plaintiff in such
10 a manner that scars resembling three letters "K" were positioned on Plaintiff's abdomen for no
11 medically necessary purpose or reason constituted despicable conduct on the part of
12 Defendants, and each of them, with a willful and conscious disregard for Plaintiff's safety and
13 wellbeing. Allowing Plaintiff, a blind man, to go home without making him aware that any
14 abrasions were present on his abdomen at all – let alone that those abrasions would result in
15 scars resembling three letters "K" – constituted further despicable conduct on the part of
16 Defendants, and each of them, with a willful and conscious disregard for Plaintiff's safety and
17 wellbeing.

18 54. As a result of the un-consented procedure that was knowingly and intentionally
19 performed on Plaintiff by Defendants, each of them, Plaintiff suffered damages alleged herein.

20 55. The acts and omissions of Defendants, and each of them, as set fourth above,
21 constitute a battery, the recoverable damages for which are an amount not presently
22 ascertainable to Plaintiff, who will seek leave of Court to amend this complaint to allege the
23 amount of said losses when the same have been ascertained.

24 **VIII. FOURTH CAUSE OF ACTION**
25 **(Outrage)**

56. Plaintiff hereby incorporates and alleges by reference Paragraphs 1-55.

X. RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. General damages according to proof at time of trial;
- B. Medical and other special damages, past, future, and future, according to proof at the time of trial;
- C. Loss of earnings and earning capacity, according to proof at the time of trial;
- D. Costs of suit herein;
- E. Punitive damages; and
- F. That the District Court grant Plaintiff such other and further relief as the Court deems just and proper.

Plaintiff reserves the right to amend this Complaint to plead new parties, claims and/or allegations.

DATED this 2th day of July 2012.



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Pro Hac Vice Application Pending

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