

ATTACHMENT A

If you do not respond to this document within the applicable time limits, judgment could be entered against you as requested.

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**IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH**

CHELSEA FARRER AND
CHAD YOUNG

Plaintiffs,

v.

WANEKA ROSEBUD CORNPEACH, in
her individual capacity;
JOHN DOES 1-5

Defendant.

COMPLAINT

(JURY DEMANDED)

TIER 3

Case No. 240800028

Judge Samuel P. Chiara

Plaintiffs, Chad Young (“Young”) and Chelsea Farrer (“Farrer”, together as “Plaintiffs”), by and through undersigned counsel, hereby complain against Waneka Cornpeach (“Cornpeach”), an individual, and John Does 1-5, (together as “Defendants”) as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Chelsea Farrer at all times relevant to this complaint resided in Roosevelt, Utah.
2. Plaintiff Chad Young at all times relevant to this complaint resided in Vernal, Utah.
3. Defendant Waneka Cornpeach at all times relevant to the Complaint was an Officer of the Ute Indian Tribe. She is sued in her individual capacity.
4. Defendant(s) John Doe(s) were at all items relevant to this Complaint law enforcement officers, supervisors, other officials or entities who failed to provide training and supervision, were present on the scene of the incident and/or took any steps to assist in the denial of Ms. Farrer’s and Mr. Young’s rights and/or aided and abetted in this denial of rights during the investigation of this matter. They are sued in their individual capacities. Ms. Farrer and Mr. Young do not presently know the names of these defendants but will seek leave to amend the Complaint so as to name each appropriate defendant after the completion of additional discovery.
5. This Court has subject matter jurisdiction pursuant to Utah Code § 78A-5-102.
6. Venue is proper in Duchesne County, Utah pursuant to Utah Code 78B-3a-2-201(1).

FACTUAL ALLEGATIONS

7. On or about July 17, 2022, at approximately 4:30 p.m., the Plaintiffs were operating a recreational vehicle on federal land in a remote and unpopulated area when they were ordered to stop by Cornpeach.

8. On information and belief, the stop of Plaintiffs' by Defendant, and all subsequent events and occurrences detailed herein, occurred on federal land and outside of the boundaries of the Uintah and Oray Indian Reservation, and/or outside of any other tribal reservation boundary.

9. Cornpeach was an officer of the Ute Indian Tribe Fish and Wildlife Department.

10. Young and Farrer were unarmed.

11. Cornpeach demanded that Young provide his driver's license to her, and he complied.

12. Cornpeach then told Young that she was seizing their vehicle.

13. Shortly thereafter, Cornpeach pulled her gun and pointed it toward Young's face.

14. Young drove away and Cornpeach began shooting immediately at Young and Farrer.

15. Both Young and Farrer were shot in the back by Cornpeach.

16. A bullet entered Young's back, broke several of his ribs, punctured a lung and ended up in his arm.

17. Another bullet entered Farrer through her back right shoulder and exited her lower right neck, causing four shattered ribs, a punctured lung, a broken clavicle, and a broken scapula, resulting in permanent nerve damage to her arm.

18. Young turned the vehicle around and drove back to Cornpeach asking for help.

19. Cornpeach continued to hold them at gunpoint and ordered them to get on the ground, failing to render appropriate medical assistance and failing to call for medical personnel within a reasonable time.

20. Young and Farrer remained on the scene for over 30 minutes, struggling to breathe and in severe pain while awaiting help.

21. Eventually, through the efforts of bystanders who happened to be passing by, paramedics arrived and Young and Farrer were ultimately taken by air to hospitals with Level One trauma capabilities.

22. Cornpeach, acting outside the scope of objective reasonableness, used excessive force and inflicted life-threatening injuries upon Plaintiffs through the use of her firearm.

23. Cornpeach's actions, considering the gravity of the situation, were not objectively reasonable.

24. Plaintiffs were not engaged in active resistance to arrest, and viable alternatives of apprehension or de-escalation were available to Cornpeach beyond discharging her firearm and shooting Plaintiffs in their backs.

25. The severity of Plaintiffs' injuries were both severe, life-threatening, continuing and permanent thereby violating Plaintiffs' rights as citizens.

FIRST CAUSE OF ACTION
(Assault and Battery Against Cornpeach)

26. Plaintiffs incorporate the prior allegations by reference.

27. Cornpeach, intentionally, knowingly or recklessly, committed assault and battery against Plaintiffs.

28. Cornpeach intentionally discharged her firearm and pointed it at Young's head, causing immediate and severe apprehension on behalf of the Plaintiffs.

29. Cornpeach also intentionally fired her firearm and struck Plaintiffs in the back, causing life-threatening injuries to Plaintiffs.

30. As a direct and proximate result of the wrongful conduct of Cornpeach, Plaintiffs suffered severe emotional distress, permanent injury, loss of self-esteem and other injuries, all to their general damages in reasonable sums.

31. As a direct and proximate result of the wrongful conduct of Defendant, Plaintiffs have incurred and will yet incur medical and therapy expenses, and lost wages all to their special damages in a reasonable sum.

32. Plaintiffs are further entitled to an award of exemplary and punitive damages because Defendant acted willfully and maliciously, and/or with a reckless indifference toward, and in disregard of Plaintiffs' rights and well-being.

SECOND CAUSE OF ACTION
(False Imprisonment Against Cornpeach)

33. Plaintiffs incorporate the prior allegations by reference.

34. Cornpeach threatened and detained Plaintiffs with the threat of force, restricting them from leaving the premises and fearing for their lives.

35. Cornpeach had no lawful reason for detaining Plaintiffs.

36. Plaintiffs were well aware that Cornpeach was detaining them, as she had a gun pointed at Young's head and told them to leave the vehicle.

37. Plaintiffs did not consent to this detainment, and showed no signs to Cornpeach that they did so.

38. The unlawful detainment continued on long enough for Cornpeach to pull her gun on the Plaintiffs and prohibit them from leaving the premises.

39. As a direct and proximate result of the wrongful conduct of Cornpeach, Plaintiffs have suffered severe emotional distress, permanent injury, loss of self-esteem and other injuries, all to their general damages in reasonable sums.

40. As a direct and proximate result of the wrongful conduct of Cornpeach, Plaintiffs have incurred and will yet incur medical and therapy expenses, and lost wages, all to their special damages in a reasonable sum.

41. Plaintiffs are further entitled to an award of exemplary and punitive damages because Defendant acted willfully and maliciously, and/or with a reckless indifference toward, and in disregard of Plaintiffs' rights and well-being.

THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress Against Cornpeach)

42. Plaintiffs incorporate the prior allegations by reference.

43. Cornpeach's conduct of using excessive force against Plaintiffs by pulling Plaintiffs over, attempting to seize their vehicle, discharging her weapon, pointing it at Young, and firing

multiple shots at Plaintiffs, striking them in the back was both extreme and outrageous, and went beyond all bounds of decency.

44. Cornpeach acted intentionally and recklessly in behaving in this manner, knowing that great distress and injuries would result from her actions.

45. As a direct and proximate result of the wrongful conduct of Cornpeach, Plaintiffs have incurred and will yet incur medical and therapy expenses, and lost wages, all to their special damages in a reasonable sum.

46. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiffs have suffered severe emotional distress, permanent injury, loss of self-esteem and other injuries, all to their general damages in reasonable sums.

47. Plaintiffs are further entitled to an award of exemplary and punitive damages because Defendants acted willfully and maliciously, and/or with a reckless indifference toward, and in disregard of Plaintiffs' rights and well-being.

FOURTH CAUSE OF ACTION
(Negligence Against Cornpeach)

48. Plaintiffs incorporate the prior allegations by reference.

49. Cornpeach owed a duty of care to Plaintiffs to act in a law-abiding and reasonable manner.

50. The conduct of the Cornpeach in detaining, threatening, and shooting Plaintiffs, as set forth herein, was negligent and breached the standard of care.

51. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiffs have suffered severe emotional distress, permanent injury, loss of self-esteem and other injuries, all to their general damages in reasonable sums.

52. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiffs have incurred and will yet incur medical and therapy expenses, and lost wages, all to their special damages in a reasonable sum.

WHEREFORE, Plaintiffs pray for relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays against Defendants as follows:

1. For general damages in an amount to be proved at trial;
2. For special damages in an amount to be proved at trial, including Plaintiff's lost wages trebled (at a minimum \$600,000).
3. For punitive damages against all defendants in an amount sufficient to punish them and to deter them and others in similar situations from engaging in such conduct in the future; and
4. For such other costs, interest, expenses, attorney's fees, and other relief the Court finds appropriate under the circumstances.

DESIGNATION OF TIER PURSUANT TO UTAH R. CIV. P. 26

This case falls within Tier 3 of Utah R. Civ. P. 26 for the purposes of discovery, because Plaintiffs are seeking damages exceeding \$300,000.

JURY DEMAND

Pursuant to Rule 38(b) of the Utah Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury in this case and submit herewith the applicable fee.

Dated this 15th day of July, 2024.

CLYDE SNOW & SESSIONS

/s/ Neil A. Kaplan

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Aaron D. Lebenta
Henry R. Morris

Attorneys for Chad Young

/s/ Kathryn N. Nester

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Attorney for Chelsea Farrer