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

Edward Rawlinson,
Plaintiff;

CASE NUMBER: CV-25-01204-PHX-ROS (CDB)

v.

Pinal County, a municipal entity; City of
Eloy, a municipal entity; J & J Arizona,
LLC, d/b/a Burger King Restaurant –
(Eloy, Arizona),
Defendant(s).

**THIRD AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

INTRODUCTION

1. This is a civil action seeking damages for violations of 42 U.S.C. § 1983 (unlawful seizure — false imprisonment), malicious prosecution, due process violations, unsafe detention conditions, Americans with Disabilities Act violations, fraudulent concealment, and negligent misrepresentation arising from the unlawful actions of Defendant(s): Pinal County, a municipal entity (through

the Pinal County Attorney's Office and Pinal County Sheriff's Office, which operates the Pinal County Adult Detention Center); City of Eloy, a municipal entity (through the Eloy Police Department); and J & J Arizona, LLC, d/b/a Burger King Restaurant - (Eloy, Arizona). This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 for claims arising under the Constitution and laws of the United States, specifically 42 U.S.C. § 1983 and the Americans with Disabilities Act, and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

PARTIES

2. The Plaintiff, Edward Rawlinson, who is legally "disabled" via physical and psychological injuries and conditions due to a motor vehicle accident since February 3, 2015; is a "qualified individual with a disability," and he was declared "disabled" by the Social Security Administration: Office Of Disability Adjudication And Review in Charlotte, North Carolina on June 22, 2017, and considered "disabled" under sections 216(i) and 223(d) of the Social Security Act since February 3, 2015, resides at 20820 Torrence Chapel Rd, Cornelius, North Carolina 28031.

3. Defendant, Pinal County is a county government located at 31 N Pinal Street, Administrative Complex, Florence, AZ 85132, and is responsible for the operations of the Pinal County Attorney's Office. Furthermore; as a municipal entity, Pinal County is legally responsible for the Pinal County Attorney's Office and the Pinal County Sheriff's Office, which operates the Pinal County Adult Detention Center under the management and supervision of the Pinal County Sheriff, and is subject to suit under 42 U.S.C. § 1983 for violations of Constitutional Rights and under the Americans with Disabilities Act (ADA) as the county government entity responsible for the jurisdictional operations of these facilities.

4. Defendant, City of Eloy is a municipal entity in the State of Arizona located at 595 N. C Street, Suite 104, Eloy, AZ 85131, and is responsible for the policies,

procedures, and conduct of its law enforcement, including the Eloy Police Department. Furthermore; as a municipal entity, the City of Eloy is subject to suit under 42 U.S.C. § 1983 for violations of the Plaintiff's Constitutional Rights and under the Americans with Disabilities Act (ADA).

5. Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant, an Arizona limited liability company doing business as Burger King Restaurant at 5310 N. Sunland Gin Rd, Eloy, Arizona 85131, is subject to suit for fraudulent concealment and negligent misrepresentation under Arizona common law. J & J Arizona, LLC, d/b/a Burger King Restaurant, is liable for the actions of its employees, including Marius Olegar and Manuela Hernandez, acting within the scope of their employment, who breached a duty to disclose material facts to law enforcement.

JURISDICTION AND VENUE

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this action arises under the Constitution and Laws of the United States, specifically 42 U.S.C. § 1983 and the Americans With Disabilities Act. 42 U.S.C. § 1983 provides a remedy for violations of "Constitutional Rights" by persons acting under color of state law. Municipal entities, such as the Defendant(s): Pinal County and the City of Eloy, are subject to suit under 42 U.S.C. § 1983 and the Americans With Disabilities Act, and are not protected by sovereign immunity.

7. This Court has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. § 1367, as these claims are so related to the federal claims that they form part of the same case or controversy.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claim occurred in Pinal County, Arizona, which is within the jurisdiction of the United States District Court for the District of Arizona.

FACTS

9. On or about February 23, 2023, Plaintiff Edward Rawlinson, was a patron at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona, stepped outside the side entrance. Plaintiff, who has physical and psychological disabilities, alleges that upon attempting to reenter the restaurant to retrieve his personal belongings, he was blocked and physically assaulted by Milton Ayers outside the side entrance door, resulting in new and aggravated injuries requiring emergency medical treatment.

10. The unprovoked assault by Milton Ayers on February 23, 2023, caused Plaintiff Edward Rawlinson to sustain multiple new and aggravated physical injuries, necessitating emergency medical treatment.

11. Following the physical assault by Milton Ayers on February 23, 2023, officers from the Eloy Police Department, acting under the authority of the City of Eloy and under color of state law, responded to the scene after a 911 call initiated by Milton Ayers. The call contained alleged misstatements and false accusations, raising the possibility of a premeditated setup. Upon arrival, Eloy Police Department officers made contact with Milton Ayers at the Petro Truck Stop located at 5235 N. Sunland Gin Rd., Eloy, AZ 85131, where Pinal County Sheriff's Office personnel were already engaged in a separate "high-risk" traffic stop and did not witness the initial assault on Plaintiff, Edward Rawlinson.

12. On February 23, 2023, the Eloy Police Department conducted an inadequate and improper investigation at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona, the site of the physical assault on the Plaintiff, Edward Rawlinson by Milton Ayers. During the investigation, Eloy Police Department's Officer Samuel Martinez and other officers relied on false statements provided by Milton Ayers and an **(unidentified)**, unverified witness, which led to the Plaintiff's arrest. The (Unidentified Witness), who provided a false account, approached from the Burger King Restaurant to the nearby Petro Truck Stop at 5235 N. Sunland Gin Rd., Eloy, AZ 85131, where officers were assessing probable cause, suggesting the possibility of a coordinated and prearranged sequence of events.

13. Despite the Plaintiff, Edward Rawlinson's explanation that he was the victim

of an unprovoked physical assault by Milton Ayers on February 23, 2023, and his assertion of no aggressive or unlawful conduct, the Eloy Police Department initiated and continued his detention based primarily on statements from Milton Ayers, Burger King Restaurant's employees Marius Oiegar and Manuela Hernandez, and the (Unidentified Witness) wearing a Phoenix Suns hat. At the time of the initial detention and throughout its duration, the Eloy Police Department lacked reasonably trustworthy information or sufficient facts to lead a prudent person to believe that the Plaintiff had committed or was committing a crime on February 23, 2023. The officers' reliance on these biased and misleading statements, without further corroboration or a thorough investigation, undermines any basis for probable cause to detain or imprison the Plaintiff.

14. The Eloy Police Department and its arresting officers lacked visual confirmation that the Plaintiff, Edward Rawlinson pulled or pointed his legally owned firearm at Milton Ayers on February 23, 2023. According to the police report, the Plaintiff's firearm was not found on his immediate possession at the time of detention but was found secured safely inside his backpack. The sole claim that the Plaintiff pulled or pointed a firearm came from Milton Ayers, the primary complainant, whose statements to 911 dispatch and responding officers were contradictory and false.

15. On August 15, 2023, during a video conference related to the dismissed criminal case (CR202300611), Eloy Police Department's Officer Samuel Martinez acknowledged to the Plaintiff, Edward Rawlinson that, after reviewing the Burger King Restaurant's surveillance video from February 23, 2023, he could not visually confirm that the Plaintiff pulled or pointed his legally owned firearm at Milton Ayers. Officer Samuel Martinez further noted that the **(interior surveillance video's)** obscured vantage point prevented a clear determination of how the altercation began. He reaffirmed that the probable cause determination for the Plaintiff's arrest relied primarily on Milton Ayers's allegations, Burger King Restaurant's (employee witness accounts) and statements from the (Unidentified Witness). This admission bolsters the Plaintiff's self-defense claim and undermines the basis for probable cause for his detention from February 23, 2023, through May 20, 2023, supporting his claim of (false imprisonment).

16. Plaintiff, Edward Rawlinson alleges that a misleading 911 call by Milton Ayers

on February 23, 2023, falsely claiming that the incident involved a firearm, led to the Eloy Police Department's erroneous probable cause determination, supporting his false imprisonment claim against Pinal County. Furthermore, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, fraudulently concealed exculpatory surveillance video evidence that would have shown the Plaintiff acting in self-defense outside the restaurant and misrepresented that the incident originated inside the restaurant. These actions contributed to the Plaintiff's prolonged detention, resulting in physical injuries, including a facial scar, head injuries, dental injuries, and emotional distress.

17. Following his arrest on February 23, 2023, Plaintiff, Edward Rawlinson was transported by ambulance to the Florence Anthem Hospital Emergency Center for treatment of injuries sustained during the assault by Milton Ayers. He was then taken to the Pinal County Adult Detention Center and booked in under multiple offenses, including carrying a weapon during a felony, aggravated assault, disorderly conduct, assault, and theft. All criminal charges against the Plaintiff were later dropped, and the case was dismissed on September 6, 2023, further indicating the absence of a sufficient legal basis for his initial arrest.

18. While detained at the Pinal County Adult Detention Center, Plaintiff, Edward Rawlinson, due to his documented physical disabilities, stress disorder, and depression-related issues, required specific accommodations, including medical care and dietary adjustments, to address his medical conditions. However, staff members of the Pinal County Sheriff's Office, acting under the municipal authority of Pinal County, denied the Plaintiff reasonable accommodations in violation of his constitutional rights. Specifically, the Plaintiff was deprived of necessary medication and dietary accommodations for his medical needs due to the Detention Center's staff member(s) refusal to provide requested accommodations, stemming from deficient policies and practices. Additionally, the Plaintiff was denied accessible (Detention Center Housing) for his mobility impairments and communication assistance, such as mental health support, necessary for his psychological well-being, due to the facility's inadequate policies and practices.

19. Upon intake at the Pinal County Adult Detention Center, operated by the Pinal County Sheriff's Office, the Plaintiff, Edward Rawlinson's experience demonstrates a clear disregard for his safety and well-being, violating the

Fourteenth Amendment's requirement for "humane conditions" of confinement. Despite his documented mobility impairments, injuries from the February 23, 2023, assault, and a prior disability declaration from June 22, 2017, the Plaintiff was initially placed in a single holding cell on February 23, 2023 but was then transferred to a general population cell a few days later. In this setting, he was accosted and threatened by other inmates, who warned Pinal County Sheriff's Office (Detention Center's) staff member(s) to remove him for his safety. Pinal County Sheriff's Office (Detention Center's) staff member(s) acknowledged their error, admitting that, given the Plaintiff's injuries and documented disabilities, including stress disorder and depression, he should have been placed in medical segregation. This sequence of events shows that the (Detention Center's) staff member(s) were aware of the Plaintiff's serious condition and the risks posed by placing him in general population housing, yet their failure to act, driven by deliberately indifferent policies and practices, constituted negligence and violated his constitutional rights. Additionally, this failure to provide reasonable accommodations under the Americans with Disabilities Act placed the Plaintiff at substantial risk of harm, reflecting deliberate indifference to his health and safety.

20. During his detention at the Pinal County Adult Detention Center, the Plaintiff, Edward Rawlinson was subjected to emotional and physical abuse by staff and other inmates, including verbal harassment, physical assault, denial of hygiene items and medical care, and prolonged isolation, which exacerbated his mobility impairments, stress disorder, and depression. On or about March 12, 2023, the (Detention Center's) staff member(s) physically assaulted the Plaintiff, who was handcuffed and posed no threat, over his request for a replacement toothbrush after being denied one, worsening his facial scar, head injuries, and causing severe dental injuries initially sustained from Milton Ayers's assault on February 23, 2023. This use of excessive force, driven by deliberately indifferent policies and practices, violated the Plaintiff's (Fourteenth Amendment Rights). Additionally, in late April 2023, while inappropriately housed in Pod G-500 under staff supervision, the Plaintiff was once again threatened by inmates due to his disabilities and was unjustly placed in "disciplinary segregation" after his mattress was removed from his cell and placed at the pod's entrance. These actions, resulting from the (Detention Center's) failure to provide medically suitable housing and accommodations as required by the Americans with Disabilities Act, demonstrated

deliberate indifference to the Plaintiff's health and safety, causing significant physical and psychological harm.

21. While detained at the Pinal County Adult Detention Center, on or about April 7, 2023, at 4:27 PM, the Plaintiff, Edward Rawlinson's defense counsel, Brian Bohan, in connection with the dismissed criminal case (CR202300611), requested the "exterior" Burger King Restaurant surveillance video, which the Eloy Police Department should have reviewed to establish probable cause and which depicted the Plaintiff acting in self-defense. Instead, the Pinal County Attorney's Office provided a "discovery disclosure link" containing only the (non-exculpatory) "interior" Burger King Restaurant surveillance video. This failure to disclose the (exculpatory) "exterior" Burger King Restaurant's surveillance video, in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), prolonged the Plaintiff's false imprisonment and exacerbated his unsafe detention conditions, including exposure to inmate threats and denial of medical accommodations, until his release on May 20, 2023.

22. Plaintiff asserts that the unlawful conduct specified in this (THIRD AMENDED COMPLAINT) were not the result of isolated or sporadic incidents, but rather a "persistent and widespread" practice, custom, and policy of the City of Eloy through its (Police Department) and Pinal County through its (Attorney's Office) and (Detention Center). The systemic failure to properly investigate, train, and supervise officers and agency staff members constitutes deliberate indifference to the rights of the Plaintiff and other individuals facing similar legal obstacles.

23. The Eloy Police Department and Pinal County Attorney's Office failed to adequately train their officers and staff on proper investigation procedures and the constitutional requirements for establishing probable cause. This is evidenced by the arresting officers' deliberate reliance on uncorroborated and biased statements from a unreliable witness ~ (Milton Ayers), Burger King Restaurant's employees, and an (Unidentified Witness), despite the Plaintiff's consistent and truthful numerous declarations of self-defense. Officer Samuel Martinez's admission on August 15, 2023 that he could not confirm the Plaintiff pulled or pointed his legally owned firearm at Milton Ayers from the surveillance video and that probable cause relied primarily on Milton Ayers's allegations, further shows the dismissed criminal case lacked proper (Prosecutorial Evidence) to continue

towards trial.

24. The Pinal County Attorney's Office, responsible for the prosecution, failed to disclose the (exculpatory) exterior surveillance footage. This failure to uphold their duty under *Brady v. Maryland* demonstrates a systemic problem with the handling of evidence, and the Plaintiff argues this is not an isolated mistake. This policy of deliberate indifference to (exculpatory) evidence and the legal obligation whether to disclose this information to the Plaintiff's then defense counsel, directly contributed to the Plaintiff's prolonged unlawful detention and malicious prosecution.

25. The Pinal County Adult Detention Center, operated by the Pinal County Sheriff's Office, repeatedly denied the Plaintiff, Edward Rawlinson necessary accommodations for his documented disabilities, including medical care, dietary adjustments, and suitable housing, in violation of his rights under the Americans with Disabilities Act and the Fourteenth Amendment. After the Plaintiff was threatened by other inmates in late April 2023 in Pod G-500, (Detention Center's) staff member(s) once again, **(for the second time)** acknowledged their error, admitting that the Plaintiff's documented disabilities and injuries from the February 23, 2023 assault, should have required his designation to (Medical Segregation Housing). Despite this initial acknowledgment on February 23, 2023, the (Detention Center's) staff member(s) continuously; with reckless disregard for the Plaintiff's health and well-being, failed to provide safe and appropriate housing reflecting a pattern of deliberate indifference to the Plaintiff's needs. Furthermore, on or about March 12, 2023, several Pinal County Sheriff's Office (Detention Center's) staff member(s) physically assaulted the Plaintiff while he was handcuffed and posed no threat, over a request for a replacement toothbrush, exacerbating his existing injuries, including a facial scar, head injuries, and dental injuries. These actions, driven by the Pinal County Sheriff's Office (Detention Center's) deficient policies and practices, demonstrate a pervasive custom of deliberate indifference to the safety and constitutional rights of detainees, causing the Plaintiff significant physical and psychological harm.

26. The acts of the individual employees and agents, specifically the failures of Officer Samuel Martinez, the Pinal County Attorney's Office, and the Pinal County Adult Detention Center, were not random occurrences. They were a direct result of

the Defendant(s)' unconstitutional policies and customs of failing to properly train and supervise their employees, and failure to act (without) deliberate indifference to the constitutional rights of individuals, including those with disabilities. The specific facts of all allegations in this **(THIRD AMENDED COMPLAINT)** are **further expounded upon in the "FIRST AMENDED NOTICE OF FILING AND EXPLANATION OF VIDEO EVIDENCE (EXHIBIT A - EXHIBIT P)" with key evidence attached for court review; which upon approval will be entered into evidence, demonstrating the factual nature of the Plaintiff's claims as material facts.**

27. On or about February 23, 2023, following the incident at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona 85131, Defendant J&J Arizona, LLC, d/b/a Burger King Restaurant, through its employees, possessed or had access to critical (exculpatory) surveillance video evidence from the restaurant's exterior video camera, which depicted the Plaintiff, Edward Rawlinson acting in self-defense during the assault by Milton Ayers.

28. On February 23, 2023, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, including Marius Oiegar, were in a position to provide accurate and complete information to the Eloy Police Department regarding the incident involving Plaintiff, Edward Rawlinson at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona 85131. This included the ability to promptly contact 911 Emergency Services with truthful details about the circumstances of the incident and to provide access to the (exculpatory) surveillance footage from the restaurant's exterior video camera, which showed the Plaintiff acting in self-defense during the assault by Milton Ayers.

29. On February 23, 2023, following the assault on Plaintiff, Edward Rawlinson by Milton Ayers at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, including Marius Oiegar, provided misleading statements to the Eloy Police Department and withheld (exculpatory) information. Despite a duty to provide accurate information, Marius Oiegar failed to inform officers that he did not witness the start of the altercation, which occurred outside the restaurant, and falsely stated that the entire incident took place inside. Additionally, employee Manuela Hernandez misrepresented to law enforcement, as noted in the police report, that the Plaintiff had caused disturbances with patrons in the week prior to

February 23, 2023, stating, "He was causing some disturbances with other store patrons, but not to the extent of the one which occurred today." These misrepresentations, combined with reliance on statements from an unverified, unidentified witness, misled law enforcement into believing probable cause existed for Plaintiff's detention. Furthermore, Burger King Restaurant's employees failed to disclose that the "exterior" Burger King Restaurant's surveillance video, which depicted the Plaintiff acting in self-defense, would clarify the altercation's origin, contributing to the Plaintiff's prolonged detention and exacerbating his documented stress disorder, depression, and emotional distress. Additionally, the failure of Burger King Restaurant's employees to promptly contact 911 emergency services, despite the Plaintiff's visible serious injuries, including bleeding from a facial scar and head injuries, delayed the police response, constituting negligent misrepresentation and worsening Plaintiff's physical and psychological harm.

30. As a direct and foreseeable consequence of Burger King Restaurant's fraudulent concealment and negligent misrepresentation of their employees, including misleading statements by Marius Oiegar and Manuela Hernandez; and failure to disclose the (exculpatory) exterior surveillance footage, the Eloy Police Department's investigation was impeded. This negligence contributed to the Plaintiff's prolonged detention without probable cause, exacerbating his physical injuries, including but not limited to a facial scar and head injuries, and emotional distress, including worsening his stress disorder.

CLAIMS FOR RELIEF:

COUNT ONE

(Unlawful Seizure — False Imprisonment)

VIOLATION OF 42 U.S.C. § 1983/FOURTH AMENDMENT

(Against Pinal County)

31. The Plaintiff incorporates by reference all preceding paragraphs.

32. This count asserts a claim for (Unlawful Seizure — False Imprisonment) under the Fourth Amendment, specifically addressing the Plaintiff's unlawful subsequent continued detention (false imprisonment) from February 23, 2023, lasting until his release on bond on May 20, 2023.

33. The Plaintiff, Edward Rawlinson, was subjected to unlawful detention from February 23, 2023 until May 20, 2023, by the Pinal County Attorney's Office. The "Probable Cause Determination" to continue the unlawful detention was based on uncorroborated and contradictory statements by Milton Ayers, bias statements by Burger King Restaurant's employees and a purported (Unidentified Witness), without review of readily available "exculpatory" surveillance footage from the Burger King Restaurant that contradicted those statements.

34. The Plaintiff's detention lacked the factual basis necessary for a reasonable officer or official to believe the Plaintiff committed a crime, thus rendering his imprisonment unlawful. See *Draper v. United States*, 358 U.S. 307 (1959).

35. Pinal County, through its agents and employees in the Pinal County Attorney's Office, are liable under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978), for the unconstitutional policies, practices, and customs that resulted in the Plaintiff's (Unlawful Seizure — False Imprisonment).

a. **Pinal County, through the Pinal County Attorney's Office and through the Pinal County Sheriff's Office of which operates the Pinal County Adult Detention Center, is liable under Monell for its role in maintaining the Plaintiff's (Unlawful Seizure — False Imprisonment) based on the following customs and policies.**

i. Specifically, the Pinal County Attorney's Office suppressed the "exculpatory" exterior video evidence by providing the "non-exculpatory" interior Burger King Restaurant's surveillance video instead of the requested "exculpatory" exterior surveillance video, thereby exacerbating the Plaintiff's unsafe detention and contributing to the continuation of his false imprisonment. (THIRD AMENDED COMPLAINT, ¶¶ 15, 16) See: (EXHIBIT O)

ii. Failure to train or supervise Pinal County's employees, through the Pinal County Attorney's Office, on the constitutional obligation to promptly investigate and disclose exculpatory evidence and the identity of any material witnesses used to justify probable cause. The need for such training and supervision was obvious, as the failure to correct this specific issue results in prolonged detentions throughout Pinal County without probable cause, violating detainees' (Fourth Amendment Rights). This failure also directly reflects "*deliberate indifference*" to the Plaintiff's constitutional rights, as it was a conscious choice not to implement training or supervision on witness identification procedures. See *City of Canton v. Harris*, 489 U.S. 378, 390 (1989). REFERENCE: (THIRD AMENDED COMPLAINT ~ ¶¶ 12, 13, 14, 15, 16) SEE: (EXHIBIT O)

iii. Failed to investigate policy and custom of inadequate {Probable Cause Determination Review}: Pinal County maintained a custom of failing to reassess probable cause during ongoing detentions, particularly in cases involving conflicting witness statements. This custom is evidenced by the Pinal County Attorney's Office and their continued detention of the Plaintiff without investigating the main alleged witness: Milton Ayers; who proclaimed that Edward Rawlinson was the main aggressor, and pulled & pointed his legally owned firearm. REFERENCE: (THIRD AMENDED COMPLAINT ~ ¶¶ 21, 22, 23, 24, 25) SEE: (EXHIBIT H/EXHIBIT L)

36. The Plaintiff remained unlawfully detained from February 23, 2023, until his release on bond on May 20, 2023, and was subjected to criminal prosecution until the charges were dismissed on September 6, 2023, without any proper reassessment of probable cause for his continued restraint.

37. Pinal County, through the Pinal County Sheriff's Office (which operates the Pinal County Adult Detention Center), is likewise liable under Monell for its role in maintaining the Plaintiff's **false imprisonment** based on the conditions and policies within the Detention Center.

38. These actions violated the Plaintiff's clearly established Fourth Amendment

rights to be free from **unlawful detention**, and no reasonable officer or official could have believed the continued restraint was lawful under the circumstances. Therefore, the officials of Pinal County (Pinal County Attorney's Office) and (Pinal County Sheriff's Office) are not entitled to qualified immunity as such a defense is inapplicable to municipal entities; as liability rests on whether these constitutional violations were caused by their policies or customs.

39. The Plaintiff suffered loss of liberty, physical injury, emotional trauma, reputational harm, and economic damages as a result of this **(Unlawful Seizure — False Imprisonment)**; and the Plaintiff's damage(s) stem from the actions of the agents and/or employees of the (Municipal Authority) due to their customs and/or policies.

40. The Plaintiff, Edward Rawlinson, explicitly states that the continued "unlawful detention" violated clearly established Fourth Amendment Rights. The Plaintiff also alleges the initial seizure stemmed from a possible prearranged setup and the **continued "unlawful detention" lacked probable cause.**

41. The Plaintiff respectfully argues he has sufficiently provided factual allegations of underlying circumstances that give fair notice and suggest an entitlement to relief.

42. This entire (Count One) is structured around one core legal cause of action under 42 U.S.C. § 1983 for **(Unlawful Seizure — False Imprisonment)**, specifically focusing on the **false imprisonment component** which falls under the Fourth Amendment analysis, with the accrual of the continued detention claim occurring upon his release on **May 20, 2023**. See *Wallace v. Kato*, 549 U.S. 384, 389-90 (2007) (holding that the statute of limitations for a § 1983 false imprisonment claim begins to run when the false imprisonment ends, i.e., when the plaintiff is released from custody).

43. As the direct and proximate result of the (Unlawful Seizure — False Imprisonment) Pinal County and their agents on February 23, 2023 through May 20, 2023, the Plaintiff suffered loss of liberty, physical injury, emotional distress or mental anguish, physical pain and suffering, (past and future) medical expenses, costs of rehabilitation or therapy, reputational harm, decreased past and future lost earning capacity and other economic damages - including but not limited to: past

and future lost professional opportunities (lose of a significant contract).

COUNT TWO
(Malicious Prosecution)
VIOLATION OF 42 U.S.C. § 1983/FOURTEENTH AMENDMENT
(Against City of Eloy and Pinal County)

44. The Plaintiff incorporates by reference all preceding paragraphs.

45. Following Plaintiff's unlawful detention on February 23, 2023, the City of Eloy and Pinal County, through their agents and officials at the Eloy Police Department and the Pinal County Attorney's Office, initiated and maintained a criminal prosecution against the Plaintiff without probable cause or sufficient factual basis, and did so with malice for the purpose of denying him equal protection of the laws by discriminating against him on the basis of his documented disabilities.

46. The criminal charges were based on false or uncorroborated statements by Milton Ayers, an (Unidentified Witness), and Burger King Restaurant's employees Marius Oiegar and Manuela Hernandez, despite the availability of "exculpatory" exterior restaurant surveillance footage showing that the Plaintiff acted in self-defense and never pulled or pointed his legally owned firearm.

47. Plaintiff alleges that the Pinal County Attorney's Office knowingly advanced the prosecution with malice and with reckless disregard for the truth, as evidenced by the grand jury presentation containing false representations about the surveillance videos and the failure to properly identify or investigate key witnesses, including the (Unidentified Witness) who provided a false account.

48. Specifically, the Pinal County Attorney's Office, despite being notified by the Plaintiff's defense counsel, Brian Bohan, of the existence of the (exculpatory) "exterior" Burger King Restaurant's surveillance video that would prove the Plaintiff's innocence, failed to turn over this critical "exculpatory" video evidence to the Plaintiff's criminal defense counsel. After being contacted by the Plaintiff's defense counsel, the Pinal County Attorney's Office initially responded vaguely to

requests for the footage on April 7, 2023, and their subsequent exchanges indicated they never directly sought to turn it over. This critical "exculpatory" evidence was not made available through prosecutorial disclosure until months later, after the Plaintiff bonded out on May 20, 2023, and obtained it through different defense counsel approximately in June or July of 2023.

49. The (exculpatory) exterior Burger King Restaurant's surveillance video served as the Plaintiff's key evidentiary material in late August 2023, as he was representing himself pro per, and was the key substantive evidentiary material referenced in his Motion to Dismiss filed on August 21, 2023, related to the dismissed criminal case (CR202300611). The conduct of the Pinal County Attorney's Office, including documented email correspondence between the Plaintiff's defense counsel and the prosecution regarding the search for the exterior surveillance video, constitutes a deliberate failure to obtain or review clearly exculpatory evidence, demonstrating malice and a lack of probable cause.

50. The criminal case against the Plaintiff was ultimately dismissed on September 6, 2023, without a conviction or plea, thereby satisfying the requirement of favorable termination under *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Awabdy v. City of Adelanto*, 368 F.3d 1062 (9th Cir. 2004).

51. The defendant(s)' conduct was motivated by malice and improper purposes, including discriminatory animus against the Plaintiff's documented disabilities (such as mobility impairments, stress disorder, depression, and anxiety/bipolar disorder) and institutional cover-up, rather than a legitimate interest in justice. By relying on biased and false statements while ignoring the Plaintiff's credible self-defense claims and exculpatory evidence, the City of Eloy and Pinal County treated the Plaintiff differently from non-disabled individuals in similar self-defense situations, prosecuting him without probable cause to deny him equal protection under the law.

a. Plaintiff states multiple policy claims based on allegations pertaining to **(three)** incident(s) of purported misconduct:

i. Reliance on false/uncorroborated statements ~

°**Failure to Properly Train and Supervise:** The Eloy Police Department

and Pinal County Attorney's Office failed to adequately train and supervise their officers on proper investigation procedures and the constitutional requirements for establishing probable cause. This is evidenced by the arresting officers' deliberate reliance on uncorroborated and biased statements from a unreliable witness (Milton Ayers), Burger King Restaurant's employees, and an (Unidentified Individual Witness), despite the Plaintiff's consistent and truthful statements of self-defense. This deliberate indifference to proper investigatory procedure is a widespread custom, not an isolated incident. REFERENCE: (THIRD AMENDED COMPLAINT ~ ¶¶ 12, 13, 14, 15) SEE: (EXHIBIT B/EXHIBIT D/EXHIBIT H/EXHIBIT K/EXHIBIT M)

ii. Availability and withholding of exculpatory video ~

°Failure to Implement Policies for Exculpatory Evidence: The Pinal County Attorney's Office failed to implement and enforce policies requiring the proper identification and disclosure of (exculpatory) evidence, as required by *Brady v. Maryland*. This failure is demonstrated by the Attorney Office's "suppression" of the (exculpatory) surveillance video that would have shown the Plaintiff acting in self-defense, this "suppression" exacerbated the malicious prosecution and demonstrates a custom of deliberate indifference to the prosecutorial fact-finding. REFERENCE: (THIRD AMENDED COMPLAINT ~ ¶¶ 24) SEE: (EXHIBIT A/EXHIBIT C/EXHIBIT O/EXHIBIT N)

iii. False representations to the Grand Jury ~

°Failure to Adhere To The Constitutional Rights of the Plaintiff: The Eloy Police Department and Pinal County Attorney's Office violated the Plaintiff's Constitutional Rights by providing "false testimony" to the grand jury which malfeasant customs and policies within the two agencies. REFERENCE: (THIRD AMENDED COMPLAINT ~ ¶¶ 14, 15, 16) SEE: (EXHIBIT B/EXHIBIT D/EXHIBIT L/EXHIBIT M)

iv. Specific dates of detention (Feb 23, 2023 - May 20, 2023) and

dismissal of criminal charges (Sept 6, 2023) SEE: (EXHIBIT N);

v. Failure to seek/review exculpatory evidence despite notice, and

vi. Improper Purposes: (discriminatory animus, institutional cover-up).

52. The action in the (Count Two) described above constitutes "Malicious Prosecution" in violation of the Plaintiff's rights under the Fourteenth Amendment, actionable under 42 U.S.C. § 1983.

53. As a direct and proximate result of the malicious prosecution initiated and maintained by the City of Eloy and Pinal County and their agents, as detailed in Paragraphs 45, 46, 47, 48, 49, 50 and 51(a)(i-vi) the Plaintiff suffered profound and continuing damages; **and the Plaintiff's damage(s) stem from the actions of the agents and/or employees of the (Municipal Authority) due to their customs and/or policies**, including but not limited to:

i. Prolonged deprivation of liberty and unlawful detention, including but not limited to his detention from February 23, 2023, until his bond release on May 20, 2023, and the ongoing legal jeopardy until the dismissal of the criminal case on September 6, 2023;

ii. Severe emotional distress and psychological trauma, including anxiety, fear, humiliation, and mental anguish, stemming from facing baseless criminal charges, the uncertainty of an unjust prosecution, and the unconstitutional deprivation of his freedom;

iii. Significant reputational harm and damage to his personal and professional standing within the community;

iv. Substantial financial losses, including but not limited to costs incurred in his criminal defense, the costs of bond, and lost professional earning capacity due to his detention and the pendency of the criminal proceedings, and

v. Past and future lost earning capacity, past and future medical expenses, physical pain and suffering from the unnecessary malicious prosecution.

COUNT THREE
(Due Process Violations)
VIOLATION OF 42 U.S.C. § 1983/FOURTEENTH AMENDMENT
(Pinal County)

54. The Plaintiff incorporates by reference all preceding paragraphs.

55. These **three** municipal policy and/or custom issues demonstrate deliberate indifference as evidenced by the following:

a. Systemic Failure to Disclose Exculpatory Evidence:

(i).The Pinal County Attorney's Office, responsible criminal prosecution in Pinal County, have a custom and/or of failing to provide timely and complete disclosures of "exculpatory" evidence to the criminal defense attorneys, as mandated by *Brady v. Maryland*. This custom and/or policy issue establishes "deliberate indifference" and is not an isolated incident, but is evidenced by the repeated delays in the Plaintiff's dismissed criminal case, as evidenced by the failure of the Attorney's Office in providing the crucial "exterior" surveillance video to his defense attorney(s)—**(1) Kate Milewski, (2) Brian Bohan, and finally (3) Ian Service—over a period of several months.** The exterior surveillance video, which directly contradicted the false allegations against the Plaintiff, was intentionally suppressed, indicating a pattern of institutional misconduct and showing reckless disregard.

b. Custom of Misleading Grand Jury:

(i).Pinal County, through its Attorney's Office, maintains a custom of making false representations to grand juries to secure indictments without a proper factual basis. This is evidenced by the Pinal County Attorney's Office falsely representing to the Grand Jury that law enforcement had reviewed the surveillance videos and that they corroborated the statements of Milton Ayers, even though the footage

actually refuted those allegations and supported the Plaintiff's innocence.

c. Failure to Supervise and Train:

(i). Pinal County has a custom of failing to properly supervise and train its prosecutors and law enforcement personnel on their constitutional duties related to the investigation of key witnesses and the related establishment of probable cause based on their statements which constitutes a policy of (deliberate indifference). This lack of oversight led directly to the unconstitutional conduct described herein, including the pursuit of "pretextual elevated aggravated criminal charges" and the unlawful prolongation of the Plaintiff's detention.

56. The "exterior" surveillance footage directly contradicted witness statements and law enforcement's claims that the Plaintiff "pulled" or "pointed" a firearm during the incident. Despite this, the "exterior" footage was not made available to the Plaintiff or his criminal defense counsel in a timely manner.

57. The Pinal County Attorney's Office falsely represented to the Grand Jury that law enforcement had reviewed the surveillance videos and that they corroborated the statements made by Milton Ayers and the (Unidentified Witness). In fact, the video footage clearly refuted those allegations and supported the Plaintiff's innocence.

58. The failure to disclose "exculpatory" evidence constitutes a violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and amounts to "deliberate indifference" to the Plaintiff's constitutional rights under the (Due Process Clause) of the Fourteenth Amendment.

a. Harms from Prosecutorial Misconduct (Fourteenth Amendment - Due Process Clause)

° Prolonged False Imprisonment and Loss of Liberty:

i. The Plaintiff's false imprisonment at the Pinal County Adult Detention Center was unlawful and violated his associated Constitutional Rights.

ii. He suffered prolonged detention and prosecutorial misconduct without

probable cause.

iii. His detention continued from February 23, 2023, until his bond release on May 20, 2023.

iv. The case was dismissed on September 6, 2023, further indicating the lack of a sufficient "legal basis" for the initial arrest and continued prosecution.

v. The Plaintiff endured the stress of defending himself against "Prosecutorial Misconduct" and the threat of further "Due Process Violations."

b. Due Process Violations due to Withholding (Exculpatory) Video Evidence and Improper Investigation:

i. The Pinal County Attorney's Office failed to provide all of the Burger King Restaurant's - Surveillance Video Evidence (exterior footage) to the Plaintiff's criminal defense attorney(s).

ii. This withholding of (exculpatory) evidence raises significant concerns regarding prosecutorial misconduct and violates the protection of the Plaintiff's Constitutional Rights.

iii. The prosecution is "Constitutionally Obligated" to disclose all (exculpatory evidence) to the defense under *Brady v. Maryland*. Failure to provide such evidence can lead to violations of due process rights.

iv. "Delays" or "Omissions" in providing crucial evidence hinder the defense's ability to prepare effectively, potentially compromising the fairness of the trial.

c. Specificity Related to the Misconduct:

i. Intentional suppression and delay of exculpatory video;

ii. False representations to the Grand Jury;

iii. Hiding evidence directly contradicting witness statements;

iv. Delaying disclosure despite requests;

v. Coordination of pretextual charges;

- vi. Forfeited prosecutorial immunity due to investigative/administrative actions;
- vii. Specific individuals involved (Public Defender - Kate Milewski), (Defense Attorney - Brian Bohan), (Defense Attorney - Ian Service), (Eloy Police Department's ~ Detective: Adam Edmonds), and
- viii. Specific dates for detention (Feb 23, 2023 - May 20, 2023) and dismissal of criminal charges (Sept 6, 2023).

59. The Plaintiff further alleges that the prosecution delayed the disclosure of the critical "exterior" video evidence until months after the initial arrest, despite numerous requests made by the Plaintiff and his defense counsel. This hindered the defense's ability to prepare effectively and jeopardized the Plaintiff's ability to obtain a fair proceeding.

60. Pinal County, through its Attorney's Office, committed "prosecutorial misconduct" by withholding (exculpatory) evidence in violation of *Brady v. Maryland*, and by advancing charges through misrepresentations to the Grand Jury. See *McDonough v. Smith*, 139 S. Ct. 2149 (2019); *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993).

61. The Pinal County Attorney's Office, representing Pinal County, violated the Plaintiff Edward Rawlinson's constitutional rights under 42 U.S.C. § 1983 by engaging in prosecutorial misconduct during Criminal Case (CR 202300611). Lacking immunity in its investigative and administrative roles, per *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993), the Office withheld exculpatory exterior Burger King Restaurant's surveillance video showing the Plaintiff acting in self-defense, violating *Brady v. Maryland*, directed law enforcement to ignore this evidence, and pursued pretextual elevated aggravated criminal charges on March 21, 2023, without probable cause. The Office also made false representations during grand jury testimony, claiming the surveillance videos supported Milton Ayers's allegations that the Plaintiff pulled and pointed a firearm, which the videos contradict. Detective: Adam Edmonds falsely testified that the Eloy Police Department showed the Plaintiff the surveillance videos during the February 23, 2023, probable cause determination, but neither the exterior nor interior videos were provided to the Plaintiff, until a late March or early April 2023 attorney-client

video call with his Defense Counsel, Brian Bohan. A pattern of misconduct is further evidenced by the withdrawal of public defender Kate Milewski under Ethical Rule 1.9 on March 10, 2023, the Office's appointment of Brian Bohan despite knowing of his impending June 2023 retirement, and the delayed disclosure of the "exculpatory" video to Defense Counsel, Ian Service until June or July 2023. These actions prolonged the Plaintiff's false imprisonment and exacerbated unsafe detention conditions, including inmate threats and denial of medical accommodations, until his release on May 20, 2023.

62. The conduct of the Pinal County Attorney's Office exceeded negligence and rose to the level of intentional or reckless disregard for the Plaintiff's constitutional rights.

63. Pinal County, as a municipality, is liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), due to its customs, practices, and failures in supervision and training that permitted such prosecutorial misconduct to occur.

64. This entire (Count Three) is structured around one core legal cause of action under 42 U.S.C. § 1983 for violations of "due process" under the Fourteenth Amendment, specifically tied to *Brady v. Maryland* and prosecutorial misconduct.

65. As a direct and proximate result of Pinal County's due process violations, through the egregious and unconstitutional conduct of its Attorney's Office and agents as detailed in Paragraphs 55(a)(i), 55(b)(i), 55(c)(i), 56, 57, 58(a)(i-v), 58(b)(i-iv), 58(c)(i-viii), 59, 60 and 61, the Plaintiff endured and continues to suffer significant damages; **and the Plaintiff's damage(s) stem from the actions of the agents and/or employees of the (Municipal Authority) due to their customs and/or policies**, including but not limited to:

- i. Prolonged and unlawful detention and loss of liberty from February 23, 2023, until his bond release on May 20, 2023, and the continued imposition of an unjustified criminal prosecution until its dismissal on September 6, 2023;
- ii. Severe emotional and psychological distress, including anxiety, fear, humiliation, and mental anguish, stemming directly from the false accusations, the stress of defending against baseless charges, and

the unconstitutional deprivation of his freedom;

iii. Damage to reputation and personal standing as a result of the fabricated allegations and prolonged criminal proceedings;

iv. Economic harms, including but not limited to costs incurred in defending against the criminal charges and in attempting to compel the disclosure of exculpatory evidence, both past and future medical expenses, and past and future lost earning capacity during detention and subsequent legal proceedings, and other ascertainable financial losses.

COUNT FOUR

(Unsafe Detention Conditions)

VIOLATION OF 42 U.S.C. § 1983/FOURTEENTH AMENDMENT

(Against Pinal County)

66. The Plaintiff incorporates by reference all preceding paragraphs.

67. While detained at the Pinal County Adult Detention Center, the Plaintiff was placed in 'unsafe housing conditions' despite visible injuries and declared disabilities, that were voiced and announced by the Plaintiff, Edward Rawlinson to the Pinal County Adult Detention Center. Also, Pinal County as the county government and proper municipal entity is responsible for the Pinal County Sheriff's Office's actions, as the Sheriff's Office is the entity that operates and manages the Pinal County Adult Detention Center under the management and supervision of the Pinal County Sheriff. In late April 2023, while inappropriately housed in Pod G-500, the Plaintiff was threatened by several inmates and punished for their actions, while under the supervision of Pinal County Sheriff's Office (Pinal County Detention Center) staff members. This type of cruel, unusual punishment and deliberate indifference was prevalent throughout the Plaintiff's (Unsafe Detention), from February 23, 2023 until May 20, 2023. These actions of the employees at the Pinal County Adult Detention Center were pursuant to Pinal County policies, customs, and practices.

68. The Plaintiff was assaulted by Pinal County Sheriff's Office staff member(s) on March 12, 2023, denied proper medical care due to (ignored dietary needs), subjected to unsafe food and detention conditions, and placed in general population contrary to medical advisories. Furthermore, the Plaintiff was inappropriately punished due to his mattress being removed from his personal cell and placed at the entrance of Pod G-500, and was unjustly sent to "Disciplinary Segregation" for this specific incident approximately sometime in late April 2023. These actions of the employees at the Pinal County Adult Detention Center were pursuant to Pinal County policies, customs, and practices.

69. Staff members of the Pinal County Adult Detention Center, under the Pinal County Sheriff's Office, acted with "deliberate indifference" to Plaintiff's serious medical and mental health needs, a practice attributable to Pinal County's established customs and policies governing detention conditions.

70. On or about March 12, 2023, the Plaintiff, Edward Rawlinson, a disabled individual, while handcuffed and posing no threat after being removed from Pod G - 500 at the Pinal County Adult Detention Center, was physically assaulted by detention center staff in the (front command center area), resulting in an aggravated facial scar, head injuries, dental injuries, and psychological harm, including exacerbated anxiety and bipolar disorder. The assault occurred after the staff refused to provide the Plaintiff a replacement toothbrush, citing his missing toothbrush core from medical segregation, where he should have remained due to his mobility impairments and other disabilities. This excessive force, driven by deliberately indifferent policies, violated the Fourteenth Amendment's objective reasonableness standard, as established in *Kingsley v. Hendrickson*, 576 U.S. 389 (2015). These actions of the employees at the Pinal County Adult Detention Center were pursuant to Pinal County policies, customs, and practices.

71. These municipal policy violations demonstrate deliberate indifference to the safety and medical needs of inmates as evidenced by the following:

i. Failure to Provide Medical Accommodations:

(1). Pinal County maintains a custom of failing to provide reasonable accommodations for known disabilities. Despite the Plaintiff's documented physical and psychological disabilities, detention staff denied him access to

necessary medication, ignored his dietary needs, and placed him in the general population against medical advisories. This is not an isolated incident of neglect but a systemic failure to provide for the medical and safety needs of disabled inmates.

ii. Deliberate Indifference to Inmate Safety:

(2).Pinal County and the Pinal County Sheriff's Office have a custom of deliberate indifference to the physical safety of detainees. This policy is evidenced by the Plaintiff being physically assaulted by staff member(s) on or about March 12, 2023, while he was handcuffed, and the failure of staff to protect him from threats and assault by other inmates in late April 2023. Another custom violation alleged by the Plaintiff, is the deprivation of basic inmate necessities, specifically the refusal to provide the Plaintiff with a toothbrush by the staff of the Pinal County Adult Detention Center on March 12, 2023. These actions demonstrate a pervasive and systemic disregard for the well-being of individuals in custody.

iii. Systemic Failure to Supervise and Train Staff:

(3).Pinal County's failure to adequately train and supervise its detention center staff on the constitutional rights of inmates and the proper procedures for handling inmates with disabilities constitutes a policy of deliberate indifference. The staff's admitted "mistake" in placing the Plaintiff in general population, despite his known vulnerabilities, and their subsequent failure to move him after he was threatened, shows a systemic lack of proper procedure and training.

72. This entire (Count Four) is structured around one core legal cause of action under 42 U.S.C. § 1983 for "unsafe detention conditions" constituting cruel and unusual punishment, which is a clearly defined § 1983 claim under the Fourteenth Amendment.

73. As a direct and proximate result of Pinal County's actions and omissions, as the acting responsible municipal entity, in maintaining unsafe detention conditions, and specifically the violations of the Plaintiff's (Fourteenth Amendment Rights) as detailed in Paragraphs 67, 68, 69, 70 and 71(i)1, 71(ii)2, 71(iii)3, the Plaintiff, suffered significant and continuing damages; **and the Plaintiff's damage(s) stem from the actions of the agents and/or employees of the (Municipal Authority) due**

to their customs and/or policies, including but not limited to:

° Further Losses;

- i. Including lost past and future earning capacity, past and future medical expenses, and other out-of-pocket expenses;
- ii. Severe physical pain and suffering, including new and reaggravated physical injuries directly resulting from the assault by detention officers on March 12, 2023, and the denial of proper medical and dietary care for his known needs through May 20, 2023;
- iii. Acute psychological trauma and profound emotional distress, stemming from exposure to threats and violence from other inmates, the constant fear for personal safety due to unsafe housing conditions, the humiliation and deprivation associated with inappropriate punishment (**including wrongful disciplinary segregation and the removal of his mattress**), and the overall unconstitutional conditions of confinement;
- iv. Loss of dignity, mental anguish, and humiliation endured throughout his detention; and
- v. Actual losses, including but not limited to costs for necessary past and future medical and psychological treatment, past and future lost earning capacity, and any other ascertainable economic harm suffered as a direct result of the unconstitutional detention conditions.

COUNT FIVE

(AMERICANS WITH DISABILITIES ACT {ADA} TITLE II VIOLATION)

VIOLATION OF 42 U.S.C. § 12132

(Against City of Eloy and Pinal County)

74. The Plaintiff incorporates by reference all preceding paragraphs.

75. Plaintiff is a qualified individual with disabilities under the ADA, including mobility impairments, polyneuropathy, stress disorder, depression-related issues, and anxiety/bipolar disorder, as documented in his Social Security disability determination from February 3, 2015 to present.

76. The City of Eloy, as the municipal entity responsible for the Eloy Police Department, and Pinal County, as the municipal entity responsible for the Pinal County Sheriff's Office, which operates the Pinal County Adult Detention Center, discriminated against the Plaintiff on the basis of his disabilities by failing to provide reasonable accommodations; **services that should have been expected to be provided based on the Plaintiff's medical history and his own declarations to the agents and/or employees of Pinal County**, including necessary medication, dietary adjustments, accessible housing, and mental health support, thereby excluding him from or denying him the benefits of their services, programs, or activities, such as equal access to law enforcement protections during arrest and humane conditions during pretrial detention.

77. These denials were by reason of the Plaintiff's disabilities, as non-disabled individuals were not subjected to similar deprivations of basic medical care, dietary needs, safe housing, or mental health support, and the accommodations were necessary to afford the Plaintiff equal access to the defendant(s)' services, programs, or activities without exacerbating his conditions or exposing him to undue harm.

78. The City of Eloy and Pinal County acted with deliberate indifference, satisfying the requirement for compensatory damages under Title II of the ADA. The first element of the deliberate indifference test is met because the Plaintiff alerted the public entities to his need for accommodation, **including by declaring his Social Security disability status and specific needs to Eloy Police Department officers during his arrest on February 23, 2023, and to Pinal County Sheriff's Office (Detention Center's) staff members through verbal declarations upon intake, written grievances, and medical requests during his detention from February 23, 2023, to May 20, 2023; additionally, his need for accommodation(s) was obvious due to visible injuries from the assault and (emergency hospital care)**, documented mobility impairments, and psychological symptoms, and was required by statute and regulation(s) under the ADA. *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139

(9th Cir. 2001). ~ The second element, which requires “an element of deliberateness” and “must be a result of conduct that is more than negligent,” is met because, despite this knowledge, the City of Eloy and Pinal County failed to investigate or determine reasonable accommodations, such as conducting disability screenings, providing medications or diets, or assigning suitable housing, resulting in conduct exceeding negligence. *Id.* (noting that a public entity receiving a request for accommodation has a duty to investigate the request and determine “what constitutes a reasonable accommodation”).

a. **ADA Title II Violations (Discrimination based on Disability):**

- i. The City of Eloy, through its Police Department, and Pinal County; through its Sheriff's Office, which operates the Pinal County Adult Detention Center, as public entities, **discriminated against the Plaintiff on the basis of his known disabilities** by denying him the full and equal enjoyment of their services, programs, and activities;
- ii. Specifically, despite the Plaintiff's declarations of his disability status, the Eloy Police Department and the Sheriff's Office (Pinal County Adult Detention Center) staff members **failed to provide reasonable modifications to policies, practices, and procedures** necessary to accommodate his disabilities during his arrest and prolonged detention;
- iii. The **denial of appropriate medical care, essential medication, proper nutritional diet, and suitable housing**, as detailed in the "FACTS" section of the (THIRD AMENDED COMPLAINT) ~ Paragraphs 18, 19, 20, constitutes a direct violation of the ADA Title II's requirement to provide equal access and reasonable accommodations to individuals with disabilities in public services;
- iv. The Plaintiff was **subjected to discriminatory treatment and denied the benefits of services** provided to non-disabled individuals, leading to the exacerbation of his physical and psychological injuries, in violation of 42 U.S.C. § 12132.

b. **What the City Of Eloy, through its Police Department (Should Have Done):**

- i. **Conduct a disability assessment or screening** upon being informed that the

Plaintiff was on Social Security Disability ~ (which was not done);

ii. **Notify the receiving detention facility and/or EMS during transport** about any stated disability or requested accommodation ~ (which was not done);

iii. **Document the disability claim** in the arrest report to trigger follow-up care during booking ~ (which was not done).

c. What **Pinal County; through its Sheriff's Office, which operates the Pinal County Adult Detention Center** (Was Required to Do):

i. (Upon booking Plaintiff into the jail) ~ **Conduct a comprehensive ADA medical intake screening**—this is standard per ADA consent decrees in detention settings ~ (which was not performed);

ii. **Provide prescribed or necessary medication** for stress disorders, mental health, or other known conditions ~ (which was facilitated incorrectly);

iii. **Offer a special or modified diet** if the Plaintiff had medical dietary needs ~ (which was ignored);

iv. **House him in "protective" or "medically appropriate" housing**, not in general population if contraindicated due to disability ~ (which was not performed);

v. **Protect from foreseeable harm**—especially if the Plaintiff communicated physical or psychological vulnerabilities ~ (which was facilitated incorrectly);

vi. **Document and respond to grievances or medical request forms** asserting ADA-related concerns {e.g., missing medications, denial of accommodations} ~ (which was not done).

79. The facts alleged in (Count Five) constitute a single claim for violation of Title II of the ADA, arising from the collective failure of the Eloy Police Department and Pinal County Adult Detention Center to provide reasonable accommodations for the Plaintiff Edward Rawlinson's known disabilities, including polyneuropathy and anxiety/bipolar disorder, during his arrest and detention, thereby denying him equal access to services as required under 42 U.S.C. § 12132. See *Sheehan v. City*

& Cnty. of San Francisco, 743 F.3d 1211 (9th Cir. 2014), *aff'd in part, rev'd in part*, 575 U.S. 600 (2015).

80. As a direct and proximate result of the City of Eloy's and Pinal County's actions and omissions described in Count Five, particularly the failures detailed in paragraphs 78(a)(i–iv), 78(b)(i–iii), and 78(c)(i–vi), the Plaintiff, a qualified individual with disabilities including polyneuropathy and anxiety/bipolar disorder, suffered severe, foreseeable, and ongoing harm, including aggravated physical injuries and psychological distress. Despite repeated notification of the Plaintiff's Social Security disability status and accommodation needs, the City of Eloy and Pinal County failed to provide necessary accommodations, constituting deliberate indifference to his rights under Title II of the Americans with Disabilities Act. Specifically, these failures were:

° Failures were;

i. The **denial of medically necessary dietary accommodations and prescribed medications** which led to physical deterioration, increased vulnerability to psychological distress, and exacerbation of pre-existing conditions causing substantial damages;

ii. The **refusal to assign protective or medically suitable housing** which exposed the Plaintiff to avoidable risks, including assault and deprivation of rest and safety;

iii. The **failure to intervene or respond meaningfully to the Plaintiff's verbal and written ADA accommodation requests** which denied him equal access to the basic services and protections afforded to nondisabled detainees;

iv. These **systemic failures and deliberate indifference to the Plaintiff's protected disabilities, in violation of Title II of the ADA**, directly and proximately caused the Plaintiff to endure severe and unnecessary physical and emotional pain and suffering during his prolonged detention. He experienced profound psychological trauma, exacerbated pre-existing conditions, suffered significant emotional distress, and was subjected to a profound loss of dignity and personal safety while incarcerated under conditions that demonstrably failed to accommodate his disabilities. The

Defendant(s)' **clear disregard of their obligations under Title II of the ADA** not only led to his sustained suffering but has also directly resulted in substantial past and future medical costs, as well as a demonstrable impairment of both his past and future earning capacity.

COUNT SIX

(Fraudulent Concealment)

(Against J & J Arizona, LLC, d/b/a Burger King Restaurant)

81. The Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

82. Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona), its agents, servants, and employees, had a duty to truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property and not to mislead investigators, not to ignore contradictory evidence despite any bias attitudes or conceal material facts from those impacted by events on their premises.

83. Upon information and belief, Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) its agents, servants, or employees, with the intent to deceive or mislead, actively suppressed, destroyed, or failed to preserve crucial (exculpatory) investigative information - including but not limited to the contents of the 911 call, which highlight Milton Ayers's statement(s) about a (prearranged meeting) with Burger King Restaurant's management, that suggest a possible coordinated setup at the restaurant, and other relevant information regarding the February 23, 2023, incident. Specifically, despite the Plaintiff being clearly injured during the assault by Milton Ayers on their premises, Burger King Restaurant's management and employees failed to timely contact (911 Emergency Services) or otherwise report the assault to law enforcement and appropriate emergency services, thereby delaying proper intervention, emergency medical services and law enforcement investigation. This initial concerning delay, concealed the full scope of the incident from immediate official investigative scrutiny and suggests that J & J Arizona, LLC, d/b/a Burger King Restaurant may

be hiding direct involvement in the events of February 23, 2023.

84. Furthermore, Burger King Restaurant's employee, Manuela Hernandez, falsely told the Eloy Police Department—(whose statement was included in the police report)—that the Plaintiff, in the week leading up to February 23, 2023, "was causing some disturbances with other store patrons; but not to the extent of the one which occurred today." This false statement, coupled with the Eloy Police Department's reliance on the (Unidentified Witness) who was also a patron at the Burger King Restaurant at the time of the assault, indicates there was a coordinated effort to mislead law enforcement on February 23, 2023. This also constituted the (Fraudulent Concealment) of facts, shielded law enforcement's understanding of the true sequence of events and fabricated false "probable cause" for the Plaintiff's arrest, detention and subsequent prosecution. Additionally, when the Burger King Restaurant's management later became aware of the statement(s) of their employees, they failed to contact law enforcement to either provide substantive information to prove the allegations made by their employees or to inform law enforcement that they had no such information or evidence to substantiate these claims and statements, which were used to justify "probable cause" for the Plaintiff's arrest.

85. This (Fraudulent Concealment) directly impacted the integrity of the initial investigation and prosecution, and thereby prevented the Plaintiff, from reasonably discovering the full extent of the circumstances surrounding the incident on J & J Arizona, LLC, d/b/a Burger King Restaurant's premises and its causal link to his injuries and damages, including his false imprisonment, and prolonged criminal proceedings until such time as portions of this concealed evidence became known through the protracted criminal discovery process related to (Criminal Case - CR202300611) or (post-release investigation) after September 6, 2023. This active suppression and misleading conduct, including the false statement by Manuela Hernandez and the withholding of exculpatory evidence by Marius Oiegar, as well as the failure to timely report the assault to (911 Emergency Services) despite the Plaintiff's visible injuries, directly contributed to the Eloy Police Department's erroneous determination of "probable cause" for the Plaintiff's arrest. The (Fraudulent Concealment) allowed law enforcement to primarily rely on biased and misleading statements from Milton Ayers and an "Unidentified Witness" without

corroborating video evidence, which directly challenges the notion whether there was sufficient "probable cause" for the arrest and detention of the Plaintiff on February 23, 2023.

86. Specifically, Defendant Burger King Restaurant, through its employees, including Marius Oiegar, provided misleading and incomplete statements to the Eloy Police Department, actively withholding crucial (exculpatory) investigative information. Marius Oiegar failed to inform law enforcement that he did not witness the initial start of the physical attack by Milton Ayers, and that the initial altercation occurred outside the restaurant. In fact, Marius Oiegar falsely represented that the entire incident occurred inside the restaurant.

87. Furthermore, Burger King Restaurant's employees, including Marius Oiegar, neglected to inform the Eloy Police Department that their "exterior" surveillance footage would contain the initial start of the altercation, evidence that would have proven the Plaintiff's innocence regarding the alleged "brandishing" of a firearm and the lack of "probable cause" for his arrest.

- i. Emphasized Impact On Probable Cause: This active suppression and misleading conduct directly contributed to the Eloy Police Department's erroneous determination of "probable cause" for the Plaintiff's arrest.

- ii. Connected To The "Unidentified Witness" And Milton Ayers's Statements: The (Fraudulent Concealment) allowed law enforcement to primarily rely on biased and misleading statements from Milton Ayers and the "Unidentified Witness" without corroborating video evidence, which directly challenged the existence of sufficient "probable cause" for the arrest.

88. But for the Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) and their (Fraudulent Concealment) of these material facts and critical evidence, the Plaintiff would have earlier discovered the full basis for his claims against J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) and/or the full extent of the constitutional violations stemming from the initial incident, thereby tolling the applicable statute of limitations for said claims until such discovery could reasonably be made.

89. (Count Six) constitutes a single claim for (Fraudulent Concealment), based on a failure by Defendant Burger King Restaurant to reveal material facts that impacted events on their premises, until such time as [May 20, 2023] when the Plaintiff made bond and criminal discovery disclosed the contents of the 911 call and employee statements previously unknown to the Plaintiff.

90. As a direct and proximate result of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's (Fraudulent Concealment) of (exculpatory) evidence, including "exterior" surveillance footage showing the Plaintiff acting in self-defense during the February 23, 2023, incident, the Plaintiff suffered and continues to suffer significant damages. These damages include physical injuries, such as a facial scar, head injuries, and dental injuries; emotional distress, including exacerbated stress disorder and depression; damage to reputation; economic losses, including loss of a business contract; past and future medical expenses; and punitive damages due to the intentional withholding of (exculpatory) evidence critical to the Plaintiff's defense.

COUNT SEVEN

(Negligent Misrepresentation)

(Against J & J Arizona, LLC, d/b/a Burger King Restaurant – Eloy, Arizona)

91. The Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and, in the alternative to Count Six (Fraudulent Concealment), **the Plaintiff brings this Count Seven for (Negligent Misrepresentation)** based on Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's failure to exercise reasonable care in making representations or omissions to law enforcement regarding the February 23, 2023, incident.

92. **Duty to Avoid Misrepresentation:** At all relevant times, Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona), by and through its agents, servants, and employees, owed a duty to exercise reasonable care in communicating accurate and complete information to law enforcement authorities regarding incidents occurring on its premises. Defendant had a duty not to supply false, incomplete, or misleading information in circumstances where it was

foreseeable that law enforcement would rely on such information in making decisions affecting the rights and liberty of individuals, including the Plaintiff, and to:

- i. Truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property;
- ii. Exercise reasonable care in the preservation of all relevant information pertaining to such investigations;
- iii. Exercise reasonable care in the full and complete disclosure of information relevant to such investigations;
- iv. Exercise reasonable care in promptly and accurately reporting emergency incidents, particularly those involving physical assaults and visible injuries, to emergency services.

93. Breach of Duty – (Negligent Misrepresentations) to Law Enforcement:

Upon information and belief, Burger King Restaurant, through its agents and employees, breached this duty by negligently providing incomplete, misleading, or otherwise inaccurate information to the Eloy Police Department during their investigation of the February 23, 2023, incident involving the Plaintiff. These misrepresentations include, but are not limited to:

- a. **Employee Witness Misstatement(s):** Allowing or failing to correct the representation that Burger King Restaurant's employee Marius Oiegar witnessed the start of the physical altercation, when in fact the incident had already begun outside the restaurant premises by the time he noticed the incident inside the restaurant.
- b. **Surveillance Evidence Misrepresentation or Omission:** Failing to disclose the existence and relevance of "exterior" surveillance footage, which could have shown the actual origin and nature of the physical altercation, including the Plaintiff's lack of wrongdoing and the absence of any firearm brandishing.

c. **Incomplete Statement(s) of Employee Manuela Hernandez:** Neglecting to provide or failing to clarify a vague and ambiguous statement attributed to employee Manuela Hernandez suggesting that the Plaintiff had a history of causing disturbances without context or detail, and failing to disclose the limited and non-threatening nature of prior incidents. Additionally, when the Burger King Restaurant's management later became aware of this statement, they failed to contact law enforcement to either provide substantive information to prove the allegations made by Manuela Hernandez or to inform law enforcement that they had no such information and/or evidence to substantiate these comments, which were used to justify "probable cause" for the Plaintiff's arrest.

d. **911 Call Context Omitted:** Failing to disclose or clarify the circumstances surrounding the (main complainant), Milton Ayers, who also called 911, and claimed he had a "prearranged meeting" with Burger King Restaurant's management, which could suggest the incident was coordinated or orchestrated in a manner relevant to falsely establish "probable cause" against the Plaintiff.

e. **Endorsing an Unverified Witness Account:** Permitting law enforcement to rely upon a purported "Unidentified Witness" without verifying the individual's identity, credibility, or actual knowledge of the event, despite the significant impact that his statement(s) had on the "probable cause" determination for the Plaintiff's arrest.

f. **Failure to Timely Report Assault and Injury to 911:** Despite the Plaintiff suffering visible serious injuries, including bleeding from a facial scar and head injuries, during the February 23, 2023, assault by Milton Ayers on Burger King Restaurant's premises, Burger King Restaurant's management and employees negligently failed to promptly contact 911 emergency services or timely report the assault to law enforcement. This failure caused a delay and misdirected law enforcement assets, contributing to the Plaintiff's prolonged detention without "probable cause" and exacerbating

his physical and psychological injuries.

94. **Reliance and Foreseeability:** It was reasonably foreseeable that law enforcement would rely on the information provided by Burger King Restaurant's employees to formulate "probable cause" for arrests, detentions, and prosecutions related to incidents occurring on its premises. Law enforcement did, in fact, rely on these misrepresentations or omissions when arresting and detaining the Plaintiff and pursuing criminal charges against him.

95. **Causation and Harm:** As a direct and proximate result of Burger King Restaurant's (Negligent Misrepresentations) and omissions, the Plaintiff was subjected to unlawful detention and false imprisonment on February 23, 2023, suffered extended unsafe detention until his bond release on May 20, 2023, and endured ongoing malicious prosecution until charges were dismissed on September 6, 2023. The misrepresentations and omissions materially contributed to the false establishment of "probable cause" and the denial of the Plaintiff's liberty, resulting in significant economic and non-economic damages.

96. **Delayed Discovery and Tolling of Statute of Limitations:** The Plaintiff could not have reasonably discovered the full extent and significance of Burger King Restaurant's misrepresentations and omissions until information surfaced through post-release investigation and criminal discovery, including interviews and reviews of surveillance evidence and police reports, which began in earnest after the Plaintiff's bond release on May 20, 2023.

Therefore:

- i. Under the discovery rule, the Plaintiff's claim for (Negligent Misrepresentation) did not accrue until after May 20, 2023, when the concealed or misrepresented facts became reasonably knowable to the Plaintiff;
- ii. Conversely, Burger King Restaurant's (Negligent Misrepresentation) constitutes grounds for equitable tolling of any applicable statute of

limitations, and the Defendant is estopped from asserting a time bar to this claim until the point of the Plaintiff's reasonable discovery.

97. (Count Seven) constitutes a single claim for (Negligent Misrepresentation), based on the failure of Defendant Burger King Restaurant to truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property, and to exercise reasonable care in the preservation and disclosure of information relevant to such investigations.

98. **Damages:** As a direct and proximate result of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's (Negligent Misrepresentation) to law enforcement regarding the February 23, 2023, incident, the Plaintiff has suffered and continues to suffer significant damages, including but not limited to physical injuries such as a facial scar, head injuries, and dental injuries; emotional distress, including exacerbated stress disorder and depression; damage to reputation; economic losses, including the loss of a business contract; and past and future medical expenses.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment against Defendant(s) as follows:

99. **Compensatory Damages:** An award of compensatory damages **in an amount to be determined at trial**, for emotional distress, physical pain and suffering, loss of liberty, reputational harm, and economic damages - (financial losses) stemming from the Plaintiff's lost earnings, including but not limited to the diminished value and lost earning capacity of the Plaintiff's professional opportunities, and the reduced value of personal income-generating assets.

100. **Punitive Damages:** An award of punitive damages in an amount to be determined at trial, as permitted by law, for the willful, malicious, or reckless

conduct of the Defendant(s).

101. **Further Relief:** For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, the Plaintiff, Edward Rawlinson hereby demands a trial by jury on all issues so triable.

Dated: 09/09/2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward Rawlinson', is written over a horizontal line.

Edward Rawlinson
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