

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

(1) MARGIE M. ROBINSON, as the)
Personal Representative of the Estate)
of Christina Dawn Tahhahwah,)
Deceased,)

Plaintiff,)

vs.)

Case No. CIV-16- 869-F

(1) THE CITY OF LAWTON,)
OKLAHOMA,)

(2) CHELSEY L. GORDON, in her)
individual capacity,)

(3) TIMOTHY T. JENKINS, in his)
individual capacity,)

(4) LINDSEY R. ADAMSON, in his)
individual capacity,)

(5) OFFICER SHORT, in his)
individual capacity,)

(6) LAWRENCE D. TURNER, in his)
individual capacity,)

(7) TERRY D. SELLERS, in his)
individual capacity,)

(8) STACEY L. MCMILLION, in his)
individual capacity,)

(9) DANIEL HALLIGAN, in his)
individual capacity,)

(10) OFFICER CARNEY, in his)
individual capacity,)

(11) OFFICER FISHER, in his)
individual capacity,)

(12) OFFICER QUISENBERRY, in his)
individual capacity,)

Defendants.)

COMPLAINT

Plaintiff Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, deceased, for her causes of action against Defendants, The City of Lawton, Oklahoma, Officer Chelsey L. Gordon, Officer Timothy T. Jenkins, Officer Lindsey R. Adamson, Officer Short, Officer Lawrence D. Turner, Officer Terry D. Sellers, Officer Stacey L. McMillion, Officer Daniel Halligan, Officer Carney, Officer Fisher and Officer Quisenberry, alleges and states:

The Parties

1. Christina Dawn Tahhahwah (“Christina”) was born on September 21, 1977 and was a citizen of the Comanche Nation.
2. At the time of her death on November 17, 2014, Christina was 37 years old.
3. Before her death, Christina was a resident of Comanche County, State of Oklahoma which is located within the Western District of Oklahoma. Christina suffered from bi-polar disorder and from major depressive disorder and was a qualified individual with a disability pursuant to the Americans with Disabilities Amendments Act of 2008 because these disorders substantially limited the major life activity of brain functioning.
4. Plaintiff Margie M. Robinson is the duly-appointed Personal Representative of the Estate of Christina Dawn Tahhahwah, deceased as reflected in

the Letters of Administration filed in the District Court of Comanche County, State of Oklahoma, Case No. PB-2015-198.

5. Plaintiff Margie M. Robinson is a resident of the City of Fountain, State of Colorado.

6. Defendant City of Lawton is a political subdivision of the State of Oklahoma and its City Hall is located in Lawton, Oklahoma which is located in the Western District of Oklahoma.

7. Upon information and belief, Officer Chelsey L. Gordon is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein she was acting under color of law.

8. Upon information and belief, Officer Timothy T. Jenkins is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

9. Upon information and belief, Officer Lindsey R. Adamson is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

10. Upon information and belief, Officer Short is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law

11. Upon information and belief, Officer Lawrence D. Turner is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

12. Upon information and belief, Officer Terry D. Sellers is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

13. Upon information and belief, Officer Stacey L. McMillion is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

14. Upon information and belief, Officer Daniel Halligan is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

15. Upon information and belief, Officer Carney is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

16. Upon information and belief, Officer Fisher is a resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was acting under color of law.

17. Upon information and belief, Officer Quisenberry is resident of Comanche County which is located within the Western District of Oklahoma. During all relevant times described herein he was action under color of law.

Jurisdiction and Venue

18. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 because the claims alleged arise under the Constitution and laws of the United States of America and pursuant to 42 U.S.C. § 1983. The Court also has original jurisdiction of the claims arising under the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008, codified pursuant to 42 U.S.C. § 12101.

19. This Court has supplemental jurisdiction over the state claims alleged herein pursuant to 28 U.S.C. § 1367(a).

20. This Court has personal jurisdiction over all the defendants because they are either political subdivisions of the State of Oklahoma or citizens of the State of Oklahoma.

21. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b) in that the defendants reside in the Western District of Oklahoma and a substantial part of the events giving rise to the claim occurred in the Western District of Oklahoma.

Fact Allegations

22. At the time of events described herein, Jerome Tahhahwah, Christina's grandfather, was the owner/occupant of the premises located at 1006 SW 42nd Street in Lawton, Oklahoma.

23. At the time of the events described herein, Christina Tahhahwah was both explicitly and implicitly an invited guest by the resident owner/occupant at the residence located at 1006 SW 42nd Street in Lawton, Oklahoma.

24. On November 13, 2014 at approximately 1:40 a.m., Christina called the Lawton Police Department and reported a domestic dispute with one of her relatives at a location with an address of 1006 SW 42nd Street in Lawton, Oklahoma.

25. The Lawton Police Department dispatched officer Daniel Harter to the scene at 1:42 a.m. Officer Harter arrived at the scene at 1:49 a.m. and ultimately cleared the scene with no report at 2:05 a.m.

26. Late on November 13, 2014, at approximately 3:19 a.m., Christina called the Lawton Police Department crying and according to the Lawton Police dispatcher was unable to make sense.

27. The Lawton Police Department dispatched officer Chelsey L. Gordon to 1006 SW 42nd Street at 3:19 a.m. Officer Gordon arrived at the scene at approximately 3:25 a.m. Officer Gordon made contact with Christina and ultimately cleared the scene with no report stating it "Does not meet EOD."

28. Again on November 13, 2014, at approximately 5:20 a.m., Christina called the Lawton Police Department asking to speak with Officer Gordon because she was not feeling well and needed to be seen at the Comanche County Memorial Hospital.

29. The Lawton Police Department dispatched Officer Timothy T. Jenkins to 1006 SW 42nd Street at 5:21 a.m. Officer Jenkins arrived at the scene at approximately 5:27 a.m. Officer Jenkins made contact with Christina and ultimately cleared the scene with no report at 5:42 a.m. despite having direct knowledge that Christina made threats to shoot or stab someone.

30. On November 13, 2014 at approximately 7:24 a.m., Christina called 911 and stated her name was “Cooter Bang and asked for Muerant and asked for Bobby.”

31. The Lawton 911 dispatcher responding to the 911 call told Christina that she could get in trouble for calling. Christina told the dispatcher that she was a US Marshall.

32. During her conversation with 911, Christina placed her cousin, Jeremy Day, on the telephone with the 911 operator who explained that Christina suffered from a bipolar disorder.

33. The Lawton Police Department dispatched Officer Lindsey R. Adamson to the 1006 SW 42nd Street at approximately 7:34 a.m.

34. The 911 operator also told Christina “there is no way to help her and she will not stop calling.”

35. Officer Adamson arrived at the scene located at 1006 SW 42nd Street at approximately 7:48 a.m.

36. Christina called the administrative line of the Lawton Police Department at 8:10 a.m. crying and requested four officers to assist her at 1006 SW 42nd Street.

37. Officer Adamson made contact with Christina and cleared the scene with no report at 8:36 a.m.

38. On November 13, 2014 at approximately 1:20 p.m., Anna Chalepah, a friend of Jerome Tahhahwah (Christina’s grandfather), called the Lawton 911 operator. The 911 call was transferred to the Lawton Police Department dispatcher at approximately 1:22 p.m.

39. Anna Chalepah told the dispatcher that Christina was at 1006 SW 42nd Street and had thrown a cup of milk at her and was making threats to kill people at the tribe. Anna Chalepah told the dispatcher that Christina did not have any weapons but that Christina was on drugs.

40. The Lawton Police Department dispatched Officers Short and Turner to 1006 SW 42nd Street. Officers Short and Turner arrived at the scene at approximately 1:29 p.m.

41. Upon arrival at 1006 SW 42nd Street, Officers Short and Turner made contact with Anna Chalepah who confirmed that Christina was Jerome's granddaughter and was a guest in their home.

42. Christina's grandfather, Jerome Tahhahwah, also confirmed with the Lawton Police Officers that Christina was his granddaughter and was an invited guest at 1006 SW 42nd Street. Jerome also told the Lawton Police Officers that Christina suffered from a bipolar disorder, a mental illness that cause her to have psychotic episodes.

43. Despite knowledge that Christina was an invited guest, Officers Short and Turner arrested Christina for trespassing and caused her to be transported to the City of Lawton jail without incident at approximately 1:52 p.m.

44. Officer Daniel Halligan of the Lawton Police Department booked Christina into the City of Lawton jail facility. Officer Halligan knew that Christina suffered from bipolar disorder and/or was in the midst of a psychotic episode because of his conversations with the other officers and because it was obvious to the untrained eye, but he did not perform a medical or mental health screening of Christina at the Lawton City Jail before housing her in the jail facility. This is contrary to the Oklahoma State Department of Health Standards for Jail Facilities/Detention Centers as set out in OAC 310:670. According to the Standards for Jail Facilities/Detention Centers, Christina was required to be transported to the

supporting medical facility as soon as possible. This was not done until it was too late as alleged below.

45. At approximately 2:30 p.m. on November 13, 2014 and while confined within cell number 26, Officer Halligan made direct contact and observed the actions of Christina. Officer Halligan, with direct knowledge of Christina's mental disorder, reported that Christina began banging and kicking the bars of the jail cell. Officer Halligan requested assistance from Officer Terry D. Sellers and Christina was placed in hand restraints without any resistance.

46. On November 14, 2014 at approximately 1:05 a.m. and while confined within cell number 26, Officers Carney and Fisher, with direct knowledge of Christina's mental disorder, made direct contact and observed the actions of Christina. Officers Carney and Fisher placed Christina in hand restraints connected to the bars of her cell without resistance. Christina was released from the handcuffs approximately 40 minutes later.

47. On November 14, 2014 at approximately 3:10 a.m. and while confined within cell number 26, Officer Fisher, with direct knowledge of Christina's mental disorder, again made direct contact and observed her actions. Officer Fisher placed Christina in hand restraints connected to the bars of the cell without resistance. Christina was released from the handcuffs approximately 40 minutes later.

48. On November 14, 2014 at approximately 7:25 a.m. and while confined within cell number 26, Officer Sellers, with direct knowledge of Christina's mental disorder, made direct contact and observed her actions. Officer Sellers placed Christina in hand restraints connected to the bars of the cell without resistance. Christina's hands were placed through the bars in an overhand manner and cuffed. When she was restrained, she was left to stand up even though Christina was obese and weighed in excess of 300 pounds. Shortly thereafter, Christina's hands began turning colors because she had turned around and slid down on the floor causing the restraints to tighten around her hands. Christina was released from the handcuffs and told to calm down and quit acting out. She was not offered or provided any medical care or mental health services.

49. On November 14, 2014 at approximately 11:48 a.m. and while confined within cell number 26, Officer Sellers, with direct and subjective knowledge of a serious and substantial health risk to Christina caused by restraint, made direct contact and observed her actions. Officer Sellers again placed Christina in hand restraints connected to the bars of the cell. On this occasion, Officers Sellers, Adamson, Quisenberry and McMillion placed Christina's hands through the bars of the cell in an overhead position without resistance.

50. On November 14, 2014 at approximately 1:04 p.m. – an hour and sixteen minutes later – another inmate/trustee alerted the jail staff that Christina was unresponsive.

51. Officers Seller, McMillion and Stewart entered the cell block and found Christina unresponsive. Just as with the prior occasion, Christina had slid down to the floor causing her restraints to tighten around her hands. The officers were unable to obtain a pulse and CPR was initiated after Christina was connected to an AED (Automated External Defibrillator).

52. Officer Sellers contacted first responders and they arrived at the jail and continued providing emergency medical care and treatment before removing Christina from the cell and transporting her to Comanche County Memorial Hospital.

53. Christina was admitted to the Comanche County Memorial Hospital through the emergency department into the intensive care unit.

54. Healthcare providers at Comanche County Memorial Hospital determined through an EEG that Christina had suffered a severe anoxic brain injury.

55. Life support was withdrawn and Christina died on November 17, 2014.

FIRST CAUSE OF ACTION

Violation of 42 U.S.C. § 1983 against Defendant Officers Turner and Short for False Arrest

56. Plaintiff incorporates paragraphs 1 - 55 as if specifically alleged herein.

57. At the time of the actions described herein, the rights of Christina Dawn Tahhahwah were codified, established, and sufficiently clear that every reasonable officer would have understood that her arrest for an alleged trespass was without probable cause because Christina had express and implied permission to be present at the property.

58. The actions of Officers Turner and Short in perfecting the warrantless misdemeanor trespass arrest as described herein violated the Constitutional Rights of Christina Dawn Tahhahwah.

59. As a direct and proximate result of the actions of Officers Turner and Short, Christina Dawn Tahhahwah was falsely arrested, taken into custody, transported and booked into the City of Lawton jail.

60. As a direct and proximate result of the actions of Officers Turner and Short, Christina Dawn Tahhahwah sustained personal injuries, mental injuries, medical expenses and ultimate death.

61. Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, deceased seeks to recover all the rights and remedies provided under 42 U.S.C. §1983.

WHEREFORE, Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against Officers Jenkins and Short as follows:

- (1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;
- (2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for her wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial;
- (3) For punitive and exemplary damages as determined by the jury at the time of trial;
- (4) For interest thereon as provided by law;
- (5) For the costs and expert fees as provided by 42 U.S.C §1988;
- (6) For any other such and further relief as the Court deems just and proper, whether that is specifically requested herein or requested at a later date.

SECOND CAUSE OF ACTION

Violation of 42 U.S.C. §1983 against Officers Gordon, Jenkins, Adamson, Turner, Short, Halligan, Sellers, Carney, Fisher, Quisenberry and McMillion for Failing to Provide Medical and Psychological Care

62. Plaintiff incorporates paragraphs 1 - 61 as if specifically alleged herein.
63. At the time of the actions described herein, the rights of Christina Dawn Tahhahwah were codified, established, and sufficiently clear that every reasonable officer would have understood that the failure to provide medical care and attention to the serious medical needs of an arrestee violated her Constitutional Rights.

64. The actions of the officers of the City of Lawton as described herein amounted to deliberate indifference to her serious medical needs directly resulting in a violation of her Constitutional Rights.

65. At the time of the actions described herein and despite direct knowledge of Christina's mental disorder and further displayed through her actions, the need for medical intervention and care were so obvious that even a lay person would easily recognize the necessity for a doctor's attention.

66. At the time of the actions described herein and despite direct knowledge of Christina's mental disorder and further displayed through her actions, the officers of the City of Lawton knew that Christina faced a substantial risk of harm and they disregarded that risk by failing to take reasonable actions to abate the risk.

67. As a direct and proximate result of the actions of the officers of the City of Lawton as described herein, Christina failed to receive medical intervention, care and treatment from a doctor or physician when faced with a substantial risk of harm while confined within a cell of the jail.

68. As a direct and proximate result of the actions of officers of the City of Lawton as described herein, Christina Dawn Tahhahwah sustained personal injuries, mental injuries, medical expenses and ultimate death.

69. Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased will seek to recover all the rights and remedies provided under 42 U.S.C. §1983.

WHEREFORE, Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against Officer Short as follows:

(1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;

(2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for her wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial:

(3) For punitive and exemplary damages as determined by the jury at the time of trial;

(4) For interest thereon as provided by law;

(5) For the costs and expert fees as provided by 42 U.S.C §1988;

(6) For any other such and further relief as the Court deems just and proper, whether that is specifically requested herein or requested at a later date.

THIRD CAUSE OF ACTION

**Violation of 42 U.S.C. §1983 against Officers Halligan
Sellers, Carney, Fisher, Adamson, Quisenberry and McMillion
for the Excessive Use of Force and/or the Failure to Intervene**

70. Plaintiff incorporates paragraphs 1 - 69 as if specifically alleged herein.

71. At the time of actions described herein, the rights of Christina Dawn Tahhahwah, were codified, established and sufficiently clear that every reasonable officer would have understood her Constitutional Rights to be free from excessive use of force.

72. The actions of the officers of the City of Lawton as described herein by placing Christina in hand restraints and leaving her restrained for long periods of time while confined within her jail cell was excessive and an unnecessary or unreasonable amount of force under the circumstance. Officers Halligan, Carney, Fisher, Adamson, Quisenberry, and McMillion, to any extent they did not personally participate in the use of excessive force, were present during the use of excessive force and had a constitutional duty to intervene, but they failed to do so.

73. The actions of the officers of the City of Lawton as described herein amounted to deliberate indifference of the Constitutional Rights of Christina Dawn Tahhahwah.

74. As a direct and proximate result of the actions of officers of the City of Lawton as described herein, Christina Dawn Tahhahwah sustained personal injuries, mental injuries, medical expenses and ultimately her death.

75. Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased will seek to recover all the rights and remedies provided under 42 U.S.C. §1983.

WHEREFORE, Margie M. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against Officer Short as follows:

(1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;

(2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for her wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial:

(3) For punitive and exemplary damages as determined by the jury at the time of trial;

(4) For interest thereon as provided by law;

(5) For the costs and expert fees as provided by 42 U.S.C §1988;

(6) For any other such and further relief as the Court deems just and proper, whether that is specifically requested herein or requested at a later date.

FOURTH CAUSE OF ACTION

Violation of 42 U.S.C. § 1983 against The City of Lawton, Oklahoma For Inadequate Training, Supervision and Discipline of its Officers

76. Plaintiff incorporates by reference paragraphs 1 - 75 as though set forth in full herein.

77. The actions of the officers of the Lawton Police Department as described herein exceeded constitutional limitation on the use of force.

78. The actions of the officers of the Lawton Police Department as described herein exceeded constitutional limitation on the use of force, exceeded the constitutional limitations of Christina's substantive due process, and exceeded the constitutional limitation of Christina's rights to receive medical treatment in deliberate indifference to her constitutional rights as a pretrial detainee in the City of Lawton jail.

79. The circumstances that the officers of the City of Lawton came into contact and remained in contact with Christina as described herein arose under circumstances that constitute a usual and recurring situation with which the officers of the City of Lawton must deal. Furthermore, the City of Lawton was aware that its training program for the Officers was inadequate because of an Investigative Report prepared by Fidelis Group, LLC on February 25, 2014, which found that the City of Lawton's training program was inadequate. Indeed, another inmate died because of a lack of medical care shortly before Christina's death in the fall of 2014,

demonstrating that no improvements were made between February 2014 and the time of Christina's death.

80. The inadequate training, supervision or discipline exhibited by the City of Lawton to its officers demonstrate a deliberate indifference on the part of the City of Lawton toward persons such as Christina who suffered from mental illnesses with whom they come into contact.

81. Despite this knowledge, the City of Lawton failed to properly train, supervise or discipline its officers and if the City of Lawton would have provided the appropriate training, supervision and discipline to its officers as set forth herein, the constitutional violation would not have occurred.

82. As a direct and proximate result of the City of Lawton's failure to train, supervise and discipline its officers as described herein, Christina was deprived of her constitutional rights thereby sustaining physical injuries, mental injuries, medical expenses, and ultimately her death.

WHEREFORE, Margie N. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against the City of Lawton as follows:

(1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;

(2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for her wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial:

(3) For interest thereon as provided by law;

(5) For the costs and expert fees as provided by 42 U.S.C §1988;

(6) For any other such and further relief as the Court deems just and proper, whether that is specifically requested herein or requested at a later date.

FIFTH CAUSE OF ACTION

Negligence and Negligence Per se against the City of Lawton

83. Plaintiff incorporates paragraphs 1– 82 as if specifically alleged herein.

84. Margie N. Robinson, in her capacity as the Personal Representative of the Estate of Christina Dawn Tahhahwah, caused a Notice of Claim pursuant to the Oklahoma Governmental Tort Claims Act to be served on the City Clerk of the City of Lawton, Oklahoma on November 6, 2015.

85. The Tort Claim was deemed denied by operation of law following the expiration of 90 days.

86. The allegations and pendent claims for negligence are timely brought contemporaneously and as a pendent claim within 180 days.

87. The actions of each of the officers as described herein were within the course and scope of their employment with the City of Lawton, Oklahoma.

88. The actions of each of the officers as described herein were reckless and negligent. Furthermore, the actions of Officer Halligan were negligent per se because he violated OAC 310:670-5-1 and OAC 310:670-5-8 by failing to complete a medical screening or a medical triage and by failing to send Christina to a medical facility prior to housing her in the Lawton City Jail.

89. As a direct and proximate result of the actions of the officers as described herein, Christina Dawn Tahhahwah sustained physical injuries and emotional injuries.

90. The injuries sustained by Christina Dawn Tahhahwah in the events described herein ultimately resulted in her death.

WHEREFORE, Margie N. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against the The City of Lawton, Oklahoma as follows:

(1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;

(2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for her wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial:

(3) For interest thereon as provided by law;

(4) For any other such and further relief as the Court deems just and proper, whether that is specifically requested herein or requested at a later date.

SIXTH CAUSE OF ACTION

VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 AGAINST THE CITY OF LAWTON

91. Plaintiff incorporates paragraphs 1– 90 as if specifically alleged herein.

92. Title II of the Americans with Disabilities Act Amendments Act provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. As the Tenth Circuit stated in Robertson v. Las Animas County Sheriff’s Department, 500 F.3d 1185, 1193 (10th Cir. 2007), “This provision extends to discrimination against inmates detained in a county jail.” Based upon the definition of “public entity,” it also extends to pre-trial detainees in city jails.

93. Christina was a qualified individual with a disability because she suffered from major depressive disorder and bipolar disorder, which substantially limited her major life function of brain functioning. See 29 C.F.R. § 1630.2(j)(3)(iii) (noting that major depressive disorder and bipolar disorder “will, in virtually all cases, result in a determination of . . . “actual disability”).

94. As an arrestee in the City of Lawton City Jail, Christina was eligible for medical and mental health screening and mental health services before being booked into the jail and during her detention.

95. Christina was denied the benefits of these and other services as an arrestee.

96. Non-disabled individuals who are booked into the City of Lawton City Jail are not denied these benefits.

97. As a direct and proximate result of the actions of the City of Lawton as described herein, Christina Dawn Tahhahwah sustained physical injuries and emotional injuries.

98. The injuries sustained by Christina Dawn Tahhahwah in the events described herein ultimately resulted in her death.

WHEREFORE, Margie N. Robinson, as the Personal Representative of the Estate of Christina Dawn Tahhahwah, Deceased, prays for judgment against the The City of Lawton, Oklahoma as follows:

(1) For actual damages in sum in excess of \$75,000 and in accordance with the proof at the time of trial;

(2) For all those damages afforded to the Estate of Christina Dawn Tahhahwah for his wrongful death as provided by statute or law in an amount in excess of \$75,000 and in accordance with the proof at the time of trial:

- (3) For interest thereon as provided by law;
- (4) For attorney's fees and costs; and
- (5) For any other such and further relief as the Court deems just and proper,

whether that is specifically requested herein or requested at a later date.

Dated this 29th day of July, 2016.

WARD & GLASS, L.L.P.

/s/ Woodrow K. Glass
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Woodrow K. Glass, OBA#15690
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ATTORNEYS FOR PLAINTIFFS

JURY TRIAL DEMANDED
ATTORNEYS' LIEN CLAIMED