

1 Juan-Carlos Preciado and Bianca Bautista-Preciado
2 In Care of 3280 East Milky Way
3 Gilbert, Arizona 85295
4

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

7 Case No. **CV22-01422-PHX-CDB**

8 **COMPLAINT AND JURY DEMAND**

10 **JUAN-CARLOS PRECIADO,**
11 **BIANCA BAUTISTA-PRECIADO,**

12 *Plaintiffs,*

13 v.

14 **GREAT WOLF LODGE,**

15 **Amy Johnson,** in her individual and professional capacity,

16 **SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY (SRPMIC),**

17 **Martin Harvier,** in his individual and official capacity as President of the

18 **SALT RIVER PIMA- MARICOPA INDIAN COMMUNITY (SRPMIC),**

19 **Soy (Nuan)/Soy N.,** in his individual and professional capacity,

20 **Isela Kerbaugh,** in her individual and professional capacity,

21 **Aaron (Betz)/Aaron B.,** in his individual and professional capacity,

22 **Sydney (Doe),** in her individual and professional capacity,

23 **P. Laroche,** in his individual and professional capacity,

24 *Defendants.*

25 _____ /
26

27 **COMPLAINT AND JURY DEMAND ON ALL COUNTS APPLICABLE**

28 Plaintiffs incorporate by reference the attached Exhibits with the same force and effect as
29 if herein set forth. Plaintiffs Juan-Carlos Preciado, and Bianca Bautista-Preciado,
30 hereafter known as Plaintiffs, seek redress for grievances against Defendants for the
31 violation and trespass of Constitutionally-protected and secured rights which incorporate
32 both criminal and civil penalties.

INTRODUCTION

- 1
- 2 1. This action arises out of the Defendant's conspiracy to deprive Plaintiffs of inherent,
- 3 sacred, and inviolable rights absent of due process. These rights include, but are not
- 4 limited to, the exclusive enjoyment, use, and disposal of property exclusive to the
- 5 Plaintiffs. This inherent and sacred right incorporates both personal autonomy and the
- 6 freedom to exercise religious beliefs independently of anyone else.
- 7 2. This action arises out of the Defendants' conspiracy to deny equal enjoyment and access
- 8 to places of public accommodation by color of state law, which is protected by Title II of
- 9 the Civil Rights Act of 1964.
- 10 3. The causes of action brought are;
- 11 4. (1) Violation of 42 U.S.C. § 1983 (due process and equal protection clauses – Fifth (5th)
- 12 and Fourteenth (14th) amendments),
- 13 5. (2) Violation of 42 U.S.C. § 1985,
- 14 6. (3) common law conspiracy,
- 15 7. (4) Violation of 42 U.S.C. §§ 2000(a), 2000 (a-1), 2000(a-2),
- 16 8. (5) Infliction of emotional stress, and
- 17 9. (6) Violation 42 U.S.C. § 1983 - (First (1st) amendment freedom of expression).
- 18 10. Plaintiffs ask the Court to convene a federal grand jury to investigate the allegations set
- 19 forth herein for what Plaintiffs believe to be violations of federal law by all Defendants,
- 20 incorporating title 18 U.S.C. § 241 and 18 U.S.C § 242. Proximate result by state action
- 21 depriving Plaintiffs of constitutionally protected rights and the concerted effort on the
- 22 part of Defendants to violate Plaintiffs' constitutionally protected rights, absent of due
- 23 process.

JURISDICTION

- 24
- 25 11. Pursuant to 28 U.S.C §§ 1331,1343(a), and 1367(a) this Court has subject matter
- 26 jurisdiction over Plaintiffs' claims.
- 27 12. Pursuant to 28 U.S.C. §§ 2201 and 2202 this Court has subject matter jurisdiction over
- 28 Plaintiffs' request for declaratory relief.

- 1 13. Pursuant to title 28 U.S.C. §1391(b), venue is proper in the District Court of Arizona
2 because all claims arise out of Maricopa County.
- 3 14. Pursuant to title 18 U.S.C. § 1151 and 1152, non – tribe members are within the sole and
4 exclusive jurisdiction of the United States while in Indian Country.
- 5 15. Pursuant to title 42 U.S.C. § 1983 (civil action for deprivation of rights), § 1985
6 (conspiracy to interfere with civil rights), and § 1988 (proceedings in vindication of civil
7 rights) this Court has subject matter jurisdiction.
- 8 16. Pursuant to Title II of the Civil Rights act of 1964, and Title 42 U.S.C. § 2000 (denial of
9 service at places of public accommodation) this Court has subject matter jurisdiction.
- 10 17. Pursuant to title 18 U.S.C. §§ 241 and 242 this Court has subject matter jurisdiction.
- 11 18. Plaintiffs do not have adequate remedy at law for the loss of constitutionally protected
12 rights in a Tribal Court, as the Tribal Court cannot obtain either In Personam or Subject
13 Matter jurisdiction in this matter.

14 **PARTIES**

- 15 19. COMES NOW, Juan-Carlos Preciado, as one of the sovereign people of the union state of
16 Arizona, hereinafter referred to as Plaintiff Juan-Carlos. Plaintiff is seeking help from this
17 Court under Title 42 U.S.C. § 1983, to protect Plaintiff's Creator given, Constitutionally-
18 protected, and secured rights and to correct the wrongs inflicted upon Plaintiff Juan-
19 Carlos by the named Defendants.
- 20 20. "The words 'people of the United States' and 'citizens' are synonymous terms, and mean
21 the same thing. They are what we familiarly call the 'sovereign people', and every citizen
22 is one of this people, and a constituent member of this sovereignty." Scott vs. Sandford,
23 60 U.S. 393, 60 U.S. 393 (1856).
- 24 21. At all times material to this lawsuit, Juan-Carlos Preciado resided on Maricopa County,
25 Arizona.

1 22. COMES NOW, Bianca Bautista-Preciado, as one of the sovereign people of the union
2 state of Arizona, hereinafter referred to as Plaintiff Bianca. Plaintiff is seeking help from
3 this Court under Title 42 U.S.C. § 1983, to protect Plaintiff's Creator given,
4 Constitutionally-protected, and secured rights and to correct the wrongs inflicted upon
5 Plaintiff Bianca by the named Defendants.

6 23. "The words 'people of the United States' and 'citizens' are synonymous terms, and mean
7 the same thing. They are what we familiarly call the 'sovereign people', and every citizen
8 is one of this people, and a constituent member of this sovereignty." Scott vs. Sandford,
9 60 U.S. 393, 60 U.S. 393 (1856).

10 24. At all times material to this lawsuit, Bianca Bautista-Preciado resided on Maricopa
11 County, Arizona.

12 25. At all times material to this lawsuit, the GREAT WOLF LODGE hereinafter known as
13 (GWL) principal place of business is located at 7333 N Pima Rd, Scottsdale, AZ 85258.

14 26. At all times material to this lawsuit, the SALT RIVER PIMA-MARICOPA INDIAN
15 COMMUNITY (SRPMIC) principal place of business is located at 10005 E Osborn Rd,
16 Scottsdale, AZ 85256.

17 27. Defendant SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY hereinafter
18 known as (SRPMIC) is a "body politic and corporate located within the geographical
19 lands of Arizona." The Jurisdiction of this body politic is found within their constitution
20 and by-laws and is recorded as "ARTICLE I. TERRITORY, it states, - The jurisdiction
21 of the (SRPMIC) shall extend to all lands within the boundaries of the (SRPMIC)
22 established pursuant to the Act of February 28, 1859 (11 Stat. 401), and Executive
23 Orders, to such other lands as may in the future be added thereto and to all land which
24 may from time to time be owned by the Salt River Pima-Maricopa Indian Community.

25 28. At all times material to this lawsuit, Martin Harvier, being a natural person, was the man
26 and individual, acting in the office of President for the Salt River Pima-Maricopa Indian
27 Community/(SRPMIC).

1 29. At all times material to this lawsuit, Soy (Nuan) hereinafter Soy N., being a natural
2 person, was the man and individual, acting as a security agent for the (GWL).

3 30. At all times material to this lawsuit, P. Laroche, being a natural person, was the man and
4 individual, acting in the office of Police Officer, badge number 276, for The Salt River
5 Police Department hereinafter known as (SRPD).

6 31. At all times material to this lawsuit, Isela Kerbaugh hereinafter Isela K., being a natural
7 person, was the woman and individual, acting as the Director for the (GWL).

8 32. At all times material to this lawsuit, Aaron (Betz) hereinafter Aaron B., being a natural
9 person, was the man and individual, acting as an employee for the (GWL).

10 33. At all times material to this lawsuit, Sydney (Doe), being a natural person, was the
11 woman and individual, acting as an employee for the (GWL).

12 34. At all times material to this lawsuit, Amy Johnson, being a natural person, was the
13 woman and individual, acting as the Chief Executive Officer for the (GWL).

14 35. At all times material to this lawsuit Isela K., Soy N., Sydney Doe, and Aaron B., being
15 natural persons, acted in conspiracy for and by Amy Johnson, being employed by the
16 GREAT WOLF LODGE.

17 36. All acts necessary or precedent to the bringing of this lawsuit occurred or accrued in
18 Maricopa County, Arizona.

19 **PRELIMINARY STATEMENT**

20 37. Plaintiffs Juan-Carlos Preciado and Bianca Bautista-Preciado allege that the Defendants
21 through ignorance, wanton disregard, improper training, or a combination of all three,
22 worked together to chill and deter the substantive rights of the Plaintiffs through arbitrary
23 and capricious means. Defendants relied upon the Second Directive - June 19, 2020, from
24 Martin Harvier, the man acting as President for (SRPMIC) (**See Exhibit A**), the GREAT
25 WOLF LODGE corporate policies and guidance issued from agencies such as the
26 (SRPMIC) Health and Human Services Department, the Centers for Disease Control and
27 Prevention, or the Arizona Department of Health Services to justify the chilling and

1 deterring of the Plaintiffs' rights. At no time, did the advice or suggestions of these
2 agencies have the authority of law or to supersede the Constitution of the United States or
3 Federal Law.

4 38. Defendant Isela K. as a director for the (GWL) acted on these capricious and arbitrary
5 corporate policies, recommendations, guidelines, and suggestions.

6 39. Defendant Isela K. as a director for the (GWL) allowed for no exemptions, thereby
7 chilling and deterring Plaintiffs' right for self-determination. Defendant Isela K. created a
8 workforce under her direction who acted in concert with one another, violating Plaintiffs'
9 substantive rights as secured by the United States Constitution and Federal Law.

10 40. Martin Harvier, the man acting as President for (SRPMIC), in a wanton disregard for the
11 rule of law, acted on these capricious and arbitrary recommendations, guidelines, and
12 suggestions with his enactment of the Second Directive - June 19, 2020. (See Exhibit A)

13 41. In the Second Directive - June 19, 2020 Martin Harvier allowed for exemptions for those
14 who fall into the Centers for Disease Control and Prevention's guidance for those who
15 should not wear face coverings due to a medical or mental health condition or
16 developmental disability, children under 7 years old, **people whose religious beliefs**
17 **prevent them from wearing a face covering.**

18 42. Martin Harvier, acting as President for (SRPMIC), created a workforce under his
19 direction who acted in concert with one another, violating Plaintiffs' substantive rights as
20 secured by the United States Constitution and Federal Law.

21 **FACTS**

22 43. Plaintiff Bianca Bautista-Preciado on the 1st day of March 2021, had secured a hotel
23 reservation at the (GWL) Hotel and Resort/indoor water park.

24 44. Plaintiff Bianca was wearing a face shield when she walked in to the (GWL) Hotel and
25 spoke with the employees at the reception desk, Plaintiff was given the keys to the hotel
26 room and was Not made aware by any of the employees at the reception desk that
27 Plaintiff's face shield was not appropriate or not allowed to be worn or used.

1 See (Exhibit B) for a picture of the face shield.

2 45. Plaintiffs, Plaintiff's family, and Plaintiff's friends, were scheduled to enjoy the food,
3 attractions, and shops while staying at the (GWL) Hotel Resort, to celebrate the nativity
4 day of Plaintiff's daughter.

5 46. On the 2nd day of March 2021, Plaintiff Bianca entered the lobby of the (GWL) Hotel
6 Resort around the time of 2:30 pm, with a hotel reservation.

7 47. Plaintiffs entered the (GWL) Hotel lobby with luggage and effects.

8 48. Plaintiff Juan-Carlos spoke with the employees at the reception desk while wearing a face
9 mask/face covering and asked the employees if a parking pass was required because
10 Plaintiffs had stayed at the same (GWL) hotel in the past. (around February of 2020)

11 See (Exhibit C) for a picture of the face mask/face covering.

12 49. Plaintiff Juan-Carlos was informed by the employees that no parking pass was required.

13 50. None of the employees at the reception desk said anything about the face mask/face
14 covering Plaintiff Juan-Carlos was wearing as being inappropriate, inadequate, or not
15 allowed to be used or worn.

16 51. None of the employees of the (GWL) offered any other type of face mask/face covering
17 to Plaintiffs or Plaintiff's family while at the lobby area.

18 52. Plaintiff Bianca and Plaintiff's family entered the gift shop in order to be given
19 complementary wolf ears by an employee of the (GWL), which is located inside the
20 lobby area, none of the employees at the gift shop said anything about the face shield
21 Plaintiff Bianca was using as being inappropriate, inadequate, or not allowed to be worn
22 or used.

23 53. Plaintiffs walked with Plaintiff's family through the lobby area undisturbed by any
24 (GWL) employees and made their way to the entrance door of the indoor water park.

1 54. Plaintiffs were Not informed by the (GWL) employee posted at the entrance door to the
2 indoor water park that Plaintiff Juan-Carlos's face mask/face covering or that Plaintiff
3 Bianca's face shield was inappropriate, inadequate, or not allowed to be worn or used.

4 55. Plaintiffs entered the indoor water park, where there is No request to wear any face
5 mask/face covering of any kind.

6 56. Plaintiff Juan-Carlos was about to take off Plaintiff's face mask/face covering, since there
7 is No request to wear any face mask/face covering in the indoor water park area.

8 57. After Plaintiffs entered the indoor water park, Plaintiff Juan-Carlos was approached and
9 contacted by Defendant Soy N. the man acting as a security agent for the (GWL).

10 58. Defendant Soy N. with his identity concealed (wearing a face mask) initiated contact with
11 Plaintiff Juan-Carlos and began to tell Plaintiff that Plaintiff was not allowed to wear the
12 particular face mask/face covering Plaintiff was wearing. See (Exhibit C)

13 59. This was the first time Plaintiff Juan-Carlos was informed about his face mask/face
14 covering being an issue from any employee claiming to represent the (GWL).

15 60. Plaintiff Juan-Carlos in good faith turned the face mask/face covering around and placed
16 it on the back of Plaintiff's head in order to help Defendant Soy N. be at ease.

17 61. Defendant Soy N. claimed that Plaintiff Juan-Carlos must comply with the (GWL)
18 policies regarding face masks.

19 62. Plaintiff Juan-Carlos notified Defendant Soy N. that corporate policies only apply to
20 employees and that Plaintiff is Not an employee of the (GWL).

21 63. Plaintiff Juan-Carlos asked Defendant Soy N. 3 questions: (1) Am I, your property? (2)
22 Do I have a contract with you? and (3) Have I relinquished all of my rights to you?

23 64. Defendant Soy N. claimed that Plaintiff Juan-Carlos was his property.

24 65. Plaintiff Juan-Carlos rebutted by stating "I, am Not your property"

1 66. Defendant Soy N. claimed that Plaintiff Juan-Carlos did have a contract with Defendant
2 because Plaintiff had a reservation to stay one night at the (GWL) hotel.

3 67. Plaintiff Juan-Carlos rebutted by notifying Defendant Soy N. that at best the only thing
4 the (GWL) offers is a service agreement, which Plaintiff did not sign.

5 68. Plaintiff Juan-Carlos notified Defendant Soy N. that Plaintiff did Not relinquish any/all of
6 his rights to anyone.

7 69. Defendant Soy N. appeared to be agitated by Plaintiff's questions and answers.

8 70. Plaintiff Juan-Carlos notified and requested that Defendant Soy N. leave Plaintiff alone
9 and stop harassing Plaintiff.

10 71. Plaintiffs were Not causing any harm, injury, loss, or damage to anyone or anyone's
11 property, therefore there was No Probable Cause for initiating contact with Plaintiffs.

12 72. Defendant Soy N. finally walked away from Plaintiffs.

13 73. Plaintiffs decided to no longer wear/use any face mask or face covering of any kind since
14 it is not requested to be worn in the indoor water park area.

15 74. After some time passed Defendant Soy N. appeared again and approached Plaintiffs and
16 Plaintiff's family and was accompanied by a second masked Defendant carrying a badge
17 and a gun, hereinafter known as Defendant P. Laroche. who was the man acting in the
18 office of Police Officer for The Salt River Police Department (SRPD).

19 75. Plaintiffs documented the events via video recording.

20 76. Defendant Soy N. claimed that Plaintiffs and Plaintiff's family members need to comply
21 with the (GWL) mask policies.

22 77. Plaintiff Juan-Carlos notified Defendant Soy N. and Defendant P. Laroche that the mask
23 policies do Not apply to Plaintiff.

1 78. Defendant Soy N. and Defendant P. Laroche took it upon themselves to make legal and
2 medical determinations regarding Plaintiffs without having any authority, or any type of
3 power of attorney from Plaintiffs.

4 79. Defendant Soy N. and Defendant P. Laroche harassed, trespassed, discriminated,
5 attempted to intimidate Plaintiffs and Plaintiff's family to comply with medical
6 interventions, and attempted to administrate Plaintiff's property without right, causing
7 Plaintiffs mental terror and emotional distress.

8 80. Defendant Soy N. claimed that Plaintiffs were on private property.

9 81. Pursuant to **A.R.S. 41-1441. Definitions** and **42 USC Chapter 21 § 2000(a)** it is written
10 that hotels or any places that offer lodging are places of public accommodation.

11 82. Plaintiff Juan-Carlos asked for the owner of the property.

12 83. Defendant Soy N. claimed that he is a representative of the owner of the property.

13 84. Plaintiff Juan-Carlos notified Defendant Soy N. that only the owner of the property may
14 tell Plaintiff something.

15 85. Defendant P. Laroche approached Plaintiffs asking what was the problem?

16 86. Plaintiff Juan-Carlos notified Defendant P. Laroche that Defendant Soy N. is the
17 problem, because Defendant Soy N. is harassing the Plaintiff.

18 87. Defendant P. Laroche again asked "what is the issue?"

19 88. Plaintiff Juan-Carlos notified Defendant P. Laroche that Defendant Soy N. is the
20 problem, because Defendant Soy N. is harassing the Plaintiff.

21 89. Plaintiff Juan-Carlos notified Defendant P. Laroche that Plaintiff was minding his own
22 business.

23 90. Defendants Soy N. and P. Laroche have NO ability to claim negligence because
24 Defendants had been made aware by Plaintiff that Defendants actions are criminal.

1 91. Defendant P. Laroche, brandishing a deadly weapon and badge chilled, deterred, and
2 arrested the free movement of Plaintiffs.

3 92. Plaintiff Juan-Carlos then asked Defendant P. Laroche for his full name.

4 93. Defendant P. Laroche refused to properly identify himself.

5 94. Defendant P. Laroche claimed “this is a private business, if they are asking you, I don’t
6 know what the issue is, either you are wearing a mask or not wearing a mask?”

7 95. Defendant P. Laroche in his own words stated that he did Not know what the issue was
8 and therefore had No reasonable articulable suspicion or probable cause and yet
9 Defendant P. Laroche decided to make contact with Plaintiffs.

10 96. Defendant P. Laroche became complicit in the crimes and trespasses being committed
11 against Plaintiffs and Plaintiff’s property by Defendant P. Laroche’s active participation.

12 97. Plaintiff Juan-Carlos asked Defendant P. Laroche “do I need to talk to a superior, or do I
13 need to call the county Sheriff?”

14 98. Defendant P. Laroche “okay, let me explain a couple of things to you, **you are on federal**
15 **land**, it has nothing to do with county? **this is tribal land**, (things) are a little bit different
16 here, you can’t call the county Sheriff”

17 99. Defendant P. Laroche boldly claimed “**we are the law here, this is federal land**”

18 100. Defendant P. Laroche “they are asking you, I don’t know, to not wear your mask, or
19 whatever they are asking you.”

20 101. Plaintiff Juan-Carlos “I am not wearing anything now”

21 102. Defendant P. Laroche “they don’t want you to wear the vendetta mask, that is the policy
22 that they have”

23 103. Plaintiff Juan-Carlos asked to be shown the policy.

24 104. Defendants Soy N. and P. Laroche failed to provide Plaintiffs with any written document
25 or policy regarding face masks/face coverings.

1 105. Defendant P. Laroche “if you don’t abide by the policy, this is a private business and they
2 can ask you to leave, if they ask you to leave then you got to leave, right?”

3 106. Plaintiff Juan-Carlos politely responded “I am fine with leaving”

4 107. Defendant P. Laroche “okay, I am just here because they have an issue with your mask”

5 108. Plaintiff Juan-Carlos notified Defendant P. Laroche that Plaintiff did Not want to contract
6 with Defendant P. Laroche.

7 109. Defendant P. Laroche repeatedly told Plaintiffs that he would be back to escort Plaintiffs
8 out of the (GWL), which plaintiffs took as a threat based on Defendant’s tone.

9 110. Defendant P. Laroche knew or should have known that depriving Plaintiffs of
10 Constitutionally protected and secured rights with intent is both criminal and breached his
11 duty and obligations as an officer of the law, and egregiously failed to protect Plaintiff’s
12 rights.

13 111. Plaintiff Juan-Carlos notified Defendant P. Laroche that Plaintiffs would leave on their
14 own, and that Plaintiffs did Not need Defendant P. Laroche to escort them out.

15 112. Defendant P. Laroche “you have to abide by the policies of the business”

16 113. Plaintiff Juan-Carlos “that is great, again only the owner should be able to talk to me”

17 114. Defendant P. Laroche “that is not true”

18 115. Plaintiff Juan-Carlos “that is true, that is a fact my friend”

19 116. Defendant P. Laroche “do you have any questions for me?”

20 117. Plaintiff Juan-Carlos “what is your name?”

21 118. Defendant P. Laroche “I just told you my name, it’s Laroche” “I don’t have to give you
22 my first name”

23 119. Defendant P. Laroche appeared agitated by the simple questions Plaintiff Juan-Carlos
24 was asking.

- 1 120. Defendant P. Laroche “why would I give you my first name?”
- 2 121. Plaintiff Juan-Carlos “because you are an officer, are you not?”
- 3 122. Defendant P. Laroche “yeah, my last name is Laroche, badge number 276, it’s all being
4 recorded, if they have an issue with you, or problem with you and they ask you to leave, I
5 will be back to escort you out of here”
- 6 123. Plaintiff Juan-Carlos “like I said I don’t need an escort, I will leave by myself, don’t
7 worry about it”
- 8 124. Defendant Soy N. “as long as you guys aren’t wearing that mask, I don’t have any issue”
- 9 125. Defendant P. Laroche “and that is the problem, they don’t want you wearing the vendetta
10 mask”
- 11 126. Defendant Soy N. “that is it, that is the only issue I have, you guys can wear these, the
12 face shield, I have no issue with that, but that vendetta mask you cannot have that on”
- 13 127. Plaintiff Bianca asked for the policy.
- 14 128. Defendant Soy N. “you are in a private establishment, so we have regulations and
15 policies sir, that we can enforce”
- 16 129. Plaintiff Juan-Carlos “I, am not an employee here”
- 17 130. Defendant Soy N. “you are not, but you signed a contract”
- 18 131. Defendant P. Laroche “your a guest”
- 19 132. Plaintiff Juan-Carlos “No, I did not sign a contract”
- 20 133. Defendant Soy N. “I’m done, I’m done arguing”
- 21 134. Defendant Soy N. in a Demanding tone “if you are not going to comply”
- 22 135. Plaintiff Juan-Carlos “at best we have a service agreement, not a contract, there is a
23 difference”

- 1 136. Defendant Soy N. “part of that is to wear the mask”
- 2 137. Plaintiff Juan-Carlos “how about you go learn something before you start harassing me”
- 3 138. Defendant Soy N. in a Demanding tone “are you going to comply or not? I am going to
4 make it real simple”
- 5 139. Plaintiffs Juan-Carlos and Bianca felt threatened by Defendants Soy N. and P. Laroche.
- 6 140. Plaintiff Juan-Carlos while talking with Plaintiff Bianca “you know what let’s go, we are
7 leaving, cancel the trip, let’s get out of here”
- 8 141. Before leaving Plaintiffs decided to file a report regarding the discriminatory, irrational,
9 criminal, unreasonable, and unacceptable behavior of Defendant Soy N. the man acting
10 as a security agent, with a supervisor for the GREAT WOLF LODGE, in order to help
11 prevent anyone else from experiencing emotional distress, mental distress,
12 embarrassment, duress, coercion, harassment, discrimination, and intimidation.
- 13 142. Plaintiffs walked towards the reception desk and asked if a supervisor was available?
- 14 143. Defendant Isela Kerbaugh hereafter known as Isela K. is the woman who said she was the
15 acting director for the (GWL).
- 16 144. However instead of taking down a report and coaching Defendant Soy N. the man acting
17 as a security agent, Defendant Isela K. made the situation worse and became complicit in
18 the crimes and trespasses being committed against Plaintiffs and Plaintiff’s property by
19 Defendant Isela K’s active participation.
- 20 145. Plaintiff Bianca recorded the incident with Defendants Isela K. and Aaron (Betz)
21 hereafter known as Aaron B.
- 22 146. Defendant Isela K. and Defendant Aaron B. approached Plaintiffs with their identities
23 concealed (wearing a face mask).
- 24 147. Defendant Isela K. claimed “this is private property”
- 25 148. Plaintiff Juan-Carlos notified Defendant Isela K “No, it is not”

1 149. Defendant Isela K. “we can ask you right now to leave the property, and then we will
2 have to do a vacation a different way, but we don’t want to do that, we would like you
3 and your family to have a good time, so I am going to ask you, if you don’t have a face
4 covering with you, to put one on so that we can more comfortable speak with you”

5 150. Plaintiff Juan-Carlos “I am speaking just fine”

6 151. Defendant Isela K. “but we are not”

7 152. Plaintiff Juan-Carlos “okay then, well you can step at least a meter away or two (2)
8 meters away”

9 153. Defendant Isela K. boldly claimed “**it is within our right to put a mask on your face**”

10 154. Defendant Isela K. in her own words made the bold claim that Defendant Isela K. can
11 make legal and medical determinations for Plaintiffs without any authority, or any type of
12 power of attorney from Plaintiffs.

13 155. Defendant Isela K. “do you have a face mask that you can use?”

14 156. Plaintiff Juan-Carlos had a face mask/face covering on the back of Plaintiff’s head,
15 Plaintiff Juan-Carlos out of consideration for Defendant Isela K. and Defendant Aaron B.
16 turned the face mask/face covering around to cover Plaintiff’s face.

17 157. Defendant Isela K. claimed “that is not compliant with what we have”

18 158. Plaintiff Juan-Carlos notified Defendant Isela K. that Plaintiff is wearing a face
19 mask/face covering.

20 159. Defendant Isela K. “ma'am I am going to ask you as well to have to put a face mask
21 because that (referring to Plaintiff Bianca’s face shield) is not compliant with what we
22 have”

23 160. Plaintiff Bianca surprised “oh my gosh are we adding some more, really?”

24 161. Defendant Isela K. “yeah, it has to be covered completely”

25 162. Plaintiff Bianca “Isela, I have been here since two (2) o'clock”

- 1 163. Defendant Isela K. confirmed in the affirmative “yes, ma'am”
- 2 164. Plaintiff Bianca made Defendant Isela K. aware that Defendant Soy N. being an
3 employee of the GREAT WOLF LODGE stated a face shield was fine to wear/use.
- 4 165. Defendant Isela K. “yeah it is not, if they gave you that information my sincerest
5 apologies, our rules from our corporate office, is that it has to be sealed”
- 6 166. Plaintiff Bianca notified Defendant Isela K. and Defendant Aaron B. that **Plaintiffs are**
7 **Exempted, and that the face masks/face coverings being used were the most**
8 **Plaintiffs could wear.**
- 9 167. Defendant Isela K. appeared to be agitated because Plaintiffs did not comply with
10 Defendant Isela K.’s capricious demands/orders.
- 11 168. Plaintiff Juan-Carlos made Defendants Isela K. and Aaron B aware that Defendants are in
12 deed harassing Plaintiffs.
- 13 169. Defendant Isela K. “let me finish what I have to say, if you feel that we are harassing you
14 because I am asking you to wear a mask”
- 15 170. Defendant Isela K. “so at this point if we are not going to be able to communicate, I
16 respectfully will ask you to leave the resort on behalf of the (GWL) Resort, so you are
17 probably going to have to check out and depart, because we don’t seem to be able to
18 communicate correctly”
- 19 171. Because of the horrible treatment from the men and women acting as employees of the
20 (GWL), Plaintiff Bianca had to request a refund.
- 21 172. Defendant Isela K. “yeah, I will credit you back, and you are welcome sir to follow up on
22 whatever you have to do but you have to leave the property and check out”
- 23 173. Plaintiff Bianca notified Defendant Isela K. to check with her employees as Plaintiff
24 Bianca had been walking around for the last couple of hours with a face shield on and no
25 one else maid an issue out of it.

1 174. Plaintiff Juan-Carlos made Defendants Isela K. and Aaron B. aware that what the
2 Defendants were doing is completely unlawful, illegal, and discrimination.

3 175. Plaintiff Bianca asked Defendant Isela K. for clarification regarding face masks/face
4 coverings because Defendant Isela K. has a different rule which is in conflict with other
5 employees of the (GWL) regarding face masks/face coverings.

6 176. Defendant Isela K. “we do not have different rules, it’s the same rule, it’s very clear”

7 177. Plaintiff Bianca notified Defendant Isela K that she has been all over the property and
8 that there is even camera footage of Plaintiffs wearing the face mask/face covering
9 without any issues.

10 178. Defendant Isela K. “yes but, our employees have to inform all of our guest, like I just
11 asked your husband two times and he is not compliant”

12 179. Plaintiff Bianca made Defendants Isela K. and Aaron B. aware again that Plaintiffs are
13 exempted.

14 180. Plaintiff Juan-Carlos and Plaintiff Bianca attempted to ask Defendant Isela K. some
15 questions, however Defendant Isela K. refused to talk with Plaintiffs.

16 181. Defendant Isela K. appearing very agitated “no, no we are done, we are going to ask you
17 to leave or at this point, I have to call the police and ask you to leave, so would you like
18 to take your time to go and vacate the room?”

19 182. Defendant Isela K. “I gave you three opportunities to work with me and your husband
20 declined and he is now being disrespectful to us and this is ending right now, we no
21 longer want to have you and welcome you as our guest, you need to depart, if you don’t
22 go and pick up your items I am going to bring the police and they are going to help you to
23 exit”

24 183. Plaintiff Juan-Carlos notified Defendants Isela K. and Aaron B. that Defendants are
25 engaged in blatant discrimination.

1 184. Plaintiff Juan-Carlos made Defendants Isela K. and Aaron B. aware that the Defendants
2 are the ones committing crimes which are “unlawful and illegal acts.”

3 185. Plaintiff Bianca requested for the contact information of the CEO for the (GWL).

4 186. Defendant Isela K. “when you come back, we don’t have a card for the CEO but I will
5 write his name down, no problem, yeah, I will see you when you come back, I will be
6 waiting for you”

7 187. Plaintiff Bianca “okay ma'am, you are like rushing me”

8 188. Defendant Isela K. “yes, I am at this point, we are no longer able to talk with each other, I
9 tried three different times, Mrs. Bianca please go pick up your items, so you can check
10 out”

11 189. Plaintiff Bianca asked Defendant Isela K. if she was asking Plaintiffs to leave?”

12 190. Defendant Isela K. confirmed in the affirmative “yes, ma'am, I, am”

13 191. Plaintiff Bianca politely asked “because of what?”

14 192. Plaintiff Juan-Carlos “no, she is kicking us out, that is complete discrimination by the
15 way”

16 193. Defendant Isela K. was nodding her head up and down in what appeared to be a
17 confirmation from Defendant Isela K.

18 194. Defendant Isela K. “I, am asking you to leave”

19 195. Plaintiff Bianca “so you are discriminating us?”

20 196. Defendant Isela K. “I disagree with you ma'am, we are not discriminating against you”

21 197. Plaintiff Bianca “so why are you kicking us out?”

22 198. Defendant Isela K. “so that you can have it on record for your information that you have
23 in here, we have tried to communicate with you and asked your husband to comply with

1 the rules of this property to cover his face so that we can feel comfortable and all he does
2 is actually speak down to us incorrectly and he is not complying”

3 199. Plaintiff Bianca “ma’am it is not incorrectly, we are being lawful”

4 200. Plaintiff Juan-Carlos “first of all you have no authority over me”

5 201. Defendant Isela K. “I agree sir, I do not, but you are welcome to leave the resort now”

6 202. Plaintiff Juan-Carlos “okay, so why are you giving me orders?”

7 203. Defendant Isela K. while talking to Defendant Aaron B. ordered Defendant Aaron B., to
8 “call the police”

9 204. Defendant Aaron B. became complicit in the crimes and trespasses being committed
10 against Plaintiffs and Plaintiff’s property by his active participation.

11 205. Defendant Isela K. “at this point we are calling the police, the police have to help you”

12 206. Plaintiff Bianca “can you go ahead and process the refund?”

13 207. Defendant Isela K. “come and see me when you are ready to go”

14 208. Plaintiff Juan-Carlos felt that the safety and life of Plaintiff’s family was unnecessarily
15 being placed in danger by Defendants Isela K and Aaron B., who unnecessarily escalated
16 the situation beyond reason, by calling the Police, even though there was No Probable
17 Cause since Plaintiffs did not cause harm, injury, loss, or damage to anyone or anyone's
18 property.

19 209. Plaintiffs fearing for their safety decided it would be best to leave the (GWL).

20 210. Plaintiff Juan-Carlos and Plaintiff’s son left the (GWL) Resort.

21 211. Plaintiff Bianca while carrying Plaintiff's baby went to get Plaintiff’s luggage and other
22 property from the indoor water park.

23 212. Defendant Sydney Doe with identity concealed (wearing a face mask), confronted
24 Plaintiff Bianca demanding that Plaintiff leave the park.

- 1 213. Plaintiff Bianca felt discriminated and harassed by Defendant Sydney Doe.
- 2 214. Defendant Sydney Doe became complicit in the crimes and trespasses being committed
3 against Plaintiffs and Plaintiffs property by Defendant Sydney Doe's active participation.
- 4 215. Plaintiff Bianca notified Defendant Sydney Doe that Plaintiff was returning the towels
5 Plaintiff borrowed.
- 6 216. Defendant Sydney Doe demanded that Plaintiff Bianca's friends also leave the indoor
7 water park.
- 8 217. Plaintiff Bianca notified Defendant Sydney Doe that Defendant can go ahead and tell
9 Plaintiff Bianca's friends to leave the water park.
- 10 218. Defendant Sydney Doe proceeded to harass and discriminate Plaintiff Bianca's friends.
- 11 219. Defendant Sydney Doe then escorted Plaintiff Bianca towards the lobby area.
- 12 220. Defendant P. Laroche was waiting in the lobby area accompanied by another man who
13 was acting in the office of a Police Officer for the (SRPD), with his identity concealed
14 (wearing a face mask), while holstering a deadly weapon on his hip.
- 15 221. Defendant Sydney Doe approached Plaintiff Bianca and asked with a demanding tone
16 "can I help you with anything?"
- 17 222. Plaintiff Bianca notified Defendant Sydney Doe that Plaintiff Bianca needed to speak
18 with Defendant Isela K.
- 19 223. Defendant Sydney Doe went to get Defendant Isela K.
- 20 224. Defendant Isela K. approached Plaintiff Bianca with a receipt regarding the refund
21 Plaintiff Bianca requested.
- 22 225. Plaintiff Bianca politely requested clarification from Defendant Isela K. as to why she
23 was kicking Plaintiffs out of the resort even though Plaintiffs had pre-paid for
24 accommodations.

1 226. Defendant Isela K. “We are not kicking you out of the property, we were actually trying
2 to work with you earlier, it is really our desire that you stay with us and have a good time,
3 we are not here to upset our guests.”

4 227. Plaintiff Bianca “we were over there earlier and we had it recorded and you actually told
5 us to leave.”

6 228. Defendant Isela K. “Yes, I am asking you to leave now, we have passed all over that, I
7 gave you three opportunities, you said you are recording and I am explaining this to you.”

8 229. Defendant Isela K. attempted to explain why she was kicking Plaintiffs out of the (GWL).

9 230. Defendant Isela K. “at this point we are asking you kindly, we have the right to provide
10 service to any of our guests and to deny it, we are asking you to cover your face, you are
11 right now being so disrespectful, don’t feel me make me feel comfortable, I asked you
12 and your husband, and look at you, you came here again without being covered.”

13 231. Plaintiff Bianca politely notified Defendant Isela K. that Plaintiff had been wearing a face
14 shield earlier when talking with Defendant Isela K., and that Plaintiff was using a face
15 shield for about three (3) hours while at the (GWL) without any issues.

16 232. Plaintiff Bianca “Nobody told me ever about the shield, until you came.”

17 233. Defendant Isela K. “the whole reason why you came here and spoke to us, and requested
18 for us to come to talk to you is because your husband said, that he has been harassed.”

19 234. Plaintiff Bianca “yeah, because of the mask that he was wearing, but not because of the
20 shield, you added that to it, so I just wanted to make sure that is recorded.”

21 235. Defendant Isela K. “No, ma'am all I am doing is informing you of the rules, and you are
22 actually combative about the rules.”

23 236. Plaintiff Bianca politely “I, am not combative.”

24 237. Defendant Isela K. “yes, ma’am you are, we are not charging you anything, we are giving
25 you all of your money back”

1 238. Defendant Isela K. asked Plaintiff Bianca if Plaintiff had any other friends with Plaintiff
2 at the water park?"

3 239. Plaintiff Bianca politely notified Defendant Isela K. "they are separate"

4 240. Defendant Isela K. "but you purchased water park passes for them"

5 241. Plaintiff Bianca "well I still have it right here" (regarding the park passes)

6 242. Defendant Isela K. "yeah, but I understand they are swimming right now."

7 243. Plaintiff Bianca "No, I am saying the other people are separate, just because they are my
8 friends they are going to get kicked out too?"

9 244. Defendant Isela K. "Yes, ma'am they have to depart, they are part of your group."

10 245. Plaintiff Bianca "well you can go ahead and tell them, "ma'am, come on now, I have this
11 baby over here that I need to feed, okay, and I have all this stuff, I am carrying him, I just
12 need to go to the car, you got me my receipt, so you can go ahead and tell them, that is
13 your responsibility."

14 246. Defendant Isela K. "yes, ma'am, we will tell them, thank you."

15 247. Plaintiff Bianca "alright, so is there anything else?"

16 248. Defendant Isela K. "No, ma'am you have your money back it is all refunded."

17 249. Defendant Isela K. after speaking with Defendant P. Laroche "I can tell her right now,
18 miss Bianca I am informing you that he is trespassing you, that means that you are not
19 welcome to return to our property at least for one year, this is why the police is here."

20 250. Plaintiff Bianca "for what reason?"

21 251. Defendant Isela K. "because you were not able to comply with the rules and you and your
22 husband were combative to us and you said that you didn't have to wear the mask, in here
23 it was a public land, and unfortunately, its not, its a private property, so we are not
24 welcoming you guys, so here's your receipt."

1 252. Plaintiff Bianca politely “put your name and your phone number please. That’s really
2 sad, just because of this, and like I, said we are not being combative, and we had it
3 recorded, you have cameras everywhere, I have it recorded, we are not being combative.”

4 253. Defendant Isela K. “Yes, ma’am you sure were, to Aaron and to me, you were very
5 disrespectful, you were rude, you’re actually rude to our team, you’re actually incorrect
6 behavior in this property and your husband is very combative and he’s also
7 condescending, and he’s rude and he’s mean to us, and we haven’t done anything wrong
8 to him”

9 254. Defendant Isela K. made various defamatory and unfounded statements regarding
10 Plaintiffs.

11 255. Plaintiff Bianca “well its because he felt harassed, that’s why.”

12 256. Defendant Isela K. “Thank you so much, we’re done.”

13 257. Plaintiff Bianca politely “see how you’re rushing me, I am still speaking, that is rude.”

14 258. Defendant Isela K. “you’re acting as a victim, ma’am and you’re not”

15 259. Plaintiff Bianca “well because we’ve been a victim ever since we came here.”

16 260. Defendant Isela K. “we’re done ma’am, please we’re done.”

17 261. Plaintiff Bianca proceeded to leave the (GWL) resort.

18 262. An alarming amount of (SRPD) police personnel had posted themselves outside of the
19 resort creating a scene and making Plaintiffs feel threatened and extremely concerned
20 about the safety of Plaintiff’s sons, daughter, and Plaintiff’s lives.

21 263. Plaintiffs were denied the written mask policy and controlling authority that granted
22 employees of the (GWL) the authority to deny due process of law to Plaintiffs and
23 proceeded to arbitrarily, capriciously, and unreasonably trespass Plaintiffs and deny
24 Plaintiffs rights as secured by the Constitution of the United States of America.

1 264. Defendant P. Laroche’s justification for chilling and deterring Plaintiff’s equal access,
2 enjoyment, and use of the (GWL) was, that the Hotel is on “tribal land.”

3 265. The Defendants actions were a direct cause of the Plaintiffs canceling their celebration,
4 vacation, and activities.

5 266. The impact of chilling and deterring Plaintiff’s free exercise of constitutionally protected
6 rights at a place of public accommodation constitutes irreparable harm to the Plaintiffs
7 and Plaintiff’s family.

8 267. In absence of due process of law, Defendants denied Plaintiffs their First Amendment
9 right prohibiting government or State action from interfering with or attempting to
10 regulate any citizen’s religious beliefs, coercing a citizen to affirm beliefs repugnant to
11 his/her religion or conscience, and from directly penalizing or discriminating against a
12 citizen for holding beliefs contrary to those held by anyone else.

13 268. In absence of due process of law, Defendants arbitrarily, capriciously, and unreasonably
14 discriminated against the Plaintiffs due to their religious belief and class status.

15 269. Plaintiffs do not have adequate remedy at law for the loss of constitutional rights in a
16 Tribal Court as the Tribal Court cannot obtain In Personam jurisdiction or Subject Matter
17 jurisdiction in this matter.

18 **The Second Directive - June 19, 2020**

19 **FAILS THE CONSTITUTIONAL SCRUTINY TEST**

20 **DECLARATORY JUDGEMENT AND FEDERAL QUESTIONS**

21 270. Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
22 jurisdictional, and factual allegations.

23 271. The Second Directive - June 19, 2020 by Martin Harvier, the man acting as President for
24 the (SRPMIC)- (**Exhibit A**) is unconstitutional on its face and as its enactment by the
25 employees and agents of Martin Harvier, constitute a violation of Plaintiffs’ inviolable,
26 exclusive, inherent, and inalienable right to possess, enjoy, use, and dispose of property,

1 which includes but is not limited to, personal autonomy and freedom of conscience. The
2 order restricting these fundamental rights must be narrowly tailored to a compelling state
3 interest, as necessitated by the required strict scrutiny rule. State sponsored restriction of
4 fundamental rights must eliminate the evil to which it purports to protect the public.

5 272. *“6. A face covering means material that covers the nose and mouth. It can be secured*
6 *to the head with ties or straps, or wrapped around the lower portion of the face. It can*
7 *be homemade or commercially made and shall be worn per guidance provided by the*
8 *Centers for Disease Control and Prevention.”*

9 273. *The directive therefore does not “define” the area of illegal conduct with sufficient*
10 *specificity, so that men of common intelligence (need not) guess at its meaning.” Hiatt*
11 *v. United States, 415 F.2d 664, 670 (5th Cir. 1969)*

12 274. Directly or indirectly, all Defendants acted in a concerted conspiracy with the
13 unconstitutional The Second Directive - June 19, 2020 by Martin Harvier, the man acting
14 as President for the (SRPMIC) and ultimately discriminated against Plaintiffs and
15 Plaintiff’s family.

16 275. The (SRPMIC) derive their authority as delegated from the United States Congress and,
17 as such, are incorporated under the Constitution of the United States.

18 276. The Orders given by Defendant Soy N., Defendant Isela K., and Defendant P. Laroche to
19 Plaintiffs and Plaintiff’s family are unconstitutional on their face and as applied to the
20 inviolable, exclusive, inherent, and inalienable right to possess, enjoy, use, and dispose of
21 property which includes but is not limited to, personal autonomy and freedom of
22 conscience, the orders restricting these fundamental rights must be narrowly tailored to a
23 compelling state interest, as necessitated by the required strict scrutiny rule.

24 277. **1st Federal Question:** When a political subdivision, The Salt River Pima-Maricopa
25 Indian Community (SRPMIC) “a sovereign tribe” created by Congress chill, deters, and
26 deprives the constitutionally secured substantive rights of non-tribe members by a
27 directive or ordinance, do the Plaintiffs lose their Constitutionally secured substantive
28 rights? Plaintiffs contend, no.

1 278. **2nd Federal Question:** Can the advice, guidelines, recommendations, and
2 encouragement from corporate, federal, and state agencies such as (SRPMIC) Health and
3 Human Services Department, the Centers for Disease Control and Prevention, or the
4 Arizona Department of Health Services supersede the United States Constitution which
5 incorporates substantive and procedural due process? Plaintiffs contend, no.

6 279. **3rd Federal Question:** Does The Salt River Pima-Maricopa Indian Community
7 (SRPMIC) under the United States Constitution allow The (SRPMIC) to declare
8 directives, edicts, ordinances, or rules that violate Plaintiffs' substantive and procedural
9 rights as secured by the United States Constitution and Federal law? Plaintiffs contend,
10 no.

11 280. **4th Federal Question:** Must the Plaintiffs comply with directives, edicts, ordinances, or
12 suggestions that violate constitutionally secured rights absent of due process? Plaintiffs
13 contend, no.

14 281. **5th Federal Question:** Does sovereign immunity exist to create a class based,
15 invidiously, and discriminatory animus superiority where a group of individuals, such as
16 the (SRPMIC), can openly violate and deprive Plaintiffs of their constitutionally
17 protected rights? Plaintiffs contend, no.

18 282. WHEREFORE plaintiffs demand judgement for declaratory and injunctive relief against
19 (SRPMIC) and their corporate subdivisions, together with such other relief as the Court
20 may deem reasonable and just under the circumstances.

21 **COUNT 1: VIOLATION OF 42 U.S.C. § 1983 (DUE PROCESS AND EQUAL**
22 **PROTECTION CLAUSES**

23 **FIFTH (5TH) and FOURTEENTH (14TH) AMENDMENTS)**

24 283. Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
25 jurisdictional, and factual allegations.

26 284. At all times relevant herein, Plaintiffs had a right under due process and equal protection
27 clauses of the state and federal constitutions not to be deprived of their constitutionally
28 protected interest in property and exercise of religious liberty. *U.S. Const. Amend. 14;*
29 *and Arizona Const. Art. 2, Section 4.*

1 285. At all relevant times herein, the Defendants were state actors, and their conduct was
2 subject to **42 U.S.C. §§ 1983, 1985, and 1988.**

3 286. ***“Private persons, jointly engaged with state officials in the challenged action, are***
4 ***acting ‘under color’ of law for purposes of Section 1983 actions.”*** ***Dennis v. Sparks.***
5 ***449 U.S. 24, 27-28 (1980)***

6 287. Acting under the color of law, Second Directive - June 19, 2020, Defendants worked in
7 concert to deny Plaintiffs’ rights, privileges, or immunities secured by federal law and
8 guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the
9 United States.

10 288. As a direct result of Defendants concerted, unlawful, and malicious conduct Plaintiffs
11 were deprived of their rights to equal protection under the law, due process of law, of
12 their inviolable right to personal autonomy, right to property, and the due course of
13 justice was impeded, in violation of the Fourth, Fifth, and Fourteenth Amendments to the
14 Constitution of the United States and 42 U.S.C. § 1983.

15 289. Defendants the (SRPMIC), the GREAT WOLF LODGE, and any subsidiaries thereof are
16 responsible for establishing policy, procedure, and customs complained about herein.

17 290. Defendants Martin Harvier, the (SRPMIC), the (GWL), and any subsidiaries thereof, had
18 an obligation and duty to Plaintiffs to properly train and supervise all employees, officers,
19 or contractors under their purview about discriminatory practices that are unlawful.

20 291. These actions and omissions by the Defendants the (SRPMIC) and the (GWL), through
21 their various agencies and policy making officials, demonstrates a callous indifference to
22 the rights of the Plaintiffs and other individuals who have been harmed by these
23 ‘policies;’ and such consequence is reasonably foreseeable by the Defendants the
24 (SRPMIC) and the (GWL). Such failure to train, supervise, and later to investigate and
25 discipline the agents involved reflects a deliberate and conscious indifference to the rights
26 of others by the Defendants.

1 292. Defendants knew or should've known their duty and obligations as reasonable men,
2 women, and to know the consequences of depriving Plaintiffs of Constitutionally secured
3 rights when in breach of that duty.

4 293. Defendants directly or indirectly worked in concert to deprive Plaintiffs of inherent
5 constitutionally protected rights, which has been emotionally traumatizing to mind, body,
6 and soul of the Plaintiffs.

7 294. The rule is well settled, however, that if the natural consequences of the wrongful act,
8 done willfully or with gross negligence, is mental suffering to the Plaintiffs, then that
9 element may be considered in assessing the damages.

10 295. WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
11 all Defendants jointly and severally for actual, general, special, and compensatory
12 damages in the amount of \$500,000.00 U.S. dollars and further demand judgement
13 against all Defendants jointly and severally for punitive damages in an amount to be
14 determined by the jury, plus the cost of this action, including assistance of
15 counsel/attorney's fees, and such other relief deemed to be just, fair, and appropriate.

16 **COUNT 2: VIOLATION OF 42 U.S.C. §1985**

17 296. Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
18 jurisdictional, and factual allegations.

19 297. The conspiratorial purpose was based on the "Sovereign Tribe" the Salt River Pima-
20 Maricopa Indian Community (SRPMIC) and by extension the men and women acting as
21 employees for the GREAT WOLF LODGE having the authority to deny service and to
22 deprive Plaintiffs equal enjoyment, use, and access to a place of public accommodation.

23 298. Defendant P. Laroche "let me explain a couple of things to you, you are on **federal land**,
24 it has nothing to do with county? **this is tribal land.**"

25 299. Defendant P. Laroche boldly claimed "**we are the law here, this is federal land.**"

26 300. Defendants knew or should've known that the constitution and laws of the United States
27 are the controlling authority, as outlined in the the (SRPMIC) constitution and bylaws.

1 Specifically ARTICLE VII. POWERS OF THE COMMUNITY COUNCIL Sec. 1. The
2 Community Council shall have authority to exercise any power now or hereafter vested
3 in the Salt River Pima-Maricopa Indian Community (SRPMIC), subject to the limitations
4 of Federal law and this constitution.

5 301. Plaintiffs, as non-tribe members, at a place of commerce incorporating hotels, restaurants,
6 and entertainment were denied service at a place of public accommodation as enumerated
7 in Title II of the Civil Rights Act of 1964.

8 302. Defendants recklessly and callously imposed upon Plaintiffs that their sovereign class of
9 individuals held rights above that of the Plaintiffs’.

10 303. As a result, the Defendants acting in concert conspired to deprive the Plaintiffs of the
11 equal protection, equal privileges, and immunities as guaranteed by the constitution and
12 laws of the United States and the State of Arizona.

13 304. Defendants negligently and egregiously denied Plaintiffs their constitutionally protected
14 rights of property and freedom of conscience.

15 305. *Statements by some courts indicate constitutional protection for rights termed*
16 *"natural," in addition to rights protected under the specific guarantee safeguarding a*
17 *person in life, liberty, or pursuit of happiness, such as a natural right of personal*
18 *autonomy. Am. Jur. Const. 2d Law §403*

19
20 306. Plaintiffs asked Defendants to provide the policy which granted the employees of the
21 (GWL) such authority to recklessly and callously deny Plaintiffs’ constitutionally
22 protected rights and violate the laws of the United States.

23 307. The Sovereign status of the employees working for the GREAT WOLF LODGE,
24 operating in commerce per se, directly and indirectly conspired to deprive Plaintiffs the
25 equal enjoyment, access, and use of a public accommodation, as protected in title II of the
26 Civil Rights Act of 1964 (title 42 U.S.C. §2000).

1 308. The discriminatory animus was that the employees working for the (GWL) were a
2 Sovereign class and the Plaintiffs were not, creating a class-based, invidiously, and
3 discriminatory animus, depriving Plaintiffs of constitutionally protected rights.

4 309. *To state a claim under § 1985(3) a Plaintiff must allege the existence of (1) a*
5 *conspiracy, (2) a conspiratorial purpose to deprive a person or class of persons, directly*
6 *or indirectly, of the equal protection of the laws or of equal privileges and immunities*
7 *under the laws, (3) an overt act in furtherance of the conspiracy, and (4) either (a) an*
8 *injury to person or property, or (b) a deprivation of a constitutionally protected right or*
9 *privilege. See Griffin v. Breckenridge, 403 U.S. 88, 102, 91 S.Ct. 1790, 1798, 29*
10 *L.Ed.2d 338 (1971)*

11
12 310. WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
13 all Defendants jointly and severally for actual, general, special, and compensatory
14 damages in the amount of \$500,000.00 U.S. dollars and further demand judgement
15 against all Defendants jointly and severally for punitive damages in an amount to be
16 determined by the jury, plus the cost of this action, including assistance of
17 counsel/attorney's fees, and such other relief deemed to be just, fair, and appropriate.

18 **COUNT 3: COMMON LAW CONSPIRACY**

19 311. Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
20 jurisdictional, and factual allegations.

21 312. All defendants had (1) a task to be accomplished; (2) an agreement on the object or
22 course of action, to wit, to deprive Plaintiffs of their right to equal protection of the laws,
23 specifically the right to access places of public accommodation absent of discrimination;
24 (3) performed one or more unlawful overt acts; and (4) caused Plaintiffs damages that
25 were a direct result of those acts.

26 313. All Defendants directly or indirectly protected, insulated, and authorized agents to act in
27 wanton disregard to the constitutionally protected rights of the Plaintiffs thereby creating
28 a workplace environment at the (GWL) that recklessly and callously deprived Plaintiffs
29 of their rights.

1 314. WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
2 all Defendants jointly and severally for actual, general, special, and compensatory
3 damages in the amount of \$500,000.00 U.S. dollars and further demand judgement
4 against all Defendants jointly and severally for punitive damages in an amount to be
5 determined by the jury, plus the cost of this action, including assistance of
6 counsel/attorney's fees, and such other relief deemed to be just, fair, and appropriate.

7 **COUNT 4: DENIAL OF SERVICE AT A PLACE OF PUBLIC ACCOMMODATION**

8 315. Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
9 jurisdictional, and factual allegations.

10 316. All persons shall be entitled to the full and equal enjoyment of the goods, services,
11 facilities, privileges, advantages, and accommodations of any place of public
12 accommodation, without discrimination or segregation on the ground of race, color,
13 religion, or national origin.

14 317. Plaintiffs Juan-Carlos and Bianca are of Mexican and of Philippine national origin, and
15 were arbitrarily, capriciously, and unreasonably denied service at a place of public
16 accommodation by "Sovereigns on Tribal Land" at the GREAT WOLF LODGE, a hotel
17 with 350 rooms, restaurants, and operating a place of entertainment as defined in Title II
18 of the Civil Rights Act of 1964 which affects commerce per se.

19 318. Plaintiffs were deprived of the equal access to the public accommodation without effort
20 to accommodate their sincerely held religious beliefs.

21 319. Plaintiffs were classified as a lower class of citizens than that of the tribe members by
22 Defendants and as a result were deprived of the equal access, enjoyment, and use of a
23 public accommodation.

24 320. WHEREFORE Plaintiffs demand judgement for declaratory and injunctive relief against
25 the Salt River Pima-Maricopa Indian Community (SRPMIC) and the GREAT WOLF
26 LODGE and their subdivisions, subcontractors, together with such other relief as the
27 Court may deem reasonable and just under the circumstances.

COUNT 5: INFLICTION OF EMOTIONAL STRESS

1
2 321. Defendants knew or should've known as reasonable men and women, the duties we each
3 have towards one another as members of society with different beliefs, customs, usages,
4 and practices.

5 322. Defendants breached their duty as reasonable men and women by recklessly and
6 callously identifying themselves as superior people in a Sovereign class, above the law of
7 the United States, thereby inflicting Plaintiffs with emotional distress, mental anxiety,
8 and causing physical symptomatology.

9 323. Plaintiffs have had to digest a lifetime's worth of legal knowledge which have caused
10 expenses that were not scheduled, sleep loss, weight gain, and other physical
11 symptomatology due to the mental and emotional distress caused by Defendants'
12 negligent actions.

13 324. Plaintiffs were humiliated, shamed, scoffed, threatened, coerced, and ultimately denied
14 service by Defendants in breach of duty to their fellow man.

15 325. WHEREFORE, Plaintiffs demands judgement, including interest, against Defendants in
16 an amount deemed by this Court to be just and fair and in any other way in which the
17 Court deems appropriate.

18 **COUNT 6: 42 U.S.C. § 1983 - VIOLATION OF FIRST AMENDMENT**

19 **(FREEDOM OF EXPRESSION)**

20 326. Plaintiffs have a history within the local community of wearing only the face mask/face
21 coverings exemplified on (**Exhibits B** and **C**).

22 327. Plaintiff Juan-Carlos has worn/used the face mask/face covering on (**Exhibit C**) when
23 requested to do so for about one (1) year and is known at the local Trader Joe's produce
24 store as the "mask guy" by the men and women who are employees of Trader Joe's.

25 328. The face mask/face covering Plaintiff Juan-Carlos and Plaintiff Bianca have worn/used
26 tend to get people to smile and strike up great conversations with Plaintiffs.

1 329. Plaintiff Bianca has worn/used the face mask/face covering on (**Exhibit B** or **C**) when
2 requested to do so and is known at the local Trader Joe's produce store as the wife of the
3 "mask guy" by the men and women who are employees of Trader Joe's.

4 330. Plaintiffs have both been wearing/using the face mask/face covering on (**Exhibit B** and
5 **C**) when requested to do so without any incident or issues until the Defendants at the
6 GREAT WOLF LODGE unnecessarily made an issue out of it.

7 331. Plaintiffs were subjected to discrimination and treated like criminals by the Defendants
8 for simply exercising Plaintiff's Constitutionally protected and secured right to freedom
9 of expression.

10 332. *"It is well established that the deprivation of constitutional rights 'unquestionably*
11 *constitutes irreparable injury.'*" **Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir.**
12 **2017)** (quoting **Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)**).

13 333. *"The loss of First Amendment freedoms, for even minimal periods of time,*
14 *unquestionably constitutes irreparable injury."* **Elrod v. Burns, 427 U. S. 347, 373**
15 **(1976)**

16 334. WHEREFORE, Plaintiffs demands judgement, including interest, against Defendants in
17 an amount deemed by this Court to be just and fair and in any other way in which the
18 Court deems appropriate.

19 **REQUEST FOR RELIEF**

20 335. WHEREFORE, Juan-Carlos Preciado and Bianca Bautista-Preciado seek redress for
21 grievances in which this Court can grant relief:

22 336. Assume Jurisdiction over this action.

23 337. Enter a judgement and decree declaring that the Second Directive - June 19, 2020 by
24 Martin Harvier, the man acting as President for the Salt River Pima-Maricopa Indian
25 Community/(SRPMIC) and any corporate policies by the Defendants working for the
26 GREAT WOLF LODGE fails the constitutional scrutiny test for ambiguity, vagueness,
27 and is unconstitutional on its face and because it deprives the Plaintiffs the right of due

1 process, freedom of conscience, and property rights as guaranteed to Plaintiffs by the
2 United States constitution and both state and federal law.

3 338. Enter a preliminary injunction enjoining Defendants, their agents, officials, servants,
4 employees, and all persons in active concert or participation with them from applying the
5 Second Directive - June 19, 2020 and any corporate policies by Defendant the GREAT
6 WOLF LODGE, so as to prevent the violation of constitutionally protected rights without
7 due process of law.

8 339. Award Plaintiffs costs for litigation, including assistance of counsel/attorney’s fees and
9 expenses, pursuant to Title 42 § 2000(a)(3).

10 340. Plaintiffs Juan-Carlos and Bianca demand actual damages in the amount of \$369.00 U.S.
11 dollars per minute from Soy N., Isela K., P. Laroche, Sydney Doe and Aaron B., each for
12 time seized from Plaintiffs during the violation of Plaintiff’s constitutionally protected
13 rights. Jury shall determine actual time.

14 341. Plaintiffs demand remuneration for actual damages in the amount of \$50,000.00 U.S.
15 dollars for time spent learning how to plead a case.

16 342. Plaintiff Juan-Carlos and Plaintiff Bianca demand punitive damages in the amount of
17 \$3,300.00 U.S. dollars from Defendants Soy N., Isela K., P. Laroche, Sydney Doe, and
18 Aaron B., each for the mental and emotional stress caused to Plaintiffs.

19 343. Plaintiffs demand punitive damages from Defendants the Salt River Pima-Maricopa
20 Indian Community (SRPMIC), the GREAT WOLF LODGE (GWL), and its subsidiaries
21 in the amount of \$7,500,000.00 U.S. dollars for the arbitrary, capricious, and
22 unreasonable deprivation of rights guaranteed and secured by the United States
23 Constitution.

24 344. WHEREFORE Plaintiffs demand judgement for actual and punitive damages against the
25 Salt River Pima-Maricopa Indian Community (SRPMIC) and their corporate
26 subdivisions, together with such other relief as the Court may deem reasonable and just
27 under the circumstances.

28 **DEMAND FOR EMPANELMENT OF GRAND JURY**

29 **PRIMA FACIE EVIDENCE OF CRIMINAL ACTS BY DEFENDANTS**

30 345. Plaintiffs incorporate by reference the facts above as if set forth here in full.

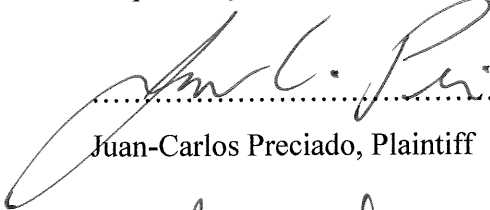
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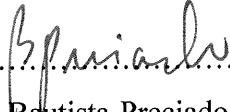
346. Plaintiffs Juan-Carlos and Bianca are seeking compliance with title 42 U.S.C. § 1987 (Prosecution of violation of certain laws) that authorizes and requires, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of Title 18 U.S.C. § 241 and 242, Title 18 U.S.C. § 1964 (a) (b) (c) and § 1968 (Civil investigative demand) and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. See Pub. Law 106-274, Sec. 4, Sept. 22, 2000, 114 Stat. 804.

347. Plaintiffs are also seeking compliance with Title 18 U.S.C. § 3 and § 4 that makes it a crime to fail to report a crime to proper authorities, and hereby state the following statement of facts.

Dated this 22 day of August, 2022

Respectfully submitted,


.....
Juan-Carlos Preciado, Plaintiff


.....
Bianca Bautista-Preciado, Plaintiff

VERIFICATION OF COMPLAINT

STATE OF ARIZONA)
MARICOPA COUNTY)

BEFORE ME personally appeared Juan-Carlos Preciado and Bianca Bautista-Preciado who, being by me first duly affirmed and identified in accordance with Arizona law, deposes and say:

- 1. Our names are Juan-Carlos Preciado and Bianca Bautista-Preciado, plaintiffs herein.
2. We have read, written, and understood the attached foregoing complaint filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

[Signature]
Juan-Carlos Preciado, Affiant

[Signature]
Bianca Bautista-Preciado, Affiant

AFFIRMED TO and subscribed before me this 22 day of August, 2022.

[Signature]

(Seal)

Notary Public sitting in and for the State of Arizona.



My commission expires: 05/19/2026

Exhibit A:

Exhibit A: The Second Directive - June 19, 2020 by Martin Harvier, the man acting as President for the Salt River Pima-Maricopa Indian Community/(SRPMIC)

Exhibit: A

EXHIBIT A



Salt River
PIMA-MARICOPA INDIAN COMMUNITY
10005 E. OSBORN RD. / SCOTTSDALE, ARIZONA 85256-9722 / PHONE (480) 362-7400

LOCAL EMERGENCY DECLARATION

****COVID-19****

Second Directive – June 19, 2020

KEEP THE COMMUNITY SAFE—Wear Face Coverings

TO PROTECT AND DEFEND THE HEALTH AND WELFARE OF THE ONK AKIMEL O’ODHAM AND XALYCHIDOM PIIPAASH, RESIDENTS, COMMUNITY EMPLOYEES, BUSINESSES AND VISITORS OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY BY WEARING FACE COVERINGS IN PUBLIC.

WHEREAS, to protect the health and welfare of the Salt River Pima-Maricopa Indian Community (the “Community” or “SRPMIC”) on March 18, 2020, a Local Emergency Declaration for COVID-19 was issued followed by the First Directive of April 1, 2020 (the “Directives”) to lessen the impacts of the COVID-19 pandemic; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 virus a public health emergency of international concern and Arizona Governor Douglas Ducey declared a state of emergency for the State of Arizona on March 11, 2020 and has issued subsequent directives (the “Arizona Directives”); and

WHEREAS, the COVID-19 outbreak continues to be an immediate threat to the life, public health, safety, welfare and economic viability of the Community, the state and the world and the Community shall continue its efforts to further limit potential exposure to slow the spread of the COVID-19 virus; and

WHEREAS, as of June 19, 2020 the Arizona Department of Health Services and local public health departments have identified 46,689 cases of COVID-19 with 1,312 deaths in the state and within the Community 41 cases of COVID-19 have been identified and 1 death; and

WHEREAS, COVID-19 poses a serious public health threat within the Community for infectious disease spread to the Onk Akimel O’Odham and Xalychidom Piipaash, residents, Community employees, businesses and visitors if proper precautions recommended by public health officials are not followed; and

WHEREAS, pursuant to the local emergency declaration process under Chapter 1, Article V, Section 1-500 of the Community's Code of Ordinances, additional measures are required to safeguard the Onk Akimel O'Odham and Xalychidom Piipaash, residents, Community employees, businesses and visitors of the Community from the COVID-19 pandemic by putting in place reasonable measures to maintain order and protect lives, and

WHEREAS, the Community, working with its combined strength, unity and commitment, will work to protect the health and welfare of the Community against COVID-19.

NOW THEREFORE, pursuant to the SRPMIC Local Emergency Declaration for COVID-19 of March 18, 2020, I hereby issue additional directives for the Community in conjunction with the Arizona Directives, until further notice:

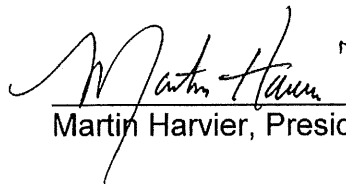
1. Effective June 19, 2020 at 5:00 p.m., all individuals who are 7 years of age or older and within the Community are required to wear face coverings if outside of their residence and are or will be in contact with other individuals who are not from their household whether in a public place, business, restaurants, churches, schools, government facilities, or any space offered to or for use by the public. See *exemptions below*.
2. The purpose of these directives is to reduce the risk of exposure to COVID-19 in areas outside your residence and to protect the Onk Akimel O'Odham and Xalychidom Piipaash, residents, Community employees, businesses and visitors of this Community.
3. Businesses that interact with the public must require employees and all individuals patronizing their business to wear a face covering in public areas if they are or will be in contact with other individuals.
4. While wearing the face covering, it is essential to still maintain physical distancing as it is the best defense against the spread of COVID-19. Physical distancing means keeping (6) feet distance between individuals who are not in the same household.
5. Exceptions for face coverings will be made under the following circumstances:
 - a. For those who fall into the Centers for Disease Control and Prevention's guidance for those who should not wear face coverings due to a medical or mental health condition or developmental disability.
 - b. For children under 7 years old.
 - c. For people whose religious beliefs prevent them from wearing a face covering.
 - d. For restaurant patrons while they are eating or drinking. If a patron is not seated at their table, a face covering is required.

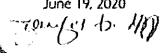
- e. For individuals exercising outdoors, or while walking or exercising with other people from the same household, as long as physical distancing from others is maintained. For individuals congregating outdoors with other people not in their same household, face coverings are required when physical distancing is not maintained.
 - f. In settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services, such as the receipt of dental services, medical treatments or while swimming. *This exception does not extend to the entertainment setting such as bars, dance floors or any other setting where people socially congregate in public for entertainment purposes.*
 - g. When a person is in a personal or work office or vehicle (or similar space) where others are not present as long as the public does not regularly visit the space.
 - h. For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing the face covering would interfere with or limit their ability to carry out their duties or functions.
 - i. For individuals complying with the directions of public safety employees.
6. A face covering means material that covers the nose and mouth. It can be secured to the head with ties or straps, or wrapped around the lower portion of the face. It can be homemade or commercially made and shall be worn per guidance provided by the Centers for Disease Control and Prevention.
 7. Enforcement of this directive shall focus first on education and providing guidance issued by the SRPMIC Health and Human Services Department, the Centers for Disease Control and Prevention, or the Arizona Department of Health Services, in order to promote the health and safety of Onk Akimel O’Odham and Xalychidom Piipaash, residents, Community employees, businesses and visitors of this Community as well as to further contain the spread of COVID-19. Individuals shall also be given an opportunity to comply with this directive before any enforcement action is taken. Continued failure to comply with an emergency directive is a civil violation under Section 1-503 of the SRPMIC Code of Ordinances.
 8. Businesses and all venues shall enforce this directive by asking any person failing to comply with the emergency directive to leave their premises. By allowing people/ patrons to remain on the premise without a face covering, as described in paragraph 1, is violation of this emergency directive. A continued failure to comply with a SRPMIC emergency directive by a business owner and/or responsible party is violation under Section 1-503 of the SRPMIC Code of Ordinances.

This directive shall remain in place until further notice of repeal or revision.

06-19-2020
Date

SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY


Martin Harvier, President

Approved as to Form by the
Office of the General Counsel
Jennifer K. Giff
June 19, 2020


Attest:

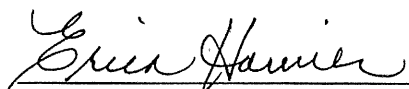

Erica Harvier, Secretary

EXHIBIT A

Exhibit B:

Exhibit B: Face shield Plaintiff Bianca Bautista-Preciado was wearing/using in consideration of Defendants request to wear a face mask.



Exhibit: B

Exhibit C:

Exhibit B: Face mask/face covering Plaintiff Juan-Carlos Preciado was wearing/using in consideration of Defendants request to wear a face mask.



Exhibit: C