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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

EDWIN J. VALANT, a single man )	NO. CIV1075 –TUC JM
)	
Plaintiff. )	COMPLAINT FOR CIVIL
)	RIGHTS VIOLATIONS/
Vs. )	PERSONAL INJURY
)	
CLARENCE DUPNIK, as Sheriff )	
Of Pima County; deputy ODELL )	
Pr 1380, John Does 1 and 2, )	
deputy sheriffs; )	
BARBARA LAWALL, as County )	
Attorney of Pima County, and )	
ANITA SIMMONS as deputy )	
county attorney, COMCAST of )	
Arizona, and John Does 3-5; )	
Employees/agents of COMCAST )	
WILFRED and BARBARA A. )	
BEJARANO, husband and wife. )	
)	
Defendants.. )	
)	

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COMES NOW the Plaintiff and hereby alleges:

1. This Court has jurisdiction pursuant to 42 USC Sec. 1983 *et seq.* of the civil rights violations; and ancillary jurisdiction of the personal injury actions.
2. The Pima County Sheriff's Office and the Pima County Attorney's Office are agencies of Pima County, Arizona; Clarence Dupnik is an elected official who manages the Sheriff's Office; Barbara LaWall is an official elected to

manage the Pima County Attorney's Office; Odell, John Does 1 and 2 are deputies Pima County Sheriff, hereinafter 'uniforms', under the supervision of Dupnik. Simmons is a deputy County Attorney under the supervision of LaWall; Comcast of Arizona is a profit corporation doing business in Arizona;

3. The other individuals named are and were at all times relevant citizens of Pima County, Arizona; the three individuals represented themselves as employees of Comcast.

4. Claims for the incidents on Feb. 24, 2008, and Sept. 26, 2009, have been filed with Pima County, Arizona; which had actual notice on or about Jan 7, 2009, but has not responded.

#### COUNT ONE – CIVIL RIGHTS

5. Plaintiff incorporates herein by reference all allegations made above.

6. On or about Sept. 26, 2009, Plaintiff was in his residence dictating an educational lesson to his publisher, when he saw three individuals dressed in red jumpsuits with hardhats, peering over his back fence.

7. Plaintiff opened his back door and asked these individuals who they were, and they replied simply, 'Comcast', or words to that effect..

8. Plaintiff went back inside, closed the door, and continued his lesson which was being recorded, but placed the call on hold while he phoned Comcast, who reported that there was no team in the area, but that Comcast often uses independent contractors.

9. Plaintiff was still talking with the producer when two uniforms, John Does 1 and 2, from the Pima County Sheriffs Office ordered him outside. Plaintiff dropped the phone into his shirt pocket and went outside with the call still active.

10. The uniforms accused him of committing armed assault and made ridiculous demands until Plaintiff said into the phone, Are you getting all this? Or words to that effect. The publisher replied that she had, and Plaintiff said to the uniforms, Sorry boys, but all this has been recorded, or words to that effect.

11. One uniform did an about face and walked rapidly away. Plaintiff demanded of the other his name and payroll number. That uniform decided that he had an urgent appointment and walked rapidly away. Neither uniform identified himself.

12. Subsequently Plaintiff obtained whatever records that Pima County had of the incident, but all that was sent was the transcript of the 911 call, made by defendant Wilfred Bejarano who was not even there.

13. Plaintiff is informed and believes that the PCSO acted on a hearsay report, and that no report, incident or otherwise, was ever filed by the uniforms.

14. Subsequently, Plaintiff was contacted by someone purporting to represent Comcast; this person said that the three men had been there working for Comcast, and that they were in fact on Plaintiff's property looking over the fence.

15. Plaintiff reported all of these events to the PCSO and Comcast, but has had no response from either.

16. The false report and its consequences have caused the Plaintiff severe emotional distress, and due to Plaintiff's position as a member of the State Bar of Arizona constitute slander *per se*.

17. Comcast is liable under the doctrine of *respondeat superior*.

#### COUNT TWO – CIVIL RIGHTS

18. Plaintiff incorporates herein by reference the allegations above.

19. On or about Feb. 24, 2008, Defendant Wilfred Bejarano et ux. owned three pit bull dogs, one of which bit the Plaintiff on both hands.

20. Plaintiff had called the PCSO who responded and Sheriff Dupnik through Odell, his deputy, cited the Plaintiff for two counts of assault and three violations of the leash law although Plaintiff was bleeding from both hands and his nose and the entire transaction was on tape by the 911 operator; photographic evidence was taken.

21. Barbara Lawall, as Pima County Attorney, through Anita Simmons, her deputy, continued the prosecution of Plaintiff, although they had full information as stated herein.

22. Plaintiff suffered physical injury from the dog bites which required extensive medical attention from the Veteran's Hospital in Tucson Arizona.

23. Due to the criminal prosecution by the Pima County Attorneys Office, Plaintiff suffered considerable financial loss and great emotional pain and suffering.

24. Plaintiff was deprived of substantive due process because the state used perjured testimony in the face of irrefutable forensic evidence. Newsome v. McCabe, 256 F. 2d 747, 757 (7<sup>th</sup>Cir. 2001.)

### COUNT THREE – CIVIL RIGHTS

25. Plaintiff incorporates herein by reference all allegations made above.

26. By the actions of a coterie of uniforms of the PCSO Plaintiff has been deprived of his civil rights pursuant to Monell v. Dept. of Social Services of City of New York, 436 U.S. 658 (1978); McTigue v. Chicago, 60 F.3d 381, 382\_(7<sup>th</sup> Cir.1995).

27. The PCSO coterie of uniforms engaged in policies and practices that deprived Plaintiff of his civil rights by protecting the occupants of Bejarano's residence at 2901 W. Nebraska, Tucson Arizona, by ignoring on or about April 1, 2003, when Plaintiff reported a gun battle about 0430. The uniforms responded and then buried any investigation by accepting the stories of the occupants that they had no knowledge of the participants. If the uniforms had sent it to the Detectives, Plaintiff could have told them about a fist fight in the back yard at 0230.

28. On or about June 10, 1977, 4 uniforms invade the home of Plaintiff on a pretext. When Plaintiff complained to the PCSO he received no relief; this pattern of discrimination against Plaintiff has been ongoing by certain members of the PCSO. .

29. Plaintiff is informed and believes that these attacks started when Plaintiff defended himself against threats of deadly force by a drug dealer. The

uniform sergeant arrested Plaintiff on a felony, which was subsequently dismissed, resulting in the suicide of the patrol sergeant. Since then, the uniforms have never referred an investigation involving Plaintiff to the Detectives.

30. The Pima County Attorneys Office has never so much as investigated filing charges of false information against those associated with Bejarano, Bejarano himself, let alone perjury charges against the individuals associated with Bejarano who have lied under oath; nor have they charged anyone for the physical assault against the Plaintiff that is so well proven.

31. The Pima County officials named failed to adequately train and supervise their personnel, resulting in damage to Plaintiff.

Wherefore, Plaintiff prays that the Court:

1. Enter a judgment for damages against the Defendants Bejarano for \$35,000.00 for the personal injury due to dog bite by Bejarano's pit bull.

2. Enter a judgment for \$35,000.00 due to the slander *per se* against Bejarano for the false report of the incident involving Comcast of Arizona.

3. Enter a judgment of \$200,000.00 against Comcast of Arizona for said false report.

4. Enter a judgment of \$1,200,000.00 against the Pima County Attorney and the Pima County Sheriff, jointly and severally.

5. For such other and further relief as may seem just and equitable.

Respectfully Submitted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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EDWIN J. VALANT  
Pro Per