

I.

DISCOVERY LEVEL

1.01 Discovery is to take place under Level 3 of Rule 190 of the Texas Rules of Civil Procedure. Plaintiffs seeks monetary relief of over \$200,000.00 but not more than \$1,000,000.00 The damages sought are within the jurisdictional limits of the court.

II.

PARTIES AND VENUE

2.01 **AARON VON MOSLEY**, Plaintiff herein, (sometimes referred to as “MOSLEY”), is an individual who resides in Dallas County, Texas and is a citizen of the State of Texas.

2.02 Defendant **CITY OF DALLAS** is a municipality located in Dallas County, Texas and may be served with process by serving the Mayor, Mike Rawlings, Dallas City Hall, 1500 Marilla Street, Room 5EN, Dallas, Texas 75201.

2.03 Defendant **SR. CORPORAL STEPHEN BAKER** (hereinafter, sometimes, referred to as “Baker”), is a police officer with the City of Dallas Police Department whose principal place of employment is in Dallas County, Texas and may be served with process at 1400 S. Lamar, Dallas, Texas 75215.

2.04 Defendant **OFFICER MICHAEL BUD ARNOLD** (hereinafter, sometimes, referred to as “Arnold”), is a police officer with the City of Dallas Police Department whose principal place of employment is in Dallas County, Texas and may be served with process at 1400 S. Lamar, Dallas, Texas 75215.

2.05 Defendant **SERGEANT BRYAN RODEN**, (hereinafter, sometimes, referred to as “Roden”), is a police officer with the City of Dallas Police Department whose principal place of employment is in Dallas County, Texas and may be served with process at 1400 S. Lamar, Dallas,

Texas 75215.

2.06 Defendant **DALLAS CHIEF OF POLICE DAVID BROWN** is the Chief of Police of the City of Dallas Police Department whose principal place of employment is in Dallas County, Texas and may be served with process at 1400 S. Lamar, Dallas, Texas 75215.

2.07 Defendant **DALLAS COUNTY SHERIFF'S DEPARTMENT** may be served by serving **SHERIFF LUPE VALDEZ** who is the Sheriff of Dallas County Texas and may be served with process at Frank Crowley Courts Building, 133 N. Riverfront Boulevard, LB 31 1st Floor, Dallas, Texas 75207.

2.08 Defendant **DALLAS COUNTY** may be served by serving **DALLAS COUNTY JUDGE CLAY JENKINS** and may be served with process at 411 Elm Street, Dallas, Texas 75202.

2.09 (a) Defendant **DALLAS COUNTY HOSPITAL DISTRICT d/b/a PARKLAND HEALTH & HOSPITAL SYSTEM** ("Parkland") may be served with process by serving Frederick P. Cerise, MD, MPH President and Chief Executive Officer, Dallas County Hospital District d/b/a Parkland Health & Hospital System, 5201 Harry Hines Blvd., Dallas Texas 75235.

(b) Defendant **DALLAS COUNTY HOSPITAL DISTRICT d/b/a PARKLAND HEALTH & HOSPITAL SYSTEM** ("Parkland") may be served with process by serving by serving Paul S. Leslie Registered Agent, Dallas County Hospital District d/b/a Parkland Health & Hospital System, 5201 Harry Hines Blvd., Dallas, Texas 75235.

2.10 Defendant **JUDY ELLYN SCOGGIN** is a registered nurse whose principal place of employment is in Dallas County, Texas and may be served with process at 8240 Saint Patrick Street, North Richland Hills, Texas 76180.

2.11 The acts that form the basis of this lawsuit occurred in Dallas County, Texas.

III.

PRE-SUIT REQUIREMENTS

3.01 Mosley has satisfied the prerequisites to suit specified by the Texas Tort Claims Act, V.T.C.A Civil Practice & Remedies Code §101.101 for each claim in this complaint to which these laws apply. The City of Dallas, County of Dallas, Dallas County Sheriff Department and Parkland had actual notice of the injury.

3.02 Mosley has satisfied the prerequisites to suit specified by V.T.C.A., Civil Practice & Remedies Code §74.051 by sending notice certified mail to each medical provider against whom this claim is asserted. Aaron Von Mosley understands that as to the medical defendants, the lawsuit will be abated for 60 days for the medical defendants to review the case pursuant to §74.051.

IV.

BACKGROUND FACTS

4.01 In the very late evening of March 2, 2013 and through the morning of March 3, 2013, Plaintiff Aaron Von Mosley was arrested and taken to the Dallas County Jail which is operated by the Dallas County Sheriff's Department and Dallas County on a charge of driving while intoxicated; Aaron Von Mosley was placed in the "Lew Sterrett Blood Draw Room" to have a blood specimen taken.

4.02 The officers conducting the search were: Sr. Corporal Stephen Baker, Badge Number 7064, Officer Michael Bud Arnold, Badge Number 6199, and Sergeant Bryan Roden, Badge Number 8520.

4.03 The Blood Draw Room is located at the Lew Sterrett, Dallas County Jail facility and is governed by the rules and practices as established by the Dallas County Sheriff's Department, Dallas County and Parkland.

4.04 The Blood Draw is performed by staff employed by Defendant Dallas County Hospital District D/B/A Parkland Health & Hospital System. The nurse drawing the blood specimen was Judy Ellyn Scoggin, 13499 RN2 BSN Parkland Jail Health who is employed by Dallas County Hospital District D/B/A Parkland Health & Hospital System.

4.03 Mosley's shoes were removed and Mosley was placed on a restraint chair, strapped into the chair, with his legs bound to the legs of the chair, and his arms werebound to the arms of the chair.

4.04 Officer Roden grabbed Mosley's left arm and twisted it forcibly and painfully during the alleged blood draw attempt. Before any attempt was made by the nurse to draw blood, Officer Michael Bud Arnold intentionally assaulted and battered Mosley by placing his right shoed foot on Mosley's right bare foot and then smashing down on Mosely's right bare foot with his full body weight. Next Arnold lifted his left leg to again place his full weight on his right foot which was on Morley's bare foot. Mosley screamed in pain and begged Officer Arnold, "Get off my foot!"

4.05 Throughout this assault and battery, Officer Baker placed himself in front of the video camera that was recording the assault to obstruct the camera's view of the assault. Arnold lifted his left leg off of the floor to maintain maximum weight and pressure on Mosley's bare foot. Mosley was pleading for the officers to stop their assault and battery, Officer Stephen Baker, said, "Stop resisting! He is not on your foot."

4.06 While these assaults and battery took place, Judy Ellyn Scoggin, R.N. who was in charge of the blood draw room, never made any objection to the conduct of the officers and

PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE

proceeded to draw blood in conjunction during the ongoing assault and battery of Moseley. Officer Arnold again lifted his foot and placed his heel on Mosley's bare foot. Again, Mosley shouted at the officers, "Get off my foot!" Officer Baker responded, "There is no need for this violence." At all times relative hereto, Mosley's arms and legs were securely strapped to the chair.

4.07 Sr. Corporal Baker clearly realized and witnessed the actions of Officer Arnold, but chose not to take any action to stop the assault of Officer Arnold. Instead Baker attempted to prevent the video and audio recording system from making a complete record of what occurred by intentionally placing his body in front of the camera.

4.08 Sergeant Roden fully realized and witnessed the actions of Officer Arnold, but chose not take any action to stop the assault of Officer Arnold but instead, Sergeant Roden painfully twisted the arm of Mr. Mosley during this incident.

4.09 The police officers involved in the incident were employed by the City of Dallas and under the direction, control and supervision of the Chief of Police, David Brown and the Nurse employed by Parkland and the blood draw room is under the control of Dallas County and the Dallas County Sheriff's department.

These agencies and supervisors are responsible for the making the policy of the department for its employees, officers, and staff. The officers and nurse in this matter were acting according to official policy, practice, custom and operation of the Dallas Police, Parkland, and the Dallas County Sheriff. This type of conduct which, even if not official authorized, is so common and well established as to constitute a custom that fairly represents Dallas police policy and the policy of Parkland, Dallas County, and the Dallas County Sheriff's Department

4.10 Acting under color of state law, by and through its policy makers, these agencies and its supervisors pursuant to official policy or custom and practice, intentionally, knowingly, recklessly,

or with deliberate indifference to the rights of Mr. Mosley, failed to instruct, supervise, control, and discipline, on a continuing basis, his Officers, its employees, its Nurses in the performance of their duties to refrain from conspiring to violate the rights, privileges, and immunities guaranteed to Mosley by the Constitution and laws of the United States and the laws of the State of Texas.

4.11 These agencies and supervisors had knowledge of, or in the alternative had he diligently exercised his duties to instruct, supervise, control, and discipline on a continuing basis, he should have had knowledge of the wrongs that were perpetrated against Mosley as heretofore alleged.

4.12 These agencies and supervisors had the power and duty to prevent or aid in preventing the commission of the wrongs described above, could have done so, and intentionally, knowingly, or with deliberate indifference to the rights of Mosley did not exercise this power to prevent this harm from occurring.

4.13 These agencies and supervisors directly or indirectly, under color of law, by and through its final policymakers, approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of the Officers and the Nurse and heretofore described.

4.14 The individual Defendants were not adequately trained as to the requirements of performing blood specimen searches and procedures for conducting such searches in a lawful manner. For example, the final policymaker with respect to training of officers is Chief of Police David Brown who knew from experience that blood specimen searches were a situation that police officers would encounter.

V.

CAUSES OF ACTION

THEORIES OF LIABILITY

5.01 Violation of the Fourth, Eighth and Fourteenth Amendment to the United States

Constitution. Citizens have the right, protected under the Fourth Amendment to the United States Constitution to be free from unlawful searches and seizures. Aaron Von Mosley's blood was drawn in an improper and assaultive manner. Drawing blood in the manner in which it was drawn from Aaron Von Mosley violates the Fourth Amendment right to be free from unlawful search and seizure.

Citizens have the right under the Fourth Amendment to the United States Constitution to be free from excessive force during arrest. The force used to effectuate the arrest and search of Aaron Von Mosley was excessive.

Defendants have engaged in a pattern or practice of violating the civil rights of citizens who refuse to submit to blood draw in the jail by risking their safety and health drawing blood in an improper and assaultive manner.

5.02 The Chief of Police of the Dallas Police Department and the persons employed within the chain of command with the Dallas Police Department as well as Dallas County and the Dallas County Sheriff and persons employed within the chain of command of the Dallas Police Department, Dallas County, Dallas County Sheriff and Parkland and the Nurse Defendants were involved directly or indirectly in the violation of Aaron Von Mosley's civil rights.

5.03 All of the above described actions and/ or inaction were undertaken pursuant to the direction and/or supervision of the Chief of Police of the Dallas Police Department and the Sheriff of Dallas County and Parkland within their respective chains of command. These persons were responsible for all training and supervision of the individual members of the Dallas Police Department and Dallas County Sheriff and Parkland whose conduct resulted in the violation of Aaron Von Mosley's civil rights.

FAILURE TO ESTABLISH POLICY

6.01 The Chief of Police of the Dallas Police Department as well as Dallas County and the Sheriff of Dallas County and Parkland and persons employed within their respective chains of command are responsible for establishing the Departmental policies, rules, regulations, ordinances, and procedures under which the Chief and Sheriff and each and every one of their employees must act.

6.02 Upon information and belief, at all times relevant to this Complaint, there was no policy, rule, regulation, ordinance or procedure providing safe procedures for drawing blood from persons accused of DWI.

The lack of established policies, rules, regulations, and procedures caused the Civil Rights violations under the United States and Texas Constitutions and State tort violations and as a consequence the damages suffered by Mr. Mosley.

On information and belief, the policy makers with City of Dallas/ Dallas Police Department, Dallas County and Dallas County Sheriff Department and Parkland knew or should have known that the lack of policy, rule, regulation or procedure would cause this type of civil rights violation.

FAILURE TO TRAIN/FAILURE TO SUPERVISE

7.01 Alternatively, the Chief of Police of the Dallas Police Department, Sheriff of Dallas County, Dallas County and Parkland and persons within their respective chains of command who are unknown at this time failed to properly train regarding and supervise the enforcement of established rules, regulations and procedures.

In addition, these persons failed to discipline, reprimand, or correct the employees whose
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conduct resulted in the violations of Aaron Von Mosley's civil rights.

The Defendants are liable for violations of Aaron Von Mosley's Civil Rights that occurred on March 2, 2013 through March 3, 2013, as they willfully, wantonly, or recklessly failed to properly train and supervise the individual employees whose conduct resulted in the violation of Aaron Von Mosley's civil rights.

Said inept training and supervision was a direct and proximate cause of the Civil Rights Violations under the United States and Texas Constitutions and State tort violations and as a consequence the damages suffered by Aaron Von Mosley.

The Dallas Police Department, Dallas County and Dallas County Sheriff and Parkland knew or should have known that the failure to train and/or failure to supervise officers about citizens' civil rights would cause this type civil rights violation.

The Defendants willfully and wantonly deprived Mr. Aaron Von Mosley of his constitutionally protected civil rights afforded to him by the Constitution of the United States of America and the Fourth Amendment, and Fourteenth Amendment, by conspiring to and/or engaging in conduct which caused, encouraged, and continued violations of Mr. Aaron Von Mosley's civil rights. Defendants are liable for these civil rights violations pursuant to 42 U.S.C. 1983.

All of these Constitutional protections were taken from Plaintiff by Defendants' gross disregard for the law and gross disregard for the United States Constitution and the Constitution of the State of Texas while Defendants were acting under color of authority and law.

42 U.S.C. § 1983

8.01 Mosley asserts a claim under 42 U.S.C. § 1983 against Defendants, City Of Dallas, Sr.
PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE

Corporal Stephen Baker, Officer Michael Bud Arnold, Sergeant Bryan Roden, Chief Of Police David Brown, Dallas County, Dallas County Sheriff and Parkland in that the actions by Dallas police officers and nurse described constituted a violation of Mosley's rights to due process of law and equal protection of the law under the 14th Amendment to the United States Constitution and a violation of Mosley's right to be free from the excessive use of force under the 4th and 8th and 14th Amendments to the United States Constitution.

8.02 Citizens have the right, protected under the Fourth Amendment to the United States Constitution to be free from unlawful searches and seizures. Mosley's blood was drawn in an improper manner in an unsanitary environment. Drawing blood in the manner in which it was drawn from Mosley violates the Fourth Amendment right to be free from unlawful search and seizure.

8.03 Citizens have the right under the Fourth Amendment to the United States Constitution to be free from excessive force during arrest. The force used to effectuate the arrest of Caroline Callaway was excessive.

8.04 Defendants have engaged in a pattern or practice of violating the civil rights of citizens who refuse to submit to blood draw in the jail by risking their safety and health drawing blood in an improper manner and in an unsanitary environment.

State Law Claims

9.01 The actions of Defendants as described above in the statement of facts violated the rights of the Plaintiff under the tort law of the State of Texas.

Assault and Battery

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9.02 Mosley asserts a claim under the Texas Tort Claims Act against Defendants in that the actions by the Defendants described above constituted a conspiracy to commit civil assault and an intentional assault and battery.

9.03 On the occasion in question, said Defendants acting intentionally, knowingly, or recklessly, made contact with Plaintiff's person, which caused Plaintiff to suffer severe injuries and personal humiliation and emotional trauma.

9.04 As a direct result of said Defendants' illegal conduct, Plaintiff Mosley has suffered physical, mental and emotional injuries and has incurred and will incur in the future, significant damages as set forth below.

MEDICAL MALPRACTICE

10.01 Mosley asserts a claim for medical malpractice and negligence against Judy Ellyn Scoggin, and Dallas County Hospital District D/B/A Parkland Health & Hospital System in that their actions violated the accepted standards of care that they owed Mosley. In spite of the fact that Mosley was being subject to an assault and battery on his person, not only did Scoggin make no attempt to stop it, she attempted to draw blood while Mosley was being subjected to the assault and battery. At all relevant times herein, Scoggin was acting in her capacity as an employee of Parkland, making it responsible for her actions.

NEGLIGENCE

11.01 On the occasion in question, Defendants were negligent by failing to exercise ordinary care to draw blood from Aaron Von Moseley. This negligence of Defendants was the proximate cause of the damages incurred by Aaron Von Mosley as set forth.

VI.

DAMAGES

12.01 As a direct and proximate result of the acts and omissions outlined above, Mosley has been severely damaged. Defendants' conduct caused physical pain, as well as emotional distress and mental anguish and trauma and the violation of his federally protected constitutional rights.

12.02 Mosley seeks compensatory damages in an amount deemed sufficient by a trier of fact to compensate him for his damages which include physical pain, mental anguish, pain and suffering and the violation of his federally protected constitutional rights.

12.03 Mosley also seeks exemplary damages against Defendants.

12.04 Mosley asserts a right to his costs and attorney fees in prosecuting this action pursuant to 42 U.S.C. § 1988.

VII.

JURY DEMAND

13.01 Plaintiff respectfully requests trial by jury.

VIII.

PRAAYER

14.01 For these reasons, Plaintiff seeks judgment against Defendants for:

- a. compensatory and actual damages in an amount deemed sufficient by the trier of fact;
- b. Exemplary damages;
- c. attorney's fees under 42 U.S.C. §1988;
- d. costs of court; and

- e. interest allowed by law for prejudgment and /or post-judgment interest.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO CITY OF DALLAS

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, City of Dallas. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Explain in detail Dallas Police Department procedures for drawing blood samples from DUI suspects in custody.

RESPONSE:

INTERROGATORY NO. 4: Identify any complaints or charges of battery, assault or violations of 42 U.S.C. § 1983 that have been made against any Dallas Police officers in the last five (5) years, include the name, address, and telephone number for each officer; the date of each complaint or charge; and the current status of each complaint or charge.

RESPONSE:

INTERROGATORY NO. 5: Explain in detail the Dallas Police Department's procedures for complaints received against your officers and any disciplinary or corrective measures that are **PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE**

taken.

RESPONSE:

INTERROGATORY NO. 6: Identify by name and badge number every police officer who was present during the blood draw attempt that is the subject of this lawsuit.

RESPONSE:

PLAINTIFF FIRST REQUEST FOR PRODUCTION TO CITY OF DALLAS

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Request for Production to Defendant, City of Dallas. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

REQUEST FOR PRODUCTION

In compliance with Rule 196, Texas Rules of Civil Procedure, Plaintiffs request that the documents defined hereinafter be produced by Defendant, City of Dallas, for copying and inspection on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the Law Office of John Sherwood, located at 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

Nothing in these requests are to be construed as a request for documents or information that is outside the scope of Rule 192.3 of the Texas Rules of Civil Procedure or for documents that are exempt under Rule 193.3(c) of the Texas Rules of Civil Procedure.

9.02 Produce the following documents:

1. Documents and Tangible Things. Any and all documents, charts, diagrams, models, photographs, videotape recordings or other tangible evidence concerning the incident claim made the basis of this lawsuit that are within the scope of Rule 192.3 of the Texas Rules of Civil Procedure.

2. Copies of Defendants' incident reports, internal investigations and all files relating to the events and subsequent investigations involving Aaron Von Mosley on March 2 2013 and March 3, 2013.
3. Copies of all recorded witness statements (whether written or oral) taken in this cause relating to all incidents involving the arrest and custody of Aaron Von Mosely. Plaintiffs request that if the statement was recorded on audio tape, that an exact duplicate of the audio tape be produced. If the tapes have been transcribed, then Plaintiffs request that the Defendants, produce copies of the transcriptions along with the transcriber's certificate and credentials.
4. Copies of all photographs or video tapes taken by or in the possession of Defendant of Aaron Von Mosley.
6. Any and all work papers, correspondence, internal memorandums, e-mails, calculations, correspondence with any witnesses or persons with knowledge of relevant facts (relating to the arrest and detention and investigation of Aaron Von Mosley.
7. A copy of all remedial measures taken by Defendants to correct or prevent the future injury to persons, such as Plaintiff, Aaron Von Mosley, when the Defendants, take a blood draw for a DWI investigation and showing corrective action by Defendants, as a result of Aaron Von Mosley's.
8. A copy of all personnel records for Sr. Corporal Stephen Baker, Officer Michael Bud Arnold, Sergeant Bryan Roden .
9. Copies of all policy and procedure manuals that were in effect on March 2 and March 3, 2014 for the Dallas Police Department but not limited to those manuals on DWI arrests, restraints and use of force and blood draws.
10. All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between Dallas Police officers and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.
11. All records reflecting complaints of the use of excessive force by any of the Dallas Police Officers named in this lawsuit.

PLAINTIFF'S FIRST SET OF INTERROGATORIES

PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE

TO SR. CORPORAL STEPHEN BAKER

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, Sr. Corporal Stephen Baker. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Have you ever been the subject of a complaint or named as a defendant in any lawsuit that charged you, either individual or in your capacity as a police officer with the use of excessive force?

RESPONSE:

INTERROGATORY NO. 4: If the answer to Interrogatory No. 3 is yes, please identify date of the complaint or lawsuit, the name and address of the person filing it, where it was filed and the resolution of the complaint or lawsuit.

RESPONSE:

**PLAINTIFF FIRST REQUEST FOR PRODUCTION
TO SR. CORPORAL STEPHEN BAKER**

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Request for Production to Defendant, Sr. Corporal Stephen Baker. Responses are due on or **PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE**

before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

REQUEST NO. 1: All documents identified by you in response to each and every interrogatory set forth above.

RESPONSE:

REQUEST NO. 2: All documents or data compilations that are in your possession, custody or control that you may use to support your defenses.

RESPONSE:

REQUEST NO. 3: All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between Dallas Police officers and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO OFFICER MICHAEL BUD ARNOLD**

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, Officer Michael Bud Arnold. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Have you ever been the subject of a complaint or named as a defendant in any lawsuit that charged you, either individual or in your capacity as a police officer with the use of excessive force?

RESPONSE:

INTERROGATORY NO. 4: If the answer to Interrogatory No. 3 is yes, please identify date of the complaint or lawsuit, the name and address of the person filing it, where it was filed and the resolution of the complaint or lawsuit.

RESPONSE:

**PLAINTIFF FIRST REQUEST FOR PRODUCTION
TO OFFICER MICHAEL BUD ARNOLD**

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Request for Production to Defendant, Officer Michael Bud Arnold. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

REQUEST NO. 1: All documents identified by you in response to each and every interrogatory set forth above.

RESPONSE:

REQUEST NO. 2: All documents or data compilations that are in your possession, custody or control that you may use to support your defenses.

RESPONSE:

REQUEST NO. 3: All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between Dallas Police officers and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO SERGEANT BRYAN RODEN**

PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, Sergeant Bryan Roden. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Have you ever been the subject of a complaint or named as a defendant in any lawsuit that charged you, either individual or in your capacity as a police officer with the use of excessive force?

RESPONSE:

INTERROGATORY NO. 4: If the answer to Interrogatory No. 3 is yes, please identify date of the complaint or lawsuit, the name and address of the person filing it, where it was filed and the resolution of the complaint or lawsuit.

RESPONSE:

**PLAINTIFF FIRST REQUEST FOR PRODUCTION
TO SERGEANT BRYAN RODEN**

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Request for Production to Defendant, Sergeant Bryan Roden. Responses are due on or before

fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

REQUEST NO. 1: All documents identified by you in response to each and every interrogatory set forth above.

RESPONSE:

REQUEST NO. 2: All documents or data compilations that are in your possession, custody or control that you may use to support your defenses.

RESPONSE:

REQUEST NO. 3: All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between Dallas Police officers and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DALLAS COUNTY
HOSPITAL DISTRICT d/b/a PARKLAND HEALTH & HOSPITAL SYSTEM**

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, Dallas County Hospital District d/b/a Parkland Health & Hospital System. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the **PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE**

discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Explain in detail the procedures for drawing blood samples from DUI suspects in custody in the blood draw room at the Dallas County Jail.

RESPONSE:

**PLAINTIFF FIRST REQUEST FOR PRODUCTION TO DALLAS COUNTY
HOSPITAL DISTRICT d/b/a PARKLAND HEALTH & HOSPITAL SYSTEM**

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Request for Production to Defendant, City of Dallas. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

1. Documents and Tangible Things. Any and all documents, charts, diagrams, models, photographs, videotape recordings or other tangible evidence concerning the incident claim made the basis of this lawsuit that are within the scope of Rule 192.3 of the Texas Rules of Civil Procedure.
2. Copies of Defendants' incident reports, internal investigations and all files relating to the events and subsequent investigations involving Aaron Von Mosley on March 2 2013 and March 3, 2013.
3. Copies of all recorded witness statements (whether written or oral) taken in this cause relating to all incidents involving the arrest and custody of Aaron Von Mosely. Plaintiffs request that if the statement was recorded on audio tape, that an exact duplicate of the audio tape be produced. If the tapes have been transcribed, then Plaintiffs request that the Defendants, produce copies of the transcriptions along with the transcriber's certificate and credentials.
4. Copies of all photographs or video tapes taken by or in the possession of Defendant of Aaron Von Mosley.

6. Any and all work papers, correspondence, internal memorandums, e-mails, calculations, correspondence with any witnesses or persons with knowledge of relevant facts (relating to the arrest and detention and investigation of Aaron Von Mosley).
7. A copy of all remedial measures taken by Defendants to correct or prevent the future injury to persons, such as Plaintiff, Aaron Von Mosley, when the Defendants, take a blood draw for a DWI investigation and showing corrective action by Defendants, as a result of Aaron Von Mosley's.
8. A copy of all personnel records for Judy Ellyn Scoggin.
9. Copies of all policy and procedure manuals that were in effect on March 2 and March 3, 2014 for on blood draws on suspects.
10. All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between Parkland and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.
11. All records reflecting complaints of the use of excessive force by any employee of Parkland for DWI blood draws.
12. All records (electronic documents, paper-based documents, audio recordings, police dispatches, or video surveillance) in your possession, custody, or control relating to the encounter in question between, Nurse Judy Scoggin, Parkland and Plaintiff Aaron Von Mosley that is the subject of this lawsuit.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO JUDY ELLYN SCOGGIN

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Plaintiff Aaron Von Mosley serves his First Set of Interrogatories to Defendant, JUDY ELLYN SCOGGIN. Responses are due on or before fifty (50) days from receipt of this Request, at 5:00 p.m., in the office of John C. Sherwood, 2926 Maple Avenue, Suite 200, Dallas, Texas 75201.

INTERROGATORY NO. 1: Identify all persons who you or your attorney have contacted, or from whom you or your attorney have either obtained or requested a statement, regarding the allegations of the complaint in this action by stating their name, address, and last known work
PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND REQUEST FOR DISCLOSURE

and home telephone numbers.

RESPONSE:

INTERROGATORY NO. 2: Identify the name and, if known, the address and telephone number of each person likely to have discoverable information that you may use to support your defense(s). With respect to each such person, identify in as much detail as possible the discoverable information he or she possesses.

RESPONSE:

INTERROGATORY NO. 3: Explain in detail procedures for drawing blood samples from DWI/DUI suspects in custody in the blood draw room at the Dallas County Jail.

RESPONSE:

INTERROGATORY NO. 4: Why did you make no objection to the conduct of the police officers towards Plaintiff Aaron Von Mosley during the blood draw attempt that is the subject of this lawsuit?

RESPONSE:

INTERROGATORY NO. 5: Have you ever witness conduct by police officers towards suspects in custody during blood draw attempts that you considered excessive or unwarranted?

RESPONSE:

INTERROGATORY NO. 6: If the answer to Interrogatory No. 5 is yes, to the best of your ability describe the incidents, including the dates, place and police officers involved.

RESPONSE:

IV.

PLAINTIFF'S REQUEST FOR DISCLOSURE TO DEFENDANTS

16. Rule 194—Request for Disclosures

16.01 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, the Defendants, City Of

Dallas, Sr. Corporal Stephen Baker, Officer Michael Bud Arnold, Sergeant Bryan Roden, Chief
**PLAINTIFF'S ORIGINAL PETITION, FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR
PRODUCTION AND REQUEST FOR DISCLOSURE**

Of Police David Brown, Dallas County Hospital District D/B/A Parkland Health & Hospital System, Judy Ellyn Scoggin, Dallas County, Dallas County Sheriff's Department are requested to disclose, within fifty (50) days of service of this Request, the information described in Rule 194.2 of the Texas Rules of Civil Procedure.

Respectfully submitted,

By: 

John C. Sherwood

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