

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JUSTIN BREWER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION No.: 4:17-cv-00382
	:	
	:	JURY TRIAL DEMANDED
THE CITY OF MADRID, IOWA,	:	
Madrid Chief of Police RICK TASLER,	:	
Officer NICK MILLSAP, and Madrid	:	
Mayor DIRK RINGGENBERG	:	
	:	
Defendants.	:	

VERIFIED COMPLAINT

PRELIMINARY STATEMENT

Plaintiff Justin Brewer brings this civil rights lawsuit for a violation of rights guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution.

One of the cornerstones of our constitutional democracy is the right of citizens to be free from the unreasonable and unwarranted brutality of police officers whether in the course of making a lawful arrest or those officers who take exception when a citizen asserts their constitutional rights or refuses to comply with an officers unlawful or unreasonable commands. In addition, Mr. Brewer has the right to expect that Madrid not be deliberately indifferent to his constitutional rights by hiring a police chief and other officers who not only possess objectively questionable judgment but also have a history of misconduct, illegal acts, and/or violating the constitutional rights of others. Finally, Brewer has the constitutional right to seek a redress of his grievances – in this case his assault at the hands of Millsap and Tasler – and to not suffer retaliation in the form of coercion or threats for asserting that constitutional right.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this Verified Complaint under the First, Fourth and Fourteenth Amendments to the United States Constitution and 28 U.S.C. § 1331 (federal question) and § 1343 (civil rights) and has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

2. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1402(b) because the acts at issue in this lawsuit occurred within the District.

PARTIES

3. Plaintiff Justin Brewer (“Brewer”) is a citizen of the United States and at all relevant times was a resident of Woodward, Dallas County, Iowa.

4. Defendant Rick Tasler (“Tasler”) was at all times relevant to this Verified Complaint the Chief of Police of Madrid Iowa. In his capacity as Chief of Police, Defendant Tasler was a policymaker for the City of Madrid and had a legal obligation to act in conformity with the United States and Iowa Constitutions and other applicable federal and state laws. Defendant Tasler is sued in his individual capacity and at all times relevant to this Verified Complaint was acting within the scope and course of his employment with the City of Madrid and the City of Madrid Police Department. At all times relevant to this Verified Complaint he was acting under color of the laws of the State of Iowa and the City of Madrid.

5. Defendant Nick Millsap (“Millsap”) was at all times relevant to this Verified Complaint a Police Officer employed by the City of Madrid Police Department. In his capacity as a Police Officer for Madrid, Defendant Millsap had a legal obligation to act in conformity with the United States and Iowa Constitutions and other applicable federal and state laws. Defendant Millsap is sued in his individual capacity and at all times relevant to this Verified Complaint was acting

within the scope and course of his employment with the City of Madrid Police Department. At all times relevant to this Verified Complaint he was acting under color of the laws of the State of Iowa and the City of Madrid.

6. Defendant Dirk Ringgenberg (“Ringgenberg”) was at all times relevant to this Verified Complaint the mayor of the City of Madrid. In his capacity as the mayor of Madrid, Defendant Ringgenberg had a legal obligation to act in conformity with the United States and Iowa Constitutions and other applicable federal and state laws. Defendant Ringgenberg is sued in his individual capacity and at all times relevant to this Verified Complaint was acting within this scope and course of his job duties with the City of Madrid Police Department. At all times relevant to this Verified Complaint he was acting under color of the laws of the State of Iowa and the City of Madrid.

7. Defendant City of Madrid (“Madrid”) is a municipal corporation existing and operating pursuant to the laws of the State of Iowa. The City of Madrid is the public employer of the other Defendants in this matter and has a legal responsibility to operate according to the laws of the United States and the State of Iowa, including, but not limited to, the United States Constitution.

FACTUAL ALLEGATIONS

8. Plaintiff Brewer is thirty-four years old and grew up and graduated from Madrid Jr./Sr. High School in 2001 and is currently a resident of Woodward, Iowa.

9. Brewer is a trained plumber employed by the Waldinger Corporation in Des Moines, Iowa.

10. Although Brewer now resides in Dallas County and works in Polk County, he and his family have deep connections to Boone County, Iowa and the City of Madrid in particular.

11. In fact, Brewer returned to Madrid on September 3, 2016, to attend Madrid's Labor Days Celebration and to attend his Fifteen-year high school reunion that evening, and it is the events of this night that form the backbone of this Verified Complaint.

Madrid & The City of Madrid Police Department

12. Madrid, Iowa, formerly known as Swede Point, was first settled in 1846 and is a small former mining community located in the southwest corner of Boone County.

13. Madrid's total size is less than 1.2 square miles.

14. Incorporated in 1883, the population of Madrid was approximately 2,588 as of September 2016, the time frame of these events.

15. Madrid City Government consists of a mayor and six city council members, four (4) of which are elected by ward and two (2) of which are at-large members of the council.

16. Madrid is served by a volunteer Fire Department and a small Police Department.

17. Despite its small size, the Madrid Police Department has a Chief of Police and two (2) additional full-time police officers.

18. Defendant Tasler is the Chief of the department, and Defendant Millsap is one of the other two full-time officers than work under Tasler.

Rick "The Lawman" Tasler

19. Defendant Tasler is a native of Jefferson, Iowa, a 1995 graduate of Jefferson-Scranton High School, and earned a two-year law enforcement degree from Iowa Central Community College in Fort Dodge in 1998.

20. After earning his degree, Tasler was initially hired as a police officer in Gowrie, in Webster County, before moving on to become the Chief of Police in Scranton, Iowa for a short period of time.

21. Tasler finally became a patrol officer for the Boone Police Department from 2001 to 2008 when he was finally asked to resign from his position in lieu of being terminated for allegations of misconduct while on the job, allegations which include, but were not limited to, allegations of inappropriate actions or advances towards underage girls.

22. While with the Boone Police Department and on duty, Tasler was quoted as saying that he was “fighting” with people every week.

23. As a young man, Tasler trained in martial arts, and in high school and college, he wrestled.

24. Starting in 2006, however, Tasler’s martial arts interest took on a more serious tone.

25. In addition to his continuing law enforcement duties, Tasler started participating in mixed-martial arts (“MMA”) fighting competitions or cage matches on a regional level, including fights in Iowa, Wisconsin and Minnesota.

26. Tasler went by the moniker, Rick “The Lawman” Tasler, promoting on the circuit that in addition to being an MMA fighter, he was also a trained law enforcement official.

27. Tasler even tattooed his police badge on his chest directly over his heart, a fact that was made obvious to anyone watching his MMA fights since participants in these matches fight without their shirts on.

28. Tasler apparently takes his fighting seriously, saying that he was born to do two things, “B.S. with anybody” and “fight with anybody.”

29. Prior to being hired as the Chief in Madrid, the Department and the Madrid City Council were aware of the circumstances surrounding Tasler’s being forced off the force in Boone.

30. In addition, the Department and Council were aware of Tasler's MMA career, nickname, and propensity for quickly resorting to uses of force in interactions with suspects and members of the public.

31. In fact, shortly after being hired as Chief in Madrid, Tasler was quoted in October of 2009, as saying, "You know, definitely, I go to hands-on right away" when referring to his interaction with suspects on the streets on Madrid and Boone County.

The Brammer MMA Video

32. The issue of Tasler's judgment and potential propensity for the use of force came to a head in January of 2010 when a video of Tasler and fellow MMA fighter Joe Brammer surfaced on the internet and in the news media.

33. The video was and is hosted on YouTube in multiple parts, and is currently hosted on the site by someone who has the screen name madridchief500.

34. Tasler agreed to the video shoot of himself in his Madrid Police Department uniform as a way of promoting what had been touted as his final MMA cage match to be held at the Veterans Memorial Auditorium in Des Moines.

35. Part one of the video shows Tasler in his Chief's uniform sitting in his office and discussing his day-to-day routine as Chief of Police with Brammer.

36. Brammer brandishes a semi-automatic weapon and says, I would take this with me everywhere as a police officer and then Brammer points it at an imaginary motorist and says, license and registration please, Tasler laughs and says, "yes, that would be the safest way to do it."

37. Tasler tells Brammer that he gets into "fist-a-cuffs" with individuals at least twice a day because "we are 15 minutes from everywhere" and the drug dealers stockpile here and "they

don't want to fight a Des Moines cop and "a little target like me, I get in fights all the time, just because."

38. Brammer and Tasler also discuss how you can tell someone's guilty just "by looking at them."

39. On part two of the video, Brammer plays a word association game with Tasler in which he tells Tasler to say the first word that comes to mind. Among others, Tasler says "protect and serve" when Brammer says "shotgun," and "mistake" when Brammer says "Barack Obama."

40. Next Tasler takes Brammer along to a Madrid bank where Tasler lets Brammer accompany himself and some bank employees into the vault to extract cash.

41. Tasler laughs when Brammer says that perhaps he should not be in the bank vault with his past stuff including "the bank robbery" and "child pornography" charges.

42. While the camera focuses in tightly on the bank employee spinning the combination lock of the safe open, Tasler and Brammer laugh about splitting the money five (5) ways, and Brammer says to Tasler, obviously, you know the combination, and Tasler laughs.

43. Part two also shows Tasler taking Brammer to his MMA training gym and showing Brammer how he uses his MMA moves on suspects in the field.

44. As they enter the gym, Tasler laughs while Brammer looks at the camera and Tasler and says that when they are done, they need to go back to the bank because he needs some dough and Rick's going to help me out.

45. Tasler demonstrates how he physically takes down alleged suspects with his MMA moves and these demonstrations includes several instances of Tasler pulling his service weapon and pointing it directly at the head of his sparring partner.

46. This third part has a sequence where Tasler allows Bremmer to fire Madrid Police Department weapons, including an assault rifle, shotgun and handgun, outside on the edge of town while Tasler stands by Brammer's side.

47. The site was an open field somewhere near the edge of the City of Madrid and was not an official or unofficial shooting range.

48. Tasler can be seen laughing while Brammer shoots a 9 mm by holding his hand sideways and saying, "this is how they shoot in the hood."

Madrid's Response to Tasler's Video

49. This "promotional" video showing Tasler in his official uniform promoting his off-duty MMA career broke in the news media on Friday, January 15, 2010, and was immediately met with raised eyebrows and serious questions about Tasler's fitness to serve as Chief of Police.

50. The video quickly disappeared from YouTube as questions were raised about Tasler's suitability for remaining chief of police in Madrid.

51. Two days later, however, even while these questions were swirling and he was facing an inquiry from the Madrid City Council, Tasler re-uploaded the video to YouTube under the screenname madridchief500.

52. Several experts asked by KCCI and The Des Moines Register to opine about the appropriateness of the Tasler's video, raised serious concerns, including Penny Westfall, director of the Iowa Law Enforcement Academy, who indicated that the academy would never train officers to act in the manner that Tasler acted in the video, especially pointing a handgun at a sparring partner's head.

53. At a regular Madrid City Council meeting on January 18, 2010, Madrid residents and other members of the general public were given the opportunity to voice their opinions about the Tasler video and what they believed City Council should do to Tasler as a result.

54. After listening to public comments and after listening to Tasler both apologize for the “mistakes” in the video and complain about how KCCI has “no regard for Madrid and just wants to create a news story out of this incident,” members of Madrid City Council met in closed session to decide, what, if any, discipline was appropriate.

55. Defendant City of Madrid had knowledge of all of Tasler’s harmful and unreasonable actions in the video and on the job, including:

- a. pointing his service revolver at an unarmed civilian’s head;
- b. allowing a civilian to fire police issued weapons in the open near city residents;
- c. his propensity for unreasonably laying his hands on alleged suspects;
- d. the unprofessional image the video presented of their police chief, force and the public confidence it undermined;
- e. Tasler using his status as Madrid Chief of Police to promote and profit in his personal career as an MMA fighter;
- f. Tasler had uploaded the video to YouTube and allowed it to remain on YouTube; and
- g. Tasler’s history of previous misconduct on as a police officer,

56. Despite this knowledge, the Madrid City Council unanimously decided not to terminate Tasler’s employment with the Department.

57. Instead, Madrid City Council suspended Tasler for five days without pay, required him to pay for and take a professional development course and placed a letter of reprimand in his file.

58. Also, despite his “apology” to city council for his actions in the video, Tasler never removed the video from YouTube where it can still be viewed for free by anyone with access to the internet.

59. Madrid City Council is aware that the video for which they “disciplined” Tasler is still available online and have taken no additional steps to have it removed and to discipline Tasler for not removing it.

60. Furthermore, City Council took no steps to supervise Tasler in the field, despite their knowledge that he was prone to “fighting” with or laying hands on members of the public “at least twice a day” while on the job.

Nick “The Anaconda” Millsap

61. Like Tasler, Madrid full-time police officer Nick Millsap has been a mixed martial arts fighter.

62. Millsap went by the nickname Nick “The Anaconda” Millsap and amassed a professional record of 1-0 and an amateur record of 4-2.

63. Prior to joining the Madrid Police Department, Millsap was hired in 2004 as a police officer in Hamburg, Iowa in the southwestern part of the state.

64. At some point prior to the fall of 2005, Millsap was made the Chief of Police in Hamburg.

65. On September 15, 2005, Millsap entered a home rented by Elizabeth Brock and removed seven of Brock’s dogs from that home.

66. After a conversation with Fremont County dispatcher Deborah Weiss (which Weiss later received a letter of reprimand for), Millsap took Brock’s dogs out in the country and shot six of the dogs in the head.

67. When one of the dogs, a puppy, continued to breathe, Millsap crushed the puppy's head with his boot to ensure its death, and then he dumped all of the dogs (including the seventh dog shot by Officer Jarid Means) into a ditch.

68. Fremont County Sheriff Steven McDonald later said that Millsap's actions were "wrong" and that Millsap was a "loose cannon...[t]aking the dogs out and shooting them, and then stomping the one dog's head goes way beyond."

69. Elizabeth Brock sued Millsap and Hamburg in small claims court in Fremont County in Case No. SCSC006837.

70. In awarding Brock \$3500 for the killing of her dogs, a Fremont County judge called Millsap's actions "outrageous" and "utterly intolerable."

71. "Officer Millsap," the judge ruled, "had to be aware that his conduct would probably cause severe emotional distress to the dog's owner, yet he acted anyway."

72. On February 16, 2006, Millsap was charged with seven (7) counts of animal cruelty in Fremont County Case No. AGCR006089.

73. Animal Cruelty under the Iowa Code is an aggravated misdemeanor which meant that Millsap faced the possibility of two years in prison for EACH count.

74. On June 20, 2007, Millsap entered a guilty plea to one count of animal cruelty under a plea agreement and was given a deferred judgment with one year of probation.

75. As a result of the September 15, 2005 dog-killing incident and the resulting criminal charges, Millsap was terminated from his job as Chief of Police in Hamburg, Iowa.

76. The City of Madrid knew or should have known about Millsap's killing of Brock's dogs, the subsequent criminal charges that resulted from that incident, the fact that Millsap plead guilty

to animal cruelty, and the fact that Millsap was subsequently fired as the Chief of Police in Hamburg as such events were well-documented and public knowledge.

The September 3, 2016 Incident

77. On Saturday, September 3, 2016, Justin Brewer returned to Madrid for the annual Labor Day Celebration.

78. Although Brewer had not lived in Madrid for years, his little brother, Blake Brewer, had remained in Madrid and had had occasional minor run-ins with Madrid law enforcement officials, including Chief Tasler and Officer Millsap.

79. Madrid's Labor Day Celebration is a multi-day annual event in which four streets downtown are blocked off for a parade, food and other vendors, kid's activities, a car show, and a beer tent set up downtown in the evenings.

80. In addition to the Labor Day Celebration, Brewer's Fifteen-Year high school reunion was also being held in Madrid on that Saturday.

81. Brewer and approximately twenty (20) of his sixty-five (65) Madrid High School classmates met at the Labor Day Celebration the evening of September 3rd from 6-12 PM.

82. At approximately 11:30 PM, Brewer was standing outside the Labor Day Celebration beer tent talking to his wife, Nicole, and Luke Perry, a friend, when a last call for beer was indicated.

83. At this point Brewer, unaccompanied by Nicole or Perry, entered the beer tent to turn in a ticket for a final beer.

84. Already inside the beer tent were Brewer's friends Evan LaMaster and Samantha and Jess Mickler.

85. LaMaster had driver Brewer and his wife to Madrid for the Labor Days Celebration and for the high school reunion.

86. Unbeknownst to Brewer, Tasler, Millsap and a third Madrid officer, Bryan Olmstead, followed Brewer closely as he entered the beer tent.

87. Brewer approached the counter and pulled the ticket from his pocket to purchase a beer.

88. Before he received a beer from the server, Tasler approached Brewer from behind and tapped him on the shoulder.

89. When Brewer turned around to see who was touching him, Tasler told Brewer that he was done for the evening and that it was time for him to leave.

90. Brewer nodded to Tasler and said, okay, and then laid his ticket on the counter before turning to leave the tent as directed.

91. Brewer attempted to pass Tasler and Millsap on his way to the tent's exit, but before he could exit the tent, Tasler grabbed Brewer by the back of his shirt and pulled him back into the tent.

92. Tasler's act of grabbing Brewer by the shirt and pulling him backwards, spun Brewer back into the tent towards Millsap, Olmstead, and Brewer's friends gathered in the tent.

93. As Brewer was spun back into the tent by Tasler, Millsap punched Brewer three to four times in the left cheek.

94. Tasler retained his grip on Brewer's shirt and refused to let go while Millsap punched Brewer in the cheek.

95. At this point, the third officer on the scene, Bryan Olmstead stepped in and pulled Brewer away from Tasler and Millsap.

96. Stunned, Brewer looked directly at Tasler and asked him for Millsap's name and badge number.

97. Brewer also asked Olmstead for Millsap's name and badge number.

98. Neither Tasler nor Olmstead responded.

99. Rather than respond to Brewer's inquiry, Tasler told Brewer that unless he left the scene immediately, Tasler would arrest Brewer and charge him with public intoxication and/or disorderly conduct.

100. Brewer again asked for Millsap's name and badge number, and when no response was forthcoming, Brewer and his wife left the tent and the Labor Day Celebration and returned home to Dallas County with LaMaster.

101. Immediately upon returning home somewhere between midnight and 12:30 AM, Brewer called the Boone County Sheriff's Office to report that he had been assaulted in Madrid by Tasler and Millsap – though at the time, Brewer was still unaware of Millsap's exact identity.

102. Boone County Sheriff Sergeant Dallas Wingate responded to Brewer's report of the assault.

103. Sgt. Wingate took photographs of the injuries to Brewer's left cheek, injuries which included:

- a. a swollen lip;
- b. a cut to the inside of his left cheek; and
- c. a recurring and ongoing click in his jaw that has required physical therapy.

104. Sgt. Wingate took approximately six photographs of Brewer's injuries.

105. Sgt. Wingate also took written, signed statements from Brewer, his wife Nicole, and Evan LaMaster.

106. Pursuant to Sgt. Wingate's request, Brewer got signed statements from the two other witnesses present the evening of September 3rd that he personally knew – Samantha and Jess Mickler – and forwarded them on to Sgt. Wingate.

107. Sometime in October of 2016, an investigator with the Department of Criminal Investigations at the Iowa Department of Public Safety contacted Brewer about his allegations of assault at the hands of Tasler and Millsap.

108. Brewer and his wife Nicole provided statements to the CID investigator regarding the incidents of September 3, 2016.

109. The CID investigator indicated to Brewer that he would be following up with Tasler and the other members of the Madrid PD to get their side of what happened that evening.

110. Brewer told the investigator to go ahead and that he and the other witnesses know what happened.

111. Brewer was not intoxicated nor disorderly and was never criminally charged for any event that occurred on September 3, 2016.

112. Soon after the events of that evening, Brewer also sought legal advice as to his recourse against Tasler and Millsap for their assault against him.

113. Soon after meeting with lawyers in February of 2017, Brewer received a voice mail on his cell phone from Tasler asking Brewer to come in and meet with Tasler and Madrid City Mayor Dirk Ringgenberg to discuss the events that occurred on September 3, 2016.

114. Brewer had not spoken with Tasler, Millsap or any other Madrid officer since the evening of September 3rd, and Brewer had not given Tasler or any other member of Madrid law enforcement his cell phone number.

115. Concerned, Brewer discovered that Tasler had sought out Brewer's younger brother, Blake, in Madrid to get Brewer's cell number.

116. On Tuesday, February 14, 2017, Brewer attempted to call Tasler at the Madrid PD and was told that Tasler had the day off.

117. When Brewer finally spoke to Tasler by phone, Tasler warned Brewer that he was mistaken about the events of that evening and that Tasler and Mayor Ringgenberg had personally discussed the matter and wanted to warn Brewer about spreading false reports about what happened that night.

118. Tasler indicated that he was upset with Brewer for reporting him and Millsap to the Boone County Sheriff and to the CID unit of Iowa's Department of Public Safety.

119. Brewer thanked Tasler and the mayor for their "concerns," but Brewer reiterated to Tasler that he was not mistaken and that he knew what happened that night and that he had been assaulted by Tasler and Millsap and would continue to speak the truth about that night.

120. As a direct and proximate result of the said acts of the Defendant Officers, including the Defendants use of force against Brewer, and Defendant City of Madrid's hiring of Tasler and Millsap in spite of their past history of misconduct, illegal acts and/or deliberate indifference to citizen's constitutional rights, Defendant City of Madrid's refusal to properly train and supervise Tasler and Millsap, and Defendant Tasler and Ringgenberg's attempts to chill Brewer from exercising his right to petition the government for redress of his grievances, Brewer suffered the following injuries and damages:

- d. Physical pain and suffering and emotional distress, trauma and suffering, requiring the expenditure of money for treatment;
- e. Attorney's fees and expense; and

- f. Continuing unwarranted and unconstitutional retaliation by Defendants Tasler and Ringgenberg for Brewer's petitioning of his government.

CAUSES OF ACTION
Count I
Fourth Amendment (42 U.S.C. § 1983)
(Excessive Force)
Plaintiff v. Defendants Tasler and Millsap and City of Madrid

121. Plaintiff incorporates by reference the allegations in the paragraphs above as if thoroughly set forth here.

122. The actions of Defendants Tasler and Millsap in unreasonably restraining Brewer, and repeatedly punching him in the cheek violated Brewer's clearly established right to be free from the use of excessive, unreasonable and unjustified force against his person under the Fourth Amendment to the United States Constitution.

123. Defendant City of Madrid showed deliberate indifference to Brewer's clearly established right to be free from excessive force under the Fourth Amendment by hiring Defendant's Tasler and Millsap despite their past history of misconduct and excessive force, facts of which the City was aware prior to hiring Defendant's Tasler and Millsap.

124. In addition, Defendant City of Madrid showed deliberate indifference to Brewer's clearly established right to be free from excessive force under the Fourth Amendment by failing to properly train and/or supervise Tasler and Millsap despite their knowledge that both Tasler and Millsap has a propensity for violence and anger management problems and the use of unreasonable and excessive force against members of the general public.

Count II
Fourth Amendment (42 U.S.C. § 1983)
(Failure to Intervene)
Plaintiff v. Defendants Tasler

125. Plaintiff incorporates by reference the allegations in the paragraphs above as if thoroughly set forth here.

126. Defendant Tasler's failure to intervene to prevent Officer Millsap's use of force as described in the preceding paragraphs violated Brewer's clearly established right to be free from the use of excessive, unreasonable and unjustified force against his person under the Fourth Amendment to the United States Constitution.

Count III
First Amendment (42 U.S.C. § 1983)
First Amendment Retaliation
Plaintiff v. Defendants Tasler & Ringgeberg

127. Plaintiff incorporates by reference the allegations in the paragraphs above as if thoroughly set forth here.

128. The actions of Defendants Tasler and Ringgenberg in attempting to dissuade Brewer from telling the truth and seeking an investigation into Defendant Tasler and Millsap's assault of Brewer violated Brewer's First Amendment right to be free from retaliation for the exercise of his constitutional right to petition the government for redress of his grievances.

Count IV
Negligent Hiring, Retention & Supervision
Plaintiff v. Defendant City of Madrid

129. Plaintiff incorporates by reference the allegations in the paragraphs above as if thoroughly set forth here.

130. Defendant City of Madrid hired, retained and failed to properly supervise Defendants Tasler and Millsap despite their knowledge of their past misdeeds at other departments.

131. In addition, it was negligent or reckless of Defendant City of Madrid to fail to terminate and/or properly supervise Defendant Tasler after the January 2010 video surfaced of Tasler and after statements Tasler made about being quick to “lay hands on” members of the public, especially in light of the fact that Defendants Tasler and Millsap later assaulted Brewer.

132. Without the City of Madrid’s negligent or reckless conduct in hiring, retaining and failing to supervise Defendants Tasler and Millsap, Brewer would not have suffered the assault at the hands of City of Madrid employees and would not have been injured as a result.

Count V
Assault & Battery
Plaintiff v. Defendants Tasler & Millsap

133. Plaintiff incorporates by reference the allegations in the paragraphs above as if thoroughly set forth here.

134. In restraining and punching Brewer in the check, Defendants Tasler and Millsap committed assault & battery upon Brewer.

135. Brewer suffered physical injuries, humiliation, emotional distress, pain and suffering, and medical expenses as the sole proximate result of the assault and battery committed by Defendants Tasler and Millsap.

136. The acts of Defendants Tasler and Millsap in committing assault and battery were willful, wanton and reckless and Brewer is entitled to the recovery of punitive damages.

137. The willful, wanton and reckless conduct of Defendants Tasler and Millsap were directed at Brewer as an individual.

WHEREFORE, Plaintiffs respectfully request:

- a. Compensatory damages;
- b. Punitive damages;

- c. Reasonable attorney's fees and costs; and
- d. Such other and further relief as may appear just and appropriate.

Plaintiffs hereby demand a jury trial as to all claims stated in this Verified Complaint.

Monday, November 20, 2017

Respectfully submitted,

s/Glen S. Downey

Glen S. Downey

AT0012428

s/Nathan A. Mundy

Nathan A. Mundy

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