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ATTORNEYS FOR PLAINTIFF

ORIGINAL

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAY 20 2008

Stephan Harris, Clerk
Casper

In The United States District Court
For the District of Wyoming

JAMES URBIGKIT,

Plaintiff,

vs.

SUBLETTE COUNTY SHERIFF'S
DEPARTMENT, SHERIFF WAYNE
"BARDY" BARDIN, in his official
capacity, BRIAN SPARKS, in his
individual and official capacities, JIM
WHINNERY, in his individual and official
capacities, and JOHN DOE, OFFICERS
OR SUPERVISORS OF THE SUBLETTE
COUNTY SHERIFF'S DEPARTMENT
I - V,

Defendant.

Case No. 08CV 131-B

COMPLAINT

The above named Plaintiff brings this complaint through his undersigned counsel, Frank R. Chapman, Chapman Valdez, Elizabeth Greenwood and Inga L. Parsons and for his causes of action against the Defendants in his Complaint, submits as follows:

INTRODUCTION

On April 22, 2007, an officer of the Sublette County Sheriff's Department, Sublette County, Wyoming responded to a call from Plaintiff that the Plaintiff had shot a bear on his livestock ranch. Defendant Brian Sparks arrived at Plaintiff's ranch and asked Plaintiff questions about the dead bear. Plaintiff told Sparks that he would answer questions provided his lawyer was present. Sparks, together with Defendant Whinnery, the undersheriff for Sublette County Sheriff's Department, unlawfully and without probable cause arrested Plaintiff claiming that he had no right to a lawyer. Plaintiff was further advised that by not answering questions, the Plaintiff was guilty of interference with a peace officer. Defendant Sparks, with the expressed permission, consent and authority of Defendant Whinnery and pursuant to the regular practices and expressed methods of the Defendant Sheriffs' Department and the elected Sheriff; arrested Plaintiff in front of his wife for interference and placed him in handcuffs, booked him and locked him in the Sublette County Jail. Plaintiff was given a citation for interference with a peace officer under W.S. § 6-5-204.

In order to be released from jail, Plaintiff's wife had to post a bond of \$1,000 (ONE THOUSAND DOLLARS). The County Prosecuting Attorney elected not to proceed on the charge against the Plaintiff. Plaintiff insisted on being heard by a judge on the matter. The judge, the

Honorable Curt Haws, advised in substance that because the matter had been dismissed by the County Prosecuting Attorney that the Plaintiff's remedy would lie in a civil action.

The Plaintiff's arrest was a direct and proximate result of a known and actively used policy of the Sublette County Sheriff and Sublette County Sheriff's Department and such actions were known to the Sheriff's Department and were specifically under the control and condoned and authorized by the Sublette County Sheriff and the Sublette County Sheriff's Department.

Defendants' actions and inactions violated clearly established statutory and/or constitutional rights of which a reasonable person would have known. Defendants had no legitimate interest in arresting the Plaintiff because he insisted on having his attorney present to answer questions and his subsequent arrest is highly outrageous and shocks the conscience.

JURISDICTION AND VENUE

1. This is an action for money damages pursuant to 42 U.S.C. §§ 1983 and 1988, the Fourth, Fifth and Fourteenth Amendments to the United States Constitution as well as pursuant to the Wyoming Constitution and the common law of the State of Wyoming.
2. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 and on the jurisdiction of this Court to entertain claims arising under Wyoming state law.
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because certain claims arise under the Constitution and laws of the United States.

4. This Court also has jurisdiction pursuant to 28 U.S.C. § 1343 because the case is maintained to address the deprivation under color of state law, statute, ordinance, regulation, customer usage-of rights, privileges and immunities secured under the Constitution pursuant to 42 U.S.C. § 1983.
5. The Court also has jurisdiction over Plaintiff's pendent state law claims pursuant to 28 U.S.C. § 1367, as those claims are still related to the claims in this action within the original jurisdiction that they form part of the same case or controversy.
6. With regard to their state law claims, Plaintiff has complied with the Wyoming Governmental Claims Act's Wyo. Stat. § 1-39-101, et seq., as well as any other applicable state law claim requirements, including by executing appropriate notice of claim in accordance with Wyoming law under penalty of perjury in presenting said claim as required by law on the 4th day of June, 2007 and the filing of this action within one year from the Notice of Claim. A copy of said claim is attached hereto as Exhibit 1 and incorporated herein by this reference.
7. Pursuant to 28 U.S.C. § 1391(b)(2), the proper venue for this case is the United States District Court for the District of Wyoming because the acts and omissions occurred within the District of Wyoming.
8. All claims herein are upon information and belief unless otherwise stated.

PARTIES

9. Plaintiff James Urbigit was at all material times a United States citizen and resident of Sublette County, Wyoming and enjoyed all rights and privileges of citizenship of the United States of America.
10. Sublette County Sheriff's Department, Sublette County, Wyoming is a duly organized political entity statutorily established by the laws of the State of Wyoming and the Sheriff, Wayne "Bardy" Bardin, is the duly elected sheriff of Sublette County.
11. Sublette County Sheriff's Department delegates and gives final authority to the Sheriff to determine arrest policies and procedures for the Sublette County Sheriff's Department.
12. Sublette County Sheriff Department Deputy Brian Sparks and Undersheriff Jim Whinnery are, together with Sheriff Bardin, all residents of the State of Wyoming are duly appointed and acting peace officers in Sublette County, Wyoming and acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Wyoming, the county of Sublette and Sublette County Sheriff's Department.
13. Sheriff Bardin is responsible for implementing Department policies and had implemented and authorized the use of the arrest policy at issue in this matter.
14. Sublette County Sheriff Department Undersheriff Whinnery was a direct supervisor of Deputy Sparks and exercised control and direction over Deputy Sparks and was

personally involved in the decision making with respect to the arrest by Deputy Sparks. There was an affirmative link between Undersheriff Whinnery and Deputy Sparks during this incident.

15. The Defendant officers referenced in the preceding paragraph are being sued in their individual and official capacities as it relates to Sparks and Whinnery. The Defendant Sheriff Barden is being sued in his official capacity.
16. Defendant Does I through V are present or past officers or officials of the Sublette County Sheriff's Department or other law enforcement agencies whose identities are not known at present, and who are duly appointed and acting peace officers acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Wyoming, Sublette County Sheriff's Department or other law enforcement agencies or offices.
17. Defendant Does I through V are being sued in their individual and/or official capacities.
18. At all times pertinent to the facts giving rise to this complaint, the Defendant officers were employed by or elected officials working within the Sublette County Sheriff's Department or other local government offices associated with Sublette County, Wyoming as law enforcement officers.
19. At all relevant times, all of the Defendants were government actors for the purposes of an action brought pursuant to 42 U.S.C. § 1983 alleging violations of an individual's constitutional and civil rights.

20. Each and every act, error, or admission, herein alleged to have been committed were committed within the scope of their duties of employment with Sublette County, Wyoming and the Sublette County Sheriff's Department or other county governmental/law enforcement agencies.
21. Any and all actions or inactions of these Defendants in relation to the allegations contained herein were committed under the color and authority of law.
22. At all relevant times Defendants acting under color of state law, acted with deliberate indifference to the rights of Plaintiff and thereby deprived Plaintiff of the rights, privileges and immunities secured by the Constitution and laws of the United States and the State of Wyoming.

FACTS COMMON TO ALL CAUSES OF ACTION

23. By this reference. Plaintiff incorporates each and every foregoing allegation.
24. On April 22, 2007, Plaintiff, a rancher in Sublette County, Wyoming, shot and killed a bear on his ranch that was in his sheep pasture in protection of his livestock.
25. Thereafter, Plaintiff called the Wyoming Game and Fish Department. No one was available at the Wyoming Game and Fish Department so Plaintiff called the Sublette County Sheriff's Department dispatch on the non-emergency number to advise that he had shot a bear as required by statute
26. Defendant Sparks arrived at Plaintiff's ranch in Sublette County and began asking Plaintiff questions about the bear.

27. Plaintiff informed Sparks that he would answer questions provided his lawyer was present.
28. Sparks, with the direct advice, consent and authority of Defendant Whinnery, advised Plaintiff that Plaintiff did not have a right to have a lawyer and by not answering questions, Plaintiff was guilty of interference with the peace officer and would be arrested.
29. It is the policy of the Sublette County Sheriff's Department as set by the Sheriff as the final policy maker to arrest subjects for interference with a peace officer when they ask for a lawyer during officer questioning.
30. Sparks repeatedly insisted that the Plaintiff answer questions. Defendant Sparks with the express direction, control, and authority of Whinnery hand cuffed and arrested the Plaintiff, which occurred in front of Plaintiff's wife.
31. Plaintiff was transported to the Sublette County Detention Facility where he was locked in the Sublette County Jail and given a citation for interference with a peace officer under W.S. § 6-5-204.
32. In order to be released from jail, Plaintiff's wife had to post a bond of \$1,000 (ONE THOUSAND DOLLARS). The County Prosecuting Attorney elected not to proceed on the charge against the Plaintiff.
33. The Defendants Sparks and Whinnery did not have probable cause to arrest, detain and/or jail the Plaintiff.

34. Defendant Sparks advised Plaintiff in substance that he did not have a basis to arrest the Plaintiff as a result of shooting the bear on his private property.
35. Defendant Sparks, after discussing the matter with Defendant Whinnery, advised Plaintiff that he was commanded to arrest Plaintiff for interference with a peace office because Plaintiff would not answer questions without an attorney.
36. Defendant Sparks, with the expressed direction, control, and authority of Defendant Whinnery, and pursuant to policies set by Defendant Bardin, informed Plaintiff he was under arrest for requesting an attorney and exercising his right to counsel.
37. Plaintiff was lawfully engaged in self-reporting the death of the bear on private property in Sublette, County as required by statute when he was arrested, detained and jailed.
38. Plaintiff was arrested in violation of his Fourth Amendment rights as it was without probable cause and constituted an unreasonable seizure under the Fourth Amendment.
39. Plaintiff was arrested for invoking his Fifth Amendment rights in contravention of that Amendment and further depriving Plaintiff of equal protection and due process under the law.
40. Defendants had no legitimate interest in arresting the Plaintiff as he was arrested on the grounds that he would only answer officer questioning with his attorney present.

41. At all relevant times Defendants' actions and inactions violated clearly established statutory and/or constitutional rights of which a reasonable person would have known.
42. At all relevant times the law on seizures, due process and liberty interests was clearly established by the United States Supreme Court and Tenth Circuit precedent so as to have placed reasonable persons in the position of knowing that their conduct and actions were an unreasonable violation of Plaintiff's clearly established constitutional rights.
43. Plaintiff's arrest because of an invocation of a constitutional right is highly outrageous in violation of Plaintiff's Fourteenth Amendment substantive due process rights.
44. Defendants' actions including the executive action of the Sheriff's Department were highly outrageous and shock the conscience.
45. Defendants actions were a malicious deprivation of Plaintiff's constitutional rights in direct violation of clearly established law and are also sufficient to justify an imposition of an award of exemplary damages.
46. Plaintiff has been injured and damaged as a direct and proximate result of the conduct of the Defendants as described above including but not limited to his having suffered unlawful detention, illegal arrest, search of his person without a warrant for just cause in violation of his intimate and most personal spaces. Plaintiff has suffered damages in an amount to be determined at trial which include but are not limited to

Plaintiff's loss of reputation, psychological trauma, emotional distress, attorneys' fees, loss of peace of mind and the disaffection of his wife and son.

COUNT I

Fourth, Fifth and Fourteenth Amendment Violations - 42 U.S.C. § 1983

47. Plaintiff incorporates all the foregoing allegations in this, his First Count.
48. At all relevant times, Plaintiff enjoyed an absolute right under the Fourth and Fourteenth Amendments to the Constitution of the United States to be secure against unreasonable searches and seizures.
49. At all relevant times, Plaintiff enjoyed an absolute right under the Fifth Amendment to the Constitution of the United States to have his attorney present during the questioning by a peace officer.
50. At all relevant times Plaintiff enjoyed the absolute right to the due process of law under the Fourteenth Amendment to the United States Constitution.
51. The Defendants' use of arrest for the Plaintiff's exercise of his right to have counsel present while being questioned was unlawful and in violation of his Fourth, Fifth and Fourteenth Amendment rights under the United States Constitution.
52. The acts, errors and omissions of the Defendants as described herein were intentional, wanton, willful and/or reckless entitling the Plaintiff to an award of punitive damages.
53. The Defendants Sparks and Whinnery were acting under an unlawful and unreasonable policy of the Sublette County Sheriff and Sublette County Sheriff's

Department and such actions were known to the Sheriff's Department and were specifically condoned and authorized by the Sublette County Sheriff and the Sublette County Sheriff's Department.

54. Plaintiff was arrested and detained and jailed without probable cause and without legal justification.
55. Defendants' actions violated Plaintiff's clearly established statutory and/or constitutional rights of which a reasonable person would have known proximately causing him injury and damages including infliction of emotional distress as referenced herein in an amount to be determined at trial.

COUNT II

State Law – Intentional and Negligent Infliction of Emotional Distress

56. Plaintiff incorporates all the foregoing allegations in this, his Third Count.
57. Defendant Sparks with the expressed permission, direction, control, consent and authority of Defendant Whinnery and pursuant to the policies set by the Defendant Sublette County Sheriff's Department and Defendant Bardin, touched, arrested, handcuffed, forced into a police vehicle, transported, booked, and jailed Plaintiff while acting under color of state law proximately causing Plaintiff injury and damage. These actions were taken by the Defendants, and each of them, to cause the Plaintiff (or others similarly situated) by intimidation of Plaintiff, and his family, give up his constitutional rights; which caused and continues to cause the infliction of mental and emotional distress and harm upon the Plaintiff.

COUNT III
State Law - Negligence

58. Plaintiff incorporates all the foregoing allegations in this, his Fourth Count.
59. Defendant officers negligently performed their official duties, negligently arresting the Plaintiff by handcuffing him, transporting him to the jail, booking him and jailing him without probable cause and for having invoked his constitutional rights and negligently frightened and terrorized the Plaintiff.
60. Defendants had a duty to use reasonable and objective care in the exercise of their duty and Defendant breached that duty, thereby directly and proximately causing Plaintiff's injury and damage including infliction of emotional distress.

COUNT IV
State Constitutional Violations

61. Plaintiff incorporates all the foregoing allegations in this, his Fifth Count.
62. The action of the Defendants and all of them violated the Constitution of the State of Wyoming §§ Four, Six and Seven as it relates to their mishandling and arrest of the Plaintiff.
63. As a result of the violations of the Plaintiff's rights under the Wyoming Constitution, the Plaintiff is entitled to recover damages including infliction of emotional distress.

COUNT V
Attorneys' Fees

64. Plaintiff incorporates all of the foregoing allegations in this, his Sixth Count.

65. Pursuant to 42 U.S.C. § 1988, Plaintiff has incurred reasonable attorneys' fees and expenses to defend himself and to pursue his cause of action for deprivation of rights guaranteed by the Constitution and the laws of the United States under of color of state law and inextricably intertwined state law claims. Plaintiff is entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff prays for relief on his causes of action as follows:

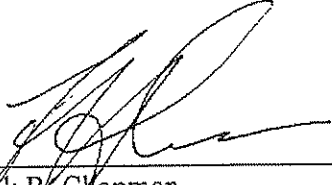
1. Judgment in favor of Plaintiff and against the named and unknown Defendant officers, Sublette County and its Sheriff's Department in an amount sufficient to compensate him for his damages including his emotional distress, the injuries sustained and the losses incurred.
2. An award of punitive damages for the Defendants' intentional wanton and willful and/or reckless conduct.
3. An award of attorneys fees pursuant to 42 U.S.C. § 1988.
4. An award of costs and any other relief the Court seems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests and demands that the above-entitled matter to be tried to a jury of six (6) persons on all claims asserted in his Complaint against the Defendants.

RESPECTFULLY SUBMITTED this 20 day of May, 2008.

By:



Frank R. Chapman
CHAPMAN VALDEZ
ATTORNEYS & COUNSELORS AT LAW
PO Box 2710
Casper, Wyoming 82602
(307) 237-1983
(307) 577-1871 (fax)

ATTORNEYS FOR DEFENDANT

NOTICE OF CLAIM

(Wyo. Stat. § 1-39-113)

James Urbigkit v. Sublette County Sheriff's Department, Sheriff Wayne "Bardy" Bardin in his official capacity, Brian Sparks in his individual and official capacities, Jim Whinnery in his individual and official capacities, and any other officer or supervisor of the Sublette County Sheriff's Department who was involved in the arrest and search of James Urbigkit on April 22, 2007

Claimant:

James Urbigkit
1151 Highway 351
P.O. Box 1663
Pinedale, WY 82941

Date of Initial Incident:

April 22, 2007

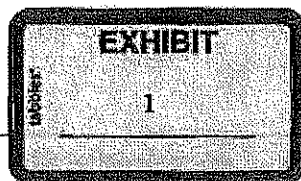
Nature of Incident:

Violation of claimant's state and federal constitutional and civil rights and violation of state common laws including unlawful detention, false arrest, false imprisonment, battery, abuse of authority and intentional and negligent infliction of emotional distress.

Basis of Claim:

On April 22, 2007, officers of the Sublette County Sheriff's Department, Sublette County, Wyoming responded to a call that Claimant had tried to call the Wyoming Game and Fish Department to say that he had shot a bear on his ranch. As no one was available at the Game and Fish, Claimant called Sublette County dispatch on the non-emergency number to advise that he had shot a bear. Officer Brian Sparks thereafter arrived at Claimant's ranch at 1151 Highway 351 and began asking Claimant questions about the bear. Before responding Claimant told Officer Sparks that he would answer questions provided his lawyer was present. Officer Sparks advised Mr. Urbigkit that Claimant did not have a right to a lawyer and that by not answering his questions, Claimant was guilty of interference with an officer and would be arrested.

Officer Sparks made clear that he did not have enough information to know whether Claimant had committed an offense involving the bear. Claimant contacted Officer Jim Whinnery, Under Sheriff of the Sublette County Sheriff's Department, who supported and approved Officer Sparks' insistence that Claimant must cooperate with Officer Sparks or he would be arrested and that he had no right to an attorney while being



questioned. Claimant continued to request a lawyer before answering questions. Officer Sparks continued to maintain that if Claimant did not answer the questions he would be arrested for interference with the officer, not for anything having to do with the bear as the officer did not have enough information to make that determination.

Claimant asked if he could be given a citation and report to court. Instead Officer Sparks formally arrested Claimant on charges of interference with an officer under W.S. § 6-5-204(b) and placed him in handcuffs. Claimant was subsequently searched, put through the booking process in its entirety and placed in jail until his wife was able to bail him out some 6 to 7 hours later. Officer Sparks did not have a warrant for Claimant's arrest.

Claimant's arraignment was set for 10:00 a.m. on Thursday May 3, 2007. Late in the afternoon before Claimant could have his day in court on the citation, the State called the Claimant's attorney and advised that Claimant did not have to appear the following day and that she had cancelled the arraignment claiming they were not proceeding on the case. Claimant insisted that he have his day in court on the matter and the State and Claimant and his attorney appeared before Judge Curt Haws on May 3, 2007 at approximately 1:30 p.m. The Judge stated in substance there was nothing he could do on this criminal matter since the State was not proceeding with the prosecution, that it was clear that Claimant had not committed a crime and that any remedy would lay in a civil action.

Defendants maliciously and negligently deprived Claimant of his Fifth, Fourth and Fourteenth Amendment Rights under the United States Constitution, and Article 1 § 1, §2, § 4 and § 6 of the Wyoming Constitution. The officers conducted an unlawful detention and illegal arrest, and search of his person without a warrant or just cause violating his most intimate and personal spaces and arrested him for invoking his fifth amendment rights, further depriving him of equal protection and due process under the law.

The officers also committed a number of state common law claims in that they abused their position of authority, subjected Claimant to unlawful detention, false arrest, false imprisonment, conducted a battery on his person, and caused emotional distress further harassing and humiliating claimant in arresting him without probable cause in front of his family and taking him away in handcuffs to jail causing him embarrassment, shame, disgrace and mental anguish. The officers were acting under color of law and violated established statutory and/or constitutional rights of which a reasonable person would have known.

The officers were also acting under an unlawful and unreasonable policy of the Sublette County Sheriff's Office and such actions were known to the Sheriff's Department and were specifically condoned and authorized by the Sublette County Sheriff's Department and violated established statutory and/or constitutional rights of which a reasonable person would have known.

Said claims are brought under the common law of the State of Wyoming, the Constitutions of the United States of America and the State of Wyoming and under 42 U.S.C. § 1983.

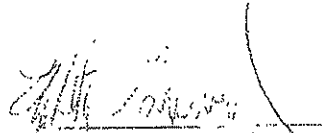
Nature of Damages:

Damages include equitable, compensatory and exemplary damages, emotional distress and attorney's fees including those available under 42 U.S.C. § 1988.

Plaintiff claims the following damages for injuries (not including attorney's fees or costs):

Against all Defendants on state common law claims:	\$250,000
Against all Defendants on Complainant's constitutional and civil rights claims	\$500,000
Exemplary damages:	\$1,000,000

Attorneys for Claimant:


Elizabeth Greenwood, Esq.
Inga L. Parsons, of counsel
Attorneys at Law
P.O. Box 1479
Pinedale, WY 82941
(307) 367-6814

AFFIRMATION

I, James Urbigkit, Claimant in the above-referenced case, hereby swear under the penalties of perjury that the above facts are true and correct to the best of my knowledge and belief.

James Urbigkit
JAMES URBIGKIT

STATE OF WYOMING)
) ss.
COUNTY OF SUBLETTE)

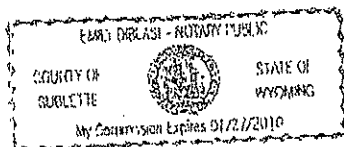
VERIFICATION

Before me, a notary public in and for the State and County aforesaid, JAMES URBICKI did personally appear this 22nd day of May, 2007, and being duly sworn did state that the facts alleged in the foregoing are true to the best of his knowledge.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

My commission expires:



NOTICE OF CLAIM

(Wyo. Stat. § 1-39-113)

James Urbigkit v. Sublette County Sheriff's Department, Sheriff Wayne "Bardy" Bardin
in his official capacity, Brian Sparks in his individual and official capacities, Jim
Whinnery in his individual and official capacities, and any other officer or supervisor of
the Sublette County Sheriff's Department who was involved in the arrest and search of
James Urbigkit on April 22, 2007

RETURN OF SERVICE AFFIDAVIT

STATE OF WYOMING)
) ss.
COUNTY OF SUBLETTE)

I, Jim Whinnery, in and for the said County of Sublette,
in the State aforesaid, do hereby certify that I received the NOTICE OF CLAIM in the
above-entitled matter, and that I served the same in the County aforesaid on the 4th
day of June, 2007, at 1:00 a.m. (pm) by delivering a copy of the same
to: Brian Sparks at 35 1/2 S. Tyler Ave, Pinedale,
Sublette County, Wyoming.

CIVIL PROCESS SERVER

Printed Name: Jim Whinnery

Address: 35 1/2 S. Tyler Ave.

Pinedale, Wyo 82941

Telephone (307) 367-4778

STATE OF WYOMING)
) ss.
COUNTY OF SUBLETTE)

VERIFICATION

Before me, a notary public in and for the State and County aforesaid, did Jim
personally appear Jim Whinnery this 4th day of June, 2007,
and being duly sworn did state that the facts alleged in the foregoing are true to the best
of his knowledge.

WITNESS MY HAND AND OFFICIAL SEAL



Gail Criser
NOTARY PUBLIC

NOTICE OF CLAIM
(Wyo. Stat. § 1-39-113)

James Urbigkit v. Sublette County Sheriff's Department, Sheriff Wayne "Bardy" Bardin in his official capacity, Brian Sparks in his individual and official capacities, Jim Whinnery in his individual and official capacities, and any other officer or supervisor of the Sublette County Sheriff's Department who was involved in the arrest and search of James Urbigkit on April 22, 2007

RETURN OF SERVICE AFFIDAVIT

STATE OF WYOMING)
) ss.
COUNTY OF SUBLETTE)

I, Jim Whinnery, in and for the said County of Sublette, in the State aforesaid, do hereby certify that I received the **NOTICE OF CLAIM** in the above-entitled matter, and that I served the same in the County aforesaid on the 4th day of June, 2007, at 8:30 a.m. by delivering a copy of the same to: Wayne Bardin at 35 1/2 S. Tyler Ave, Pinedale, Sublette County, Wyoming

CIVIL PROCESS SERVER

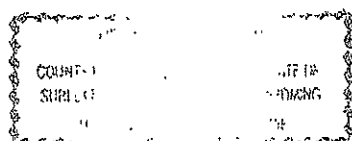
Printed Name: Jim Whinnery
Address: 35 1/2 S. Tyler Ave, Pinedale Wyo 82941
Telephone (307) 367-4378

STATE OF WYOMING)
) ss.
COUNTY OF SUBLETTE)

VERIFICATION

Before me, a notary public in and for the State and County aforesaid, did personally appear Jim Whinnery this 4th day of June, 2007, and being duly sworn did state that the facts alleged in the foregoing are true to the best of his knowledge.

WITNESS MY HAND AND OFFICIAL SEAL.



Jim Whinnery
NOTARY PUBLIC

NOTICE OF CLAIM

(Wyo. Stat. § 1-39-113)

James Urhigkit v. Sublette County Sheriff's Department, Sheriff Wayne "Bardy" Bardin
in his official capacity, Brian Sparks in his individual and official capacities, Jim
Whinnery in his individual and official capacities, and any other officer or supervisor of
the Sublette County Sheriff's Department who was involved in the arrest and search of
James Urhigkit on April 22, 2007

RETURN OF SERVICE AFFIDAVIT

STATE OF WYOMING)

) ss.

COUNTY OF SUBLETTE)

I, WAYNE BARDIN, in and for the said County of Sublette,
in the State aforesaid, do hereby certify that I received the NOTICE OF CLAIM in the
above-entitled matter, and that I served the same in the County aforesaid on the 4th
day of JUNE, 2007, at 8:30 a.m. by delivering a copy of the same
to: JAMES WHINNERY, IN PERSON AT THE
SUBLETTE COUNTY SHERIFF'S OFFICE

CIVIL PROCESS SERVER

Printed Name: WAYNE BARDIN

Address: Box 2114, Tinedale

Telephone (307) 747-6573

STATE OF WYOMING)

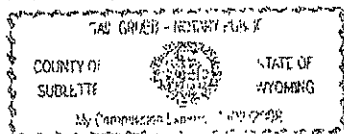
) ss.

COUNTY OF SUBLETTE)

VERIFICATION

Before me, a notary public in and for the State and County aforesaid, did
personally appear Wayne Bardin this 4th day of June, 2007,
and being duly sworn did state that the facts alleged in the foregoing are true to the best
of his knowledge.

WITNESS MY HAND AND OFFICIAL SEAL



Wayne Bardin
NOTARY PUBLIC

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

RECEIVED

MAY 20 2008

The JS-44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CLERK, U.S.D.C.
CASPER, WYOMING

1. (a) PLAINTIFFS

JAMES URBIGKIT

DEFENDANTS

SUBLETTE COUNTY SHERIFF'S DEPARTMENT, SHERIFF WAYNE "BARDY" BARDIN, in his official capacity, BRIAN SPARKS, in his individual and official capacities, JIM WHINNERY, in his individual and official capacities, and JOHN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SUBLETTE
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT SUBLETTE

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

Frank R. Chapman
Chapman Valdez, Attorneys & Counselors at Law
P.O. Box 2710
Casper, WY 82402

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PTF DEF
Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miner Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 352 Personal Injury - Med. Malpractice <input type="checkbox"/> 355 Personal Injury - Product Liability <input type="checkbox"/> 358 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 810 Agriculture <input type="checkbox"/> 820 Other Food & Drug <input type="checkbox"/> 825 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 830 Liquor Laws <input type="checkbox"/> 840 R.R. & Truck <input type="checkbox"/> 850 Airline Regs. <input type="checkbox"/> 860 Occupational Safety/Health <input type="checkbox"/> 890 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RS1 (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Manslaughter & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. Sections 1983 and 1988, the Fourth, Fifth and Fourteenth Amendments to the United States Constitution as well as pursuant to the Wyoming Constitution and the common law of the State of Wyoming- unlawful deprivation of civil right

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Greater than \$250,000

CHECK YES only if demanded in Complaint

JURY DEMAND.

☒ YES☐ NO

VIII. RELATED CASE(S) (See instructions) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5-20-08

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE