

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

ELIZABETH ABARCA,

Plaintiff,

v.

No. D-202-CV-2023-03636

BOARD OF COUNTY COMMISSIONERS OF
BERNALILLO COUNTY, JOHN DOE
DEPUTIES EMPLOYED AT THE
BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER

Defendants.

**COMPLAINT FOR VIOLATIONS OF THE NEW MEXICO CONSTITUTION AND
TORT CLAIMS UNDER NMSA 1978, §§ 41-4-6 AND 41-4-12**

COMES NOW, Plaintiff, Elizabeth Abarca, (“Plaintiff”), by and through her attorneys
Collins & Collins, P.C. (Parrish Collins) for her cause of action states as follows:

INTRODUCTION

1. Elizabeth Abarca was incarcerated for one week at Sandoval County Jail before being transferred to the Bernalillo County Metropolitan Detention Center (“MDC”) on November 23, 2022. Ms. Abarca was released from MDC on January 4, 2023.

2. Bernalillo County (“BernCo”) and Bernalillo County Metropolitan Detention Center (“MDC”) themselves have a very poor record regarding inmate health and safety. MDC’s own history illustrates BernCo’s utter disregard for the health and safety of its inmates. This is reflected by the fact that despite many avoidable deaths, ongoing lawsuits for those avoidable deaths and the extremely bad press regarding the many deaths at MDC, BernCo chose to do

nothing to rein in its medical contractor.¹ As of 03/13/2021, 9 deaths occurred at MDC during the months of January and February of 2021.² This apparently raised no alarms for MDC who continued business as usual. Shockingly, according to the Albuquerque Journal, there have been 21 inmate deaths at MDC since 04/20/2020.³ This means that since the date of publication that there had been 9 deaths in January and February of 2021, 12 more inmates as of this writing died in the custody of MDC.

3. This does not tell the whole story. For each of those deaths, there were many inmates forced to witness the deaths of their cellmates and podmates. In the case of Elizabeth Abarca, she along with many other inmates were forced to watch the slow, agonizing and easily avoidable death of April Trujillo throughout 11/29/2022 until her death on the morning of 11/30/2022.

4. Elizabeth Abarca served as a combat medic in Fallujah, Iraq from 2001 through 2004 where she aided wounded soldiers during intense combat, often times retrieving bodies and body parts. She describes the detox pod where she watched April die as “Hell on Earth”.

PARTIES, JURISDICTION, AND VENUE

5. Elizabeth Abarca, (hereinafter “Elizabeth”) was in the custody of MDC at all times relevant to this Complaint.

6. Defendant Board of County Commissioners of Bernalillo County, New Mexico (“Bernalillo County”) is a political subdivision of the State of New Mexico.

7. The John Doe personnel (Guards and Supervisory Personnel) working at MDC were on duty as April died and as set forth below severely abused both April and Elizabeth with

¹ <https://www.abqjournal.com/2538735/lawsuits-filed-in-deaths-of-two-mdc-inmates.html>, <https://www.abqjournal.com/2544438/suit-alleges-mdc-guards-negligence-led-to-jail-death-ex-inmates-su.html>.

² <https://www.abqjournal.com/2369430/tragic-and-horrible.html>.

³ <https://www.abqjournal.com/a-timeline-of-people-who-died-in-custody-of-nms-largest-jail>

the intention and effect of causing severe emotional distress and physical injuries related thereto.

8. The allegations of this Complaint arise out of conduct occurring at MDC, and pursuant to NMSA 1978, § 4-46-1, Plaintiff's claims are brought against Bernalillo County.

9. At all times material hereto, Bernalillo County owned, operated, supervised, directed, and controlled MDC, located in Albuquerque, New Mexico.

10. Pursuant to NMSA 1978, §§ 4-44-19, 33-3-3 to -8, and 33-3-13, Bernalillo County was mandated to maintain and operate a facility for the safe incarceration and healthcare of prisoners in its custody.

11. All acts complained of herein occurred in Bernalillo County, state of New Mexico.

12. At all relevant times, Elizabeth was a resident of Sandoval County, State of New Mexico.

13. A Notice of Claims under the New Mexico Civil Rights Act was sent timely on April 14, 2023.

14. The New Mexico Tort Claims Act does not require notice to individuals such as the John Doe deputies working at MDC.

15. This Court has jurisdiction over the subject matter of and the parties to this action under NMSA 1978, §§ 38-3-1, 41-4-18, and 41-4A-3(B).

STATEMENT OF FACTS

16. At all times relevant to this Complaint, Elizabeth was a 50-year-old female in the custody of Bernalillo County in the MDC detox pod in Albuquerque, New Mexico.

17. Elizabeth is and was at the time of April's death an RN. She is also a highly decorated combat medic. She worked as an RN at the Veterans Administration Hospital.

18. While in the military, Elizabeth went through both Navy and Marine bootcamps

She served on battleships and in the field. She worked for over 10 years in operating rooms including on the USS John C. Stennis. She was attached to a Marine squadron in Fallujah, Iraq where she witnessed what for most is unimaginable horrors of battle. She states that nothing has affected as has watching April needlessly die. She describes the detox pod where she watched April die as “Hell on Earth”.

19. Elizabeth was in the same detox pod as April Trujillo beginning on November 27, 2022 and was forced to witness April’s slow, agonizing, unnecessary and easily avoidable death on November 30, 2022.

20. Elizabeth’s bed mat was on the floor in the common area of the pod next to April’s mat (commonly referred to as a “boat”).

21. Elizabeth is a highly decorated combat medic who served in Fallujah, Iraq from 2001 through 2004, with tours lasting months at a time. During her service, Ms. Abarca was in the field during very intense combat.

22. In addition to providing emergency medical support and other medical services for combat soldiers, Elizabeth was tasked with retrieving not only the bodies of soldiers killed in combat but also retrieving and bagging body parts.

23. Elizabeth suffered severe PTSD which has “gone off the charts” since witnessing Ms. Trujillo’s death on November 30, 2022.

24. Elizabeth states that none of the horrors faced during her service as a combat medic top being forced to watch the slow agonizing death of April as guards refused to call medical or even provide April with water. Elizabeth reports that it haunts her like nothing else because unlike war, the actions of the MDC personnel served no purpose other than deliberate cruelty to April, Elizabeth, and the other female inmates in the detox pod. Elizabeth describes the detox pod where

she was housed as “Hell on Earth”.

25. Elizabeth was not and has never been an addict. Elizabeth was and remains a cancer patient suffering from Stage 4 cancer. While at MDC, Elizabeth suffered a seizure. Upon having the seizure, it was wrongfully assumed that she was withdrawing so she was placed in detox. Elizabeth should have never been placed in the detox pod.

26. Elizabeth states that MDC guards cruelly and callously refused to provide April with any assistance or even to call medical during the critical hours leading up to April’s death.

27. In addition, Elizabeth states that guards threatened Elizabeth and other inmates who were trying to provide assistance to April.

28. Elizabeth states that the guards, rather than call medical, mocked April as she was dying, telling April that she was faking.

29. Elizabeth states that the guards loudly called the female inmates in the detox pod numerous slang names for prostitutes. In response to expressions of pain suffered due to withdrawal and detoxing, the guards mocked the women cruelly for withdrawal, calling them crybabies, liars and addicts just seeking drugs, Elizabeth reports that guards frequently told female inmates that “jail should teach them a lesson,” and to get off the streets. In fact, Elizabeth states that it was the routine for some officers to yell “Ho Check” as the officers would begin rounds.

30. Guards would tell the female inmates that to prevent detox, they (the female inmates) should not do drugs, and also frequently stated that “nobody dies of detox,” despite the numerous prior detox deaths at MDC.

31. Elizabeth was required to watch helplessly as April was forced by guards to walk across the pod on her own to get water despite clear signs of severe dehydration from constant vomiting. Elizabeth and other inmates were prohibited from helping even as April would fall to

the floor and be forced to crawl for water, and to crawl to get back to her mat.

32. Elizabeth and other detoxing inmates were threatened with segregation/solitary when they tried to provide CPR to April when it was very clear that she was on the verge of death.

33. Guards and ranking officers alike essentially told April that she deserved what she got, and what did she expect as an addict.

34. The late night of 11/29/2022 and through 11/30/2022, April's condition continued to rapidly deteriorate. She began having trouble speaking, was unable to sit up and was vomiting profusely, and was having severe seizures, all as MDC personnel continued to mock her, Elizabeth and other detoxing inmates.

35. Elizabeth watched as April had three (3) grand mal seizures that jolted her body so hard she ended up lying horizontally across her boat. Grand mal seizures are the worst seizures any person could have.

36. At this point, April was frothing at the mouth and unconscious.

37. The guard started his cell checks commonly known as "head counts" which is done on every shift at least once sometimes twice. He then walked past April and Elizabeth, as Elizabeth and other female inmates begged him to get help for April. The guard then continued his head counts, starting on the 2nd tier first, all of which can take up to 20 to 30 minutes to complete. The guard then went past Elizabeth and April again, continued to his desk directly in front of them, not even 20 ft. away from where April was clearly unconscious. The guard continued to look at his screen despite the clear signs that April was in need of immediate medical attention.

38. The guard continued to tell Elizabeth and other female inmates "To shut the fuck up already," "she's fine," "there's nothing wrong with her," and that "she's just a bad drug addict, that's all." Elizabeth yelled, along with many other pod mates, for help from the guard begging

him to call medical. He ignored them and rather simply continued watching his screen at the officer station.

39. As Elizabeth and other inmates on mats around April attempted to revive her, the guard told them not to “fucking touch her” and to get back on their mats.

40. Upon information and belief, this guard did not ever call medical. Instead, he was relieved by another guard who, within two minutes of arrival, called a medical emergency for April.

41. According to Elizabeth and other witnesses, the guards routinely addressed the sick detoxing women in both a degrading and dehumanizing manner calling them “bitches” and “hoes.” Guards would announce their rounds by stating loudly “hoe check.” Guards would also call the women dick-suckers. Both guards and medical personnel also routinely accused the detoxing women of faking while at the same time telling them if they didn’t like withdrawal to stop using drugs.

42. According to Elizabeth and other witnesses, derogatory and inappropriate language was used toward April, Elizabeth and other detoxing women as April, to their astonishment, was allowed to die under the nose of the guard throughout the evening of 11/29/2022 up to her death at 8:13 AM on 11/30/2022.

43. Following April’s death, the women in the detox pod were taken outside into the freezing cold without shoes, coats or blankets. As the women asked for coats, blankets and shoes, they were told to shut the fuck up, that someone had died. One female inmate remarked that the guards had killed April for which she was body slammed to the pavement resulting in injuries necessitating transfer to the medical unit.

44. After being threatened while they were freezing outside, the female inmates were

taken to solitary confinement in another area of the jail, where they were locked up 23 1/2 hrs. a day with only 30 mins a day outside. The solitary unit had two dog cages outside. The guards continue to mock Elizabeth and the others asking them who wanted to be put in the dog cages first.

45. The women were forced to eat on the bare dirty floor.

46. When the women would speak, they were told to "Shut the fuck up!" because the dog cages were waiting.

47. Elizabeth states that the guards told the women that the guards were going to "start popping other cells open" so the women could fist fight while the guards bet on the winners so "we had better keep our fucken mouths shut and stay quiet".

A. Failure to Properly Staff, Train and Supervise MDC Personnel Working in the Detox Pod

48. Plaintiff incorporates by reference the facts and allegations set out above.

49. There have been numerous detox deaths at MDC since early 2021.

50. MDC is grossly understaffed, placing both inmates and MDC personnel at risk. Due to the shortage of guards, those on duty are overworked, tired, and are commonly working at least sixteen (16) hours a day.

51. Throughout the evening of 11/29/2022 up to her death at 8:13 AM on 11/30/2022, there was only one guard on duty in the detox pod which was particularly dangerous in the detox setting.

52. Upon information and belief, MDC personnel, including detox pod guards, have no medical training other than CPR and basic first aid, and receive very little training on detox. If inmates want or need medical attention, the guards are be unresponsive and tell the female inmates to submit a medical request via the tablets that are located up in front of the guards desk.

53. It is common for inmates to get released, some having never had their medical needs

addressed. In instances where inmates are able to see a provider, the delay is up to one month due to staffing shortages, even if the provider is seen over Zoom. Elizabeth reports that at the time of April's death, the entire medical department walked out, and no medications were given to anyone for over (2) days.

54. This includes the MDC personnel manning the detox pod as Elizabeth was forced to watch April slowly die what by all accounts was an agonizing death for April.

55. Bernalillo County knew or should have known of the need to train its employees on its policies and procedures and the appropriate standards in monitoring prisoners and making necessary and timely calls for medical assistance for prisoners in distress.

56. MDC guards lack even basic training on communications, empathy or humane treatment of inmates such as Elizabeth. Upon information and belief, and as indicated by the calls for "Ho Check" before rounds by some correctional personnel, of which supervisory personnel are aware, the dehumanization, degradation and terrorizing intimidation witnessed by Elizabeth is systemic standard operating procedure (SOP) at MDC.

57. MDC guards routinely watch entertainment videos on the screens at the guard station. This is a pervasive practice which MDC supervisory personnel are both aware of and participate in.

58. MDC guards routinely place inmates in the detox pod without proper screening to determine if that is a proper placement.

59. MDC is chronically and severely understaffed with guards; placing inmates and guards alike at significant risk of harm. This too is systemic and constitutes SOP.

B. Deliberately Cruel, Callous, Dehumanizing, Degrading Terrifying and Conscience Shocking Behavior Intended to Inflict Harm

60. The actions and inactions of MDC personnel were cruel, callous, degrading and

conscious shocking.

61. In addition to forcing Elizabeth to witness the slow agonizing death of April as MDC personnel refused her water or even to call medical, MDC personnel deliberately and with malice degraded, humiliated and threatened Elizabeth for trying to help April.

62. MDC personnel deliberately and with malice degraded, humiliated and threatened Elizabeth for simply being in the detox pod.

63. Elizabeth should never have been in the detox pod to begin with as she was a cancer patient. She simply was not detoxing.

64. Following April's death, Elizabeth along with other detox pod inmates, were cruelly and maliciously taken outside in the freezing cold morning of 11/30/2022 with no shoes, coats or blankets.

65. The inmates were then faced with intimidation and threats as they complained of the cold.

66. Elizabeth was then forced to witness a female inmate slammed to the pavement by an MDC staff member for expressing dismay at the behavior of MDC personnel leading up to April's death.

67. If that were not enough, Elizabeth was taken to solitary confinement where the guards continued to terrify her and the other women that witnessed April's death

68. The actions of MDC personnel toward Elizabeth and other witnesses to April's death was intended to, and had the effect of, terrifying Elizabeth.

C. Damages

69. Watching April die was and continues to be agonizing for Elizabeth as she watched helplessly knowing that April's death could have easily been avoided but for the cruel indifference

of MDC personnel.

70. The degrading, dehumanizing and intentionally cruel treatment of Elizabeth while in the detox pod had the intended purpose of causing Elizabeth severe emotional distress.

71. The intentionally intimidating and terrifying behavior toward Elizabeth and inmates in the detox pod as well as the brutal physical retaliation against one inmate witness to April's death had the intended purpose of terrifying Elizabeth.

72. As a result of the actions and inactions of the employees and agents of Bernalillo County.

73. She states that she cannot stop thinking about April's death and that it replays over and over in her head because she should not have died.

74. Due to her experience as a combat medic and RN, Elizabeth believes that she could have saved April had the guard not prevented her from helping or least listened to her, another combat medic and the other inmates as they begged him to help April and to call medical.

75. Elizabeth has suffered significant emotional and physical harm including:

- A) Severe aggravation of PTSD, including panic attacks, nightmares, severe anxiety, shaking, and headaches.
- B) Horrible nightmares and daydreams related to her experience in MDC. Elizabeth reports that she frequently sees April's face as she laid dying on the bare floor and constantly recalls their last words to one another before April's seizures begun. She is now taking Prazosin to prevent her from dreaming at all.
- C) Elizabeth has suffered significant sleeping disorders since April's death. She swings between not being able to sleep at all for which she must take Risperidone, Clonidine and Seroquel.

- D) Elizabeth suffers from extreme mood swings where she can be doing okay and then begin crying uncontrollably. Sometimes she cries herself to sleep. Elizabeth states that is difficult not to cry when she thinks or talks about April.
- E) These symptoms of PTSD stem from Elizabeth being threatened by the MDC guard as she attempted to get water for April. She reports that she asked the guard, “Can’t you help April? Don’t you have any compassion for anyone?” The guard reportedly replied, “Hell no.”
- F) Elizabeth has suffered significant physical injuries related to the terror she suffered at MDC including;
- the need for risperidone, clonidine and Seroquel for sleep.

CAUSES OF ACTION

COUNT I: VIOLATION OF THE INHERENT RIGHT TO LIFE UNDER ARTICLE II, § 4 OF THE NEW MEXICO STATE CONSTITUTION

76. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

77. The New Mexico Constitution states that the enjoyment of “life and liberty” and the pursuit of safety and happiness are “natural, inherent and inalienable” rights. N.M. Const. Art. II, § 4.

78. In this case, as set forth above, both Bernalillo County and Corizon, and their respective agents, employees, and apparent agents, violated Elizabeth’s right to life and safety as set forth in the New Mexico Constitution.

79. Elizabeth suffered serious physical injuries and needlessly lost her life as a result of the wrongful conduct of these Defendants.

80. These Defendants are liable to Plaintiff under the New Mexico Civil Rights Act.

81. There, Plaintiff is entitled to all damages allowed under the New Mexico Civil Rights Act.

COUNT II: VIOLATION OF THE RIGHT TO DUE PROCESS UNDER ARTICLE II, § 18 OF THE NEW MEXICO STATE CONSTITUTION

82. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

83. The New Mexico Constitution states that the government may not deprive any person of life “without due process of law.”

84. In this case, as set forth above, both Bernalillo County and Corizon, and their agents, employees, and apparent agents, violated Elizabeth ’s right to due process before she was deprived of her life as set forth in the New Mexico Constitution. Through their acts and omissions, they violated Elizabeth ’s constitutional rights.

85. Elizabeth needlessly lost her life after already having been ordered for release by the District Court.

86. These Defendants are liable to Plaintiff under the New Mexico Civil Rights Act.

87. There, Plaintiff is entitled to all damages allowed under the New Mexico Civil Rights Act

COUNT III: POLICY AND PRACTICE OF TERRORIZING WOMEN IN THE DETOX POD IN VIOLATION OF ARTICLE II, §§ 13 AND 18 OF THE NEW MEXICO STATE CONSTITUTION AGAINST ALL DEFENDANTS

88. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

89. As set forth above, during the times pertinent to the complaint, Elizabeth was deprived of her constitutional rights under the New Mexico Constitution.

90. Guards and supervisory personnel customarily terrorized, mocked, degraded and

dehumanized women in the detox pod.

91. Guards and supervisory personnel ignored women in detox and other MDC inmates when they were clearly in medical distress, even when facing imminent death, as was April.

92. Guards and supervisory personnel routinely watched videos rather than protecting the health and safety of inmates under their watch. They did so even when inmates were literally dying, as was April, and other inmates have died under similar conditions, including Samuel Bryant.

93. Guards and supervisory personnel, as a result of standard operating procedures and customs, felt free to psychologically and physically threaten women in detox.

94. The moving force behind this deprivation were policies, practices, customs, and patterns adopted and ratified by all Defendants

95. These policies, practices, customs, and patterns caused a violation of Elizabeth 's constitutional rights under the New Mexico Constitution.

96. Moreover, Defendants failed to intervene to protect Elizabeth 's rights, which was a cause of Plaintiff's injuries and damages under the New Mexico Civil Rights Act.

97. Plaintiff is entitled to all damages allowed under the New Mexico Civil Rights Act.

**COUNT IV: VIOLATION OF SUBSTANTIVE DUE PROCESS RIGHTS
GUARANTEED UNDER ARTICLE II, §§ 18 OF THE NEW MEXICO
STATE CONSTITUTION AGAINST ALL DEFENDANTS**

98. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

99. Article II, Section 18 of the New Mexico State Constitution guarantees a fundamental right to be protected against the unlawful invasion of a person's personal safety and bodily integrity. Substantive due process rights include the rights to personal autonomy, bodily integrity, self-dignity, and self-determination.

100. In this case, as set forth above, Bernalillo County and Corizon, and their agents, employees, and apparent agents, violated Elizabeth 's substantive due process rights under the New Mexico Constitution.

101. Moreover, Defendants failed to intervene to protect Elizabeth 's rights, which was a cause of Plaintiff's injuries and damages.

102. Plaintiff is therefore entitled to all damages allowed under the New Mexico Civil Rights Act.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
ARTICLE II, §§ 4, 8, 13, 18 OF THE NEW MEXICO STATE
CONSTITUTION**

103. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

104. In violation of the New Mexico Constitution, ARTICLE II, §§ 4, 8, 13 and 18, both BernCo and Corizon, acting by and through their respective employees, agents, and contractors engaged in inexplicable dehumanizing, degrading and intentionally cruel, callous and wanton abuse of Elizabeth as she was dying.

105. The only purpose for this behavior was the intentional infliction of emotional distress on Elizabeth and the other inmates who tried to help her.

106. All acts complained of herein were authorized, participated in, or ratified by Defendants BernCo, Corizon, and/or their administrators, managers, supervisors, officers, directors, or shareholders.

107. As a result of the foregoing, Elizabeth suffered serious injuries, pain and suffering, and severe psychological and emotional distress, for which Plaintiff is entitled to damages, including punitive damages.

**COUNT VI: NEGLIGENT OPERATION OF A PUBLIC BUILDING UNDER
NMSA 1978, § 41-4-6 AGAINST JOHN DOE GUARDS AND MDC
SUPERVISORY PERSONNEL**

108. Plaintiff incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

109. At all relevant times, Defendant Bernalillo County, acting through its employees, agents, apparent agents, or contractors, who were acting within the scope of their employment, agency, apparent agency, or contract, was negligent in the operation of MDC.

110. In operating MDC, Defendant Bernalillo County was under a duty to use ordinary care to avoid or prevent what a reasonably prudent person would foresee as an unreasonable risk of injury to another.

111. Defendant Bernalillo County has ultimate authority and control over MDC, along with a consequent duty to operate the facility so as not to endanger the health and safety of those utilizing the facility, including prisoners.

112. Defendant Bernalillo County failed to enforce any standards of care related to the monitoring and medical care of prisoners. Instead, Bernalillo County implemented and ratified dangerous practices leading to extreme medical neglect of prisoners in the custody and care of Bernalillo County, including Elizabeth .

113. Defendant Bernalillo County's customs and practices created a general condition of unreasonable risk to prisoners at MDC due to negligent safety practices in identifying and addressing the medical needs of prisoners.

114. Defendant Bernalillo County's practice of breaching its own written policies and procedures and practice of breaching its duties in the operation of MDC caused a foreseeable risk of injury to all prisoners, created a specific foreseeable risk to Elizabeth , and was the cause of

Elizabeth 's death.

115. Defendant Bernalillo County failed to exercise reasonable care to prevent and correct these dangerous conditions at MDC, and in doing so ignored threats to prisoner's health and safety.

116. At all relevant times, Defendant Bernalillo County, acting through its employees, staff, and agents, was acting within the scope of its duties in the operation and/or maintenance of MDC, as it was acting in relation to safety policies necessary to protect those who used this public building.

117. Specific to Bernalillo County, immunity for any "public employee" is waived under NMSA 1978, § 41-4-9 as Elizabeth 's injuries arose from the unsafe, dangerous, and defective conditions of a property owned and operated by the government and these "public employees" were acting within the scope of their duties.

118. As a result of the acts and omissions of Defendant Bernalillo County, Elizabeth suffered injury, including death, emotional distress, and pain and suffering, for which Plaintiff is entitled to damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment as follows:

- A. Compensatory damages in an amount to be determined by this Court as adequate for injuries to Plaintiff including physical and emotional pain and suffering.
- B. Punitive damages as determined at trial.
- C. Costs incurred by Plaintiff, including pre-judgment and post-judgment interest; and
- D. Such other and further relief as the Court deems just and proper.

Respectfully Submitted:

COLLINS & COLLINS, P.C.

/s/ Parrish Collins _____

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