

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. \_\_\_\_\_

ROBIN DARBYSHIRE,

Plaintiff,

v.

EXTRADITIONS INTERNATIONAL, INC., a Colorado corporation;  
RICHARD ALMENDAREZ, JANE DOE ALMENDAREZ and the marital community  
composed thereof; RAY PEZOLT, JANE DOE PEZOLT and the marital community composed  
thereof; and JOHN DOES 1-10,

Defendants.

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**COMPLAINT**

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**PRELIMINARY STATEMENT**

1. This is a civil action brought pursuant to 42 U.S.C. § 1983 and the Fourth, Ninth, and Fourteenth Amendments to the United States Constitution, and Colorado state law, on behalf of Robin Darbyshire, a prisoner who was subjected to unsafe and inhumane conditions of confinement, threatened with death, sexually harassed, and sexually assaulted while being transported by Defendants Extraditions International, Inc. and Richard Almendarez.

**JURISDICTION**

2. This Court has subject matter jurisdiction over the federal law claims pursuant to 28 U.S.C. § 1331 because those claims arise under the Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343(a)(3) and (a)(4) because this action seeks to redress the

deprivation, under color of state law, of plaintiff's civil rights. This Court has supplemental jurisdiction of the Colorado state law claims pursuant to 28 U.S.C. § 1367.

3. On information and belief, this Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

4. Defendant Extraditions International, Inc. is incorporated in Colorado, has its headquarters and principal place of business in Colorado, and is a citizen of Colorado.

5. On information and belief, Defendant Richard Almendarez is a citizen of Texas.

6. On information and belief, Defendant Ray Pezolt is a citizen of Colorado.

7. Plaintiff Robin Darbyshire is a citizen of Nevada.

8. On information and belief, complete diversity of citizenship exists.

9. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. This Court has in personam jurisdiction over all Defendants pursuant to Colorado Revised Statutes § 13-1-124(1)(a), (b), and (c).

#### **VENUE**

11. Venue in this district is proper as to all Defendants pursuant to 28 U.S.C. § 1391(a)(2) and (b)(2) because a substantial portion of the events giving rise to the claims occurred within this district.

#### **PARTIES**

12. Plaintiff Robin Darbyshire lived in Nevada at the time of her arrest. At all times relevant hereto, she was a pretrial detainee, presumed to be innocent and protected by the

Fourteenth Amendment against conditions that constitute punishment.

13. Defendant Extraditions International, Inc. contracts with various law enforcement agencies to transport prisoners from one jurisdiction to another. It is a Colorado corporation with its headquarters and principal place of business in Colorado. Upon information and belief, Defendant Extraditions International, Inc. had a contract (oral or written) with Routt County, Colorado, for the transport of prisoners, including Plaintiff Darbyshire. In May, 2001, Defendant Extraditions International, Inc. acted as an agent of Routt County in transporting Plaintiff Robin Darbyshire from Carson City, Nevada, to the Routt County Jail in Steamboat Springs, Colorado. Defendant Extraditions International, Inc. is responsible for administering its operations in a manner consistent with constitutional guarantees and federal and local law.

14. Defendant Richard Almendarez, at the time of the events described herein, was employed by Defendant Extraditions International, Inc. as a driver and was an agent of Routt County, Colorado. Defendant Almendarez is responsible for ensuring that he follows constitutional, federal, and local law. He is sued in his individual capacity. Jane Doe Almendarez is the spouse of Defendant Richard Almendarez.

15. Defendant Ray Pezolt, at the time of the events described herein, was the manager of the Commerce City, Colorado, office of Defendant Extraditions International, Inc. and an agent of Routt County, Colorado. Defendant Pezolt is responsible for ensuring that he follows constitutional, federal, and local law. Defendant Pezolt is also responsible for directing his subordinates at Defendant Extraditions International, Inc. in such a manner as to correct obvious

violations of law brought to his attention through personal observation, oral notice, or written notice. He is sued in his individual capacity. Jane Doe Pezolt is the spouse of Defendant Ray Pezolt.

16. Defendants John Does 1-10 are parties who participated in the violations described herein but whose identities are currently unknown to Plaintiff.

17. At all relevant times, all Defendants acted under color of state law, and all individual Defendants were acting within the scope of their employment.

#### **STATEMENT OF FACTS**

18. In May, 2001, Plaintiff Darbyshire was arrested and then incarcerated in Carson City, Nevada.

19. Plaintiff Darbyshire voluntarily waived extradition by Colorado.

20. The Routt County Sheriff's Office arranged for Extraditions International, Inc. to transport Plaintiff Darbyshire from Carson City, Nevada, to Steamboat Springs, Colorado.

21. Drivers of prisoner transport vans often have custody and control of prisoners for many days. During that time, drivers operate without any direct supervision.

22. During a transport, drivers are responsible for the health and safety of the prisoners in their custody, including ensuring that they provide adequate food, water, toilet facilities, and other necessities to the prisoners.

23. During a transport, drivers are responsible for monitoring the prisoners at all times, including bathroom breaks.

24. Defendant Extraditions International, Inc. knew of training and supervision problems regarding its drivers. In March 2000, two prisoners overpowered a guard at a rest stop and took his gun; the prisoners then drove the van, with the guards and other prisoners inside, before abandoning it and escaping. Earlier that year, another prisoner escaped at a rest stop. In response to those two incidents, the state of Nevada stopped using Defendant Extraditions International, Inc. in April, 2000.

25. A prisoner escaped from a van operated by Defendant Extraditions International, Inc. during a rest stop on or about September 19, 2001.

26. Defendant Extraditions International, Inc. knew that the use of all-male crews to transport female prisoners poses a risk that female prisoners will be subject to sexual assault. Moreover, the risks of using all-male crews to transport female prisoners during trips that last many days are obvious given that the guards must constantly observe the women, even while they use the toilet; that the guards may have to search the women; and that the armed guards have complete control over the women for many days while they operate unsupervised.

27. Despite this knowledge, Defendant Extraditions International, Inc. assigned an all-male crew to transport Plaintiff Darbyshire from Nevada to Colorado. That all-male crew consisted of Defendant Richard Almendarez and Darryl A. Hudnall.

28. On information and belief, prior to transporting Plaintiff Darbyshire, Defendants Pezolt and Extraditions International, Inc. knew of prior complaints of misconduct regarding Defendant Extradition International, Inc.'s employee, Defendant Almendarez.

29. Defendant Extraditions International, Inc. authorized Defendant Almendarez to carry a gun while Defendant Almendarez had custody and control of Plaintiff Darbyshire and another woman.

**Unsafe and Inhumane Conditions of Confinement**

30. Defendant Extraditions International, Inc., through its agents Defendant Almendarez and Mr. Hudnall, took custody of Plaintiff Darbyshire in Carson City, Nevada on the morning of May 13, 2001.

31. Defendants Extraditions International, Inc. and Almendarez retained custody and control of Plaintiff Darbyshire for approximately four days during which Defendant Almendarez and Mr. Hudnall transported her through parts of Nevada, California, Arizona, New Mexico, and Colorado.

32. Throughout this four-day period, Defendant Almendarez carried a gun in a holster on his belt.

33. Defendant Almendarez drove the transport van in an unsafe and erratic manner, frequently exceeding ninety miles per hour and hitting bumps at speeds that threw the transportees into the ceiling.

34. Defendant Almendarez never allowed Plaintiff Darbyshire, or any other transportee, to shower during the four-day transport. He also did not allow her to brush her teeth during the trip. Plaintiff Darbyshire was forced to wear her contact lenses for the entire transport, with no saline solution to wet her eyes.

35. Defendant Almendarez never stopped at a secure facility to allow the transportees to sleep. Defendant Almendarez only stopped the van to sleep for a few hours at one rest stop. Otherwise, Plaintiff Darbyshire was forced to sleep as best she could while sitting shackled in the back of the erratically moving van. As a result, she was unable to sleep for any length of time.

36. Colorado state law, Colo. Rev. Stat. § 16-3-107.5, requires private transport companies to stop every twenty-four hours at a secure facility so that transportees can be housed unshackled for at least six hours and be allowed to sleep and shower. Defendants Extraditions International, Inc. and Almendarez never satisfied this requirement and never allowed Plaintiff Darbyshire to shower, to sleep at a facility, or to have her shackles fully removed. State law, Colo. Rev. Stat. § 16-3-401, also requires that prisoners be treated humanely.

37. When Defendant Almendarez stopped the van in Los Angeles, California, and waited for the transfer of Alberta Flores-Brown to his custody, he forced Plaintiff Darbyshire and the other transportees to remain in the sealed van in the sweltering heat for approximately two hours, during which time he had his shoes shined.

38. During almost the entire four-day transport, Defendants Extraditions International, Inc. and Almendarez kept Plaintiff Darbyshire in leg shackles, handcuffs, and a belly chain. Only when Ms. Darbyshire was going to the bathroom did Defendants release one of her hands. Defendant Almendarez made the handcuffs so tight that they left a detailed impression on her wrist, and a bruise on her right wrist that was visible for several days after the transport. At one point Mr. Hudnall loosened her handcuffs, saying that Defendant Almendarez had secured them

too tightly. Defendant Almendarez also secured the leg shackles so tightly that they cut through Ms. Darbyshire's boots. After the transport, Plaintiff Darbyshire's skin had been rubbed raw around her waist from the belly chain.

39. During the four-day transport, Defendants Extraditions International, Inc. and Almendarez provided Plaintiff Darbyshire with only one or two meals per day.

40. When a transportee asked Defendant Almendarez about being fed, Defendant Almendarez told him to "shut up" and said that he was only required to provide one thousand calories a day and it could be "tartar sauce on a bun" if he wanted. Defendant Almendarez routinely stopped for food for himself, but during these stops, he would not provide food or water to the transportees or allow them to use the bathroom.

41. During the four-day transport, Defendants Extraditions International, Inc. and Almendarez provided Plaintiff Darbyshire with water only once. At that time, Defendant Almendarez told her that the van would not be stopping so she should not drink much. Defendant Extraditions International, Inc. also provided orange juice once during a stop in Pueblo, Colorado. Otherwise, Defendants Extraditions International, Inc. and Almendarez provided only soda once or twice a day for the entire transport. Defendants Extraditions International, Inc. and Almendarez did not allow Plaintiff Darbyshire to use any water fountains during any of the stops.

42. During the four-day transport, Defendant Extraditions International, Inc. and its agent Defendant Almendarez only allowed Plaintiff Darbyshire to use a toilet once every ten to

twelve hours. When a transportee would ask to go to the bathroom, Defendant Almendarez said, “Shut up or you’ll never get to go,” and he would make them wait longer.

43. Defendant Extraditions International, Inc. knew of the unsafe and inhumane conditions to which it subjected Ms. Darbyshire. The conditions of confinement created by Defendants Extraditions International, Inc. and Almendarez caused Plaintiff Darbyshire physical injury, severe pain, discomfort, serious dehydration, and severe mental distress.

### **Sexual Harassment and Death Threats**

44. During the transport, Defendant Almendarez sexually harassed, intimidated, and threatened to kill Plaintiff Darbyshire. He repeatedly told Plaintiff Darbyshire and the other female transportee, Ms. Flores-Brown, to come sit on his lap and to tell him “x-rated” bed-time stories. He said that he would “fuck anything with hair around it.” He called Plaintiff Darbyshire a “slut” and asked her, “You like sucking a big dick, don’t you?”

45. At one point, when the transport van was near the Mexican border, Defendant Almendarez threatened to take Plaintiff Darbyshire and Ms. Flores-Brown to a motel in Nogales, Mexico, “fuck” them, and shoot them. He said that if they told anyone, he would just kill them and say that they tried to escape.

46. On or about May 15, 2001, Defendant Almendarez and Mr. Hudnall transferred custody of Ms. Flores-Brown to the Cochise County Jail in Bisbee, Arizona.

47. Upon her arrival at the Cochise County Jail, Ms. Flores-Brown promptly complained to Commander Ron Hager about physical abuse and sexual harassment from

Defendant Almendarez. Commander Hager noted that Ms. Flores-Brown's arms were red and swollen from the wrist to the elbow, and Ms. Flores-Brown was examined by a doctor.

Commander Hager then called Defendant Extraditions International, Inc. and spoke with Captain K. V. Schilling. Commander Hager told Captain Schilling that Ms. Flores-Brown had visible injuries to her arms.

48. Upon information and belief, Defendant Almendarez learned of Ms. Flores-Brown's complaint against him during his transport of Plaintiff Darbyshire.

### **Sexual Assault**

49. On May 16, 2001, in the early morning, the van stopped at a rest stop near Trinidad, Colorado. Defendant Almendarez and Mr. Hudnall took the male prisoners to the restroom, and Defendant Almendarez then came back and took Plaintiff Darbyshire to the women's restroom.

50. Defendant Almendarez entered the bathroom with Plaintiff Darbyshire. He stood with his back against the door and said, "You're going to give me a blowjob." Plaintiff Darbyshire called him a pig and refused. Defendant Almendarez then told Plaintiff Darbyshire to lie on her back on the floor with her feet against the door. He uncuffed her left hand and her belly chain. He ordered her to pull her shirt and bra over her head, exposing her breasts, and to push her skirt down, exposing her genitals. Defendant Almendarez, who weighs approximately 325 pounds, pinned Plaintiff's right hand to the floor by stepping on it. Defendant Almendarez then unzipped his pants; pulled his penis out; and masturbated while telling Plaintiff Darbyshire

to “play with” herself. Continuing to masturbate, he moved to her left side, squatted down, and ejaculated onto her breast. He gave her a paper towel and told her to clean herself up. During the incident, Defendant Almendarez unhooked the safety strap on his gun, and he told Plaintiff Darbyshire that if she screamed, he would shoot her and claim that she tried to escape.

51. On May 16, 2001, after Defendant Almendarez sexually assaulted Plaintiff Darbyshire, the van stopped in Commerce City, Colorado. During this stop, Plaintiff Darbyshire complained to Defendants Pezolt and Extraditions International, Inc. about the conditions of her transport.

52. Defendant Pezolt told Plaintiff Darbyshire that he was trying to “make paper” on Defendant Almendarez because of prior complaints about his behavior.

53. Plaintiff Darbyshire told Defendants Pezolt and Extraditions International, Inc. that she was afraid to ride further with Defendant Almendarez.

54. Plaintiff Darbyshire also told Defendants Pezolt and Extraditions International, Inc. that she thought that Defendant Almendarez had learned of Ms. Flores-Brown’s complaint about his threatening and sexually harassing behavior soon after it was made.

55. Defendants Pezolt and Extraditions International, Inc. then put Plaintiff Darbyshire back on the transport van with Defendant Almendarez.

56. Plaintiff Darbyshire rode with Defendant Almendarez for approximately two more hours. During this time she was terrified. She overheard Defendant Almendarez tell the other driver that he should have “blown her head off” because she would not “give him any.”

57. The van had mechanical problems near Empire City, Colorado, and returned to Commerce City, Colorado. Plaintiff Darbyshire was left in the sweltering, closed van for one hour while waiting for new transport. Defendants Pezolt and Extraditions International, Inc. then put Plaintiff Darbyshire on a van with a new male driver.

58. Defendant Extraditions International, Inc. transferred custody and control of Plaintiff Darbyshire to the Routt County Sheriff's Office on or about May 16, 2001, at approximately 10 p.m.

59. Upon arriving in the Routt County Jail on or about 10 p.m. the evening of May 16, 2001, Plaintiff Darbyshire was ashen, disoriented, and panicky. She repeatedly stated that she was "finally out of the van." She said that she felt filthy and took two showers, taking her bra into the shower with her.

60. After the four-day transport, Plaintiff Darbyshire's lips were cracked, blistered, and swollen from dehydration.

61. The morning after arriving in Routt County, May 17, 2001, Plaintiff Darbyshire requested medical assistance for the effects of the transport. She saw the nurse on May 21, 2001.

62. For approximately two weeks after the attack, Plaintiff Darbyshire's right hand was partially numb and tingled from having been stepped on by Defendant Almendarez. Plaintiff Darbyshire was worried about lasting nerve damage, and repeatedly asked her cellmate whether she thought the feeling in the hand would return. As of the date of this Complaint, the top of her right hand remains numb.

63. As a result of Defendants' actions, Plaintiff Darbyshire was restless and had trouble sleeping. As of the time of this Complaint, these problems remain, and Plaintiff Darbyshire continues to have nightmares, anxiety, and panic attacks; she often wakes feeling as if she is choking, and stays up late so that she will be exhausted enough to sleep through the night.

64. After her arrival at the Routt County Jail, Plaintiff Darbyshire met with both a social worker and a licensed therapist about Defendant Almendarez's assault. Both said that Plaintiff Darbyshire presented symptoms of post-traumatic stress disorder, a condition common in sexual assault victims.

65. Upon arriving in the Routt County Jail, Plaintiff Darbyshire wrote a narrative of the transport, including the sexual assault by Defendant Almendarez. She gave this narrative to another prisoner who was being released, and on May 21, 2001, that prisoner left the narrative with Sheriff Warner's secretary.

66. On May 21, 2001, in response to Plaintiff Darbyshire's complaint, Sheriff Warner suspended use of Defendant Extraditions International, Inc. by the Routt County Sheriff's Office.

67. On or about November 29, 2001, Plaintiff Darbyshire sent a written complaint to Defendants Extraditions International, Inc. and Pezolt regarding the conditions of her transport. As of the date of this Complaint, Defendant Extraditions International, Inc. has not replied.

68. On or about November 29, 2001, Plaintiff Darbyshire filed a written complaint with the Routt County Jail regarding the conditions of her transport. On December 28, 2001,

Plaintiff Darbyshire filed a written complaint with the Routt County Jail regarding its lack of response to her previous complaint. As of the date of this Complaint, Plaintiff Darbyshire has not received a written response to her complaint.

## **LEGAL CLAIMS**

### **First Claim for Relief**

#### **42 U.S.C. § 1983 against Defendant Almendarez**

69. Defendant Almendarez engaged in a deliberate and outrageous invasion of Plaintiff Darbyshire's constitutional rights that shocks the conscience.

70. Defendant Almendarez imposed punishment on Plaintiff Darbyshire, who was in his custody as a pretrial detainee.

71. Defendant Almendarez subjected Plaintiff Darbyshire to unreasonable seizures and unreasonable invasions of her right of privacy.

72. Defendant Almendarez violated Plaintiff Darbyshire's right to bodily integrity.

73. The deprivations of Plaintiff Darbyshire's rights described herein are not reasonably related to the furtherance of any legitimate interest in security or any other legitimate interest.

74. Defendant Almendarez deprived Plaintiff Darbyshire of liberty without due process of law and deprived her of rights protected by the Fourth, Ninth, and Fourteenth Amendments to the United States Constitution.

75. Defendant Almendarez's actions were willful, malicious, and performed with

reckless disregard of the rights of Plaintiff Darbyshire.

76. As a direct and proximate result and consequence of the actions of Defendant Almendarez, Plaintiff Darbyshire endured humiliation, severe emotional distress, psychic trauma, and physical injury.

### **Second Claim for Relief**

#### **42 U.S.C. § 1983 against Defendants Extraditions International, Inc. and Pezolt**

77. Defendants Extraditions International, Inc. and Pezolt were aware of the risk of the abuse perpetrated by Defendant Almendarez, and were deliberately indifferent to that risk. Defendants Extraditions International, Inc. and Pezolt had the ability and duty to intervene to rescue Plaintiff Darbyshire from Defendant Almendarez, but failed to do so.

78. Defendants Extraditions International, Inc. and Pezolt's deliberate indifference to the risk posed by Defendant Almendarez is reflected in their failure to conduct adequate screening prior to hiring transport agents; their failure to provide adequate training and supervision of transport agents sufficient to assure that the rights of female prisoners are protected; their use of an all-male crew to transport female prisoners, including Plaintiff Darbyshire; their failure to ensure that transportees are provided with adequate food, water, sleep, access to toilet facilities and showers, and other necessities of life; and their requirement that Plaintiff Darbyshire continue to ride with Defendant Almendarez after she complained of his sexual harassment and death threats against her.

79. Defendants Extraditions International, Inc. and Pezolt deprived Plaintiff

Darbyshire of liberty without due process of law and deprived her of rights protected by the Fourth, Ninth, and Fourteenth Amendments to the United States Constitution.

80. The acts and omissions of Defendants Extraditions International, Inc. and Pezolt were willful, malicious, and were performed with reckless disregard for the rights of Plaintiff Darbyshire.

81. As a direct and proximate result and consequence of the actions of Defendants Extraditions International, Inc. and Pezolt, Plaintiff Darbyshire endured humiliation, severe emotional distress, psychic trauma, and physical injury.

### **Third Claim for Relief**

#### **Outrageous Conduct/Intentional Infliction of Emotional Distress Against Defendants**

##### **Almendarez, Extraditions International, Inc., and Pezolt**

82. Defendants Extraditions International, Inc. and Almendarez, acting within the scope of his agency, recklessly and with the intention of causing Plaintiff Darbyshire severe emotional distress, engaged in extreme and outrageous conduct by sexually assaulting Plaintiff Darbyshire, by allowing and promoting a threatening and unduly hostile and antagonistic environment, and by allowing and promoting the sexual harassment of Plaintiff Darbyshire.

83. Defendants Extraditions International, Inc. and Pezolt, acting within the scope of his agency, recklessly and with the intention of causing Plaintiff Darbyshire severe emotional distress, engaged in extreme and outrageous conduct by requiring Plaintiff Darbyshire to continue to travel with Defendant Almendarez after learning of his life-threatening and sexually

harassing behavior toward her.

84. As a direct and proximate result of Defendants' acts and omissions, which were so outrageous in character and extreme in degree as to be utterly intolerable in a civilized community, Plaintiff Darbyshire suffered severe emotional distress and was physically injured and damaged thereby.

85. Defendants' actions were willful, malicious, and done with reckless disregard of Plaintiff Darbyshire's rights and feelings.

#### **Fourth Claim for Relief**

#### **Sexual Assault and Battery**

#### **Against Defendants Extraditions International, Inc. and Almendarez**

86. Defendants Extraditions International, Inc. and Almendarez, acting within the scope of his agency, assaulted and battered Plaintiff Darbyshire by threatening her life while armed with a gun, stepping on her hand, and ejaculating onto her, without her consent, while she was in the care, custody, and control of Defendants Extraditions International, Inc. and Almendarez. Defendants Extraditions International, Inc. and Almendarez intentionally and unlawfully caused Plaintiff Darbyshire to fear offensive and harmful contact, and intentionally and unlawfully caused such offensive and harmful contact to occur.

87. As a direct and proximate result of Defendants' actions, Plaintiff Darbyshire suffered injury and damages, including physical injury and severe mental and emotional distress.

88. Defendants' actions were willful, malicious, and performed with reckless

disregard for Plaintiff Darbyshire's rights and feelings.

**Fifth Claim for Relief**

**Negligent Hiring, Retention, and Supervision**

**Against Defendant Extraditions International, Inc.**

89. The particular duties and responsibilities of Defendant Extraditions International, Inc.'s employees, including Defendant Almendarez, place these employees in a special relationship of power and control over otherwise defenseless persons such as Plaintiff Darbyshire.

90. As a result of the particular duties and responsibilities of its employees, Defendant Extraditions International, Inc. had a duty to exercise ordinary care in screening and investigating the background of applicants for employment.

91. Upon information and belief, Defendant Extraditions International, Inc. failed to act with ordinary care in adequately screening and investigating the background of Defendant Almendarez before hiring him into a position of power and control.

92. Upon information and belief, prior to its transport of Plaintiff Darbyshire, Defendant Extraditions International, Inc. knew that Defendant Almendarez posed a risk of abusing female prisoners, but failed to act with ordinary care in continuing to employ him, in not adequately supervising him, and in allowing him to carry a firearm.

93. As a direct and proximate result of Defendant Extraditions International, Inc.'s failure to act with ordinary care, Plaintiff Darbyshire suffered injury and damages, including

physical injury and severe mental and emotional distress.

94. Defendant Extraditions International, Inc.'s actions were willful, malicious, and performed with reckless disregard for Plaintiff Darbyshire's rights and feelings.

### **Sixth Claim for Relief**

#### **Breach of Contract Against Defendant Extraditions International, Inc.**

95. Upon information and belief, Defendant Extraditions International, Inc. entered into a verbal or written contract with Routt County for the transportation of extradited prisoners, including Plaintiff Darbyshire.

96. Plaintiff Darbyshire was a third-party beneficiary of such contract between Routt County and Defendant Extraditions International, Inc.

97. Upon information and belief, Defendant Extraditions International, Inc. breached the duties, obligations, and performance required of it under the contract and failed to provide safe transportation to Plaintiff Darbyshire.

98. As a direct and proximate result of Defendant Extraditions International, Inc.'s breach of this contract as it concerned Plaintiff Darbyshire, a direct third-party beneficiary, Plaintiff Darbyshire suffered physical injury and severe mental and emotional distress, and was injured and damaged.

99. Defendant Extraditions International, Inc.'s breach was attended by willful, malicious, and wanton conduct and by reckless disregard of Plaintiff Darbyshire's rights and feelings.

### **Seventh Claim for Relief**

#### **Negligence Against Defendant Extraditions International, Inc.**

100. Defendant Extraditions International, Inc. owed Plaintiff Darbyshire a duty to act with ordinary care.

101. Defendant Extraditions International, Inc. did not act with ordinary care toward Plaintiff Darbyshire in that, among other things, Defendant Extraditions International, Inc. allowed her to be transported by an all-male crew, who, upon information and belief, had not been properly screened before hiring or adequately trained or supervised after being hired.

102. As a direct and proximate result of Defendant Extraditions International, Inc.'s negligence, Plaintiff Darbyshire suffered physical injury and severe mental and emotional distress and was injured and damaged.

103. Defendant Extraditions International, Inc.'s actions were willful, malicious, and performed with reckless disregard for Plaintiff Darbyshire's rights and feelings.

### **Eighth Claim for Relief**

#### **False Imprisonment Against Defendants Extraditions International, Inc. and Almendarez**

104. Defendants Extraditions International, Inc. and Almendarez, acting within the scope of his agency, falsely imprisoned Plaintiff Darbyshire by intentionally and unlawfully restricting Plaintiff Darbyshire's freedom of movement by taking and holding her in the bathroom for the purpose of sexually assaulting her. At the time of the imprisonment, Plaintiff Darbyshire knew that her freedom of movement had been restricted.

105. As a direct and proximate result of the actions of Defendants Extraditions International, Inc. and Almendarez, Plaintiff Darbyshire suffered physical injury and severe mental and emotional distress and was injured and damaged.

106. The actions of Defendants Extraditions International, Inc. and Almendarez were willful, malicious, and performed with reckless disregard for Plaintiff Darbyshire's rights and feelings.

WHEREFORE, Plaintiff Darbyshire requests a trial by jury on all issues triable by a jury, and is entitled to special, compensatory, and punitive damages in an amount to be determined, pre- and post-judgment interest, expert witness fees, attorney's fees and costs pursuant to 42 U.S.C. § 1988 and other applicable law, and such other and further relief as this Court deems just and equitable.