

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF KANDIYOHI

EIGHTH JUDICIAL DISTRICT

Case type: Other Civil

Derrick Gilbert,

Court File No. 34-CV-24-320

Plaintiff,

vs.

Christopher Flatten, in his individual and
official capacity, and City of Willmar,

Defendants.

ANSWER TO COMPLAINT

COME NOW Defendants Christopher Flatten and the City of Willmar, for their Answer to Plaintiff's Complaint, state and allege as follows:

1. Unless hereafter admitted, qualified, or otherwise answered, Defendants deny each and every thing, matter and particular alleged in Plaintiff's Complaint.
2. These answering parties specifically deny Plaintiff has stated a cognizable claim for relief under Article 1 of the Minnesota Constitution or the Minnesota Human Rights Acts (Minn. Stat. § 363A.12) and further denies Plaintiff sustained any other state or federal statutory or constitutional injuries as alleged in Plaintiff's Complaint.
3. These answering parties affirmatively allege at all times material hereto, Christopher Flatten was acting in his official capacity as a Willmar Police Officer and performing discretionary acts in the scope of his duties with a good faith belief his conduct was lawful, constitutional, proper and pursuant to probable cause.

4. With respect to paragraph 1, these answering parties admit they arrested Plaintiff and booked him for obstructing legal process. As to the remaining allegations, these answering parties specifically deny and put Plaintiff to his strict burden of proof.

5. With respect to paragraph 2, these answering parties specifically deny these allegations and put Plaintiff to his strict burden of proof.

6. With respect to paragraph 3, these answering parties are without sufficient information to admit or deny and, therefore, deny and put Plaintiff to his strict burden of proof.

7. With respect to paragraph 4, these answering parties admit Christopher Flatten was at all times relevant, acting in his official capacity and under color of state law as a police officer with the Willmar Police Department and was a resident of Kandiyohi County.

8. With respect to paragraph 5, these answering parties admit the City of Willmar is a municipal and political subdivision of the State of Minnesota.

9. With respect to paragraphs 6 to 7, these answering parties admit the Court generally has subject matter jurisdiction pursuant to Minnesota Statutes Section 484.01, subd. 1, however, the incident involving Plaintiff did not rise to the level of a state constitutional deprivation or state tort or statutory violation and, therefore, these answering parties deny jurisdiction of this Court.

10. With respect to paragraph 8, these answering parties admit these allegations.

11. With respect to paragraph 9, these answering parties admit Officer Flatten was on duty on Wednesday, Jun 22, 2022, working a scheduled 6:00 a.m. to 6:00 p.m. uniform patrol shift and at approximately 8:50 a.m., he observed a male he believed to be Sammy Price who was later identified as Plaintiff.

12. With respect to paragraph 10, these answering parties specifically deny Officer Flatten was only able to see the pedestrian was a Black man at the time he observed Plaintiff but admit Plaintiff was wearing a red hooded sweatshirt with the hood up and headphones on. As to the remaining allegations, these answering parties are without sufficient information to admit or deny and, therefore, deny and put Plaintiff to his strict burden of proof.

13. With respect to paragraph 11, these answering parties admit Officer Flatten believed the pedestrian was Sammy Price. With respect to the remaining allegations, these answering parties specifically deny and put Plaintiff to his strict burden of proof.

14. With respect to paragraph 12 to 13, these answering parties admit the allegations.

15. With respect to paragraph 14, these answering parties admit Plaintiff and Sammy Price are both "Black men." With respect to the remaining allegations, these answering parties specifically deny and put Plaintiff to his strict burden of proof.

16. With respect to paragraph 15, these answering parties are without sufficient information to admit or deny and, therefore, deny and put Plaintiff to his strict burden of proof.

17. With respect to paragraph 16, these answering parties admit Officer Flatten reasonably believed the pedestrian was Sammy Price and asked dispatch for a warrant check which revealed an arrest warrant for Sammy Price. As to the remaining allegations, these answering parties specifically deny and put Plaintiff to his strict burden of proof.

18. With respect to paragraph 17, these answering parties admit the allegations.

19. With respect to paragraph 18, these answering parties specifically deny these allegations and put Plaintiff to his strict burden of proof.

20. With respect to paragraphs 19 to 20, these answering parties admit the allegations.

21. With respect to paragraphs 21 to 22, these answering parties specifically deny the allegations and put Plaintiff to his strict burden of proof.

22. With respect to paragraph 23, these answering parties admit the allegations.

23. With respect to paragraph 24, these answering parties specifically deny these allegations and put Plaintiff to his strict burden of proof.

24. With respect to paragraph 25 to 26, these answering parties admit the allegations.

25. With respect to paragraph 27 to 28, these answering parties specifically deny the allegations and put Plaintiff to his strict burden of proof.

26. With respect to paragraph 29, these answering parties admit they handcuffed Plaintiff but specifically deny they did so improperly and put Plaintiff to his strict burden of proof.

27. With respect to paragraph 30, these answering parties submit they had no choice but to cut the strap of Plaintiff's backpack to remove it from him but specifically deny destroying it and put Plaintiff to his strict burden of proof.

28. With respect to paragraph 31, these answering parties admit Officer Flatten arrested Plaintiff for obstruction of legal process and questioned why Plaintiff did not identify himself but specifically deny taunting Plaintiff and put Plaintiff to his strict burden of proof.

29. With respect to paragraph 32, these answering parties admit Plaintiff was charged with a misdemeanor but specifically deny the remaining allegations and put Plaintiff to his strict burden of proof.

30. With respect to paragraph 33, these answering parties specifically deny the arrest was unlawful under Minn. R. Crim. P. 6.01 and put Plaintiff to his strict burden of proof.

31. With respect to paragraph 34, these answering parties admit the allegations.

32. With respect to paragraph 35, these answering parties are without sufficient knowledge to admit or deny and, therefore, deny and put Plaintiff to his strict burden of proof.

33. With respect to paragraph 36, these answering parties specifically deny the allegations and put Plaintiff to his strict burden of proof.

34. With respect to paragraph 37, these answering parties admit Plaintiff filed a complaint with the Minnesota Department of Human Rights on June 15, 2023, but specifically deny the remaining allegations and put Plaintiff to his strict burden of proof.

35. With respect to paragraphs 38 to 39, these answering parties are without sufficient information to admit or deny and, therefore, deny, and put Plaintiff to his strict burden of proof.

36. With respect to paragraph 40, these answering parties specifically deny the allegations and put Plaintiff to his strict burden of proof.

37. These answering parties deny the allegations in Count I of Plaintiff's Complaint (paragraphs 41 to 50), and specifically deny Officer Flatten discriminated against Plaintiff.

38. These answering parties deny the allegations in Count II of Plaintiff's Complaint (paragraphs 51 to 53), and specifically deny Plaintiff was falsely arrested.

39. These answering parties deny the allegations in Count III of Plaintiff's Complaint (paragraphs 54 to 57) and specifically deny Plaintiff was falsely imprisoned.

40. These answering parties specifically deny the allegations in Count IV of Plaintiff's Complaint (paragraphs 58 to 62).

41. These answering parties specifically deny the allegations in Count V of Plaintiff's Complaint (paragraphs 63 to 65) and specifically deny they failed to properly train Officer Flatten.

42. These answering parties specifically deny the allegations in Count VI of Plaintiff's Complaint (paragraphs 66-70) and specifically deny they unreasonably seized and detained Plaintiff.

43. These answering parties specifically deny the allegations in Count VII of Plaintiff's Complaint (paragraphs 71 to 73) and specifically deny violating Plaintiff's constitutional rights.

44. These answering parties specifically deny the allegations in Count VIII of Plaintiff's Complaint (paragraphs 74-78) and specifically deny violating Plaintiff's constitutional rights.

45. These answering parties specifically deny the allegations in Count IX of Plaintiff's Complaint (paragraphs 79 to 80) and specifically deny violating Plaintiff's constitutional rights.

46. These answering parties specifically deny the allegations in Count X of Plaintiff's Complaint (paragraphs 81 to 83) and specifically deny the City of Willmar is liable for Officer Flatten's actions under the doctrine of respondeat superior.

47. With respect to paragraph 84 (including sub-paragraphs 1 to 2 a-b), these answering parties deny Plaintiff is entitled to declaratory and injunctive relief.

48. These answering parties are without sufficient knowledge to form a belief as to the truth of Plaintiff's alleged damages and Relief Requested (paragraphs 1 to 5) and, therefore, deny the same and put Plaintiff to his strict burden of proof.

49. These answering parties affirmatively allege Plaintiff's claims are barred by the legal doctrines of qualified, statutory, and official immunity.

50. These answering parties affirmatively allege Plaintiff's Complaint fails to state a cause of action for claims upon which relief can be granted.

51. These answering parties join in Plaintiff's request for a jury trial.

WHEREFORE, these answering parties pray Plaintiff take nothing by this claim for relief herein; that Defendants be given judgment against Plaintiff, dismissing Plaintiff's cause of action with prejudice; that these answering parties be given judgment for costs, disbursements and attorney's fees herein and for such other relief as the Court may deem just and equitable.

Dated: July 12, 2024

s/ Ashley M. Ramstad
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to M.S. § 549.211.

Dated: July 12, 2024

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