

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ERIN BEARD, GUARDIAN OF	:	
DONOVAN BEARD,	:	No. 3:26-cv-1330
Plaintiff,	:	
	:	
v.	:	
	:	
TOWN OF WATERFORD,	:	
NICHOLAS GENUNG, STEPHEN J. ROGERS	:	
JOHN BUNCE III, IAN DONOVAN,	:	
ANDREW REED, MATTHEW FEDOR, and	:	
JAKE ARPIN,	:	August 19, 2026
Defendants.	:	

COMPLAINT

I. NATURE OF THE ACTION

Plaintiff Erin Beard, Guardian of Donovan Beard, brings this action under 42 U.S.C. § 1983 and the laws of the State of Connecticut, to hold the Town of Waterford and its police officers accountable for catastrophic – and entirely avoidable – injuries Donovan suffered at the hands of police. Donovan is an autistic, intellectually disabled teenager who was well-known to the defendant police officers at the time of the incidents that caused his injuries. Despite knowledge of Donovan’s reduced mental capacity and psychiatric disabilities, and in contravention of widely known best practices calling for de-escalation, the police chose to pursue and provoke Donovan. They chased him with lights and sirens and threatened him with a firearm and an attack dog. Terrified, Donovan attempted to flee the situation. Despite numerous opportunities to de-escalate, the defendant police officers did the opposite: they blocked Donovan’s path when he tried to escape on his bike, causing him to crash head-first into a parked police cruiser.



Then, despite clear indications that Donovan had suffered a serious neck/back injury in the crash, officers failed to immobilize Donovan or ensure he received proper medical attention. Instead, they tazed him while threatening and cursing at him. They also angrily rolled him over while he bled from his head and cried out that he was dying, shoving him back and forth, jostling and contorting his unstable spine. They pulled on his arms and dragged him around on the ground.

Not surprisingly, the conduct of the police left Donovan paralyzed. The injuries he sustained transformed Donovan from a functionally independent (though cognitively limited) 19-year-old, into a permanently wheelchair-dependent quadriplegic who requires total assistance for all activities of daily living. This suit seeks compensation for Donovan and accountability from the police to increase the chance that no one else suffers the same fate.

II. JURISDICTION AND VENUE

1. This complaint seeks remedies pursuant to 42 U.S.C. § 1983 and 1988, alleging violation of the Fourth Amendment of the United States Constitution as well as the laws of the State of Connecticut.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events giving rise to the claims occurred in the District of Connecticut and at least one of the defendants resides in the State of Connecticut.

III. THE PARTIES

4. Plaintiff Erin Beard brings this action on behalf of Donovan Beard and in her capacity as Guardian of Donovan Beard, having been duly appointed by the New London Probate Court on May 4, 2023. A copy of the appointment is attached as Exhibit A.



5. Erin Beard is a citizen and resident of the Town of Norwich, Connecticut, and Donovan's mother.

6. Donovan Beard is a citizen and resident of the Town of Norwich, Connecticut.

7. At all times relevant, defendant Stephen J. Rogers ("Rogers") was an Officer in the Waterford Police Department.

8. At all times relevant, defendant Nicholas Genung ("Genung") was an Officer in the Waterford Police Department.

9. At all times relevant, defendant John Bunce III ("Bunce") was an Officer in the Waterford Police Department.

10. At all times relevant, defendant Ian Donovan ("Ian Donovan") was an Officer in the Waterford Police Department.

11. At all times relevant, defendant Andrew Reed ("Reed") was an Officer in the Waterford Police Department.

12. At all times relevant, defendant Jake Arpin ("Arpin") was an Officer in the Waterford Police Department.

13. At all times relevant, defendant Matthew Fedor ("Fedor") was a Sargeant in the Waterford Police Department.

14. At all times relevant, Genung, Rogers, Bunce, Ian Donovan, Reed, Arpin, and Fedor were acting under color of law; that is, under color of the constitution, statutes, laws, rules, regulations, customs, and usages of the State of Connecticut as well as police officers with the defendant Town of Waterford and in the course of their employment.

15. At all times relevant, Genung, Rogers, Bunce, Ian Donovan, Reed, Arpin, and Fedor acted jointly and in concert with one another. Each defendant had the duty and the



opportunity to protect Donovan from the unlawful actions of the other defendants, but each defendant failed and/or refused to perform such duty, thereby proximately causing the injuries complained of herein.

III. FACTUAL ALLEGATIONS

Donovan Beard

16. Donovan has autism spectrum disorder (“ASD”) and intellectual disability. Donovan also has disruptive mood dysregulation disorder (“DMDD”), development delay, developmental language disorder, dyspraxia, mood/anxiety disorder, and attention deficit hyperactivity disorder (“ADHD”).

17. Though he presents as a Black man, due to his intellectual disabilities, Donovan has the mental age of a 12-year-old child.

18. Donovan’s combination of psychiatric and intellectual disabilities left him easily confused, frightened, and overwhelmed by everyday interactions that most adults navigate without difficulty. He processes the world with the cognition of a child, struggles to understand instructions delivered quickly or forcefully, and reacts to perceived threats with the fear and dysregulation characteristic of his conditions rather than with adult judgment. Individuals with these disabilities are, for that very reason, far more likely than the general public to come into contact with police, and they are far more likely to be injured or killed during those encounters.¹

¹ See Jamelia N. Morgan, *Policing Under Disability Law*, 73 Stan. L. Rev. 1401 (2021) (explaining how aggressive police compliance tactics conflict with the natural dysregulation and fear responses of individuals with cognitive and psychiatric disabilities, often escalating routine interactions into fatal encounters); Treatment Advocacy Center, *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters* (2015), treatmentadvocacycenter.org (finding that individuals with severe psychiatric conditions are sixteen times more likely to be killed during law enforcement encounters than the general public). See also David M. Perry & Lawrence Carter-Long, Ruderman Fam. Found., *White Paper on Media Coverage of Law Enforcement Use of Force and Disability* (2016), rudermanfoundation.org (individuals with disabilities comprise one-third to one-half of all individuals killed by law enforcement); Ryan K. Shields, Rand Corp., *Law Enforcement Response to Persons with Intellectual and Developmental Disabilities* (2022), rand.org (individuals with intellectual disabilities



19. It is precisely because of this well-documented reality that modern law enforcement policies, training standards, and generally accepted police practices require officers responding to a person in psychiatric crisis or with a known cognitive or developmental disability to slow the encounter down, use de-escalation techniques, communicate with empathy and patience, summon appropriate mental-health resources, and connect the person with care rather than resorting to force or criminal-justice measures.²

20. Donovan was exactly the kind of vulnerable person these policies are designed to protect.

21. Donovan was well-known to police in the Waterford Police Department (“WPD”). Defendants Genung, Rogers, Bunce, Ian Donovan, Reed, Arpin, and Fedor knew

struggle to process rapid or forceful commands, leading officers to misinterpret fear or confusion as dangerous non-compliance); Ayodele Laniyonu & Phillip Atiba Goff, *Measuring Disparities in Police Use of Force and Injury Among Persons with Serious Mental Illness*, 21 BMC Psychiatry 500 (2021) (individuals with serious mental illness are 11.6 times more likely to experience police use of force and 10.7 times more likely to be injured in police encounters than those without, presenting disparities that vastly outpace racial and ethnic gaps).

² See, e.g., National Policing Institute, *Slowing It Down: How De-Escalation Is Changing Policing* (2023), <https://www.policinginstitute.org/infocus/slowing-it-down-how-de-escalation-is-changing-policing/> (generally accepted police standards define de-escalation as stabilizing a threat through deliberate, non-forceful techniques to allow extra time and options for specialized clinical resources to arrive); Int’l Ass’n of Chiefs of Police, *Responding to Persons Experiencing a Mental Health Crisis: Model Policy* (2020), theiacp.org (stating the official, industry-wide consensus policy that officers must protect the safety and dignity of individuals with psychiatric or cognitive disabilities by intentionally buying time, minimizing overwhelming or forceful stimuli, and immediately dispatching specialized mental-health resources); Police Executive Research Forum, *Guiding Principles on Use of Force* 39–44 (2016), policeforum.org (establishing modern, widely accepted policing standards that demand officers abandon traditional “command-and-control” assertiveness in favor of a “tactical pause,” patience, and active listening when responding to individuals lacking adult cognitive judgment or suffering from severe psychiatric conditions). See also Robin S. Engel et al., *Examining the Impact of De-Escalation Training on Police Behavior: The Case of ICAT in Louisville*, 19 Criminology & Pub. Pol’y 1 (2020) (implementing the Integrating Communications, Assessment, and Tactics (ICAT) model—which trains officers to tactically “slow down” volatile encounters, utilize time and distance, and employ empathetic verbal skills—led to a 28% reduction in police use-of-force incidents and a 26% drop in citizen injuries); Michael T. Compton et al., *The Crisis Intervention Team (CIT) Model: An Evidence-Based Medicine Review of Effects on Knowledge, Attitudes, and Outcomes*, 36 J. Am. Acad. Psychiatry & L. 47 (2008) (analyzing the national consensus standard for police response to mental health crises, noting that the model shifts officer protocols toward patience, clinical referral, and verbal de-escalation over physical force or immediate criminal-justice intervention); Amy C. Watson et al., *Crisis Intervention Team (CIT) Training: Evaluation of Outcomes for Law Enforcement Officers and Mental Health Consumers*, 61 Psychiatric Servs. 202 (2010) (modern crisis response training shifts police practices toward connecting individuals with behavioral healthcare networks and successfully reduces reliance on force when dealing with individuals experiencing psychiatric or developmental dysregulation).



Donovan by name and were aware of his psychiatric and intellectual disabilities. Defendants described Donovan as “not right in the head. . . . he’s got issues”; and “I’ve been dealing with him since he was five years old. . . . he can’t even sign his own name.”

22. The week preceding September 8, 2024, Donovan ran away from home, an attempt to avoid a court date he was fearful of attending. Donovan was staying with friends and was not taking his usual medications.

Waterford Police Pursue Donovan

23. On September 8, 2024, at approximately 5:32 p.m., Donovan was operating a motorized dirt bike (“bike”) northbound on Hartford Turnpike in Waterford, Connecticut, in the area of 918 Hartford Turnpike.

24. WPD officers, including Defendants Rogers and Genung, were parked on the same street in the same northbound direction conducting an unrelated motor vehicle stop.

25. As Donovan rode by on his bike, he made a gesture in Defendants’ direction with his arm or hand. Donovan did not strike or otherwise make contact with any officer or any vehicle.

26. Defendants recognized Donovan and knew he had outstanding Paperless Re-Arrest (“PRAWN”) failure-to-appear warrants. Defendants also knew that Donovan had significant cognitive and psychiatric impairments.

27. At that time, Defendants knew or should have known that the circumstances required de-escalation, not escalation.

28. Rather than let Donovan go and apprehend him peacefully in a context that did not require a police chase, Rogers chose to escalate the situation; he entered his marked police



cruiser, activated his emergency lights and siren, and gave chase northbound on Hartford Turnpike.

29. Donovan continued northbound on Hartford Turnpike for approximately one quarter of a mile, increasing his speed to evade Rogers, while Rogers chased after Donovan at approximately thirty miles per hour.

30. At approximately 5:34 p.m., Rogers pulled his cruiser into the Waterford Speedbowl parking lot at 1080 Hartford Turnpike. Defendant Genung joined Rogers at the Speedbowl parking lot in his own marked cruiser with Genung's police canine Ozzy (the "Police Dog"). From prior contacts, Rogers knew that Donovan had a friend living nearby at 11 Lakes Pond Road, a private residence in Waterford. Instead of ending the encounter and planning a peaceful arrest when Donovan was not riding a motorized bike, Rogers and Genung hatched a plan to drive to 11 Lakes Pond Road and apprehend Donovan there.

31. At approximately 5:37 p.m., Rogers and Genung arrived at 11 Lakes Pond Road in their respective WPD cruisers and drove up the long, uphill driveway.

32. At the top of the driveway near the house, Donovan was standing next to his bike, without a mask or goggles, speaking with his friend. Donovan was not fleeing the scene and posed no threat to the officers or anyone else.

33. Rogers pulled up near the house, cruiser lights flashing. Donovan started his bike and drove into the front yard. Although Donovan was driving the bike using two hands and it was obvious he posed no threat to the officers, Rogers drew his department-issued Glock 45 handgun on Donovan, held it at the ready, and screamed: "STOP THE BIKE! STOP THE BIKE NOW!"



34. At that time, Rogers knew or should have known that drawing and pointing his handgun at Donovan while screaming at him would result in escalating the danger of the situation, that Rogers' conduct would cause Donovan to fear for his life, and would result in Donovan attempting to flee for his safety.

35. Genung exited his cruiser yelling "Donovan, police with a canine! STOP OR YOU'RE GONNA GET BIT!" At Genung's behest, the Police Dog jumped out of Genung's cruiser on a long lead.

36. Donovan drove past Rogers's cruiser towards the driveway exit. Rogers holstered his handgun and drew his taser, aiming it at Donovan while Donovan rode past on the bike, chasing Donovan on foot and yelling: "Stop the bike dude! YOU'RE GONNA GET TASED! YOU'RE GONNA GET TASED!"

37. At that time, Rogers knew or should have known that drawing and aiming his taser at Donovan while he attempted to flee on his bike, while chasing Donovan and screaming at him, YOU'RE GONNA GET TASED!" would result in further escalating the danger of the situation and that Rogers' conduct would cause Donovan to fear for his life and result in Donovan attempting to flee for his safety.

38. In response to the repeated threats, Donovan attempted to ride down the driveway away from the officers. Rather than step out of the path of Donovan's slow-moving bike, Genung positioned himself and his Police Dog in the middle of the driveway, directly in Donovan's path, attempting to block Donovan's exit.

39. At that time, Genung knew or should have known that yelling "YOU'RE GONNA GET BIT!" and stepping into Donovan's path with his Police Dog, who was jumping and straining against his lead, would result in escalating the danger of the situation, that



Genung's conduct would cause Donovan to fear for his life, and would result in Donovan attempting to flee for his safety.

40. As Donovan approached, Genung made no effort to avoid contact with Donovan. Instead, Genung stepped into and pushed Donovan and/or the moving bike, causing Donovan and the moving bike to slam into the front of Genung's parked WPD cruiser.

41. At no time during this encounter did Donovan represent a danger to himself or others.

42. At no time during this encounter while Donovan was attempting to flee did Donovan threaten Rogers, Genung, or anyone else.

Donovan Suffers Catastrophic Injury

43. After the collision, Donovan lay motionless, face-down on the driveway, pinned between the bike and the front driver's side tire of the parked cruiser while bleeding profusely from his head.

44. While Donovan lay motionless and defenseless, face down on the ground, Rogers deployed his taser into Donovan's back.

45. Rogers continued to scream at Donovan, even as he lay still with the taser prongs embedded in his back. Rogers wrenched Donovan's left arm behind his back, cursing and threatening Donovan: "give me your FUCKIN' HAND!"; "you're gonna get it [the taser] again if you do ANYTHING!"

46. Donovan cried that he could not move. Rogers responded by threatening to tase Donovan again if he did not produce his hands. Observing blood coming from the front of Donovan's head, pooling on the ground and cascading down the driveway, Rogers exclaimed "oh shit."



47. Donovan’s presentation supplied unmistakable signs of a serious head, neck, and spinal cord injury: he had been ejected from a bike into the front of a parked police vehicle, was bleeding heavily from a head laceration, told officers he could not move, lay motionless and drifting in and out of consciousness, and repeatedly told the Defendants, “I’m dying.”

48. Basic law enforcement and first-aid training and standards required Defendants to leave Donovan in place, immobilize his head and neck, and wait for EMS. Defendants did the opposite.

49. With Donovan’s head and neck completely unsupported, Rogers wrenched Donovan’s left arm out from beneath his stomach and forced it into a handcuff, then he and Genung grabbed Donovan’s body and rolled him from his stomach onto his back, handcuffing his other wrist in front of him, all while a large backpack remained strapped on Donovan’s back.

50. Because the backpack sat under Donovan’s back as Defendants rolled him, his head, neck, and cervical spine were forced into hyperextension — bent backward over the backpack — precisely the movement contraindicated for a suspected cervical-spine injury.

51. Defendants then cut the backpack off Donovan’s body and proceeded to drag him by his arms some distance along the driveway, repeatedly jostling and repositioning his body without any cervical-spine precautions. Defendants allowed Donovan’s friend to touch and manipulate his body. Rogers wedged his own foot beneath Donovan’s shoulder to prop up his torso on the sloped driveway, further shifting Donovan’s head and neck.

52. Defendants Bunce, Ian Donovan, Reed, Fedor, and Arpin arrived on scene as Donovan continued to drift in and out of consciousness and to cry that he was dying. None of them stabilized his head or neck, called for immediate cervical-spine immobilization, or intervened to stop the ongoing manipulation of his body.



53. Instead, Defendants laughed and made jokes while Donovan lay powerless, injured, and scared.

54. Emergency medical services (“EMS”) did not arrive on scene until approximately 5:48 p.m., roughly eleven minutes after the collision. Donovan’s cervical spine was not immobilized in a collar or on a backboard until EMS arrived and took over his care.

55. As a direct and proximate result of actions by Defendants, described herein, Donovan suffered catastrophic injuries and damages, some or all of which may be permanent in nature, including, but not limited to:

- a. Cervical spine injury/traumatic fracture;
- b. Permanent quadriplegia (paralysis below the neck);
- c. Contusions, abrasions and injuries to his muscles, ligaments, tendons, and bones;
- d. Permanent scarring;
- e. Chronic and permanent health conditions related to immobility;
- f. Permanent atrophy of the muscles;
- g. Shortened life expectancy;
- h. Associated physical pain and suffering; and
- i. Emotional anguish flowing directly from his physical injuries.

56. The injuries have transformed Donovan from a functionally independent (though cognitively limited) 19-year-old into a permanently wheelchair-dependent quadriplegic who requires, *inter alia*, total assistance for all activities of daily living, catheter management, bowel care, and continuous medication management, with ongoing complications including spasticity, autonomic dysfunction, pressure injuries, and recurrent infections.



57. As a direct and proximate result of actions by Defendants, described herein, Donovan has and continues to suffer great physical and emotional pain including, but not limited, to mental anguish, frustration, and anxiety over the fact that he was and remains seriously injured.

58. As a direct and proximate result of actions by Defendants, described herein, Donovan has been limited in his ability to enjoy and engage in all of life's activities as he had prior thereto and will be so limited in the future.

59. As a direct and proximate result of actions by Defendants, described herein, Donovan has and will in the future incur expenses for medical care and other related expenses as a result of his injuries.

60. As a direct and proximate result of actions by Defendants, described herein, Donovan has suffered a loss of earnings and earning capacity.

COUNT ONE – 42 U.S.C. § 1983
Excessive Force v. Stephen J. Rogers

1-60. Paragraphs 1 – 60 are incorporated and realleged as paragraphs 1 – 60, respectively, of this Count One.

61. Defendant Rogers, while acting under color of the law, violated Donovan's constitutional rights by unreasonably seizing Donovan and using excessive force against him, described herein throughout, which resulted in Donovan's injuries.

62. Rogers's actions violated the rights guaranteed to Donovan under the Fourth Amendment of the United States Constitution.

63. Rogers's actions were not taken in good faith and were in violation of clearly established law.

64. Rogers used excessive force when he unreasonably and unlawfully:



- a. Failed to implement de-escalation techniques to prevent or reduce the need for force against Donovan where such techniques would have been effective;
- b. Failed to establish and/or adhere to the zone of safety;
- c. Failed to stabilize the situation through the use of time, distance, and/or positioning;
- d. Failed to implement and adhere to the use of force continuum consistent with that used by law enforcement agencies in Connecticut;
- e. Used force as an initial and/or intermediate measure rather than as a last resort;
- f. Used force in a manner that violated WPD policies;
- g. Used force when there was no threat of imminent harm;
- h. Pursued Donovan, who was riding his bike, in his police cruiser with lights and sirens;
- i. Pursued Donovan to 11 Lakes Pond Road;
- j. Drew his department-issued Glock 45 handgun on Donovan;
- k. Drew his tazer on Donovan;
- l. Threatened Donovan with bodily harm;
- m. Threatened Donovan with loud and violent language;
- n. Tazed Donovan;
- o. Failed to take any measures prior to firing his weapon that would reduce or eliminate the need to use force;
- p. Moved and manipulated Donovan's body; and



q. Committed battery against Donovan.

65. Rogers's actions were unnecessary, unreasonable, unlawful, and unjustified.

66. As a direct and proximate result of Rogers's unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

67. Rogers acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.

COUNT TWO – 42 U.S.C. § 1983

Denial Of Medical Treatment, Failure To Provide Medical Assistance v. Stephen J. Rogers

1-67. Paragraphs 1 – 67 are incorporated and realleged as paragraphs 1 – 67, respectively, of this Count Two.

68. Defendant Rogers, while acting under color of the law, violated Donovan's constitutional rights by denying him medical treatment and failing to provide medical assistance, as described herein throughout, which resulted in Donovan's injuries.

69. Rogers denied Donovan medical treatment and failed to provide medical assistance when he unreasonably and unlawfully:

- a. Failed to respond appropriately to Donovan's repeated statements that he was hurt and could not move;
- b. Failed to properly immobilize Donovan's head, neck, and cervical spine;
- c. Failed to immediately call for emergency medical assistance;
- d. Failed to render appropriate medical assistance to Donovan; and



e. Repeatedly moved, jostled, and repositioned Donovan's body without any cervical-spine precautions, and allowed others to do so.

70. Rogers's actions were unnecessary, unreasonable, unlawful, and unjustified.

71. As a direct and proximate result of Rogers's unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

72. Rogers acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.

COUNT THREE – 42 U.S.C. § 1983
Excessive Force v. Nicholas Genung

1-60. Paragraphs 1 – 60 are incorporated and realleged as paragraphs 1 – 60, respectively, of this Count Three.

61. Defendant Genung, while acting under color of the law, violated Donovan's constitutional rights by unreasonably seizing Donovan and using excessive force against him, described herein throughout, which resulted in Donovan's injuries.

62. Genung's actions violated the rights guaranteed to Donovan under the Fourth Amendment of the United States Constitution.

63. Genung's actions were not taken in good faith and were in violation of clearly established law.

64. Genung used excessive force when he unreasonably and unlawfully:



- a. Failed to implement de-escalation techniques to prevent or reduce the need for force against Donovan where such techniques would have been effective;
- b. Failed to establish and/or adhere to the zone of safety;
- c. Failed to stabilize the situation through the use of time, distance, and/or positioning;
- d. Failed to implement and adhere to the use of force continuum consistent with that used by law enforcement agencies in Connecticut;
- e. Used force as an initial and/or intermediate measure rather than as a last resort;
- f. Used force in a manner that violated WPD policies;
- g. Used force when there was no threat of imminent harm;
- h. Pursued Donovan to 11 Lakes Pond Road;
- i. Threatened Donovan with his Police Dog;
- j. Threatened Donovan with bodily harm;
- k. Threatened Donovan with loud and violent language;
- l. Intentionally placed his body and his Police Dog in Donovan's path;
- m. Failed to move out of Donovan's path when it was safe and prudent to do so;
- n. Used his hands and arms to forcibly push Donovan and his bike, causing the subject collision;
- o. Moved and manipulated Donovan's body; and
- p. Committed battery against Donovan.



65. Genung's actions were unnecessary, unreasonable, unlawful, and unjustified.

66. As a direct and proximate result of Genung's unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

67. Genung acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.

COUNT FOUR – 42 U.S.C. § 1983

Denial Of Medical Treatment, Failure To Provide Medical Assistance v. Nicholas Genung

1-67. Paragraphs 1 – 67 are incorporated and realleged as paragraphs 1 – 67, respectively, of this Count Four.

68. Defendant Genung, while acting under color of the law, violated Donovan's constitutional rights by denying him medical treatment and failing to provide medical assistance, as described herein throughout, which resulted in Donovan's injuries.

69. Genung denied Donovan medical treatment and failed to provide medical assistance when he unreasonably and unlawfully:

- a. Failed to respond appropriately to Donovan's repeated statements that he was hurt and could not move;
- b. Failed to properly immobilize Donovan's head, neck, and cervical spine;
- c. Failed to immediately call for emergency medical assistance;
- d. Failed to render appropriate medical assistance to Donovan; and
- e. Repeatedly moved, jostled, and repositioned Donovan's body without any cervical-spine precautions, and allowed others to do so.



70. Genung's actions were unnecessary, unreasonable, unlawful, and unjustified.

71. As a direct and proximate result of Genung's unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

72. Genung acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.

COUNT FIVE – 42 U.S.C. § 1983
Excessive Force v. John Bunce III

1-60. Paragraphs 1 – 60 are incorporated and realleged as paragraphs 1 – 60, respectively, of this Count Five.

61. Defendant Bunce, while acting under color of the law, violated Donovan's constitutional rights by unreasonably seizing Donovan and using excessive force against him, described herein throughout, which resulted in Donovan's injuries.

62. Bunce's actions violated the rights guaranteed to Donovan under the Fourth Amendment of the United States Constitution.

63. Bunce's actions were not taken in good faith and were in violation of clearly established law.

64. Bunce used excessive force when he unreasonably and unlawfully:

- a. Failed to establish and/or adhere to the zone of safety;
- b. Failed to implement and adhere to the use of force continuum consistent with that used by law enforcement agencies in Connecticut;
- c. Used force in a manner that violated WPD policies;



- d. Used force when there was no threat of imminent harm;
- e. Applied leg shackles to Donovan while Donovan lay motionless and was neither moving nor resisting, such that no lawful or safety justification warranted the use of restraints;
- f. Threatened Donovan with bodily harm; and
- g. Moved and manipulated Donovan's body.

65. Bunce's actions were unnecessary, unreasonable, unlawful, and unjustified.

66. As a direct and proximate result of Bunce's unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

67. Bunce acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.

COUNT SIX – 42 U.S.C. § 1983

Denial Of Medical Treatment, Failure To Provide Medical Assistance v. Ian Donovan, John Bunce, Andrew Reed, Matthew Fedor, Jake Arpin

1-60. Paragraphs 1 – 60 are incorporated and realleged as paragraphs 1 – 60, respectively, of this Count Six.

61. Defendants Bunce, Ian Donovan, Reed, Fedor, and Arpin all heard Donovan crying for help and repeatedly stating that he could not move — hallmark signals of an unstable spinal-cord injury — and acknowledged those statements, yet failed to intervene and instead continued to touch, jostle, and move Donovan's body, or allow others to do so.



62. Bunce, Ian Donovan, Reed, Fedor, and Arpin all observed Donovan's condition and the conduct of Rogers and Genung, and ratified and continued that mistreatment by failing to intervene, failing to summon or expedite appropriate medical care, and acquiescing or participating in the continued handling of Donovan in a manner that any reasonable officer knew posed a substantial risk of further serious harm.

63. None of them stabilized his head or neck.

64. None of them called for immediate cervical-spine immobilization.

65. None of them intervened to stop the ongoing manipulation of his body. Some of them participated in the manipulation of his body.

66. Upon recognizing that Donovan was hurt and could not move, Bunce, Ian Donovan, Reed, Fedor, and Arpin were bound to immediately seek medical attention for Donovan and their denial of medical treatment and failure to render medical assistance violated Donovan's constitutional rights

67. Bunce's, Ian Donovan's, Reed's, Fedor's, and Arpin's actions were unnecessary, unreasonable, unlawful, and unjustified.

68. As a direct and proximate result of Defendants' unreasonable and unlawful actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

69. Defendants acted with callous or reckless indifference to the rights secured to Donovan under the Fourth Amendment of the United States Constitution.



COUNT SEVEN – 42 U.S.C. § 1983
Monell Municipal Liability v. Town Of Waterford

73. Paragraphs 1 – 67 of Count One, paragraphs 1 – 72 of Count Two, paragraphs 1 – 67 of Count Three, paragraphs 1 – 72 of Count Four, paragraphs 1 – 67 of Count Five, and paragraphs 1 – 69 of Count Six are incorporated and realleged as paragraph 73 of this Count Seven.

74. At all times relevant, Defendant Town of Waterford (“Waterford”) was a municipality organized under the laws of the State of Connecticut and was responsible for the policies, customs, practices, training, and supervision of the WPD and its agents, including, but not limited to, Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin.

75. The conduct of Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin described herein deprived Donovan of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free from unreasonable seizure, excessive force, and deliberate indifference to serious medical needs.

76. These constitutional violations were the direct result of a longstanding and well-settled custom, practice, and policy of Waterford, carried out by numerous officers and supervisors within the WPD (“Officers”) and known to and ratified by its policymakers.

77. Upon information and belief, Waterford maintained an unwritten custom and practice/policy requiring and permitting its Officers to pursue, apprehend, and detain suspects, including persons with obvious psychiatric or intellectual disabilities, regardless of the suspect’s requests for assistance or apparent need for emergency medical attention.

78. Upon information and belief, Waterford further maintained an unwritten custom and practice/policy permitting its Officers to use force to physically move, restrain, and



otherwise manipulate persons showing signs of serious injury without first immobilizing them or securing appropriate medical care.

79. These customs and practices were so widespread, persistent, and repeated among Waterford's Officers as to constitute the standard operating procedure and were the moving force behind the violations of Donovan's constitutional rights.

80. Upon information and belief, prior to September 8, 2024, Waterford received notice through prior incidents, complaints, and internal reports that its Officers were apprehending and detaining suspects, including persons with known psychiatric and intellectual disabilities, without providing or securing necessary medical attention.

81. Despite this notice, Waterford's policymakers failed to correct, discipline, or curtail this custom and practice, and instead acquiesced in and ratified the conduct of its Officers, reflecting deliberate indifference to the constitutional rights of persons within its jurisdiction.

82. Waterford's customs, practices, and policies described herein were the direct and proximate cause of the violation of Donovan's constitutional rights and catastrophic injuries he suffered on September 8, 2024.

83. As a direct and proximate result of Waterford's unconstitutional customs, practices, and policies, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, loss of life's enjoyment, severe emotional distress, mental anguish, disfigurement, and physical pain and suffering.

COUNT EIGHT – 42 U.S.C. § 1983
Failure To Train, Supervise v. Town Of Waterford

84. Paragraphs 73 – 83 of Count Seven are incorporated and realleged as paragraph 84 of this Count Eight.



85. At all relevant times, Defendant Waterford was responsible for training and supervising its Officers — including, but not limited to, Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin — in the lawful performance of their duties, including the use of force, de-escalation, interactions with persons in mental health crisis or with psychiatric or intellectual disabilities, recognition of serious medical needs, and provision of prompt medical attention to persons in custody.

86. Waterford failed to adequately train its Officers with respect to clear constitutional duties that its Officers were certain to confront in the recurring situations they face, including the need to render medical assistance and use of force under the Fourth and Fourteenth Amendments.

87. Waterford failed to adequately train its Officers on de-escalation tactics for encounters with persons who are unarmed, confused, non-compliant, or otherwise not presenting an immediate threat of serious physical harm.

88. Waterford failed to adequately train its Officers to identify and interact safely with persons who are psychiatrically or intellectually disabled, or otherwise experiencing a mental health crisis, including how to modify commands, tactics, and use-of-force decisions to account for such disabilities.

89. Waterford failed to adequately train its Officers to recognize when a suspect or detainee is suffering from a serious medical condition, including obvious signs of traumatic injury, altered mental status, and other emergencies requiring immediate medical intervention.

90. Waterford failed to adequately train its Officers to respond appropriately to situations in which suspects or detainees require immediate medical attention, including summoning EMS, refraining from moving or repositioning injured persons without proper



immobilization, and refraining from transporting or otherwise handling such persons in a manner that aggravates known or apparent injuries.

91. Waterford further failed to adequately supervise its Officers in the performance of these duties, including by failing to monitor Officer conduct, failing to investigate and discipline Officers for uses of force and denials of medical care that violated constitutional standards, and failing to correct patterns of conduct that placed persons in WPD custody at obvious risk of serious harm.

92. The need for training and supervision on each of the subjects identified above was obvious to Waterford's policymakers. Waterford Officers routinely encounter unarmed suspects, persons in mental health crisis, persons with intellectual disabilities, and persons with serious medical needs, and the consequences of failing to properly train and supervise Officers in these areas — including the use of excessive force and the denial of necessary medical care — are highly predictable.

93. Waterford's policymakers were further on actual or constructive notice of the inadequacy of the training and supervision described herein through prior incidents, complaints, and claims involving Officers' use of force, treatment of persons with psychiatric or intellectual disabilities, and denial of medical care to persons in custody, yet failed to take reasonable corrective action.

94. Waterford's failures to train and supervise, described herein, are so severe and lacking as to amount to deliberate indifference to the constitutional rights of citizens like Donovan.



95. Waterford's failures to train and supervise were the moving force behind, and the direct and proximate cause of, the violation of Donovan's Fourth and Fourteenth Amendment rights and catastrophic injuries he suffered on September 8, 2024.

96. As a direct and proximate result of Waterford's failures to train and supervise, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income and earning capacity, loss of life's enjoyment, severe emotional distress, mental anguish, disfigurement, and physical pain and suffering.

COUNT NINE – NEGLIGENCE
Negligence v. Stephen J. Rogers

97. Paragraphs 1 – 72 of Count Two are incorporated and realleged as paragraph 97 of this Count Nine.

98. At all relevant times, Defendant Rogers owed Donovan a duty to exercise the degree of care, skill, and judgment that a reasonably prudent police officer would exercise under the same or similar circumstances, including in his decisions to detain, restrain, use force against, transport, and respond to the emergent medical and psychiatric needs of a person exhibiting evident signs of injury and psychiatric or intellectual disability.

99. Rogers breached his duty in one or more of the following ways:

- a. failing to reasonably consider Donovan's psychiatric and intellectual disability before deciding to engage with him;
- b. failing to employ de-escalation techniques a reasonably prudent officer would have used with a person in Donovan's evident condition(s);
- c. using force that was excessive, unnecessary, and disproportionate under the circumstances;



- d. failing to recognize obvious signs that Donovan was seriously injured and in need of immediate medical attention;
- e. failing to summon or ensure prompt medical care once Donovan's injuries were apparent;
- f. moving, restraining, and transporting Donovan without appropriate precautions for his injuries, thereby aggravating them; and
- g. otherwise failing to act as a reasonably prudent officer would have acted in the same or similar circumstances.

100. As a result of Rogers's conduct, Donovan sustained serious physical injuries, together with severe emotional distress, mental anguish, humiliation, and pain and suffering.

101. Donovan's injuries and damages were caused by Rogers's negligence.

102. As a direct and proximate result of Rogers's negligence, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.

COUNT TEN – NEGLIGENCE
Negligence v. Nicholas Genung

103. Paragraphs 1 – 72 of Count Four are incorporated and realleged as paragraph 103 of this Count Ten.

104. At all relevant times, Defendant Genung owed Donovan a duty to exercise the degree of care, skill, and judgment that a reasonably prudent police officer would exercise under the same or similar circumstances, including in his decisions to detain, restrain, use force against, transport, and respond to the emergent medical and psychiatric needs of a person exhibiting evident signs of injury and psychiatric or intellectual disability.



105. Genung breached his duty in one or more of the following ways:

- a. failing to reasonably consider Donovan's psychiatric and intellectual disability before deciding to engage with him;
- b. failing to employ de-escalation techniques a reasonably prudent officer would have used with a person in Donovan's evident condition(s);
- c. using force that was excessive, unnecessary, and disproportionate under the circumstances;
- d. failing to recognize obvious signs that Donovan was seriously injured and in need of immediate medical attention;
- e. failing to summon or ensure prompt medical care once Donovan's injuries were apparent;
- f. moving, restraining, and transporting Donovan without appropriate precautions for his injuries, thereby aggravating them; and
- g. otherwise failing to act as a reasonably prudent officer would have acted in the same or similar circumstances.

106. As a result of Genung's conduct, Donovan sustained serious physical injuries, together with severe emotional distress, mental anguish, humiliation, and pain and suffering.

107. Donovan's injuries and damages were caused by the negligence of Genung.

108. As a direct and proximate result of Genung's negligence, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, loss of income, severe emotional distress, mental anguish, embarrassment, humiliation, disfigurement, and physical pain and suffering.



COUNT ELEVEN – CONN. GEN. STAT. § 52-557n
Negligence v. Town Of Waterford

109. Paragraphs 1 – 67 of Count One, paragraphs 1 – 72 of Count Two, paragraphs 1 – 67 of Count Three, paragraphs 1 – 72 of Count Four, paragraphs 1 – 67 of Count Five, paragraphs 1 – 69 of Count Six, paragraphs 73 – 83 of Count Seven, paragraphs 84 – 86 of Count Eight, paragraphs 97 – 102 of Count Nine, and paragraphs 103 – 108 of Count Ten are incorporated and realleged as paragraph 109 of this Count Eleven.

110. At all relevant times, Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin were employees of Defendant Waterford and acting within the course and scope of their employment.

111. At all relevant times, Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin owed Donovan a duty to exercise the degree of care, skill, and judgment that a reasonably prudent police officer would exercise under the same or similar circumstances, including in his decisions to detain, restrain, use force against, transport, and respond to the emergent medical and psychiatric needs of a person exhibiting evident signs of injury and psychiatric or intellectual disability.

112. Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin breached their duty in one or more of the following ways:

- a. failing to reasonably consider Donovan’s psychiatric and intellectual disability before deciding to engage with him;
- b. failing to employ de-escalation techniques a reasonably prudent officer would have used with a person in Donovan’s evident condition(s);
- c. using force that was excessive, unnecessary, and disproportionate under the circumstances;



- d. failing to recognize obvious signs that Donovan was seriously injured and in need of immediate medical attention;
- e. failing to summon or ensure prompt medical care once Donovan's injuries were apparent;
- f. moving, restraining, and transporting Donovan without appropriate precautions for his injuries, thereby aggravating them; and
- g. otherwise failing to act as a reasonably prudent officer would have acted in the same or similar circumstances.

113. As a result of Rogers's, Genung's, Bunce's, Ian Donovan's, Reed's, Fedor's, and Arpin's conduct, Donovan sustained serious physical injuries, together with severe emotional distress, mental anguish, humiliation, and pain and suffering.

114. Donovan's injuries and damages were caused by the negligence of Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin.

115. Pursuant to Connecticut General Statutes § 52-577n(a)(1), Defendant Waterford is liable for the negligence of Rogers, Genung, Bunce, Ian Donovan, Reed, Fedor, and Arpin.

COUNT TWELVE – RECKLESSNESS
Recklessness v. Stephen J. Rogers

116. Paragraphs 97 – 102 of Count Nine are incorporated and realleged as paragraph 116 of this Count Twelve.

117. Defendant Rogers is sued in his individual capacity.

118. Rogers acted with a conscious and reckless disregard for the potential consequences of his acts and for the just rights and safety of Donovan.

119. Rogers's conduct constituted a highly unreasonable and extreme departure from ordinary care in a situation where a high degree of danger was apparent.



120. At the time Rogers used force against Donovan and physically handled his body, Rogers knew that Donovan had just sustained a head-on collision with a parked police cruiser, that Donovan was bleeding heavily from the front of his head with blood pooling on the ground and cascading down the driveway, and that Donovan had suffered an evident injury to his head and/or neck.

121. Rogers exclaimed “oh shit” upon observing the extent of Donovan’s bleeding, demonstrating his contemporaneous recognition of the seriousness of Donovan’s condition.

122. A reasonable police officer in Rogers’s position would have known that touching, tasing, rolling, wrenching, dragging, or otherwise moving Donovan’s body following a head-on collision with a parked vehicle carried a substantial risk of aggravating a spinal, neck, or head injury and causing catastrophic and permanent harm.

123. Upon information and belief, Rogers was angry at Donovan for his past actions, for taunting police earlier that day, and for evading the traffic stop and wanted to punish him.

124. Notwithstanding his knowledge of Donovan’s evident injuries and Donovan’s psychiatric and intellectual disabilities, Rogers deliberately and knowingly disregarded the substantial risk of serious harm his conduct posed, and acted with reckless disregard of Donovan’s just rights and safety in one or more of the following ways:

- a. Pursuing Donovan;
- b. Drawing his department-issued firearm and pointing it at Donovan, an unarmed, disabled teenager who posed no threat of harm to Rogers or any other person;
- c. Deploying his taser into Donovan’s back while Donovan lay motionless and bleeding on the ground after a head-on collision;



- d. Wrenching Donovan's arm behind his back and forcibly manipulating his body despite obvious signs of a serious head and/or neck injury;
- e. Rolling, moving, and dragging Donovan without spinal immobilization or other precautions appropriate to a suspected spinal, neck, or head injury; and
- f. Otherwise consciously disregarding a known and substantial risk of catastrophic harm to Donovan.

125. As a direct and proximate result of Rogers's reckless conduct, Donovan sustained catastrophic and permanent physical injuries, including paralysis, together with severe emotional distress, mental anguish, humiliation, and pain and suffering.

126. Rogers's actions were carried out with actual malice and/or a conscious, reckless, and outrageous indifference to Donovan's health, safety, and welfare, thereby justifying an award of punitive damages to the fullest extent permitted by law.

COUNT THIRTEEN – RECKLESSNESS
Recklessness v. Nicholas Genung

127. Paragraphs 103 – 108 of Count Ten are incorporated and realleged as paragraph 127 of this Count Thirteen.

128. Defendant Genung is sued in his individual capacity.

129. Genung acted with a conscious and reckless disregard for the potential consequences of his acts and for the just rights and safety of Donovan.

130. Genung's conduct constituted a highly unreasonable and extreme departure from ordinary care in a situation where a high degree of danger was apparent.

131. At the time Genung used force against Donovan and physically handled his body, Genung knew that Donovan had just sustained a head-on collision with a parked police cruiser, that Donovan was bleeding heavily from the front of his head with blood pooling on the ground



and cascading down the driveway, and that Donovan had suffered an evident injury to his head and/or neck.

132. A reasonable police officer in Genung's position would have known that touching, rolling, wrenching, dragging, or otherwise moving Donovan's body following a head-on collision with a parked vehicle carried a substantial risk of aggravating a spinal, neck, or head injury and causing catastrophic and permanent harm.

133. Upon information and belief, Genung was angry at Donovan for his past actions, for taunting police earlier that day, and for evading the traffic stop and wanted to punish him.

134. Notwithstanding his knowledge of Donovan's evident injuries and Donovan's psychiatric and intellectual disabilities, Genung deliberately and knowingly disregarded the substantial risk of serious harm his conduct posed, and acted with reckless disregard of Donovan's just rights and safety in one or more of the following ways:

- a. Pursuing Donovan;
- b. Deploying his Police Dog with Donovan, an unarmed, disabled teenager who posed no threat of harm to Genung or any other person;
- c. Intentionally choosing to position himself and his Police Dog directly in the path he anticipated Donovan would take;
- d. Recognizing that he would collide with Donovan, who was riding his bike towards his present position, if he did not move and intentionally choosing to stand his ground despite having the present ability to move and avoid the collision;
- e. Intentionally pushing Donovan off his bike, causing Donovan to crash into the parked police cruiser;



- f. Forcibly manipulating Donovan's body despite obvious signs of a serious head and/or neck injury;
- g. Rolling, moving, and dragging Donovan without spinal immobilization or other precautions appropriate to a suspected spinal, neck, or head injury; and
- h. Otherwise consciously disregarding a known and substantial risk of catastrophic harm to Donovan.

135. As a direct and proximate result of Genung's reckless conduct, Donovan sustained catastrophic and permanent physical injuries, including paralysis, together with severe emotional distress, mental anguish, humiliation, and pain and suffering.

136. Genung's actions were carried out with actual malice and/or a conscious, reckless, and outrageous indifference to Donovan's health, safety, and welfare, thereby justifying an award of punitive damages to the fullest extent permitted by law.

COUNT FOURTEEN – ASSAULT
Assault v. Stephen J. Rogers, Nicholas Genung

137. Paragraphs 116 – 126 of Count Twelve and paragraphs 127 – 136 of Count Thirteen are incorporated and realleged as paragraph 137 of this Count Fourteen.

138. Donovan reasonably contemplated and feared harmful and unwanted physical contact by Defendants Rogers and Genung, both of whom had the present ability to do so.

139. Rogers and Genung acted willfully and intended to cause Donovan to fear an imminent threat.

140. The aforesaid actions of Rogers and Genung constituted assault of Donovan, causing him to sustain personal injuries and damages, some or all of which will be permanent.



COUNT FIFTEEN – BATTERY

Battery v. Stephen J. Rogers, Nicholas Genung, John Bunce

141. Paragraphs 1 – 67 of Count Five and paragraphs 137 – 140 of Count Fourteen are incorporated as paragraph 141 of this Count Fifteen.

142. At all relevant times, Defendants Rogers, Genung, and Bunce acted intentionally and without Donovan’s consent. Each of the acts described below was a conscious, volitional physical action, not a reflex or involuntary movement.

143. Genung intentionally pushed Donovan off his bike, without Donovan’s consent, causing Donovan to strike the parked police cruiser and the ground.

144. Rogers intentionally deployed his taser at Donovan while Donovan was lying motionless on the ground, causing the taser probes and electrical current to make harmful physical contact with Donovan’s body.

145. Bunce applied leg shackles to Donovan while Donovan lay still and was neither moving nor resisting, such that no lawful or safety justification warranted the use of restraints.

146. Rogers, Genung, and Bunce intentionally moved, dragged, jostled, and wrenched Donovan’s body, without immobilizing his head or neck, without his consent, and in conscious disregard of his evident head and neck injuries.

147. Each of the foregoing contacts by Rogers, Genung, and Bunce was intended by the defendant who performed it, and each knew to a substantial certainty that such contact would occur.

148. Donovan did not consent to any of the foregoing contacts, and each contact was harmful and offensive in that it caused bodily injury and pain and objectively violated a reasonable person’s sense of personal dignity.



149. Rogers's, Genung's, and Bunce's volitional acts directly and proximately caused harmful and offensive contacts with Donovan and the resulting injuries.

150. Rogers's, Genung's, and Bunce's actions constituted battery of Donovan, causing him to sustain personal injuries and damages, some or all of which will be permanent.

COUNT SIXTEEN – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
IIED v. Stephen J. Rogers, Nicholas Genung, and John Bunce

151. Paragraphs 141 – 150 of Count Fifteen are incorporated and realleged as paragraph 151 of this Count Sixteen.

152. Defendants Rogers, Genung, and Bunce each engaged in a course of conduct toward Donovan that was atrocious, intolerable, and so extreme and outrageous as to exceed all bounds of decency tolerated by a civilized community.

153. Genung, without warning, provocation, or lawful justification, intentionally shoved Donovan off his moving bike, causing Donovan to strike the parked police cruiser and pavement head-first.

154. While Donovan lay motionless on the ground, visibly bleeding and displaying obvious signs of a serious head and neck injury, Rogers deployed his taser into Donovan's body.

155. After tasing Donovan, Rogers threatened to tase him again if he failed to comply with commands that Donovan, due to his injuries and incapacitation, was physically incapable of obeying.

156. Rogers and Genung wrenched Donovan's arms behind his back and dragged, jostled, and moved his body without cervical immobilization, despite the obvious signs of a head and neck injury and the substantial risk that such handling would aggravate those injuries.

157. Bunce applied leg shackles to Donovan while Donovan lay motionless and was neither moving nor resisting, such that no lawful or safety justification warranted the use of



restraints; and in the course of shackling him, Bunce jostled and manipulated Donovan's body, further exacerbating his head, neck, and other injuries.

158. Rogers, Genung, and Bunce joked with one another throughout this process and within earshot of Donovan. Many of the jokes were about Donovan and his reduced mental capacity.

159. Bunce escorted Donovan to the hospital via ambulance. Donovan whimpered and cried throughout the ride. Bunce mostly ignored him, chatting and laughing with the EMS attendants. When Bunce did acknowledge Donovan, he spoke in a disparaging manner about Donovan's background and reduced mental capacity.

160. Rogers, Genung, and Bunce each acted with the intent to inflict emotional distress on Donovan, or knew or should have known that severe emotional distress was the likely result of their conduct, and acted with reckless disregard of the substantial certainty that such distress would follow.

161. As a direct and proximate result of Rogers's, Genung's, and Bunce's extreme and outrageous conduct, Donovan suffered severe emotional distress, including terror, humiliation, helplessness, and the trauma of being brutalized, laughed at, and denied timely medical aid while critically injured.

162. The emotional distress Donovan experienced was so severe that no reasonable person could be expected to endure it.

163. The actions of Rogers, Genung, and Bunce against Donovan were carried out with (a) actual malice and/or (b) a conscious, reckless, and outrageous indifference to his health, safety, and welfare, thereby justifying an award of punitive damages to the fullest extent permitted by law.



PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants and respectfully requests the following relief:

- a. Compensatory damages in an amount to be determined at trial, but in no event less than Fifty Million Dollars (\$50,000,000);
- b. Punitive damages;
- c. Pre-judgment and post-judgment interest;
- d. Costs of suit, including reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and
- e. Such other and further relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

PLAINTIFF,

ERIN BEARD, CONSERVATOR OF
DONOVAN BEARD

By: /s/ Joaquin L. Madry
Paul A. Slager (ct 20711)
Joaquin L. Madry (ct 27672)
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EXHIBIT A

FIDUCIARY'S PROBATE CERTIFICATE/
GUARDIAN OF PERSON WITH
INTELLECTUAL DISABILITY
PC-450D NEW 1/18

STATE OF CONNECTICUT

COURT OF PROBATE

CONFIDENTIAL

COURT OF PROBATE, New London Probate Court		DISTRICT NO. PD31
IN THE MATTER OF Donovan S Beard (23-00134)		DATE OF CERTIFICATE June 17, 2026
FIDUCIARY'S NAME AND ADDRESS Erin Beard, [REDACTED]	FIDUCIARY'S POSITION OF TRUST Guardian of Person with Intellectual Disabilities	DATE OF APPOINTMENT May 4, 2023

The undersigned hereby certifies that the fiduciary in the above-named matter has accepted appointment, is legally authorized and qualified to act as such fiduciary, and the appointment is unrevoked and in full force as of the above date of certificate.

This certificate is valid for one year from the date of the certificate.

The fiduciary has been granted the following duties and authority:

- To assure and consent to a residence outside the natural family home.
- To consent to specifically designed educational, vocational or behavioral programs.
- To consent to the release of clinical records and photographs.
- To assure and consent to routine, elective and emergency medical and dental care.
- To provide other specific limited services necessary to develop or regain to the maximum extent possible the protected person's capacity to meet essential requirements.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this court on the above date of certificate.

Court

Seal



D'Nise M. Fitzpatrick

D'Nise M. Fitzpatrick, Clerk

NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED