

1 Keith M. Knowlton, L.L.C. – SBN 011565
9920 S. Rural Road, Suite 108, PMB# 132
2 Tempe, Arizona 85284-4100
(480) 755-1777; FAX (480) 471-8956
3 Keith M. Knowlton - SBN 011565

4 Attorney for Plaintiff

5
6 THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8	Bradley Jardis,)	
)	Cause No. CV-12-0884-PHX-COA
9	Plaintiff,)	
)	AMENDED COMPLAINT FOR
10	vs.)	DAMAGES UNDER THE FTCA
)	
11	The United States of America,)	
)	
12	Defendants.)	
)	

14
15 COMES NOW Bradley Jardis (“Plaintiff”), through undersigned counsel, to file his
16 complaint against Defendants as follows:

17 **JURISDICTIONAL ALLEGATIONS**

18
19 1. The action arises under 28 U.S.C. § 1331 and the FTCA. All of the acts,
20 occurrences, and events took place in Yuma County, State of Arizona, as more fully appears
21 in this Complaint.

22 2. Plaintiff Bradley Jardis is and was at all times relevant hereto a resident of NH.
23 Plaintiff is a prior law enforcement officer he has sworn an oath Federal Constitution on
24 three separate occasions.

25 3. United States of America is a jural entity subject to suit. Notices of claim
26 statutory requirements have been met under the FTCA.

1 4. The jurisdiction of this court is founded on Federal Question Jurisdiction pursuant
2 to 28 U.S.C. §1331 and under the FTCA.

3 5. At all times material hereto, Border Patrol Agent Aldrich (“Border Patrol
4 Agents”) were acting in their capacity as employees of as law enforcement officers of Border
5 Patrol and at all times relevant to the allegations set forth herein, were acting within the scope
6 and course of federal employment with Border Patrol and its parent organization, United
7 States of America. The United States is liable for the acts of the above law enforcement
8 agents pursuant to the FTCA.

9 6. All acts and omissions by all individual parties that are the subject of this
10 complaint were done in Yuma County, making jurisdiction and venue proper in this court.

11 7. Plaintiff requests a Jury Trial.

12 **FACTUAL BACKGROUND**

13 1. On July 2, 2011 Bradley Jardis spent the day walking around Nogales Mexico.

14 2. Agent Aldrich asked Bradley what the shot glasses were to celebrate. Bradley
15 replied that he didn’t want to answer his questions.

16 3. A short interlude between Agent Aldrich and Bradley followed where Bradley
17 tried to explain why he was refusing to answer his questions. Agent Aldrich got up, grabbed
18 Bradley by the arm, and dragged him into an adjacent room where another agent was sitting
19 at a computer.

20 4. Agent Aldrich searched Bradley and ordered him to sit in a chair. The Agent
21 approached Bradley and began pointing and yelling at him, telling him he was “impeding” a
22 federal officer by not answering his questions. He demanded to know what Bradley was
23 doing in Mexico and stated that failure to answer his questions would result in a \$5,000 fine.
24 He told Bradley he was not at the border patrol station to the north and that Bradley was in
25 “our house.”
26

1 5. Bradley informed Agent Aldrich he was not required to answer his questions and
2 provided an example of why claiming an individual would have to answer any and every
3 question would run afoul of the Fifth Amendment.

4 6. Bradley clearly identified his immigration status and made a verbal customs
5 declaration as allowed by federal regulation. Bradley was never presented with, nor asked to
6 fill out, a written customs declaration form.

7 7. Agent Aldrich began yelling at Bradley again and told him he was exhibiting
8 “contempt-of-cop” behavior. Bradley stated that Agent Aldrich was an “angry man.” Agent
9 Aldrich stormed out of the room. The Agent Aldrich made a few rude comments to a female
10 agent at the computer saying, “This motherfucker thinks he knows everything.” This
11 comment upset Bradley and Bradley told the agent he thought the use of profanity was
12 unprofessional. The agent replied, “I didn’t call you a motherfucker.”

13 8. Bradley asked to speak with the agent's supervisor; the female agent was pointed
14 to, indicating she was his supervisor. Bradley asked the female supervisor if she thought that
15 using profanity was acceptable when dealing with a member of the public and informed her
16 that he wished to file a complaint. She dodged/ignored the question and returned to
17 statements about how Bradley needed to answer their questions about what he was doing in
18 Mexico. Bradley reiterated his position that he did not have to do so, stating he wanted a
19 lawyer, and referenced 5 U.S.C. 555.

20 9. Agent Aldrich stormed back into the room and stated, "This is the third time he’s
21 done this!" -- referring to Bradley asserting his rights at the border.

22 10. Agent Aldrich asked his supervisor permission to “right” Bradley. Bradley did
23 not hear her reply but assumed she nodded, as Agent Aldrich stormed towards him and stated,
24 "You are under arrest.” Bradley's hands were placed behind his back, he was handcuffed, and
25 then led to a cell in an adjacent room where the handcuffs were removed and Bradley was
26

1 locked inside. Bradley asked Agent Aldrich if he would reconsider arresting him, and Agent
2 Aldrich said "no."

3 11. Several officers including came by to talk to Bradley, and Bradley shared his
4 legal reasoning with them. Bradley fully cooperated with their booking questions, which
5 included revealing the name of his employer. About 45 minutes to an hour after Bradley was
6 arrested, an ICE Special Agent arrived. Bradley answered his questions and explained his
7 legal reasoning regarding the incident.

8 12. Bradley was told by the special agent and another officer collectively that should
9 he exhibit similar conduct at the border he should expect the same actions to happen again.
10 Bradley told both agents that if he had to sit in a jail cell to insure that the Fifth Amendment
11 would be respected, so be it.

12 13. Agent Aldrich then opened the door to the cell and returned one hundred dollars
13 that had been taken from Bradley, telling him he could leave the cell. Bradley's other
14 personal belongings were then returned. Agent Aldrich lectured Bradley that he was now in
15 "their system" and that they could call Bradley's employer to inform them about Bradley's
16 attitude. Odd that Agent Aldrich made a false arrest and yet was lecturing Bradley on his
17 behavior.

18 14. Bradley requested the names of all the officers involved. He was denied this
19 information.

20 15. Bradley requested to speak to the supervisor. He was denied this request.

21 16. At this time Bradley finally lost his cool after receiving even more lecturing and
22 asked Agent Aldrich, "How does it feel to be wrong?" Agent Aldrich replied that Bradley
23 would be arrested for trespassing if he did not leave. As Bradley left, he reminded them they
24 had all sworn to uphold the Constitution.

25 17. It was later discovered that the agents' report indicated Bradley was suspected of
26 various crimes. There was absolutely no foundation or facts of any kind to back up any

1 allegation against Bradley. In short, this was a straw man allegation to justify the agents'
2 violation of Bradley's arrest.

3 18. Our client suffered a personal injury in that he was arrested for exercising his
4 Fifth Amendment right to remain silent by an officer sworn to uphold the Constitution of the
5 United States, including the Fifth Amendment.

6 **COUNT ONE**
7 **Negligence and/or Gross Negligence**
8 **FEDERAL ACTORS**

9 19. Plaintiff alleges and incorporates paragraphs 1-18 above as though fully set
10 forth herein.

11 20. Border Patrol Agent Aldrich owed a duty of reasonable care to Mr. Jardis under
12 the FTCA to allow him to remain silent.

13 21. Border Patrol Agent Aldrich actions were negligent and/or grossly negligent and
14 breached the duty of reasonable care.

15 22. The United States is responsible for the actions of its Border Patrol Agents under
16 the FTCA because they were law enforcement employees.

17 23. As a direct and proximate result of said Border Patrol Agents actions, they
18 breached the duty of care owed to Mr. Jardis as described herein. Mr. Jardis substantial
19 injury, for which he is entitled to redress from said United States.

20 **COUNT TWO**
21 **False Arrest and Imprisonment**
22 **FEDERAL (State Tort)**

23 24. Plaintiff alleges and incorporates paragraphs 1-23 above as though fully set forth
24 herein.

25 25. The United States, through Border Patrol Agent Aldrich caused Mr. Jardis to be
26 falsely arrested and imprisoned, without his consent, without lawful authority, and seizure

1 without probable cause. The Border Patrol Agents thereby committed the State tort of false
2 arrest and imprisonment.

3 26. Border Patrol Agent Aldrich instigated the seizure of Plaintiff's person and
4 detained him without his consent and without lawful authority. The detention of Plaintiff
5 constituted an arrest and unlawful detention. Agent Aldrich caused the seizure and detention
6 to occur without probable cause to detained Plaintiff.

7 27. United States is responsible for the actions of the Border Patrol Agents under the
8 FTCA because they are law enforcement employees of the United States and/or its entities.

9 28. As a direct and proximate result of Plaintiff's false arrest and imprisonment,
10 Plaintiff sustained serious and substantial injury, for which he is entitled to redress from said
11 United States who acted in concert in causing the injuries.

12
13 **COUNT THREE**
Intentional Infliction of Emotional Distress

14 29. Plaintiff alleges and incorporates paragraphs 1-28 above as though fully set forth
15 herein.

16 30. The conduct of Border Patrol Agents United States as described herein was
17 extreme and outrageous, and was either intended to cause emotional distress to Mr. Jardis or
18 was performed in reckless disregard of the certainty that such harm would result.

19 31. Mr. Jardis did, in fact, sustain severe emotional distress as a result of the United
20 States' Border Patrol Agents Aldrich who was acting within the course and scope of their
21 employment as Federal law enforcement officers.

22
23 **COUNT FOUR**
Assault and Battery
FEDERAL ACTORS

24 32. Plaintiff alleges and incorporates paragraphs 1-31 above as though fully set forth
25 herein.
26

