

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER YSAIS,

Plaintiff,

CASE NO.

vs.

BILL RICHARDSON, in his official capacity as Governor, State of New Mexico, and as an individual, MARY-DALE BOLSON, in her capacity as Cabinet Secretary of the Department of Children Youth and Family, State of New Mexico, and as an individual, KAREN PRICE, in her official capacity as Agency Head, and as an individual, DAVID MONTOYA, in his capacity as a Supervisor of CYFD and as an individual, JULIE BODENNER, in her capacity as a supervisor of CYFD, and as an individual, JENNIFER LYNN, as an employee of CYFD, and as an individual, THE STATE OF NEW MEXICO, SECOND JUDICIAL DISTRICT COURT, THE SECOND JUDICIAL DISTRICT COURT FAMILY CLINIC DIVISION, BETH ROTH, in her capacity as Supervisor of the Family Court Clinic, and as an individual, TERRY ASHCOM, in her capacity as an employee of the Family Court Clinic, and as an individual, DIANN SHEPPARD, in her capacity as an employee of the Family Court Clinic, and as an individual, THE CITY OF RIO RANCHO, THE CITY OF RIO RANCHO POLICE DEPARTMENT, CHRIS PINO, in his capacity as an investigative sergeant of the Rio Rancho Police Department, and as an individual, JEFF CHAVEZ, in his capacity as a Rio Rancho Police Officer, and as an individual, BRIAN LINK, as a Detective in the Rio Rancho Police Department, and as an individual, ARAZOS, INC., ELIZABETH SIMS, in her capacity as an employee of Abrazos, and as an individual, JANE DOE 1 in her capacity as an employee of Abrazos, and as an individual, JOHN DOE 1, in his capacity as an employee of Abrazos, and as an individual, PRESBYTERIAN HOSPITAL, INC., MARY DENTZ, in her capacity as a Nurse Practitioner employed by Presbyterian Hospital, and as an individual, DR. KAREN WALSH, in her capacity as a Doctor employed by Presbyterian Hospital, and as an individual, THE UNIVERSITY OF NEW MEXICO HOSPITAL, DR. CAROL CLERICUZIO, in her capacity as an employee of the University of New Mexico Hospital, and as an individual, DR. JUDITH LEDMAN, in her capacity as an employee of the University of New Mexico Hospital, and as an individual, RIO RANCHO PUBLIC SCHOOLS, SHINING STARS PRE-SCHOOL, JOAN HROMAS, in her capacity as an employee of the Rio Rancho Public Schools, and as an individual, THE THIRTEENTH JUDICIAL DISTRICT ATTORNEY'S OFFICE, CARLOS ELIZANDO, in his capacity as Assistant District Attorney, and as an individual, JODY CARRASCO, in her capacity as an employee of the Thirteenth Judicial District Attorney's Office, and as an individual, MEMORABLE MOMENTS DAYCARE, TAMMY ROSEN, in her capacity as owner of Memorable Moments Daycare, and as an individual, COZY DAYCARE, DONNA EARL, in her capacity as owner of Cozy Daycare and as an individual, DR. GAYLE ZIEMAN, in his capacity as a contractor with the Second Judicial District Court Family Clinic,

HAVEN HOUSE, and as an individual, CONSUELO LEYBA, as an individual, ANTHONY LEYBA, as an individual,

Defendants.

VERIFIED COMPLIANT FOR VIOLATIONS OF CIVIL RIGHTS UNDER U.S.C. SECTION 1983, CONSPIACY TO VIOLATE CIVIL RIGHTS UNDER THE THIRTEENTH AND FOUTEENTH AMENDMENTS, DEFAMTION OF CHARACTER PER SE, SLANDER AND LIBEL, PLACING A PERSON IN FALSE LIGHT, NEGLIGENCE, NEGLIGENT SUPERVISION, NEGLIGENT INTERFERENCE WITH FAMLIY RELATIONS, PROSECUTORIAL MISCONDUCT, ABUSE OF PROCESS.

COMES NOW, the Plaintiff, Christopher Ysais, by and through his attorney of record, Richard Valdez, and hereby complains and alleges as follows:

JURISDICTION

1. At the time of the incident Christopher Ysais was and is a resident of the city of Rio Rancho, Sandoval County, State of New Mexico.
2. Upon information and belief, the Children Youth and Family Department is part of the Governmental Body of the State of New Mexico.
3. Upon information and belief, the University of New Mexico is a public education institution funded and operated by the Sate of New Mexico.
4. Upon information and belief, the Rio Rancho Public Schools are a public education facility funded and operated by the State of New Mexico.
5. Upon information and belief, the Thirteenth Judicial District Attorney's Office is operated and funded by the State of New Mexico.
6. Upon information and belief, the Family Court Clinic is a division of the Second Judicial District Court, and part of the judiciary governmental body of the Supreme Court of the State of New Mexico.

7. Upon information and belief, the City of Rio Rancho is an incorporated governmental entity of city government as authorized by the New Mexico State Constitution and the New Mexico State Legislature.
8. Upon information and belief, Presbyterian Hospital is a corporation conducting business within the State of New Mexico.
9. Upon information and belief, Haven House is a business entity conducting business within the State of New Mexico.
10. Upon information and belief, Memorable Moments Daycare is a business entity conducting business in the State of New Mexico.
11. Upon information and belief, Dr Gayle Zieman is a licensed psychologist practicing in the State of New Mexico.
12. Upon information and belief, Cozy Daycare is a business entity conducting business in the State of New Mexico.
13. Upon information and belief, Abrazos, Inc., is a business entity conducting business within the State of New Mexico.
14. Upon information and belief, all of the individuals named as individual Defendants were residents of the State of New Mexico at the time of the incident.
15. Venue is proper in this Court.

FACTS

16. On or about May 2, 2004, Christopher Ysais was asked by his former wife to give up his parental rights to his son. Mr. Ysais refused this request.

17. In July of 2004 Mr. Ysais attended the first mediation meeting at the Family Court Clinic of the Second Judicial District Court.
18. The Family Court Clinic recommended a 50% custody plan at the end of the meeting.
19. The Family Court Clinic next conducted a Priority Consultation where the Child was observed with both parents for 30 minutes.
20. Defendant Terry Ashcom conducted the Priority Consultation.
21. Defendant Terry Ashcom recommended that the child be placed with the Mother, and that Mr. Ysais take and complete anger management classes.
22. Mr. Ysais avers that Ms. Ashcom did not have the necessary qualifications to make either the assessment or the recommendation.
23. In August 2004 Mr. Ysais then asked for a hearing in front of the Honorable Deborah Davis Walker.
24. In November 2004, Mr. Ysais moved for an Advisory Consultation in order to dispute the findings of the Priority Consultation. Judge Walker ordered the Advisory Consultation to be conducted, and that both parties were responsible for payment of the Court fees before January 2005.
25. Mr. Ysais paid his portion of the fee, but his former wife did not tender payment timely, and finely paid.
26. In February 2005, Judge Walker again ordered an Advisory Consultation. The Advisory Consultation was scheduled for April 2005.

27. Two weeks before the Advisory Consultation, Mr. Ysais received a telephone call from the police regarding a complaint made by Mr. Ysais's former wife concerning bruising found on the Child.
28. Mr. Ysais denied abusing his child, yet the Police persisted in questioning him regarding the alleged incident.
29. Approximately two days after the police called Mr. Ysais, a Sheriff's Deputy came to Mr. Ysais's house to serve him with a restraining order.
30. The Deputy's actions were peculiar because he did not ring the doorbell, instead proceeding to pound on the garage door and the windows.
31. Mr. Ysais was prevented from contacting his former wife or the Child.
32. In May 2005 an Advisory Consultation was performed. Defendant Diann Shepard performed this consultation on behalf of the Court Clinic.
33. Both parties were given the Minnesota Multiphasic Personality Inventory; the Millon Clinical Multiaxial Inventory 3 and the Sentence Completion Series-Parenting. Mr. Ysais and Ms. Leyba also had an interview with Defendant Shepard and each party was observed for thirty minutes interacting with the child.
34. In June 2005 the Court Clinic issued its recommendations. The results were almost identical to the recommendations made by CYFD, although the Court Clinic added a few more.
35. In October 2005 Diann Shepard was subpoenaed for a deposition. Ms. Shepard failed to appear.

36. Mr. Standridge then subpoenaed the Court Clinic for the results of the tests given to Mr. Ysais.
37. In November 2004 Diann Shepard filed for an Order of Protection. The document stated that it was in the best interest of the child that the results not be released.
38. In January 2005, Judge Walker ordered Ms. Shepard to appear for Depositions. The Judge also stated that Ms. Shepard was not required to produce any of her notes or any portion of her file for inspection or copying.
39. Ms. Shepard was deposed on January 13, 2006. During the deposition Ms Shepard stated that she did not possess any particular level of expertise other than being a mother and grandmother.
40. On January 26, 2006 Ms Shepard testified in open court that she thought it was a good idea to follow the CYFD recommendations.
41. Mr. Ysais was informed that Children Youth and Family (herein after referred to as CYFD) was conducting an investigation into the incident alleged by Mr. Ysais's former wife.
42. Mr. Ysais asked to have his attorney present for his interview with CYFD. At first, CYFD refused to cooperate, and then relented. Mr. Ysais was then allowed to have the Standridge Law Firm represent him. Ms. Gina Stack of the Standridge Law Firm represented Mr. Ysais.
43. Defendant Jennifer Lynn and detective Brian Link of the Rio Rancho Police Department conducted the CYFD interview.

44. In May 2005, Mr. Ysais received a letter from CYFD regarding the results of the investigation. CYFD recommended that Mr. Ysais and his son only have supervised contact.
45. CYFD also recommended that Mr. Ysais undergo a full psychological evaluation, including neuropsychological evaluation and that he follow the recommendations resulting from that evaluation.
46. In the same letter, CYFD also recommended that Mr. Ysais complete intensive parenting classes aimed at developmental expectations, and parenting children with special needs.
47. Further, CYFD recommended that Mr. Ysais participate in an ongoing domestic violence group aimed at emotional stability and management. All of these recommendations should be a year or so in duration.
48. Mr. Ysais's son was recommended a Guardian Ad Litem to represent his interests in the ongoing custody battle, where there were valid concerns of physical abuse, but one was not appointed.
49. Mr. Ysais complied with all of the CYFD recommendations and completed the courses as specified.
50. When Mr. Ysais and his attorney subpoenaed CYFD for the actual evidence used by CYFD as a basis for these recommendations, CYFD refused.
51. CYFD refused requests to inspect the file, and defied a Court Order issued by the Honorable Deborah Davis Walker stating that CYFD was to release the results of its investigation in August 2005.

52. CYFD was subpoenaed to release the findings of its investigation in October 2005.
53. CYFD defied the Subpoena and did not show up at the appointed time.
54. CYFD filed a Motion requesting a hearing on the matter to review the CYFD investigation file. CYFD also contacted Mr. Ysais and Mr. Standridge seeking another way to resolve the matter.
55. CYFD then allowed Mr. Standridge and Mr. Ysais to review the file with Julie Bodenner, the Director of CYFD and Patricia A. Clary present.
56. Initially, CYFD resisted attempts to provide copies of the file, but finally relented and released copies of the file.
57. A civil trial commenced on January 25, 2006. The trial ended on January 30, 2006. Mr. David Montoya testified on behalf of CYFD in his capacity as the supervisor for CYFD employee Jennifer Lynn.
58. Mr. Montoya testified that he had reviewed Mr. Ysais's file on several occasions, but did not ensure that CYFD procedures were followed in this case.
59. Mr. Montoya further stated that CYFD used statements made by Ms. Leyba to determine that a restraining order was necessary.
60. Mr. Montoya then admitted that CYFD used incorrect language in making its recommendations concerning Mr. Ysais, and that the wording was not an accurate reflection of the status of the family at the time of the CYFD investigation.

61. Mr. Montoya testified that the recommendations that CYFD made were extreme, and could not explain why CYFD made recommendations for Mr. Ysais to attend parenting classes, anger management classes, and have both psychological and neurological evaluations.
62. Mr. Montoya testified that a meeting with a psychologist would have been more appropriate, as a physiologist could make those types of evaluations after a three or four meeting with Mr. Ysais.
63. In April 2005 Mr. Ysais was served with a restraining order preventing contact with his former wife and child.
64. Later, Mr. Ysais was allowed only supervised visits with the child.
65. Ms. Consuelo Leyba complained to the Rio Rancho Police that her son had been abused in April 2005. Officer Jeff Chavez took Ms. Lebya's information and examined the child.
66. Defendant Brian Link, a Detective employed by the Rio Rancho Police Department was assigned the task of investigating child abuse.
67. Mr. Ysais was never arrested for the crime of Child Abuse.
68. Mr. Ysais was charged with the crime of Child Abuse on September 9, 2005 (five months after the alleged incident).
69. Jury selection began on April 11, 2006 and trial continued through April 13, 2006, The Honorable George Eichwald, District Court Judge presiding.
70. Defendant Brian Link testified that the only conducted one interview, and did not follow proper investigative procedures regarding this case.

71. Defendant Brian Link also admitted that he did not have enough evidence to obtain a warrant for Mr. Ysais's arrest.
72. The jury returned a verdict of not guilty.
73. Judge Deborah Davis Walker, despite the jury's not guilty verdict told Mr. Ysais that just because he was acquitted, it did not mean you didn't do it.
74. Presbyterian Hospital performed an exam on Mr. Ysais's child. Their report made erroneous assumptions, stating those assumptions as facts.
75. Defendant Presbyterian Hospital also included misrepresentations about Mr. Ysais's father, which if investigated would have proven to be wrong. Presbyterian Hospital noted these untruths as facts.
76. Haven House and Abrazos, Inc. performed therapy on Mr. Ysais's child despite not obtaining Mr. Ysais's permission for such therapy.
77. Defendant Haven House and Abrazos, Inc. refused to give Mr. Ysais information regarding his child's therapy despite Mr. Ysais having joint custody of the child.
78. Mr. Ysais avers that Haven House and Abrazos, Inc. adopted the falsehoods against him and acted in a calculated manner to deny him the information he requested concerning his child's test results.
79. Defendant UNM Children's Hospital, and its employees, Dr. Clericuzio and Dr. Judith Ledman, performed an extensive evaluation on Mr. Ysais's son. Mr. Ysais did not consent to this testing. Mr. Ysais has joint custody of the child with his former wife.

80. UNM Hospital and its employees, Dr. Clericuzio and Dr. Judith Ledman did not allow Mr. Ysais to participate in the evaluation and avers his parental rights were violated.
81. Defendant Abrazos performed an evaluation on Mr. Ysais child in November 2004. Mr. Ysais was not informed of the evaluation.
82. Mr. Ysais was not allowed to participate in the evaluation.
83. Mr. Ysais was unable to see the results of the test for an extended period, and had to resort to legal action in order to see the results of the testing.
84. Defendant Rio Rancho Schools performed an IEP in 2005 on Mr. Ysais's child without his permission. Mr. Ysais was not allowed to participate in the evaluation.
85. Upon information and belief, Mr. Ysais avers that his photograph was shown to teachers and other parents of children attending Shining Star Preschool.
86. Mr. Ysais avers the reason his photograph was circulated was so that the authorities could be notified if they saw Mr. Ysais at or near the school.
87. Mr. Ysais avers that he was not arrested for Child Abuse, and that he was acquitted in the case brought against him by the State of New Mexico.
88. Upon information and belief, Mr., Ysais's child, in the same class at the same school attended Defendant Carlos Elizando's child. Mr. Ysais avers that Defendant Elizando both through his public office as Assistant District Attorney and as a private citizen told the teacher about Mr. Ysais and caused injury to his standing and reputation.

89. Mr. Ysais avers that the Rio Rancho Public Schools, by and through its teacher and administration adopted the false information made by Ms. Leyba, CYFD, the Family Court Clinic and the Rio Rancho Police Department and acted with malice against Mr. Ysais by spreading these falsehoods about Mr. Ysais to others, and telling them to call the police if they saw Mr. Ysais on or near the school.
90. Memorable Monuments Daycare and Defendant Tammy Rosen wrote a letter stating that the child should be with the mother, and that the child was likely abused by Mr. Ysais. Mr. Ysais avers that Ms. Rossin is without sufficient evidence or professional credentials to issue such a statement.
91. Mr. Ysais avers that Ms. Rosen adopted the falsehoods made by Ms. Leyba, the Family Court Clinic, CYFD and the Rio Rancho Police Department and acted in accordance with that false information as a basis for denial of Mr. Ysais's requests for information.
92. Cozy Daycare and Defendant Donna Earl refused to allow Mr. Ysais to visit the daycare center where his child was enrolled. Mr. Ysais avers that he had joint custody of the child, and explained this to Defendant Earl.
93. Despite this fact, Ms. Earl refused to allow Mr. Ysais to visit citing safety reasons.
94. Mr. Ysais avers that Ms. Earl adopted the false statements made by Ms. Leyba and acted as if the false statements were true.

95. The Assistant District Attorney, Carlos Elizando, committed the offense of malicious prosecution when he went forward with the charge of Child Abuse against Mr. Ysais without sufficient evidence.
96. The Rio Rancho Police testified that they did not have enough evidence to arrest Mr. Ysais, let alone prosecute him.
97. The Police and the District Attorney's Office are part of a Prosecutors Team that works in tandem to investigate and prosecute those who violate the law. The police admit that they never conducted a proper investigation in this case.
98. The District Attorney's Office knew, or should have known that it did not have a case against Mr. Ysais.
99. Throughout all of these proceedings, Consuelo Angela Leyba and Anthony Leyba engaged in acts calculated to place Mr. Ysais in a false light.
100. Ms. Leyba falsely reported to the Rio Rancho Police Department that Mr. Ysais engaged in acts of domestic violence against her.
101. Ms. Leyba falsely informed the Rio Rancho Police Department that Mr. Ysais engaged in acts of child abuse against his child.
102. Ms. Leyba falsely reported that Mr. Ysais was a child abuser to officials at the Rio Rancho School District.
103. Ms. Leyba falsely reported to CYFD that Mr. Ysais committed acts of child abuse against his child.
104. Ms. Leyba falsely reported the Court Clinic that Mr. Ysais committed acts of child abuse against his child.

105. Mr. Ysais avers that Ms. Leyba engaged in these false reports to gain an advantage in the child custody issue before the Honorable Debra Davis Walker, and that Judge Walker believed these allegations and became prejudiced against Mr. Ysais.
106. Mr. Ysais avers that despite his acquittal in the criminal case of child abuse against him, Judge Walker maintains her bias against him by stating on the record, " Just because the State could not prove their case doesn't mean that you did not commit the acts."
107. Mr. Ysais avers that despite the overwhelming evidence to the contrary, all of the defendants in this case continue to believe that Mr. Ysais is a child abuser and continues to engage in acts that violate his civil rights.
108. Mr. Ysais avers that detective Chris Pino of the Rio Rancho Police Department allegedly conducted an investigation into the allegations that Detective Brian Link did not conduct a proper investigation into the allegations of child abuse against Mr. Ysais.
109. Defendant Pino informed Mr. Ysais that his investigation resulted in no finding of fault against Detective Link.
110. Mr. Ysais avers that this is further proof that there is a conspiracy against him because Detective Link, under oath, and penalty of perjury swore that he did not engage in the proper investigation of the allegation against Mr. Ysais.
111. Mr. Ysais avers that Detective Pino would not comply with Mr. Ysais's request for a letter from Pino stating that Detective Link did nothing wrong.

112. Defendant Haven House is a Domestic Violence Shelter that conducted an evaluation on Mr. Ysais's child. When Mr. Ysais subpoenaed the information gathered by Haven House, the shelter refused to give Mr. Ysais the information because it was exempt under federal law.
113. Haven House became a co-conspirator by refusing Mr. Ysais the information he requested, and unlawfully refusing the information because there was no domestic violence involved in this case.
114. Haven House adopted the position taken by Ms. Leyba by taking Ms. Leyba's word that domestic violence occurred, without substantiating the claim.
115. Dr. Gayle Zieman, claiming not to base his recommendation on the CYFD findings, nonetheless recommended that the parenting plan recommended by the Family Clinic and CYFD, stay in place. Dr. Zieman could not have made such recommendations without further contact with CYFD and the Court Clinic.
116. Upon information and belief, Cabinet Secretary Mary-Dale Bolson was made aware of the circumstances involving Mr. Ysais. Mr. Ysais avers that Ms. Bolson was aware that Defendant Karen Price was involved in Mr. Ysais's case, and did nothing to correct the actions taken by CYFD.
117. Defendant, Governor Bill Richardson received a letter from Mr. Ysais outlining Mr. Ysais's concerns about the State agencies named in this case.
118. Mr. Ysais sent this letter by registered mail.

119. The Governor's Office received the letter and acknowledged receiving the letter by signing the appropriate document.

120. Defendant, Governor Bill Richardson was placed on notice of the contents of the letter due to the receipt in the Office of the Governor of the State of New Mexico.

121. Defendant, Governor Bill Richardson has failed to take any action concerning this letter, and is therefore properly named as a defendant in this case.

122. Mr. Ysais avers that all defendants in this case have engaged, and continue to engage in injury and recurring harm because of their actions.

FIRST CLAIM FOR RELIEF; 42 U.S.C. SECTION 1983

123. Mr. Ysais hereby incorporates by reference paragraphs 1-122 above as though fully set forth herein.

124. Mr. Ysais avers that at all times defendants City of Rio Rancho, the Family Clinic of the Second Judicial Court, the Second Judicial District Court, CYFD, the Rio Rancho Police Department, the District Attorney of the Thirteenth Judicial District Court and the individuals named in paragraph 126, were all operating under the color of law.

125. Mr. Ysais avers that he is a member of a suspect class as a Hispanic, and also avers that his status as a single father seeking the full panoply of his parental rights also places him in a suspect class.

126. Mr. Ysais avers that all defendants, the City of Rio Rancho, the Family Clinic of the Second Judicial District Court, CYFD the Rio Rancho Police

Department, and the District Attorney of the Thirteenth Judicial District, and individual defendants Chris Pino, Brian Link, Jeff Chavez, Mary-Dale Bolson, Karen Price, David Montoya, Julie Bodenner, Jennifer Lynn, Beth Roth, Terry Ashcom, Diann Sheppard, Carlos Elizando, Jody Carrasco and Bill Richardson all violated his civil rights by interfering with his family relations.

127. Mr. Ysais avers that the Supreme Court of the United States has established family relations as a fundamental right guaranteed by the Constitution of the United States and the Constitution of the State of New Mexico confers the same right.

128. Mr. Ysais was forced to undergo psychological and neurological evaluations based on information supplied to the Second Judicial District Court by the Family Court Clinic, and individuals Beth Roth, Terry Ashcom, Diann Sheppard, CYFD, and individuals Bill Richardson, Mary-Dale Bolson, Karen Price, David Montoya, Julie Bodenner, Jennifer Lynn, and Diann Sheppard that was proffered to the Court by individuals that were not qualified to render such expert opinions, and were admittedly erroneous.

129. Mr. Ysais was also ordered by the Family Court Clinic to undergo domestic violence classes and parenting classes based on the information supplied by CYFD.

130. Mr. Ysais avers that the Rio Rancho Police Department, the City of Rio Rancho, individual defendants Chris Pino, Jeff Chavez and Brian Link, also violated his civil rights by their failure to conduct a proper investigation into the allegations of child abuse against him. This failure of due process forced

Mr. Ysais to defend himself against sham allegations and charges that should never been brought against Mr. Ysais, nor ever had been adjudicated.

131. Mr. Ysais alleges that the City of Rio Rancho and the Rio Rancho Police and Chris Pino further violated his rights by conducting a sham investigation into the methods used by Defendant Brian Link and attempting to absolve Link of any wrongdoing.

132. Individuals Chris Pino, Jeff Chavez, and Brian Link, the City of Rio Rancho and the Rio Rancho Police Department's lack of proper investigation resulted in the wrongful filing of criminal charges against Mr. Ysais. The District Attorney of the Thirteenth Judicial District, and individuals Carlos Elizando and Jody Carrasco went ahead with the prosecution of Mr. Ysais even though it knew that the Rio Rancho Police lacked insufficient evidence to arrest Mr. Ysais, and to bring a successful prosecution against Mr. Ysais.

133. Mr. Ysais states that the defendants actions constitute a willful and knowing violation and deprivation of rights secured by the Constitution of the United States in violation of 42 U.S.C. Section, 1983, specifically, the right of a parent's desire to for and right to companionship, care, custody and management of his or her children's' interest are far more precious than any property right, and violation of his due process rights and equal protection under the law.

134. That the acts of the defendants in violation of the United States Constitutional rights of the Plaintiff, through the Fourteenth Amendment justify an award of reasonable fees under 42 U.S.C. Section 1988; and, Mr. Ysais is

entitled to recover against the defendants for injuries, damages and losses proximately caused by the their conduct as set forth in this Complaint.

SECOND CLAIM FOR RELIEF; U.S.C. SECTION 1985; CONSPIRACY

135. Mr. Ysais hereby incorporates by reference paragraphs 1 through 134 as though fully set forth herein.

136. That defendants, by their actions engaged in a conscious effort to violate Mr. Ysais rights by subscribing false and erroneous traits to Mr. Ysais's character and his ability to care for his child.

137. That the defendants actions constitute a conspiracy to willful and knowing violations and deprivations of rights secured by the Constitution of the United States in violation of 42 U.S.C. Section 1985, the right of a parent to raise his or her child with no or minimal state interference, the right to due process and the right to equal protections under the law.

138. That the defendants, at each and every instance had the ability to supply truthful information and/or conduct a proper investigation to determine the truthfulness of the allegations against Mr. Ysais, but instead adopted the findings of the original investigation conducted by CYFD and further added findings of their own resulting in increasingly punitive actions against Mr. Ysais.

139. That the defendants actions, beginning with the investigation conducted by CYFD, based on the false and malicious allegations by Defendant Leyba, and adopted by each and every defendant show a calculated pattern of conspiracy to deprive Mr. Ysais of his right to act as the parent of his child.

140. That this pattern of conduct denied Mr. Ysais unsupervised and unlimited contact with his child, as he was ordered by the court to attend classes, undergo evaluations and have only supervised visit with his child for more than one year.

141. That a reasonable person so situated as employees of CYFD, the Family Court Clinic, the Rio Rancho Police Department, The Rio Rancho Public Schools, Haven House, Abrazos, UNM Hospital, Presbyterian Hospital, the City of Rio Rancho, the Second Judicial District Court, knew or should have known that their failure to act in verifying the truthfulness of the allegations against Mr. Ysais by conducting a proper investigation would result in the deprivation of Mr. Ysais parental rights.

142. Mr. Ysais further avers that these defendants knew or should have known that they were interfering with a fundamental right enjoyed by all parents to raise their children with minimal interference from the State or other individuals.

143. That the acts of all defendants in violation of the United States Constitutional right of Mr. Ysais justify an award of reasonable fees under U.S.C. Section 1988; and that the Plaintiff is entitled to recover against all defendants for injuries, damages and losses proximately caused by their conduct as set forth in this complaint.

THIRD CLAIM FOR RELIEF; NEGLIGENCE

144. Mr. Ysais hereby incorporates by reference paragraphs 1 through 143 above as though fully set forth herein.

145. Mr. Ysais avers that all defendants knew or should have known that they were interfering with his right to raise his child with little interference from all entities and individual defendants.
146. Mr. Ysais alleges that all individual defendants acted in a manner that interfered with his right to raise his child.
147. Mr. Ysais avers that the entity defendants had a duty to assign the properly qualified personnel to properly investigate the allegations against him.
148. Mr. Ysais alleges that these entities have established policies and procedures regarding the proper conduct of an investigation.
149. Mr. Ysais alleges that Family Court Clinic and defendant employees/ individuals Beth Roth, Terry Ashcom and Diann Sheppard were untruthful with him regarding the original investigation they were conducting. As an example, the Court Clinic was to observe at least forty hours of Mr. Ysais and Ms. Leyba interacting with the child. This observation was only a matter of a few hours and not the forty hours they promised.
150. Mr. Ysais alleges that Beth Roth, Terry Ashcom and Diann Sheppard were not properly qualified to investigate the allegations of child abuse and make the recommendations they made based on their findings.
151. Mr. Ysais states that the Family Court Clinic and Beth Roth, Terry Ashcom and Diann Sheppard had a duty to follow proper procedures regarding the investigation of Child Abuse. That said defendants breached that duty.

152. As a result of that of the breach of that duty, Mr. Ysais is entitled to recover against said defendants for the injuries, damages and losses caused by the said defendants conduct as set forth herein.
153. Mr. Ysais avers that the Defendant CYFD had a duty to assign properly qualified personnel to properly investigate the allegations against him.
154. Mr. Ysais alleges that individual CYFD employee/individual defendants Mary-Dale Bolson, Karen Price, David Montoya, Julie Bodnner and Jennifer Lynn all had a duty to properly investigate the allegations of child abuse against Mr. Ysais, and follow the proper policies and procedures as prescribed by CYFD.
155. Mr. Ysais states that the employees/individuals, Karen Price, David Montoya, Jennifer Lynn and Julie Bodnner were not qualified to conduct the investigation and make the findings and recommendations based on those findings.
156. Mr. Ysais alleges that CYFD has established policies and procedures regarding the proper conduct of an investigation.
157. Mr. Ysais avers that Bill Richardson, Mary-Dale Bolson and Karen Price and CYFD were all responsible for seeing that the established policies and procedures were followed.
158. Mr. Ysais avers that the report generated by CYFD was flawed and erroneous, and this report was used as the foundation for all other defendants to cause further and recurring injuries to Mr. Ysais.

159. The negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendant for damages and punitive damages caused by their negligence as set forth in this complaint.

160. Mr. Ysais avers that Defendant City of Rio Rancho and the Rio Rancho Police Department had a duty to hire, train and supervise its employees.

161. The City of Rio Rancho had a duty to the public in general, and to Mr. Ysais specifically, to conduct itself in a professional manner and follow proper police procedures when criminal allegations are made to the public in general, and to Mr. Ysais in particular.

162. Mr. Ysais alleges that defendants City of Rio Rancho, the Rio Rancho Police Department, and employee/individuals Chris Pino, Jeff Chavez, and Brian Link breached their duty of following properly established policies and procedures, and did not conduct proper investigations in to the allegations of child abuse made against Mr. Ysais by defendant Ms. Leyba.

163. Mr. Ysais avers that said defendants' failure to follow established policies and procedures resulted in damage and recurring injury that plagues Mr. Ysais to this day.

164. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

165. That defendant Abrazos, Inc. and employee/individuals Elizabeth Sims, Jane Doe and John Doe performed an evaluation on Mr. Ysais's child without informing Mr. Ysais of the evaluation despite the fact that Mr. Ysais shares joint custody with Ms. Leyba. Defendant Leyba was the force behind the request for evaluation.

166. Mr. Ysais avers that said defendants knew or should have known that Mr. Ysais should have been informed of the evaluation in order to allow him to participate in the evaluation.

167. Mr. Ysais states that said defendants and Ms. Leyba further denied him access to the results of the test despite his status as a parent, resulting in a legal action by Mr. Ysais forcing said defendants to divulge the results of the test.

168. That Mr. Ysais relationship with his child was further damaged by the acts and omissions of said defendants.

169. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

170. That defendant Haven House had a duty to Mr. Ysais to seek his approval for the testing that was conducted on his child due to his joint custody with Consuelo Leyba. Haven House also had a duty to disclose the results of the testing to Mr. Ysais due to his status as a parent of the child.

171. That defendant Haven House performed an evaluation on Mr. Ysais's child without Mr. Ysais's permission despite having joint custody of his child.
172. That defendant Haven House refused to give Mr. Ysais any information about Mr. Ysais's child despite Mr. Ysais's right to have such information.
173. That defendant Haven House refused a subpoena concerning the information about the evaluation done on Mr. Ysais's child.
174. That the information wrongfully withheld by defendant Haven House was to be used in Mr. Ysais's defense regarding the criminal charges against him.
175. Mr. Ysais alleges that defendant Haven House breached its duty of seeking permission for the testing, allowing Mr. Ysais to participate in the testing, failing to disclose the test results and ignoring a lawful subpoena requiring Haven House to disclose the information.
176. That as a result of the negligent acts and omissions by Haven House were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against defendant Haven House for damages and punitive damages caused by its negligence as set forth in this complaint.
177. Mr. Ysais avers that Presbyterian Hospital, Inc. and employee/individual defendants Mary Dentz and Dr. Karen Walsh have a duty to provide competent medical service to the public in general, and to Mr. Ysais and his child.

178. That defendant Presbyterian Hospital has established policies and procedures regarding medical examinations, and the reporting of the findings of those examinations.

179. That defendant Presbyterian Hospital and employee/individual defendants Mary Dentz and Dr. Karen Walsh examined Mr. Ysias's child. Said defendants made erroneous assumptions and stated those assumptions as facts.

180. That said defendants included in their report statements made by defendant Angela Leyba, but nothing from Mr. Ysais. Mr. Ysais was not contacted for any portion of the report, or examination. The report produced by said defendants also included allegations of abuse and erroneous information concerning Mr. Ysias's father. Had said defendants investigated, the misinformation would have been proven wrong and not included in the report as facts.

181. Mary Dentz sworn testimony indicates the Defendant Leyba stated that Mr. Ysais had abused both she and the child. The report found bruising but could not definitive state either the time of bruising, who caused the bruises or what clothes the child was wearing when the bruising occurred.

182. Mr. Ysais avers that these errors in reporting have caused him injury and recurring injury as the allegations of child abuse continue to plague him.

183. Mr. Ysais alleges that said defendants breached their duty of following properly established policies and procedures, and did not conduct a proper investigation, instead relying on the statements made by Ms. Leyba.

184. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against the defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

185. That Defendant University of New Mexico has a duty to follow the law and the policies and procedures regarding the evaluations they perform on children

186. That defendant employee/individuals Dr. Clericuzio and Dr. Ledman are to follow the policies and procedures of the UNM Children's Hospital.

187. That UNM and Dr. Clericuzio and Dr. Ledman conducted an extensive evaluation on Mr. Ysais's child, without obtaining Mr. Ysais's consent to the testing.

188. Mr. Ysais did not consent to the testing and has joint custody of his child with defendant Angela Leyba.

189. Said defendants did not allow Mr. Ysais to participate in the evaluations, thereby interfering with his rights as a parent.

190. Mr. Ysais alleges that said defendants breached their duty of following the law, and the policies and procedures of UNM Children's Hospital.

191. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

192. Mr. Ysais avers that defendant Rio Rancho Public Schools has established policies and procedures regarding parents who have joint custody of the children who attended schools within its district.
193. That employee/individual defendant Joan Hromas has a duty to follow those policies and procedures.
194. Defendant Rio Rancho Schools performed an IEP on Mr. Ysais's child in 2005 without his permission. Mr. Ysais was not allowed to participate in the evaluation.
195. Mr. Ysais avers that said defendants breached their duty of disclosure concerning the testing of his child, had a duty to obtain consent for the testing, and should have allowed Mr. Ysais to participate in the evaluation. By failing to do so said defendants interfered with Mr. Ysais's parental rights.
196. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this complaint.
197. That the District Attorneys' Office of the Thirteenth Judicial District has procedures and policies in screening cases for prosecution.
198. That employee/individuals Carlos Elizando and Jody Carrasco have a duty to follow policies and procedures regarding the prosecution of cases within the Thirteenth Judicial District.

199. That the polices and procedures regarding the screening of cases and the prosecution of the case of child abuse against Mr. Ysais were not followed by said defendants.
200. That the said defendants did not conduct a proper investigation into the facts of the case against Mr. Ysais.
201. That defendant Elizando acted as an investigator by asking questions about Mr. Ysais to Joan Hromas. Mr. Elizando's child attended the same school and was in the same class as Mr. Ysais's child.
202. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this complaint.
203. That Memorable Moments Daycare and Tammy Rosen have a duty to care for Mr. Ysais's child and to report the child's activities to Mr. Ysais.
204. Said defendants breached their duty by failing to notify Mr. Ysais of the injuries suffered by Mr. Ysais's child while at daycare.
205. Said defendants also failed to honor Mr. Ysais's requests for information despite Mr. Ysais's joint custody of the child.
206. That the acts of said defendants interfered with Mr. Ysais's parental rights and the right to raise his child with a minimum of interference from outside parties.
207. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that

Mr. Ysais is entitled to recover against the defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

208. That defendant Cozy Daycare and defendant Donna Earl had a duty to allow Mr. Ysais information regarding his child's progress at the daycare center and to allow Mr. Ysais to inspect the daycare center where his child attended.

209. That said defendants refused to allow Mr. Ysais to visit the daycare center where his child was enrolled because of safety reasons.

210. Mr. Ysais never threatened or mistreated defendant Earl in any manner.

211. Mr. Ysais told Ms. Earl that he had joint custody of the child, but defendant Earl still refused.

212. Mr. Ysais avers that said defendants should have offered him information and reasonable accommodations to visit the daycare center.

213. Said defendants actions interfered with Mr. Ysais's parental rights.

214. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against the defendants for damages and punitive damages caused by their negligence as set forth in this complaint.

215. That Dr. Gayle Zieman has a duty of candor and impartiality regarding the evaluation of the parenting plan recommended by the Family Clinic and CYFD.

216. That defendant Zieman stated that the CYFD report should not be used as an evaluative tool.

217. That defendant Zieman breached his duty and candor by failing to evaluate the parenting plan without first adopting the erroneous findings of the Family Clinic and CYFD. This prevents Mr. Ysais from fully participating and interacting with his child without interference by outside parties.

218. That the negligent acts and omissions by the defendant were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against the defendant for damages and punitive damages caused by the defendant's negligence as set forth in this complaint.

219. That defendants Consuelo Leyba and Anthony Leyba made knew or should have known that the statements they made to the CYFD, the Family Court Clinic, the City of Rio Rancho Police Department and the District Attorneys' Office of the Thirteenth Judicial District were false and misleading.

220. That said defendants had a duty to Mr. Ysais and law enforcement agencies to be truthful about the statements they were giving, and should have known that the law enforcement agencies would rely on those statements in accusing Mr. Ysais of a crime and other damage.

221. Mr. Ysais alleges that said defendants breached their duty of candor to Mr. Ysais, and issued false and misleading statements to law enforcement and other defendant agencies.

222. That the negligent acts and omissions by said defendants were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; that Mr. Ysais is entitled to recover against said defendants for damages and punitive damages caused by their negligence as set forth in this compliant.

FOURTH CLAIM FOR RELIEF; NEGLIGENT SUPERVISION

223. The Plaintiff hereby incorporates by reference paragraphs 1 through 222 above as though fully set forth herein.

224. That the Defendants, City of Rio Rancho and the Rio Rancho Police Department have a duty to supervise the actions of their employees, specifically, Officer Jeff Chavez, Detective Brian Link and Sergeant Chris Pino.

225. That the City of Rio Rancho and the Rio Rancho Police Department breached its duty to supervise its employees, specifically, Officer Jeff Chavez, Detective Brian Link and Sergeant Chris Pino.

226. That the City of Rio Rancho and the Rio Rancho Police Department created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control and otherwise monitor the activities of its employees, specifically, Officer Jeff Chavez, Detective Brian Link and Sergeant Chris Pino.

227. That the City of Rio Rancho and the Rio Rancho Police Department also failed to supervise, control and monitor the activities of Sergeant Chris Pino in his investigation into the actions of Detective Brian Link regarding Mr. Ysais. Detective Link stated that his investigation was inadequate under oath in Mr. Ysais's criminal trial.

228. That the defendants, City of Rio Rancho and the Rio Rancho Police Department have caused damages by way of their negligent supervision; and that Mr. Ysais is entitled to recover against the defendants City of Rio Rancho

and the Rio Rancho Police Department for his injuries, damages and losses caused by the defendants City of Rio Rancho and the Rio Rancho Police Department's conduct as set forth herein.

229. That the Second Judicial District Court Family Clinic is required to supervise the actions of its employees, Defendants Diann Shepherd, Terry Ashcom and Beth Roth are employees of the Second Judicial District Court Family Clinic.

230. That the Defendant Second Judicial District Court created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activities of its employees Dianne Shepherd, Terry Ashcom and Beth Roth.

231. That the Defendant Second Judicial District Court Family Court Clinic has caused damages by way of its negligent supervision; and Mr. Ysais is entitled to recover against the Defendant Second Judicial District Court for his injuries, damages and losses caused by defendant, Second Judicial District Court Family Court Clinic's conduct as set forth herein.

232. That the defendant State of New Mexico, Children Youth and Family Department is required to supervise the actions of its employees, Jennifer Lynn, David Montoya, Julie Bodenner and Karen Price are employees of CYFD.

233. That the State of New Mexico, CYFD Department created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise,

control or otherwise monitor the actions of its employees, defendants Jennifer Lynn, David Montoya, Julie Bodenner and Karen Price.

234. That the Defendant State of New Mexico, CYFD Department, has caused damages by way of its negligent supervision; and that Mr. Ysais is entitled to recover damages against the defendant, State of New Mexico, CYFD Department, for his injuries, damages and losses caused by Defendant State of New Mexico, et al. conduct as set forth herein.

235. That the Defendant Rio Rancho Public Schools has a duty to supervise the actions of its employee Joan Homas is an employee of the Rio Rancho Public School system.

236. That the defendant, Rio Rancho Public School system, created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activity of its employee, defendant Joan Homas.

237. That the defendant Rio Rancho Public Schools has caused damages by way of its negligent supervision; and, Mr. Ysais is entitled to recover against the defendant Rio Rancho Public Schools, for his injuries, damages and losses caused by defendant Rio Rancho Public Schools conduct as set forth herein.

238. That defendant Presbyterian Hospital is required to supervise the actions of its employees defendants Mary Dentz and Dr. Karen Walsh, are employees of Presbyterian Hospital.

239. That the defendant Presbyterian Hospital, created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activities of its employees, defendants Mary Dentz and Dr. Karen Walsh.

240. That the defendant, Presbyterian Hospital has caused damages by way of its negligent supervision; and that Mr. Ysais is entitled to recover against defendant, Presbyterian Hospital, for his injuries, damages and losses caused by defendant, Presbyterian Hospitals' conduct as set for the herein.

241. That the defendant, University of New Mexico Hospital has a duty to supervise the actions of its employees, specifically, Dr. Clericuzio and Dr. Judith Ledman.

242. That the University of New Mexico breached its duty to supervise its employees, specifically, Dr. Clericuzio and Dr. Judith Ledman are employees of the University of New Mexico Hospital.

243. That the University of New Mexico created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control and monitor the activities of its employees, specifically Dr. Clericuzio and Dr. Judith Ledman.

244. That the defendant University of New Mexico Hospital has caused damages by way of its negligent supervision; and Mr. Ysais is entitled to recover damages against the University of New Mexico Hospital for his injuries, damages and losses caused by the defendant, University of New Mexico Hospital's conduct as set forth herein.

245. That the defendant Abrazos, Inc. is required to supervise the actions of its employees, specifically Jane and John Doe are employees of Abrazos, Inc.
246. That the defendant Abrazos, Inc. created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activities of its employees, Jane and John Doe.
247. That the Defendant Abrazos, Inc. has caused damages by way of its negligent supervision; and Mr. Ysais is entitled to recover against the defendant Abrazos, Inc. for his injuries, damages and losses created by defendant, Abrazos, Inc. conduct as set forth herein.
248. That defendant Haven House has policies and procedures and is required to supervise the actions of its employees.
249. That defendant Haven House created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activities of its employees.
250. That defendant Haven House has caused damage by way of its negligent supervision; and Mr. Ysais is entitled to recover against defendant Haven House for his injuries, damages and losses created by defendant Haven House's conduct as set forth herein.
251. That Defendant District Attorneys' Office of the Thirteenth Judicial District is required to supervise the actions of its employees; specifically Carlos Elizando and Jody Carrasco are employees of the District Attorneys' Office of the Thirteenth Judicial District.

252. That defendant District Attorneys' Office of the Thirteenth Judicial District created an unreasonable risk of harm to Mr. Ysais by failing to adequately supervise, control or otherwise monitor the activities of its employees, Carlos Elizando and Jody Carrasco.

253. That defendant District Attorneys' Office of the Thirteenth Judicial District has caused damages by way of its negligent supervision; and Mr. Ysais is entitled to against defendant District Attorneys' Office of the Thirteenth Judicial District for his injuries, damages and losses created by defendant District Attorneys' Office of the Thirteenth Judicial District.

FIFTH CLAIM OF RELIEF; NEGLIGENT TRAINING

254. Mr. Ysais hereby incorporates by reference paragraphs 1 through 253 above as though fully set forth herein.

255. That the defendant, Rio Rancho Police Department, is required to adequately train its employees, Officer Jeff Chavez, Detective Brian Link and Sergeant Chris Pino, are employees of defendant, Rio Rancho Police Department.

256. That the defendant, Rio Rancho Police Department, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees, Officer Jeff Chavez, Detective Brian Link and Sergeant Chris Pino. Specifically the defendant Rio Rancho Police Department was negligent for failing to adequately train its employees regarding specific procedures and method used to conduct criminal investigations.

257. That the defendant, Rio Rancho Police Department, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and, Mr. Ysais is entitled to recover against the defendant, Rio Rancho Police Department, for injuries, damages and losses caused by the defendant's conduct as set forth herein.

258. That the defendant, Second Judicial District Court Family Court Clinic, is required to adequately train its employees defendants Diann Shepherd, Terry Ashcom and Beth Roth are employees of the defendant, Second Judicial District Court Family Clinic.

259. That the defendant, Second Judicial District Court Family Clinic, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees Defendants Diann Shepherd, Terry Ashcom and Beth Roth. Specifically, the defendant, Second Judicial District Court Family Court Clinic, was negligent for failing to adequately train its employees regarding child abuse.

260. That the Defendant, Second Judicial District Court Family Court Clinic, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and, Mr. Ysais, is entitled to recover against the defendant, Second judicial District Court Family Court Clinic, for the injuries, damages and losses caused by the defendant's conduct as set forth herein.

261. That the defendant, State of New Mexico, CYFD, is required to adequately train its employees Jennifer Lynn, David Montoya, Julie Bodenner and Karen Price, are employees of the defendant, State of New Mexico, CYFD.

262. That the defendant, State of New Mexico, CYFD, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees Jennifer Lynn, Diann Shepherd, David Montoya, Julie Bodenner and Karen Price. Specifically, the Defendant State of New Mexico, CYFD was negligent for failing to adequately train its employees in the proper investigative techniques and proper procedures regarding child abuse.

263. That the defendant, State of New Mexico, CYFD, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and, Mr. Ysais is entitled to recover against the defendant, State of New Mexico, CYFD, for the injuries, damages and losses caused by the defendant's conduct to as set forth herein.

264. That the defendant, Rio Rancho Public Schools, is required to adequately train its employee Joan Hromas is an employee of defendant, Rio Rancho Public Schools.

265. That the defendant, Rio Rancho Public Schools, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employee Joan Hromas. Specifically, the defendant, Rio Rancho Public Schools was negligent for failing to adequately train it employee regarding the subject of joint custody of a child, the flow of information regarding parental rights, the parents need to know of the progress of the child and defamation of character.

266. That the defendant, Rio Rancho Public Schools, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and Mr. Ysais is

entitled to recover against the defendant, Rio Rancho Public Schools, for the injuries, damages and losses caused by the defendants conduct as set forth herein.

267. That the defendant, Presbyterian Hospital, is required to adequately train its employees, Defendants Mary Dentz and Dr. Karen Walsh are employees of defendant, Presbyterian Hospital.

268. That the defendant, Presbyterian Hospital, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees defendants Mary Dentz and Dr. Karen Walsh. Specifically, the defendant, Presbyterian Hospital was negligent for failing to adequately train its employees in the diagnosis and reporting of injuries associated with child abuse.

269. That the defendant, Presbyterian Hospital, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and, Mr. Ysais is entitled to recover against the defendant, Presbyterian Hospital, for the injuries, damages and losses caused by the defendant's conduct as set forth herein.

270. That the defendant, University of New Mexico Hospital, is required to adequately train its employees, specifically Dr. Clericuzio and Dr. Judith Ledman.

271. That the defendant, University of New Mexico Hospital, created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees, defendants Dr. Clericuzio and Dr. Judith Ledman. Specifically, the Defendant University of New Mexico Hospital was negligent for failing to notify, or obtain consent from Mr. Ysais to conduct tests on his child, despite

the fact that Mr. Ysais has joint custody of the child with his former wife, Angela Leyba.

272. That the Defendant, University of New Mexico Hospital, caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and Mr. Ysais is entitled to recover against the defendant, University of New Mexico Hospital, for the injuries, damages and losses caused by the defendant's conduct as set forth herein.

273. That the defendant, Abrazos, Inc. is required to adequately train its employees, Jane Doe and John Doe, are employees of the defendant, Abrazos, Inc.

274. That the defendant, Abrazos, Inc. created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees, Jane Doe and John Doe. Specifically, the defendant Abrazos, Inc. was negligent for failing to seek proper permission for the testing of Mr. Ysais's child and to provide the test results and information to Mr. Ysais regarding his child.

275. That the defendant, Abrazos, Inc. caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and, Mr. Ysais is entitled to recover against the defendant, Abrazos, Inc., for the injuries, damages and losses caused by the defendant's conduct as set forth herein.

276. That defendant Haven House is required to adequately train its employees.

277. That defendant Haven House created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees. Specifically defendant

Haven House was negligent for failing to seek proper permission from Mr. Ysais regarding the testing of his child, refused to allow Mr. Ysais the opportunity to participate in the testing of the child, refusal to divulge the results and information regarding the testing of the child and ignoring as lawfully issued subpoena requiring defendant Haven House to divulge this testing information. The information was to be used as a part of Mr. Ysais's defense in his criminal trial.

278. That defendant Haven House caused injuries, damages and losses to Mr. Ysais by virtue of its negligent training; and Mr. Ysais is entitled to recover against the defendant, Haven House for the injuries, damages and losses caused by the defendant's conduct as set forth herein.

279. That defendant District Attorneys' Office of the Thirteenth Judicial District is required to adequately train its employees, Carlos Elizando and Jody Carrasco, are employees of defendant District Attorneys' Office of the Thirteenth Judicial District.

280. That defendant District Attorneys' Office of the Thirteenth Judicial District created an unreasonable risk of harm to Mr. Ysais for failing to adequately train its employees, Carlos Elizando and Jody Carrasco for failing to adequately asses the case against Mr. Ysais, for acting in the capacity of investigator and failing to adequately prepare for trial.

SIXTH CLAIM FOR RELIEF; OUTRAGEOUS CONDUCT

281. Mr. Ysais hereby incorporates by reference paragraphs 1 through 280 above as though fully set forth herein.

282. Mr. Ysais avers that all defendants' actions as set forth herein, were outrageous, intolerable and so extreme as to exceed all bounds of decency which prevail in civilized communities and societies.

283. Defendants, by their actions as set forth herein, intended to inflict irreparable damage to Mr. Ysais's reputation, good name, honor, integrity and respect in the community.

284. That as a direct and proximate result of the defendants' outrageous conduct, as set forth herein, Mr. Ysais has suffered loss of his reputation, good name, honor integrity and respect in the community.

285. That the Defendants have caused the injuries, damages and losses to Mr. Ysais by their extreme and outrageous conduct; and, Mr. Ysais is entitled to recover against the defendants for the injuries, damages and losses set forth herein.

SEVENTH CLAIM FOR RELIEF; MALICIOUS PROSECUTION

286. Mr. Ysais hereby incorporates by reference paragraphs 1 through 285 above as though fully set forth herein.

287. That the Grand Jury indictment sought by the District Attorney's Office of the Thirteenth Judicial District without proper investigation by the Rio Rancho Police Department.

288. Mr. Ysais avers that if a proper investigation had been conducted, it would have resulted in no charges being filed against Mr. Ysais.

289. Mr. Ysais avers that the District Attorney's Office has a duty to present both inculpatory, and exculpatory evidence to the Grand Jury. Mr. Ysais

avers that no exculpatory evidence was presented because no investigation was conducted that would reasonably lead to exculpatory evidence being presented.

290. Mr. Ysais avers that the City of Rio Rancho, the Rio Rancho Police Department failed to properly investigate and compile evidence that would have exonerated Mr. Ysais and defendant Brian Link admitted at trial that he did not have enough evidence, or probable cause to arrest Mr. Ysais on the charges for which he was subsequently tried.

291. That the prosecution was motivated by malice, racial discrimination and or other improper purposes against Mr. Ysais.

292. That the defendants, Leyba, the Thirteenth Judicial District Attorneys Office, Assistant District Attorney Carlos Elizando, Jody Carrasco, the city of Rio Rancho, the Rio Rancho Police Department, Brian Link, Chris Pino and Jeff Chavez have caused injuries, damages and losses to Mr. Ysais by way of their malicious prosecution of Mr. Ysais; and, Mr. Ysais is entitled to recover against the defendants for all such damages caused by their conduct as set forth herein.

EIGHTH CLAIM FOR RELIEF; DEFAMATION OF CHARACTER

293. Mr. Ysais incorporates by reference paragraphs 1 through 292 above as though fully set forth herein.

294. All defendants engaged in defamatory language by accusing Mr. Ysais of intentionally abusing his child.

295. Defendant Leyba began the defamation by reporting Mr. Ysais to CYFD and the Rio Rancho Police Department for alleged child abuse that did not occur.

296. From the time of the original reporting, all defendants engaged in embellishing the original falsehood made by Ms. Leyba against Mr. Ysais.

297. All defendants engaged in adopting the original falsehood without conducting the proper investigation to verify the allegations made against Mr. Ysais.

298. The false statements about Mr. Ysais were then published in official government reports, and to private individuals of the general public, wherein the alleged falsehoods grew and the actions of the government became punitive because the government believed the allegations without conducting a proper investigation.

299. Because of defendants intentional and malicious misconduct, Mr. Ysais has suffered damage to his reputation and standing in the community and is entitled to recover for he losses, injuries and damages caused by the defendants actions.

NINTH CLAIM FOR RELIEF; LIBEL PER SE

300. Mr. Ysais hereby incorporates paragraphs 1 through 299 above as if set forth fully herein.

301. Defendants Leyba, CYFD, The Family Clinic, the Rio Rancho Police Department, Presbyterian Hospital, The University of New Mexico and the

Thirteenth Judicial District Attorney's Office all made false written statements alleging that Mr. Ysais abused his child.

302. These used these statements and other defendants to belittle Mr. Ysais and cause Mr. Ysais humiliation, damage to his reputation, and loss of standing in his community.

303. Because of defendants' actions, Mr. Ysais is entitled to recover for his injuries, losses and damages for the malicious and intentional conduct of the defendants.

TENTH CAUSE OF ACTION; SLANDER PER SE

304. Mr. Ysais hereby incorporates paragraphs 1 through 303 above as though fully set forth herein.

305. All defendants engaged in oral statements concerning Mr. Ysais's alleged abuse of his child.

306. Mr. Ysais avers that these statements are of the type that involves moral turpitude.

307. For the purposes of this claim for relief, Mr. Ysais avers that he is not a public figure and is not required to prove malice on the part of the defendants.

308. Because these false statements accuse Mr. Ysais of a crime of moral turpitude, damages are presumed and Mr. Ysais is entitled to recover for his losses, injuries and damages as a consequence of defendants conduct.

**ELEVENTH CLAIM FOR RELIEF; PUBLICATION OF FACTS PLACING
PLAINTIFF IN A FALSE LIGHT.**

309. Mr. Ysais hereby incorporates paragraphs 1 through 308 above as though fully set forth herein.

310. Mr. Ysais avers that all defendants made and published false statements that Mr. Ysais abused his child.

311. These statements are false, and a reasonable person so situated would find these statements highly objectionable.

312. The statements placed Mr. Ysais in a false light and were made by the defendants with malice aforethought.

313. Due to defendants' malicious statements that place Mr. Ysais in a false light, Mr. Ysais is entitled to recover for his injuries, losses and damages as a result of the defendants' actions.

TWELFTH CAUSE OF ACTION; WRONGFUL INSTITUTION OF LEGAL

PROCEEDINGS

314. Mr. Ysais hereby incorporates paragraphs 1 through 313 above as though fully set forth herein.

315. Mr. Ysais was charged with Child Abuse on September 9, 2005.

316. Mr. Ysais was tried on that charge on April 10, 11, and 12th 2006.

317. The jury returned a verdict of not guilty.

318. That Ms Leyba and Anthony Leyba knowingly gave the Rio Rancho Police Department and the District Attorneys' Office of the Thirteenth Judicial District false statement about Mr. Ysais.

319. That the members of the Rio Rancho Police Department and the District Attorneys' Office of the Thirteenth Judicial District relied on the Leybas'

statements and conduct either no further investigation, or only a cursory investigation of the allegations against Mr. Ysais.

320. Members of the Rio Rancho Police Department admitted that they did not have enough probable cause to arrest Mr. Ysais on the charge of Child Abuse.

321. The Thirteenth Judicial District Attorney's Office, Jody Carrasco and Carlos Elizando were responsible for the malicious prosecution of Mr. Ysais, despite the knowledge that they did not have sufficient evidence to secure a conviction.

322. That said defendants have caused injuries, damages and losses to Mr. Ysais by their conduct; and Mr. Ysais is entitled to recover against the defendants for their injuries, damages and losses as set forth in this complaint.

WHEREFORE Mr. Ysais respectfully prays the Court for compensation for the injuries described above as a consequence of the Defendants' behavior, punitive damages, costs, attorney fees and for any further relief, as the Court deems proper.

Respectfully submitted,

/s/ electronically filed on March 23, 2007

Richard Valdez
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VERIFICATION

Christopher Ysais, first being duly sworn upon his oath, deposes and states; That he is the Plaintiff in the above-entitled cause; that he has read, knows, and understands the contents of the foregoing pleading; and that all statements therein made are true of his knowledge, except those statements that are made upon information and belief, and to those believes them to be true.

/s/ Christopher Ysais
Christopher Ysais