

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

LISA ANN JARAMILLO,

Plaintiff,

v.

No.

**WESTERN NEW MEXICO
CORRECTIONAL FACILITY and
NEW MEXICO CORRECTIONS
DEPARTMENT,**

Defendants.

**COMPLAINT FOR TORT CLAIMS, VIOLATIONS OF THE WHISTLEBLOWER
PROTECTION ACT, AND DAMAGES**

Plaintiff Lisa Ann Jaramillo brings this action for damages as a result of torts committed against her and for violations of her rights under the New Mexico Whistleblower Protection Act, NMSA 1978, Sections 10-16C-1 through 10-16C-6. Under the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-27, the State has waived immunity from Plaintiff's tort claims. *See* NMSA 1978, § 41-4-6.

INTRODUCTION

The New Mexico Corrections Department ("NMCD") has a constitutional, legal, and moral duty to care for individuals in its custody, and to protect them from violence and abuse. NMCD has grievously failed to fulfill that responsibility. Rather, NMCD and the Western New Mexico Correctional Facility ("WNMCF") have fostered an environment in which their own correctional officers, who have taken an oath "commit[ting] to the safety and well-being of the

people of New Mexico by *doing the right thing, always,*”¹ feel emboldened to sexually abuse and traumatize women prisoners.

Women in state prisons are confined against their will in an environment over which they have little to no control, making them especially vulnerable to being victimized. Inherent to their job, officers are given profound authority and power over the women they are intended to guard and protect. Officers control where prisoners go, who they communicate with, what they eat, and whether they may be employed. When correctional officers use their positions of power to continually perpetrate abuse, collectively orchestrate sexual assaults against women prisoners, and cover for each other, they break the law and breach the public trust.

Ms. Jaramillo suffered sexual abuse at the hands of not one, but two correctional officers at WNMCF. Working a prison job once provided Ms. Jaramillo with a sense of self-value and stability, making her feel productive. But her job supervisor at WNMCF, Correctional Officer Arguello, robbed her of that positive experience. Officer Arguello used his position of authority over Ms. Jaramillo as an opportunity to sexually abuse her. His actions caused Ms. Jaramillo extreme emotional distress, and robbed her of her sense of trust, security, and self-worth.

Officer Arguello’s blatant abuse of power and illegal conduct is symptomatic of the general culture and pattern at WNMCF of ignoring, dismissing, and mishandling allegations of sexual abuse, and of retaliating against women who report such allegations. Although other correctional officers knew about Officer Arguello’s inappropriate and illegal conduct, WNMCF took no action to protect Ms. Jaramillo or to prevent Officer Arguello from continuing to abuse her. In fact, the knowledge that Officer Arguello was sexually abusing Ms. Jaramillo – and

¹ NMCD Policy 001200.

getting away with it – empowered a second officer, Correctional Officer Martinez to attack and victimize her again.

Even after both of these officers were no longer employed at WNMCF, Ms. Jaramillo continued to suffer isolation, humiliation, and abuse at the hands of other prison employees. Because she was confined in a state prison, in NMCD custody, there was no way for Ms. Jaramillo to escape the continued emotional impact of what Officers Arguello and Martinez did to her.

Sadly, Ms. Jaramillo’s story is not unique. Defendants have allowed sexual abuse to become endemic at WNMCF, and women like Ms. Jaramillo suffer as a result. She now comes before the court to redress her injuries, to shed light on Defendants’ wrongdoing, and to give voice to other women like her who have been unable to speak out.

PARTIES

1. At the time of the facts alleged herein, Plaintiff Lisa Ann Jaramillo was incarcerated at Western New Mexico Correctional Facility located in Grants, New Mexico.
2. Defendant Western New Mexico Correctional Facility is a governmental entity located in Grants, New Mexico.
3. Defendant New Mexico Corrections Department is a department of the State of New Mexico, located at 4336 NM 14, Santa Fe, New Mexico 87508 and is a “public employer” for purposes of the New Mexico Whistle Blower Protection Act.
4. NMCD is the governmental body that oversees WNMCF.

JURISDICTION AND VENUE

5. This action is brought according to this Court's original jurisdiction enumerated under Article IV, Section 13 of the New Mexico Constitution and Section 41-4-18(A) of the New Mexico Tort Claims Act.

6. Venue is proper in the County of Santa Fe because Defendants are State entities, the governing body of which has its principal offices in Santa Fe County. NMSA 1978, § 41-4-18(B).

FACTUAL ALLEGATIONS

I. Correctional Officer Stan Arguello

7. On or about January 25, 2017, Ms. Jaramillo began working in maintenance under the supervision of Correctional Officer Eluid Stan Arguello ("Officer Arguello").

8. Ms. Jaramillo's job included working on repairing roofs, heating, ventilation, air conditioning, pipes, and sewer lines, among other duties.

9. The maintenance job at WNMCF is considered to have special privileges, because workers were allowed to go outside of the facility fence for tasks such as inventorying the facility sheds.

10. Ms. Jaramillo was paid eighty-five cents (\$0.85) per hour for her maintenance job.

11. Ms. Jaramillo worked with Officer Arguello five days a week, for close to eight hours a day.

12. During her first few months working for maintenance, Officer Arguello "groomed" Ms. Jaramillo for abuse by bringing her food and hygiene items from outside the prison, evoking

her sympathy and emotional support with stories about his past relationships and physical illnesses, and by flirting with and giving Ms. Jaramillo special attention.²

13. A few months after Ms. Jaramillo started working in maintenance, Officer Arguello began to exhibit inappropriate behavior toward Ms. Jaramillo while she was at work, such as pinching and grabbing her buttocks and trying to hold her hand.

14. On one occasion, Officer Arguello asked Ms. Jaramillo if he could order a dildo and bring it to the prison for her.

15. Ms. Jaramillo said no.

16. On another occasion, while they were at work, Officer Arguello gave Ms. Jaramillo two pairs of thong underwear, which he told Ms. Jaramillo that he had purchased online and worn into the prison.

17. Ms. Jaramillo gave the thongs away to other women.

18. Around mid-April 2017, Officer Arguello and Ms. Jaramillo began preparation for a facility audit that would take place in June.

19. Preparation for the audit required that Ms. Jaramillo spend extended hours with Officer Arguello, including weekends and almost twelve-hour shifts.

20. Officer Arguello also deliberately extended Ms. Jaramillo's work hours by procrastinating on tasks, avoiding completion of simple projects, and lying about the complexity of assignments in order to draw them out.

21. Around the end of April 2017, Officer Arguello and Ms. Jaramillo were preparing for the audit at the facility sheds, where they were building shelves for water heater boxes.

² Grooming is a behavior wherein the abuser uses his or her position of power over a potential victim to slowly gain the victim's trust and break down their defenses. Perpetrators of sexual abuse groom victims using favoritism, including gifts and compliments, isolation and secrecy, and slow desensitization of victims to inappropriate and unwanted touch.

22. Upon information and belief, there are no cameras surveilling the sheds at WNMCF.

23. While Ms. Jaramillo was descending from a ladder, Officer Arguello surprised Ms. Jaramillo and pulled down her pants.

24. Ms. Jaramillo was in shock, and did not know what to do.

25. While she was in this stunned state, Officer Arguello began to perform cunnilingus on Ms. Jaramillo while simultaneously inserting his fingers inside of her vagina and anus.

26. She became fixated on the filthy environment of the shed, which was covered with bird and mouse feces.

27. She kept thinking about how Officer Arguello's hands, which were now violating her, were also filthy.

28. In fact, Ms. Jaramillo went to medical the next day to ask for a vagina medication because she felt dirty and worried she would develop an infection as a result of the assault.

29. Then Officer Arguello told Ms. Jaramillo to lie down, and attempted to pull her to the ground.

30. This shook Ms. Jaramillo somewhat out of her stunned state, and she was able to step away from Officer Arguello long enough to pull up her pants.

31. After the assault, Officer Arguello was visibly nervous, and kept asking Ms. Jaramillo what she wanted him to bring to the prison for her the following day.

32. Ms. Jaramillo believed that Officer Arguello was attempting to "back pedal" and was offering to bring her things so that she would not report what had happened.

33. The next day Ms. Jaramillo was in distress over what Officer Arguello had done to her, and she did not want to go to work.

34. She asked one of the other woman to tell Officer Arguello that she was sick.

35. That afternoon, Officer Arguello came by Ms. Jaramillo's cell, again looking visibly scared, and asked about her.

36. Ms. Jaramillo went back to work the following day.

37. After Officer Arguello attacked her, Ms. Jaramillo tried to avoid going to work at maintenance as much as possible, and would invite other women to come work with her so that she could avoid being alone with him.

38. She begged two other WNMCF officers, Officers Gonzales and Armijo, to allow her to go back to work in the warehouse, away from Officer Arguello.

39. Officer Armijo told Ms. Jaramillo that Officer Arguello "wouldn't let her go," and the two officers laughed about it.

40. Officers Armijo and Gonzales refused to transfer her out of maintenance.

41. Shortly before the audit was to take place, Ms. Jaramillo and Officer Arguello were in a confined space on top of the roof fixing an air conditioning unit.

42. Upon information and belief, there are no cameras with a view of the roof.

43. When Ms. Jaramillo got up from tending to the air conditioner, she turned a corner and saw Officer Arguello with his penis hanging outside of his pants.

44. Again, Officer Arguello grabbed Ms. Jaramillo, pulled down her pants, and attempted to penetrate her vagina with his penis.

45. Officer Arguello stuck the glans of his penis inside of Ms. Jaramillo, but he was unable to maintain an erection.

46. Officer Arguello then began to perform cunnilingus on Ms. Jaramillo, sticking his fingers inside her vagina.

47. Ms. Jaramillo repeatedly told Officer Arguello to stop and attempted push him back by his head, which was difficult because they were in a very confined space.

48. Officer Arguello held Ms. Jaramillo's legs and pulled her back toward him.

49. After several tries, Ms. Jaramillo was able to push Officer Arguello away long enough to duck out of the narrow space where they were located.

50. On Friday, June 23, 2017, Ms. Jaramillo did not go to work because she knew that Officer Arguello was going on vacation the following week, and she expected that he would try to assault again her before he left.

51. That afternoon, Officer Arguello came to Ms. Jaramillo's pod and told her that he wanted to say goodbye to her.

52. He brought with him a big bag of food which he gave to her in plain sight of other inmates and the facility cameras, telling her it was for her to eat during the week he would be gone.

53. Ms. Jaramillo was later told that another WNMCF employee had seen this exchange on camera and had reported it, which initiated an investigation into Ms. Jaramillo herself.

54. Ms. Jaramillo was afraid to report Officer Arguello for violating the Prison Rape Elimination Act ("PREA") because it was widely known that PREA complaints were not kept confidential and that officers retaliate against inmates who report to PREA.

55. Despite her fears, Ms. Jaramillo did eventually file a grievance reporting that she had been sexually assaulted by Officer Arguello.

II. Correctional Officer Michael Martinez

56. Upon information and belief, several other WNMCF officers knew that Officer Arguello was sexually abusing Ms. Jaramillo, including the other maintenance officers: Officers Amanza, Garcia, and Ross.

57. Upon information and belief, Officer Michael Martinez knew that Officer Arguello had been sexually assaulting Ms. Jaramillo.

58. During the month of June 2017, Officer Martinez began following Ms. Jaramillo around the WNMCF facility.

59. Officer Martinez would find and approach Ms. Jaramillo at her cell, in her pod, and when she was at work.

60. On one occasion, Officer Martinez insinuated to Ms. Jaramillo that he was going to have “his turn” with her.

61. Officer Martinez told Ms. Jaramillo that he had been at the prison for 25 years, and therefore could make life harder or easier for her.

62. Officer Martinez implied that Ms. Jaramillo should engage in sexual behavior with him to prevent him from “making her life harder,” by taking away her good time, for example.

63. On one occasion in late June 2017, Officer Martinez asked Ms. Jaramillo to help him fill up cleaning bottles.

64. When Ms. Jaramillo went to the bathroom to fill up bottles, Officer Martinez walked in behind her, grabbed her by the neck and shirt, and threw her against a wall.

65. Officer Martinez first put his hands in his own pants and then stuck his hands down Ms. Jaramillo’s pants, penetrating her vagina with his fingers.

66. Officer Martinez then bit Ms. Jaramillo on the neck.

67. Ms. Jaramillo pushed him away.

68. Later that month, Officer Martinez once again cornered Ms. Jaramillo while she was filling up cleaning bottles, bit her on the neck, and penetrated her vagina with his fingers.

69. Officer Martinez was a large man, and was so forceful with Ms. Jaramillo that she feared he was going to physically assault her even further.

70. On Monday, June 26, 2017, at approximately 3:00 PM, Correctional Officer Tommy Trujillo handcuffed Ms. Jaramillo and took her to the segregation unit.

71. Officer Trujillo told her that she was under investigation, but would not tell her why.

72. On June 28, 2017 the Security Threat Intelligence Unit (“STIU”) brought Ms. Jaramillo out of segregation to ask her about Officer Arguello.

73. During that interview, Ms. Jaramillo told the officers what had happened with Officer Arguello, and wrote a short statement.

74. As a result, the disciplinary officer wrote Ms. Jaramillo up for “Attempting to Engage in or Engaging in an[] Unauthorized or Inappropriate Relationship” with Officer Arguello, and took away one year of good time as punishment.

75. Ms. Jaramillo also lost phone privileges as a result of this write-up, and was devastated because she was not able to be in contact with her family.

76. Because she feared that she would be written up again and would lose even more good time, Ms. Jaramillo did not tell STIU about what Officer Martinez had done to her.

77. Ms. Jaramillo remained in segregation from June 26, 2017 until July 5, 2017.

III. Retaliation Against Ms. Jaramillo for Reporting Sexual Assault

78. WNMCF staff targeted and retaliated against Ms. Jaramillo for reporting Officer Arguello’s abusive behavior and PREA violations.

79. After submitting several informal grievances to Unit Manager Dunning in July, on or around August 4, 2017, Ms. Jaramillo put a formal grievance addressing Officer Arguello's abusive behavior into the box designated for grievances.

80. Approximately twenty minutes after placing her grievance in the box, Ms. Jaramillo saw her that grievance had been crumpled up and was sticking out of the box.

81. Ms. Jaramillo told the Unit Managers, Officers Archuleta and Dunning, that someone had taken her grievance out of the box.

82. That day, Ms. Jaramillo was cleaning Officer Dunning's office and she asked if he could watch the surveillance footage to see who had taken and crumpled her grievance.

83. Officer Dunning pulled up the footage, which showed Correctional Officer Spangler ("Officer Spangler") reaching into the box, pulling out Ms. Jaramillo's grievance, reading it, crumpling it, and sticking it back into the box.

84. Ms. Jaramillo asked Officer Dunning how he was going to address Officer Spangler's misconduct.

85. Officer Dunning responded that he could have a talk with Officer Spangler, but that it would not make a difference because Officer Spangler "doesn't give a shit."

86. Officer Dunning suggested that Ms. Jaramillo file a grievance against Officer Spangler.

87. After Ms. Jaramillo submitted her grievance against Officer Arguello and discovered that Officer Spangler had tampered with it, Officers Spangler and Barney targeted Ms. Jaramillo by searching her cell with heightened frequency.

88. After Ms. Jaramillo was put in segregation and investigated regarding Officer Arguello's conduct, Officer Amanza told her that she was fired from her maintenance job.

89. Although she had proven herself as skilled and hardworking, no other unit manager would hire Ms. Jaramillo.

90. In fact, many of the unit managers refused to speak with Ms. Jaramillo because she had filed a PREA complaint.

91. For example, when Ms. Jaramillo asked Lieutenant Yule for a job, he responded that he did not want anyone “with a PREA” on his painting crew.

92. Eventually, Ms. Jaramillo convinced Officer Dunning to hire her to help cleaning floors, a job which only paid thirty-five cents (\$0.35) an hour, an almost sixty percent (60%) reduction from her maintenance job pay.

93. Later, Ms. Jaramillo and other women with clear conduct were moved to another unit, in an attempt to correct some of the drug problems that the unit was having.

94. Ms. Jaramillo was paid seventy-five cents (\$0.75) in her job at the new unit as a clerk for one of the caseworkers – still a twelve percent (12%) pay cut from her maintenance job.

95. When Ms. Jaramillo ordered a pair of shoes and needed an officer to escort her to pick them up, one correctional officer told her “I don’t want to take you – what, so you can give me a PREA too?”

96. Upon information and belief, two of the grievances that Ms. Jaramillo filed pertaining to her sexual assaults were misplaced, lost, or disposed of by correctional officers.

97. In fact, because she wanted a record, at one point Ms. Jaramillo asked Pamela Lujan, who worked in the mail room, to sign a form confirming that Ms. Jaramillo had indeed submitted grievances.

IV. Enabling and Fostering a Culture of Sexual Abuse

98. Upon information and belief, Defendant WNMCF has fostered a culture that emboldens and empowers correctional officers to use their positions of power to sexually abuse women in its custody.

99. Upon information and belief, sexual assaults by correctional officers at WNMCF frequently go unreported because victims know that their grievances will not be taken seriously or investigated in good faith, and because the victims of sexual abuse are afraid that they will be retaliated against for reporting.

100. Additionally, many victims do not report sexual abuse for fear of being charged, as Ms. Jaramillo was, with having an “inappropriate relationship” with their abusers, and being punished with loss of privileges and good time.

101. Like Officer Martinez, the offending officers are often serial offenders, because they know that the women cannot leave the facility and will remain under their control.

102. The culture of sexual abuse at WNMCF poses a threat and risk of harm to the entire community of women who are imprisoned at the facility.

103. Upon information and belief, numerous WNMCF officers have been investigated for sexual misconduct involving women inmates.

104. Numerous WNMCF guards have been charged with felony crimes for physically and sexually assaulting female inmates.

105. These criminal charges include, but are not limited to, the following:

- a. On March 23, 2017, Correctional Officer Benny Chee, Jr. was charged with four (4) counts of Criminal Sexual Penetration in the Second Degree (Position of

Authority Over Inmate). On March 26, 2018, Officer Chee plead guilty to one (1) count of Criminal Sexual Penetration in the Third Degree (Force or Coercion).

b. On June 12, 2017, Correctional Officer Alexander Barron was charged with two (2) counts of Criminal Sexual Penetration in the Second Degree (Position of Authority Over Inmate).

c. On March 23, 2018, Correctional Officer Kegan Jones was charged with two (2) counts of violating NMSA 1978, § 30-9-11(E)(2), Criminal Sexual Penetration in the Second Degree (Position of Authority Over Inmate).

106. In fact, both of the officers who sexually assaulted Ms. Jaramillo have been charged with Criminal Sexual Penetration.

107. On August 11, 2017, Officer Michael A. Martinez was charged with six (6) counts of Criminal Sexual Penetration in the Second Degree (Position of Authority Over Inmate) for assaulting another woman at WNMCF.

108. On March 26, 2018, Officer Martinez plead guilty to Criminal Sexual Penetration in the Third Degree (Force or Coercion).

109. On January 12, 2018, Officer Eluid Stan Arguello was charged with two (2) counts of Criminal Sexual Penetration in the Second Degree (Position of Authority Over Inmate) for assaulting Ms. Jaramillo.

110. Officer Arguello is scheduled to stand trial for these crimes on July 15, 2019.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

111. Plaintiff incorporates by reference the preceding paragraphs as though they were stated fully herein.

112. Defendants had a duty to maintain the safety of those areas of WNMCF reserved for common use by inmates, as well as all areas where inmates employed by the prison work. *See Callaway v. New Mexico Dept. of Corrections*, 1995-NMCA-049, ¶¶ 13-17, 117 N.M. 637; NMCD Policy 150100; NMCD Policy 032200; NMCD Policy 163000.

113. Defendants have negligently operated and maintained the prison grounds and prison buildings in one or more of the following ways:

- a. fostering a culture that allows correctional officers to use their positions of power to sexually abuse women in NMCD custody;
- b. fostering an environment where sexual abuse by correctional officers frequently goes unreported because women in NMCD custody know that their grievances will not be taken seriously or investigated in good faith;
- c. fostering an environment where sexual abuse by correctional officers frequently goes unreported because the victims of sexual abuse fear retaliation for reporting it;
- d. fostering an environment where sexual abuse by correctional officers frequently goes unreported because victims fear being charged with having “an inappropriate relationship” with their abusers and receiving harsh punishments like loss of good time;
- e. fostering an environment where the offending officers are emboldened to become serial offenders by the knowledge that they will not face consequences for their actions and will remain in a position of power over their victims;
- f. negligently hiring, training, and retaining correctional officers who commit violence and abuse against women in NMCD custody;

- g. allowing officers such as Arguello and Martinez to have extended and unsupervised one-on-one time with female inmates;
- h. failing to maintain sufficient surveillance camera placement around the WNMCF facility;
- i. failing to repair broken or non-functional cameras placed around the prison;
- j. failing to take corrective action against Officer Arguello when fellow officers noticed and commented on the fact that Officer Arguello was consistently giving inappropriate special attention to Ms. Jaramillo;
- k. failing to properly screen officers entering WNMCF, allowing them to bring in special items to give to inmates as a form of grooming;
- l. creating a system wherein officers are allowed to unilaterally alter inmate work schedules and extend their work hours, thereby providing men such as Officer Arguello unfettered access to inmates, and unmonitored opportunities to perpetrate sexual assaults against victims such as Ms. Jaramillo; and
- m. other negligent acts and/or omissions.

114. Through the aforementioned acts and omissions, Defendants failed to exercise due care in operating and maintaining the prison facility.

115. Defendants knew or should have known that the aforementioned acts and omissions created a dangerous condition, posing unreasonable risk of harm to women inmates.

116. Defendants failed to correct this dangerous condition.

117. It was foreseeable that this dangerous condition would lead to correctional officers taking advantage of and sexually assaulting women in NMCD custody.

118. Given the dangerous condition fostered by Defendants, Officer Arguello and Officer Martinez's unlawful conduct and sexual abuse of Ms. Jaramillo were foreseeable.

119. As a direct and proximate result of Defendants' creation and failure to correct a general condition of unreasonable risk at the prison, Ms. Jaramillo suffered, and continues to suffer damages.

120. Ms. Jaramillo's damages were exacerbated by Defendants' treatment of and retaliation against her after the sexual abuse came to light.

COUNT II: VIOLATION OF THE NEW MEXICO WHISTLEBLOWER PROTECTIONS ACT

121. Plaintiff incorporates by reference the preceding paragraphs as though they were stated fully herein.

122. The WNMCF is a public employer as defined by NMSA 1978, § 10-16C-2(C).

123. Until WNMCF fired Ms. Jaramillo from her maintenance job at the prison, Ms. Jaramillo was a public employee as defined by NMSA 1978, § 10-16C-2(B).

124. Ms. Jaramillo believed in good faith that Officers Arguello and Martinez were improperly and unlawfully using their positions of authority to sexually abuse women in NMCD custody.

125. Ms. Jaramillo believed in good faith that Defendants were acting improperly or unlawfully toward her and other inmates by failing to appropriately address PREA violations and complaints of sexual abuse, and by failing to protect inmates from that abuse;

126. When Ms. Jaramillo reported this misconduct to Defendants, she did so in good faith.

127. Ms. Jaramillo's decision to report the discrimination, sexual harassment, sexual assault, and retaliation she suffered at the hands of WNMCF staff was in service of the public good.

128. Defendants' improper and unlawful conduct with regard to sexual assault perpetrated by correctional officers on inmates is a matter of concern to all of the women incarcerated at WNMCF.

129. Further, rampant sexual abuse of state prisoners is a matter of public concern for New Mexico citizens.

130. By reporting Officer Arguello and Officer Martinez's sexual abuse and the misconduct of other officers, Ms. Jaramillo engaged in activities expressly protected by Sections 10-16C-2(E)(1) and 10-16C-3(A) of the New Mexico Whistleblower Protections Act.

131. Defendants NMCD and WNMCF, by and through their employees, violated the Whistleblower Protection Act by retaliating against Ms. Jaramillo for reporting clear misconduct perpetrated by correctional officers at the facility.

132. Ms. Jaramillo was fired from her maintenance job at the prison in retaliation for reporting the unlawful and improper conduct of WNMCF correctional officers.

133. Additionally, despite her good conduct and work ethic, WNMCF unit managers refused to hire Ms. Jaramillo for a different job, because she had reported unlawful conduct while working in maintenance.

134. When Ms. Jaramillo did finally get another job, it came with a nearly 60% reduction in pay.

135. As a direct result of WNMCF's illegal retaliation against Ms. Jaramillo, she suffered and continues to suffer damages in an amount to be proved at trial.

136. As a result of the aforementioned conduct, Ms. Jaramillo is entitled to attorneys' fees.

JURY DEMAND

Plaintiff respectfully demands a six-person jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief:

- A. Actual and compensatory damages sufficient to make Plaintiff whole;
- B. Statutory damages as provided for by Section 10-16C-4 of the New Mexico Whistleblower Protection Act;
- C. Damages for Plaintiff's pain and suffering and loss of enjoyment of life;
- D. Attorneys' fees, litigation expenses, costs, and pre- and post-judgment interest as provided by law; and
- E. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ Lalita Moskowitz _____
Lalita Moskowitz
Leon Howard
ACLU of New Mexico
P.O. Box 566
Albuquerque, NM 87103-0566
P: (505) 266-5915 ext. 1015 & 1010
F: (505) 266-5916
lmoskowitz@aclu-nm.org
lhoward@aclu-nm.org

&

Corinne Holt
Corrine Holt
Will Ferguson & Associates
1720 Louisiana Blvd NE
Suite 100
Albuquerque, NM 87110-7069
P: (505) 243-5566
F: (505) 243-5699
corinne@fergusonlaw.com

Attorneys for Plaintiff