

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) as this action arises under the Constitution and laws of the United States.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in Austin, Travis County, Texas, within this judicial district.

III. PARTIES

5. Plaintiff NAKOLE CURRY is a 24 year-old female who, at all times relevant hereto, was a resident of Fort Hood, Texas
6. Defendant CITY OF AUSTIN is a municipal corporation organized and existing under the laws of the State of Texas. At all times relevant hereto, the City of Austin was responsible for the policies, practices, customs, and training of the Austin Police Department ("APD").
7. Defendant AUSTIN POLICE DEPARTMENT is a law enforcement agency of the City of Austin, Texas, responsible for police services within the city limits.
8. Defendant THE SOHO LOUNGE LLC is a business entity operating a nightclub located on 6th Street in Austin, Texas. Upon information and belief, THE SOHO LOUNGE LLC is organized and existing under the laws of the State of Texas and conducts business in Travis County, Texas.
9. Defendants JOHN DOE OFFICERS 1-10 are Austin Police Department officers whose true names are currently unknown to Plaintiff but will be determined through discovery. At all times relevant hereto, these officers were acting under color of state law and within the scope of their employment with the City of Austin.

IV. FACTUAL ALLEGATIONS

A. The Incident

10. On or about December 16, 2023, at approximately 12:00AM. Plaintiff NAKOLE CURRY was lawfully present as an innocent bystander on the sidewalk outside THE SOHO LOUNGE LLC, located on 6th Street in Austin, Texas, waiting to gain entry to the establishment.
11. At said time and place, an employee of THE SOHO LOUNGE LLC encountered a customer and refused entry to the establishment because the employee assumed the would-be customer possessed a weapon.
12. The SOHO LOUNGE LLC employee called the Austin Police Department to report the incident involving the would-be customer.
13. APD officers responded to the scene and confronted the customer who was standing outside the establishment on the public sidewalk.
14. The area was crowded with members of the public, including Plaintiff NAKOLE CURRY, who posed no threat to the officers or anyone else and were lawfully present on the public sidewalk.
15. Despite the presence of innocent bystanders in the immediate vicinity, including Plaintiff, the Defendant Officers failed to secure the area or take reasonable steps to protect bystanders before confronting the individual.
16. The situation escalated to a point where the Defendant Officers discharged their weapons by firing at the would-be customer.
17. Without regard for the safety of innocent bystanders, including Plaintiff, the Defendant Officers opened fire in the crowded area.
18. As a direct and proximate result of Defendants' actions, Plaintiff NAKOLE CURRY was struck in the right eye by a bullet, causing permanent blindness in her right eye.

19. The Defendant Officers' decision to use deadly force in a crowded area with numerous innocent bystanders present was objectively unreasonable under the circumstances.
20. THE SOHO LOUNGE LLC's actions in calling police based on an unfounded assumption about a customer possessing a weapon, without reasonable basis, contributed to the escalation that resulted in Plaintiff's injuries.

B. Constitutional Violations

21. The Defendant Officers' conduct violated Plaintiff's rights under the Fourth Amendment to be free from unreasonable seizure and excessive force.
22. The Defendant Officers' conduct violated Plaintiff's rights under the Fourteenth Amendment to substantive due process and equal protection under the law.
23. At the time of the incident, it was clearly established that law enforcement officers cannot use excessive force or act with deliberate indifference to the safety of innocent bystanders.

C. Municipal Liability - Policies, Practices, and Customs

24. Defendant City of Austin, through the Austin Police Department, maintained policies, practices, and customs that caused or contributed to the constitutional violations alleged herein.
25. Upon information and belief, the City of Austin failed to adequately train APD officers regarding: a. The proper use of force in crowded public areas; b. De-escalation techniques; c. Crowd control and bystander safety protocols; d. Constitutional limitations on the use of deadly force.
26. Upon information and belief, the City of Austin has a custom or practice of tolerating excessive force by its officers and failing to discipline officers who endanger innocent bystanders.

D. Pattern of Constitutional Violations

27. The incident involving Plaintiff was not an isolated occurrence, but rather part of a pattern of excessive force and constitutional violations by APD officers that demonstrates the City's deliberate indifference to citizens' constitutional rights.

28. Upon information and belief, APD officers have been involved in numerous incidents of excessive force and endangerment of innocent bystanders, including but not limited to:

a. **Jason Roque (May 2, 2017):** On May 2, 2017, Jason Roque, a Hispanic twenty-year-old man, was shot and killed by APD officer James Harvel. The APD officer was responding to a 911 call regarding Mr. Roque's mental health and observed Mr. Roque standing in the street with a BB gun. Like Ms. Curry, the APD officer opened fire against Mr. Roque less than a second after he ordered Mr. Roque to "put the gun down," and while Mr. Roque had not aimed the BB gun at any other person. Again, like Ms. Curry, Mr. Roque dropped the BB gun, complying with the police command, but was shot by the APD officer an additional two times. Mr. Roque subsequently died from the APD officer's gunshots in front of his mother. Mr. Roque's family subsequently sued the City Defendant and the APD officer who fatally shot Mr. Roque. The City Defendant settled the lawsuit with Mr. Roque's family for \$2.25 million.

b. **Landon Nobles (May 7, 2017):** On May 7, 2017, Landon Nobles, a twenty-four-year-old Black man, was shot in the back and killed by APD officers Richard Egal and Maxwell Johnson outside a bar on East Sixth Street. Like Ms. Curry, the APD officers approached Mr. Nobles after a gunshot was fired. However, Mr. Nobles was unarmed. Mr. Nobles then ran down the street before another APD officer tripped him with a bicycle. Mr. Nobles fell to the ground on his stomach. The APD officers proceeded to open fire against Mr. Nobles as he was on the ground and posed no immediate

threat of serious or significant harm. The City Defendant ultimately settled a lawsuit with Mr. Noble's family for \$3.3 million.

c. **Mauris Nishanga DeSilva (July 26, 2019):** On July 26, 2019, APD officers Karl Krycia and Christopher Taylor shot and killed Mauris Nishanga DeSilva, a forty-six-year-old Sri Lankan neuroscientist, as he was experiencing a mental health crisis. The APD officers were called to respond to the mental health crisis and approached Dr. DeSilva as he stood over ten feet away from them in a hallway. At that time, Dr. DeSilva turned towards the officers, holding a knife to his own throat. The APD officers then ordered Dr. DeSilva to drop the knife. Dr. DeSilva proceeded to bring the knife down to his side. Like Ms. Curry, Dr. DeSilva was not given an opportunity to drop the knife as the APD officers immediately opened fire despite Dr. DeSilva posing no immediate threat of serious and significant harm to the officers who stood ten feet away. The APD officers involved were later indicted for first-degree murder. Krycia is awaiting trial. Taylor was convicted for deadly conduct on October 5, 2024.

d. **Michael Ramos (April 24, 2020):** On April 24, 2020, Michael Ramos, a forty-two-year-old Black man, was fatally shot by APD Officer Christopher Taylor in the parking lot of an apartment building. Officer Taylor is the same APD officer who killed Dr. DeSilva. Before the fatal shooting, Mr. Ramos exited his vehicle with his hands up in the air and was visibly unarmed. Despite the absence of any immediate threat of serious or significant harm, APD officers aimed their firearms at Mr. Ramos.

29. These incidents demonstrate a pattern of: a. Using deadly force without sufficient justification or immediate threat; b. Failing to allow subjects reasonable time to comply with commands; c. Shooting individuals who are complying with police commands or pose no threat; d.

Inadequate de-escalation training and implementation; e. Disproportionate use of force against minorities and individuals in mental health crisis; f. Repeated involvement of the same officers (such as Officer Christopher Taylor) in multiple fatal shootings.

30. The City of Austin's payment of substantial settlements totaling at least \$5.55 million in the Roque and Nobles cases alone demonstrates the City's knowledge of constitutional violations by its officers.

31. Despite knowledge of these fatal incidents, criminal indictments of officers, and multi-million dollar settlements, the City of Austin failed to implement adequate policies, training, or disciplinary measures to prevent future violations.

32. The fact that Officer Christopher Taylor was involved in multiple fatal shootings (DeSilva and Ramos) and was allowed to remain on duty demonstrates the City's deliberate indifference to constitutional violations and public safety.

33. The City of Austin's deliberate indifference to this pattern of constitutional violations demonstrates that its policies, practices, customs, and/or failures were the moving force behind the violation of Plaintiff's constitutional rights.

34. The City of Austin's failure to properly train, supervise, and discipline its officers, despite notice of repeated constitutional violations, demonstrated deliberate indifference to the constitutional rights of citizens.

V. CAUSES OF ACTION

COUNT I - 42 U.S.C. § 1983 - Fourth Amendment Excessive Force (Against Individual Officers)

35. Plaintiff incorporates by reference all preceding paragraphs.

36. The Defendant Officers, acting under color of state law, used excessive force against Plaintiff in violation of the Fourth Amendment to the United States Constitution.

37. The Defendant Officers' use of deadly force in a crowded area with innocent bystanders present was objectively unreasonable under the circumstances.

38. As a direct and proximate result of Defendants' conduct, Plaintiff suffered significant physical, emotional, and economic damages.

COUNT II - 42 U.S.C. § 1983 - Fourteenth Amendment Substantive Due Process (Against Individual Officers)

39. Plaintiff incorporates by reference all preceding paragraphs.

40. The Defendant Officers' conduct shocked the conscience and violated Plaintiff's substantive due process rights under the Fourteenth Amendment.

41. The Defendant Officers acted with deliberate indifference to Plaintiff's safety and constitutional rights.

COUNT III - 42 U.S.C. § 1983 - Municipal Liability (Against City of Austin)

42. Plaintiff incorporates by reference all preceding paragraphs.

43. The City of Austin, through its policies, practices, customs, and/or deliberate indifference, violated Plaintiff's constitutional rights.

44. The City of Austin's failure to adequately train, supervise, and discipline APD officers was the moving force behind the constitutional violations.

45. The City of Austin maintained customs and practices that encouraged or condoned constitutional violations by its officers.

COUNT IV - Negligence Under Texas Tort Claims Act (Against City of Austin)

46. Plaintiff incorporates by reference all preceding paragraphs.
47. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
48. The City of Austin waived governmental immunity for this claim under Chapter 101 of the Texas Civil Practice and Remedies Code (Texas Tort Claims Act).
49. At all times relevant hereto, the Defendant Officers were employees of the City of Austin acting within the scope of their employment.
50. The City of Austin, through its employees, owed Plaintiff a duty to exercise ordinary care in the use of force and to refrain from conduct that would foreseeably endanger innocent bystanders.
51. The City of Austin, through its officers, breached this duty by: a. Failing to secure the area before confronting an armed individual; b. Using deadly force in a crowded area with numerous innocent bystanders present; c. Failing to consider the safety of innocent bystanders before taking action; d. Acting in a manner that created an unreasonable risk of harm to members of the public.
52. The City of Austin's breach of duty was a proximate cause of Plaintiff's injuries and damages.
53. The City of Austin's liability is limited to monetary damages as provided by the Texas Tort Claims Act, and Plaintiff seeks damages within such statutory limits.

COUNT V - Assault Under Texas Law (Against Individual Officers)

54. Plaintiff incorporates by reference all preceding paragraphs.
55. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

56. The Defendant Officers intentionally caused Plaintiff to be placed in imminent apprehension of harmful or offensive contact by discharging firearms in Plaintiff's immediate vicinity.
57. Alternatively, the Defendant Officers intentionally caused harmful or offensive contact with Plaintiff through their use of deadly force in a crowded area.
58. The Defendant Officers' conduct constituted assault under Texas law.
59. The Defendant Officers acted with malice and/or gross negligence, justifying an award of exemplary damages under Texas Civil Practice and Remedies Code Chapter 41.
60. As a direct and proximate result, Plaintiff suffered the damages alleged herein.

COUNT VI - Alternative Negligence Claim (Against Individual Officers)

61. Plaintiff incorporates by reference all preceding paragraphs.
62. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
63. In the alternative, if the Defendant Officers' conduct does not constitute intentional conduct, they were negligent in their actions.
64. The Defendant Officers owed Plaintiff a duty to exercise reasonable care in the performance of their law enforcement duties.
65. The Defendant Officers breached this duty by using deadly force in a manner and location that created an unreasonable risk of harm to innocent bystanders, including Plaintiff.
66. The Defendant Officers' negligence was a proximate cause of Plaintiff's injuries and damages.
67. Plaintiff incorporates by reference all preceding paragraphs.
68. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

69. THE SOHO LOUNGE LLC owed Plaintiff and other members of the public a duty to exercise reasonable care in its operations and to refrain from conduct that would foreseeably endanger innocent bystanders.
70. THE SOHO LOUNGE LLC breached this duty by: a. Making unfounded assumptions about a customer possessing a weapon without reasonable basis; b. Calling police based on speculation rather than actual observation of criminal activity; c. Failing to attempt reasonable de-escalation or alternative measures before involving law enforcement; d. Creating or contributing to a dangerous situation that foreseeably could result in harm to innocent bystanders.
71. THE SOHO LOUNGE LLC's breach of duty was a proximate cause of the police response and subsequent shooting that injured Plaintiff.
72. THE SOHO LOUNGE LLC knew or should have known that calling police based on unfounded suspicions could lead to an escalated confrontation that would endanger innocent bystanders in the crowded area.

COUNT VIII - Premises Liability (Against THE SOHO LOUNGE LLC)

73. Plaintiff incorporates by reference all preceding paragraphs.
74. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
75. THE SOHO LOUNGE LLC, as the operator of a business establishment, owed Plaintiff and other prospective customers a duty to maintain reasonably safe premises and approaches to its establishment.
76. THE SOHO LOUNGE LLC breached this duty by creating or contributing to a dangerous condition on or near its premises that resulted in harm to Plaintiff.

77. THE SOHO LOUNGE LLC's actions in calling police based on unfounded suspicions created an unreasonably dangerous condition for innocent bystanders on the public sidewalk adjacent to its establishment.

78. As a direct and proximate result of THE SOHO LOUNGE LLC's breach of its duty, Plaintiff suffered the injuries and damages alleged herein.

VII. COMPLIANCE WITH TEXAS TORT CLAIMS ACT

79. Plaintiff provided proper notice to the City of Austin as required by Texas Civil Practice and Remedies Code § 101.101 by United States Postal Mail via Certified Letter, Tracking No. 9589 0710 5270 0500 5576 36 and by email correspondence to lawclaims@austintexas.gov.

80. At least six months have elapsed since Plaintiff NAKOLE CURRY provided the required notice to the City of Austin.

81. Plaintiff's claims against the City of Austin are brought within the two-year statute of limitations provided by the Texas Tort Claims Act.

VIII. DAMAGES

82. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer: a. Permanent blindness in her right eye; b. Physical pain and suffering; c. Mental anguish and emotional distress; d. Medical expenses, both past and future; e. Lost wages and diminished earning capacity; f. Permanent disability and disfigurement; g. Loss of enjoyment of life; h. Loss of depth perception and visual field; i. Need for ongoing medical care and adaptive equipment.

83. Defendants' conduct was willful, wanton, and malicious, justifying an award of punitive damages against the individual Defendants under federal law.

84. The individual Defendants' conduct constituted malice and/or gross negligence under Texas law, justifying an award of exemplary damages pursuant to Texas Civil Practice and Remedies Code Chapter 41.

85. Plaintiff's damages against the City of Austin are limited to the monetary damages cap provided by the Texas Tort Claims Act, currently \$250,000 per person and \$500,000 per occurrence for bodily injury.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff NAKOLE CURRY respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Award Plaintiff compensatory damages in an amount to be determined at trial, subject to the statutory caps under the Texas Tort Claims Act as to claims against the City of Austin;
- C. Award Plaintiff punitive damages against the individual Defendants under federal law;
- D. Award Plaintiff exemplary damages against the individual Defendants under Texas law;
- E. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
- F. Grant such other and further relief as this Court deems just and proper.

X. JURY DEMAND

Plaintiff NAKOLE CURRY hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

THE COX PRADIA LAW FIRM

/s/:Jonathan H. Cox

Jonathan H. Cox

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Federal Bar No. 28983

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ATTORNEYS FOR PLAINTIFF

FILED

February 27, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BY: Alicia Davis
DEPUTY

**IN RE: COURT DOCKET
MANAGEMENT**

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FOR AUSTIN DIVISION

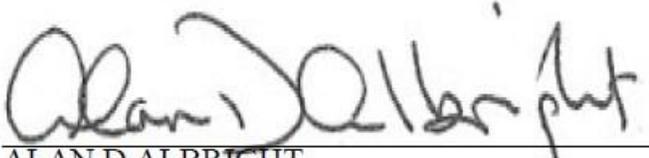
MAGISTRATE REFERRAL ORDER

Under Rule 1 of the Local Rules for the Assignment of Duties to United States Magistrate Judges, Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, **IT IS HEREBY ORDERED** that the Clerk of the Court shall refer all civil matters assigned to the Honorable Alan D Albright to a United States Magistrate Judge for the Austin Division, allocated pursuant to the Clerk of the Court’s standard procedure, except the following:

- Cases brought under 28 U.S.C. §§ 2241, 2254, and 2255;
- Cases brought by detainees and prisoners under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 430 U.S. 388 (1971);
- Cases brought under 35 U.S.C. § 1 et seq. (patent cases);
- Cases designated as “830 Patent” and “835 Patent (ANDA)”; and
- Cases that include *ex parte* applications for temporary restraining orders.

IT IS FURTHER ORDERED that the Clerk of the Court shall refer all criminal matters for the Austin Division assigned to the Honorable Alan D Albright to a United States Magistrate Judge for the Austin Division, allocated pursuant to the Clerk of the Court’s standard procedure. The matters are referred for disposition of all non-dispositive pretrial matters as provided in 28 U.S.C. § 636(b)(1)(A) and for findings and recommendations on all case-dispositive motions as provided in 28 U.S.C. § 636(b)(1)(B).

SIGNED this 27th day of February, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE



PHILIP J. DEVLIN
CLERK OF COURT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

501 West 5th Street, Suite 1100
Austin, Texas 78701

ANNETTE FRENCH
CHIEF DEPUTY

September 5, 2025

Jonathan H. Cox

The Cox Pradia Law Firm
2402 Rosedale Street
Houston, TX 77004

Re: *Curry v. City of Austin et al*
Case Number: 1:25-cv-01414-ADA

The records of this office indicate that you are not admitted to practice in this court.

Local District Court Rule AT-1(f)(1) states: “An attorney who is licensed by the highest court of a state or another federal district court, but who is not admitted to practice before this court, may represent a party in this court pro hac vice only by permission of the judge presiding....”

If you intend to represent a party in this case, you must submit to this court a Motion to Appear pro hac vice within 14 days of the date of this letter. You can locate a copy of the motion on our website at <http://www.txwd.uscourts.gov/?mdocs-file=2823>

The motion must contain an original signature by the attorney seeking to be admitted pro hac vice. Pro hac vice motions signed by one attorney for another attorney *will not* be granted. If you are an attorney who maintains your office outside of this district, the Judge may require you to designate local counsel as co-counsel (Local Rule AT-2).

Please be sure to review the Local Rules for the Western District of Texas before you submit your motion, especially Local Rules CV-5 (Pleadings & Filing Papers), CV-7 (Motions), CV-10 (Form of Pleadings), and AT-1(f)(1) and AT-(f)(2) (Pro hac vice requirements), and standing orders for the Austin Division. For your convenience, a complete copy of the Local Rules for the Western District of Texas and various forms can be downloaded from our website.

Please be advised that the Clerk no longer automatically adds non-admitted attorneys to a case. Thus, non-admitted attorneys will not receive orders or notices (which may include deadlines, hearing dates, etc.) filed in their case. The Clerk will only add said attorneys to the case upon the granting of a Motion to Appear pro hac vice.

If you have any questions regarding the above information, please do not hesitate to call.

Sincerely,

Ty Pargmann
Deputy Clerk

United States District Court
Western District of Texas
Austin
Deficiency Notice

To: Cox, Jonathan H.
From: Court Operations Department, Western District of Texas
Date: Friday, September 05, 2025
Re: 01:25-CV-01414-ADA / Doc # 1 / Filed On: 09/03/2025

Pursuant to the Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases, the following pleading has been filed. However, it is deficient in the area(s) checked below. Please correct the deficiency(ies), as noted below, and re-file document IMMEDIATELY. When re-filing document, other than a motion, please ensure you add 'corrected' to the docket text. If the document you are re-filing is a motion, select 'corrected' from the drop-down list.

If an erroneous filing results in failure to meet a deadline, you will need to seek relief, for any default, from the presiding judge.

The Complaint you filed is deficient because you failed to attach a JS44. This form can be located on our website. Please prepare and electronically submit the JS44 using the event located at Civil Events - Other Filings - Other Documents - JS44. This form is required for civil cases filed in the Western District of Texas.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nakole Curry

(b) County of Residence of First Listed Plaintiff Bell County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St., Houston TX 77004. P:713.752.2300

DEFENDANTS

City of Austin,
Austin Police Department, The Shoho Lounge LLC and John Doe
Officers 1-10

County of Residence of First Listed Defendant Travis County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 198

Brief description of cause:

APD used excessive and unreasonable force in a crowded public area, endangering Plaintiff

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/05/2025

SIGNATURE OF ATTORNEY OF REC

[Handwritten Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) as this action arises under the Constitution and laws of the United States.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in Austin, Travis County, Texas, within this judicial district.

III. PARTIES

5. Plaintiff NAKOLE CURRY is a 24-year-old female who, at all times relevant hereto, was a resident of Fort Hood, Texas.
6. ZANIA STEWART is the minor daughter of Plaintiff NAKOLE CURRY, who at all times relevant hereto was dependent upon her mother for care, guidance, companionship, and support.
7. Defendant CITY OF AUSTIN is a municipal corporation organized and existing under the laws of the State of Texas. At all times relevant hereto, the City of Austin was responsible for the policies, practices, customs, and training of the Austin Police Department ("APD").
8. Defendant AUSTIN POLICE DEPARTMENT is a law enforcement agency of the City of Austin, Texas, responsible for police services within the city limits.
9. Defendant THE SOHO LOUNGE LLC is a business entity operating a nightclub located on 6th Street in Austin, Texas. Upon information and belief, THE SOHO LOUNGE LLC is organized and existing under the laws of the State of Texas and conducts business in Travis County, Texas.
10. Defendants JOHN DOE OFFICERS 1-10 are Austin Police Department officers whose true names are currently unknown to Plaintiff but will be determined through discovery. At all

times relevant hereto, these officers were acting under color of state law and within the scope of their employment with the City of Austin.

IV. FACTUAL ALLEGATIONS

A. The Incident

11. On or about December 16, 2023, at approximately 12:00AM. Plaintiff NAKOLE CURRY was lawfully present as an innocent bystander on the sidewalk outside THE SOHO LOUNGE LLC, located on 6th Street in Austin, Texas, waiting to gain entry to the establishment.
12. At said time and place, an employee of THE SOHO LOUNGE LLC encountered a customer and refused entry to the establishment because the employee assumed the would-be customer possessed a weapon.
13. The SOHO LOUNGE LLC employee called the Austin Police Department to report the incident involving the would-be customer.
14. APD officers responded to the scene and confronted the customer who was standing outside the establishment on the public sidewalk.
15. The area was crowded with members of the public, including Plaintiff NAKOLE CURRY, who posed no threat to the officers or anyone else and were lawfully present on the public sidewalk.
16. Despite the presence of innocent bystanders in the immediate vicinity, including Plaintiff, the Defendant Officers failed to secure the area or take reasonable steps to protect bystanders before confronting the individual.
17. The situation escalated to a point where the Defendant Officers discharged their weapons by firing at the would-be customer.

18. Without regard for the safety of innocent bystanders, including Plaintiff, the Defendant Officers opened fire in the crowded area.
19. As a direct and proximate result of Defendants' actions, Plaintiff NAKOLE CURRY was struck in the right eye by a bullet, causing permanent blindness in her right eye.
20. The Defendant Officers' decision to use deadly force in a crowded area with numerous innocent bystanders present was objectively unreasonable under the circumstances.
21. THE SOHO LOUNGE LLC's actions in calling police based on an unfounded assumption about a customer possessing a weapon, without reasonable basis, contributed to the escalation that resulted in Plaintiff's injuries.
22. THE SOHO LOUNGE LLC, despite believing a dangerous condition existed that warranted police intervention, failed to warn or protect the numerous innocent bystanders, including Plaintiff NAKOLE CURRY, who were waiting in line outside the establishment.
23. THE SOHO LOUNGE LLC had actual knowledge of the crowded conditions on the sidewalk adjacent to its establishment and the presence of prospective customers, including Plaintiff, yet failed to take any reasonable steps to ensure their safety before or after calling police.
24. THE SOHO LOUNGE LLC employees were in a position to observe the escalating situation and the arrival of armed police officers, yet failed to warn customers or direct them to safety.

B. Constitutional Violations

25. The Defendant Officers' conduct violated Plaintiff's rights under the Fourth Amendment to be free from unreasonable seizure and excessive force.
26. The Defendant Officers' conduct violated Plaintiff's rights under the Fourteenth Amendment to substantive due process and equal protection under the law.

27. At the time of the incident, it was clearly established that law enforcement officers cannot use excessive force or act with deliberate indifference to the safety of innocent bystanders.

C. Municipal Liability - Policies, Practices, and Customs

28. Defendant City of Austin, through the Austin Police Department, maintained policies, practices, and customs that caused or contributed to the constitutional violations alleged herein.

29. Upon information and belief, the City of Austin failed to adequately train APD officers regarding:

- a. The proper use of force in crowded public areas;
- b. De-escalation techniques;
- c. Crowd control and bystander safety protocols;
- d. Constitutional limitations on the use of deadly force.

30. Upon information and belief, the City of Austin has a custom or practice of tolerating excessive force by its officers and failing to discipline officers who endanger innocent bystanders.

D. Pattern of Constitutional Violations

31. The incident involving Plaintiff was not an isolated occurrence, but rather part of a pattern of excessive force and constitutional violations by APD officers that demonstrates the City's deliberate indifference to citizens' constitutional rights.

32. Upon information and belief, APD officers have been involved in numerous incidents of excessive force and endangerment of innocent bystanders, including but not limited to:

a. **Jason Roque (May 2, 2017):** On May 2, 2017, Jason Roque, a Hispanic twenty-year-old man, was shot and killed by APD officer James Harvel. The APD officer was responding to a 911 call

regarding Mr. Roque's mental health and observed Mr. Roque standing in the street with a BB gun. Like Ms. Curry, the APD officer opened fire against Mr. Roque less than a second after he ordered Mr. Roque to "put the gun down," and while Mr. Roque had not aimed the BB gun at any other person. Again, like Ms. Curry, Mr. Roque dropped the BB gun, complying with the police command, but was shot by the APD officer an additional two times. Mr. Roque subsequently died from the APD officer's gunshots in front of his mother. Mr. Roque's family subsequently sued the City Defendant and the APD officer who fatally shot Mr. Roque. The City Defendant settled the lawsuit with Mr. Roque's family for \$2.25 million.

b. **Landon Nobles (May 7, 2017):** On May 7, 2017, Landon Nobles, a twenty-four-year-old Black man, was shot in the back and killed by APD officers Richard Egal and Maxwell Johnson outside a bar on East Sixth Street. Like Ms. Curry, the APD officers approached Mr. Nobles after a gunshot was fired. However, Mr. Nobles was unarmed. Mr. Nobles then ran down the street before another APD officer tripped him with a bicycle. Mr. Nobles fell to the ground on his stomach. The APD officers proceeded to open fire against Mr. Nobles as he was on the ground and posed no immediate threat of serious or significant harm. The City Defendant ultimately settled a lawsuit with Mr. Noble's family for \$3.3 million.

c. **Mauris Nishanga DeSilva (July 26, 2019):** On July 26, 2019, APD officers Karl Krycia and Christopher Taylor shot and killed Mauris Nishanga DeSilva, a forty-six-year-old Sri Lankan neuroscientist, as he was experiencing a mental health crisis. The APD officers were called to respond to the mental health crisis and approached Dr. DeSilva as he stood over ten feet away from them in a hallway. At that time, Dr. DeSilva turned towards the officers, holding a knife to his own throat. The APD officers then ordered Dr. DeSilva to drop the knife. Dr. DeSilva

proceeded to bring the knife down to his side. Like Ms. Curry, Dr. DeSilva was not given an opportunity to drop the knife as the APD officers immediately opened fire despite Dr. DeSilva posing no immediate threat of serious and significant harm to the officers who stood ten feet away. The APD officers involved were later indicted for first-degree murder. Krycia is awaiting trial. Taylor was convicted for deadly conduct on October 5, 2024.

d. **Michael Ramos (April 24, 2020):** On April 24, 2020, Michael Ramos, a forty-two-year-old Black man, was fatally shot by APD Officer Christopher Taylor in the parking lot of an apartment building. Officer Taylor is the same APD officer who killed Dr. DeSilva. Before the fatal shooting, Mr. Ramos exited his vehicle with his hands up in the air and was visibly unarmed. Despite the absence of any immediate threat of serious or significant harm, APD officers aimed their firearms at Mr. Ramos.

33. These incidents demonstrate a pattern of: a. Using deadly force without sufficient justification or immediate threat; b. Failing to allow subjects reasonable time to comply with commands; c. Shooting individuals who are complying with police commands or pose no threat; d. Inadequate de-escalation training and implementation; e. Disproportionate use of force against minorities and individuals in mental health crisis; f. Repeated involvement of the same officers (such as Officer Christopher Taylor) in multiple fatal shootings.

34. The City of Austin's payment of substantial settlements totaling at least \$5.55 million in the Roque and Nobles cases alone demonstrates the City's knowledge of constitutional violations by its officers.

35. Despite knowledge of these fatal incidents, criminal indictments of officers, and multi-million dollar settlements, the City of Austin failed to implement adequate policies, training, or disciplinary measures to prevent future violations.
36. The fact that Officer Christopher Taylor was involved in multiple fatal shootings (DeSilva and Ramos) and was allowed to remain on duty demonstrates the City's deliberate indifference to constitutional violations and public safety.
37. The City of Austin's deliberate indifference to this pattern of constitutional violations demonstrates that its policies, practices, customs, and/or failures were the moving force behind the violation of Plaintiff's constitutional rights.
38. The City of Austin's failure to properly train, supervise, and discipline its officers, despite notice of repeated constitutional violations, demonstrated deliberate indifference to the constitutional rights of citizens.

V. CAUSES OF ACTION

COUNT I - 42 U.S.C. § 1983 - Fourth Amendment Excessive Force (Against Individual Officers)

39. Plaintiff incorporates by reference all preceding paragraphs.
40. The Defendant Officers, acting under color of state law, used excessive force against Plaintiff in violation of the Fourth Amendment to the United States Constitution.
41. The Defendant Officers' use of deadly force in a crowded area with innocent bystanders present was objectively unreasonable under the circumstances.
42. As a direct and proximate result of Defendants' conduct, Plaintiff suffered significant physical, emotional, and economic damages.

COUNT II - 42 U.S.C. § 1983 - Fourteenth Amendment Substantive Due Process (Against Individual Officers)

43. Plaintiff incorporates by reference all preceding paragraphs.
44. The Defendant Officers' conduct shocked the conscience and violated Plaintiff's substantive due process rights under the Fourteenth Amendment.
45. The Defendant Officers acted with deliberate indifference to Plaintiff's safety and constitutional rights.

COUNT III - 42 U.S.C. § 1983 - Municipal Liability (Against City of Austin)

46. Plaintiff incorporates by reference all preceding paragraphs.
47. The City of Austin, through its policies, practices, customs, and/or deliberate indifference, violated Plaintiff's constitutional rights.
48. The City of Austin's failure to adequately train, supervise, and discipline APD officers was the moving force behind the constitutional violations.
49. The City of Austin maintained customs and practices that encouraged or condoned constitutional violations by its officers.

COUNT IV - Negligence Under Texas Tort Claims Act (Against City of Austin)

50. Plaintiff incorporates by reference all preceding paragraphs.
51. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
52. The City of Austin waived governmental immunity for this claim under Chapter 101 of the Texas Civil Practice and Remedies Code (Texas Tort Claims Act).
53. At all times relevant hereto, the Defendant Officers were employees of the City of Austin acting within the scope of their employment.

54. The City of Austin, through its employees, owed Plaintiff a duty to exercise ordinary care in the use of force and to refrain from conduct that would foreseeably endanger innocent bystanders.

55. The City of Austin, through its officers, breached this duty by:

- e. Failing to secure the area before confronting an armed individual;
- f. Using deadly force in a crowded area with numerous innocent bystanders present;
- g. Failing to consider the safety of innocent bystanders before taking action;

d. Acting in a manner that created an unreasonable risk of harm to members of the public.

56. The City of Austin's breach of duty was a proximate cause of Plaintiff's injuries and damages.

57. The City of Austin's liability is limited to monetary damages as provided by the Texas Tort Claims Act, and Plaintiff seeks damages within such statutory limits.

COUNT V - Assault Under Texas Law (Against Individual Officers)

58. Plaintiff incorporates by reference all preceding paragraphs.

59. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

60. The Defendant Officers intentionally caused Plaintiff to be placed in imminent apprehension of harmful or offensive contact by discharging firearms in Plaintiff's immediate vicinity.

61. Alternatively, the Defendant Officers intentionally caused harmful or offensive contact with Plaintiff through their use of deadly force in a crowded area.

62. The Defendant Officers' conduct constituted assault under Texas law.

63. The Defendant Officers acted with malice and/or gross negligence, justifying an award of exemplary damages under Texas Civil Practice and Remedies Code Chapter 41.
64. As a direct and proximate result, Plaintiff suffered the damages alleged herein.

COUNT VI - Alternative Negligence Claim

65. Plaintiff incorporates by reference all preceding paragraphs.
66. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
67. In the alternative, if the Defendant Officers' conduct does not constitute intentional conduct, they were negligent in their actions.
68. The Defendant Officers owed Plaintiff a duty to exercise reasonable care in the performance of their law enforcement duties.
69. The Defendant Officers breached this duty by using deadly force in a manner and location that created an unreasonable risk of harm to innocent bystanders, including Plaintiff.
70. The Defendant Officers' negligence was a proximate cause of Plaintiff's injuries and damages.
71. Plaintiff incorporates by reference all preceding paragraphs.
72. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
73. THE SOHO LOUNGE LLC owed Plaintiff and other members of the public a duty to exercise reasonable care in its operations and to refrain from conduct that would foreseeably endanger innocent bystanders.
74. THE SOHO LOUNGE LLC breached this duty by: a. Making unfounded assumptions about a customer possessing a weapon without reasonable basis; b. Calling police based on speculation rather than actual observation of criminal activity; c. Failing to attempt reasonable de-

escalation or alternative measures before involving law enforcement; d. Creating or contributing to a dangerous situation that foreseeably could result in harm to innocent bystanders.

75. THE SOHO LOUNGE LLC's breach of duty was a proximate cause of the police response and subsequent shooting that injured Plaintiff.

76. THE SOHO LOUNGE LLC knew or should have known that calling police based on unfounded suspicions could lead to an escalated confrontation that would endanger innocent bystanders in the crowded area.

COUNT VII - Premises Liability (Against THE SOHO LOUNGE LLC)

77. Plaintiff incorporates by reference all preceding paragraphs.

78. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

79. THE SOHO LOUNGE LLC, as the operator of a business establishment, owed Plaintiff and other prospective customers a duty to maintain reasonably safe premises and approaches to its establishment, and to warn of or protect against known dangerous conditions.

80. THE SOHO LOUNGE LLC breached this duty by:

- h. Creating or contributing to a dangerous condition on or near its premises;
- i. Failing to warn prospective customers, including Plaintiff, of the dangerous condition they believed warranted police intervention;
- j. Failing to take reasonable steps to protect customers waiting in line outside the establishment;
- k. Allowing customers to remain in harm's way despite knowing of the potential danger;

1. Failing to direct customers to safety or clear the area before or during the police response.
81. THE SOHO LOUNGE LLC had actual or constructive knowledge of the dangerous condition, as evidenced by their decision to call police, yet failed to warn or protect the innocent bystanders who were lawfully present on the public sidewalk adjacent to its establishment.
82. THE SOHO LOUNGE LLC's actions and omissions created an unreasonably dangerous condition for prospective customers and other members of the public, including Plaintiff.
83. As a direct and proximate result of THE SOHO LOUNGE LLC's breach of its duty, Plaintiff suffered the injuries and damages alleged herein.

VI. COMPLIANCE WITH TEXAS TORT CLAIMS ACT

84. Plaintiff provided proper notice to the City of Austin as required by Texas Civil Practice and Remedies Code § 101.101 by United States Postal Mail via Certified Letter, Tracking No. 9589 0710 5270 0500 5576 36 and by email correspondence to lawclaims@austintexas.gov.
85. At least six months have elapsed since Plaintiff NAKOLE CURRY provided the required notice to the City of Austin.
86. Plaintiff's claims against the City of Austin are brought within the two-year statute of limitations provided by the Texas Tort Claims Act.
87. As a direct and proximate result of Defendants' conduct, ZANIA STEWART has suffered and continues to suffer:
 - a. Loss of her mother's care, guidance, companionship, and society;
 - b. Emotional distress from witnessing her mother's permanent disability;
 - c. Loss of her mother's ability to fully participate in activities and provide the same level of care;

- d. Impairment of the mother-daughter relationship and bond;
- e. Loss of consortium, companionship, and society.

VII. DAMAGES

88. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer:

- a. Permanent blindness in her right eye;
- b. Physical pain and suffering;
- c. Mental anguish and emotional distress;
- d. Medical expenses, both past and future;
- e. Lost wages and diminished earning capacity;
- f. Permanent disability and disfigurement;
- g. Loss of enjoyment of life;
- h. Loss of depth perception and visual field; and
- i. Need for ongoing medical care and adaptive equipment.

89. Defendants' conduct was willful, wanton, and malicious, justifying an award of punitive damages against the individual Defendants under federal law.

90. The individual Defendants' conduct constituted malice and/or gross negligence under Texas law, justifying an award of exemplary damages pursuant to Texas Civil Practice and Remedies Code Chapter 41.

91. Plaintiff's damages against the City of Austin exceed \$1,000,000.00.

IX. LOSS OF CONSORTIUM (On behalf of ZANIA STEWART)

92. Plaintiff incorporates by reference all preceding paragraphs.

93. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.
94. ZANIA STEWART, as the minor daughter of NAKOLE CURRY, is entitled to recover for loss of consortium resulting from the permanent injuries inflicted upon her mother.
95. Prior to the incident, ZANIA STEWART enjoyed a normal, loving mother-daughter relationship with NAKOLE CURRY, including her mother's care, guidance, companionship, and society.
96. As a direct and proximate result of Defendants' conduct, ZANIA STEWART has been deprived of her mother's full care, companionship, and society due to NAKOLE CURRY's permanent disability and the ongoing physical and emotional effects of her injuries.
97. The permanent nature of NAKOLE CURRY's injuries, including permanent blindness in her right eye and associated physical and emotional trauma, has substantially impaired her ability to provide the same level of care, guidance, and companionship to her daughter.
98. ZANIA STEWART has suffered and will continue to suffer damages as a result of this loss of consortium, including but not limited to the loss of her mother's full care, guidance, companionship, and society.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff NAKOLE CURRY respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Award Plaintiff compensatory damages in an amount to be determined at trial, subject to the statutory caps under the Texas Tort Claims Act as to claims against the City of Austin;
- C. Award Plaintiff punitive damages against the individual Defendants under federal law;
- D. Award Plaintiff exemplary damages against the individual Defendants under Texas law;

E. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988;

F. Grant such other and further relief as this Court deems just and proper.

G. Award ZANIA STEWART compensatory damages for loss of consortium;

IX. JURY DEMAND

Plaintiff NAKOLE CURRY hereby demands a trial by jury on all issues so triable.

X. ADDITIONAL JURY DEMAND

ZANIA STEWART, by and through her mother and next friend NAKOLE CURRY, hereby demands a trial by jury on all issues so triable regarding her loss of consortium claim.

Respectfully submitted,

THE COX PRADIA LAW FIRM

/s/ Jonathan H. Cox

Jonathan H. Cox

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Federal Bar No. 28983

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ATTORNEYS FOR PLAINTIFF

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

NAKOLE CURRY

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT, THE SHOHO LOUNGE LLC AND JOHN DOE OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-CV-01414-ADA-ML

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Austin, Austin Police Department And John Doe Officers 1-10 The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burlison
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jonathan H. Cox and Troy J. Pradia, The Cox Pradia Law Firm, 2402 Rosedale St., Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date:

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:25-CV-01414-ADA-ML

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

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NAKOLE CURRY

Plaintiff(s)

v.

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Defendant(s)

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Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

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Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: 09/10/2025



Handwritten signature of Christina Cordero
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:25-CV-01414-ADA-ML

PROOF OF SERVICE

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This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: