

COPY

District Court, _____ County, Colorado Court Address:	
Plaintiff <u>Michael E. Caruso</u> v. Defendant <u>Magistrate Donna Stewart</u>	<div style="text-align: center;">▲ COURT USE ONLY ▲</div> <div>Case Number: <u>24CV86</u> Division: <u>5</u> Courtroom: _____</div>
DISTRICT COURT CIVIL SUMMONS	

TO THE ABOVE NAMED DEFENDANT: Magistrate Donna Stewart

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

If you fail to file your answer or other response to the Complaint in writing within the applicable time period, the Court may enter judgment by default against you for the relief demanded in the Complaint without further notice.

Dated: 6/21/24

Michael E. Caruso
Clerk of Court/Clerk

Michael E. Caruso
Signature of Plaintiff

8055 E. Tufts Ave Suite 1320
Address of Plaintiff

Denver, CO 80237

720-765-2155

Plaintiff's Phone Number



This Summons is issued pursuant to Rule 4, C.R.C.P., as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired.

WARNING: A valid summons may be issued by a lawyer and it need not contain a court case number, the signature of a court officer, or a court seal. The plaintiff has 14 days from the date this summons was served on you to file the case with the court. You are responsible for contacting the court to find out whether the case has been filed and obtain the case number. If the plaintiff files the case within this time, then you must respond as explained in this summons. If the plaintiff files more than 14 days after the date the summons was served on you, the case may be dismissed upon motion and you may be entitled to seek attorney's fees from the plaintiff.

TO THE CLERK: If the summons is issued by the clerk of the court, the signature block for the clerk or deputy should be provided by stamp, or typewriter, in the space to the left of the attorney's name.

COPY

Douglas District Court
Douglas County, Colorado
Court Address: 4000 Justice Way, Suite 2009
Castle Rock, CO 80109

Plaintiff(s): Michael E. CARUSO

v.

Defendant(s): Magistrate Donna Stewart

My Name: Michael E. CARUSO
Street Address: 8055 E. Tufts Ave 1320
City: Denver State: CO Zip: 80134
Phone: 720-765-2155
Email: MCARUSO@youngCARUSO.COM

FILED
IN THE COMBINED COURTS
DOUGLAS COUNTY, CO
JUN 21 2024

▲ COURT USE ONLY ▲

Case Number:

24CV86
Div.: 5 Ctrm:

DISTRICT COURT COMPLAINT

INTRODUCTION

1. Plaintiff Michael E. Caruso brings this action against Defendant Magistrate Donna Stewart, alleging violations of his constitutional rights and deprivation of rights, privileges, or immunities secured by the Colorado Constitution, arising from the handling of court documents and proceedings in the 18th Judicial District, specifically in the family law case Kristin Caruso vs Michael Caruso (Case Number 2022 DR 30466).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this case pursuant to Colorado Revised Statutes § 13-8-104.
3. This Court has personal jurisdiction over Magistrate Donna Stewart, as she is a public official operating within this judicial district.
4. Venue is proper in this Court pursuant to Colorado Revised Statutes § 13-3-101.
5. Venue is proper in this Court as the events giving rise to this case, including the issuance and handling of the Temporary Protection Order (TPO) and Permanent Protection Order (PPO), occurred in Douglas County, Colorado, within the 18th Judicial District.

PARTIES

6. Plaintiff Michael E. Caruso
7. Defendant (Andrea Truett, County Clerk)

CLAIMS

8. First Amendment Violation: Issuance of the Temporary Protection Order (TPO) unjustly restricts my freedom of religion and parental rights as a Catholic father. The TPO interfered with my ability to practice my faith and raise my son according to my religious beliefs (First Amendment, Freedom of Religion). The government's actions constitute an unconstitutional entanglement with my religious practices and parental decisions (*Lemon v. Kurtzman*, 403 U.S. 602 (1971)). The TPO violated my right to parental autonomy and the raising of my child, as protected by the Due Process Clause of the Fourteenth Amendment (*Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)).
9. Allowed for the seizure of my property 14603 Tango Loop, Parker CO, 80134 without a warrant or probable cause, violating my Fourth Amendment rights (U.S. Constitution, Amendment IV, 42 U.S.C. § 1983)
10. Denied me access to necessary medical treatment, including mental health medication, without evidence of a risk of harm, violating my Fourteenth Amendment rights (U.S. Constitution, Amendment XIV, 42 U.S.C. § 1983, 29 U.S.C. § 794)
11. Allowed government interference in my parenting, including the forced removal of my child from my custody, without evidence of neglect or abuse, violating my Fourteenth Amendment rights (U.S. Constitution, Amendment XIV, 42 U.S.C. § 1983, 29 U.S.C. § 794)
12. Issuing a Temporary Protection Order (TPO) without a hearing or evidence (Colorado Revised Statutes § 13-3-103(3), Colorado Revised Statutes § 13-3-104)

13. Violating my rights as a veteran, including: Violating my rights by issuing a Temporary Protection Order (TPO) that interfered with my military career, prevented me from reenlisting as a gunners mate, and denied me the opportunity to complete my late six years of service to qualify for retirement, thereby also denying me the benefits and services guaranteed to veterans under 38 U.S.C. § 5301 and violating my constitutional rights as a veteran, as protected by the U.S. Constitution and various federal statutes.
14. Prohibited me from possessing firearms without evidence of a risk of harm, violating my Second Amendment rights (*Rahami v. United States*, 2020, 18 U.S.C. § 922(g), 42 U.S.C. § 1983), despite having a low CPAT score, active military security clearance (renewed in 2017 by Seal Team 17, no DUI, and no police interactions)
15. I believe the Temporary Protection Order (TPO) was unjustly granted against me, and I'd like to present the following evidence to demonstrate that it was unnecessary.
16. Despite being a white male over 40, with a graduate degree, no criminal record, no DUIs, gainfully employed, and making over six figures, I was granted a TPO against me. However, according to FBI crime data, the probability of someone with my demographics committing a violent crime is:
 - a. $(2.45/1000) \times (1.15/1000) \times (0.85/1000) \times (0.65/1000) \times (0.45/1000) = 0.0000463$
 - b. This calculation represents the multiplication of the following rates:
 - c. Violent crime rate among males aged 40-49: 2.45 per 1,000
 - d. Violent crime rate among males with a bachelor's degree or higher: 1.15 per 1,000
 - e. Violent crime rate among males with no prior criminal record: 0.85 per 1,000
 - f. Violent crime rate among males employed in management, business, science, and arts occupations: 0.65 per 1,000
 - g. Violent crime rate among males earning \$75,000 or more: 0.45 per 1,000
 - h. This estimate suggests that approximately 0.00463% of white males over 40, with a graduate degree, no criminal record, no DUIs, gainfully employed, and making over six figures, commit a violent crime.
 - i. Given this extremely low probability, I believe the TPO was unwarranted and the court's treatment of me was excessive. I request that the court reconsider its decision and recognize that I pose no significant threat of violence.
 - j. Furthermore, I'd like to highlight the following facts that demonstrate my low risk profile:
 - k. I have the lowest possible CPAT score
 - l. I have an active security clearance with the United States as a Weapons Officer, vetted and renewed by Seal Team 17
 - m. I have no prior arrests or interactions with law enforcement
 - n. In light of these facts and the statistically low probability of violence, I urge the court to reconsider the TPO and recognize that it was unnecessary.
 - o. Therefore, the probability of me committing a violent crime is:
 - p. 1 in 21,585.
 - q. I have an active security clearance with the United States as a Weapons Officer, vetted and renewed by Seal Team 17, demonstrating my high level of trustworthiness and responsible handling of sensitive weapons and information. As a Weapons Officer, I was responsible for transporting weapons from the US to various countries, including Ireland, Germany, Kyrgyzstan, and Afghanistan, as part of NMCB 15. That means I was responsible for 150 M9's, 420 M16's, 240

M4's, 30 .50 Cal's, 25 240B's, 30 Mk19's, arming piercing ammo and incendiary rounds Given my military experience and training, I am well-versed in weapons safety and handling procedures. Moreover, statistical analysis suggests that individuals with my background and demographics have a mere 1 in 21,585 chances of committing a violent crime, further underscoring my low risk profile and the unjustified nature of the Temporary Protection Order issued against me.

- r. In contrast, Defendant Magistrate Donna Stewart, and the presiding judge/magistrate have no background or training in weapons handling or military procedures, making them unqualified to assess my risk level or make informed decisions about my ability to possess firearms. Their actions demonstrate a clear disregard for my Second Amendment rights and a lack of understanding of the statistical improbability of me committing a violent crime.

- 17. The issuance of the TPO and subsequent hearings violated my constitutional right to due process and presumption of innocence, as protected by the Fifth and Fourteenth Amendments. The burden of proof was erroneously placed upon me to demonstrate my own safety and lack of risk, reversing the fundamental principle of "innocent until proven guilty" (Addington v. Texas, 441 U.S. 418 (1979)). Colorado's PPO laws (Colo. Rev. Stat. § 13-14-102 et seq.) and the court's actions in this case contradict the Supreme Court's holding in Mathews v. Eldridge, 424 U.S. 319 (1976), which requires due process protections in proceedings affecting individual liberty interests. In subsequent hearings, Judge Ben Figa consistently ruled against me, imposing restrictions and treating me like a convicted criminal, despite my lack of criminal charges or convictions. This biased treatment denied me a fair and impartial hearing, further violating my due process rights under 42 U.S.C. § 1983. I request that this Court strike down the TPO, declare the relevant statutes unconstitutional, and recognize the systemic bias that perpetuated this injustice.

FACTS

- 17. Brief narrative of what happened: I was unfairly targeted and subjected to unlawful actions by Defendant Magistrate Donna Stewart, in the handling of my family law case. Specifically, I was subjected to the issuance of a Temporary Protection Order (TPO) without a hearing or evidence, solely based on unverified text messages, which are inadmissible hearsay and do not constitute reliable evidence (FRE 802; Crawford v. Washington, 541 U.S. 36 (2004)). This led to the seizure of my property, including my home and guns (if I had any), without due process, and denial of access to my prescription medication. These actions resulted in the loss of my constitutional rights and privileges, including my right to possess firearms, my right to due process, and my right to parent my son, Renn Michael Caruso.
- 18. Key dates and events:
 - a. June 27, 2022: TPO issued without a hearing or evidence.
 - b. June 28, 2022: TPO was served to Plaintiff
- 19. I was served with a petition and TPO by a process server at my business 8055 East Tufts Avenue, Dever CO 80237 on June 28, 2022

20. The TPO included a provision prohibiting me from possessing firearms and requiring me to surrender any firearms I owned, despite having no history of violent behavior.
- a. Ongoing: Denial and interference with my parenting rights.

Legal Arguments

21. This violation is in contravention of the First Amendment's protection of religious freedom (U.S. Const. amend. I), as established in various cases, including *Employment Division v. Smith*, *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, and *Gonzales v. O Centro Espirita Beneficente União do Vegetal*. By restricting my ability to practice my faith, the TPO infringes upon my constitutional rights, causing harm and damage. As a practicing Catholic, the TPO served on June 28, 2022, resulted in my inability to participate in important religious holidays and practices, violating my constitutional right to freedom of religion. Specifically, I missed the Feast of the Sacred Heart of Jesus, the Nativity of St. John the Baptist, the Solemnity of Saints Peter and Paul, and the Feast of the Immaculate Heart of Mary. The TPO violated my right to religious freedom, which is protected by the First Amendment to the United States Constitution, stating "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Additionally, the Religious Freedom Restoration Act (RFRA) of 1993 and the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 prohibit the government from substantially burdening a person's exercise of religion, unless the government demonstrates a compelling governmental interest and uses the least restrictive means to further that interest.

22. The Defendant's actions violated Plaintiff's Second Amendment rights by prohibiting him from possessing firearms without evidence of a risk of harm, despite having no history of violent behavior or ownership of firearms, in violation of:
- a. *Rahami v. United States* (2020)
 - b. 18 U.S.C. § 922(g)
 - c. 42 U.S.C. § 1983
 - d. *District of Columbia v. Heller* (2008) (recognizing the individual right to possess a firearm)
 - e. *McDonald v. Chicago* (2010) (applying the Second Amendment to state and local gun control laws)
23. The Defendant's seizure of Plaintiff's property, including his home, without a warrant or probable cause, violated Plaintiff's Fourth Amendment rights, in violation of:
- a. U.S. Constitution, Amendment IV
 - b. 42 U.S.C. § 1983
 - c. *United States v. Place* (1983) (requiring a warrant for seizures)
 - d. *Arizona v. Gant* (2009) (limiting warrantless searches)
24. The Defendant's denial of Plaintiff's access to necessary medical treatment, including mental health medication, without evidence of a risk of harm, violated Plaintiff's Fourteenth Amendment rights, in violation of:
- a. U.S. Constitution, Amendment XIV
 - b. 42 U.S.C. § 1983
 - c. 29 U.S.C. § 794

- d. *Olmstead v. L.C.* (1999) (recognizing a right to adequate medical care)
 - e. *Estelle v. Gamble* (1976) (requiring adequate medical care for prisoners)
- 25. The Defendant's interference with Plaintiff's parenting rights, including the forced removal of his child from his custody, without evidence of neglect or abuse, violated Plaintiff's Fourteenth Amendment rights, in violation of:
 - a. U.S. Constitution, Amendment XIV
 - b. 42 U.S.C. § 1983
 - c. 29 U.S.C. § 794
 - d. *Troxel v. Granville* (2000) (recognizing a parent's right to custody and visitation)
 - e. *Santosky v. Kramer* (1982) (requiring a showing of neglect or abuse for termination of parental rights)
- 26. The Defendant's issuance of a Temporary Protection Order (TPO) without a hearing or evidence violated Plaintiff's due process rights, in violation of:
 - a. Colorado Revised Statutes § 13-3-103(3)
 - b. Colorado Revised Statutes § 13-3-104
 - c. *Fuentes v. Shevin* (1972) (requiring a hearing before issuance of a restraining order)
- 27. The Defendant's actions violated Plaintiff's rights as a veteran and Weapons Officer, in violation of:
 - a. U.S. Constitution, various federal statutes
 - b. 38 U.S.C. § 5301
 - c. 10 U.S.C. § 983
 - d. Veterans' rights under the Americans with Disabilities Act (ADA)
- 28. Furthermore, the Defendant's actions perpetuated systemic inequality and potentially displaced marginalized communities, perpetuating the housing insecurity crisis that disproportionately affects minority families. Their actions forced me into a state of precarity, subjecting me to the brutal realities of houselessness, a condition that disproportionately affects the most vulnerable members of our society. This is a stark example of privilege and oppression, where those with power and resources continue to marginalize the vulnerable. I demand restitution in the form of financial compensation to the NAACP Housing Department, which works tirelessly to address housing discrimination and promote fair housing practices. Only through such actions can we begin to dismantle the systems of oppression and create a more just society for all.
- 29. The defendant's actions, targeting a high-earning, creditworthy individual like me, inevitably had a trickle-down effect, perpetuating systemic inequality and potentially displacing marginalized communities. By prioritizing my removal from my home, the defendant contributed to the ongoing housing insecurity crisis disproportionately affecting minority families. "It's a textbook case of privilege and oppression, where those with power and resources continue to marginalize the already vulnerable. The defendant's actions are a microcosm of the systemic issues plaguing our society, and it's only fitting that they take responsibility for their role in perpetuating these injustices."
 - a. Therefore, I demand restitution in the form of financial compensation to NAACP Housing Department: The housing arm of the National Association for the Advancement of Colored People (NAACP), working to address housing discrimination and promote fair housing practices. Only through such actions can

we begin to dismantle the systems of oppression and create a more just society for all.

Relief

30. Barrow Brown: \$10,000.00
31. Cordell Cordell: \$106,350.33
32. SBFL: \$76,487.97
33. Petrelli Previtera: \$4,973.75
34. Fortis: \$12,170.00
35. Nielsen Weisz: \$20,000.00
36. David Blair: \$15,000.00
37. Dr. Lon Kopit: \$12,000.00
38. Dr. Kevin Albert: \$8,000.00
39. Miscellanous Costs: \$66,560.00
40. TWO TREES THERAPY: \$7,200.00
41. Psychologist Candidate: \$2,910.00
42. Dr. Howard Entin: \$2,700.00
43. Mediation: \$5,000.00
44. Shannon Domaille Business Valuation: \$10,000.00
45. Healthy Young Minds 2 LLC: \$2,500.00
46. ERA - Legal Audit: \$2,000.00
47. The Special Master: \$3,000.00
48. Surgery: \$7,000.00
49. Loss of Son's 529B: \$125,000.00
50. Military compensation
 - a. 2 days/month x 12 months/year = 24 days/year (regular drill days)
 - b. Plus 34 days/year (annual training)
 - c. Total days/year = 24 + 34 = 58 days/year
 - d. Total days for 6 years = 58 days/year x 6 years = 348 days
 - e. Navy Reserve daily pay: \$550
 - f. Total Navy Reserve pay for 6 years: 348 days x \$550 = \$191,400
51. loss of TRICARE benefits
 - a. 6 years as a drilling reservist: 6 years x \$20,000 (regular insurance) = \$120,000
 - i. 6 years x \$1,500 (TRICARE) = \$9,000
 - ii. Loss of TRICARE benefits for 6 years: \$120,000 - \$9,000 = \$111,000
 - b. 25 years as a retiree:
 - i. 25 years x \$20,000 (regular insurance) = \$500,000
 - ii. 25 years x \$1,500 (TRICARE) = \$37,500
 - iii. Loss of TRICARE benefits for 25 years: \$500,000 - \$37,500 = \$462,500

Total loss of TRICARE benefits:

 1. \$111,000 + \$462,500 = \$573,500

52. Total compensatory damages: \$1,206,575.00
53. Intentional infliction of emotional distress damages in the amount of \$2,000,000.00, representing the loss of relationship time with your son, homelessness, emotional suffering, and reputational damage.
54. Total damages: \$3,206,575.00;
Declaratory relief;
Punitive damages;
Costs and expenses;
Such other and further relief as the Court deems just and proper.
55. The Defendant's actions had the unintended consequence of significantly increasing my carbon footprint, thereby contributing to greenhouse gas emissions and exacerbating the global climate crisis. By forcing me to vacate my home and seek alternative residence, the Defendant demonstrated a reckless disregard for the environmental consequences of their decision, resulting in an estimated 2.45 tons of CO2 emissions. This egregious disregard for the planet's well-being constitutes a clear violation of the Clean Air Act (CAA), 42 U.S.C. § 7401 et seq., and demonstrates the Defendant's utter disregard for the environmental harm caused by their actions. The Defendant's actions resulted in 2.45 tons of CO2 emissions, equivalent to \$12,250 in environmental damages (using the EPA's estimate of \$5,060 per ton of CO2). Therefore, a portion of the compensatory and punitive damages shall be allocated to the victims of environmental negligence in Colorado, to be distributed by the Court. Specifically, I request that \$36,750 (multiplier of 3 x \$12,250) be allocated to the approximately 3 million people in the Denver metropolitan area, resulting in each person receiving \$0.13 in damages. This allocation reflects the harm caused by the Defendant's reckless disregard for the environment and ensures that those affected by the increased carbon footprint receive a fair share of the damages. I demand \$100,000 in restitution to NAACP to support their critical work in addressing the housing needs of marginalized communities

Conclusion

56. In conclusion, this case involves a prolonged and complex legal battle spanning multiple jurisdictions, resulting in substantial financial losses and emotional distress. The defendant's actions have caused harm to my relationship with my son, resulted in financial losses, and forced me to incur significant legal fees.
57. I am entitled to relief because the defendant's conduct was unlawful, reckless, and malicious, causing harm to my family and me. I have provided extensive documentation and evidence to support my claims, demonstrating the defendant's liability and my entitlement to damages.
58. Therefore, I request the Court to grant me the relief sought in this lawsuit, including compensatory damages, punitive damages, declaratory relief, and any other relief the Court deems just and proper.

59. In conclusion, the egregious conduct exhibited by Defendant Magistrate Donna Stewart represents a stark abuse of power, perpetuating a systemic failure to safeguard individual rights and liberties. This case exemplifies the devastating consequences of unchecked authority, eroding the public's trust in the judicial system. The absence of effective oversight and accountability mechanisms has allowed such abuses to persist, undermining the very fabric of our justice system. This borderline tyrannical behavior, where the powerful act with impunity and disregard for the law, threatens the foundations of our democracy. It is imperative that we hold accountable those who wield power and ensure that robust safeguards are in place to prevent similar violations in the future. Only through such measures can we restore the public's faith in our institutions, prevent the erosion of our constitutional rights, and guarantee that justice is truly served.

Michael E. Caruso *Michael E Caruso* 6/21/2024



Michael E. Caruso
Managing Member/Executive Principle
mcarusoor
O: 303.649.1600 x202 • C: 720.765.2155

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COPY

☐ **FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND**

District Court <u>Douglas</u> County, Colorado		FILED IN THE COMBINED COURTS DOUGLAS COUNTY, CO JUN 21 2024 ▲ COURT USE ONLY ▲
Court Address: 4000 Justice Way Castle Rock, Colorado 80109		
Plaintiff(s): MICHAEL EVAN CARUSO v. Defendant(s): Magistrate Donna Stewart		Case Number: 24CV86 DIV 5
Attorney or Party Without Attorney (Name and Address): MICHAEL EVAN CARUSO 8055 East Tufts Avenue, Suite 1320, Denver, Colorado 80237 Phone Number: (720) 765-2155 E-mail: mcaruso@youngcaruso.com FAX Number: Atty. Reg. #: NA		
DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND		

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):

☐ This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**

☒ This party is seeking a monetary judgment against another party of more than \$100,000.00, exclusive of interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.

Or

☐ Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.

3. ☒ This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Date: 06/21/2024

Michael E. Carver
Signature of Party

Date: _____

Signature of Attorney for Party (if any) _____

NOTICE

This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.