

1 1090  
2 Jordan T. Smith, Esq., Bar No. 12097  
3 jts@pisanellibice.com  
4 John A. Fortin, Esq., Bar No. 15221  
5 jaf@pisanellibice.com  
6 PISANELLI BICE PLLC  
7 400 South 7th Street, Suite 300  
8 Las Vegas, Nevada 89101  
9 (702) 214-2100  
10 Wesley Hottot, Esq., admitted *pro hac vice*  
11 whottot@ij.org  
12 INSTITUTE FOR JUSTICE  
13 600 University Street, Suite 1730  
14 Seattle, Washington 98101  
15 (206) 957-1300  
16 Benjamin A. Field, Esq., admitted *pro hac vice*  
17 bfield@ij.org  
18 INSTITUTE FOR JUSTICE  
19 901 N. Glebe Rd., Suite 900  
20 Arlington, VA 22203  
21 (703) 682-9320  
22 *Attorneys for Plaintiff*

PISANELLI BICE PLLC  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

14 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
15 **IN AND FOR THE COUNTY OF WASHOE**

16 STEPHEN LARA,  
17 Plaintiff,  
18 v.  
19 STATE OF NEVADA ex rel. Department of  
20 Public Safety, Highway Patrol Division;  
21 COLONEL ANNE CARPENTER, in her  
22 official capacity as Chief of the Nevada  
23 Highway Patrol; and SERGEANT GLENN  
24 RIGDON, in his official capacity as an officer  
25 of the Nevada Highway Patrol; and JOHN  
26 DOES I-X,  
27 Defendants.

Case No. CV21-01595  
Dept. No. 4  
**FIRST AMENDED COMPLAINT**  
**JURY TRIAL DEMANDED**  
**(Exempt from Arbitration per NAR 3(A)**  
**Declaratory Relief Requested)**

26 Plaintiff Stephen Lara files this First Amended Complaint against Defendants the State of  
27 Nevada ex rel. Department of Public Safety, Highway Patrol Division; Colonel Anne Carpenter, in  
28 her official capacity as Chief of the Nevada Highway Patrol; Sergeant Glenn Rigdon, in his official

1 capacity as an officer of the Nevada Highway Patrol; and JOHN DOES I-X (collectively  
2 “Defendants”). Plaintiff alleges the following:

3 **INTRODUCTION**

4 1. Stephen Lara seeks to establish that officers of the Nevada Highway Patrol (“NHP”)  
5 unconstitutionally and tortiously seized his life savings—\$86,900—without probable cause, and  
6 did so for the purpose of turning his money over to the U.S. Drug Enforcement Administration  
7 (“DEA”) for federal “adoption” and “equitable sharing” of the proceeds for the benefit of NHP and  
8 DEA.

9 2. Under the U.S. Department of Justice’s (“DOJ’s”) “equitable sharing” program,  
10 federal law enforcement agencies can “adopt” property seized by state and local agencies. An  
11 adoption occurs after state officers seize property, under state law, and a federal agency handles the  
12 investigation and prosecution, under federal law. The federal agency keeps 20 percent of the  
13 resulting proceeds and returns 80 percent to the state agency, assuming the government forfeits the  
14 property by one of several means—for example, the owner defaults by missing a deadline, the  
15 government wins a civil forfeiture case (in rare cases) or wins administrative forfeiture with zero  
16 judicial involvement (in most cases). In 2019, more than 85 percent of federal seizures were  
17 disposed of through the administrative process.

18 3. In this case, DEA was compelled to return the money after so much time passed that  
19 it was no longer subject to federal forfeiture. Under the Civil Asset Forfeiture Reform Act of 2000  
20 (“CAFRA”), the federal government had to do one of three things before, at the latest, July 26,  
21 2021: (1) obtain a criminal indictment, (2) obtain an extension, or (3) begin civil forfeiture  
22 proceedings. DEA did none of these things.

23 4. More than a month after CAFRA’s deadline elapsed, however, Lara still did not  
24 have his money.

25 5. He filed a lawsuit in federal court seeking its immediate return based on CAFRA.  
26 *See Lara v. U.S. Drug Enf’t Admin.*, No. 3:21-cv-00394-MMD-wgc (ECF No. 1) (D. Nev. Aug. 31,  
27 2021) (moving under Fed. R. Crim. P. 41(g) to return Lara’s property).

28 6. After Lara’s story made national headlines, DEA pledged to return his money.





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURISDICTION & VENUE**

24. This Court has jurisdiction to award injunctive relief under Nev. Const. art. VI, § 6, cl. 1, and NRCF 65; award declaratory relief, injunctive relief, and attorneys’ fees and costs under NRS 30.030, 30.040, and 30.120; and award monetary damages under NRS 41.010 and NRS 41.031.

25. Venue is proper in this Court under NRS 13.020 and NRS 41.031 because the seizure of Plaintiff’s money occurred in Washoe County and Defendants’ illegal and unconstitutional actions occurred, in part, in Washoe County.

**GENERAL FACTUAL ALLEGATIONS**

***Unconstitutional Stop***

26. The warrantless seizure of Stephen Lara’s money was unreasonable and lacked probable cause.

27. On February 19, 2021, Lara was on the last leg of a drive from Lubbock, Texas, to Portola, California to visit his two children, when he was pulled over on Interstate 80 just outside of Sparks, Nevada.

28. Trooper Chris Brown of the Nevada Highway Patrol (badge no. 250) conducted the traffic stop.

29. Lara—who is Hispanic—was driving a rental car with Texas plates.

30. The day before—during an unprecedented cold snap in Texas—Lara discovered he had a flat tire. Thinking he had a slow leak, he took the car to a tire shop, where he learned that the wheel was cracked. Needing to get on the road early that morning to make it to California by Friday, Lara rented a car from the airport with his father’s help and placed the cracked wheel and flat tire in the trunk.

31. Under NRS Chapter 239, *et seq.*, Nevada’s Open Records Act, Lara obtained dash and bodycam recordings of the encounter from the perspective of four NHP officers, including Trooper Brown. Plaintiff bases many of his allegations below on those recordings. All quotations are based on counsel’s true and correct transcription of the recordings.

1           32.     From his time living just west of Reno, Lara knew a reliable shop in Sparks where  
2 he could drop off the wheel and pick it up on his return trip.

3           33.     As Lara approached Sparks, Trooper Brown was parked in the median along a two-  
4 lane stretch of westbound I-80. Brown began following in a marked NHP patrol vehicle. With Lara  
5 traveling in the right lane, Brown shadowed him from the left lane. Trooper Brown matched Lara’s  
6 speed so that the two vehicles were driving below the speed limit in formation.

7           34.     As the two vehicles approached a tractor-trailer in the right lane, Lara waited for  
8 Trooper Brown’s patrol car to pass by in the left lane. Instead, Brown waited several moments for  
9 Lara to make the first move. Lara eventually signaled and moved into the left lane, in front of the  
10 patrol vehicle. “There you go,” Brown was recorded as saying.

11          35.     Maintaining his speed, Lara went around the tractor-trailer, signaled again, and  
12 returned to the right lane.

13          36.     Trooper Brown followed, explaining (seemingly to himself), “the driver of this  
14 vehicle is following that red and blue semi-truck too closely, less than a second following distance.  
15 Also driving under the speed limit which is really odd.” Deciding he would “make sure everything  
16 is okay,” Brown called in the plates on Lara’s car, turned on his emergency lights and pulled him  
17 over, directing him to a safe turnout.

18          37.     Trooper Brown approached Lara’s vehicle and initially praised his driving, saying  
19 “first, applaud you on your driving. You drive great . . . . Appears that you’re driving, trying to  
20 drive safely under the speed limit. I appreciate that.” But, “the reason I am stopping you [is] we  
21 have a special enforcement campaign going on. We’re trying to educate drivers about violations  
22 they may not realize they’re committing . . . .”

23          38.     Trooper Brown continued: “I just want to talk to you about your following distance,  
24 especially around commercial vehicles. You came up behind a red and blue tanker truck a little bit  
25 too close behind him before you made that lane change to go around him . . . I was waiting for you  
26 to—trying to give you room to get over there.”

27          39.     Trooper Brown took Lara’s driver’s license and rental agreement (in lieu of the  
28 vehicle’s registration). He confirmed that Lara had no weapons and ordered him out of the vehicle.

1 Directing Lara to stand beside his patrol vehicle, Brown reassured him that “as long as everything  
2 is valid, my intention is to get you on down the road.”

3 *Unconstitutional Seizure*

4 40. Instead, Lara was detained for more than 90 minutes, as Trooper Brown, three  
5 officers from an NHP highway-interdiction unit, a police dog, and a Washoe County Sheriff’s  
6 deputy investigated.

7 41. Lara cooperated with the investigation. He answered all of Trooper Brown’s  
8 questions about his travels, background, family, bank accounts, monthly expenses, sources of  
9 income, and other topics. Lara readily answered questions from the other officers, invariably calling  
10 them “sir” and trying to clear up what appeared to him to be a misunderstanding.

11 42. Lara volunteered that he had a large amount of cash in a backpack in his truck, telling  
12 officers it was “about 100,000.” He gave consent to search the vehicle and directed Trooper Brown  
13 to the money. Lara explained its legitimate sources—including military retirement benefits and  
14 income from a hospital job that ended during the COVID-19 pandemic. He told officers the money  
15 represented his “life savings,” cobbled together over 20 years.

16 43. Lara gave officers contact information for relatives he said could confirm his story  
17 and he showed them receipts for every bank withdrawal over a three-year period.

18 44. After inspecting the receipts, Trooper Brown called his superior, Sergeant Glenn  
19 Rigdon. Over the phone, Brown told him: “I’m looking at the receipts. I mean, it’s not a vacuum  
20 seal, but it’s a big bundle of money, in a Ziploc baggy, in a backpack in the trunk in a two-day  
21 rental from Texas to Portola, returning on Monday. Nervous behavior, et cetera, et cetera. So, I  
22 mean, the elements are all there.”

23 45. Roughly 30 minutes later, Sergeant Rigdon arrived at the scene. After finishing a  
24 phone conversation in his patrol car, *see infra* ¶¶ 62–65, he asked Trooper Brown what he thought  
25 about Lara. The two officers privately agreed that “as odd as it is, everything lines up” and that  
26 Lara’s banking information “jives with his story.”

27 46. At this point, roughly an hour into the stop, Trooper Brown appeared ready to let  
28 Lara go with his money.

*Dog Alert*

1  
2 47. Sergeant Rigdon instructed Trooper Brown to “put the dog on the currency.”

3 48. While Trooper Brown went back to his patrol vehicle to fetch the dog, Sergeant  
4 Rigdon placed Lara’s money in an open Ziploc bag (apparently the same one Lara had used) and  
5 threw the open package to the ground on the side of the road less than 40 yards from Lara’s car.

6 49. Trooper Brown came back with the dog and asked Sergeant Rigdon where the  
7 money was located. Rigdon gave him a ballpark (“from about 10 yards in front of his car to probably  
8 about 10 yards behind that sign post right there”).

9 50. Trooper Brown ran with the dog around the area once and, when the dog found the  
10 money, Trooper Brown gave her a toy, called her a “good girl,” and, returning to his patrol vehicle,  
11 said to Sergeant Rigdon simply, “positive alert.”

12 51. Sergeant Rigdon replied: “We’ll go forward with it.”

13 52. The entire process involving the dog lasted just two minutes.

14 *Unconstitutional Incentive to Seize for Federal Adoption*

15 53. The decision to seize Lara’s life savings on a freeway outside of Reno was motivated  
16 by the prospect of federal adoption and payment to NHP through the DOJ’s equitable sharing  
17 program.

18 54. The program distributes the proceeds of seizures and forfeitures to cooperating state  
19 and local law enforcement agencies. There are several ways to qualify for equitable sharing. The  
20 method used in this case was adoption—a process by which a federal agency takes control of  
21 property seized by state authorities, based on state law, and then investigates and prosecutes the  
22 case under federal law.

23 55. State and local law enforcement agencies collect hundreds of millions of dollars in  
24 this way each year. In 2019 alone, the federal government made \$333.8 million in equitable sharing  
25 payments to state and local law enforcement. From 2000 to 2019, that figure was \$8.8 billion  
26 nationwide.

27 56. In this case, NHP stood to gain \$69,520 from adoption and equitable sharing.  
28



1           57. Trooper Brown called his counterpart at DEA within the first 25 minutes of the 90-  
2 minute traffic stop.

3           58. On information and belief, Trooper Brown called DEA Agent Shane Murray.

4           59. Trooper Brown can be heard on his bodycam calling someone named Shane and  
5 asking, “can you head out to a traffic stop or are you busy on that other stuff?” After a brief pause  
6 (presumably for Agent Murray to speak), Brown responded: “so far, I’m still searching the car but,  
7 a big bundle of money. He says probably at least 100,000.” As the call ended, Trooper Brown  
8 asked: “will you just let me know ASAP? Okay. All right. Bye.”

9           60. Eight minutes later, Trooper Brown called his supervisor (Sergeant Rigdon) on the  
10 phone and described the circumstances of the stop and his investigation.

11           61. While Trooper Brown was on the phone with Sergeant Rigdon, Agent Murray called  
12 back. Brown put his sergeant on hold and clicked over to speak with the other man. He listened for  
13 several seconds, said goodbye, and clicked back, saying: “You still there, Sarge? Yeah, Shane’s not  
14 coming out.”

15           62. Half an hour later, as Sergeant Rigdon arrived on the scene, he received a call from  
16 Agent Murray. Rigdon put the call on speaker and his bodycam recorded both men.

17           63. Sergeant Rigdon began the call: “What’s up, Shane?”

18           64. Agent Murray apologized for not being able to make it to the scene personally.  
19 Sergeant Rigdon reassured him there would be “no issues” because “it’s too easy to do an adoption”  
20 and “I think everything’s going to be okay.” He told Murray he would “text you the money count  
21 after we get it.” Murray responded he would “look for the adoption.”

22           65. That is, Sergeant Rigdon arrived at the scene and, even before getting out of his car,  
23 he had assured a DEA agent there would be “no issues” because “it’s too easy to do an adoption”  
24 and he would “text you the money count after we get it.”

25           66. As Sergeant Rigdon began his investigation, he asked Trooper Brown, “what are  
26 your thoughts, Chris?” Brown responded: “I’m leaning more towards . . . it’s odd but . . . .”  
27 Sergeant Rigdon interjected: “It’s odd but it’s not packed like normal,” seeming to refer to how  
28

1 drug proceeds are normally packaged. Trooper Brown replied: “no and he’s answering the  
2 questions, there’s receipts here.”

3 67. In response, Sergeant Rigdon told Trooper Brown to “put the dog on the currency.”

4 68. In the next breath, Sergeant Rigdon observed that Lara’s bank receipts “are all  
5 zeroed out [and] it jives with his story.” Trooper Brown replied: “Yes . . . as odd as it is, everything  
6 lines up.”

7 69. Sergeant Rigdon asked Lara a few questions, including how long he had been saving  
8 the money. Lara responded that he “started saving since I was in the Marine Corps, 20 years.”

9 70. Sergeant Rigdon and Trooper Brown conferred again, agreeing that they found the  
10 age of the bills suspicious. Sergeant Rigdon: “Not old bills. Claims that he’s been saving it up over  
11 20 years.” Trooper Brown: “That’s not 20-year-old bills.” Sergeant Rigdon: “All current bills,  
12 so . . . consistent with what we see with drug traffickers.”

13 71. Neither officer seemed to consider that a person might “save” money over a 20-year-  
14 period, at various points deposit money in a bank, and at various points take money out as cash. In  
15 other words, saving money over a 20-year period does not necessarily mean stockpiling currency  
16 for 20 years. And Lara’s banking receipts showed that was not what he did.

17 72. After Trooper Brown “put the dog on the currency,” Sergeant Rigdon responded,  
18 “we’ll go forward with it.” Trooper Brown responded, “okay,” and that ended the discussion.

19 73. As Sergeant Rigdon explained to Lara, “we’re going to seize it today, but that  
20 doesn’t mean we’re going to make a final judgment on it. It’s going to go through the DEA. So the  
21 DEA is going to contact you, and the DEA will provide you with a means [of] fighting. You’re  
22 going to have to provide your pay stubs, you’re going to have to provide your other receipts and  
23 stuff like that, and we’ll give you all the information for contacting them as well.”

24 74. Rigdon continued: “If it is legitimately earned income, you’re going to be able to  
25 provide those paystubs, and they will give you all your money back, but I believe it’s drug  
26 proceeds.”

27 75. As Brown and Rigdon prepared paperwork, another officer asked “no Shane?” And  
28 Rigdon replied, “no, Shane said he couldn’t come out today, so we’ll do an adoption.”



1 an extension, or initiate federal civil forfeiture proceedings. *See* 18 U.S.C. § 983(a)(3) (requiring  
2 the government to do one of those things within 90 days of the date on which the property owner  
3 files a valid claim to the property).

4 86. DEA satisfied none of these requirements. It did not return Lara’s money. It did not  
5 obtain a criminal indictment. It did not obtain an extension. And it did not file a civil forfeiture case  
6 in federal court.

7 87. Instead, Lara was compelled to file a motion in federal court seeking the immediate  
8 return of his money from DEA. *See Lara v. U.S. Drug Enf’t Admin.*, No. 3:21-cv-00394-MMD-  
9 wgc (ECF No. 1) (D. Nev. Aug. 31, 2021).

10 88. Independent of the federal government’s decisions in the federal matter, NHP’s  
11 primary—if not its sole—purpose for seizing Lara’s money was turning it over to DEA for federal  
12 adoption and equitable sharing.

13 89. NHP’s actions constitute an unconstitutional perversion of probable cause under  
14 which all that mattered was that Lara had a lot of money which DEA was willing to adopt.

15 90. As Sergeant Rigdon explained DEA’s process to Lara, “if it is legitimately earned  
16 income, you’re going to be able to provide those paystubs, and they’ll give you all your money  
17 back, but I believe it’s drug proceeds.”

18 91. Sergeant Rigdon was explaining DEA’s *administrative* forfeiture process, which  
19 operates at the discretion of the agency. The federal administrative process is more favorable to the  
20 government than the *judicial* forfeiture process, which requires a preponderance of evidence linking  
21 property to a forfeitable crime. *See* 18 U.S.C. § 983(c).

22 92. Both federal avenues are more favorable for the government than Nevada’s  
23 forfeiture procedures. For example, Nevada law requires that property must be immediately  
24 returned when a person is acquitted of the criminal allegations that gave rise to the property seizure.  
25 *See* NRS 179.1173(2). Nevada also requires the government to satisfy a burden of clear and  
26 convincing evidence connecting the property to a forfeitable crime. *See* NRS 179.1173(4).

27 93. There is another reason why NHP might prefer federal adoption to state proceedings:  
28 At the close of each fiscal year, if the state government’s forfeiture account contains more than

1 \$100,000, 70 percent of the excess must be given to the school district in the judicial district where  
2 the property was seized. *See* NRS 179.1187. By contrast, there is no limit in Nevada law for what  
3 state agencies can make through equitable sharing with the federal government.

4 94. Further incentivizing adoption and equitable sharing, forfeitures under Nevada law  
5 “must not be used to pay the ordinary operating expenses of the agency.” NRS 179.1187(2)(a).  
6 (While there is an exception for proceeds seized through a “task force on narcotics operated by the  
7 Department of Public Safety in conjunction with other local or federal law enforcement agencies,”  
8 NRS 179.1187(3), this exception does not apply where, as here, the federal government instead  
9 adopts a seizure carried out by state officers.)

10 95. NHP has included anticipated federal equitable-sharing proceeds in its budget in  
11 years past and, on information and belief, continues to do so.

12 ***Unconstitutional Deprivation of Interim Hearing***

13 96. NHP has never identified what crime it believes Lara committed and to which his  
14 money is traceable.

15 97. DEA has identified a laundry list of possible statutes, including the general drug  
16 forfeiture statute and a collection of customs laws. But, like NHP, DEA has never articulated what  
17 specific crime it believes Lara committed and to which his money is traceable.

18 98. No police officer—state or federal—has made any sworn statements to the effect  
19 that Lara and his money can be connected to a forfeitable crime under Nevada or federal law.

20 99. At no point was Lara given an opportunity to contest the seizure before a neutral  
21 magistrate.

22 100. Lara was detained for an unreasonable period—more than 90 minutes—for a traffic  
23 stop that began with Trooper Brown wanting to “make sure everything is okay” and “talk to [Lara]  
24 about [his] following distance.”

25 101. Lara was not ticketed nor issued a warning.

26 102. He was not arrested.

27 103. He has not been charged with any crime.

28 104. No indictment was requested or returned against him.



1           115. Lara has suffered several redressable injuries because of the unconstitutional and  
2 unauthorized seizure, adoption, and detention of his property. Some of those injuries are in the past  
3 and some continue to this day.

4           116. For 230 days, Lara was deprived of all use and enjoyment of his lawfully earned life  
5 savings. He was unable to access, spend, or earn interest on the entire amount for the entire time.

6           117. He was unreasonably detained on the side of the road for more than 90 minutes. At  
7 the time, Lara was traveling to visit with his two daughters for the weekend and he was only entitled  
8 to one weekend per month with them.

9           118. Officers seized 100 percent of his money, leaving Lara with only a few dollars in  
10 his wallet and a debit card. (Lara has no credit cards.)

11           119. Because he keeps very little money in the bank, Lara contacted his brother and  
12 persuaded him to wire \$1,000. Picking up this money took Lara out of his way, took additional time  
13 away from his weekend with his daughters, and required him to burden a family member with the  
14 inconvenience and expense of wiring money unexpectedly.

15           120. In the months after the seizure, Lara continued to shop for a home appropriate for  
16 him and his two daughters in both Lubbock and Chico. His search was impeded by the fact that his  
17 life savings remained in legal limbo. During this period, he lost the opportunity to make an offer  
18 on several suitable houses for sale. He also had to take valuable time away from his homebuying  
19 search to address the seizure of his money.

20           121. Recently, Lara rented an apartment in Chico temporarily so that he can be close to  
21 his daughters while continuing to shop for a suitable house.

22           122. Lara has been at times anxious, ashamed, and depressed over the seizure of his  
23 money. He has lost sleep and struggled to process what happened to him. He did not believe that  
24 anything like this could happen in America. He had no idea that his money could be taken from  
25 him based on such a flimsy justification and held, without charge or hearing, for the better part of  
26 a year. Nor did he believe that an innocent person could go through such an ordeal and, when the  
27 deadline to return his property arrived, still not get his money back.

28







1 the investigative process and thereby creates actual bias, the potential for bias, and/or the  
2 appearance of bias.

3 144. The NHP officers who investigate cases and seize property for adoption also benefit  
4 from equitable sharing proceeds, which are used to pay police salaries and to pay for equipment  
5 and facilities used by NHP.

6 145. As a direct and proximate result of NHP's policy and practice of seizing property  
7 for adoption and retaining equitable sharing proceeds, Plaintiff suffered injury to his constitutional  
8 rights, including the unreasonable seizure of his property for the better part of a year.

9 146. Even if NHP has no wider policy and practice, the seizure in this case was motivated  
10 by constitutionally impermissible self-interest on the part of NHP.

11 147. As a direct and proximate result of NHP's policy and practice of seizing property  
12 for the purpose of federal adoption and equitable sharing (or the decision to seize Lara's property  
13 for that purpose), Lara has been denied due process in violation of Nevada's Constitution by having  
14 his property seized, without probable cause, by persons with a direct financial incentive in the  
15 forfeiture of his money.

16 **THIRD CLAIM FOR RELIEF**

17 **The Seizure of Lara's Money Lacked Probable Cause**  
18 **(Monetary & Declaratory Relief)**

19 148. Plaintiff incorporates the factual allegations in ¶¶ 1–147 above as though they were  
20 fully set forth here.

21 149. The Nevada Constitution guarantees that “[t]he right of the people to be secure in  
22 their . . . effects against unreasonable seizures and searches shall not be violated; and no warrant  
23 shall issue but on probable cause . . .” Nev. Const. art. I, § 18.

24 150. Nevada law enforcement officers unreasonably seized Lara's money, without a  
25 warrant or probable cause to believe there was a real connection between the money and criminal  
26 activity.

27 151. Carrying cash is not a crime.

28 152. Distrusting banks is not a crime.

1           153. None of what the officers repeatedly called Lara’s “odd” behavior—for example,  
2 driving below the speed limit and carrying a large amount of cash—amounts to a crime.

3           154. At the time of seizure, Nevada law enforcement officers had no evidence connecting  
4 Lara’s money to criminal behavior other than a manufactured dog alert.

5           155. Lara questions the reliability of the dog alert, given how the procedure was carried  
6 out by Sergeant Rigdon and Trooper Brown.

7           156. In any event, the financial incentive to seize Lara’s money factored in even before  
8 the sergeant-in-charge performed any investigation. Well before the dog alert, Sergeant Rigdon  
9 discussed with DEA Agent Shane Murray how adoption would be “no issue” because “it’s too easy  
10 to do an adoption.” Sergeant Rigdon told Murray: “I’ll text you the money count after we get it.”  
11 Agent Murray responded that he would “look for the adoption.”

12           157. Nevada’s forfeiture procedures are generally more protective of property rights than  
13 federal procedures. For example, if NHP had seized Lara’s property and turned it over to state  
14 prosecutors, they would have been required to show by clear and convincing evidence that the  
15 money was connected to a crime. *See* NRS 179.1173(4). By contrast, federal law only requires a  
16 preponderance of evidence. *See* 18 U.S.C. § 983(c).

17           158. On information and belief, there are no limits on the amount of money NHP can earn  
18 through federal adoption and equitable sharing and comparatively fewer restrictions on what NHP  
19 can spend that money on. *Compare* NRS 179.1187(2)(a) *with* NRS 179.1187(3).

20           159. Had this forfeiture been conducted under state procedures, there would have been  
21 limits on how much NHP could have earned and what it could have spent the money on. Nevada  
22 law requires that at the close of each fiscal year, 70 percent of any forfeiture account balance greater  
23 than \$100,000 must be turned over to public schools.

24           160. The seizure in this case would not have taken place but for the prospect of federal  
25 adoption and equitable sharing of the proceeds.

26           161. Under these circumstances, NHP has every incentive to turn roadside seizures  
27 (especially marginal ones such as this) over to DEA. The federal procedures are comparatively  
28

1 advantageous to law enforcement. DEA would do 100 percent of the investigative work. DOJ would  
2 do 100 percent of the legal work. And NHP would get 80 percent of the proceeds.

3 162. The decision to seize Lara’s money was intended to take advantage of the  
4 comparatively government-friendly procedures available under federal law.

5 163. As a direct and proximate cause of NHP’s unreasonable seizure lacking probable  
6 cause, Lara was deprived of his money for over seven months and suffered the other injuries  
7 outlined above.

8 **FOURTH CLAIM FOR RELIEF**

9 **Due Process Requires a Prompt, Post-Seizure Hearing Before a Neutral Magistrate**  
10 **(Monetary, Declaratory, & Injunctive Relief)**

11 164. Plaintiff incorporates the factual allegations in ¶¶ 1–163 above as though they were  
12 fully set forth here.

13 165. Sometime during the more than 200 days between the seizure and the return of his  
14 money, Lara was entitled to a prompt, post-seizure hearing before a neutral magistrate.

15 166. The Nevada Constitution guarantees that “[n]o person shall be deprived of . . .  
16 property, without due process of law.” Nev. Const. art. I, § 8, cl. 2. It also provides that “[a]ll men  
17 are by Nature free and equal and have certain inalienable rights among which are . . . Acquiring,  
18 Possessing and Protecting property and pursuing and obtaining safety and happiness.” *Id.* art. I, § 1.

19 167. Together, these state constitutional guarantees provide a greater degree of protection  
20 when the state—rather than the federal—government seizes a person’s property.

21 168. Sections 1 and 8 require that property owners have access to an interim hearing  
22 before a neutral magistrate when, as here, the government deprives a person of their life savings.

23 169. In most cases, due process requires an interim hearing within 30 days of seizure.  
24 This is especially true when, as here, the seizure is likely to have a major impact on a person’s life  
25 and finances.

26 170. As a direct and proximate cause of the lack of a prompt, post-seizure hearing,  
27 Plaintiff’s constitutional rights were violated and his money was detained for longer than it would  
28 have been if he had a means of contesting probable cause.

1 **FIFTH CLAIM FOR RELIEF**

2 **Conversion**  
3 **(Declaratory & Monetary Relief)**

4 171. Plaintiff incorporates the factual allegations in ¶¶ 1–170 above as though they were  
5 fully set forth here.

6 172. The tort of conversion is “a distinct act of dominion wrongfully exerted over  
7 another’s personal property in denial of, or inconsistent with his title or rights therein or in  
8 derogation, exclusion, or defiance of such title or rights.” *M.C. Multi-Fam. Dev., L.L.C. v. Crestdale*  
9 *Associates, Ltd.*, 193 P.3d 536, 542 (Nev. 2008) (internal quotations omitted). Conversion “is an  
10 act of general intent, which does not require wrongful intent and is not excused by care, good faith,  
11 or lack of knowledge.” *Id.* at 542–43.

12 173. Defendants committed conversion by ordering the seizure of Lara’s money and its  
13 deposit into a bank account controlled by Defendants.

14 174. Defendants’ tortious actions were wrongful and unreasonable, as well as  
15 unconstitutional, and they effectively stole Lara’s money for the better part of a year.

16 175. Defendants’ tortious actions deprived Lara of his sole right to use and enjoy his life  
17 savings for the better part of a year.

18 176. Turning over Lara’s money to DEA without meaningful supervision by NHP caused  
19 the money to be wrongfully held by DEA. And if the wrongfulness of DEA’s 230-day detention of  
20 Lara’s money was not apparent from day one, it certainly became apparent 150 days later, when  
21 DEA lost any legal right to continue holding the money.

22 177. Defendants willfully and knowingly intended to deprive Lara of the use and  
23 enjoyment of his money pending a federal investigation in which they took no part and over which  
24 they conducted no oversight.

25 178. Defendants willfully seized Lara’s money in an unconstitutional manner and for the  
26 primary—if not the sole—reason of participating in the federal equitable sharing program.

27 179. Even if Defendants exercised care and good faith in seizing Lara’s property (and  
28 they did not), care and good faith do not excuse their willful acts.





1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this February 1, 2022, I caused to be served via the Court's e-  
3 filing/e-service system a true and correct copy of the foregoing *Amended Complaint* to the  
4 following:

5 Aaron D. Ford, Attorney General  
6 Nathan L. Hastings, Sr. Deputy Attorney General  
7 Kathleen Brady, Deputy Attorney General  
8 State of Nevada  
9 Office of the Attorney General  
555 Wright Way  
Carson City, NV 89711

10 /s/ Wesley Hottot

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
PISANELLI BICE PLLC  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101



INDEX OF EXHIBITS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Ex. No.</u>	<u>Description</u>	<u>Document Date</u>	<u>No. of Pages</u>
1.	Seizure Receipt	2/19/2021	1
2.	DEA Notice of Seizure	4/5/2021	2
3.	Lara Claim Letter	4/21/2021	4
4.	Confirmation of Forfeiture Claim	5/21/2021	2

PISANELLI BICE PLLC  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101